CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, SECOND SESSION.

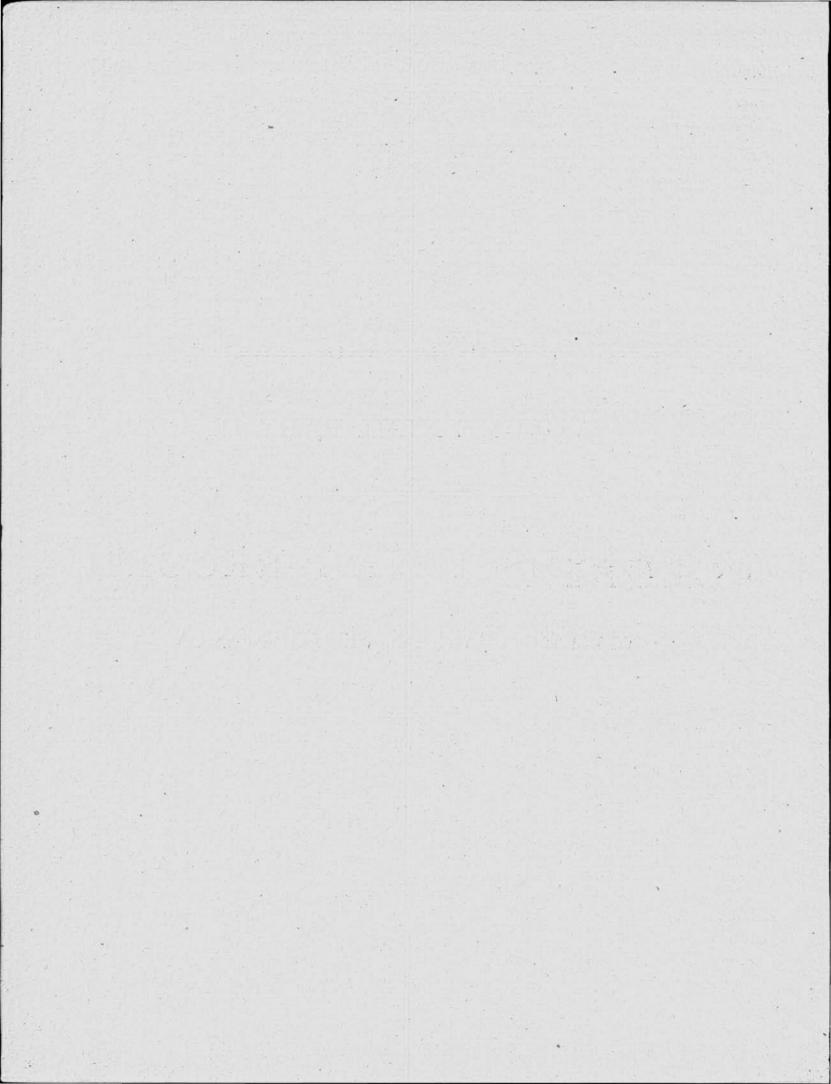
VOLUME XLIII.

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VOLUME XLIII, PART II.

CONGRESSIONAL RECORD,

SIXTIETH CONGRESS, SECOND SESSION.



said bill and report were referred to the Committee of the

Whole House on the state of the Union.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred House joint resolution 228, reported in lieu thereof a joint resolution (H. J. Res. 232) to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, accompanied by a report (No. 1865), which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred House joint resolution 229, reported in lieu thereof a joint resolution (H. J. Res. 233) to enable the States of Mississippi

and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, accompanied by a report (No. 1866), which said joint resolution and report were referred to the

House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 26327) to remove the charge of desertion from the record of Henry Benjamin, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes-

to the Union Calendar.

By Mr. HEFLIN: A bill (H. R. 26395) to appropriate \$25,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama-to the Committee on the Library.

By Mr. CRUMPACKER: A bill (H. R. 26396) for the extension of Harvard street NW., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 26397) to authorize the

transfer of criminal cases from one division of a judicial district to any other division thereof for indictment, trial, or punishment in certain instances—to the Committee on the Ju-

By Mr. SMITH of Michigan: A bill (H. R. 26398) regulating the quantity of carbon monoxide in gas in the District of Columbia-to the Committee on the District of Columbia.

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909-to the Union Calendar.

By Mr. NICHOLLS: A bill (H. R. 26400) declaring such persons as were engaged in the operation and construction of the United States military railroads during the war of the rebellion to have been a part of the Army of the United States and having a pensionable status in accordance therewith-to the Committee on Military Affairs.

By Mr. LENAHAN: A bill (H. R. 26401) providing that in certain cases defendants may enter plea of guilty and be sentenced forthwith without a bill of indictment being presented to

a grand jury—to the Committee on the Judiciary.

By Mr. LEVER: Joint resolution (H. J. Res. 231) authorizing the Director of the Census to collect and publish additional statistics-to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ADAIR: A bill (H. R. 26402) granting a pension to Lewis Moler—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 26403) for the relief of the legal representatives of Horace B. Gardner—to the Committee on War Claims.

Also, a bill (H. R. 26404) granting a pension to Mary A. Mc-Cort—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 26405) granting a pension

to Sarah L. McCoy—to the Committee on Invalid Pensions. By Mr. BRADLEY: A bill (H. R. 26406) granting an increase of pension to Peter V. Rundle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26407) granting an increase of pension to John W. Blaisdell—to the Committee on Invalid Pensions,

By Mr. BURLESON: A bill (H. R. 26408) granting an increase of pension to James L. Pogue-to the Committee on Pensions.

Also, a bill (H. R. 26409) granting an increase of pension to Frederick A. Kirk—to the Committee on Pensions.

Also, a bill (H. R. 26410) granting an increase of pension to

Joseph D. Parish—to the Committee on Pensions.

Also, a bill (H. R. 26411) granting an increase of pension to

James F. Bandy—to the Committee on Pensions.

Also, a bill (H. R. 26412) granting an increase of pension to William A. Pitts-to the Committee on Pensions.

By Mr. COCKRAN: A bill (H. R. 26413) granting an increase of pension to John J. Freil—to the Committee on Pensions.

Also, a bill (H. R. 26414) granting a pension to Philip Thompson—to the Committee on Pensions.

By Mr. COCKS of New York: A bill (H. R. 26415) granting an increase of pension to Charles Roausch—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 26416) granting a pen-

sion to Nancy R. Sweet—to the Committee on Invalid Pensions.
Also, a bill (H. R. 26417) granting an increase of pension to Samuel A. Leazor—to the Committee on Invalid Pensions.
Also, a bill (H. R. 26418) granting an increase of pension to William Waltz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26419) granting a pension to Hiram G. McLemore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26420) granting an increase of pension to Gasper Woelflin-to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 26421) granting a pension to Catherine Nothwong-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26422) granting an increase of pension to Henry H. Norton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26423) granting a pension to Theodore F. Looker-to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 26424) to remove the charge of desertion from the service record of John A. Ogden-to the Committee on Military Affairs.

Also, a bill (H. R. 26425) to remove the charge of desertion from the service record of John W. Dorman—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 26426) granting a pension to Carrie L. Poole-to the Committee on Pensions.

Also, a bill (H. R. 26427) granting an increase of pension to Charles P. Borden—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 26428) granting an increase of pension to Stephen T. Wade-to the Committee on Invalid Pen-

By Mr. FASSETT: A bill (H. R. 26429) granting a pension to Sarah E. Daily—to the Committee on Invalid Pensions. By Mr. GRONNA: A bill (H. R. 26430) granting an increase

of pension to Oscar J. Jolley-to the Committee on Invalid Pen-

Also, a bill (H. R. 26431) for the relief of J. E. Froiseth-to the Committee on Claims.

By Mr. HASKINS: A bill (H. R. 26432) granting an increase of pension to Harry Rowe—to the Committee on Invalid Pen-

By Mr. HAWLEY: A bill (H. R. 26433) granting an increase of pension to Charles M. Coffin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26434) granting an increase of pension to Walter St. Clair-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26435) granting an increase of pension to John M. Jeans-to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 26436) for relief of heirs of estate of W. C. Burleson, deceased-to the Committee on War Claims

Also, a bill (H. R. 26437) for the relief of W. P. Roebuck-

to the Committee on War Claims.

Also, a bill (H. R. 26438) for the relief of heirs or estate of William Ervin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 26439) for the relief of J. C. Markham-to the Committee on War Claims.

Also, a bill (H. R. 26440) for relief of heirs or estate of John C. Anderson, deceased—to the Committee on War Claims.

By Mr. HOWLAND: A bill (H. R. 26441) granting an increase of pension to Alexander L. Mason—to the Committee on Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 26442) granting an increase of pension to Joseph A. Crayne-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26443) granting an increase of pension to William H. Robertson—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 26444) grant-

ing an increase of pension to William H. West-to the Committee on Pensions.

Also, a bill (H. R. 26445) granting a pension to Lucy A. Reid—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 26446) granting an increase

of pension to Vincent H. Gaskill-to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 26447) granting a pension to Catherine Patterson—to the Committee on Pensions. By Mr. LAMB: A bill (H. R. 26448) granting an increase of

pension to C. C. Sabin-to the Committee on Invalid Pensions. Also, a bill (H. R. 26449) granting an increase of pension to William H. Cobb-to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 26450) granting a pension to Harriet Barnd—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 26451) granting an increase of pension to William Harbert—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 26452) granting a pension to Silas Wethy-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26453) granting an increase of pension to James W. Smith-to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 26454) appropriating money to repay to the Golden Empire Mining Company certain funds deposited for mineral surveys in excess of the actual cost thereofto the Committee on Appropriations.

By Mr. NORRIS: A bill (H. R. 26455) granting a pension to

Ann D. Alden—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 26456) granting an increase of pension to Gordon Shanklin-to the Committee on Invalid

By Mr. PUJO: A bill (H. R. 26457) granting an increase of pension to Aaron H. Waitt—to the Committee on Invalid Pensions

By Mr. RAUCH: A bill (H. R. 26458) granting an increase of pension to Adelaide M. Jones—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 26459) granting an increase of pension to Nicholas Har—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 26460) granting an increase of pension to Lewis Hapgood-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petition and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Georgia: Paper to accompany bill for relief of Martin K. Davis-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James H. Hen-icks—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of Andrew McCort—to the Committee on Invalid Pensions.

Also, petition of Federation of Jewish Organizations of New York City, favoring appointment of chaplains in the army and navy for Jewish soldiers and sailors—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of heirs of Horace B. Gardner-to the Committee on War Claims.

Also, papers to accompany bill relative to steamship Asia (H. R. 9164) for liquidation of duties—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of citizens of the State of Maine, against a parcels-post and a postal savings banks lawto the Committee on the Post-Office and Post-Roads,

Also, petition of citizens of Fairfield, Me., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. CARY: Petition of Robert S. Waddell, president of Buck Eye Powder Company, favoring placing of powder on free list—to the Committee on Ways and Means.

Also, petition of American Bottlers' Protective Association, against reduction of tariff on soda, ginger ale, and other carbonated beverages-to the Committee on Ways and Means.

Also, petition of American Association of Masters, Mates, and Pilots, against removal of life-saving station from its present location near McKinley Park—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisconsin State Federation of Labor, favoring abrogation of treaty with Russia-to the Committee on Foreign Affairs.

By Mr. DAVIS: Petition of Shimota & Co. and others, of Veseli, Minn., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Paper to accompany bill for relief of Fred Yeomans-to the Committee on Pensions.

By Mr. DRISCOLL: Petition of citizens of New York, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ELLIS of Oregon: Papers to accompany bills for relief of Robert D. Rector and Girard Holcomb-to the Commit-

tee on Invalid Pensions.

By Mr. ESCH: Petition of Asiatic Exclusion League of North America, for an exclusion law relative to all Asiatics save students, travelers, and merchants-to the Committee on Foreign Affairs.

Also, petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy for promotion of comfort and well-being of Jewish soldiers and sailors-to the Committee on Military Affairs.

Also, petition against H. R. 21261 (retirement plan for superannuated employees)-to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Stephen T. Wadeto the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of Oliver Grange, No. 1069, favoring parcels-post and postal savings banks laws-to the Commiton the Post-Office and Post-Roads.

By Mr. FOELKER: Petition for legislation to encourage return of railway business to normal conditions-to the Committee on Interstate and Foreign Commerce.

By Mr. FOWLER: Petition of G. W. Leeds and others, citizens of Union County, N. J., for a fair adjustment of railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Mrs. Dexter Tiffany, of State Charities Aid Association, Plainfield, N. J., and the Fortnightly Club, of Summit, N. J., favoring a children's federal bureau (H. R. 2414)to the Committee on Appropriations.

Also, petition of board of directors of the Town Improvement Association of Summit, N. J., favoring Appalachian and White Mountains Forest Reservation-to the Committee on Agricul-

Also, petition of Union County Medical Society, favoring creation of a national department of public health-to the Com-

mittee on Agriculture.

By Mr. FULLER: Petition of Charles H. Holderness and others, of De Kalb, Ill., favoring amendment to the Sherman others, of the Committee on the Indiciary. antitrust law-to the Committee on the Judiciary.

Also, petition of Rockford Drilling Machine Company, favoring a maximum and minimum tariff on machine tools—to the Committee on Ways and Means.

By Mr. FULTON: Petition of homesteaders of Cimarron County, Okla., favoring legislation to enable homesteaders in Beaver, Texas, and Cimarron counties to make final proof on their homesteads after one year's bona fide residence without the payment of the \$200 now required-to the Committee on the Public Lands.

By Mr. GORDON: Paper to accompany bill for relief of heirs of William W. McCarley-to the Committee on War Claims.

By Mr. HAMLIN: Paper to accompany bill for relief of O. A. -to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Henry F. Hill and others, of Waterbury Grange, Vermont, favoring parcels-post and sayings banks laws-to the Committee on the Post-Office and Post-

By Mr. HAWLEY: Paper to accompany bill for relief of Giles Otis Pearce-to the Committee on Pensions.

By Mr. HENRY of Texas: Petition of the Fannin County Farmers' Union, favoring legislation, as per the Henry (Texas) bill (H. R. 22338), for regulation and restriction of futures dealing in agricultural products—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petitions of Glendola Grange, of Monmouth County, and residents of the Third Congressional District of New Jersey, favoring parcels post on rural free-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Memorial of the State of Washington, department of state, Olympia (house joint memorial 1), favoring a full river and harbor bill this session of Con-

to the Committee on Rivers and Harbors. By Mr. KAHN: Petition of J. A. Prentice and 95 other residents of Eureka, Cal.; Wilmott Williams and 104 other residents of San Francisco, Cal.; and J. E. Breman and 63 other residents of Reno and Sparks, Nev., for an exclusion law against all Asiatics save students, travelers, and merchants-to the Committee on Foreign Affairs.

By Mr. KENNEDY of Ohio: Petition of citizens of Lisbon, Ohio, for legislation to establish parcels post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads. banks laws-to the Committee on the Post-Office and Post-Roads.

petition of Buckeye Grange, No. 1170, and others, of Leetonia, Ohio, favoring a parcels-post and savings banks lawto the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of Elmer Grange, No. 906. of Michigan, favoring parcels-post and postal savings banks laws

to the Committee on the Post-Office and Post Roads.

By Mr. NORRIS: Petition of citizens of Fairchild, Clay County, Nebr., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Lewis Richardson—to the Committee on War Claims. By Mr. ROBINSON: Paper to accompany bill for relief of

G. A. Joyner-to the Committee on Pensions.

By Mr. SMITH of Iowa: Petitions of citizens of California Junction and Guthrie County, Iowa, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SULLOWAY: Petition of William T. Hanson and 33 others, of Middleton, N. H., favoring parcels post on rural delivery routes and establishment of postal savings banks-to the

Committee on the Post-Office and Post-Roads.

By Mr. SWASEY: Petition of sundry citizens of New Vineyard. Me., favoring a parcels-post and a postal savings banks to the Committee on the Post-Office and Post Roads

By Mr. TIRRELL: Paper to accompany bill for relief of Lewis Hapgood-to the Committee on Invalid Pensions.

Also, petition of Charles L. Clay, favoring the parcels-post and postal savings banks system—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Ross Grange, No. 305, of Ellicott, N. Y., favoring establishment of postal savings banks and a

-to the Committee on the Post-Office and Post-Roads. Also, petition of business men of Sherman, N. Y., against parcels-post and savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Paper to accompany bill for relief of

M. B. Parker-to the Committee on War Claims.

By Mr. WILSON of Pennsylvania: Petition of H. E. Herman and 41 other residents of Williamsport, Pa., against parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

SENATE.

Monday, January 18, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale, The Journal of the proceedings of Saturday last was read and approved.

MANUFACTURE OF WOOLEN, WORSTED, AND SHODDY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on the manufacture of woolen, worsted, and shoddy in France and England, and jute in Scotland (H. Doc. No. 1330), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

LAWS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, copies of certain franchises granted by the council of Porto Rico (H. Doc. No. 1334), which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

JAMES AND WILLIAM CROOKS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, returning, pursuant to a resolution of the Senate of the 14th instant and by direction of the court, the papers and Senate bill No. 3717, in the case of James and William Crooks, No. 13637, Congressional (S. Doc. No. 663), which was heretofore referred to the Court of Claims for findings of fact, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary A. Landis, administratrix of the estate of Solomon Landis, deceased, v. United States (S. Doc. No. 662), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting its report on street railroads in the District of Columbia (H. Doc. No. 1336), which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE,

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri.

The message also announced that the House had passed the

following bills:

S. 213. An act for the relief of S. R. Green; S. 437. An act for the relief of D. J. Holmes;

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States; S. 879. An act for the relief of John S. Higgins, paymaster,

United States Navy;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance; S. 2580. An act for the relief of B. Jackman;

S. 2873. An act for the relief of the owners of the steam lighter Climax and the cargo laden aboard thereof;

S. 3848. An act for the relief of James A. Russell; S. 5268. An act for the relief of J. de L. Lafitte;

S. 5388. An act for the relief of Benjamin C. Welch; and

S. 6293. An act for the relief of Robert Davis.

The message further announced that the House had passed the following bills with amendments, in which it requested the

concurrence of the Senate: S. 388. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such

citizenship; S. 2253. An act for the relief of Theodore F. Northrop;

S. 4632. An act for the relief of the Davison Chemical Company, of Baltimore, Md.;

S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho;

S. 6665. An act for the relief of Charles H. Dickson; and

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 870. An act for the relief of the heirs of James H. Galbraith; H. R. 1097. An act for the relief of Stanley E. Brown;

H. R. 2635. An act for the relief of Herman Lehmann; H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge Cumberland;

H. R. 3844. An act for the relief of E. L. Simpson; H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States:

H. R. 4286. An act for the relief of John Shull;

H. R. 4307. An act for the relief of E. J. Reed; H. R. 4562. An act for the relief of C. W. Reid and Sam

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 8558. An act for the relief of R. J. B. Newcomb; H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 9755. An act for the relief of Charles Lennig & Co.; H. R. 9969. An act for the relief of George J. Miller, of Wenatchee, Wash.;

H. R. 10187. An act for the relief of R. A. Sisson;

H. R. 10697. An act for the relief of David Brinton; H. R. 10701. An act for the relief of Albert R. Heilig;

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 11039. An act for the relief of Willard W. Alt, of Hyannis, Nebr.;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 12712. An act for the relief of the estate of Samuel J.

H. R. 13644. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 14345. An act for the relief of Earl E. White;

H. R. 15098. An act to correct the military record of John H. Layne;

H. R. 15218. An act for the relief of the sureties on the official

bond of the late Cornelius Van Cott; H. R. 15603. An act for the relief of John W. Wood;

H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan :

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;

H. R. 17572. An act for the relief of George M. Voorhees;

H. R. 17960. An act for the relief of Marcellus Butler; H. R. 18417. An act for the relief of Clark County, Ky .;

H. R. 18487. An act for the relief of Charles H. Dunning;

H. R. 18726. An act for the relief of Wyatt O. Selkirk; H. R. 18744. An act for the relief of the estate of Mark S.

Gorrill; H. R. 19636. An act for the relief of Frederic William Scott; H. R. 19641. An act for the relief of the Wilmerding-Loewe

Company, of San Francisco, Cal.; H. R. 19653. An act for the relief of T. C. Wakefield;

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.

H. R. 19839. An act for the relief of W. H. Blurock;

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;

H. R. 19871. An act for the relief of Sanford A. Pinyan; H. R. 19893. An act for the relief of Thomas J. Shocker

H. R. 20171. An act to correct the military record of George

H. R. 20204. An act for the relief of Clara A. Carter, widow of Martin J. Carter, late consul of the United States at Yarmouth,

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 21058. An act for the relief of R. J. Warren;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary; H. R. 21881. An act for the relief of John D. Baldwin;

H. R. 23863. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association of Salt Lake City, Utah, and the Government of the United States;

H. R. 24303. An act for the relief of the estate of Charles Fitz-

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.

H. R. 25019. An act granting a franking privilege to Frances

F. Cleveland and Mary Lord Harrison; and H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

The foregoing claims bills were severally read twice by their titles, and referred to the Committee on Claims.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 8615. An act to correct the naval record of Edward T.

Lincoln:

H. R. 14343. An act to correct the naval record of Randolph W. Campbell; and

H. R. 23351. An act for the relief of the owners of the Mexican steamship Tabasqueno.

CREDENTIALS.

Mr. BORAH presented the credentials of Weldon B. Hey-BURN, chosen by the legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Association of Congregational Churches of the State of Minnesota, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to give their employees who work on Sunday a full twenty-fourhours' rest during the next succeeding six days, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the General Association of Congregational Churches of the State of Minnesota, praying for the enactment of legislation to prohibit Sunday banking in postoffices in the handling of money orders and registered letters,

which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Federated Union of Greater New York, remonstrating against any attempt to remove Hon. Robert Watchorn as commissioner of immigra-tion of the Port of New York without good and sufficient reasons, which was referred to the Committee on Immigration.

He also presented petitions of Casco Harbor, No. 75, of Portland, Me.; of Forest City Harbor, No. 6, of Savannah, Ga.; of Local Harbor No. 25, of Pittsburg, Pa.; of Local Harbor No. 28, of St. Louis, Mo.; of Local Harbor No. 18, of New Orleans, La.; of Volunteer Harbor, No. 14, of Boston, Mass.; and of Progressive Harbor, No. 9, of Norfolk, Va., all of the American Association of Masters, Mates, and Pilots, praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which were referred to the Committee on Com-

Mr. PLATT presented petitions of sundry citizens of the State of New York and of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chemung Chapter, Daughters of the American Revolution, of Elmira, N. Y., praying for the enactment of legislation to establish a national children's bureau, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented petitions of sundry citizens of the State of New Hampshire, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads

He also presented a petition of Piscataqua Harbor, No. 83, American Association of Masters, Mates, and Pilots, of Portsmouth, N. H., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a petition of Casco Harbor, No. 75, American Association of Masters, Mates, and Pilots, of Portland, Me., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a memorial of the Railway Business Association of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the New England Iron and Hardware Association, of Boston, Mass., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Randall Spaulding, of Montclair, N. J., of John B. Sleman, jr., of Washington, D. C., and of A. B. Browne, of Washington, D. C., praying that an appropriation of \$1,500 be made providing for free lectures in the District of Columbia, which were referred to the Committee on Appropriations.

He also presented a petition of the Shoomaker Company, of Washington, D. C., praying for the enactment of legislation providing for a high-pressure water system in the District of Columbia, which was referred to the Committee on Appropria-

He also presented a petition of the Georgetown Citizens' Association, of Washington, D. C., and a petition of the North Capital and Eckington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for advances to be made from the United States Treasury to the District of Columbia government for the cost of extraordinary improvements in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Washington Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation authorizing the continuance of a spur track to the navy-yard in the District of Columbia, and praying for the passage of the so-called "Sims bill," providing for a new location of a spur track to the navy-yard in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Brookland Citizens' Association, of the District of Columbia, remonstrating against any change being made in the present form of government of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Endeavor Union of the District of Columbia praying for enactment of legislation imposing a special tax of \$100 per annum on cigarettes, and also for the enactment of legislation to prohibit the sale of cigarettes, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Endeavor Union of the District of Columbia praying for the adoption of a certain amendment to the law prohibiting the employment of women as bartenders in the District of Columbia, which was referred to the

Committee on the District of Columbia.

He also presented a memorial of the North Capitol and Eckington Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation to change the control of the street railways of the District of Columbia from the Interstate Commerce Commission to the Commissioners of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Edward J. Duff, of Washington, D. C., and a memorial of the Rhode Island Avenue Suburban Citizens' Association, of Washington, D. C., remonstrating against the passage of the so-called "builders' license bill" for the District of Columbia, which were referred to the

Committee on the District of Columbia.

He also presented a petition of the Woman's Interdenominational Missionary Union of Washington, D. C., praying for the enactment of legislation providing for the closing on Sunday of all theaters in the District of Columbia, and also remonstrating against the employment of women in liquor establishments in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of Cold Brook Grange, Patrons of Husbandry, of Medford Center, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on

Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Army and Navy Union of the United States, of Vallejo, Cal., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the United States Navy after twenty-five years of actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Department of California and Nevada, Grand Army of the Republic, of Riverside, Cal., praying for the passage of the so-called "McHenry bill," amending the pension law relative to the granting of pensions to soldiers of the Mexican and civil wars, and also for the passage of the so-called "Sulloway widows' pension bill," which was referred to the Committee on Pensions.

I present resolutions of the executive committee of the Chamber of Commerce of Dayton, Ohio, relative to the enactment of legislation inimical to the railroad interests of the country. Inasmuch as the memorial is very important and is brief, I ask that it be printed in the RECORD and referred to

the Committee on Interstate Commerce.

There being no objection, the memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

Whereas under normal conditions the railroads of the United States employ approximately 2,000,000 men, to whom they pay wages approximating the enormous sum of \$1,500,000,000; and

Whereas for many months past the railroads have been and are now confronted with a condition which makes necessary great reductions in working forces and curtailment in the purchase of supplies needful in the operation and maintenance of their properties, as well as in the purchase of new equipment and extension of lines, it being estimated that at the present time there is idle equipment representing the enormous sum of \$225,000,000, exclusive of locomotives; and

Whereas all industrial and commercial interests, together with the interests of wage-earners and all other classes of citizens, are affected, either directly or indirectly, correspondingly with the prosperity or adversity of the railroads, which apparently are greatly annoyed and seriously handicapped in their management by drastic, unwise, and injurious legislative restrictions, involving in many instances heavy and unnecessary expenses: Therefore be it

Resolved, by the executive committee of the Chamber of Commerce of Dayton, Ohio, in session this 6th day of January, 1909, That while we do not advocate relaxation of the exercise of reasonable and proper governmental authority over the railroads, we do advocate more conservative consideration of their rights and interests, and we respectfully arge upon all Members of Congress, all members of legislatures of this and other States, and of all railroad commissions, as well as the general public, to encourage the return of railroad business to normal conditions by ceasing and discountenancing hasty and ill-considered criticism and unjust censure of this great and most important factor of our Industrial and commercial life, and by the enactment of such new railroad legislation only as after the most rigid investigation shall determine clear

Resolved, That the secretary be, and he hereby is, instructed to send copies of the foregoing to each member of the legislature of this State, to the Members of the United States Senate from Ohlo, to the Representative in Congress from this district, and to the Dayton daily papers.

Mr. SCOTT presented petitions of sundry surviving officers of the civil war of Charleston, Gould, Auburn, Kingwood, Replay, Leon, Weston, and Cranesville, all in the State of West

Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the

Committee on Military Affairs.

Mr. BULKELEY presented a petition of Local Grange No. 107, Patrons of Husbandry, of Litchfield, Conn., praying for the passage of the so-called "rural parcels-post" and "postal sayings banks" bills, which was referred to the Committee on Post-

Offices and Post-Roads.

Mr. BOURNE presented petitions of Hope Grange, No. 269, of Alsea; of Harding Grange, No. 122, of Oregon City, all Patrons of Husbandry; of sundry citizens of Estacada and Mollala, all in the State of Oregon, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT presented a memorial of the Central Labor Council of Los Angels, Cal., remonstrating against the action of the federal court of the District of Columbia in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was

referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of Local Granges Nos. 480, 1080, 571, 956, 824, 914, 370, 305, 117, and 817, all Patrons of Husbandry, of Dewittville, Bristol Center, Mayville, Ellenville, West Exeter, Lancaster, Clinton, Falconer, Lorraine, and Henrietta, and of sundry citizens of Williamson, Marion, and Canisteo, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH of Michigan presented a concurrent resolution of the legislature of the State of Michigan, which was referred to the Committee on Military Affairs and ordered to be printed in

the RECORD, as follows:

the Committee on Military Affairs and ordered to be printed in the Record, as follows:

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and
Whereas it is a recognized fact that the civil war, 1861–1865, forms the most sanguinary chapter in the history of the world; that the Regular Army during the struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and
Whereas it is a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people now enjoying the inestimable blessings of a preserved Union owe a debt of gratitude that can never be paid: Therefore
Resolved by the house of representatives (the senate concurring). That we request the Senators and Representatives of the Sixtieth Congress from the State of Michigan to aid in the prompt enactment of a law in effect creating a volunteer retired list, upon which may be placed with retired pay upon application the surviving officers of the Army, Navy, and marines of the United States who served with credit during the civil war; such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory;
Resolved further, That in our opinion the precedents of the congressional legislation fully justify the enactment of this law, namely, the acts of 1828 and 1832, granting retired pay during life to the surviving officers and enlisted men of the Army, Navy, and marines of the Revolution; the act of 1905 providing for the retirement of two officers of volunteers, namely, Gen. Joseph R. Hawley and P. J. Osterhaus, with the rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had "served with credit during the civil war;

Olerk of the House of Representatives.

I, Elbert V. Chilson, secretary of the senate, hereby certify that the foregoing is a true copy of the resolution adopted by the senate January 12, 1909.

E. V. CHILSON, Secretary of the Senate.

Mr. LONG presented a petition of the Kansas Commandery, Military Order of the Loyal Legion of the United States, of Fort Leavenworth, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of Belleview Grange, Patrons of Husbandry, of Eudora, Kans., praying for the passage of the so-called "rural parcels-post" bill, which was referred to the

Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Commercial Club of Topeka, Kans., and a memorial of Barton County Business

Men's Association, of Great Bend, Kans., remonstrating against the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Grain Dealers' National Association of the United States, praying for the enactment of legislation providing for the appointment of a commission to investigate the grain trade of the United States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads. He also presented a petition of sundry business men and stock

raisers of Chadron, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. TILLMAN presented a petition of sundry citizens of Charleston, S. C., praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of Casco Harbor, No. 75, American Association of Master Mates and Pilots, of Portland, Me., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was

referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Waldo, Medford Center, Steuben, Surry, Greene, and Cornish, all in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads,

He also presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Appropriations, to whom was referred concurrent resolution 55, submitted by Mr. DICK on the 14th of December last, relating to the celebration of the one-hundredth anniversary of the birth of Abraham Lincoln, asked to be discharged from its further consideration, and that it be referred to the Committee on the Library, which was agreed to.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 7372) to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park," reported it with amendments and submitted a report (No. 776) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 6550) granting an honorable discharge to Thompson B. Pollard, reported it without amend-

ment and submitted a report (No. 777) thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom was referred the bill (S. 7883) to authorize the Secretary of the Interior to construct a bridge across the Little Colorado River abutting on the Navajo Indian Reservation, in the Territory of Arizona, and for other purposes, reported without amendment and submitted a report (No.

Mr. DOLLIVER, from the Committee on Education and La-

bor, to whom was referred the bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," reported it with an amendment.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom were referred the following bills, reported them each with amendments:

A bill (S. 8396) incorporating the National Academy of Arts

and Letters:

A bill (S. 8302) to incorporate the "Descendants of the Signers;" and

A bill (S. 8395) incorporating the National Institute of Arts

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 8235) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee, reported it without amendment.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7963) for the relief of Patrick Conlin, reported it without amendment and submitted a report

(No. 779) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 1199) to grant certain lands to the town of Fruita, Colo., reported it with amendments and submitted a report (No. 780) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom

was referred the bill (S. 8333) to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a

railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas, reported it without amendment and submitted a report (No. 781)

Mr. FRYE (for Mr. PENROSE), from the Committee on Commerce, to whom was referred the bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes, reported it with amendments and submitted a report (No. 782) thereon.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 8541) to amend section 12 of the act regulating the practice of medicine and surgery in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8542) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8543) granting an increase of pension to Augustus Wagner, which was read twice by its title

and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8544) granting an increase of pension to William

 D. McKenney; and
 A bill (S. 8545) granting a pension to Alexandrine Martin.
 Mr. TILLMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8546) for the relief of W. F. Parker; A bill (S. 8547) for the relief of Ellen F. Carter; and

A bill (S. 8548) for the relief of the heir at law of A. S. Frietas, deceased.

Mr. TILLMAN introduced a bill (S. 8549) for the relief of the Wentworth Street Lutheran Church, of Charleston, S. C., which was read twice by its title and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 8550) to include within the boundaries of and add to the Blue Mountain Forest Reserve certain lands in the State of Oregon, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. OWEN introduced a bill (S. 8551) for the relief of the estate of Guadalupe Lujan de Fuentes, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN (by request) introduced a bill (S. 8552) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca, of Belen, N. Mex., which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee

on Indian Affairs:

A bill (S. 8553) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;" and

A bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw

or Kansas tribe of Indians in Oklahoma.

Mr. MILTON introduced a bill (S. 8555) to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr., which was read twice by its title and referred to the Committee on Public Lands.

Mr. PAYNTER introduced the following bills, which were severally read twice by their titles and referred to the Com-

mittee on Claims:
A bill (S. 8556) for the relief of Samuel F. Johnson and other commissioned officers of the Seventeenth Regiment Kentucky Volunteer Cavalry, civil war; and A bill (S. 8557) for the relief of the Christian Church of

Stanford, Ky.

Mr. PAYNTER introduced a bill (S. 8558) for the relief of the city of Newport, Ky., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8559) granting a pension to Anna C. Hutchinson; and

A bill (S. 8560) granting a pension to Emma Coleman.

Mr. BROWN introduced a bill (S. 8561) to remove the charge of desertion from the military record of Jacob Byers, which was read twice by its title and referred to the Committee on Military

Mr. BRIGGS introduced a bill (S. 8562) granting an increase of pension to George S. Connor, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 8563) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, which was read twice by its title and

referred to the Committee on Interstate Commerce.

Mr. CULLOM introduced a bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois, which was read twice by its title and referred to the Committee on Commerce.

Mr. PILES (for Mr. Ankeny) introduced a bill (S. 8565) granting an increase of pension to William C. Bishop, which was read twice by its title and referred to the Committee on Pen-

Mr. TELLER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions

A bill (S. 8566) granting an increase of pension to William J. Donley, alias Joseph McCormick; and

A bill (S. 8567) granting an increase of pension to Melvin

Mr. TELLER introduced a bill (S. 8568) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes," to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes, which was read twice by its title and referred to the Committee on the Five Civilized Tribes of Indians.

Mr. GAMBLE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8569) granting an increase of pension to William H. Ferris; and

A bill (S. 8570) granting an increase of pension to Alexander

S. Stewart (with an accompanying paper).

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8571) granting a pension to Thomas Heady (with the accompanying papers); and

A bill (S. 8572) granting an increase of pension to Martha Clark.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8573) granting a pension to Cemantha Hyer; and A bill (S. 8574) granting an increase of pension to Margaret E. Pierce.

Mr. SCOTT introduced a bill (S. 8575) for the relief of Oak-ley Randall, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. DEPEW introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8576) granting an increase of pension to Mary Schoonmaker Smith; and

A bill (S. 8577) granting a pension to Laura B. Williamson. Mr. KEAN introduced a bill (S. 8578) granting an increase of pension to James B. Romaine, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE (for Mr. McCumber) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8579) granting an increase of pension to George E. Lewis; and

A bill (S. 8580) granting an increase of pension to Charles M.

Mr. KITTREDGE (for Mr. McCumber) (by request) introduced a bill (S. 8581) granting an increase of pension to John E. Kitzmiller, which was read twice by its title and, with the

accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE (for Mr. McCumber) introduced a bill

(S. 8582) granting an increase of pension to Hiram Haynes, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced a bill (S. 8583) to remove the charge of desertion from the military record of John Reed, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8584) granting an increase of pension to Erwin C.

Watkins; and A bill (S. 8585) granting an increase of pension to Lyman G. Willcox.

Mr. SMITH of Michigan introduced a bill (S. 8586) granting an increase of pension to Benjamin Golding, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 8587) to amend sections 2325 and 2326 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 8588) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8589) granting an increase of pension to George W. Buswell, which was read twice by its title and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 8590) granting an increase of pension to Ella M. Glass, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 8591) for the relief of Watson Mill Company, of the city of Wichita, State of Kansas, which was read twice by its title and referred to the Committee on

Mr. FLINT introduced a bill (S. 8592) to authorize the Chucawalla Development Company to build a dam across the Colorado River near Parker, Ariz., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 8593) granting an increase of pension to James Walter Smith, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 8594) granting an increase of pension to James H. Tillman, which was read twice by its title and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8595) for the relief of the heirs of James Billiu; A bill (S. 8596) for the relief of Mrs. F. T. Landry, adminis-

tratrix of Adonis Petit, deceased; and
A bill (S. 8597) for the relief of the estates of Caroline
Pierront and Augustin Labau.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8598) granting an increase of pension to James C. Bullock: and

A bill (S. 8599) granting an increase of pension to Willis Lake.

Mr. DICK introduced a bill (S. 8600) to provide for payment of the claims of the Roman Catholic Church in Porto Rico, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER introduced a bill (S. 8601) to provide for the payment of claims of the Roman Catholic Church in Porto Rico, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. HEMENWAY introduced a bill (S. 8602) for the erection of a monument on the Missisinewa battle ground in Grant County, Ind., which was read twice by its title and referred to the Committee on the Library.

Mr. LA FOLLETTE introduced a bill (S. 8603) for the relief of Mark Tomlinson, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. OWEN introduced a joint resolution (S. R. 116) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Af-

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate \$9,000 to grade and improve M street NE. from Bladens-burg road to Twenty-eighth street, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and or-

dered to be printed. Mr. WETMORE submitted an amendment proposing to ap-

propriate \$225,000 for the construction and equipping of a steam revenue cutter for service in Narragansett Bay, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$25,000 for establishing a fish-cultural station at some suitable point in the State of Rhode Island, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

AMENDMENT OF INTERSTATE-COMMERCE LAW

Mr. FULTON. I submit two amendments intended to be proposed by me to the bill (8. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, which I ask may be printed and lie on the table. I wish to make an explanation connected with them.

The first amendment that I propose is to strike out certain matter and in lieu thereof to insert the following:

Upon the filing of such protest the commission may, in its discretion, make an order that the proposed change in the rate or rates, fare or fares, charge or charges, so protested against, or any specified item or items thereof, shall not go into effect until the reasonableness of the proposed increase shall have been determined by the commission, or until it shall have further ordered. The making of such order shall operate to continue in force the then existing rate or rates, fare or fares, charge or charges, proposed to be changed and included within the terms of the order until the further order of the commission.

That changes the present reading of the measure so as to leave it to the discretion of the commission whether or not they will suspend a rate from going into effect until a hearing has been had.

I propose then the following additional amendment in the shape of a proviso:

shape of a proviso:

Add after the word "party," in line 22, page 5, the following: "Provided, That upon the presentation to the commission of the petition of two or more carriers subject to the provisions of this act, operating competing lines, asking permission to enter into an agreement relative to rates, fares, or charges to be made or practices to be observed in operating such lines while engaged in commerce to which the regulative power of Congress extends, the commission is authorized, in its discretion, to allow such agreement to be entered into, and thereupon it shall be lawful for such carriers to enter into the same. The petition shall have attached to and made a part of it a true and complete copy of the proposed agreement. The order of the commission permitting the agreement to be entered into shall not be deemed or held to be an approval of any rate, fare, charge, or practice proposed therein to be put in force or established, nor will it relieve any party thereto from the necessity of giving notice as in this act provided of any change in rates, fares, or charges contemplated or proposed in or by such agreement."

This amendment simply authorizes agreements among com-

This amendment simply authorizes agreements among competing carriers as to schedules or rates upon petition to the commission and with the consent of the commission. It leaves it in the discretion of the commission whether or not the privilege to enter into the combination shall be made or granted. The granting of the permission does not have the effect of an approval of the rates, but leaves that to be determined otherwise; that is all; it does not establish their reasonableness nor does it have the effect to waive the requirements that before the rate shall be advanced notice shall be given.

I ask that the bill may be reprinted with the proposed amendments in small capitals. The bill as it stands to-day is printed with the first proposed amendment in italics, the original matter being in roman. I ask that these proposed amendments

may be printed in roman.

Mr. KEAN. To what bill is this an amendment?

Mr. FULTON. It is Senate bill 423, proposing to amend section 6 of the interstate-commerce act, which was reported some

time ago by the Committee on Interstate Commerce.

Mr. KEAN. The Senator merely wants to have the amendments printed, I understand.

Mr. FULTON. I simply want to have them printed for the information of the Senate, so that the Senate may see what I

The VICE-PRESIDENT. Without objection it is so ordered.
Mr. HEYBURN. I should like to inquire of the Senator from Oregon to what committee the bill as proposed to be amended went?

Mr. FULTON. The amendments did not go to any committee. The bill (S. 423) to which I propose the amendments which I was attempting to explain has been reported and is now on the calendar.

It was reported adversely.

Mr. FULTON. Yes; by a bare majority it was reported adversely, but it is on the calendar. I simply asked for a reprint of the bill with the amendments I now propose,

Mr. HEYBURN. I understand the Senator sent to the desk the bill as it would appear amended. What disposition was made of that? Is it on the table? Mr. FULTON. I simply sent the form to the desk for the

convenience of the Secretary.

COMPILATION OF TREATIES.

Mr. CULLOM submitted the following resolution (S. Res. 252), which was considered by unanimous consent and agreed to:

Resolved, That there be prepared, under the direction of the Committee on Foreign Relations, a compilation of treaties, to include all treaties, conventions, important protocols, and international acts to which the United States may have been a party from 1778 to March 4, 1909, and such other material pertaining to treaties as may be recommended for insertion therein by the Secretary of State.

MATILDA J. BLAKE.

Mr. CARTER submitted the following resolution (S. Res. 255), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Matilda J. Blake, widow of John C. Blake, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

CLAIM FOR COTTON FROM ADAMS COUNTY, MISS. Mr. FULTON. From the Committee on Claims I report the following resolution and ask for its present consideration. The resolution (S. Res. 253) was read, as follows:

Resolved, That the bill (S. 8318) entitled "A bill for the relief of the legal representative of the owner of certain cotton taken by the United States military authorities in Adams County, Miss., in 1863," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. FULTON. I should explain my reason for offering the resolution at the present time in advance of what we call the omnibus bill," carrying bills to the Court of Claims.

A bill was sent to the Court of Claims at the last session for the relief of several persons named therein. When the matter came on for a hearing before the court, it was ascertained that the name of one party interested had been omitted. The Senator from Mississippi [Mr. McLaurin] introduced a bill in the name of the party so omitted, and the object of the resolution is to send the bill to the court so that these persons may be heard with the others.

The resolution was considered by unanimous consent and agreed to.

IMPROVEMENT OF SAMAMISH RIVER, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 71), which was referred to the Committee on Commerce: Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Samamish River, Washington, with a view of clearing and restoring said river to navigation.

IMPROVEMENT OF SWINOMISH SLOUGH, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 72), which was referred to the Committee on Com-

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Swinomish Slough, Washington, with a view to such extensions and modifications of the project for the improvement of the same as may be necessary in the interests of navigation.

IMPROVEMENT OF COLUMBIA RIVER, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 73), which was referred to the Committee on Commerce: Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Columbia River between Wenatchee and the mouth of the Snake River in the State of Washington, with a view of making such improvements as may be deemed necessary, in order to provide for navigation between the upper and lower river.

IMPROVEMENT OF EAST BOOTHBAY HARBOR, MAINE.

Mr. FRYE submitted the following concurrent resolution (S. C. Res. 70), which was referred to the Committee on Commerce: Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of East Boothbay Harbor, Maine, with a view to extending the improvement contemplated in the report submitted in House Document No. 944, Sixtieth Congress, first session, to Hodgdon's wharf.

CHOCTAW AND CHICKASAW LANDS.

Mr. DAVIS. Mr. President, I desire to call attention to the fact that on the 29th of April, 1908, the Senate upon my motion adopted resolution No. 171, directing the Secretary of the Interior to give information regarding the lands of the Choctaw and Chickasaw Indians.

I desire also to call attention to the fact that the Secretary of the Interior has not responded to the resolution. Just what power the Senate has to compel a response I do not know, but I wish to state that unless the Secretary does respond to the resolution I shall invoke whatever power the Senate may possess to compel a response.

PANAMA CANAL PURCHASE.

Mr. RAYNER. I submit a resolution. I ask that it be read, and I ask for its immediate consideration.

The resolution (S. Res. 254) was read, as follows:

The resolution (S. Res. 254) was read, as follows:

Whereas it is currently reported that the Attorney-General of the United States, at the instance and under the direction of the President, has ordered the district attorneys in several of the federal districts to institute an investigation in connection with various publications lately appearing in the press in relation to the purchase of the Panama Canal; and

Whereas in the progress of said investigation a number of witnesses connected with the papers in which said publications were made have been summoned to appear and testify before the grand juries of said several districts; and

Whereas the federal districts outside of the Territories and the District of Columbia are not invested with common-law jurisdiction, and have only such jurisdiction as arises under the Constitution of the United States and under the laws made in pursuance thereof, and the supreme court of the District of Columbia has only such jurisdiction as is now contained in the codification of the laws made under authority of Congress, and such further jurisdiction, under the acts of Congress, as is particularly conferred upon it by said code; and

Whereas it is provided in the first amendment to the Constitution of the United States, among other things, that Congress shall make no law shridging the freedom of the press; Be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate whether the investigation and the supremental of the United States be and he is hereby, directed to inform the Senate whether the investigation and the supremental has been ordered by the President; and if it has been ordered, under what statute of the United States, if any, the proceedings has been instituted, and by what right and authority the process of said courts is being employed in the premises.

Mr. RAYNER. Mr. President, I shall ask the Senate for the

Mr. RAYNER. Mr. President, I shall ask the Senate for the present consideration of the resolution, and I will give my reasons for so asking. I shall be brief about it. I want to read the resolution over again so that the Senate may understand the purpose of it:

Whereas it is currently reported that the Attorney-General of the United States, at the instance and under the direction of the President, has ordered the district attorneys in several of the federal districts to institute an investigation in connection with various publications lately appearing in the press in relation to the purchase of the Panama Canal; and

lately appearing in the press in relation to the purchase of the Panama Canal; and

Whereas in the progress of said investigation a number of witnesses connected with the papers in which said publications were made have been summoned to appear and testify before the grand juries of said several districts; and

Whereas the federal districts outside of the Territories and the District of Columbia are not invested with common-law jurisdiction and have only such jurisdiction as arises under the Constitution of the United States and under the laws made in pursuance thereof, and the supreme court of the District of Columbia has only such jurisdiction as is now contained in the codification of the laws made under authority of Congress and such further jurisdiction, under the acts of Congress, as is particularly conferred upon it by said code; and

Whereas it is provided in the first amendment to the Constitution of the United States, among other things, that Congress shall make no law abridging the freedom of the press: Be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate whether the investigation aforesaid has been ordered by the President, and if it has been ordered, under what statute of the United States, if any, the said proceeding has been instituted, and by what right and authority the process of said courts is being employed in the premises.

It will be observed, Mr. President, that all I ask for in the

It will be observed, Mr. President, that all I ask for in the resolution is information from the Attorney-General whether this investigation has been ordered by the President, and if it has been ordered by the President under what statute of the United States it has been ordered, and if a proceeding of this sort has been instituted by what right and authority the process of the courts is being employed in the premises.

So far as the form of the resolution is concerned, it is substantially similar to the resolution the Senate passed a few days ago at the instance of the senior Senator from Texas [Mr. Cul-

BERSON], which reads in this way:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate—

1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reason for such nonaction.

2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption, and if so, attach a copy if in writing, and if verbal state the substance of it.

I ask for no opinion of the Attorney-General. That is a

I ask for no opinion of the Attorney-General. That is a matter of no concern to me in the subject that I am now engaged on. I simply ask for facts. I ask as to these proceedings, with which we are all familiar from the reports that have come to us in the last few days, in the first place, whether they have been ordered by the President; in the second place, if they have been ordered by the President, under what statute of the

United States they have been ordered; and in the third place, by what power and authority the courts are now being used to summon witnesses for the purpose of pursuing the investigation.

Mr. President, so far as the form of the resolution goes, I see no objection to it, because it does not direct the Attorney-General to do anything whatever except to give us his opinion, not as to what the testimony will be, not as to what he expects these witnesses to testify to, but simply under what law of the

United States he is proceeding.

I apprehend, Mr. President, that there is no difference of opinion in this body upon the proposition I now state, that there is no law of the United States which permits a prosecution of anyone for libeling the Government of the United States, that no presentment can be had, and no indictment will lie in any federal court of the United States upon such a matter. will speak presently of the supreme court of the District of Columbia, but I am confining what I say now to the federal districts and circuits outside of the District of Columbia. I say that no presentment can be made and no indictment can be framed against anyone for libeling the Government of the United States.

I understand that a number of these witnesses have been summoned either to the district or the circuit court for one of the districts of New York to testify in relation to this subject.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. I do. Mr. FULTON. I will ask the Senator from Maryland, even if it be true that there is no law, as he contends, for such a proceeding, whether that is not entirely a matter for the court to determine? Ought we not to leave that to the court to determine? If it be found that there is no law for it, the court will say so. That is the proper tribunal, it seems to me, to determine a question of that character.

Mr. RAYNER. I propose to answer the question of the Senator from Oregon as I go along. I do not think I will take over a few minutes, and I trust that I shall completely answer that question. I say now that the machinery of the federal courts is being abused, and I want to know from the Attorney-General of the United States whether it is being done under the direction of the President of the United States, and if it is being done, under what law of the United States it is being done.

I will say to the Senator from Oregon before I fully answer him that we have the right to know whether these contemplated prosecutions are undertaken under a statute of the United States, because if there is upon the statute book of the United States any statute that authorizes them we want to have the opportunity to repeal that statute, because it is in violation of the first amendment to the Constitution of the United States, which prohibits Congress from abridging the freedom of the

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield further to the Senator from Oregon?

Mr. RAYNER. I do. Mr. FULTON. If the Senator will permit me, I will state the reason why I made my suggestion to him, and upon it I would be glad to have an expression of his views. Is it not a very bad precedent for either branch of Congress to seek to interfere with a matter that has been brought before or is pending in the courts until the courts have finally disposed of it? If in the courts there shall be developed a condition which Congress thinks should be remedied, the time will have then arrived to apply the remedy. But it seems to me that this sort of a proceeding would rather indicate a disposition on the part of the Senate to usurp the functions of the courts. The court is the tribunal to determine whether or not this proceeding was properly instituted or whether its processes are being improperly employed.

Mr. RAYNER. The Senator from Oregon has evidently not heard the resolution, because the resolution avoids any such inquiry. I am perfectly aware of the fact that Congress has no right to invade judicial functions. I would have no right here to ask the Attorney-General to produce the testimony he proposes to submit to the grand jury so as to have it before Con-

gress

Mr. FULTON. Mr. President—
Mr. RAYNER. The Senator will let me answer him. His questions are very pertinent, but he must permit me to answer them.

Mr. FULTON. Certainly.
Mr. RAYNER. If the Senator will just wait for a moment I think I will answer the whole of them, but I will be very glad if he will allow me to do so.

Mr. FULTON. I do not wish to disturb the Senator in his line of thought, and if I am doing so I beg his pardon.

Mr. RAYNER. Your line of thought is just exactly upon a par with my line of thought on the subject.

Mr. FULTON. I ask the Senator to allow me to make only one further suggestion.

The VICE-PRESIDENT. Does the Senator from Maryland yield further to the Senator from Oregon?

Mr. RAYNER. I yield to the Senator.

Mr. FULTON. Suppose the Attorney-General shall report that there is no section of a statute under which he is proceeding; that there is no statute covering the case; but that, in his judgment, the common law affords a remedy; would we, or could we, interfere? I do not say, of course, that the common law does afford a remedy.

Mr. RAYNER. I do not propose to answer that in full now. I will most assuredly before I close. The Senator from Oregon has put three questions now, entirely distinct from each other. I propose to show that there is no common law in the premises.

If the Attorney-General answers that he is proceeding under no statute, then the President is violating the laws of the country; and if he answers that he is proceeding under a statute, then we want to know what statute he is proceeding under, so that we can have an opportunty to repeal it. So that, if the Senator will just allow me to proceed for five or ten minutes, I shall be glad, if I have not then answered, to answer any interrogatory which he may put to me.

Mr. President, I was going on to say, when the Senator from Oregon asked me the questions that he has, that there is no law-and I repeat it-there is no law authorizing an indictment for libeling the United States Government in any of the federal

districts of the United States. Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. RAYNER. I do. Mr. LODGE. The Senator says, then, as I understand him, that these actions that he hears reported are for libeling the Government of the United States. Does he know that to be the fact?

Mr. RAYNER. If I knew it to be the fact, I would not make this inquiry. I want to find out what the Attorney-General is doing. That is the object of the inquiry. If I knew

is as a fact, there would be no necessity for the inquiry.

Mr. LODGE. It seems to me that it is rather an important point whether these actions are for libeling the Government, on which the Senator is proceeding with his argument, or whether they are informations for criminal libel filed by the Attorney-

General on the request of individuals.

Mr. RAYNER. Mr. President, that is a very important inquiry; and I propose to show that the circuit or district courts of the United States have no jurisdiction in either case—no possible jurisdiction in either case outside of the District of Columbia. It is an absurdity to suppose that the circuit or district courts of the United States have any jurisdiction in either case outside of the District of Columbia, whether it be a libel against the Government of the United States or a libel against the President of the United States or against anyone.

Mr. KNOX. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. I do.

Mr. KNOX. I do not wish, Mr. President, to bear down on the Senator from Maryland by following up these interruptions, but I should like to ask him a question which, it seems to me,

goes to the root of this whole matter.

Assuming that every legal position which the Senator has outlined to be a sound one, are those not matters of defense available to the defendants in this particular case? How are we to know whether or not they are good defenses until the courts pass upon them, unless we are to assume that the Senate has the right to take up the case of every individual defendant who is charged by the Government with having committed an offense, and try it in the United States Senate before it is tried in the courts?

Mr. RAYNER. The proposition, stated in the way in which the Senator from Pennsylvania states it, is unanswerable. We have no such right. That is not the purpose of this inquiry. The purpose of this inquiry is to find out whether or not the President of the United States, in conjunction with the Attorney-General, is not abusing the process of the courts for an unlawful purpose. That is the way to put it. If the Attorney-General, under the direction—I do not say that he is doing it; I do not want to be understood in this body as making any such imputations either against the President of the United States

or the Attorney-General-but if the Attorney-General of the United States is abusing the machinery of the federal courts for the purpose of accomplishing an ulterior object, it is the right of the Senate and the right of Congress to know that he is doing that, and then to take some steps either to stop him or, if he is proceeding under the law, to give us an opportunity to repeal the statute under which he is proceeding. I shall more fully answer, in the course of this brief argument, the question which the Senator from Pennsylvania [Mr. Knox] has just addressed to me. I am glad to see that the Senator from Pennsylvania inferentially agrees with me upon the legal proposition that I have stated—that there is no jurisdiction whatever in any of the courts of the United States, in any federal district, to find a presentment for libeling the Government of the United States.

Now, we get to the second proposition, for it is assumed that every one of us will admit the first proposition. Is there any jurisdiction in the federal courts outside of the District of Columbia to bring an indictment for criminal libel against anybody? If there is any answer to that, I shall be pleased to hear it. Have the federal courts outside of the District of Columbia the right through their grand juries to present any-body for libel against any person, the President or anyone else?

There is no answer. I assume, Mr. President, therefore, in the proposition that I am correctly stating the second proposition of law on this point, that the federal courts outside of the District of Columbia have no jurisdiction whatever in cases of

libel. Therefore, if these witnesses, whoever they may be—and I know nothing at all about the facts in the case, I want to say to Senators: I am only discussing a proposition of constitutional law-if these witnesses, as I understand, representatives upon the staff of the New York World, the New York Sun, the Indianapolis News, and the Press Publishing Company, and I believe other witnesses, have been summoned to any federal circuit beyond the District of Columbia for the purpose of testifying in any case affecting a libel against the Government of the United States, or against the President as President or individually, the district attorney, who, under the direction of the Attorney-General, is summoning these witnesses, is abusing the process of his court for the purpose of accomplishing some ulterior object with which the public is not yet familiar.

That is my first proposition. If I am right-and I assume that I am right, because there is no answer from any Senator upon the floor-it excludes the entire jurisdiction of the federal districts outside of the Districts of Columbia on any question whatever of libeling the Government or libeling the President. The President has no greater right in any court than the humblest citizen in the land, and the Government has no greater

The sedition laws have been repealed, and I venture to say they will never make their appearance again upon any statute book of the United States. This is a revival of the sedition laws, or an attempted revival of laws, that have happily gone out of existence long ago, under which great controversy took place and indictments and convictions were had. There were a number of persons convicted under the sedition laws. One of them was a Member of Congress. He was fined and imprisoned. We know the history of those days, and we know that these laws are out of existence. There is no sedition law at present, I am glad to say, so far as I have been able to discover, upon the statute books of the United States.

Now, we get to the District of Coumbia. The law is equally clear as to the District of Columbia. I will send to the desk, Mr. President, to be read an article from the Washington Post of this morning. It is very brief. The author's name is not given, but he is evidently a highly capable lawyer, who has

given an opinion, which I ask to have read. The VICE-PRESIDENT. Without objection, the Secretary

will read as requested. The Secretary read as follows:

OPINION OF LAW OFFICER.

OPINION OF LAW OFFICER.

One of the most prominent law officers of the Government under the McKinley and Roosevelt administrations, in discussing the case, said to a reporter for the Post:

"The United States Government can not sue any person for libel. Any individual who feels aggrieved may sue, whether he is an officer of the Government or not. Some years ago the Turkish minister in Washington called the attention of this Government to certain publications in American newspapers containing libelous language relating to the Turkish Government. Acting under instructions from the Sultan, the minister demanded the punishment of these publishers for circulating matter that was palpably libelous. He was informed that the Constitution prohibited any abridgment of the liberty of the press in this country, and that there was no redress except through the courts in a suit brought by any person who may have been libeled.

TREATY OF NO AVAIL.

"These cases are not uncommon. The Government can not undertake, even by treaty, to protect foreign governments or their officers

from libels circulated by American newspapers, in the absence of a statute; and Congress would not consider the enactment of any law tending to abridge the liberty of the press.

"This Government is as powerless in silencing the press on its own account as it is in behalf of foreign governments. The one experiment in that line was the alien and sedition act, passed in 1798, which practically wrecked the Federalist party before it was repealed. There is no federal statute which makes it a crime to libel the Government, and in the absence of a statute the federal courts are powerless to act lawfully, even to the extent of a grand jury inquisition.

"Under the common law it may be a crime to libel the Government, just as international law forbids a libel upon another government, but there is no redress in either case. The federal courts exercise jurisdiction only in matters covered by the statutes. Their jurisdiction is very clearly defined. If any person should bring suit for criminal libel against another person living in another State, the defendant could have the case tried in a federal court, but the court would be bound by the libel laws of the State in which the crime was alleged to have been committed. been committed.

BASED ON COMMON LAW.

"The criminal libel laws of the District of Columbia are based upon the common law, but so far as the Government and the federal courts are concerned, there is no more latitude here than elsewhere for the prosecution of persons alleged to have been guilty of libeling the Government. The courts here must deal with the statutes, and there is no statute covering this matter.

"It is not conceivable that the inquisition by the grand jury, apparently about to be undertaken against certain publishers, has been inspired by the United States Government—that is, by officers acting in behalf of the Government itself. There is no authority whatever for such an undertaking. It would be nothing else than an unwarranted attempt to use the machinery of the court for a drag-net inquisition for purposes of intimidation.

"Any indictment and prosecution based upon such a proceeding would give the injured party the best of grounds for securing heavy damages for malicious prosecution. Since these facts are well known to the officers of the Government in this District. I take it for granted that they are not about to attempt to exceed their powers. If they should attempt to do so, however, the matter can be taken quickly to the United States Supreme Court."

Mr. RAYNER. Mr. President, we now come to what the law of the District of Columbia is. If we have ousted the jurisdiction of the federal courts outside of the District of Columbiaand I think that is too plain a proposition of law to discuss any further—let us look at what the law of the District of Columbia is. I will give it to the Senate in a few words. This is a very serious proposition that I am discussing and, in my judgment, it requires urgent action. The Attorney-General has not given any information. I want to read what he says in an interview this morning, which is as follows:

"I am going to take the oyster for my motto"

That is a queer motto for the Attorney-General-

That is a queer motto for the Attorney-General—said Attorney-General Charles J. Bonaparte to-day, when asked if he would make a statement concerning the suit for libel that it is reported President Roosevelt and "the United States" will bring against the New York World in connection with publications alleged to reflect upon certain persons in the Panama Canal deal.

A number of newspaper correspondents have been summoned to appear before the federal grand jury in New York and Washington this week, it is supposed for the purpose of testifying regarding their knowledge of incidents connected with the Panama Canal purchase. Mr. Bonaparte, who is spending Sunday at his home, corner of Park avenue and Center street, was asked if he would explain why the newspaper people were summoned, and if he had seen their names published in the morning papers.

"Yes, I saw them," he replied. "I am going to take the oyster for my motto. The oyster thinks, but does not talk."

An oyster does about as much thinking as some people I know. [Laughter]. At any rate, we have no information from that quarter. The Attorney-General may be proceeding under a statute-I am not for one moment attempting to charge him with doing anything that he ought not to do-he may be proceeding under some statute of the United States.

Now, let us get to the District of Columbia. Here is a law of the District of Columbia:

the District of Columbia:

The District of Columbia is now governed by a code which became effective on January 1, 1902. The necessity for this code was manifest for many years on account of the conflict of laws. However, section 1 of the code is the basis, it is believed, of the present proceeding. This section provides:

"The common law, all British statutes in force in Maryland on the 27th day of February, 1801, the principles of equity and admiralty, all general acts of Congress not locally in application in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and other places under the jurisdiction of the United States, in force at the date of the passage of this act, shall remain in force except in so far as the same are inconsistent or replaced by some provision of this code."

What law is in force in the District of Columbia and

What law is in force in the District of Columbia? The common law? I state here, without having thoroughly examined the question, but simply upon my recollection—and if I am wrong, I stand ready to be corrected—that there is no common law which makes the libeling of the Government a crime. It is not the common law of England; it is the statutory law of England that makes it a crime. There has been one statute after another passed in Great Britain with reference to this very subject, but it is largely crime by statute and not altogether by the common law.

We all recollect the great speech that McIntosh made when

Pelletier, I think, was charged with libeling Bonaparte, the

speech that Erskine listened to and said it was the greatest speech that erisking instelled to and said it was the greatest speech he had ever heard before any judicial tribunal. Without having read it or seen it for years, my recollection is that the case against Pelletier was upon a British statute. But it makes very little difference in the way of looking at the case whether it is the common law of England or whether it is by force of statutes that the libeling of the British Government becomes a crime. There is one thing sure, and that I know—the District of Columbia adopted the statutes of Maryland, and there is no such statute in force in the State of Maryland. can not present anyone for libeling the Government of the United States or the President of the United States as such in any tribunal in Maryland; and the District of Columbia, under its code having adopted the laws of Maryland, it necessarily follows that you can not do in the District of Columbia what you can not do in Maryland.

Let me see whether I am right about that-and I will ask the attention of the Senator from Oregon [Mr. Fulton] upon that point, because it answers one of the questions that he addressed to me. Here is the law of Maryland. Article 5 of our

constitution says:

That the inhabitants of Maryland are entitled to the common law of England and the trial by jury, according to the course of that law—

and to the benefit of such of the English statutes as existed on the 4th day of July, 1776—

The Code of the District of Columbia brings them down to 1801. Now, what is the qualification-

and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used, and practiced by the courts of law or equity.

Would any sane person suppose that a law for libel against the Government of the United States has been found applicable to the local usages and circumstances of the State of Maryland?

Therefore, Mr. President, we have in Maryland no law upon this subject at all. If this paper had been published in Maryland, or if its circulation there justified an indictment for libel in that State—a proposition about which there is a conflict of opinion, in the different appellate tribunals of the different States-one thing is sure, we have no law in Maryland whatever that holds a person criminally liable for libeling of the Government of the United States or libeling the President of the United States as such. Therefore if Maryland has no such legislation, the District of Columbia, under whose code Maryland legislation is made applicable to the District of Columbia, only carrying it up to 1801, has no law upon which any such prosecution can proceed.

Now, I come to the last point-Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. I do. Mr. FULTON. Mr. President, I trust the Senator did not understand me to intimate that I thought the common law is in force within the federal jurisdiction. I do not contend, of course, and do not suppose anyone contends, that common-law crimes are cognizable in the federal courts. I simply said, Suppose the Attorney-General should answer, "there is no statthe for this proceeding, but, in my judgment, it is within the common law," we would probably think that rather absurd, but what could we do but leave it to the courts? I do not assume that he would so answer; but I say, suppose he did? There would be nothing we could do. It is not within our province to enjoin him from the proceeding. It is purely a matter of defense in the courts, a matter as to which the court must determine whether or not the proceeding is well founded. Cases are instituted every day without any basis either in law or in fact. Ultimately they are thrown out of court. It is possible that this proceeding will be, but that is for the court to determine.

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. WARREN. I thought the Senator from Maryland had concluded.

Mr. RAYNER. I have not; but I will conclude in less than ten minutes

Mr. WARREN. I will, of course, not interrupt the Senator; but I hope this discussion may not lead to general debate at this time, for I am anxious that the Senate shall proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. RAYNER. I think I will conclude in ten minutes if I am not interrupted.

Mr. WARREN. I shall wait until the Senator concludes.

The District of Columbia is entitled to the common law, but, Mr. President, the proposed proceedings are not in accordance with the common law of England. The libeling of the Government, as I understand and recollect it, is a crime under acts of Parliament. But let me admit now-for I may be mistaken upon this point—that it forms and comprises a crime under the common law. That is not what we mean by common law under the District Code. There are hundreds upon hundreds of crimes committed under the common law that no one for a moment would contend are punishable in the District of Columbia. We have not adopted in whole the common law The wager of battle existed at common law! Would anyone argue with me that the courts here have the process of wager of battle? Punishment by death at the common law follows a number of crimes. Would anyone suppose that those crimes could be punished by death here in the District of Columbia? That is not what this provision of the Code of the District of Columbia means. This provision relates to the common and equity jurisprudence of the common law, and the crimes that are cognizable in the District of Columbia are the crimes that Congress has made cognizable under the Constitution of the United States, because the District of Columbia courts have no jurisdiction except the jurisdiction that is reposed in them by the Congress of the United States.

Therefore I say, Mr. President, that there is no law in any of the circuits outside of the District of Columbia covering this subject, and I say that there can be no law in the District of Columbia covering the subject. Let me be careful about that point—I mean covering the subject of libeling the Government or libeling the President, who conserves himself to be the Government, as President of the United States and not as an indi-

vidual.

Now, let me get to the final proposition. I admit that the court has jurisdiction if the President goes before it as an individual. If the President as an individual, either personally or in the performance of his duty, conceives that he has been criminally libeled, he can go to the supreme court of the District of Columbia and ask for investigation before the grand jury just in the same way that any other individual can. Anyone can do so if he is falsely charged with crime or corruption, in or out of office. His office alone gives him no special standing in court, and he has not by reason of his office alone the right to invoke the jurisdiction of the courts.

Mr. MONEY. Through the Department of Justice?

Mr. RAYNER. I was coming to that. The Department of Justice has nothing to do with it. He could go to the district attorney of the District of Columbia and represent to him that he has been libeled and proceed as an individual.

I say, therefore, Mr. President, that if the President is using any of the federal, circuit, or district courts, if he is using the court in the District of Columbia for the purpose of framing a proceeding against anyone for libeling either the Government of the United States or libeling him as President of the United States, he is violating the laws of his country.

I refer the Senate now to the first amendment to the Constitution of the United States, which provides, among other things, that Congress shall make no law abridging the freedom of the press. The President has no greater right to interfere with that constitutional provision than any other citizen of the land.

He has no more right to abridge the freedom of the press in regard to his own actions than any other citizen of the land would have the right to abridge the freedom of the press. He is as much subject to that constitutional provision as is anyone in the land. He has no greater right before any tribunal in this land, Federal or State, than has anyone else; and it is a mistaken idea, I submit to the Senate, if the facts sustain the publications that have been made in regard to this proceeding, for the Attorney-General or for the district attorney of this District, or for any district attorney of the United States, to issue blank subpœnas and blank summonses, ordering witnesses to come into court and testify what they know in reference to a case, the case not being designated upon the face of the summons. It is a search warrant for witnesses forbidden by the organic law of the land.

All I want in this resolution—I may be wrong upon the facts, but I respectfully submit that I am right upon the law—all I want is this: I do not want to know what the facts are; I do not want to know for what purpose these witnesses have been summoned; I can not know and I do not ask what testimony they will give before the grand jury; I have no right to do that, because that would be, as has been so well said by the Senator from Oregon [Mr. Fulton], an invasion by Congress of the judicial functions, but I do ask that the Attorney-General of the United States be directed to

inform the Senate whether this investigation has been ordered by the President, and, if it has been ordered, under what statute of the United States. He may have some statute. Perhaps some one has informed him as to some law as to which we are ignorant. There may be some obsolete provision, for you can not tell among the thousands of conflicting laws upon the federal code what laws exist and which have been repealed expressly or by implication. If there be a statute, let him give us the statute, If there be no statute, let us know by what right and authority he is at this moment abusing the processes of the court and summoning witnesses from all over the land upon summons that do not indicate, even to the witness, for what purpose he is summoned.

In conclusion, I desire to say, and this answers the questions the Senator from Oregon has put to me, if there be such a law, let him give it to us, for I find the old sedition laws went out of existence, and they never will be in existence again, I apprehend, upon any civilized code. If there be such a statute, then, Mr. President, we want to have the opportunity to sweep it from the books and to obliterate it from the federal code.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. RAYNER. Mr. President—

Mr. KEAN. Let it go over.

Mr. LODGE. Before the Senate embark upon judicial functions in the trial of causes I think we ought to have the opinion of the Judiciary Committee; and I move that the resolution be referred to that committee.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on the Judiciary.

Mr. RAYNER. One moment. I object to the reference. We will have to take a vote on that.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on the Judiciary.

Mr. RAYNER. I want to say this to the Senator from Massachusetts: As the Senator from Texas said the other day—and I think a number of gentlemen on the other side of the Chamber changed their minds upon the proposition when they heard him—a resolution like that does not ask for any action, and if the Attorney-General should answer by saying, as the President answered the resolution of the Senator from Texas by saying that he did not propose to permit the Attorney-General to give any reasons for his opinion—if the Attorney-General should say, "I decline to inform the Senate whether the investigation has been ordered by the President, and I decline to inform them under what statute I am proceeding," then we will have to take action afterwards.

This resolution calls for no action at all. It simply asks for information. If it goes to the Judiciary Committee we will never have the information in time. The indictments will be found before we get the information, because in one of these interviews which I have mislaid the Attorney-General says that within four days he will make everything public. I suppose it will be made public when the people are arrested whom the grand jury proposes to indict. It is between this time and that period that I want the Attorney-General to show under what law he is proceeding, so that if he is proceeding upon some law we can quickly anticipate him and repeal it in the Congress of the United States.

I ask Senators upon the other side of the Chamber to give us an opportunity to obtain this information from the Attorney-General. I am fully aware of the fact that if he declines to give it it would take so long a time to compel him to give it that we would be almost powerless in the premises. But give this resolution the same support that was given to the resolution of the Senator from Texas the other day.

He asked that the Attorney-General give information as to one corporation absorbing another corporation. The reply came in very quickly from the President that he declined to give the Attorney-General the right to furnish the reasons why he had permitted that consolidation. In view of that, I have not asked for the reasons influencing the Attorney-General. I care not for his motives. I want the law. I want to know whether there is any such law upon the statute book of the United States. If there is no such law, then I want the Attorney-General to say so. If there is such a law, then I want him to point to the statute, so that we can repeal it. But if the resolution is referred to the Judiciary Committee, you lose the opportunity of acquiring from the Attorney-General the information I think the Senate is entitled to have from him.

Mr. CULBERSON. Mr. President—

Mr. CULBERSON. Mr. President—— Mr. LODGE. Let the resolution go over. The VICE-PRESIDENT. The resolution will lie over.

Mr. CULBERSON. We want to make an issue in the Senate as to whether the resolution should be referred or adopted by the Senate. The suggestion of the Senator from Massachusetts is unanswerable, of course, because a single objection carries the resolution over until to-morrow.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws the motion to refer, and asks that the resolution lie

Mr. LODGE. I do not withdraw the motion to refer. that the resolution go over with the motion to refer pending.

The VICE-PRESIDENT. The resolution will go over at the

request of the Senator from Massachusetts, with the motion to refer pending.

HOUSE RILLS REFERRED.

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 10752. An act to complete the military record of Adol-

phus Erwin Wells;
H. R. 15098. An act to correct the military record of John H. Layne:

H. R. 17572. An act for the relief of George M. Voorhees; H. R. 18726. An act for the relief of Wyatt O. Selkirk; H. R. 19871. An act for the relief of Sanford A. Pinyan;

H. R. 19893. An act for the relief of Thomas J. Shocker; and H. R. 20171. An act to correct the military record of George H. Tracy

The following bills were severally read twice by their titles

and referred to the Committee on the Judiciary: H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States. and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States; and

H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

The following bills were severally read twice by their titles

and referred to the Committee on Finance:

H. R. 12712. An act for the relief of the estate of Samuel J.

H. R. 13644. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 18744. An act for the relief of the estate of Mark S. Gorrill;

H. R. 19636. An act for the relief of Frederic William Scott; H. R. 19641. An act for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal.; and H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.

The following bills were severally read twice by their titles and referred to the Committee on Post-Offices and Post-Roads:

H. R. 3844. An act for the relief of E. L. Simpson; H. R. 4307. An act for the relief of E. J. Reed; H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 10697. An act for the relief of David Brinton;

H. R. 14345. An act for the relief of Earl E. White: H. R. 15603. An act for the relief of John W. Wood.

H. R. 19762. An act to reimburse the postmaster at Sandborn,

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster at

San Diego, Cal., for moneys lost by burglary; and H. R. 25019. An act granting a franking privilege to Frances

F. Cleveland and Mary Lord Harrison.

LEGALIZING AND RECORDING OF CITIZENSHIP.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant, or his witnesses, has failed to sign or seal the record oath or the judgment of admission, and to establish a proper record of such citizenship, which was to strike out all after the enacting clause and insert:

That Benjamin Bennett and George Bennett, of West Branch, Ogemaw County, Mich., may be naturalized without making the declaration required by section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, and without waiting the two years required by that section.

Mr. HEYBURN. I move that the Senate nonconcur in the amendment of the House of presentatives and request a con-

ference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed

Mr. HEYBURN, Mr. DILLINGHAM, and Mr. McLaurin.

THEODORE F. NORTHROP.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2253) for the relief of Theodore F. Northrop, which was to strike out all after the enacting clause and insert:

That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, and who commanded a body of mounted military scouts in the army of General Sherman from January 3, 1865, to March 31, 1865, shall be held and considered to have been an officer of the Volunteer Army during that time, for the purpose of an application for a medal of honor: Provided, That no pay, bounty, or other allowance shall become due or payable by virtue of this act.

Mr. DEPEW. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DAVISON CHEMICAL COMPANY, OF BALTIMORE, MD.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., which were, in line 7, after the word "in," to insert "full;" and in line 7, after the word "for," to insert "all."

Mr. RAYNER. I move that the Senate concur in the amend-

ments of the House of Representatives.

The motion was agreed to.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, which was, on page 2, after line 17, to insert:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BURKETT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PATENTING CERTAIN LANDS TO BOISE, IDAHO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6136) authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho, which were, on page 1, line 4, to strike out "and directed to issue patent in fee" and insert "make a license, revocable at his discretion, for the use for park purposes by;" and to amend the title so as to read: "An act authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho."

Mr. WARREN. I move that the Senate concur in the amend-

ments of the House of Representatives.

The motion was agreed to.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 15th instant approved and signed the following act:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the Senate resume the consideration of the legislative appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. WARREN. There are yet some amendments which the

committee has to offer. I now submit the amendment I send

to the desk.

The Secretary. On page 5, line 24, strike out all after the word "Census" down to and including the word "Forestry," in line 2, on page 6, and insert, after the word "Grounds," on page 5, line 22, the words "Public Lands, to Audit and Control the Contingent Expenses of the Senate."

The VICE-PRESIDENT. Is there objection to the amend-

ment?

Mr. CLAY. Is it a committee amendment?

It is a committee amendment. Mr. WARREN.

The VICE-PRESIDENT. It is an amendment reported by the committee.

Mr. WARREN. It is to correct the text.

Mr. CLAY. Let the amendment be again reported. I did not catch it.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary. On page 5 strike out all after the word "Census" in line 24 down to and including the word "Forestry" on page 6, line 2, and insert after the word "Grounds" on page 5, line 22, the following words:

Public Lands, to Audit and Control the Contingent Expenses of the

The amendment was agreed to.

The Secretary. On page 6, line 18, change the total so that it will read "\$143,480."

The amendment was agreed to.

Mr. WARREN. I offer an amendment, which is merely to add the letter "s" to a word.

The Secretary. On page 10, line 6, strike out the word "room" and insert "rooms."

The amendment was agreed to.

Mr. WARREN. I submit the amendment I send to the desk. The Secretary. On page 79, lines 10 and 11, strike out the words "night watchman, \$720," and insert in lieu thereof "two night watchmen, at \$720 each."

The amendment was agreed to.

Mr. WARREN. I offer another amendment.

The Secretary. In lines 12 and 13, on the same page, strike out "thirty-nine thousand eight hundred and twenty" and insert "forty thousand five hundred and forty."

The amendment was agreed to.

Mr. WARREN. At the time of adjournment Friday we were discussing the matter of the salary of the Speaker, if I mistake not, the point of order having been made against the amendment.

Mr. FULTON. Mr. President, at the hour of adjournment on Friday we were discussing the question on the point of order made by the Senator from Idaho [Mr. Borah] to the provision in the bill, beginning on page 14, namely:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be \$20,000 per annum.

I had submitted some observations at that time, expressing my views on the point of order, but in view of what has been said subsequently, and for some other reasons, I wish to express my views somewhat further.

It has been intimated that the sole purpose of urging this point of order is to defeat all of a certain class of proposed amendments, known as the "salary increases." So far as I am personally concerned, I am not actuated by any such purpose in taking the position I have touching the true construction of this rule. I have no hesitancy whatever in meeting squarely the question whether or not these salaries shall be raised to the amounts proposed or raised at all. I am ready to vote on that proposition whenever it comes up. I am frank to say that I think the increases proposed are too great, considering the present state of the Treasury and the revenues of the Government. The idea of increasing salaries to the extent that it is proposed to increase these seems to me is, to say the least, unbusinesslike.

I have seen it stated elsewhere that there can be no river and harbor bill at the present session, or, at least, no general river and harbor bill, because of the depleted condition of the Treasury and its failing revenue. If that is true and if one of the most important interests of the Nation must be abandoned or action in regard to it suspended because of a want of income, it occurs to me that it is hardly the time to enter upon a great scheme of salary advance. But that is not the controlling question with me in endeavoring to reach what seems to me to be the true construction of this rule.

Now, sir, bear in mind that the proposition to which the point of order was directed is not the increase of an item of appropria-It is not adding a new item of appropriation. enacting a statute for the future, enacting a general law.

Let us see what this rule is. In subdivision 1 of Rule XVI it is provided:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation.

These are the two inhibitions, namely, that no amendment shall be received which proposes to increase an item of approitem could be inserted; but there are qualifying and excepting clauses following. The first clause is:

That is, no item in an appropriation bill shall be increased and no new item of appropriation shall be addedunless it be made to carry out the provisions of some existing law-

The pending proposition is not to carry out the provision of existing law-

or treaty stipulation-

This is not a treaty stipulation-

or act or resolution previously passed by the Senate during that session.

This does not come within that exception. It is proposed to pass the act now, in the appropriation bill itself. If this very item to which the point of order goes, namely, increasing the salary of the Speaker hereafter, by permanent, continuing statute, had passed prior to the time that the appropriation bill had come to the Senate or been reported here, then it would come within that clause. It does not. The further exception is:

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

It may be said that this amendment is moved by a standing committee of the Senate. But what do all these clauses, exceptions, and qualifications go to? They relate back to the two main propositions, the subject of this clause, and that is:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an item of appropriation already contained in the bill or to add a new item—

Of what?

a new item of appropriation.

Now, this is not adding a new item of appropriation. This is adding a general provision, a general law, increasing after a certain date the salary of an officer, changing an existing law, and is general legislation. Therefore it does not come within any of the provisions of clause 1 of Rule XVI, but it is obnoxious to clause 3, namely, because it is there stated that-

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not ger-mane or relevant to the subject-matter contained in the bill be re-ceived.

I want to say right here that when you take into consideration these two clauses which I have read, they show that the contention of the Senator from North Dakota [Mr. McCumber] in his remarks here on Friday last is not well taken.

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. FULTON. Certainly. Mr. SMITH of Michigan. I should like to ask the Senator whether he believes the limitation in the Senate rule as to general legislation upon an appropriation bill" is as strong and as full of meaning and as definite as the limitation in the rules of the House of Representatives that "there shall be no change in existing law upon a general appropriation bill?"

Mr. FULTON. I do. I have often thought of that. I think

it is practically as strong.

Mr. SMITH of Michigan. I do not understand how the Senator can take that view, because to change existing law is a definite and distinct agreement upon the part of the legislative and executive branches of the Government. It assumes a dignity which a general description such as the Senate has placed in its rule does not equal.

Mr. FULTON. "General legislation" is broader of course than "legislation changing existing law." Legislation chang-

ing existing law is confined to legislation affecting existing law. General legislation may be on a new subject entirely or it may be directed to existing law.

Mr. SMITH of Michigan. Now, if the Senator will permit

Mr. FULTON. Certainly; with pleasure.
Mr. SMITH of Michigan. I can not rid myself of the idea
that if such a limitation is to be placed upon this rule and the construction of the Senator from Oregon is to prevail, the Senate is absolutely debarred from participating in the prepara-tion of a general appropriation bill, and, instead of working under the general descriptive limitation in the Senate rule, we are actually working upon the narrower rule which is applied in the House of Representatives. I can not believe that is true.

Mr. FULTON. Mr. President, whether or not that be true—
Mr. SMITH of Michigan. As the Senator from Maine [Mr. Hale] suggests to me, if the Senate had intended to make this priation already in the bill or to add a new item of appropriation. If that were followed by no other language, then no item in an appropriation bill could be increased and no additional limitation as sweeping and as positive as that sought to be applied by the Senator from Oregon, it might have incorporated

in the Senate rules the House rule.

Mr. FULTON. I can answer the Senator along the same line of logic by saying that if the Senate had intended to place the limitations on this clause that the Senator from Michigan seems to maintain that a proper construction would place upon it, the Senate would have done that when it was framing the rule.

Now, then, according to the Senator's contention and the contention of others claiming the same construction, the clause

should read in this wise:

No amendment which proposes general legislation shall be received to any general appropriation bill unless it be germane to some pro-vision of the bill.

Mr. SMITH of Michigan. The purpose of that is very clear. Mr. FULTON. If the Senator will allow me, does he believe

that is the true construction of the clause?

Mr. SMITH of Michigan. I think the Senate committee in framing these rules were very wise to exclude general legisla-tion from appropriation bills. Otherwise there would be no chronological order in the statutes of the United States. statute of importance would be hidden away somewhere in the tail end of a general appropriation bill.

Mr. FULTON. I am not speaking of wisdom. I ask if he thinks that is the true construction of the clause. If not, what is the true construction of the provision that no amendment

proposing general legislation shall be received?

Mr. SMITH of Michigan. I think the true construction is The difficulty sought to be avoided was the ridersgermane, not appropriate, not proper-upon an appropriation

Mr. FULTON. Then the Senator must contend, as I suggest

Mr. SMITH of Michigan. Let me go one step further. Suppose the Constitution provided that no law should embrace more than one object, which should be expressed in its title. That is the constitutional provision in many of the States. It is the constitutional provision in my own State. Suppose we were working under such a limitation. Can the Senator from Oregon for one moment contend that these two provisions are not harmonious and appropriate in the legislation we are now considering

Mr. FULTON. I think the two provisions are entirely har-

monious.

Mr. SMITH of Michigan. Entirely harmonious.

Mr. FULTON. I do not think they are conflicting in the least. I think the Senator's contention, however, would make

them very inharmonious and very conflicting.

Mr. SMITH of Michigan. No; it would not. My contention would make it simply this: That no general legislation shall be permitted upon a general appropriation bill; but appropriations are always appropriate upon a general appropriation bill. This is an appropriation.

Mr. FULTON. Does the Senator contend that this is an ap-

Mr. SMITH of Michigan. I do, for the current year.

Mr. BORAH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. In just a second. This clause reads:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be \$20,000 per annum.

The present law being \$12,000 per annum, does the Senator contend that that is an appropriation?

Mr. SMITH of Michigan. I do. It is just as much of an appropriation as to raise the salaries of Senators and Representa-

tives by a similar enactment.

Mr. FULTON. But that is the law fixing the salary. The appropriation must follow in some other clause. The law must first fix the salary. The appropriation is made afterwards, Suppose we were to pass through the Senate an independent bill in just that language, does the Senator contend that it would carry with it the appropriation for the salary?

Mr. SMITH of Michigan. I think it would. Mr. FULTON. I beg to differ with the Senator. Mr. SMITH of Michigan. I think it would.

Mr. FULTON. That is an entirely new doctrine.

Mr. SMITH of Michigan. I do not mean that it would for the entire period.

Mr. FULITON. Or for any period. Mr. SMITH of Michigan. Not for the entire period that the legislation might become effective, but for the year covered by the appropriation bill.

Mr. FULTON. That is, if we were to pass that which I read

as an independent bill, there would be no necessity of an appro-

priation being made. From the mere fact that Congress says the salary of an officer shall be \$20,000 per annum hereafter, there is no necessity of making any additional appropriation, and that is all this is, according to the Senator, an appropriation. Such a proposition is certainly new and novel.

Mr. SMITH of Michigan. Yes; but— Mr. FLINT. I should like to ask the Senator on what page he is reading?

Mr. FULTON. Page 15.

Mr. SMITH of Michigan. Why is the proposition so involved that the legislative mind can not be taken upon it? For instance, if there is any objection to the provision, it may be voted up or voted down; it is not otherwise binding upon the Senate. But to invoke a rule so general in its character as the one provided in the Senate rules as an excuse for getting this out of the bill seems to me to shackle our own hands,

Mr. FULITON. Oh, no; the rules provide for that. They provide against all shackling. Rule XL provides that any rule may be suspended on a vote of the majority of the Senate. If the Senate does not believe that this rule should apply in this case, let us suspend the rule. I will vote to suspend it.

Mr. SMITH of Michigan. No.

Mr. FULTON. But I prefer to suspend it rather than to violate it.

Mr. SMITH of Michigan. It is a mere technicality, to say the least, and, I think, a strained and forced construction of the rule, regardless of the merits of the amendment.

Mr. FULTON. It is the rule. It is not a technicality. The provision is a wise one, but if found objectionable in a par-

ticular case, suspend, but do not violate, it.

Mr. SMITH of Michigan. It is a mere technicality and would, if sustained, force us to deal with every increase by unanimous consent, if at all. Why not take a vote upon the merits of the proposition and not forge a chain that we shall find most inconvenient in the future in the facilitation of the public business? I do not believe that is the intention of the rule. I know that during by own experience in Congress, covering a period of nearly fifteen years, I have seen much legislation excluded from appropriation bills properly.

Mr. FULTON. The Senator is not asking a question. I

yielded for a question.

Mr. SMITH of Michigan. Let me finish the sentence. Mr. FULTON. I am glad, of course, to yield; but I can not allow the Senator to interrupt me by making an entire argu-

Mr. SMITH of Michigan. There is no limitation as to time.

Mr. FULTON. There is to mine.

Mr. SMITH of Michigan. Of course, if the Senator does not wish me to interrupt him-

The VICE-PRESIDENT. Does the Senator from Oregon yield

further to the Senator from Michigan? Mr. FULTON. I will yield to the Senator for a question, or

if he is about to conclude what he would like to say.

Mr. SMITH of Michigan. I was about to conclude that sentence, namely, that I have seen a great deal of legislation excluded appropriately under the rule. If this was legislation which sought to apportion Representatives in the various States, foreign entirely to this bill, the Senator's objection would be tenable; but this is an appropriation, and the objection is not well taken.

Mr. DEPEW. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New York?

Mr. FULTON. Certainly.
Mr. DEPEW. I should like to ask the Senator from Oregon,
who I understand is now addressing himself to the verbiage of the bill, if the amendment offered by the Senator from Rhode Island [Mr. Aldrich], which reads instead of the verbiage of the bill-

Provided, That of the amount herein appropriated \$20,000 may be used to pay the salary of the Speaker of the House of Representatives—

would present a different proposition?

Mr. FULTON. I think it would present a different proposition, because that would not be changing the law at all in regard to the amount of the salary per annum that he is to receive.

Mr. BORAH. Mr. President, I ask the Senator from Oregon whether it would not be a fact, if the law were changed as suggested by the Senator from Rhode Island, that the Speaker

could draw only \$12,000?

Mr. FULTON. Certainly, that is what I say, because that does not suggest a change of the law which fixes the amount

of the annual salary. Mr. HEYBURN. I should like to ask a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly. Mr. HEYBURN. Do I understand that the Senator from Oregon is addressing his remarks to the proviso commencing at the bottom of page 14 or to the substitute offered by the Senator from Rhode Island?

Mr. FULTON. I am addressing my remarks to the point of order made by the junior Senator from Idaho [Mr. BORAH] to the proviso which begins on page 14 and ends at the top of

page 15.

Mr. HEYBURN. I understand that that has been withdrawn; that is, that the provision to which the point of order was raised is not now under consideration, the amendment having been accepted by the committee.

Mr. FULTON. The Senator is mistaken; it has not been

withdrawn

Mr. HEYBURN. Did not the Senator in charge of the bill

state that he would accept the amendment?

Mr. WARREN. As I understand the situation, the language is precisely the same as it appears in the bill. I think I did indicate a willingness on my part to accept the amendment, but it was not formally offered and acted upon.

Mr. HEYBURN. I understood the Senator to say, on behalf

of the committee, that he would accept it.

Mr. FULTON. If it were withdrawn and the language employed as I understood the Senator from New York, I do not think the point of order would be well taken to it.

Mr. HEYBURN. If I may ask a question—I do not intend to participate at any length in the debate—

Mr. FULTON. All right.
Mr. HEYBURN. As I read the language, the words in italics do not constitute an appropriation.

Mr. FULTON. No; that is what I have said. Mr. HEYBURN. It is legislation for the future. Mr. FULTON. Certainly.

Mr. HEYBURN. But the general language provides for an

appropriation.

Mr. FULTON. That is exactly what I have been contending. There can be no doubt about that proposition. It is not an appropriation, and under clause 1 of Rule XVI, to which many Senators have directed their remarks, provision is made only for items of appropriation, and all of the qualifications in that clause refer back to items of "appropriation." This is not an item of appropriation. This is general legislation.

Mr. HEMENWAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. With pleasure. Mr. HEMENWAY. What does the Senator do with this item

beginning on line 22, page 14?

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, \$2,989,500: Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be \$20,000 per annum.

Mr. FULTON. What do I do with the language that is not

in italics?

Mr. HEMENWAY. With this appropriation.

Mr. FULTON. I do not propose to do anything with it.

Mr. HEMENWAY. You are losing sight of the argument; that is all.

Mr. FULITON. I am not losing sight of it; I beg the Senator's pardon. It has nothing whatever to do with that which follows. The first provision that the Senator read would stand independent and alone of that which follows. That which follows does not require a proviso, and inserting the proviso there does not give it any more the character of an appropriation than it has without it.

Mr. HEMENWAY. I will ask the Senator-

Mr. FULTON. In just a second.

Mr. HEMENWAY. I simply want to ask the Senator if the sole object of the proviso is not to raise the salary from \$12,000 to \$20,000, if the item there does not carry the appropriation for the salary of \$12,000 with the proviso left out, and it does carry the appropriation of \$20,000 if the proviso is put in.

Mr. FULTON. There is no doubt but it has the effect, I suppose, that he would be paid at the rate of \$20,000 a year here-

after, but I mean to say-

Mr. HEMENWAY. If the proviso goes in, the salary is \$20,000; if the proviso does not go in, it is \$12,000 out of that appropriation. So the appropriation is there, is it not?

Mr. FULTON. No; the appropriation is before that. That is

not an item of appropriation. It is changing the existing law.

Mr. HEMENWAY. The Senator is very technical in his ar-

Mr. FULTON. I think it will have to be determined by somebody else other than the Senator from Indiana, as to whether he is technical.

Now, I will proceed to read subdivision 3, which I was reading before I was interrupted:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The idea was that an appropriation bill should be confined entirely to making appropriations for items that were required or provided for by law. It was supposed that Congress would provide by law for all the various institutions, and all the various matters pertaining to government that would require appropriations, and that the appropriation bill would simply carry the necessary items of appropriation for those matters that is, to enable the Government to be administered.

The Senators will also notice that this is followed immedi-

ately by this clause:

Nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

This shows that even though an amendment which was general legislation might be germane, it was not to be incorporated in an appropriation bill because it says, in the first place, broadly, that no amendment proposing general legislation shall be received. That is one proposition. Then it is followed by the further exception that no amendment not germane to the bill can be received.

Therefore, an item of appropriation that is entirely foreign to the purposes of this bill would not be germane to it and would not be admissible. For instance, suppose it were proposed to insert an item here for the improvement of a river or a harbor. It would not be germane to a legislative, executive, and judicial appropriation bill, and it would not be admissible. So all those things are provided against.

Consequently it will not do to say that the thought in providing for excluding general legislation from the bill was to exclude only all general legislation that is not germane to the bill. It will not do, in view of the fact that there is an independent clause which prohibits the introduction of any proposition that

is not germane.

If language is to be interpreted according to its ordinary and usual acceptation, if we are to read this rule as we read any other writing, no one can escape the conviction that it means just what it says-that an appropriation bill shall be confined to items of appropriations and the necessary language, of course, requisite to direct the manner of the expenditure of the appropriation, but that general legislation of any class or character shall not be incorporated therein.

Mr. SMITH of Michigan. Mr. President

Mr. FULTON. In just a minute. I called the attention of the Senate last Friday to the fact that we have in existing law a general statute fixing the annual salary of the Speaker and the Vice-President and various other officers. It is all in one statute. That statute itself is a general law. This is amendatory of it, and it is necessarily general legislation.

The VICE-PRESIDENT. Does the Senator from Oregon

yield to the Senator from Michigan?

Mr. FULTON. I do.

Mr. SMITH of Michigan. I should like to ask the Senator a question. If there was a provision in the bill reported by the Committee on Appropriations providing an item of \$100,000 or \$500,000 for the coinage of all the silver bullion in the Treasury at a fixed ratio, I should like to ask the Senator whether that amendment would be germane or whether it would be general legislation?

Mr. FULTON. I have not examined the bill sufficiently to see how far the executive departments are provided for in the bill, or how far they are designed to be provided for. It may be that under the Treasury Department it would be germane.

Mr. SMITH of Michigan. But the Senator has said that the provision with reference to general legislation and the provision with reference to the germaneness of an amendment were practically synonymous.

Mr. FULTON. No; the Senator is mistaken. Mr. SMITH of Michigan. I so understood the Senator.

Mr. FULTON. If I made such a statement as that I was totally unable to express the thought that was in my mind.

Mr. SMITH of Michigan. I certainly understood the Senator to say that.

Mr. FULTON. I said they are entirely different. They may include the same matter, but the amendment which prohibits general legislation is one propositon; the amendment which says that no matter that is not germane to the bill is another, and covers an entirely different matter, and properly.

Mr. President, I think that is all that I care to submit on this

proposition.

Mr. DEPEW. Mr. President, I listened with great interest to the discussion when this bill was last before the Senate, not only upon the point of order made by the Senator from Idaho [Mr. Borah], but also upon the general issues presented. I am in hearty accord with the idea that there should not be general legislation upon appropriation bills. It is a most dangerous way of enacting laws. There is no time or opportunity for the proper consideration of the measures. If general legislation, it is attached to a bill which must necessarily pass because of the necessities of the Government. I have seen during my service here many things which ought never to become laws, and which were not germane to the measures, pass in appropriation bills. I remember several instances where general legislation was attempted in the Indian appropriation bills affecting the title to lands in the Indian Territory and repealing the restrictions placed by law upon Indian alienations. same danger constantly arises in the agricultural appropriation bill, where the broadest general legislation is attempted and sometimes succeeds. But after studying the rules I am convinced that in the present instance the point of order will not lie. The exceptions to the rule prohibiting general legislation are in broad terms where the amendment is germane to the bill and has been reported favorably by a standing or select committee. The increase of salaries of the President, Vice-President, and Speaker above that which was in the bill when it came from the House was reported favorably by the Finance Committee, and again reported favorably by the Committee on Appropriations. The increase in the salaries of the federal judges was reported favorably from the Judiciary Committee, and again reported favorably from the Committee on Appropriations. That meets the requirements as to the necessity of a favorable report from a standing or select committee. The salaries of government officials are practically fixed every year in the appropriation bills. The House has sent to the Senate a bill making appropriations for the salaries of the President, the Vice-President, the Speaker of the House, and the federal judiciary

All that we are trying to do is to add to those salaries a sum which is, in the judgment of the committees, and if it passes will be in the judgment of the Senate, a proper compensation. To say that in matters like this the Senate rules prohibit action would be to declare that the Senate is simply a rubber stamp upon the proceedings of the House. We would be deprived of all legislative power by that narrow construction upon appropriation bills and compelled, like the Executive, to either accept or veto them. Such has never been the theory or practice in the Senate. If we admit that we can now legis-late in this bill, as I trust the ruling may be, upon this subject, the time, in my judgment, has arrived when action should be taken for proper remuneration of these high officials.

It has been suggested in this debate that we can not afford at the present time to increase these salaries because, on account of the condition of the Treasury and the revenues, it was doubtful if a river and harbor bill could be passed this session. A river and harbor bill usually carries \$80,000,000, while this increase will be only \$404,500, and the increase for the navy about \$20,000,000. The proposition is to give the President of the United States \$100,000 per annum. This is an increase of \$25,000 only, because he is now allowed \$50,000 as salary and \$25,000 for traveling expenses. The Vice-President and the Speaker of the House are to receive \$20,000 instead of \$12,000, as at present; the judges of the circuit court of appeals \$10,-000 each instead of \$7,000, and the judges of the district courts \$8,000 each instead of \$6,000.

The progress of our country in every field of endeavor and its development in resources, in wealth, and in opportunity for the last half century is the wonder of the world. In material advance we have outstripped every other nation, but we are behind them all in making the compensation of public officials accord with the varying conditions of the times. Jeffersonian simplicity is not an absolute but a relative idea. The simplicity of the Garden of Eden would hardly do for this period of blizzards and our modern notions of propriety. The simplicity of the stone age, when our ancestors lived in caves and ate their beef and fish raw and an animal's skin for the loins was their only garment and in full accord with the taste of the times. would not at present be adopted by the most democratic Member of this body. Jefferson received a salary of \$25,000 a year, and even with his notions of the simple life he sought to maintain the dignity of his office. He gave entertainments and made expenditures which took the whole of it. In every-thing which relates to the cost of living and to what the people expect of a President, \$25,000 in 1800 would go further than a hundred thousand in 1909.

I know no better illustration of the radical and rapid changes

which have taken place in aspiration, fortunes, and conditions of living than this recollection from my early life. Sixty-odd years ago I was a student in the preparatory course at the academy in the village where I was born. The boys were from all over the United States. The discussions among them then were more for political and literary honors than great fortunes, and, unhappily, now they are more for great fortunes than political or literary honors. But the limit then for the most ambitious in the way of accumulation was a hundred thousand dollars. There was not at that time a dozen men in the populous and wealthy county of Westchester who possessed that amount. Commodore Vanderbilt and John Jacob Astor were the only ones in the United States who were worth over a million. The families in the village, and it was a characteristic of the villages of the State, who owned their houses and had \$2,000 a year could keep a carriage and horses and entertain as liberally in the simple and inexpensive methods of those times as the social requirements of the place demanded; and even on a thousand a year, owning their own houses, people managed to get all the comforts and many of the luxuries of life.

Mr. HALE. At the time the presidential salary was fixed at \$25,000, how many incomes in the entire country does the Senator believe exceeded that sum?

Mr. DEPEW. I do not think at the time that salary was fixed there was a single income in the country that reached \$25,000.

Mr. HALE. Certainly very few.
Mr. DEPEW. I do not think there were any. Washington was the richest man in the country, but his wealth was in lands, and the income from those lands never yielded him any such amount.

Mr. HALE. The inventory could not have amounted to half a million dollars.

Mr. DEPEW. No. He was supposed to have been wealthy; but the estimates which were made later of the property which he held at that time made the amount about \$750,000.

Mr. BORAH. Mr. President——
The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. DEPEW. Certainly.

Mr. BORAH. I should like to ask the Senator from New York if he has any figures upon the cost of the necessaries of life and of living at that time to the ordinary workingman.

Mr. DEPEW. I think there was not a mechanic or a workingman in the United States at that time who earned over a

dollar a day.

Mr. BORAH. And his dollar could buy at that time twice as much of the necessaries of life as it will now.

Mr. DEPEW. I have not in my mind the price of material at that time, but I do know in the village of Peekskill, where I was born and where I lived, a house could be built for \$2,000 which can not be built now for less than \$10,000. seventy-five years ago. The wages of those days for the artisans were one-third what they are now, and yet those wages at that period secured for them quite as much as the increased earnings do to-day. We can not reckon the present by the past, but we must reckon the present by its own standards and neces-

We have been fortunate in our Presidents in their abilities, their characters, and their high appreciation and fulfillment of the duties of the chief magistracy of this Republic, but no American takes pride in the conditions which most of them had to meet after their retirement from office. Washington was the richest man in the United States, and his old age was passed upon his estates in the useful and pleasurable occupation of cultivating them and in dispensing a large and liberal hospitality. The picture of his declining years is wholly in sympathy and touch with the occurrences of his active life. Jefferson's wonderful position not only with his countrymen, but with statesmen and men of letters of foreign countries, made his home at Monticello a mecca for the prilgrimages of his admirers. The American people were proud and glad that the author of the Declaration of Independence could so live as to illustrate the best traits of an American gentleman, but the misery of those later years of the great statesman is the shame of his genera-He could not close his doors nor deny a seat at his table tion. to those who had come so far to do him honor. His guests, who were really the guests of the nation, ate him out of house and home. His private fortune was exhausted. A lottery was suggested to relieve him from debt. A popular subscription gave temporary relief. The sale of his library, and the loss thereby of his best loved companions, was a little help, but he died in anguish and in debt. His case presents the strongest possible argument that I know for pensioning our ex-

The American people do not look kindly upon their engaging again in the hot competitions of the bar or of business. lives, after his eight years in the Presidency, embalmed in the Monroe doctrine, which is the safety of the Western Hemisphere from European interference and conquest. He, too, lost everything in the effort to maintain in a simple way the dignity of his great place, and died in New York in poverty. Several of the Presidents who had private fortunes, though not large, were enabled to pass their declining days in a very modest way.

Harrison retired from the presidency possessed of very limited property. He was the greatest lawyer who ever occupied the presidential office and one of the ablest this country ever produced. He had to return immediately to the practice of his The only largely remunerative employment for a lawyer of his rank is in the service of corporations. In the eight years of his life, by the hardest kind of work and the simplest living he gained a limited competence for his family. But there was unpleasant criticism and a distinct feeling of annoyance in the press, and a feeling of annoyance among the people, coming home to him that he should be devoting his great talents to these, the only activities where he could use them, to take care of those who were dependent upon him.

Mr. Cleveland, another great President-great in his ability, his equipment, and his courage-returned to the bar. While welcomed by the judges and lawyers, the situation was not satis-He accepted a position as chairman of the board of presidents of certain great corporations. The place was highly honorable and remunerative, but the country would have been better served and better satisfied if, upon a liberal pension, he could, with ease of mind, have devoted his great abilities and experiences in the many ways open for such a man to serve the public outside the holding of office and have left a noble monument of contributions to constitutional interpretations and political literature for succeeding generations.

President Hayes said to me:

There is no place in the United States for an ex-President. If I could go into any of the great business enterprises of the country, I would be hardly fit, and the country would not think it proper, so I am devoting my life to delivering lectures before schools, academies, and colleges.

As he passed me one day in New York, carrying his own grip, I called the attention of a street vender of fruits to the fact that he was Rutherford B. Hayes, ex-President of the United States, and the opportunity was rare to see a man who had occupied such a high place. "Oh!" he answered, "I don't care to see him. He is down and out, and of no account.'

It will be many years, probably, before there will be pensions for retiring Presidents, but I think as long as we isolate so completely from material affairs the man who is big enough to fill this high position, and about whom public opinion places so many limitations when he returns to private life, that we should give him a salary out of which, after meeting, as the people want and require him to meet, the expensive obligations of his place, he should be enabled to save something for dignified retirement in his old age. The American people are not niggardly. They are far from it when propositions for expenditures are properly presented and understood. A hundred and sixty millions a year for pensions forty-five years after the close of the war is their answer to that.

The remark was made in debate that we pay our public officials, like the President, the Vice-President, and the Speaker for their services only, and that if they entertain it is their own affair, and an incident in which neither Congress nor the people are interested. I can not agree with that proposition. I have been at capitals abroad where the American minister could not be found in his residence because he lived so cheaply in comparison with his colleagues from other nations that he was ashamed to disclose his social condition, and yet in the mere matter of communication with the foreign office was an efficient public servant. But every American who came to that capital blushed for his country. A furnished house in Washington large enough and comfortably enough equipped to enable a Vice-President or a Speaker to receive the representatives of other countries, Senators and Representatives in Congress, and Cabinet ministers can not be had for a rental of less than \$6,000 a year. Yet the American people expect the Vice-President and the Speaker to be something more than mere presiding officers of the Both are in line for the Presidency, both are conspicuous in the eyes of their countrymen and examples in their personality and living of our American public life to the representatives here of foreign governments.

I knew of a Congressman in years gone by who fitted up a few rooms on one of the floors of a house on a back street, found

places in the government service for his children, whose wife did the housekeeping, and who saved his salary. There never was any criticism upon the service he rendered the Government in the House or on committees. After two terms he purchased a farm and became a landed aristocrat in his own State, but when his constituents found out how he had lived here they never returned him. Their idea of a simple life was not the simple life of the crossroads, but the life of a Representative in the Congress of the United States who was not only performing the duties for which he was paid, but was sustaining to the extent of his ability the dignity of the high office to which they had promoted him and the honor in that office of the district which had elected him

A cabinet officer in Europe receives, I think, about \$40,000 a year and a house, with all its appointments furnished by the State. The Speaker of the House of Commons is grandly located in the parliament palace, and if I am not mistaken, receives about \$40,000 a year and a retiring pension. The same is true of the President of the Chamber of Deputies in France. The President of the French Republic has a salary of \$125,000 a year, has the Elysee in Paris, which is the French White House, a fine country seat at Rambouillet, shooting in the great forest of Fontainebleau, and a fund for entertainment. In addition, all his traveling expenses, and they are many, especially in visiting foreign courts, are paid by the State.

It seems to me that the poorest paid of all our public servants,

when we consider what we require of the man in ability, acquirement, and equipment, are the judiciary. Judges of equivalent rank to our Supreme Court, though there is no court in the world which has such supereme power, in England receive \$40,000 a year and a retiring pension of \$20,000. The judges of all their courts are proportionately liberally paid.

I'think that the proposition is correct that the Chief Justice of the United States Supreme Court should have, as has always been the case, a salary as high as that of the Vice-President or the Speaker of the House. The question of judicial salaries is impressive because of differing conditions in different parts of the country. All of them must be treated alike, and yet those who reside where the cost of living is greater should not be famished because their brethren are more happily located.

We all know of districts where a judge can save money on \$6,000 a year. There are districts where the judge can live relatively as well and his family hold as reputable a social position on \$4,000 a year as his brother can on twelve thousand in New York. All will admit that relations with the judge ought not to be confined to the court room. He should be in touch for his own information and education with the social life of his district. He should live so that he need not be ashamed to receive visiting judges or lawyers who practice in his court and other citizens. The rule which economists have given is that a man's rent should be one-sixth of his expenditures. A furnished house in New York fit for a judge to live in and properly located could not be had for less than \$5,000 a year, nor a furnished apartment for less than \$3,000. We pay our state supreme court judges in the city of New York \$17,500 a year, and they can save nothing. When Governor Hughes be-came our chief magistrate and reorganized our public-service commission, he suggested, and the legislature adopted the suggestion, two commissions of five each—one for the city of New York and the other for the country. The governor and legislature thought that properly equipped men for that place could not be had for less than \$15,000 a year, and that is what they are paid. But the district judges of the United States court and the circuit judge living in the same place with one of these commissioners and charged with duties requiring greater equip-

ment, and passing upon questions of far greater moment, are paid, the one \$6,000 and the other \$7,000 a year.

It is a tribute to the lawyers of the United States that so many who could earn in their private practice ten or twenty times as much as the salary of a judge will, for the honor, accept these positions. But as the expenses of living increase, as they are rapidly increasing, and the privations of those who must maintain large and conspicuous positions upon inadequate means become more acute, the time may come when judicial positions can only go to men who have accumulated a competence or to failures at the bar. The one crying necessity of our public life is to so compensate men who hold high and responsible positions, both at home and abroad, that these offices shall not be confined by limitations of salaries to wealth or incompetence.

During the delivery of Mr. Depew's speech, The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes. Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered, and the Senator from New York will proceed.

After the conclusion of Mr. Depew's speech,

Mr. ELKINS. Mr. President, on the point of order I wish to say that I do not think this is such general legislation or changing existing law as forbids the adoption of this amendment, and I hope that will be the ruling of the Chair.

Mr. President, I agree heartily with the remarks made by the Senator from New York [Mr. DEPEW], and that I favor the increase of salaries to the judges of our federal courts, the Vice-President, and Speaker of the House of Representatives provided for in the amendments to the bill before the Senate.

It seems to me the time has arrived in our history when we can afford to be not only fair and just to these officials, but it is in the public interest that they be better compensated for their I favor increasing the salary of the President, making no allowance for expenses as proposed, for obvious and abundant reasons.

The Vice-President is elected by the people, who decide and declare he is not only qualified to discharge the duties laid upon him by law, but those of the President. He is next to the President. He is expected, during his term of office, to reside at the capital and live and entertain as becomes the second highest officer in the land.

As to the Speaker of the House, he is one of the hardestworked men in Congress; his duties are arduous, responsible, and great; he stands next to the President in molding and perfecting legislation, and by his rulings saves millions of dollars every year of the people's money, besides discharging a multi-tude of difficult and trying duties.

We vote promptly millions of dollars for public buildings here and there; we vote for enormous battle ships to defend our coast against foreign foes. I hear the last proposition is to build two battle ships the estimated cost of which is \$13,000,000 each, besides a million annually for maintenance. These battle ships may never be used and may become obsolete before they are put to the test of warfare on the sea.

It seems as if one day our battles might be fought in the skies, where our battle ships will have to navigate in a fluid lighter than water. While providing at enormous cost for battle ships to fight battles on the sea, which may never be fought, and prevent foreign invasion, which may never be attempted, we should take more account of some of our affairs on land and the things that make for the preservation of the Constitution, better security of our liberties, and the protection of life and property. We need battle ships on land, as well as on the sea, but of a very different sort.

The judiciary is our navy on land. This navy requires no original investment, only the cost of maintenance; and how parsimonious we have been. The liberties of our people, their lives and property, depend upon the judiciary. While we may anticipate battles on the sea and invasion from a foreign foe,

these may never occur.

On land, however, there is a constant battle, incessant fighting all along the line to preserve the Republic and the Constitution in its integrity as our fathers gave it to us, to enforce the laws, to compel justice everywhere, and allow no oppression or wrong to the humblest citizen, and the chief instrumentality in this great warfare and doing all these things is the judiciary. late the judiciary has been assaulted as never before in our history, and, strange to say, attempts have been made to discredit it by those it most protects. This is the worst sort of

The Supreme Court of the United States is regarded by loyal and thoughtful people as the best safeguard of the Constitution and the best bulwark of the Republic. The Supreme Court is the mightiest force in the wide world; it has the last word in the final settlement of all great questions arising under the laws and the Constitution; back of its decrees, orders, and judgments stands the entire strength of the Republic and every gun on land and sea to give them force.

The office of Chief Justice ranks in dignity and importance next to that of the President. In no nine men living is there vested as much power as is given to the judges of the Supreme Court of the United States, and on no nine men rests such vast responsibilities. For integrity, learning, patriotism, and right conduct, the federal judges of the United States have made a

record that compels the approval and admiration of all people where courts of justice administer law.

Relatively speaking, the pay and compensation to federal judges is inadequate. The salaries of the judges of our federal courts are so meager they can not afford to entertain their neighbors as they are entertained; they can not afford to maintain a social standing equal to the demands of their position. They live in the most modest and economical way to make ends meet, and their children, instead of inheriting a competency, or even anything, get nothing from their fathers but a good name and poverty.

Most any good lawyer, with a fair practice, earns more than the judges of our district and circuit courts. The other day my attention was called to the trial of a cause before one of the district judges of the United States in my State receiving \$6,000 a year for his services, where each attorney got a fee in the case more than the salary of the judge for an entire year, and in this case, as in most all others, the judge had to do as much work as the attorneys.

Measured by their learning, the duties and responsibilities laid upon them, the importance of what they have to do and the labor they must give to the consideration of cases, decisions, and trials, they are not compensated as well as other officials.

We do not hesitate to give millions for the construction of battle ships, public buildings, and everything that will help the material progress of the Republic, but we stint our judges and our parsimony is both unfortunate and reprehensible. judiciary should be independent, our judges beyond want and not compelled to give their time and attention as to how they can maintain themselves and families and make ends meet, but give all their time and the best in them to the great work they have in hand. They should be paid adequate salaries, be made independent, and their families removed from want. What would be the value of all our battle ships and our public buildings; what would our material progress, our navy and army avail, if our liberties, lives, and property are not secure?

I believe some day the Chief Justice of the Supreme Court of the United States will be paid \$50,000 a year, and for my part I favor now that his salary be fixed at \$25,000 per annum and associate justices at \$24,500. If I had my way, I would advance the salary above that named in the amendments to the bill, to district judges, judges of the supreme court and court of appeals in the District of Columbia, and also the judges of the Court of Claims.

Mr. President, I am heartily in favor of the pending amendments, and hope they will be passed.

Mr. BOURNE. Mr. President, I crave the indulgence of the Senate for a few moments in order that I may submit my reasons, which I have reduced to writing, for favoring the increase in the salary of the President and Vice-President of the United States and of the Speaker of the House of Representatives. confine my attention particularly to these offices, as I was the author of the President's and Vice-President's salary bill introduced in the Senate and referred to the Committee on Finance and by them reported to the Senate with amendments, though I am also in favor of increasing the judicial salaries, as provided for in the legislative bill.

It is said that republics are ungrateful. And in a measure it is true, because the conception of citizenship in a republic is that the citizen should be first of all a patriot and then a Spartan. The circumstances and environments surrounding those who established our Republic were excuse enough to warrant them in the adoption of these concepts as rules of action, which by the sheer force of national growth and the develop-

ment of higher ideals of life and duty have now become obsolete.

It sufficed for them to make haste in a week's journey from Philadelphia to New York, to live lives of frugality and priva-tion, to turn a dollar once a year, to receive little for toil and spend less than was received, to be as sparing of charity for their fellows' wants and shortcomings as of their own meager incomes, and to look upon a public servant, in the matter of repaying service, as a servant indeed; but withal to regard public service eminently honorable, and the attaching power and distinction most desirable; in fact, so desirable as to induce into its ranks men of the best brains and highest ideals and patriotism.

It came about therefore in the most natural way possible that the people did not feel called upon to offer, nor the public servant to demand, more than sufficed to meet the need of the passing hour.

Hence in this age of hundred-million-dollar fortunes, where, in this country, at least, the industrial force of society has, in large measure, overshadowed the police powers of the state, we still behold the salaries of governors of magnificent Commonwealths in our Union fixed by constitutions and by laws at sums as low as \$1,500 per year; judges of our courts, wherein the property rights of litigants involved amount to millions of dollars, paid beggarly salaries, as low as \$3,000 per annum; state legislators, who are in vain being elected and called upon by the people to dethrone industrial usurpation and reenthrone the police powers of the state, receiving stipends of \$3 per day for a few days once in an average of two years, and our federal judges receiving salaries wholly inadequate for the rearing and educating of their children and the laying by of a competency at all commensurate with the necessity for them to retire from the bench before senility or death overtakes them.

In many respects we are not only a magnificent Nation, but we are also a magnanimous one. Our national wealth is estimated at \$127,000,000,000-a sum utterly beyond human comprehension-which is the present measure of our tax-paying capacity, and upon which we raise the revenue directly or in-directly to pay, among other things, our public servants the munificent salaries they receive. This magnificence of national wealth comes to us by the genius of our manhood, by the genius of our institutions, including honest and able government, and by chance. It chanced, providentially, that within our borders nature spread out in abundance all of the materials necessary for the creation of wealth. Nowhere on the face of the globe has she in her own generous way more bounteously given of all she had to give to man. Chance, pure and simple chance! Under the benign influence of popular government, whose genius is the liberty and freedom of the individual citizen from restraint, American Anglo-Saxon manhood has had free play; and behold, the spoliation of the face of nature in the creation of vast factories, as diversified as the wants of man; railroads and telegraphs that cobweb a continent, with all that that means; wildernesses converted into fertile fields and smiling farms; mines opened and pouring forth their treasures in streams; a country developed until it counts its hamlets, towns, and cities by tens of thousands, and magnificent cities that count their inhabitants by millions. Wonderful is the magnificence of our nation, whose pride is the parent of its magnanimity!

But our munificence to our public servants will never bankrupt us. We may go on piling up billions of wealth for yet another century, multiplying millionaires, and remain oblivious to the fact that the demands on public servants grow more exacting with the growth of the Nation and the passing of the years, while brains and energy rise in marked value in every vocation except in the public service. Private concerns pay mining engineers, for instance, more than we pay our Presidents. Washington at his death was wealthy, according to the standards of wealth in his day, but his estate measured in dollars would be a very common affair now, such as thousands of obscure men in this country may boast as the result of modest commercial enterprise commanding no great brain power and paying only what thrift, prudence, and industry now pay in numerous walks of life.

The governing of a nation then that numbered no more people than now dwell within the city of New York, whose common interests were comparatively few, simple, and widely separated, entailed less care upon the President a century and a quarter ago than is entailed upon a mayor to-day in the governing of a city of 150,000 people whose public and private interests are mingled in a complex struggle for supremacy. Not alone in the material growth and development of this great nation, but in its many times multiplied interests and constantly widening circle of differentiation in that development, have the responsibilities of the nation's Chief Executive enormously increased, until now any man falling below the weight and stature of a physical and mental giant has no possible business in the Presidency of the United States, and the man who can faithfully, intelligently, and acceptably discharge its duties, with the necessary training, would be big enough in any other walk of life to command first place on the pay roll.

The work entailed upon a Chief Executive of the United States of to-day, as against that entailed on a President in the early days of our Republic, is just as much greater as our domain, our population, our national wealth, and our national revenues are now than they were then, and the demands upon a President's nerve forces are proportionately increased. As it is the nerve strain which sets the pace that kills, this increased demand upon a President's energies is a relatively increased menace to his health and life.

I am submitting a table herewith of the Presidents from Washington to McKinley, each inclusive, showing the age of each when inaugurated, the years of service in the office, the age at retirement, the age at death, and the years surviving retirement. Of the 24 Presidents, all but 4 of them were well beyond

the age of 50 years when elected. With the exception of Washington and Monroe, all who preceded the elder Harrison lived after their retirement from eight to twenty-four years, or an average of seventeen years each; while from Harrison to Mc-Kinley, 16 in number, but two—Buchanan and Cleveland—reached 75 years of age, 6 of the 16 being overtaken by death, 3 of whom were assassinated before or at the expiration of their terms, and the period of retirement of the 10 who did survive dropped down to an average of ten years, or for the whole 16 down to six and one-fourth years. The point I make in this relation is: The risk to the life of the Presidents as a result of the increasing burdens of the office should be compensated for by the Government for the benefit of their families and those naturally dependent upon them.

As the family is the unit upon which the state is founded, it is not only the inclination, but the duty of the husband and father as the head of the family to anticipate the needs and requirements of those dependent upon him by accumulating a reserve to meet these requirements in case of his untimely demise and to launch upon the sea of life his offspring in as befitting a manner as lies in his power.

I do not favor pensioning our ex-Presidents. The theory of pensions is one of charity, that is out of place in a republic, being made to stand as the measure of the citizen's patriotism and the measure of the government's justice. It is an adjunct primarily of paternalism in monarchies and of socialism in republics. The servant is worthy of his hire, which I submit should be determined, in a measure at least, by the risks incident to the occupation, by the ability of the servant to perform what he is hired to do, and by the magnitude of the responsibilities incident to the service.

Illustrating the points I have made:

Table I.

President.	Age when inau- gura- ted.	Years of serv- ice.	Age at retirement.	Age at death.	Survived retirement, years.	Remarks.
Washington	57	8	65	67	2	
Adams	62	4	66	90	24	
Jefferson	58	8	66	83	17	
Madison		8	66	85	19	
Monroe	59	8	67	73	6	
J. Q. Adams		4	62	80	18	
Jackson	62	8	70	78	8	
Van Buren	55	4	59	79	20	
Harrison	68			68		Died in office.
Tyler	51	4	55	71	16	area in onice
Polk	50	4		54		Died in June after retirement.
Taylor	65			65		Died in office.
Fillmore	50	4	54	74	20	Died in office.
Pierce		4	53	64	11	
Buchanan	66	4	70	77	7	
Lineoln	52	4		56	- '	Assassinated.
Johnson	57	4	61	66	5	
Grant		8	55	63	8	
Hayes	54	4	58	70	12	
Garfield	49	1		49		Assassinated.
Arthur	51	81	54	56	2	- Annual Control of the Control of t
Cleveland	{ 48 56	} 8	64	75	11	
B. Harrison	55	4	59	67	8	
McKinley	53	4		57		Assassinated.

A glance at the table above will indicate some of the risks incident to holding the high office of President in this Government, and a close study, I think, will disclose a decreasing life tenure corresponding to the increase of the responsibilities of the office of those occupying the Presidency since the days of Buchanan, when the Republic's especially strenuous career as a nation opened.

It has never been the practice of biographers to parade the poverty of our Presidents, omitted, perhaps, in the hope that posterity might forget, or out of due regard for Liberty's Goddess, whose fair face they hoped to spare from the mantle of shame. Nor will I parade the facts, except to say that, measured by the standards of to-day, not one of our Presidents was a rich man, while most of them would now be deemed poor. Therefore, I also draw the veil and have expunged from the financial column of the above table the figures I had there originally written. It is enough to say, perhaps, that the heirs of but a single one of our Presidents figure as even moderately wealthy men to-day.

I submit another interesting table as of 1904, except as to the South American republics and Mexico, bearing upon the subject of increased salaries for our President and Vice-President.

It relates to the civil lists of European and American countries, their populations, square miles of territory, national wealth, and revenues, and is offered for purposes of comparison.

The stupendous civil lists of Europe are the price the people there pay for royalty, with the exception of France, to which I shall call special attention later.

Table II.

Country.	Ruler.	Annual civil list.	Popula- tion.	Square miles.	Estimated national wealth.	Revenues.
Austria-Hungary Belgium Denmark Germany Great Britain Greece Italy The Netherlands Portugal Roumania Servia Spain Sweden and Norway (1904) Turkey France	Leopold II	665,000 208,800 3,143,859 2,284,200 297,000 3,011,000 266,500 567,000 252,000 204,000 1,430,000	45,273,048 6,603,548 2,464,700 56,387,178 41,362,510 2,433,806 5,283,232 5,428,659 5,912,520 2,463,700 7,415,103 24,331,600 38,901,945	241,333 11,378 15,390 208,830 120,979 25,014 110,550 12,648 30,048 50,720 18,630 190,050 297,006 1,115,046 207,054	\$24,310,000,000 5,440,000,000 2,310,000,000 45,010,000,000 65,689,000,000 16,950,000,000 2,250,000,000 2,250,000,000 900,000,000 13,400,000,000 3,750,000,000 54,350,000,000	\$240,994,000 \$5,494,675 \$5,494,675 \$19,247,002,000 \$471,002,000 \$13,650,532 \$17,349,532,000 \$56,352,000 \$56,352,000 \$25,001,000 \$25,001,000 \$60,500,956 \$1,893,465 \$691,849,500
	AMERICAN REPUBLICS.		- 200			
Mexico	Penna Alcorta Montt A. B. Leguia Claudio Williman	84,500 86,500 12,548 40,570 69,109	13,606,000 14,334,000 5,678,000 3,239,000 4,500,000 1,038,000 85,000,000	767,060 3,219,000 1,135,840 279,901 713,859 72,210 3,692,125	\$3,500,000,000 10,750,000,000 8,400,000,000 3,760,000,000 900,000,000 1,250,000,000 127,625,000,000	\$51,692,500 138,908,346 105,500,000 63,500,000 13,396,330 20,301,731 707,893,465

a Estimated five to ten millions.

The civil lists of the royal houses of Europe, considered as percentages of the revenues of the realms, respectively, would lead to the conclusion, if we did not know better, that monarchical government is conducted as a private business for profit on a dividend basis of about two-fifths of 1 per cent to per cent of the gross income of the state, as illustrated in the cases of England and Greece. Here are the figures:

TABLE III.

Percentage of revenues paid to rulers in European countries: Per cent of

	venues.
Austria-Hungary's civil list	11
Belgium	11
Denmark, a little less than	15
Germany, a little less than	2 of 1
England, a little less than	g of 1
Greece, a little more than	2
Italy, a little more than	110
The Netherlands, a little more than	å OI 1
Portugal, a little less than	1
Roumania, a little less than	1
Servia, a little less than	18
Spain, a little less than	110
Sweden and Norway	a of 1
France	Bos of 1

France is very rich; she is very frugal; she is a republic; she is not ungrateful; she pays her President \$114,000 as an annual salary and \$114,000 for expenses; total, \$228,000. Her estimated national wealth is \$54,250,000,000-less than one-half of the wealth we boast by twenty billions, and upon that as the basis of her tax-paying capacity she raises \$691,349,500, a sum only \$16,000,000 less than we raise on a basis of \$127,625,000,000 in national wealth. If our revenues were really raised on the national wealth, and in a sense they are, and we were paying relatively the same tax on it that the French people pay on theirs, then our revenues would reach more than fifteen hundred million dollars annually, and our President's salary and civil list would represent about one twelve-hundredth part of 1 per cent of that revenue.

Showing the percentages of the revenues paid their rulers by the American republics in the form of civil lists:

	venues.
MexicoBrazil a little over	% of 1
Argentina a little less than	is of 1
Peru a little overUruguay a little less than	3 of 1
United States	45 Of 1

The actual salary of the President of the United States was one fourteen hundred and fifteenth $(\frac{1}{1415})$ part of 1 per cent of the revenues of the Government for 1904, when they amounted to upward of \$707,050,000.

Perhaps with pride we can point to this last item. It depends upon who does the pointing and the view point. We cer-

tainly should pay our Chief Magistrate a compensation commensurate with the duties he performs, the sacrifices he makes, and the risks he runs. Otherwise, whether we gauge his salary by the measure of our 85,000,000 of people, our 3,600,000 square miles of territory, our \$127,000,000,000 of national wealth, or our \$700,000,000 of annual revenue, or by all of them, and compare it with that paid to other rulers and presidents in the world, we must appear utterly ridiculous in the eyes of mankind.

The Vice-President, nominated by his party and elected by the people, is thus estimated by the popular verdict to be qualified in every way to act as the Nation's Chief Executive, should occasion demand.

The Speaker of the House of Representatives occupies a position next in honor to the Vice-President and second in power only to the President himself.

Upon the honesty, ability, and justice of judges rests the very stability and duration of our Government itself.

Mr. President, in conclusion I would ask, Do the American

people in this age of enlightenment and national and individual dynamic efficiency want their leading great offices restricted to rich men only? Do they want their public servants to be under obligations to any persons but to themselves? Do they want to repay good service with selfishness and unappreciativeness? No; most certainly not. We all know that the American people are just, generous, and appreciative, and I feel sure that if this question was submitted to the people, they would practically unanimously vote to give their leading public servants much higher compensations than those provided for in this bill.

Mr. OWEN. Mr. President, the question before the Senate is not as to the expediency of increasing the salaries as proposed in this bill. The question before the Senate is not whether it is wise or unwise. The question which the Senate has before it is to determine whether under Rule XVI this amendment can be placed in a general appropriation bill.

I do not wish to detain the Senate in considering this matter. I believe it is the feeling of the majority of the members of the Senate that these salaries ought to be increased, and certainly without straining Rule XVI by a forced construction this purpose can be accomplished under Rule XI, which permits the Senate to suspend, modify, or amend any rule which may be interfering with the action desired by the Senate. I think it would be an unfortunate thing for the Senate to make a forced construction of Rule XVI, because it has been found by long experience that general legislation ought not to be permitted on a general appropriation bill, and this rule is a wise one and should be construed in accordance with its plain meaning and not encourage its breach by a forced construction for mere expediency's sake.

I wish to call the attention of the Senator briefly to the fact that paragraph 1, under its usual and reasonable interpretation, in no wise conflicts with the proper interpretation of paragraph 3. Paragraph 3 is peremptory. It declares in the most positive manner that "no amendment which proposes general legis-

lation shall be received to any general appropriation bill." The Senate has repeatedly construed that provision of paragraph 3. It did so only a year ago. On March 21 the Senator from Arkansas [Mr. Clarke] proposed an amendment that the judges of the district courts of the United States shall be allowed the sum of \$6 per day as expenses of travel, and so forth, an item which had been passed upon by the Judiciary Committee and was offered because of that fact. But because it was general legislation, obnoxious to paragraph 3 of Rule XVI, the President of the Senate very properly sustained the point of order made against it by the Senator from Illinois [Mr. Cullom]. I wish the decision in that case incorporated in my remarks.

The VICE-PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

[From Congressional Record, March 21, 1908.]

Mr. CLARKE of Arkansas. Mr. President, I am authorized by the Judiciary Committee to offer the amendment which I send to the desk. I ask that it be made an independent section.

The Vice-President. The Senator from Arkansas offers an amendment from the Judiciary Committee as a separate section, which will be

The Secretary. It is proposed to insert as a new section the fol-

That hereafter the judges of the district court of the United States shall be allowed the sum of \$6 per day as expenses of travel and attendance for each day that any such judge shall be necessarily absent from his place of residence in holding court or in the discharge of other judicial duties in any other place in the district whereof he is judge. That for the purposes of this act any such judge shall be deemed to reside in that place in his district in which his time is principally employed in holding court and otherwise discharging his official duties. Said sum to be paid upon the written certificate of such judges, and such payment shall be allowed the marshal in the settlement of the accounts of the United States."

Mr. Clarke of Arkansas, Just a word in explanation of the amendment.

ent.

Mr. Cullom. Mr. President—

Mr. Clarke of Arkansas. If the point of order is to be raised against to amendment, I shall not take a moment of time in explaining it.

Mr. Cullom. Mr. President, I wish to make the point of order against the amendment.

Mr. CLARKE of Arkansas. If the point of order is to be raised against the amendment, I shall not dake a moment of time in explaining it.

Mr. CULLOM. Mr. President, I wish to make the point of order against the amendment.

Mr. CLARKE of Arkansas. Then it is useless to take the time of the Senate in discussing the amendment.

The VICE-PRESIDENT. The point of order is sustained.

Mr. CULBERSON obtained the floor.

Mr. CLARKE of Arkansas. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. CLARKE of Arkansas. Mr. President, I think I yielded prematurely on the matter of the amendment which I just offered. I ought to have carried my statement a little further. It is an amendment suggested by a standing committee of the Senator from Illinois.

Mr. CLLARKE of Arkansas. That may be true, but any amendment is new legislation. If it were not new legislation it would not be an amendment: but does it propose the kind of new legislation that is prohibited by the rules of the Senate?

Mr. CULLOM. I have no question but that it is in conflict with the rules of the Senate.

Mr. CULLOM. All right. I call attention, Mr. President, to paragraph 3 of Rule XVI, which provides that—

"No amendment which proposes general legislation shall be received to any general appropriation bill nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received to any general appropriation bill nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received to Shall any amendment to any item or clause of such bill be received to shall any amendment to any item or clause of such bill be received by the Senator from Minnesota [Mr. Nelson] and was intended to be proposed to the bill providing for the sundry civil expenses of the Government. It was referred to the Judiciary Committee, and what I now offer is the provision which was agreed upon by that committee, which directed me to present it to the Senate.

Mr. CULLOM.

Mr. OWEN. Under paragraph 1 of Rule XVI it is provided

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

Except under certain conditions, that is-

unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

Numerous items may be inserted on an appropriation bill under the language of paragraph I without in anywise contravening the prohibition of paragraph 3, forbidding general legislation on a general appropriation bill.

Mr. President, under the term "general legislation" there should be no manner of doubt, because the question of what is general law, the question of what is general legislation, has

been decided and passed on by the courts of nearly every State of the Union—New York, Pennsylvania, New Jersey, California, Missouri, Mississippi, Florida, and many others—and these authorities I desire to submit to the Senate; and without taking the time of the Senate or trespassing upon its patience by reading these authorities, I ask permission to incorporate the decisions of the courts of the country upon these terms "general law" and "general legislation," and the "definitions" set forth in their opinions. I think the Senate ought to have its attention called to the views of the courts defining "general

The judicial interpretations and definitions are as follows:

GENERAL LAW.

The junctial interpretations and definitions are as follows:

GENERAL LAW.

The term "general laws" is one which has been employed to designate different classes of laws. Examples of its various signification are given in Bouvier's Law Dictionary, where it is shown that its use is common with reference to the subject-matter of statutes, as well as to the extent of territory over which statutes are intended to operate. There it is shown to be in use as the antithesis of "private," also of "local," and also of "special" statutes, and it is said that "in deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to." Legal writings abound with instances where enactments of the general law-making department are mentioned as general laws by way of distinguishing them from municipal laws. (Southern Express Co. v. City of Tuscaloosa, 31 South, 460, 461; 132 Ala., 326.)

A law may take its general nature either from its territorial comprehensiveness, or from the nature of its subject-matter, or from both. A law may be of a general nature being alone due to its territorial comprehensiveness. A law which is general by reason of its territorial comprehensiveness. A law which is general by reason of its territorial comprehensiveness only can no more be limited in its operation territorially by a subsequent special law than one which is general in the nature of its subject-matter. (Mathis v. Jones, 11 S. E., 1018, 1019; S4 Ga., S04.)

Constitution, article 11, section 6, declaring that cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution shall be subject to and controlled by general laws, does not mean the general laws the legislature is commanded to pass for the incorporation, organization, and classification in proportion to population of cities and towns, or amendments thereto, because it is by the constitution was adopted to become organized under such general acts of incorporation,

AS RELATING TO ALL OF A CLASS.

The word "general" comes from "genus" and relates to a whole genus or kind; or, in other words, to a whole class or order. Hence a law which affects a class of persons or things less than all may be a general law. (Brooks v. Hyde, 37 Cal., 366, 376.)

A statute which relates to persons or things as a class is a general law. (Clark v. Finley, 54 S. W., 343, 345; 93 Tex., 171. Ewing v. Hoblitzelle, 85 Mo., 64, 78. State ex rel. Maggard v. Pond, 93 Mo., 606, 641; 6 S. W., 469, 471 (citing State ex rel. Llonberger v. Tolle, 71 Mo., 645). State ex rel. Harris v. Herrmann, 73 Mo., 340, 353. Hamman v. Central Coal & Coke Co., 56 S. W., 1091, 1092; 156 Mo., 232 (quoting Lynch v. Murphy, 119 Mo., 163; 24 S. W., 774). Van Riper v. Parsons, 40 N. J. Law (11 Vroom), 1, 8. Sawyer v. Dooley, 32 Pac., 437, 440; 21 Nev., 390. Central R. Co. v. State Board of Assessors, 2 Atl., 789, 798; 48 N. J. Law (19 Vroom), 1; 57 Am. Rep., 516. Cox v. State, 8 Tex. App., 254, 289; 34 Am. Rep., 746. In re New York Elevated R. Co. (N. Y.), 3 Abb. (N. C.), 401, 417, 422.)

The number of persons upon which the law shall have any direct effect may be very few, by reason of the subject to which it relates, but it must operate equally and uniformly upon all brought within the relations and circumstances for which it provides. A statute, in order to avoid a conflict with the prohibition against special legislation, must be general in its application to the class, and all of the class within like circumstances must come within its operation. (Daily Lender v. Cameron, 41 Pac., 635, 639; 3 Okla., 677. Gay v. Thomas, 46 Pac., 378, 586; 14 Utah, 383.)

A general act is one which has room within its terms to operate on all of a known class of things, present and prospective, and not merely on one particular thing, or on a particular class of things, existing at the time of its passage. (City of Topeka v. Gillett, 4 Pac., 800, 803; 32 Kans., 431.)

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on one particular faining, or on a particular class of tinings, existing at the time of its passage. (City of Topeka v. Gillett, 4 Pac., 800, 803; 32 Kans., 431.)

A general law is one framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (Trenton Iron Co. v. Yard, 42 N. J. Law (13 Vroom), 357, 363. Riper v. Parsons, 40 N. J. Law (11 Vroom), 123, 125, 29 Am. Rep., 210.)

by themselves. (Trenton from Co. 25, 29 Am. 357, 363. Riper v. Parsons, 40 N. J. Law (11 Vroom), 123, 125, 29 Am. Rep., 210.)

A law is general when it applies equally to all persons embraced in a class founded upon some natural or extrinsic or constitutional distinction. It is not general or constitutional if it confers particular privileges or imposes peculiar disabilities or burdensome condition in the exercise of a common right upon a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law. (Robinson v. Southern Pac. Co., 38 Pac., 94, 98; 105 Cal., 526; 28 L. R. A., 773 (citing City of Pasadena v. Stimson, 91 Cal., 238; 27 Pac., 604).)

General laws are those which relate to or bind all within the jurisdiction of the lawmaking power, limited as that power may be in its territorial operation or by constitutional restraints. A law applicable to all the counties of a class as made or authorized by the constitution is neither a local nor a special law. If it applies to all the counties of a class authorized by the constitution to be made, it is general law; and whether there may be few or many counties to which its provisions will apply is a matter of no consequence. (Cody v. Murphey, 26 P., 1081, 1082; 89 Cal., 522.)

While it is true that a law which applies to all of a class in a State is held to be a general law, it is equally true that one which applies to only a part of a class is a special law. Thus, in Dundee Mortgage and Investment Company v. School District No. 1 of Multnomah County

(U. S.), 19 Fed., 359, it was said that an act providing for the assessment of mortgages is so far a general act; it comprehends the genus. But an act providing for the assessment of all mortgages for a sum exceeding \$500 or not payable within one year from the date of their execution is special; it comprehends only a species of mortgage. Hence, a statute relating to the taxation of railroads which does not comprehend all but only two county railroads is not a general law. (People v. Central Pac. R. Co., 23 Pac., 303, 309; 83 Cal., 393.)

A statute for the assessment and collection of taxes which applies to all incorporated cities and towns in the State is a general and not a special law within the meaning of the constitution. (People v. Wallace, 70 III., 680, 681.)

A law embracing all cities or all townships is a general law within the meaning of the constitution, because of their marked peculiarities. They are by common consent regarded distinct forms of municipal government, and so constitute a class by themselves. (State v. City of Trenton, 42 N. J. Law (13 Vroom), 487.) But where an act authorizing township trustees to pay for macadamizing streets, etc., excepts from its operation certain townships, it is not a general law. (Dobbins v. Northampton Tp., 14 Atl., 587, 589; 50 N. J. Law, 496.)

As Relating to All in Like Circumstances.

AS RELATING TO ALL IN LIKE CIRCUMSTANCES.

AS RELATING TO ALL IN LIKE CIRCUMSTANCES.

A law is general and uniform if all persons in the same circumstances are treated alike. (D. H. Davis Coal Co. v. Polland, 62 N. E., 492-496; 158 Ind. 607.)

Laws are general and uniform, not because they operate upon every person in the State, for they do not, but because every person that is brought within the relations and circumstances provided for is within the law. They are general and uniform in their operation upon all persons in the like situation, and the fact of their being general and uniform is not affected by the number of those within the scope of their operation. (Arms v. Ayer, 61 N. E., 851, 855, 192; Ill., 601; 58 L. R. A., 277; 85 Am. St. Rep., 357; McAumich v. Mississippi & M. R. Co., 20 Iowa, 338; Iowa R. Land Co. v. Soper, 39 Iowa, 112, 116.)

A law is to be regarded as general only when its provisions apply to all objects of legislation distinguished alike by qualities and attributes which necessitate the legislation or to which the enactment has manifest relation. Such law must embrace all and exclude none whose conditions and wants render such legislation equally necessary or appropriate to them as a class. (Warner v. Hoagland, 51 N. J. Law (22 Vroom), 66, 68, 16 Atl., 166; Randolph v. Wood, 7 Atl., 286; 49 N. J. Law (20 Vroom), 85; on error, 15 Atl., 271, 275; 50 N. J. Law (21 Vroom), 175 Helfer v. Simon, 53 N. J. Law (24 Vroom), 550; 22 Atl., 120; Dexheimer v. City of Orange, 36 Atl., 706, 707; 60 N. J. Law, 111; Hoas v. O'Donnell, 37 Atl., 447, 449; 60 N. J. Law, 35.)

CHARACTER OF SUBJECT-MATTER.

CHARACTER OF SUBJECT-MATTER.

Without undertaking to discriminate nicely or define with precision, it may be said that the character of a law as general or local depends on the character of its subject-matter. If that be of a general nature, existing throughout the State, in every county, a subject-matter in which all the citizens have a common interest, * * * then the laws which relate to and regulate it are laws of a general nature, and, by virtue of the prohibition referred to, must have uniform operation throughout the State. (State v. Davis, 44 N. E., 511, 512; 55 Ohio St., 15 (quoting Kelley v. State, 6 Ohio St., 269).)

A law framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purposes of legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves, is not a special or local law, "but a general law." (Van Riper v. Parsons, 40 N. J. Law (11 Vroom), 123, 29 Am. Rep., 210.) To justify separate legislation for town or counties, there must be something in the subject-matter of the enactment to call for and necessitate such legislation. (In re Cleveland, 19 Atl., 17, 19; 52 N. J. Law (23 Vroom), 188, citing Hammer v. State, 44 N. J. Law (18 Vroom), 667.)

FORM OR DECLARATORY PROVISION.

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The term "general law" in constitution, article 7, section 21, providing that no general law shall be enforced until it is published, includes all public laws which are such by their own nature, but not laws which by their own nature are private, but by a provision therein are declared to be public. (Burhop v. City of Milwaukee, 21 Wis., 257, 259.)

An act is nevertheless general, though it may not operate on all cities of the State. If it is general and uniform throughout the State, operating on all of a certain class or on all who are brought within the relations and circumstances provided in the act, it is not within the constitutional inhibition against special legislation. The form or professon of an act does not control; and although it is general in form or pretense, if it necessarily produces a special result, it can not be upheld. (State v. Hunter, 17 Pac., 177, 184; 38 Kans., 578.)

NUMBER IN CLASS

upheld. (State v. Hunter, 17 Pac., 177, 184; 38 Kans., 578.)

NUMBER IN CLASS.

A law is general if nothing be excluded that should be contained. If the only limitation contained in a law is a legitimate classification of its objects, it is a general law. Hence if the object of the law has characteristics so distinct as reasonably to form, for the purpose legislated upon, a class by itself, the law is general, notwithstanding it operates upon a single object only, for a law is not general because it operates upon every person in the State, but because every person that can be brought within its predicament becomes subject to its operation. (Budd v. Hancock, 48 Atl., 1023, 1024; 66 N. J. Law, 133.)

The fact that an act is really applicable to but one municipal corporation, or, in other words, that there is but one which, at the time of its enactment, comes under its provisions, is not sufficient to make a law special and not general. But the question presents itself whether or not the legislature can create a class on the basis of indebtedness and define the amount and character of the indebtedness which shall characterize the class. We are unable to see any reason why it can not do so equally as well as on the basis of population; and an act by its terms applicable only to a city having an indebtedness to the amount of \$200,000, in the payment of which it has defaulted, is a general law. (Ex parte Wells, 21 Fla., 280, 313.)

Within the meaning of the constitution forbidding the legislature to pass special or local laws for the assessment and collection of taxes, and providing that all such laws shall be general and of uniform operation throughout the State, an act which is general in its terms, embracing all railroads in a similar condition in the State, is a general act, although there may not be but one railroad in the State to which the act applies. A statute which relates to persons or things as a class is a general law, while a statute which relates to particular persons or things of a class is special. T

class. (Bloxham v. Florida Cent. & P. R. Co., 35 Fla., 625, 733; 17 South., 902, 924, 925.)

Laws are general if they apply to a class, though the class may be very limited, or even where there is but one of the class; but the law must be general in its application and embrace all of the given class, and not be specific in its application to a particular person or thing. In State v. Cooley (58 N. W., 150; 56 Minn. 540) it is said another proposition that may be laid down as beyond the question is that, if the basis of the classification is valid, it is wholly immaterial how many or how few members there are in the class. One may constitute a class as well as a thousand, although, of course, the fewer the numbers the closer the courts will scrutinize the act to see that it is not an evasion of the constitution. (Guthrie Daily Leader v. Cameron, 41 Pac., 635, 639; 3 Okl., 677.)

A law formed in general terms, restricted to no locality, broad enough to reach every portion of the State, and abating legislative commissions for the regulation of municipal affairs wherever they exist and operating equally upon all of them, is a general law without regard to the consideration that within the State there happens to be but one individual of a class or one place where it produces effects. (Van Riper v. Parsons, 40 N. J. Law (111 Vroom), 123, 125; 29 Am. Rep., 210.)

General laws are those which relate to a whole class of persons, places, relations, or things, grouped according to some specified class characteristic, binding all within the jurisdiction of the lawmaking power, limited, as the power may be, by territorial operation or by constitutional restraint. It is none the less general though at the time of its passage there may be but one, or in fact not one, individual of the class thus created, provided that the circle or ring of classification be such as to remain open to receive the potentials which may arise bearing the peculiar marks of the class. (Groves v. Grant County Court, 26 S. E., 460, 463; 42 W. Va., 587.

AS PUBLIC ACT OR LAW.

ing the peculiar marks of the class. (Groves v. Grant County Court, 26 S. E., 460, 463; 42 W. Va., 587.)

As Public act or R. Law.

A general act is one which regards the whole community, and is used as synonymous with "public act." (Ex parte Burke, 59 Cal., 6, 11; 43 Am. Rep., 231.)

Statutes relating to all the municipal corporations of the State are general laws. (Thomason v. Ashworth, 14 Pac., 615, 618; 73 Cal., 73.)

Any statute which affects the public at large, though operating within the limits of a particular locality, is generally declared to be a public statute. The terms "general" and "public" law are frequently used synonymously, but they are not the equivalent of each other. Every general law is necessarily a public law, but every public law, as defined, is not a general law. A general law is a law which operates throughout the State alike upon all the people or all of a class. Any law affecting the public within the limits of the county or community would be a public law, though not a general law. The effect of the statute, more than its wording or phraseology, must determine its character as a public, general, special, or local statute. (Holt v. City of Birmingham, 19 South., 735, 736; 111 Ala., 369.)

A law is general in the broad sense of the term if it extends to the whole State, or the whole of a legislative class of localities legitimately created for the purpose of general legislation. A law is general in the restricted sense of the term as it is used in constitution, article 7, section 21, not only when it is general in the broad sense thereof, but also when it is of that character in the sense of being public; but if it applies only to a single subdivision of the State, as a county, town, city, or village, or a collection of such localities not constitution, article 7, section 21, which provides that corporations without banking powers or privileges may be terminated under general laws, but shall not be created by special act, it is used only as opposite to special, and without any desig

TERRITORIAL COMPREHENSIVENESS.

TERRITORIAL COMPREHENSIVENESS.

A general act is one applicable to every part of the Commonwealth, one that applies to the whole State. (Davis v. Clark, 106 Pa., 377, 384; 15 Wkly. Notes Cas., 209, 210.)

A general act is one which regulates the common good of all the inhabitants within the State. (State v. Murray, 17 South., 832, 834; 47 La. Ann., 1424.)

In Lorentz v. Alexander (87 Ga., 444; 13 S. E., 632) it is said a law, to be general, must operate uniformly throughout the whole State upon the subject or class of subjects with which it purports to deal; so that an act relating to the power of municipalities and counties to grant liquor licenses from which numerous places are excepted is not a general law. (Sasser v. Martin, 29 S. E., 278, 285; 101 Ga., 447.)

In order that a law may be general it must be of force in every county in the State; and while it may contain special provisions making its effect different in certain counties, those counties can not be exempt from its entire operation. (Carolina Grocery Co. v. Burnet, 39 S. E., 381, 384; 61 S. C., 205; 58 L. R. A., 687 (citing Dean v. Spartansburg Co., 59 S. C., 110; 37 S. E., 228.)

A statute is not special or local merely because it authorizes or prohibits the doing of a thing in a certain locality. It is, notwithstanding this fact, a general law if it applies to all the citizens of the State and deals with a matter of general concern. (State v. Corson, 50 Atl., 780, 785; 67 N. J. Law, 178.)

AUTHORIZATION OF CITY TO ISSUE BONDS.

A legislative act authorizing a city to issue bonds for stock in a railroad company is not a general law within a constitutional provision requiring that all general laws shall be published before going into effect. (Luling v. Racine (U. S.), 15 Fed. Cas., 1105.)

CLASSIFICATION OF MUNICIPAL CORPORATIONS.

A law framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the pur-

congressional 1

poses of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves is not a special or local law, but a general law. The classification must be just and reasonable and not arbitrary. Under these principles the act of March 20, 1882, authorizing incorporated villages having within their classification in the sale of intoxicating liquors therein, is not repugnant to the provisions of the Constitution that acts relating to municipal corporations must be of a general nature. (Bronson c. Oberlin, 41 Ohio St., 476, 481; 52 Am. Rep., 30.)

62 Am. Rep., 30.)

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ESTABLISHMENT OF COURTS.

A general law must be one that operates uniformly throughout the whole State upon a subject or class of subjects with which it proposes to deal. Thus an act dealing with the establishment of county courts in order to be general and have uniform operation throughout the State must affect each county in the State; so that an act providing for the establishment of a city court upon the recommendation of the grand jury of any county having a population of 10,000 or more where a city court does not now exist is not a general law. (Thomas v. Austin, 30 S. E., 627, 628; 103 Ga., 701.)

Section 20, article 6, of the constitution provides that the general assembly may provide for the establishment of a probate court "in each county having a population of over 50,000." Section 1 of article 6 provides that "all laws relating to the courts shall be general and of uniform operation, and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade so far as regulated by law * * shall be uniform. Held, That section 20 of article 6 authorized the general assembly to establish probate courts in such counties having a population of over 50,000 as it might deem best. The only effect intended to be given by the framers of the constitution to section 1, article 6, was to require that

all laws relating "to the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grades" shall be uniform. Therefore neither section operated to render unconstitutional a law providing for the establishment of probate courts only in counties of over 70,000 population. (Knickerbocker v. People, 102 III., 218, 222, 229.)

REGULATION OF DISPOSAL OF PUBLIC FUNDS.

An act regulating the disposal of a portion of the public funds of the State previously regulated and disposed of by a general law of the State is itself a general law. (State v. Hoeflinger, 31 Wis., 257, 262.)

REGULATION OF LIABILITY OF EMPLOYERS.

An act providing that railroad corporations shall be liable to their employees for any neglect of their agents or any mistakes of the engineer or other employees is general and uniform within the meaning of the constitutional provision. (McAunich v. Mississippi and M. R. Company, 20 Iowa, 338, 342.)

REGULATION OF MUNICIPAL ELECTIONS AND OFFICERS.

REGULATION OF MUNICIPAL ELECTIONS AND OFFICERS.

A statute which changes the powers and duties of municipal officers in important respects is a general law, and has uniform operation if it is made applicable to all citizens or to all of a class. (Hellman v. Shoulters, 44 Pac., 915, 918; 114 Cal., 136.)

An act entitled "An act relating to cities of the first class in this State, and providing for the holding of municipal or charter elections therein, and regulating the terms of elective and appointive officers therein," approved March 18, 1897, is a local and special law regulating the internal affairs of towns, and is not a general law, and for that reason is unconstitutional. (Hoos v. O'Donnell, 37 Atl., 447, 449; 60 N. J. Law, 35.)

Act February 28, 1901, providing that all municipal officers required to be elected shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and on the same official ballots required by law for the election of state and county officers and not otherwise, and fixing the terms of officers elected or appointed in cities, and the manner of their appointment is not unconstitutional as being special and local regulating the internal affairs of cities in contravention of "Constitution, Article IV, section 7, paragraph 11, prohibiting private, local, or special laws regulating the internal affairs of towns and counties, since cities are a distinct class and within the common-law classification laws relating to their internal affairs are general." (Boorum v. Connelly, 48 Atl., 955, 958; 66 N. J. Law, 197; 88 Am. St. Rep., 409.)

REGULATION OF OYSTER BEDS.

An act regulating the cultivation of oysters in certain tidal water lying wholly within the counties of the State is not special or local within the prohibition of Constitution, Article IV, section 7, paragraph 11, the matter regulated being of general concern and applying to all citizens. (State v. Corson, 50 Atl., 780, 785; 67 N. J. Law, 178.) within the part of the part of

REGULATION OF PRIVATE CORPORATIONS.

An act authorizing the incorporation of benevolent societies and providing that corporations formed under this act shall be capable of taking real or personal property by devise or bequest not applying to corporations previously organized or effected under other acts is not a general law of the State. (Cole v. Frost, 4 N. Y. Supp., 308, 310; 51 Hun., 578.)

A law applicable to existing and future corporations would be general, and one confined to existing corporations would also be general. Both laws would at the time of their enactment apply to precisely the same existing subjects, and until further companies came into existence would have precisely the same control. (In re N. Y. El. R. Co., 70 N. Y., 327, 350.)

A statute which imposes certain legal duties upon corporations in general and makes provision intended to secure the performance of these duties by corporations is a general law. (Skinner v. Garnett Gold Mining Co. (U. S.), 96 Fed., 735, 743.)

REGULATION OF TAXATION.

The property of railroad and canal companies constitute a legitimate class of property for the purpose of taxation, and the law which extends to and operates equally upon all such property is a general law. (State Board of Assessors v. State, 4 Atl., 578, 584; 48 N. J. Law (19 Vroom),

310.) Where various counties, school districts, and other municipal corporations owning judgments had levied special taxes to pay the same, a law declaring such judgment taxes to be legal and valid was a general law operating on every municipal corporation which had levied special taxes to pay such judgments. (Iowa R. Land Co. v. Soper, 39 Iowa, 112, 116.) REGULATION OF SALOONS.

An act making it a misdemeanor for the proprietor or superintendent of a public house where liquor is sold to permit games of cards, dice, etc.. to be played in his premises is a general statute. (Territory v. Cutinola, 14 Pac., 809, 810; 4 N. M. (Johns), 160.)

REPEAL OF GENERAL LAW.

The repeal of a public or general law can, of necessity, only be by a public or general law. (State v. Hoeflinger, 31 Wis., 257, 262.) (See "Words and Phrases Judicially Defined" from which

above authorities are taken.)

Mr. OWEN. I will also insert an extract from Bouvier's Law Dictionary defining the term "general law:"

Law Dictionary defining the term "general law:"

General Law. Laws which apply to and operate uniformly upon all members of any class of persons, places, or things requiring legislation peculiar to themselves in the matters covered by the laws. (Binney, Restrictions upon Local and Special Legislation.)

Statutes which relate to persons and things as a class. (77 Pa., 348.)

Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects, which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (40 N. J. L., 123.)

The later constitutions of many of the States place restrictions upon the legislature as to passing special laws in certain cases. In some States there is a provision that general laws only may be passed in cases where such can be made applicable. Provisions requiring all laws of a general nature to be uniform in their operation do not prohibit the passage of laws applicable to cities of a certain class having not less than a certain number of inhabitants, although there be but one city in the State of that class. (18 Ohio N. S., 85; Cooley, Const. Lim., 156. See 37 Cal., 366.)

The wisdom of these constitutional provisions has been the subject of grave doubt. (See Cooley, Const. Lim., 156, n.)

When thus used, the term "general" has a twofold meaning. With reference to the subject-matter of the statute, it is synonymous with "public" and opposed to "private" (37 Cal., 366; 14 Wis., 372; 46 id., 218; Dwarrls, Stat., 629; Sedgw., Stat. L., 30); but with reference to the extent of territory over which it is to operate, it is opposed to "local," and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction. (4 Co., 75a; 1 Bla. Com., 85; 83 Ill., 585; 87 Tenn., 304; 10 Wis., 180.) Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class. (70 Ill., 398; 26 Ind., 431; 22 Ia., 391; 77 Pa., 348; 32 Pac. Rep. (Nev.), 440.)

When the constitution forbids the passing of special or local laws in specified cases, it is within the discretion of the legislature to decide whether a subject not named in the constitution is a proper subject for general legislation; the fact that a special law is passed in relation thereto is evidence that it was thought that a general law would not serve, and in such a case clear evidence of mistake is required to invalidate the enactment. (81 Cal., 489; 92 Ind., 236; 107 id., 15; 77 Iowa, 513.)

In deciding whether or not a given law is general, the purpose of

serve, and in such a case clear evidence of mistake is required to invalidate the enactment. (81 Cal., 489; 92 Ind., 236; 107 id., 15; 77 Iowa, 513.)

In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves and the purpose of the legislation is germane thereto, they will be considered as a separate class, and the legislation affecting them will be general (49 N. J. L., 356; 41 Minn., 74; 131 Ind., 446; 87 Mich., 217; 124 Ill., 666; 87 Tenn., 214); but if the distinctive characteristics of the class have no relation to that purpose of the legislature, or if objects which would appropriately belong to the same class have been excluded, the classification is faulty and the law not general. (87 Ga., 444; 91 Cal., 238; 32 Kans., 431; 51 N. J. L., 402; 52 id., 303; 19 Nev., 43; 2 N. Dak., 270; 106 Pa., 377.) The effect, not the form, of the law determines its character. (20 Ia., 338; 71 Mo., 645; 82 id., 231; 53 N. J. L., 4; 45 Ohio St., 63; 48 id., 211; 88 Pa., 258.)

Mr. OWEN. Under Rule XL the Senate can easily waive Rule XVI, without forcing an unreasonable or illogical interpretation upon that rule, and I think it would be unfortunate for the Senate to set the precedent of a forced construction of Rule XVI, or of any other of its established rules, and to that I am opposed. I feel that the salaries of our judges particularly

should be substantially increased. In this connection I wish to make a brief comment upon a criticism of one of the great courts of the country in the Senate on January 14, when the Senator from Illinois [Mr. Hopkins] criticised the Court of Claims for its decision in a certain case which had been rejected by the Southern Claims Commission. The Senator from Illinois took the ground that the court was in error because the Southern Claims Commission had rejected

this case on the ground that the party had been discharged in bankruptcy and could not hold "title to the property"—referring to a claim against the United States.

I call the attention of the Senate to the fact that this criticism is unjust, because title to that character of property can not be divested from an individual under the laws of the United States. It remains in him by statute—section 3477 of the Revised Statutes of the United States. I call attention to this merely because I observe in the bill that the Court of Claims has its salary fixed at \$8,000 for the chief justice and \$7,500 for the other justices of that court, while the circuit court judges of the United States have their salaries fixed at \$10,000. I believe that the Court of Claims equals in dignity and in character and in service any circuit court in the United States. It passes upon questions of the greatest magnitude. It passes upon them with the greatest care. The character of evidence required in that court is peculiarly the subject of critical consideration by that court under its rules. I make that observation because that court has been inconsiderately criticised in that connection.

I say, therefore, that I have no objection, so far as I am concerned, to the proposed increases for the courts or to liberal appropriations otherwise for the officials of the United States who are involved; but I do think that under Rule XVI it can not be done without a forced interpretation of that rule. my opinion, a forced construction is unnecessary, because under Rule XL on one day's notice Rule XVI can be waived by the

Senate if it sees fit to do so.

Mr. BORAH. Mr. President, I rise simply for the purpose of making the Record speak what it should speak. It seems that in the discussion on Friday there was some question as to whether or not we reserved the point of order, the point of order being waived for a specific time, and the RECORD does not show that it was again presented. In order that the RECORD may disclose that fact, I now raise the point of order against that portion of the bill commencing in line 14, on page 26, beginning with the word "Provided," and reading as follows:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be \$20,000 per annum.

I make the point of order that it is general legislation.

Mr. BAILEY. Mr. President, I am not disposed to occupy the time of the Senate in discussing this point of order, but I do desire very briefly to address myself to the merits of the proposition, and perhaps I might as well do so now as later.

I do not believe that a great Government like this ought to ask or to expect any of its citizens to serve it at a great sacrifice of their personal interests, and I believe that the salary attached to every office ought to be fixed at such a sum as will support the incumbent in decency and comfort and enable him to educate his children. But it ought not to be more than that. It ought never to happen in a country like ours that the salary of any office is made so large as to be an inducement for men to seek it.

The true rule ought to be that those who serve the Republic shall be paid enough to provide for themselves and their families; to discharge such duties as they owe their children in the way of an education. The balance of the pay for public services ought to be taken in the honor which the office confers, and every important position within the gift of this Republic ought to be sought for the distinction and not for the emoluments.

For almost a hundred years this view controlled in fixing salaries. But now we hear it said in many places that the present salaries are inadequate to provide for the entertainments which high officials are expected to give. I am rather inclined to believe it would be a fortunate thing to reduce the salary if that would reduce the entertainments, because, in my limited experience here, I have found that the men who enter-tain the most are not the men who do the public's work the best; and surely if men holding high positions are bent on spending their time in entertainment they ought not to be permitted to spend the people's money in that way.

With me this view is not a mere appeal to what is supposed to be a demagogic spirit among the people, for I despise the demagogue. I have never found one of his arguments that appeared sound to me, and even when he happens to be on the right side I feel an almost irresistible temptation to take the other, in order to be on a side different from him. But I appeal to the highest spirit and to the best traditions of the American people against the increase of these salaries. There is no phase of American life to-day, either official or private, better calculated to alarm the thoughtful man than this tendency toward extravagance which is manifest everywhere amongst us.

The Government itself sets the example. Twenty-five years ago the party which is now in power declaimed with great vehemence against the party which was then in power because the appropriations of the Government had reached the stupendous, and then the unprecedented, sum of \$248,000,000. Yet to-day we sit here and appropriate a billion as if it were a child's plaything. We spend the money of this Government in utter and reckless disregard of the fact that when we spend it we are spending the earnings of the American people. Government earns no money, and can have no money, except what it takes from the labor, physical or intellectual, of its people; and this is especially true when it lays taxes upon what men consume and not upon what they possess. Yet we pour out this golden stream as if the people did not sweat to earn it, and we call a man a demagogue who dares to stand up in this high place and call a halt in public exepnditure.

But, sir, if it did not tax the labor of the people, if it did not exact anything from their muscle or their brain, I would still protest against this governmental extravagance, because extravagance breeds all kinds of vices. Following the example of the General Government, almost every city, town, and village in America to-day are scandalized by disgraceful jobs, and the people themselves are tempted to live beyond their income. The man with an income of \$20,000 is striving hard to match in gaudy show the man whose income is the princely sum of And then the man with an income of \$10,000 tries to live at an equal pace with his neighbor whose income is \$20,000. The man with an income of \$5,000 tries to match the man with \$10,000. Thus this extravagance, beginning with the Government, reaches down to every circle of society, tainting them all with its deadly poison.

Mr. President, a nation that spends more than it can fairly earn must in time become a nation of bankrupts, or rogues, or We perfectly understand the destination of the man who spends more than he earns. It is the bankrupt court, the rogue's gallery, or the gambling hall; because if he spends more than he earns he must either go in debt for it, or he must steal it, or he must gamble for it. That is the end to which extravagance leads the individual, and as the Government is simply the aggregate of all the individuals, that is the end to which the Government must come at last. There never was in the history of the world an extravagant government which did not in time become a corrupt government, and there never will be one.

Mr. CLAPP. And a bankrupt one. Mr. BAILEY. And, as the Senator And, as the Senator from Minnesota well adds, a bankrupt one.

Now, Mr. President, I have no quarrel with the man who rich wants to spend his wealth. In truth, I think it would be better for the country if most of those who are very rich spent the best part of what they have. I am not one of those who would limit the accumulation of any man's fortune so long as he accumulates it honestly. But I am one of those who believe that it would be infinitely better for the peace and happiness of these people and for the perpetuity of this Republic if we could go back to that elder and better time when it was three generations from shirt sleeves to shirt sleeves; when the one generation earned a fortune, another generation spent most of it, and the third generation went to work to make another. That was infinitely better for the peace and per-petuity of these people and these institutions than the present method of syndicating and incorporating fortunes until the degenerate spendthrifts of certain great families will never be compelled to earn their bread as God commanded they shouldin the sweat of their face. But while I would not take even from them what the foresight of their grandfathers accumulated, I deny the wisdom of teaching the American people that American public officials should imitate their habits and their follies. If a private citizen in New York wants to give a feast for monkeys, he has a right to entertain the descendants of his ancestors, but we want no such exhibitions by our public servants.

If the President of the United States is not rich enough to give a great banquet, let him give a modest one and invite men to it for what they know, instead of for what they own. Let him invite the great and upright whose purses are not their chief claim to distinction, and such men will not complain if his table does not groan beneath the weight of costly delicacies. Let him assemble men there who will be glad to break his bread amid simple surroundings. That will be better for him, for he will learn something from such men, and God knows that even the President is not often exempt from the necessity of knowing more than the best of us can hope to learn. If those who gauge everything by splendid trappings and by extravagance do not want to visit the White House because the entertainments are not lavish enough, so much the better for the President and for the country.

I belong to a class of men who regret that the capital of this Republic has ever become a city. I wish it were still a village. It would be better for the current of American public life that flows from the nation's very heart. I may offend by delivering the common eulogy which pronounces our forefathers the greatest and wisest assembly of men ever convoked in the history of the world. They did not want the seat of the Government to be in any city, and it was for that purpose that so many of them favored locating the seat of the new Government at such a place, not exceeding 10 miles square, as by the cession of particular States might be selected for the federal capital. They knew perfectly well that the State of New York would not cede the great city of New York, nor Pennsylvania the great and historic place where independence was first declared, nor would Massachusetts give Boston to the struggling Republic.

They desired an unimportant place to become the seat of the new Government, but the trend of modern civilization has defeated their very wise and patriotic purpose, and we have here a city said by travelers to be the most beautiful in the world;

and I can well believe it.

The very arguments, however, which we hear advanced in support of these high salaries illustrate the wisdom of our fathers in wanting the government located among a simpler and more frugal people than those who live in a great city, and we are exemplifying the worst effect of situating it in the midst of a great population whose habits are not such as conduce to the longevity of either individuals or nations.

If I could have my way I would have less entertaining and more studying by the men who are to make or execute this country's laws. It is but simple justice to the House and Senate to say that very few of them spend much of their time at these entertainments. I will go out of my way to say, what every Senator knows to be the truth, that the men who are honored by their States with positions in this great assembly, as well as the men who are honored by their districts with seats at the other end of the Capitol, as a rule do their work diligently and thoroughly. I think I am well within the truth when I say that at the capital of no State do the state legislators work as many days in the year or as many hours in the day as Representatives and Senators at Washington.

It can not, therefore, be for their entertainment that we are asked to double the President's salary. For whose entertainment is it, then? The brainless dude and idle millionaire? You do not want to tax the American people to provide entertainment for them. For the diplomats? They are excellent gentle-

men in their way. I believe it was Talleyrand who defined a diplomat as a man who is sent abroad to lie for the benefit of his country. I would not say that, but Talleyrand was a diplomat and ought to have known what a diplomat is.

What circle is it, then, which is dissatisfied with a simplicity which will preserve the strength of the nation, and demands that the President's salary shall be doubled in order that his entertainments may be multiplied in number and in splendor?

The President is already spending \$100,000 of the people's money in addition to his salary. I have before me a list of the appropriations, including the \$25,000 for railroad fare— and by the way, I should like to ask the Senator in charge of this bill, and without any desire or intention to obtrude myself upon the private affairs of the President, how this \$25,000 is expended? Is it paid out from time to time as the President travels, or does the President draw it as he pleases and then pay his own railroad fare?

Mr. WARREN rose. Mr. BAILEY. Before the Senator answers I want to say that I ask the question because the answer to it will determine what I shall say about it.

Mr. WARREN. Mr. President, the Senator from Texas has acknowledged a modesty on his part concerning it. say that I have exercised the same modesty on my part. have never made any inquiries whatever. I have assumed that when the House and the Senate voted \$25,000 to the President for that use they expected to leave it with him and his conscience. I have never made any inquiry, and I would be totally unable to give the Senator any information concerning it.

Mr. BAILEY. Mr. President, I have no doubt that the President has endeavored to comply with the letter of the law. Neither have I ever had any doubt about the unconstitutionality of that appropriation. I think it is clearly contrary to the Constitution, and although it is not exactly related to the proposition now under discussion I want to put into the Record exactly what the Constitution says about that:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

If that \$25,000 was not an emolument I do not know how to define one. I believe that although the President draw it and spent it religiously, according to the very letter of the statute, he is taking what the Constitution of the United States forbids us to give him.

Mr. WARREN. Of course the Senator will agree that the

President is taking what the Senate and House freely gave him, and he is taking their judgment in regard to the constitutionality of it, whether his own might approve or not.

Mr. BAILEY. Unfortunately the Constitution does not require the President to take our judgment, but rather commands him to exercise his independent judgment and to veto what we do if he thinks we ought not to have done it.

While I agree that in this case the Congress gave it to him, I object to the word "freely," because Congress has no right to be free with the public money. This money does not belong to Congress. We have put very little of it into the Treasury. It is a trust fund which we are in honor bound to give grudgingly rather than freely.

But assuming that the President had a right to draw it, he only had a right to draw it for the specific purpose to which Congress devoted it when it appropriated the sum, and I assume he has done that. Leaving that \$25,000 out of the calculation, the other expenditures, according to a statement which has been laid before me, reached the enormous sum of \$80,500.

Mr. BACON. What are the items?

Eighty thousand five hundred dollars over and Mr. BAILEY. above the President's salary for the maintenance, repair, and improvement of the mansion which the Government provides for him at the public expense. The Senator from Georgia has asked for the items The first item is—

For ordinary

Mark you, "ordinary!" What would it be if it were extraordinary?

For ordinary care, repair, and refurnishing of the Executive Mansion, and for the purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, \$35,000.

I am rather inclined myself to think if you are going to keep things equal and it costs \$35,000 to furnish and repair the house, the salary of \$50,000 is somewhat out of proportion. But my experience on that point is that when they get a salary of \$100,000 they will say that a man who draws a hundred thousand dollars salary ought to have a better house, and they

will double the \$35,000; and then when they get \$70,000 for repairs they will say that is out of proportion to the salary, and they will increase that again. That is the way they have been doing ever since I have been in Congress, each increase forever calling for another increase.

For fuel for the Executive Manslon, greenhouses, and stable, \$6,000.

Just exactly what they want with fuel in a stable I am not able to explain, but I suppose they want it, and of course whatever they want at the White House they get.

For care and maintenance of greenhouses, Executive Mansion, \$9,000.

That would cultivate in my part of the country two or three farms. But still I have no objection to the people in the White House having flowers—pure white or blood red, as their taste may be. Perhaps it softens the nature and civilizes a man to be surrounded by flowers. But I think that when a man wants what is not necessary, he only has a right to have it if he is willing to pay for it; and I do not think we ought to tax the people, who need bread, to provide \$9,000 worth of flowers for a man who is receiving \$50,000 a year.

As long as there is a poorhouse in America filled with un-

As long as there is a poorhouse in America filled with unfortunates I do not believe in this kind of expenditures. After we have relieved every man's and every woman's distress, after we have administered to the sick, and when we have no longer paupers nor inmates of the poorhouse, then you can tell me how prosperous this nation is and how liberal it ought to be with its executive in the matter of salaries. But not till then.

Let us give the President what he is entitled to; let us enable him to support his great office in dignity; but let us not give him

a dollar to be wasted in extravagance.

Have the Presidents heretofore lived in a manner befitting their station? Yes, sir; and until the seventies they received only half of what the President is receiving to-day, and for a part of that time the price of almost every commodity was higher than now. Lincoln bore upon his broad and stooping shoulders the burden of a mighty war. He lived as became the dignity of the Chief Magistrate of the greatest Republic on earth, and he lived on half of what his successor of the present day receives. Grant, the great commander of the federal armies—and I take pleasure in saying here that he was the greatest of those who commanded the federal armies—lived in ample style upon the present salary, because it was to him that the present sum of \$50,000 was voted. The long line of illustrious men who occupied that high station before Grant and Lincoln lived on much less.

If you tell me that they lived in simpler times my answer is that it is a God's pity we can not go back to those simple times instead of going on to the more splendid times to which these revels and these extravagances invite us. I want to go back instead of going forward. I know the danger and the pitfalls that lie ahead of us in the road that we are traveling, and I know the safety and the honor in which our fathers trod the other paths.

If you can satisfy me that the present salary is not enough to support the President in decency and comfort, I will vote for more; but when you tell me that you want to double his salary in order that he may give more entertainments and increase his

extravagance I refuse.

Mr. President, not content with providing the President, upon the theory that he must entertain, with an increased salary the committee ask us to increase the salary of the judges. I recognize that some judges could earn as practitioners at the bar vastly more than the salary which they receive as judges; but where is the lawyer, here or elsewhere, who would not lay down the profits of his profession to take the highest of all judicial places. I neither underrate the ability required nor the labor which must be performed by the Chief Justice and the associate justices of the United States, but their present salary is equal to the Government's rate of interest on \$600,000. The Government might as well turn over to them \$600,000 worth of its bonds bearing interest at the rate of 2 per cent and say, "Take these for the services which you render." How many lawyers in a lifetime are able to accumulate \$600,000 worth of these United States bonds? One in a thousand? No, sir; not one in ten thousand is able to do it.

But they tell me that if these great judges remained at the bar they would not only provide themselves against the ills of poverty and age, but they would be able to bequeath a fortune to their sons and daughters. If they did they are different from most of the lawyers I have known. It is not the habit of great lawyers to leave great fortunes. My Lord Eldon was once asked by the guardian of two promising boys how he could make great lawyers of them, and quick the response came from the great lawyer's lips, quoting the words of Milton, teach them—

To scorn delights, and live laborious days.

He did not advise that they attend entertainments, where the men dress like head waiters and the ladies hardly dress at all, but his advice was to teach them

To scorn delights, and live laborious days.

That is the way to qualify a lawyer to become a great judge, and I hardly think after he becomes a member of the bench he needs or enjoys this entertainment. If you want to do the Supreme Court a service, reduce their work instead of increasing their salaries. They would infinitely rather have that done. They have now more work than any equal number of men can do. Appeals involving mere questions of commercial law ought never to go to that great tribunal. They ought only to be required to decide those cases involving questions of constitutional law. All other cases ought to end with the decision of the circuit court of appeals. Reduce their work and let them write opinions without having to write them in a hurry. That is the greatest services which you could do this country.

Mr. President, it is not proposed to stop with increasing the salaries of the Supreme Bench; but it is proposed to increase the salaries of the district judges to \$8,000. Senators will bear me witness that there is not one district judge in twenty who ever earned \$8,000 a year while practicing law. I know many of them, some of them the best of men and a few of them among the best of lawyers; but my personal acquaintance does not extend to more than three or four within all the number whom I know who ever earned \$8,000 a year while at the bar. Is not that the experience of the Senator from Mississippi?

Mr. McLAURIN. It is.

Mr. BAILEY. That is the experience of us all. While at the bar the judge took the chance of sickness, during which his clients employed other attorneys. During his practice at the bar he took the chance of depression, when the law, in common with every other occupation, felt its income diminished; but that is not so when he draws a salary from the Federal Treasury. In sickness and in health, in prosperity and in adversity, under all the checks and changes of times and circumstances he draws his salary.

A salary of \$6,000 a year for a district-judge is equal to 2 per cent on \$300,000 worth of United States bonds; and the promise of the Government contained in the statutes of the country is as solemn as its engagement when written upon the face of a bond. Here is the statute now promising them their annual salary in suitable installments, but it contains the further pledge that when they reach a certain age, after a certain term of service, they may retire, and for the balance of their lives they may eat the people's bread without doing the people's work. I think they are already paid, and amply paid if you look to it only as a matter of salary, and when you couple the salary with the greater honor of the office, many of them are overpaid. Still you are not satisfied and you propose to give a district judge a salary greater than a Senator in the Congress of the United States receives. Either you think too little of yourselves or else you think too much of the district judges when you fix their salaries at a sum larger than your own.

A Senator may stay here for twenty years and at the expiration of that time he may voluntarily retire or, as is more often the case, the people may call on him to retire. When he is here in the tide of success and popularity he is a statesman. When he is defeated he becomes a mere politician. No matter how faithfully and diligently he may have served for twenty years, when he lays down this great office and goes back to the body of the people, who takes care of him? He may have spent sleepless nights in searching the world's history for the truths that perpetuate freedom and make nations great; he may have scorned delights and lived laborious days; he may have earned the nation's gratitude, but in a day of disagreement with his people he may be driven from the public service, and who takes care of him then? His children, or he goes to the poorhouse. I do not deprecate that. I think one of the chief excellencies of this Government is that every man can carve out his own fortune and every man must maintain it when once he wins it. I do not lament the fact that a great Senator may pass into obscurity and oblivion, but I do say that if a federal judge, who may take the salary as long as life shall last and may draw it after he has left the bench and ceased to work, is worth \$8,000 a year a Senator is worth still more. You do a duty as important as his, for there are none to review and correct your errors and your mistakes, save only one man in whom is vested the power to veto. A district judge can try a case without sitting under the sense of awful responsibility that rests on you, because, if he commits an error,

there is the court of appeals to correct him, and then there is the Supreme Court of the United States to correct it. labor is fraught with greater consequences to the United States for its weal or its woe than is the labor of a district judge, and yet you sit here and vote that such a judge is worth \$8,000 a year and you are only worth \$7,500, and some of you spend twice that much to get here. [Laughter.] All of you have to undergo an arduous campaign. There are legitimate election expenses which can not be escaped. A federal judge is subjected to none of this. It is the same with him when once he gets his commission whether it rains or shines. He has no expense. If he is sent beyond his district to try a case, the Government pays his expenses and, as the Senate has had recent opportunity to witness, it pays \$10 a day whether the judge spent the fourth of it or not.

Is there a Senator here who thinks his services less important to the Government than are the services of a district judge? You are the ambassadors of sovereign States; you speak for Commonwealths; they trust to your patriotism and to your wisdom the destiny of their children, and yet you abase yourselves, or at least you exalt the district judge above yourselves,

in the matter of salaries.

Mr. President, I have detained the Senate longer than was necessary, and I have no hope that anything I could say will change the opinion of a single Senator. Of course nothing I could say would change the vote. We are still a good deal like the Scotch member of the English Parliament, who said on an occasion when he had listened to a great speech, and somebody asked him what effect it would produce upon the vote: "I have heard many a speech that changed my mind, but never a single one that changed my vote." We are all that way. We make up our minds, and in what I have said I had no hope of changing anybody's vote. I simply wanted myself to go on record against this increasing extravagance.

I do, however, want to say before I leave the subject entirely, and especially before I leave this subject of comparison between the salaries of Senators and judges, that there are many people in this country now who think that a Senator ought not to have any business while in the Senate. So far as I am concerned, I would not want a Senator who did not have some business, because I never want to see this Republic officered by a set of professional politicians who have no business to attend to and could not attend to it if they had it. My opinion is that no calamity could be greater than this. But there is in this country a very considerable number of men, who deny the right of Senators to practice law. Just exactly what will come to pass when this new gospel becomes universally accepted I am not able to judge. If a Senator is not permitted to earn something when Congress is not in session, then one of two things must happen: The Government must fall into the hands of rich men who do not need to earn anything, or it must fall into the hands of deadbeats who can not earn anything, and who are glad to get the salary as a better way of living than they could find elsewhere or otherwise.

As for my part, I prefer a public life in which all of us when the Congress sits shall be here to work faithfully and diligently, and then when the Congress adjourns that we go home and there, and through our own efforts and exertions provide for that rainy day which must come to all of us, and not attempt to provide for it out of the Public Treasury. I do not ask the Government to take care of me in my old age, for if I am fit to serve here I am able to provide against the time to come. I ask nothing from the Treasury, except such as will give me a decent and comfortable support, and then when the Congress is not in session and I am not required to be in attendance upon the Senate I am able and willing to provide a competence for my old age.

Of course, I perfectly understand that this rule can not apply In the nature of things they must be lawyers, and, in the nature of things, being judges, they can not practice law. I perfectly understand that; but neither do they need to do it under the law as it stands to-day, because when they have reached the age of seventy years, having served a given term, the law permits them to retire, and they are never again under the necessity of earning money for themselves, and they are forever protected against poverty and financial misfortune. That is enough. When the Government has done that for them, it has done enough; and let us not increase the taxes of the people, to whom \$800 is an unusual income, in order to increase the salaries of men who are already receiving more than they could earn in private life.

But if you will increase the salaries of the judges, and increase the President's salary to \$100,000, why stop with the

sum of \$20,000 for the Speaker of the House of Representatives and the Vice-President of the United States? I freely grant you that the Vice-President as long as the President lives is a piece of political bric-a-brac. He simply presides over the Senate and is not permitted to do more, however competent he may be to do it.

If the argument of entertainment is persuasive, however, it is stronger in the case of the Vice-President than of the President, because the Vice-President has not anything to do but to entertain, and all the Vice-Presidents I have ever known entertained with a delightful hospitality. If you are going to furnish money for entertainment, the Vice-President ought certainly to have half as much as the President.

There was a time in the history of this country when the Vice-President did not think it necessary to come to Washington except occasionally; but that time has passed. He is here, and without calling in this presence the name of any distinguished occupant of that high position, we know that no Member of this body is more regular in his attendance now than is the Vice-President of the United States. He gives the Senate his time. although it is the most irksome thing in the world for a man who feels a capacity to do things to be denied the opportunity of doing them. Mr. President, the ability to work is worth more than the salary for which we work, and the compulsion to do nothing is the greatest infliction that could be visited upon an active and intelligent mind.

But it is not sufficient to gauge salaries now by what men do. We are going to gauge them by entertainment. If this new argument is to obtain the distinguished friend who sits by me [Mr. TILLMAN] ought not to have anything, because he never entertains. [Laughter.] If that is to be the criterion, if we are to provide for entertainment because men occupy high official station, the Vice-President is entitled to at least half

as much as the President.

The Senate is not the place to discuss the social calendar, and I should not have introduced it into this discussion; but I venture to say that if you will examine the matter you find the entertainments at one house are almost as brilliant as the entertainments at the other, and the expense of one is almost as great as the expense of the other; yet for the purpose of this entertainment you give one man \$100,000, a house to live in, and \$80,000 incidental expenses, and you give the other the sum of \$20,000, with no emoluments or supplies.

It is true that this bill does provide a carriage and horses for the Vice-President, and I am delighted to see that it is old-fashioned enough to provide for horses instead of automobiles. I want to see that the Sergeant-at-Arms buys horses that were bred by American farmers, instead of automobiles manu-

factured in France.

Mr. BORAH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Yes; I yield. Mr. BORAH. I do not want the Senator from Texas to abate his zeal on that proposition, but the provision reads "carriage or other vehicle."

Mr. BAILEY. Then I shall move to strike out the words "or other vehicle." [Laughter.] I thank the Senator from Idaho for calling my attention to that.

Mr. WARREN. Mr. President The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. BAILEY. I do.

Mr. WARREN. I want to suggest right there, that the Senator could accomplish his object, if he wishes to protect the interests of Americans, by having the amendment amended so as to read "vehicles of American construction." If the Senator is conversant, as I presume he is, with the horse market, he knows that at the present time the price of horses is about as high as that of automobiles.

Mr. BAILEY. If the Senator from Wyoming thinks that, I will take a contract to buy him five horses for the cost of one automobile. I know something about the price of horses, for that is one of the cranks in which I ever indulge myself.

Mr. WARREN. On the other hand, I could easily contract to furnish five automobiles for one horse.

Mr. BAILEY. Mr. President, you can not find many horses in the United States that would sell for the price of one automobile; but I could buy horses, at the rate of five for an automobile, until the Senator's great ranch in Wyoming would hardly furnish standing room for them. But so far as that is concerned—and I do not jest about this matter—I find that the Government is dispensing with the use of horses wherever they can and buying automobiles. I am not a protectionist, and I would let a man buy an automobile, just like I would let him

buy everything else, wherever he could buy the cheapest.

Mr. WARREN. The product of the farmer?

Mr. BAILEY. Yes; or of anybody else. The only addition to that which I would make is that when he imported it, I would make him pay a duty which should constitute his fair contribution toward the support of the Government. I would not pre vent him from buying an automobile abroad by law. rely upon an American enough to know that he will buy from an American if an American will sell him at a decent price, and if any American will not sell to an American at a decent price, then I think that American ought to be permitted to buy from a foreigner who will sell him at a decent price.

The Federal Government could never have any extensive jurisdiction over that question, but, if I had my way, I would make it a crime to use these automobiles on the public highways, because no man has a right to use a vehicle on a public highway that is dangerous to the safety and lives of other people, and an automobile is dangerous. Probably the time will come when horses will be educated to the point where they will not be afraid of automobiles; but I doubt that, for I have not seen the

time yet that I was not afraid of them.

Mr. TILLMAN. An old man in this city was run over the

other day.

Mr. BAILEY. I do not believe that any man ought to be permitted to use that kind of a vehicle upon the public thoroughfares where everybody has a right to travel. Consequently, if the Senator from Idaho will join with me, I think we will strike the words "or other vehicle" out, and we will confine the Vice-President to horses and carriages, or make him walk.

[Laughter.]

Mr. President, I am not appealing for an increase, but I do say that, as a matter of justice and equity, if you are going to give the President \$100,000, the salary of the Vice-President is not in correspondence, and the salary of the Speaker of the House is not in correspondence. The Speaker of the House of Representatives is certainly the third greatest officer under this Government. I do not know just exactly what precedence they accord him at social functions, but in power and authority he is undoubtedly the second, excelling even the Vice-President of the United States himself in point of power. I doubt if the President of the United States exercises as much power over the legislation of this country as does the Speaker of the House Therefore, measured not merely by the of Representatives. dignity of his office, but measured by its power and its responsibility, it is absurd to say that the President shall have \$100,000 and the Speaker of the House but \$20,000.

Then, if you go into that other indefinite field, about which I profess to know nothing, if you take up the question of the cost of entertainment, certainly the Speaker in that regard is not so far behind the President as this bill places him

Mr. President, I venture to state that there has not been a Vice-President in twenty years who did not leave that chair poorer than he was when he assumed it. I will venture to say that there has never been a Speaker of the American House of Representatives who saved money out of that great office, but there has not been a President in twenty years who did not leave the presidential office with more than he possessed when he entered upon it. It is to the credit of Mr. Cleveland that he saved something out of his salary—not much, but enough to provide for his old age. It is to the credit of Benjamin Harrison that from the \$50,000 salary, which you now describe as inadequate, he saved something with which he purchased brick buildings in the city of Indianapolis, The Senator from Indiana [Mr. Hemenway], I think, knows that. A great man, upright, honorable, and just, he illustrated the best traditions of the Republic by living economically and saving something out of his salary. For that I honor him, and the pity is that all of his successors in that great station will not practice his frugality and his simplicity. With the President able to save from his present salary, we are asked to double it. With the Vice-President and the Speaker spending more than they receive, you pay them less than half of the increase you are giving the President. It is not just, it is not fair, it is not equal treatment. leave it to the Senate, contenting myself with voting against the entire schedule of increases.

Mr. President, I rise in the hope that I may Mr. CLAPP. render some slight service to the country, although the chances are that when I shall have finished my remarks I will simply find myself cordially hated by many. There is to-day in this find myself cordially hated by many. country no more popular cry than a billion-dollar Congress and the billion-dollar country. The Senator from Texas [Mr.]

BAILEY] I think is mistaken upon one point, and that is that it is popular or could by any possibility be strained into an attempt to curry popular favor to stand upon this floor for economy. From all over this land, from my own State-and to-day I incur the disapproval of friends, both personal and political, in taking stand here for economy-comes the demand for appropriations, ending inevitably in indebtedness, evidenced by bonds.

Is it astonishing, Mr. President, that to-day thinking men, business men, will calmly consider the proposition of this great Government running behind in its revenue and contemplate equally calmly an issue of its securities? The wild delirium for extravagance and the debt thereby created will outlive the Senator from Texas and myself, and we might well content ourselves in silence. But we would be recreant to our duty if we

did that.

Mr. President, I am not going to detain the Senate long with speech. I can not hope to rival the brilliant Senator from Texas in his presentation of this subject. It is not a question of compensation. The wealth of this Nation could not compensate a Washington, nor could it, in my humble judgment, compensate the present occupant of the office of Chief Executive for the services he has rendered this country. We can not measure service by dollars and cents. The true test is that announced by the Senator from Texas that we should pay public officials enough to maintain them with dignity in their office and enable them to educate their children. Beyond that we can not hope to go. Beyond that we ought not to seek to go.

Mr. President, we stand to-day confronted by a condition. We stand to-day with a deficiency confronting us. promised the people of the United States that we would revise the tariff this coming summer, and the very promise of that revision has resulted in the greatest industrial nation upon this earth sitting back and waiting to see what will happen. inevitably leads to a decrease of revenue, and not only have we a deficiency confronting us, but we have a decreased revenue

also confronting us.

Now, what do we have on the other hand? We have coming in here day after day additional appropriations. The naval bill, which will come here within a few days, will contain a large addition over last session's bill. The military bill, which is to come here within a few days, will contain another large addition over the last session's bill; and in the face of our decreased revenue it is proposed now to raise these salaries.

Mr. President, the Government to-day is in this position. With a deficiency confronting us, we are paying out money for the rent of buildings all over this country, and especially in this city; a bill upon the desk of the Senator from Oregon Mr. Fulton] proposing to pay millions of honest debts of this nation, it is proposed to let go; and now, in the face of this

condition, it is proposed to raise these salaries.

I am not here to make any invidious comparison. It may be said, in answer to my attitude, that the salary of Representatives and Senators has been raised. I could, if I would, avail myself of the defense that I did not vote for it; but I stand here to-day upon the floor of this Chamber and assert that a United States Senator or a Representative ought to receive a salary equal to any officer of this Government, save the President, save the Vice-President, save the Speaker, and save the Chief Justice of the United States. So I will not avail myself of the defense which I could make upon that score. We made that increase of salary under entirely different conditions from those under which it is proposed to make this increase. If it was the mere question of the President's salary, of the President's salary, of the Speaker's salary, of the Judges' salary, we might content ourselves with one of those, and perhaps face the possibility of increasing the salary. But Senators can not disguise this proposition. It is a proposition to increase all of these salaries, and that, too, in the face of these conditions.

Now, my reason for arising at this moment is simply this: Time and again in this body, after these bills are passed and attention has been called to the increased appropriations, Senators have said, "Yes; we ought not to have done it; but we have done it. It is too late now to undo it; but next time we will see that it is not done." I believe—if I am the only Senator who will vote along this line—that the time has come when some one should say that "now is the time to do it." and not wait until after the appropriation bill has passed. In my single capacity I propose to vote against these appropriations.

There is a vast difference between increasing these salaries and adding to the official force of this Government.

There is an amendment pending-

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. CLAPP. I wish to conclude the sentence.

There is pending to this bill an amendment to increase the force in one of the departments. As the Government grows, as the work increases, these forces must be increased; and there is a vast difference between increasing the force of the departments and increasing these salaries. Now, I will listen to the Senator from South Carolina.

Mr. TILLMAN. Knowing that the revenues of the Government are falling behind, I had intended to propose, to come in at the appropriate place in the bill, the following:

Provided, however, That no part of the increased pay provided herein shall be paid if the revenues of the Government shall show a deficit during the next fiscal year.

Will the Senator support that amendment?

Mr. CLAPP. I would not want to support that, because it would be equivalent to a roundabout way of voting against the amendments. I prefer to vote against them directly.

Mr. STONE. I am going to vote against them directly; but, then, if I am run over, I propose to try to check this extrava-gance and waste by putting a tail on the kite.

Mr. CLAPP. Every Senator in this Chamber knows that the revenues are going to fall off. There is not a day that I do not get letters from men whose business it is to import goods, saying, "We will not import any more goods at present. We are going to wait to see what Congress does as to the duty on this particular article." Not only will that decrease revenue from importations, but it has already accentuated—and it will more accentuate—a business depression, which will also have its effect upon internal revenue and decrease the revenue in that direction.

I dislike to take this stand. The gentleman who will soon occupy the position of Vice-President and presiding officer of the Senate is a personal friend. The gentleman who will soon occupy the position of Chief Executive of this country is a personal friend. I realize that no amount of dollars and cents can compensate him for the service he will perform to this country, as I believe, but at the same time we can not measure that service by dollars and cents. We can only content ourselves with voting a reasonable salary for these positions, and instead of waiting until the naval bill or some other bill comes into this Chamber, and then finding it too late to make a stand for economy, I for one propose to begin now, and I shall vote against every one of these amendments increasing salaries.

The VICE-PRESIDENT. The Senator from Idaho [Mr. BORAH] interposes the point of order that the pending amendment contravenes paragraph 3 of Rule XVI.

Mr. WARREN. Does the Senator from Idaho insist upon his

The VICE-PRESIDENT. The point of order is before the

The Senator from Idaho [Mr. Borah] makes the point of order that the pending amendment contravenes paragraph 3 of Rule XVI, which provides:

No amendment which proposes general legislation shall be received to any general appropriation bill.

What is general legislation upon a general appropriation bill under Rule XVI has long been a sharply debated question. The rule is an old one. It has been frequently invoked, and the discussion has invariably disclosed the same conflicting views which have been expressed with respect to the point of order now interposed. There is no well-defined uniform line of decisions, either by the Chair or by the Senate, when the question has been submitted by the Chair to its determination or when the question has been brought before it by an appeal from the decision of the Chair. The impression created upon the mind of the present occupant of the chair, after a somewhat careful and therough examination of the subject, is that the Senate has been largely controlled in its interpretation of the rule for more than a third of a century by a consideration of the public interest involved at the time being rather than by any regard for its technical meaning or strict application.

Under the well-known rules of the Senate the Senate can express itself upon the question as to whether a proposed amendment is in order by an appeal from the decision of the Chair upon a point of order or when the Chair submits the matter for its determination.

The Chair thinks that under all the circumstances, in view of the wide interest in it, it is fair to all concerned to allow the Senate to pass by a direct vote upon the question raised by the point of order. This has been the course which has been frequently pursued in past years. Therefore the Chair will submit the question to the Senate, Is the amendment in order?

Mr. HALE. Mr. President, the reasons given by the Chair are so clear and cogent, and its determination so conforms to previous action by the Chair in other matters, that I should say nothing but approval could follow that course. I wish to say and it is brought to my attention by the point which the Senator from Oklahoma [Mr. Owen] made—that the Senate can at any time by a majority, under Rule 40, suspend any rule. The Senate has a fashion—it has been its practice—when any question of order is submitted to the Senate, by a short cut and voting upon the merit of the question, of dispensing with the rule instead of in form suspending it by a majority vote. and other Senators here, on important matters, when the Chair has submitted the question to the Senate, have voted upon the merit instead of voting in form under Rule XL that the rule shall be suspended; and for one I shall do the same now. Whatever I may believe of the force of the point of order—and I expressed that in the early part of the discussion—the whole matter being submitted to the Senate, I shall vote upon the merit of the question, being in favor of the proposition presented to the Senate by the amendment, although I think the point of order well taken.

The VICE-PRESIDENT. The question is, Is the amendment in order

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Will the Chair state the question once more? The VICE-PRESIDENT. The question is, Is the amendment in order? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. I transfer it to the junior Senator from Rhode Island [Mr. Wetmore], and will vote. I vote "yea."

Mr. DAVIS (when the name of Mr. Clarke of Arkansas was called). My colleague [Mr. Clarke of Arkansas] is paired

with the Senator from Rhode Island [Mr. Aldrich].

Mr. DOLLIVER (when the name of Mr. Cummins was called). I desire to state that my colleague [Mr. Cummins] is unavoidably detained from the Chamber, being absent from the city.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. McEnery]. I transfer it to my colleague [Mr. Platt], and will vote. I vote "yea."
Mr. FOSTER (when his name was called). I have a general

pair with the junior Senator from North Dakota [Mr. Mc-CUMBER]. I understand he is absent from the Capitol, and therefore I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the junior Senator from Illinois [Mr. Hopkins] to my colleague [Mr. Gore], and will vote. I vote "nay."

Mr. PILES (when his name was called). I was out of the Chamber when the question was presented. I do not know what we are voting on. Are we voting on the amendment?

The VICE-PRESIDENT. The question is whether the amendment is in order.

Mr. PILES. I vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. TILLMAN (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If at liberty, I should vote

The roll call was concluded.

Mr. HEYBURN. I want to make an inquiry, Mr. President, My vote will depend upon whether the amendment was accepted by the chairman or whether we are voting upon it as it is in the bill as it came from the committee.

The VICE-PRESIDENT. The Chair will state that under the rule debate is not in order.

Mr. HEYBURN. I am not debating it; I want to know what e are voting on—that is, what amendment is pending.
The VICE-PRESIDENT. The question is, Is the amendment we are voting on-

in order?

Mr. HEYBURN. There are two before the Senate.

The VICE-PRESIDENT. It is the amendment proposed by the committee, beginning in line 26, on page 14, and including lines 1, 2, and 3 on page 15 of the bill.

Mr. HEYBURN. In italies?

The VICE-PRESIDENT. In italics.

Mr. HEYBURN. If the other amendment were accepted, it would be a different vote.

The VICE-PRESIDENT. Debate is not in order.

Mr. HEYBURN. I am not debating it, but I have a right to information.

The VICE-PRESIDENT. Has the Senator from Idaho voted? Mr. HEYBURN. I vote "nay" as to the amendment in italics, but would vote "yea" as to the amendment offered by

the Senator from Rhode Island [Mr. Aldrich].

Mr. TILLMAN. I transfer my pair with the Senator from Vermont [Mr. Dillingham] to the Senator from Missouri [Mr. Stone], who is not paired, and vote "nay."

Mr. LONG. I wish to announce that my colleague [Mr. CURTIS] is unavoidably absent.

Mr. CLARK of Wyoming. The Senator from Missouri [Mr. Stone] is paired generally with myself. I transferred the pair

to the Senator from Rhode Island [Mr. WETMORE].

Mr. TILLMAN (after having voted in the negative). wanted to protect the Senator from Vermont [Mr. DILLING-HAM], and transferred my pair to the Senator from Missouri [Mr. STONE]. I thought I had a right to do so, as the Senator from Texas [Mr. Culberson] informed me. But I have since learned that the arrangement of pairs does not permit of that transfer, and I withdraw my vote.

Mr. KNOX. I wish to announce that my colleague [Mr. Penrose] is unavoidably absent. If present, he would vote

yea.'

Mr. MARTIN. I desire to state that my colleague [Mr. Daniel] is unavoidably absent from the city, having been called home by a very sad affliction in his family.

The result was announced—yeas 36, nays 32, as follows:

YEAS-36.

Bourne	du Pont	Kean	Piles
Briggs	Elkins	Kittredge	Scott
Burnham	Flint	Knox	Smith, Mich.
Burrows	Frye	Lodge	Smoot
Carter	Gallinger	Long McEnery Newlands Page Perkins	Stephenson
Clark, Wyo.	Gamble		Sutherland
Crane	Guggenheim		Teller
Cullom	Hale		Warner
Depew	Hemenway		Warren
CONTRACTOR	The state of the s	manual State of the state of th	

NAYS-32.

Bacon	Clay	Heyburn	Nelson
Bailey	Culberson	Johnston	Overman ·
Bankhead	Davis	La Follette	Owen
Borah	Dixon	McCreary	Paynter
Brown	Dolliver	McLaurin	Simmons
Bulkeley	Frazier	Martin	Smith, Md.
Burkett	Fulton	Milton	Taliaferro
Clapp	Gary	Money	Taylor

NOT VOTING-24.

Aldrich	Curtis		Gore	Platt
Ankeny	Daniel		Hansbrough	Rayner
Beveridge	Dick		Hopkins	Richardson
Brandegee	Dillingham		McCumber	Stone
Clarke, Ark.	Foraker	17.3	Nixon	Tillman
Cummins	Foster		Penrose	Wetmore

So the Senate decided the amendment to be in order. The VICE-PRESIDENT. The question is upon the adoption of the amendment of the committee.

Mr. BORAH. Mr. President, I send an amendment to the amendment to the desk.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment to the amendment, which will be read by the Secretary.

The SECRETARY. In the committee amendment, page 15, line 3, before the word "thousand," strike out "twenty" and insert "fifteen," so as to read "shall be \$15,000 per annum."

Mr. BORAH. Upon that I ask the yeas and nays.
Mr. HALE. I move to amend the amendment by inserting

the word "eighteen" before "thousand."

Mr. BACON. I understand that if the Senate should vote down the amendment of the Senator from Maine the question would then recur upon the amendment offered by the Senator from Idaho; in other words, if the Senate should vote against \$18,000, the vote would then be on the question of \$15,000. Am I correct?

The VICE-PRESIDENT. The Chair is under the impression, as he understood the amendment of the Senator from Maine, that it is an amendment in the third degree.

Mr. HALE. I think the Chair is correct; I thought of that. The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. Borahl] to the amendment of the committee, upon which he demands the year and nays.

The yeas and nays were ordered.

Mr. HALE. Let it be read.

Mr. du PONT. I could not hear the amendment to the amend-

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment.

The Secretary. On page 15, line 3, before the word "thousand," strike out "twenty" and insert "fifteen," so that if amended the amendment of the committee will read:

Provided, That the salary of the Speaker of the House of Representatives, after March 3, 1909, shall be \$15,000 per annum.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Idaho to the amendment of the committee.

The Secretary proceeded to call the roll.
Mr. TILLMAN (when Mr. DILLINGHAM's name was called). I wish to announce again my pair with the senior Senator from Vermont [Mr. DILLINGHAM]; and for the balance of the evening,

on all amendments, being paired, I will not vote.

Mr. FOSTER (when his name was called). I again announce my pair with the senior Senator from North Dakota [Mr. McCumber], who is absent. I withhold my vote.

Mr. McENERY (when his name was called). with the junior Senator from New York [Mr. DEPEW]. He is not present, and I withhold my vote.

Mr. OWEN (when his name was called). with the junior Senator from Illinois [Mr. Hopkins] to my colleague [Mr. Gore], and vote "yea."

Mr. RAYNER (when his name was called) nounce my pair generally for the rest of the day with the

junior Senator from Delaware [Mr. RICHARDSON]. Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. Money], but as he was on the Finance Committee and, I understand,

supported this measure when it was before that committee, I am going to venture to vote. I vote "nay."

The roll call was concluded. Mr. BACON. I desire to call the attention of the Senator from Wyoming [Mr. Warren] to the fact that the Senator from Mississippi [Mr. Money] voted the opposite way on the ques-

Mr. WARREN. That was entirely another matter. He was

voting on the point of order.

Mr. BACON. I know, but the Senator will remember that the Senator from Maine [Mr. Hale], who is a very distinguished authority in this body, himself announced that while he believed the point of order was well taken it was not the custom of the body to be measured by that consideration, and he would therefore vote in the way he thought the merits of the case would induce him to cast his vote.

Mr. WARREN. If there is any question about it upon the other side, although I feel perfectly sure of my ground, I withhold my vote, or I will transfer my pair to the junior Senator from Maine [Mr. FRYE], who is not in the Chamber. I vote "nay."

The result was announced-yeas 34, nays 32, as follows:

YEAS-34.

	1.1	UAS-01.	
Bacon Bailey Bankhead Borah Brown Bulkeley Burkett Clay Culberson	Davis Dixon Dolliver Frazier Fulton Gary Johnston La Follette McCreary	McLaurin Martin Milton Nelson Newlands Overman Owen Page Paynter	Simmons Smith, Md. Smith, Mich. Sutherland Taliaferro Taylor Warner
	N.	AYS-32.	
Bourne Briggs Burnham Burrows Carter Clapp Clark, Wyo. Crane	Cullom Depew du Pont Elkins Flint Foraker Gallinger Gamble	Guggenheim Hale Hemenway Heyburn Kean Kittredge Knox Lodge	Long Perkins Piles Scott Smoot Stephenson Teller Warren
-	NOT 1	VOTING—26.	
Aldrich Ankeny Beveridge Brandegee Clarke, Ark, Cummins Curtis	Daniel Dick Dillingham Foster Frye Gore Hansbrough	Hopkins McCumber McEnery Money Nixon Penrose Platt	Rayner Richardson Stone Tillman Wetmore

So Mr. Borah's amendment to the amendment of the committee was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. CULBERSON. I ask for the yeas and nays on the adoption of the amendment as amended.

Mr. HEYBURN. Mr. President, when the question of order was submitted to the Senate I undertook to ascertain whether the question as contained in the bill reported from the committee was under consideration on the point of order or whether the amendment which I understood was accepted by the Senator in

charge of the bill was the amendment under consideration, and

it would doubtless seem to those who are not advised that my vote was somewhat inconsistent. I voted upon my judgment as to the parliamentary situation when I voted upon the point of order. I did not have any sentiments in regard to the size of the salary of this officer. I desire that the RECORD shall leave no question in regard to that matter.

When the matter was under consideration on the 15th, the Senator from Rhode Island [Mr. Aldrich] proposed the follow-

ing amendment:

Provided, That of the amount herein appropriated, \$20,000 may be used to pay the salary of the Speaker of the House of Representatives.

I distinctly understood the Senator in charge of the bill to accept that proposed amendment.

Mr. WARREN. Mr. President— Mr. HEYBURN. I may have been mistaken. I would be

glad to be advised.

Mr. WARREN. The Senator from Idaho is correct in stating that such an amendment was read, and that the Senator in charge of the bill stated, addressing the Senator from Rhode Island [Mr. Aldrich] rather than the Chair, that he was willing to accept the amendment. But the Senator did not formally offer it as an amendment. If the Senator will read the Record as to the amendments to the bill, he will find that the amendment was not recorded as having been acted upon.

Mr. HALE. It is not before the Senate.

Mr. HALL. It is not before the Senate.

Mr. WARREN. It is not before the Senate.

Mr. HEYBURN. It has been the custom, where an amendment was proposed to an appropriation bill, that the Senator in charge of the bill would say, "I accept the amendment;" and, there being no objection, it would be treated as having been

The Record shows, on page 972, as I shall read. The Senator from Rhode Island [Mr. Aldrich] claimed the recognition of the Chair during the time the Senator from Mississippi [Mr. McLaurin] had the floor. The Senator from Mississippi said:

If the Senator will allow me, not to interrupt the Senator from Kan-

Then the Senator from Kansas [Mr. Curtis] said:

I want the item read.

The Senator from Mississippi [Mr. McLaurin] said: It provides

Quoting from it-

That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be \$20,000 per annum.

Mr. Aldrich. I think the committee, perhaps, were somewhat unfortunate in the language which they used. I suggest to the acting chairman of the subcommittee that the item should be changed to read as follows:

"Provided, That of the amount herein appropriated \$20,000 may be used to pay the salary of the Speaker of the House of Representatives"—

The Senator from Mississippi [Mr. McLaurin] said:

From what is the Senator reading?
Mr. Aldrich. Which is a mere limitation upon this appropriation and applies for only one year.

I desire that the Record shall show my position upon this question in such a way that there may be no misunderstanding about it. There is a vast difference between the parliamentary rule as applied to the amendment reported by the committee and the amendment suggested by the Senator from Rhode Island [Mr. Aldrich]. The amendment offered by the committee is not an item of appropriation at all; it is an item of legislation. It provides as to what the salary shall be for the time mentioned, but it makes no appropriation for the payment of that So it can not be said to be anything but general legis-It determines the salary not only of the present Speaker, but of all future Speakers until Congress shall change it. It was upon that language that I voted on the question that was submitted to the Senate. The amendment offered by the Senator from Rhode Island was not legislation at all. It was merely making an appropriation pursuant to existing legislation. That was the difference. It was that condition which controlled my seemingly inconsistent vote. I was not willing to vote against my judgment on a parliamentary question, because it involved a question of general legislation.

The VICE-PRESIDENT. The Senator from Texas demands the yeas and nays upon agreeing to the amendment of the com-

mittee as amended.

The yeas and nays were ordered.

Mr. ELKINS. What is the amendment?
Mr. BACON. I desire to ask a question for information. ought perhaps to know it, but I do not at this moment recall

what is the present salary of this officer.

Mr. WARREN. Twelve thousand dollars. I understand that those voting "yea" vote to accept the amendment making the salary \$15,000 a year.

The VICE-PRESIDENT. That is the effect of the vote.

Mr. ELKINS. If it is lost, then what?

Mr. GALLINGER. It remains at \$12,000.
The VICE-PRESIDENT. The question is for the determination of the Senate. The Secretary will call the roll on agreeing to the amendment of the committee as amended.

The Secretary proceeded to call the roll. Mr. FOSTER (when his name was called). I again announce my pair. I make this announcement for all future votes upon

this measure. I withhold my vote.

Mr. GAMBLE (when his name was called). I transfer my pair with the Senator from Nevada [Mr. Newlands] to the Senator from Pennsylvania [Mr. Penrose], and I vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. Hopkins] to my colleague [Mr. Gore], and vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. Money]. I transfer that pair to the Senator from Maine [Mr. Frye], and I vote "yea."

The roll call having been concluded, the result was announced—

yeas 37, nays 27, as follows:

	Y	EAS-37.	
Bourne Briggs Bulkeley Burnham Burrows Carter Clark, Wyo. Crane Cullom Dick	du Pont Elkins Flint Foraker Gallinger Gamble Guggenheim Hale Hemenway	Kean Kittredge Knox Lodge Long Nelson Page Perkins Piles Scott	Smith, Mich. Smoot Stephenson Sutherland Teller Warner Warren
TO THE REAL PROPERTY.	N.	AYS-27.	
Bacon Bailey Bankhead Borah Brown Burkett Clapp	Clay Culberson Davis Dixon Dolliver Frazier Gary	Johnston La Follette McCreary McLaurin Martin Milton Overman	Owen Paynter Simmons Smith, Md. Taliaferro Taylor
	NOT 1	VOTING-28.	
Aldrich Ankeny Beveridge Brandegee Clarke, Ark. Cummins Curtis	Daniel Depew Dillingham Foster Frye Fulton Gore	Hansbrough Hopkins McCumber McEnery Money Newlands Nixon	Penrose Platt Rayner Richardson Stone Tillman Wetmore

So the amendment as amended was agreed to.

FORT DOUGLAS MILITARY RESERVATION, UTAH.

The bill (H. R. 23863) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, was read twice by its title.

Mr. SUTHERLAND. Mr. President, the House bill just laid before the Senate is identical in terms with Senate bill No. 7396,

passed by the Senate on Thursday last. I therefore move that the House bill be put on its passage, and the bill heretofore passed by the Senate be recalled from the House.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from Utah for the present consideration of the

House bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SUTHERLAND. I move that the bill (S. 7396) for the

exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, be recalled from the House of Representatives.

The motion was agreed to.

Mr. SUTHERLAND. Mr. President, I now desire to enter a motion to reconsider the vote by which the Senate bill was ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. Without objection, the motion will

be entered.

ORDER OF BUSINESS.

Mr. WARREN. Mr. President, it is now after 5 o'clock. It is evident that we shall not be able to finish the appropriation bill this evening. I desire, therefore, to give notice that I shall ask to bring it up to morrow morning immediately after the routine business. But before laying the bill aside, I wish to say that, in the opinion of the committee, the reduction which has been made in the first one of these salaries will be expected

to govern, in a measure, some of the others, and corresponding reductions will doubtless be expected. Now, Mr. President, I move that the Senate adjourn.

Mr. LODGE. I ask the Senator from Wyoming if he will be kind enough to change his motion to a motion to proceed to the consideration of executive business, as there are some mat-

ters that ought to be referred.

Mr. WARREN. Very well; I will change the motion, and move that the Senate proceed to the consideration of executive business, but I will withhold that motion for a moment to enable the Senator from Connecticut [Mr. Bulkeley], who has a small bill in charge, to bring it up.

UNITED SPANISH WAR VETERANS.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 3751) authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 2, after line 9, to insert as a new section the following:

SEC. 4. That the ammunition issued under this act shall be limited to the supply now on hand and available; and that the shipment of all ordnance stores issued to and from the aforesaid camps, including the maintenance of the arms in repair, shall be made at the expense of the various camps.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the con-

sideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 19, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1909.

UNITED STATES MARSHAL.

William R. Compton, of New York, to be United States marshal for the western district of New York. A reappointment, his term having expired on June 4, 1908.

RECEIVER OF PUBLIC MONEYS.

John E. Adams, of South Dakota, to be receiver of public moneys at Aberdeen, S. Dak., his term having expired. Reappointment.

CONSULS. Fred D. Fisher, of Oregon, now consul of class 5 at Harbin, to be consul of the United States of class 4 at Newchwang, China, vice Thomas E. Heenan, nominated to be consul of class 5 at

Roger S. Greene, of Massachusetts, now consul of class 6 at Dalny, to be consul of the United States of class 5 at Harbin, Manchuria, vice Fred D. Fisher, nominated to be consul of class 4 at Newchwang.

Thomas E. Heenan, of Minnesota, now consul of class 4 at Newchwang, to be consul of the United States of class 5 at Warsaw, Russia, vice George N. Ifft, nominated to be consul of class 5 at Nuremberg.

Percival Heintzleman, of Pennsylvania, now consul of class 8 at Swatow, to be consul of the United States of class 6 at Chungking, China, vice Mason Mitchell, appointed to be consul of class

George N. Ifft, of Idaho, now consul of class 5 at Warsaw, to be consul of the United States of class 5 at Nuremberg, Bavaria, vice Heaton W. Harris, nominated to be consul-general at large.

Stuart K. Lupton, of Tennessee, to be consul of the United States of class 9 at Messina, Italy, vice Arthur S. Cheney, de-

Albert W. Pontius, of Minnesota, lately interpreter to the consulate-general at Hankow, assigned to duty in the Division of Far Eastern Affairs, Department of State, to be consul of the United States of class 8 at Swatow, China, vice Percival Heintzleman, nominated to be consul of class 6 at Chungking.

Edward D. Winslow, of Illinois, to be consul of the United States of class 8 at Gothenburg, Sweden, vice William H. Robertson, nominated to be consul-general of class 6 at Tangier.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the District of Philadelphia, in the State of Pennsylvania. Reappointment.

UNITED STATES DISTRICT JUDGE.

Herbert F. Seawell, of North Carolina, to be United States district judge for the eastern district of North Carolina, vice Thomas R. Purnell, deceased.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel Black Winram to be captain in the Revenue-Cutter Service of the United States, to rank as such from November 27, 1908, in place of Capt. John Charles Moore, retired.

Second Lieut. Eben Barker to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 27, 1908, in place of First Lieut. Samuel Black Winram, promoted.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. William W. Gray, Medical Corps, to be colonel from January 15, 1909, vice Torney, appointed surgeon-general.
Maj. Henry I. Raymond, Medical Corps, to be lieutenantcolonel from January 15, 1909, vice Gray, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. William R. Hamilton, Coast Artillery Corps, to be colonel from January 14, 1909, vice Harrison, retired from ac-

Maj. Adelbert Cronkhite, Coast Artillery Corps, to be lieutenant-colonel from January 14, 1909, vice Hamilton, promoted. Capt. Frank E. Harris, Coast Artillery Corps, to be major from January 14, 1909, vice Cronkhite, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Albert W. Marshall to be a lieutenant-commander in the navy from the 15th day of December, 1908, vice Lieut. Commander Edward W. Eberle, promoted, to correct the date from which he takes rank as confirmed on January 11, 1909.

Lieut. Arthur MacArthur, jr., to be a lieutenant commander in the navy from the 23d day of December, 1908, vice Lieut.

Commander Glennie Tarbox, promoted.

Lieut. Col. Charles A. Doyen to be a colonel in the United States Marine Corps from the 16th day of January, 1909, vice Col. Allan C. Kelton, retired.

Second Lieut. Howard C. Judson to be a first lieutenant in the United States Marine Corps from the 24th day of October, 1908, vice First Lieut. Austin C. Rogers, deceased.

POSTMASTERS.

ARKANSAS.

Hiram F. Butler to be postmaster at Warren, Ark., in place of Hiram F. Butler. Incumbent's commission expired January 6, 1909.

W. M. Howard to be postmaster at Paris, Ark., in place of Joseph A. Foster. Incumbent's commission expired January

18, 1909. Edgar E. Hudspeth to be postmaster at Nashville, Ark., in place of Edgar E. Hudspeth. Incumbent's commission expired December 12, 1908.

Winniefred Hunsucker to be postmaster at Dermott, Ark., in place of Winniefred Hunsucker. Incumbent's commission expired December 12, 1908.

CALIFORNIA.

Samuel G. Watts to be postmaster at East Auburn, Cal., in place of Samuel G. Watts. Incumbent's commission expired January 9, 1909.

DELAWARE.

Fred H. Burton to be postmaster at Millsboro, Del. Office became presidential January 1, 1909.

FLORIDA.

Carrie S. Abbie to be postmaster at Sarasota, Fla. Office became presidential January 1, 1909.

Charles C. Peck to be postmaster at Brooksville, Fla., in place of Charles C. Peck. Incumbent's commission expires January 21, 1909.

GEORGIA.

Leonora R. Allen to be postmaster at Villa Rica, Ga. Office

became presidential January 1, 1909.

Mary C. McWhorter to be postmaster at Sylvester, Ga., in

place of Mary C. Heinsohn, change of name by marriage. Howard A. Poer to be postmaster at Chipley, Ga. became presidential January 1, 1909.

ILLINOIS.

Sadie A. Case to be postmaster at Pawpaw, Ill. Office became presidential January 1, 1909.

Eva J. Harrison to be postmaster at Johnston City, Ill., in place of Eva J. Harrison. Incumbent's commission expired January 11, 1909.

Charles H. Hurt to be postmaster at Barry, Ill., in place of Charles H. Hurt. Incumbent's commission expired December 13, 1908.

Amzi A. Junkins to be postmaster at Noble, III. Office became presidential January 1, 1909.

INDIANA.

W. G. Pettijohn to be postmaster at Arcadia, Ind., in place of Albert E. Martz. Incumbent's commission expires February 23, 1909.

Joseph S. Vanatto to be postmaster at Earl Park, Ind. Office became presidential January 1, 1909.

IOWA.

Philip M. Mosher to be postmaster at Riceville, Iowa, in place of Philip M. Mosher. Incumbent's commission expires January 30, 1909,

MICHIGAN.

Aaron Cornell to be postmaster at Elkton, Mich. Office became presidential January 1, 1909.

Jennie Vaughan to be postmaster at Baraga, Mich. Office became presidential January 1, 1907.

MINNESOTA.

James M. Diment to be postmaster at Owatonna, Minn., in place of James M. Diment. Incumbent's commission expired December 12, 1908.

MISSOURI.

John H. Harris to be postmaster at Lockwood, Mo., in place of William Beisner, removed.

Cord P. Michaelis to be postmaster at Cole Camp, Mo. Office came presidential January 1, 1909.

NEBRASKA.

Spicer D. Eells to be postmaster at Elmwood, Nebr. Office became presidential January 1, 1909.

Benjamin W. Showalter to be postmaster at Davenport, Nebr. Office became presidential January 1, 1909.

George Yung to be postmaster at Cedar Bluffs, Nebr. Office became presidential January 1, 1909.

NEW JERSEY.

Harry Bacharach to be postmaster at Atlantic City, N. J., in place of Harry Bacharach. Incumbent's position expires February 27, 1909.

Charles Morganweck to be postmaster at Egg Harbor City, N. J., in place of William Mall, removed.

NEW YORK.

Frank A. Frost to be postmaster at Watkins, N. Y., in place of Frank A. Frost. Incumbent's commission expires February 3, 1909.

Zera T. Nye to be postmaster at Homer, N. Y., in place of William C. Collins, removed.

Joseph F. Stephens to be postmaster at Highland Falls, N. Y., in place of Joseph F. Stephens. Incumbent's commission expires January 30, 1909.

NORTH DAKOTA,

Frank I. Bonesho to be postmaster at Mott, N. Dak. Office

became presidential October 1, 1908.

Robert I. Sanerissig to be postmaster at McClusky, N. Dak. Office became presidential January 1, 1909.

John P. Stranathan to be postmaster at Pleasant City, Ohio. Office became presidential January 1, 1908.

OKLAHOMA.

W. Story Sherman to be postmaster at Shattuck, Okla. Office became presidential January 1, 1908.

OREGON.

Frank J. Carney to be postmaster at Astoria, Oreg., in place of John Hahn. Incumbent's commission expires January 23,

PENNSYLVANIA.

Michael K. Bergey to be postmaster at Sonderton, Pa., in place of Michael K. Bergey. Incumbent's commission expires February 3, 1909.

Samuel W. Hamilton to be postmaster at Vandergrift, Pa., in place of Samuel W. Hamilton. Incumbent's commission expired January 6, 1909.

John A. Keiper to be postmaster at Conemaugh, Pa., in place of David W. Coulter. Incumbent's commission expired March

Elizabeth R. Skelton to be postmaster at Cynwyd, Pa. Office became presidential January 1, 1909.

SOUTH DAKOTA.

Sumner E. Wood to be postmaster at White, S. Dak. Office became presidential January 1, 1909.

TEXAS.

Charles M. Diller to be postmaster at Alto, Tex. Office became presidential January 1, 1909.

Charles Real to be postmaster at Kerrville, Tex., in place of Charles Real. Incumbent's commission expired January 10,

VERMONT.

Lewis A. Skiff to be postmaster at Middlebury, Vt., in place of Lewis A. Skiff. Incumbent's commission expired December 16, 1908,

VIRGINIA.

Thomas L. Rosser to be postmaster at Charlottesville, Va., in place of Thomas L. Rosser. Incumbent's commission expires February 13, 1909.

WISCONSIN.

Oliver W. Babcock to be postmaster at Omro, Wis., in place of Oliver W. Babcock. Incumbent's commission expires January 23, 1909,

James B. Weaver to be postmaster at Pewaukee, Wis. Office became presidential July 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1909. PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. G. Arthur Hadsell, Nineteenth Infantry, to be

CAVALRY ARM.

Capt. Herbert H. Sargent, Second Cavalry, to be major. First Lieut. Leslie A. I. Chapman, Fourteenth Cavalry, to be captain.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Robert Clifton Garrett, of New Mexico, to be second lieutenant.

George Roswell Norton, of Massachusetts, to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

James M. Anders, of Pennsylvania. William Easterly Ashton, of Pennsylvania. L. Webster Fox, of Pennsylvania. Ernest Laplace, of Pennsylvania. William Louis Rodman, of Pennsylvania. John V. Shoemaker, of Pennsylvania.

MEMBERS OF EXECUTIVE COUNCIL, PORTO RICO.

Luis Sanchez Morales, of Porto Rico, to be a member of the executive council of Porto Rico.

Rafael del Valle, of Porto Rico, to be a member of the executive council of Porto Rico.

POSTMASTERS.

ALABAMA.

John X. Thomas to be postmaster at Ensley, Ala.

DELAWARE.

Irwin M. Chipman to be postmaster at Seaford, Del.

NEW YORK.

William A. Serven to be postmaster at Pearl River, N. Y. John Smythe to be postmaster at Cold Spring, N. Y.

Henry M. Larkins to be postmaster at Sebring, Ohio. PORTO RICO.

Walter K. Landis to be postmaster at San Juan, P. R.

HOUSE OF REPRESENTATIVES.

Monday, January 18, 1909.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of Saturday's proceedings was read and approved.

WATER MAIN THROUGH MILITARY RESERVATION, NORFOLK, VA.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 4836. The SPEAKER. The gentleman from Virginia asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill and consider the same at the present time.

The Clerk read as follows:

A bill (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.

the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.

Be it enacted, etc., That the Norfolk County Water Company be, and it is hereby, granted the license and privilege to maintain and operate its water main, which has heretofore been constructed under a license granted by the Secretary of War on the 23d of March, 1907, across the military reservation of the United States on Willoughby Spit, in the county of Norfolk, Va., upon the following conditions, namely:

First. That the said Norfolk County Water Company, its successors or assigns, shall remove its pipes, at its own expense, from said reservation within sixty days after receiving notice from the Secretary of War that the War Department requires the premises so occupied for the purposas of the United States; and upon the failure, neglect, or inability of said company, its successors or assigns, so to do, the same shall become the property of the United States, and the United States may then cause the same to be removed at said company's expense, and no claim for damages against the United States, or any officer or agent thereof, shall be created by or made on account of such removal.

Second. That the said company shall confine the route of its pipes to the location heretofore named under the license granted by the Secretary of War.

Third. That the Norfolk County Water Company shall pay all taxes assessed against the said pipe line laid and maintained hereunder.

Fourth. That any sum which may have to be expended after the revocation of this license, as heretofore provided, in putting the premises or property hereby authorized to be occupied or used in as good condition for use by the United States as it is at the date of the granting of the said license, shall be repaid by the said company on demand.

Fifth. That said company shall pay such reasonable annual rental as may be fixed from time to time by the Secretary of War.

Fifth. That said company shall pay such reasonable annual rental as may be fixed from time to time by the Secretary of War.

The amendment recommended by the committee was read, as follows:

At the end of section 5, after the words "Secretary of War," add the following:
"Sixth. That the said company shall furnish water to the United States, if the latter at any time so desires, at rates as favorable as those accorded to private consumers."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia—as I understand, this water main is now on this reservation, constructed there under license from the War Department, which license contains some provisions that are not in the bill.

Mr. MAYNARD. This bill was sent to the War Department for its approval, and it sent it back with its assent that the bill should pass with one amendment, and that amendment is

It is a section of this bill.

Mr. MANN. On the other hand, originally the license contained this provision:

That all work incident to this license shall be subject to the supervision and approval of the officer of the United States Army in charge of said reservation. That the occupation of said reservation incident thereto shall be subject to such rules and regulations in the interest of good order, police, sanitation, and discipline, as said officer may from time to time prescribe.

Now there is absolutely no limitation or provision in the bill safeguarding or regulating its control.

Mr. MAYNARD. I will say to the gentleman from Illinois that when the license was granted the pipe line had been in-That was with reference to the installation of the stalled. pipe line.

Mr. MANN. It does not so state. Mr. MAYNARD. It states that the pipe line is already there, and it requires an act of Congress to continue this license.

Mr. MANN. By this license given in this bill they may con-

struct a new pipe line and take out the old pipe line.

Mr. MAYNARD. The War Department did not think the language necessary; but if the gentleman from Illinois thinks it necessary to put it in the bill, I have no objection to his offering it as an amendment and having it added to the bill.

Mr. MANN. I think that language ought to go into the bill. Then, the gentleman proposes to say that if this company having the pipe line now constructed shall not do something, it shall forfeit its property—which is beyond the power of Con-

Mr. MAYNARD. Well, it is a condition of the contract under which they put it there.

Mr. MANN. It is not a condition of the contract under which they put it there. It is already there now. We propose to make a contract forfeiting their property, which, perhaps,

they may agree to, but they ought to be required to agree to it.

Mr. MAYNARD. It is part of the agreement under which this former license given by the War Department was made.

Mr. MANN. I wish the gentleman would let this matter go over for a little while.

Mr. MAYNARD. How long? Mr. MANN. Temporarily.

The SPEAKER. The gentleman for the present withdraws

EXTENDING PROVISIONS OF CAREY ACT TO NEW MEXICO AND ARIZONA.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 26216, and that the same be considered at this time.

The bill was read, as follows:

A bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

Mexico and Arizona.

Be it enacted, etc., That all the provisions of section 4 of the act of Congress approved August 18, 1894, being chapter 301 to Supplement to Revised Statutes of the United States, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," and the amendments thereto be, and the same are hereby, extended to the Territories of New Mexico and Arizona, and that said Territories upon complying with the provisions of said act shall be entitled to have and receive all of the benefits therein conferred upon the States.

SEC. 2. That this act shall be in full force and effect from and after its passage.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, you can not tell anything on earth about the bill from hearing it read. What is it? Mr. MONDELL. Mr. Speaker, this bill extends the provisions of the Carey Act to Arizona and New Mexico. The bill was dis-

cussed the other day, and there was objection to it. The gentleman who objected has withdrawn his objection.

Mr. CLARK of Missouri. What is the Carey Act you are

talking about?

Mr. MONDELL. It is a law under which the States are authorized to provide for the reclamation and settlement of arid lands. It has been in operation some ten years in the arid-land States, but the provisions have not heretofore been extended to the Territories. The bill was unanimously reported from the committee, and its enactment is urged by the Secretary of the Interior.

Mr. GARRETT. I understand the gentleman desires to ex-

tend the act to Arizona?

Mr. MONDELL. The bill before the House includes Arizona. The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. REEDER. Does this bill extend the provisions of the

former act to Arizona and New Mexico? Mr. MONDELL. That is all.

The bill was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. Mondell a motion to reconsider the vote

by which the bill was passed was laid on the table.

Mr. MONDELL. Mr. Speaker, I ask that House bill 15850,

which relates to the same subject, be laid on the table.

The SPEAKER. The gentleman asks unanimous consent that the bill (H. R. 15850) relating to the same subject, be laid on the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BOUNDARY BETWEEN MISSISSIPPI, LOUISIANA, AND ARKANSAS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 232, to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent terri-

The joint resolution was read, as follows:

The joint resolution was read, as follows:

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Mississippi and Louisiana to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States, where the Mississippi River now, or formerly, formed the said boundary line and to cede respectively each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

The SPEAKER. Is there objection? There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, House joint resolution 233 is identical with this, except that it gives the same consent as to the States of Mississippi and Arkansas. I ask unanimous consent for its present consideration.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 233) to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

jacent territory.

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Mississippi and Arkansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States, where the Mississippi River now, or formerly, formed the said boundary line and to cede respectively each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the Record ought to contain the reasons for an important proposition like this. I wish the gentleman would state it

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the reasons for the resolution are stated very succinctly in the report which

accompanies it.

Mr. MANN. Suppose you have the report printed in the

Mr. HUMPHREYS of Mississippi. For the sake of brevity, Mr. Speaker, I ask that the Clerk read the report.

Mr. MANN. You do not need to have it read. Insert it in the RECORD.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent

that it be printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. Foster of Indiana) is as follows:

The Committee on the Judiciary having had under consideration the resolution (H. J. Res. 229) to enable the States of Mississippi and Arkansas to agree upon a boundary line, and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, respectfully report in lieu of said resolution the following

The Committee on the Judiciary having had under consideration the resolution (H. J. Res. 229) to enable the States of Mississippi and Arkansas to agree upon a boundary line, and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, respectfully report in lieu of said resolution the following as a substitute:

"That the consent of the Congress of the United States is hereby given to the States of Mississippi and Arkansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States or any law thereof, to fix the boundary line between said States where the Mississippi River now or formerly formed the said boundary line, and to cede, respectively, each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River, and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River."

Your committee recommend the passage of the substitute.

The reasons for the adoption of the resolution are, briefly: The boundary line between the States of Mississippi and Arkansas, as originally fixed, was the Mississippi River. By this it is meant the thread or middle of that stream was the dividing line. The river along that reach which forms this boundary flows through an alluvial vailey and is marked by a most tortious course. Long bends, 10 and even 20 miles around and only 2 or 3 miles across, are very frequent, and in times past, when the annual floods would come, the river would rush across these narrow necks with such force and volume that it would in many instances cut through the soft alluvium and thus establish a new and shorter channel and leave the long, narrow bends cut off from their original jurisdictions.

The old channel around the bend,

the States which are separated by the Ohio River were empowered to do by the original ordinance which ceded the Northwest Territory to

the States which are do by the original ordinance which ceded the Northwest Territory to the Union.

While it may be a decatable question as to whether or not the consent of the Congress is necessary, it has been deemed best to accede to the wishes of the States and give them consent to do what they

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the necessity for the action contemplated by this resolution is made clear by the report. It has been a source of very great annoyance for many years to have these little parcels of no man's land scat-tered along both shores of the great river where those who choose to violate the laws can find a refuge. The States which are separated by the Ohio River were given concurrent jurisdiction of offenses committed on it by the early ordinances in reference to the Northwest Territory, and I believe this has been generally done when States have been admitted with a navigable river as a boundary line, but it was not done when the Mississippi Territory was created, and for the very good reason that the United States only extended at that time to the middle of the Mississippi River. By the articles of cession of 1802, Georgia, which owned the territory which is now the State of Mississippi ceded to the United States-

All her right, title, and claim to the jurisdiction and soil of the land situated within the boundaries of the United States south of the State of Tennes

and so forth, and the boundaries of the United States then extended only to the middle of the Mississippi River.

The treaty of 1763 between England, France, and Spain fixed the middle of the Mississippi River as the dividing line between the French possessions west of the river and the English possessions on the east, and when the independence of the colonies was recognized by the treaty of peace in 1783, the middle of the river was again designated as the western boundary. Mississippi was made a Territory in 1798 "bounded on the west by the Mississippi River," and when she was admitted to statehood nineteen years later her boundary ran "to the Mississippi River, thence up the same," and this has universally been held to mean the middle of that river. In Handly's Lessee v. Anthony, reported in 5 Wheaton, the Supreme Court of the United States decided that-

Where a great river is the boundary between two nations or States, if the original property is in neither and there be no convention respecting it, each holds to the middle of the stream.

Running, as it does, through an alluvial valley, where the banks are continually caving into the river, the course of the Mississippi has undergone almost innumerable changes, and what is the middle of the river to-day may be a long distance from the middle of the river to-morrow. This illustration mentioned in the report, where the city of Vicksburg has been left high and dry several miles from the Mississippi, is a case in point. Although the middle of the Mississippi River is now some miles below the city, the boundary line between the two States still runs along the city front, where the middle of the Mississippi was when it was made the original boundary. In other words, the boundary line is not variable, it does not follow the shifting channel of this most fickle and inconstant stream. To express it in the very forceful language of the Supreme Court of the United States, in the case of Indiana v. Kentucky-

Her dominion and jurisdiction continue as they existed at the time she was admitted into the Union, unaffected by the action of the forces of nature upon the course of the river.

This was said in a case where a very similar situation had appeared in the Ohio River. Green Island had been left by the shifting channel of the Ohio River, and had in fact, though not in law, become a part of the State of Indiana-

Undoubtedly-

Says the court-

in the present condition of the tract, it would be more convenient for the State of Indiana if the main river were held to be the proper boun-dary between the two States. That, however, is a matter for arrange-ment and settlement between the States themselves, with the consent of

There is no dissent in the books from this view, and if these States are to be relieved from the embarrassments—which might perhaps more aptly be called "harassments"—of this situation it must come by "arrangement and settlement between themselves." The Constitution declares that no State shall enter into any compact or agreement with another State without the consent of Congress, and this resolution proposes to give that consent.

I think there can be no question that the States are competent to enter into the character of agreement or compact which this resolution consents to. It is certainly a part of the general right of sovereignty, belonging to independent nations, to cede territory and to incorporate in the body of the commonwealth the territory so ceded, and this right equally belongs to the

States of the Union, except in so far as they may have surrendered it by the Constitution. A study of the great instrument will readily reveal the fact that so far from surrendering that right, it is plainly reserved to the States with but one single limitation: it must be exercised with the consent of Congress. With that consent they resume the sovereignty which was theirs without limitation before they delegated it to the Federal Government, and being thus unhampered their compacts with each other are of the same binding force and operate with the same effect as a treaty between sovereign powers. This view is distinctly announced in Poole v. Fleeger, in the 11th Peters, and in the case of Rhode Island v. Massachusetts (12 Peters), and has been affirmed in numerous opinions since these, notably in the somewhat celebrated case of Virginia v. Tennessee, reported in 148 United States.

The other subject upon which these States are permitted to

negotiate and agree is equally important.

To adjudge and settle the jurisdiction of offenses arising out of the violations of the laws of said States upon the waters of the Mississippi River.

The offense most usual on the waters of the great inland sea is the violation of the local laws against gambling and the sale of intoxicating liquors. Small boats fitted up solely for that purpose hover along the shores in front of the towns and cities where prohibition statutes are in force and operate floating saloons along the river in utter and flagrant violation of the state laws? For the reasons which I have stated it is not possible to prove the venue in any proceeding against these outlaws, because no man knows where the middle of the river was when the State was admitted in 1817 and that must be proven as a jurisdictional fact. With the consent of Congress these States may, and no doubt will, immediately make such a compact as will give concurrent jurisdiction of all offenses committed on the river, and in this way make it possible to put an end to these evil practices. That there is ample authority for this can not be doubted.

The subject of extraterritorial jurisdiction is a very interesting one and has engaged much of the attention of the writers on international law. In the second volume of Moore's Digest of the Law of Nations there is a most interesting and instructive treatment of this whole subject. Fortunately for my contention here, however, our own courts have passed directly on this

point.

In 1785 the States of Virginia and Maryland, for the very reasons which I am urging now, entered into an agreement by the terms of which both States were to exercise concurrent jurisdiction of all "piracies, murders, and other crimes" committed on the waters of the Potomac River where it forms their boundary. Under this agreement both States have for more than a century been punishing offenders for crimes committed on these treaty waters, and the highest court of the land has upheld these convictions. This whole subject was gone into and most elaborately discussed by the Supreme Court in Wharton v. Wise (153 U. S.). In this case the power of the States to enter into this compact was not only upheld, but Congress was

held to have consented to it by its silent acquiescence.

I have examined with some thoroughness all the authorities I have been able to find which throw any light on this subject, and the only element of doubt seems to be as to the necessity of congressional action. In other words, need the consent of Congress be given to enable the States to enter into such an agreement or compact as is contemplated in this resolution? Certainly the consent of Congress is not necessary to the validity of every kind of compact or agreement the States may desire to enter into. The evident purpose of the limitation which the Constitution imposes was to prevent such compacts or agreements among the States as might hamper the administration and complete exercise of all the functions of the Federal Goverment or which might so increase the political power and importance of the States as to raise up within the Union itself another and rival confederacy. This question was discussed at some length in the Tennessee-Virginia case, and later in Wharton v. Wise, and the opinion there seems very clear that the limitation extends only to such compacts as tend to increase the political power of the States or which may encroach upon or interfere with the just supremacy of the United States.
So far, then, as the agreement is limited to the question of the

jurisdiction of offenses committed on the Mississippi River, it may be admitted that this could not add to the political power of either State, and so would not require the consent of Congress. There are some lawyers of ability, however, in this House who hold to the opposite view. There can be no doubt that the limitation does apply to the other clause of the resolution, under

which they are permitted-

To fix the boundary line between said States where the Mississippi River now, or formerly, formed the said boundary line, and to cede,

respectively, each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River.

The cession of territory is necessarily a political question, and whether it involves an increase of political power is a question which Congress must decide, and this is another way of saying that the consent of Congress must be had. In the Virginia-Tennessee case the court says:

The compact or agreement will be within the prohibition or without it, according as the establishment of the boundary line may lead or not to the increase of the political power or influence of the States affected, and thus encroach or not upon the full and free exercise of

And in the case of Florida v. Georgia, reported in 17 Howard. the court says:

The question of boundary between States is in its nature a political question, to be settled by compact made by the political departments of the Government, and if two States by negotiation and agreement proceed to adjust a boundary between them, any compact between them would be null and void without the assent of Congress.

From all the authorities I am convinced that the consent of Congress in the matter now before us is necessary, because the States are not simply permitted to ascertain and locate the boundary as it was originally established, but they are further empowered to fix that boundary in such wise as may necessitate the mutual cession of territory.

But one question remains for our consideration, and that is,

Should the consent of Congress precede or follow the agreement of the States? The Constitution declares simply-

No State shall without the consent of Congress enter into an agreement or compact with another State.

And from this unequivocal language it would appear that the consent should first be given before the States undertook "to enter into an agreement." This would undoubtedly be the preferable course unless there was such uncertainty as to the

nature and scope of the agreement as to make it inadvisable to consent in advance. In the Tennessee-Virginia boundary case the court announces this view, and adds:

But where the agreement relates to a matter which could not well be considered until its nature is fully developed it is not perceived why the consent may not be subsequently given.

The necessary inference from this is that, where the subjectmatter of the agreement is apparent and nothing further is needed to have its "nature fully developed," the consent of Congress should precede rather than follow the agreement. Nothing is needed to "fully develop the nature" of the agreement contemplated in this resolution. There are a number of small tracts which have been cut off from the main body of each State by the shifting channel of the Mississippi River, and Congress is asked now to consent that these States may agree upon a new boundary line, which will involve the cession, respectively, of these small areas; and further, to permit them to adjudge and settle the jurisdiction of offenses committed on the Mississippi River. The "nature" of the agreement is plainly manifest and "fully developed." So much for the law.

There is a reason which I think makes it very desirable that this consent be given at once. Citizens who live near the river, and who for that reason are subject most keenly to the annoyances of the present status, are continually calling upon Congress to enact some legislation that will put an end to these lawless practices on what they consider "the Government's river." I have been appealed to time and again to have Congress forbid the sale of intoxicating liquors on this river. I do not believe that the Federal Government has any such power. because this is clearly a matter of police regulation, and police power is exclusive with the States. If Congress has the power to forbid the sale of liquor on this river, it would certainly have the power to authorize it, and I am quite certain no State would be willing to concede that. Aside from the question of power, the practical question of proving venue would be just as great an obstacle to the enforcement of the law in the federal courts as in the state courts. It would still be necessary to prove whether the law was violated in Arkansas or in Mississippi, because the Constitution declares:

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crime shall have been committed.

This of course refers to trials for crimes against the federal laws and has no reference to state law. It has been suggested that this difficulty might be obviated by a law which would authorize the cancellation or revocation of the boat's license if intoxicating liquors were sold on it, because it would then be necessary only to prove the fact of sale, the jurisdiction in which the sale occurred being immaterial. This would certainly be effective to a degree, and I have reason to believe that the officials in the Steamboat-Inspection Service would welcome such legislation, but it would be effective only to a degree, and as to the particular evils, which have proven so vexatious on the lower Mississippi, this provision would be valueless. Under the law now license is required only of such craft "propelled by machinery as are of 15 gross tons or over," and the whisky boats, which are such nuisances on the lower river, are all of less than 15 tons, and are therefore required to have no license. The Steamboat-Inspection Service has been asking Congress for several years to put these small boats in some way under governmental supervision, but so many are owned by parties who operate them solely as pleasure boats that Congress has so far refused to subject their owners to any governmental supervision.

The best answer to all of these propositions, however, is that the States should enforce their own police regulations and not rely upon the Federal Government to do it for them. The more they rely upon themselves and the less they ask or expect from the Federal Government the better for all concerned. If we pass this resolution we put the burden where it belongs-on the States; and if they then fail to discharge that burden in such manner as will give their citizens the relief they desire, the fault will be upon the officials of the State, and the people

will know their duty.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

CONDEMNED CANNON TO COUNTY OF ORANGE, N. Y.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill (H. R. 24492) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York, and that the same be considered in the House.

The bill was read, as follows:

The offi was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Orange, State of New York, one condemned bronze fieldpiece, with or without carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed by the Major Murray Camp, Sons of Veterans, on the memorial plot at Goshen, the seat of said county, in honor of the soldiers and saflors from that county who served in all wars: Provided, That the articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance and no expense shall be incurred by the United States in the delivery of the same.

The following committee amendment was read:

In line 5, page 1, after the word "with," strike out "or without." The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CONDEMNED CANNON TO MARSHALL COUNTY, W. VA

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (H. R. 24151) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va., and to consider the same in the House.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Marshall County, W. Va., two condemned brass or bronze cannon or fieldpieces, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed about a monument in honor of the soldiers from that county who served in the civil war, erected on the court-house grounds of said county, and for which the said county court are trustees: Provided, That the articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance and no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER Is there objection?

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

WATER MAIN THROUGH MILITARY RESERVATION, COUNTY OF

Mr. MAYNARD. Mr. Speaker, I now renew my request for unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further considera- | be compelled to proceed in order.

tion of the bill (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va., and that the same be considered in the House at this time.

The SPEAKER. The gentleman from Virginia renews his request for unanimous consent for the discharge of the Committee of the Whole House on the state of the Union from further consideration of the bill (H. R. 4836), and for its consideration in the House at this time. The Clerk will report the title of the bill.

The Clerk again reported the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I offer the following amendments, to go in after the committee amendment:

Seventh. That all work incident to this license shall be subject to the supervision and approval of the officer of the United States Army in charge of said reservation.

Eighth. That the occupation of said reservation incident hereto shall be subject to such rules and regulations in the interests of good order, police, sanitation, and discipline as said officer may from time to time prescribe.

Mr. MAYNARD. Mr. Speaker, I accept the amendments. The SPEAKER. The Chair hears no objection. The question is on the committee amendment and the amendments offered by the gentleman from Illinois.

The question was taken, and the amendments were agreed to.
The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 26203, the pension appropriation bill, and pending that motion, I desire to ask unanimous consent that all general debate be closed in four hours. I have an arrangement with the gentleman from Mississippi [Mr. Bowers], by which we will, if consent is given, divide the time satisfactorily.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, pending which motion he asks unanimous consent that general debate be limited to four hours upon the bill, to be controlled by the gentleman from Mississippi [Mr. Bowers]. Is Keifer a name of The Chair hears none. The question now is on the motion of the gentleman from Ohio.

The question was taken, and the motion was agreed to. Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. Butler in the chair.

Mr. BOWERS. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. WILLETT].

Mr. WILLETT addressed the committee. Remarks stricken out by order of House resolution No. 516, January 27.1

Mr. LANGLEY. Mr. Chairman, I desire to inquire whether if the committee does not desire to listen to the remarks of the gentleman from New York it has any remedy under the rules of the House; whether the House can stop him if the Chair does not rule him out of order?

The CHAIRMAN. Will the gentleman from New York yield

to the gentleman from Kentucky?

Mr. WILLETT. I decline to yield.
Mr. LANGLEY. Mr. Chairman, I did not ask the gentleman to yield. I was making a parliamentary inquiry.

The CHAIRMAN. The gentleman will please state it. But so long as the gentleman proceeds within the rules and practice of the House he is in order and may proceed.

Mr. LANGLEY. But suppose we do not think his speech is in

The CHAIRMAN. Then the gentleman from Kentucky may raise the point of order and the Chair will consider it.

Mr. IANGLEY. All right.

The CHAIRMAN. The Chair will say to the gentleman from Kentucky that the Chair is listening with patience, but the Chair is unable to hear everything the gentleman says.

Mr. MADDEN. Mr. Chairman—

The CHAIRMAN. Will the gentleman from New York [Mr. WILLETT] yield to the gentleman from Illinois?

Mr. WILLETT. I decline to yield.

Mr. MADDEN. I move, Mr. Chairman, that the gentleman has compelled to proceed in order.

The CHAIRMAN. The Chair feels that the motion of the gentleman from Illinois [Mr. MADDEN] is not in order at this time, because the language used by the gentleman from New York has not yet been decided to be out of order, no point having been raised. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to

a point of order.

The CHAIRMAN. Will the gentleman from New York yield?
Mr. WILLETT. I will not yield.
Mr. GARDNER of Massachusetts. The gentleman must

yield to a point of order.

The CHAIRMAN. The Chair did not understand that the gentleman rose to a point of order. Will the gentleman please state it?

Mr. GARDNER of Massachusetts. I make the point of order that the gentleman's discourse is out of order and in violation

of the rule which says personalities must be avoided.

The CHAIRMAN. Which part of the gentleman's speech does the gentleman from Massachusetts [Mr. GARDNER] refer to?

Mr. GARDNER of Massachusetts [Mr. GARDNER] refer to?
Mr. GARDNER of Massachusetts. To the part in which he
speaks of a persistent defamation of Admiral Schley.
The CHAIRMAN. Will the gentleman from New York [Mr.
WILLETT] please suspend for a moment and be kind enough to quote the language to which the gentleman from Massachusetts takes exception, so that the Chair may distinctly understand it?

Mr. WILLETT. The gentleman from Massachusetts objects to my languauge. He must know what I said. Let him report

what he objects to.

The CHAIRMAN. The Chair will be better satisfied to have the language repeated by the gentleman from New York [Mr. Willert], for the reason that the gentleman from Massachusetts may not quote him distinctly and correctly.

Mr. WILLETT. The lines in relation to Admiral Schley

The persistent defamation of Admiral Schley, who really fought the battle of Santiago Bay.

The CHAIRMAN. The Chair is obliged to the gentleman for having repeated his language.

Mr. WILLETT. Is all this debate coming out of my time?
The CHAIRMAN. The Chair will say that the gentleman will be protected as to time. The Chair has the opportunity if the committee will accord the Chair the right.

Mr. BATES. Mr. Chairman—
The CHAIRMAN. The Chair will rule. The Chair is decidedly of the opinion that that remark is out of order. [Applause on the Republican side.]

Mr. GARDNER of Massachusetts. Mr. Chairman-

The CHAIRMAN. The gentlemen will please permit the Chair to rule. In few of the other remarks that the gentleman has made, and in the general tenor of his remarks respecting the President of the United States, the Chair has already expressed an opinion, and has requested the gentleman to proceed in order, but the Chair will now ask the gentleman, if he sees proper, to explain what he means.

Mr. WILLETT. The language speaks for itself. It is an historical fact that the President, in the controversy between Admiral Schley and Admiral Sampson, took the side of Sampson and cast reflections constantly upon the attitude of Admiral Schley in his claim for authority at the time this battle was

The CHAIRMAN. The Chair will state to the gentleman from New York that the gentleman from Massachusetts called the attention of the Chair to the use of the words "defamation of Admiral Schley" on the part of the President of the United States, and the Chair, having in view previous expressions to which the Chair has objected, holds and will repeat that, in the judgment of the Chair, that remark is out of order—

Mr. GARDNER of Massachusetts. Mr. Chairman-

Mr. BATES. Mr. Chairman-

The CHAIRMAN. Leaving it to the House to determine whether or not the Chair is right.

Mr. GARDNER of Massachusetts. A point of order Mr. Chair-

The CHAIRMAN. The gentleman will please state it. Mr. GARDNER of Massachusetts. I raise the point of order that a Member, having been out of order in debate, is no longer entitled to the floor, and that another Member may be recognized.

The CHAIRMAN. The Chair remembers the rule. It is for the committee to determine whether the gentleman shall have the floor, and not the gentleman who makes the point of order.

Mr. MANN. I raise a point of order.
The CHAIRMAN. The Chair will recognize the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I desire to call your attention to clause 4 of Rule XIV.

If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate.

I insist that the gentleman shall take his seat and not be per-

mitted to proceed. [Loud applause on the Republican side.]

Mr. MANN. Mr. Chairman, I raise a point of order. The
gentleman from Iowa has called attention to clause 4 of Rule XIV. I desire to call the attention of the Chair to clause 5 of Rule XIV, which prescribes the procedure in such cases, and which reads:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House, but he shall not be held to answer nor be subjected to the ceasure of the House therefor if further debate or other business has

The CHAIRMAN. The Chair will state his recollection as to the CHARMAN. The Chair will state his recollection as to the application of the rule. That rule is enforced where some punishment is proposed, but ordinarily it is not enforced. The gentleman simply takes his seat until some gentleman moves that he be permitted to proceed in order. Will the gentleman from New York kindly take his seat?

Mr. CANDLER. Mr. Chairman, I move that the gentleman

may be permitted to proceed in order.

The CHAIRMAN. The gentleman from Mississippi moves that the gentleman from New York may be allowed to proceed in order.

Mr. VREELAND. The gentleman from New York has not

taken his seat.

The CHAIRMAN. The Chair thinks the gentleman will, and that he has merely overlooked doing so. The motion is made that the gentleman may proceed in order.

The question was taken, and the Chairman announced that

the noes seemed to have it.

Mr. CANDLER. Division!
The CHAIRMAN. The Chair would be glad to have this vote taken by tellers.

Mr. MANN. I ask for tellers.

The question was taken on ordering tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Mississippi [Mr. CANDLER] will take their places and act as tellers.

The committee divided; and tellers reported-ayes 78,

noes 126.

The CHAIRMAN. The committee has concluded that the gentleman from New York shall not proceed. [Loud applause gentleman from New on the Republican side.]
on the Republican side.]
Trise to a question of order.

Mr. FITZGERALD. I rise to a question of order.
The CHAIRMAN. The gentleman will please state it.

Mr. FITZGERALD. The only power the committee has is to have the words of the gentleman taken down and reported to the House, for action by the House. There is no provision of the House for action of the committee other than that, but it is for the House to act, and not the committee, on the language.

The CHAIRMAN. The practice of the House is the practice of the committee. If the committee had desired more stringent action, the words might have been taken down and reported to the House; but as the gentleman from New York quoted his language, and has been dealt with, therefore it would seem to the Chair that the committee having already acted it is not necessary to refer the subject to the House.

Mr. FITZGERALD. The point I make is that the committee has no such power, and is limited to the exercise of this provision in the rule.

The CHAIRMAN. The committee has authority to report the words to the House if they were taken down. No geutleman asked that the words be taken down until we had proceeded with business, on the question of order, which is now disposed of.

Mr. FITZGERALD. I did not catch the statement of the

The CHAIRMAN. It is simply a question of order, and the committee has now disposed of it.

Mr. FITZGERALD. The Chair apparently does not catch the

point I made, and that is, the committee has no power to do

what the Chair claims it has done.

The CHAIRMAN. The Chair did understand the gentleman, and his position was plainly stated. The Chair is of the opinion that the committee has jurisdiction, and the committee had authority to act just as the committee did act.

Mr. KEIFER. Mr. Chairman, I will ask the gentleman from Mississippi if he desires to yield some time now?

Mr. BOWERS. I can use some now, or the gentleman from Ohio [Mr. Keifer] may use his time, just as he prefers.

Mr. KEIFER. Suppose you yield to some other gentleman

Very well, I yield thirty minutes to the gentleman from Missouri [Mr. SMITH].

Mr. SMITH of Missouri. Mr. Chairman, it is my purpose to discuss during the time allotted me what is known as the "Enrolled Missouri Militia bill."

At the beginning of the first session of this Congress I, with a number of other gentlemen from Missouri and from other parts of the country, introduced pension bills. I introduced my bill for the purpose of pensioning what is now and has ever been known as the "Enrolled Missouri Militia" and other militia of that State.

This proposed legislation has been before Congress for a great number of years in one form and another, and how long it will remain before Congress before definite action is taken upon the measure no one can foretell. It has received the attention and been discussed before the Committee on Invalid Pensions again and again, but without results. I learned at a hearing before this committee near the close of the last session that similar bills had for many years received the consideration of gentlemen from Missouri, like Judge De Armond, Mr. Bartholdt, and others from that State, and hence I take it for granted that there must be merit in the bill.

Missouri, as is well known, was one of the border States. It was bounded on three sides by loyal States and on one side by a State which went into the Confederacy. Possibly no State in the Union had so much internal strife and so much commotion, dissension, and disorder of various kinds as did the State of Missouri; and had it not been for the decisive action of men like Francis P. Blair, Samuel Glover, James O. Broadhead, B. Gratz Brown, and others like them, the probabilities are that Governor Clabe. Jackson and his coadjutors would have swung the State into the Confederacy. But by their prompt action and the men, with swords back of them, for some of whom I am now speaking, the State of Missouri was made a loyal State and kept within the Union.

Some of these soldiers have been pensioned, some have not. The Three Months' Militia that were called out early in the year 1861, in pursuance of a proclamation by President Lincoln for 75,000 to suppress insurrection, have been pensioned by the extension of the general pension laws not many years ago. The Missouri State Militia, an organization under the command of federal officers generally, and particularly when necessity required, have also been pensioned.

In answer to the Senate resolution of June 14, 1902, in which Secretary of War, Root, was directed to transmit to the Senate a statement showing the various classes of Missouri volunteers, militia, and home guards that were in the service during the civil war, the Secretary, in contrasting the enrolled Missouri Militia and the Provisional Enrolled Missouri Militia, said that their military status was precisely the same.

And yet the Government has pensioned the Provisional En-rolled Missouri Militia and left unpensioned the Enrolled Missouri Militia.

The bill which I introduced is well guarded and protected, so that the Pension Bureau, with the authority that it has in matters of that kind, can prevent the pensioning of any Enrolled Missouri Militia, or any other militia, who ought not to be pensioned. The provisions of the bill are simple, and yet comprehensive, and its provisions have been censored by the Pension Bureau often, and until the bill, so far as the Missouri Militia are concerned, is about as perfect as it can be made.

I desire to read just a part of the bill to show its main provisions, omitting the language that articulates it with the general pension laws, which is as follows:

extended to include the officers and enlisted men of the state militia and other organizations of the several States of the Union that were organized for the defense of the Union and cooperated with the military and naval forces of the United States in suppressing the war of the rebellion, who served ninety days or more in any of said military organizations during the said war, and were honorably discharged therefrom or otherwise relieved from duty under orders of a military or naval officer of the United States, and that a certificate of discharge from such service from either state or United States authority shall be conclusive proof of such service, and to the widows, minor children, and dependent mothers and fathers of such persons: Provided, That no person, his widow, or minor children, shall be entitled to the benefits of said acts unless the company or organization in which he served was organized under orders of a commanding officer of the military or naval forces of the United States, or served under authority of a military or naval forces of the United States, or coperated with the military or naval forces of the United States in the suppression of the war of the rebellion, and was paid or maintained by the United States, or doperated with the military or haval forces in said militia or other organization, or was paid or maintained by the States Government.

Those coming within the provisions of this bill are not to be pensioned unless they were organized for the defense of the Union, and to cooperate with the military and naval forces of the Federal Government in the suppression of the rebellion, and unless they had seen as much as ninety days' actual service in the field, and had been honorably discharged or otherwise relieved from duty under military orders, and were organized under and commanded by federal commanding officers.

All of these requirements and others can be carefully preserved and applied by the Pension Bureau to the parties seeking They are not to be pensioned unless they were acting under the command of federal officers at the time that they were in the service to suppress the rebellion, and served actively ninety days. There is no reason why these men, or those who are left of them, should not be pensioned as well as any of the other militia of the State of Missouri.

Mr. BATES. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Will the gentleman yield?

Mr. SMITH of Missouri. Yes; certainly.
Mr. BATES. I desire to ask the gentleman from Missouri whether the provisions of the invalid-pensions law of 1890 were not extended to a company or regiment of Missouri volunteers some two years ago?

Mr. SMITH of Missouri. There was an extension of the general pension laws to what is known as the Missouri State Militia, and also to the Provisional Enrolled Missouri Militia, and to the Home Guards.

Mr. BATES. Does this bill which the gentleman favors fol-

low the precedent set by that action?

Mr. SMITH of Missouri. If I understand the gentleman, I think it does.

Mr. BATES. I think that was a joint resolution. Mr. SMITH of Missouri. This is not a joint resolution, but an original bill for the purpose of extending the provisions of the pension laws to the Enrolled Missouri Militia and other militia that served at least ninety days under the direct command of federal officers in the suppression of the rebellion.

Mr. BATES. Then, this measure contemplates embracing the balance of the Missouri Militia?

Mr. SMITH of Missouri. That is the purpose of it.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Missouri. Yes.

Mr. CAMPBELL. I have known for some time that one branch of Missouri Militia had already been covered into the regular service so that they are now eligible for pensions. Does the gentleman from Missouri know how many there were of those and how many still remain outside, and what the two branches of the Missouri Militia were that made the distinction in the first instance?

Mr. SMITH of Missouri. I think I do, and I shall attempt to answer that before I conclude my remarks. I shall undertake at this moment to show that certain of the Missouri Militia, which now enjoys the benefits of the general pension laws came in under the arrangement of 1861 between President Lincoln and Governor Gamble. That arrangement thus made was so clear and so conclusive when brought to the attention of Congress that it could no longer be ignored. Congress perceived that the President in 1861 wanted the Militia of Missouri, when in line of duty and under the control of federal officers, recognized, and hence some of the Missouri Militia finally secured by resolution an extension to them of the general provisions of the pension laws. The Enrolled Missouri Militia was called out in the summer of 1862 for the purpose of meeting an emergency that unexpectedly arose in the State, that of holding the State within the Union. Something like twenty-five or thirty thousand of that class of militia were then organized and put into active service. They were armed as well as could be by the State, and Brig. Gen. John M. Schofield, at that time the military commander of the Missouri State Militia, acting with the state authorities, assumed command of the Enrolled Missouri Militia and the other militia of the State, and drove from the boundaries of the State the outside invaders, and suppressed the raiding bands within the State, and saved the State. In one of his reports he said that had it not been for the Enrolled Missouri Militia he could not have expelled the invading troops and have subdued the guerrillas and raiding bands in the State. Notwithstanding these facts, and the statements contained in Secretary Root's report, of which the committee has often heard, of the valor and value of these men to the State in preserving the Union, they have not yet been pensioned, and I regret to say that there has never yet been a report by the Committee on Invalid Pensions of this bill or any similar bill. The committee simply contents itself by saying that the bill is not broad and comprehensive enough, that it

does not extend to all kinds of military companies in the various States of the Union, and stops at that, as if it had done its duty in the case and was not required to make a bill that would cover the conditions or lend a hand in helping to do it.

Mr. HAMMOND. May I ask the gentleman a question? Mr. SMITH of Missouri. Yes; certainly.

Mr. HAMMOND. I would like to ask if the members of the Enrolled Missouri Militia were regularly enrolled within the State.

Mr. SMITH of Missouri. Yes, sir, they were.

Mr. HAMMOND. Is there a record of the enlistment of these men and of the service they performed?

Mr. SMITH of Missouri. Yes; there is a record.

Mr. HAMMOND. So that it would be possible from official records to determine the length of service of each militiaman and the kind of service he rendered?

Mr. SMITH of Missouri. It would, yes, by state records.

Mr. HAMMOND. Those, of course, are state records. Mr. SMITH of Missouri. Those are state records, but there are copies of them here in the War Department. Now, as to that, I ought to explain further. You will understand that the Enrolled Missouri Militia was called out into service as I have said, in 1862, because the state authorities, and I will add General Schofield, too, believed that there was about to be a general uprising in the State, of those in sympathy with the South for the purpose of turning the State over to the confederacy. To this call for troops something like 25,000 responded. The response was prompt and organization of the forces was active and effective to meet the conditions that seemed to threaten the integrity of the State with the Union.

Mr. HAMMOND. Now, will the gentleman yield for one

more question?

Mr. SMITH of Missouri. Yes, sir.

Mr. HAMMOND. Who made that call? You state there was a response made to the call; now, who made the call?

Mr. SMITH of Missouri. It was made by Governor Gamble after interviewing and consulting Gen. John M. Schofield, brigadier-general, United States regular forces, as well as commander of the Militia in Missouri. These militia were in part supported by the General Government. They received their uniforms, their arms, part of their subsistence, including forage and food, and some from the enemy. After a year or more had elapsed—and now here comes the pretext and technical trouble, and the alleged reason why the men I am speaking of have not been pensioned. After the storm had cleared away and it looked as if the State was secure through the valiant services of the Enrolled Missouri Militia, it was then thought some of them could be dispensed with and sent home.

Hence the Provisional Enrolled Missouri Militia came into existence, and here is the rub, and this point is technical, empty as a bubble, as I shall show, and yet, so far as I can learn, has never yet been brought out and debated. General Schofield, who had commanded these men that saved, as he himself asserted, the State of Missouri to the Union, came to the conclusion in some indefinable way that it was not necessary to keep them all in the field, and in a cold-blooded way suggested that a better grade of men, whom he thought would make better soldiers, should be picked out of the Enrolled Missouri Militia, that had saved the State against Joe Shelby's raid and a general guerrilla warfare in 1863. In keeping with this suggestion, 10 the Enrolled Missouri Militia and organized, to be known as the "Provisional Enrolled Missouri Militia." This class of militia have a pensionable status, and I am glad they have, and they ought to have it. But they were not mustered in or mustered out, any more than the Enrolled Missouri Militia, but they were picked or selected by Governor Gamble and his officers, as was suggested by General Schofield. Permit me, however, to state that the Enrolled Missouri Militia did not retire from the service, nor were they disbanded until April, 1865.

These men, the Enrolled Missouri Militia, who enlisted in

April, 1862, disbanded in 1865, served their State and kept it in the Union, have never been pensioned, but their comrades have been, simply because they had a little better social standing before enlistment; and here I want to call the attention of the House to what Secretary of War Root had to say with respect to this anomaly in military jugglery:

The members of the Provisional Regiments, Enrolled Missouri Militia, organized under the authority of the governor of the State February 3, 1863, that were detailed from the regiments of the Enrolled Missiouri regiments, their military status was precisely the same, as the original force—

Meaning the Enrolled Missouri Militia. That is what Secretary Root said in answer to the Senate resolution to which he undertook and did make a comprehensive report, giving from the records in the War Department the exact status of every

militia organization of the State. He says that the Enrolled Missouri Militia and the Provisional Enrolled Missouri Militia have a military status of exactly the same character and quality.

I do not know, whether this authority here is regarded as very valuable or not, but, generally speaking, when Secretary Root announces himself on any proposition, it usually receives weight; then why should it not have a controlling influence in this regard? But the Committee on Invalid Pensions-and its attention has been called more than once to this identical language, notwithstanding this statement of the Secretary and hearings, at one of which I addressed the committee last Mayhas consistently and persistently refused to make any report on this bill, or report a bill of its own, giving these old soldiers, many of whom are decrepit, a pensionable status.

Mr. EDWARDS of Kentucky. Mr. Chairman, I would like to ask the gentleman a question. Could the gentleman give about the number of people this bill would include?

Mr. SMITH of Missouri. I made a statement in answer to that question when this bill was heard before the committee at the first session of this Congress, and then said that the estimate of the number of Missouri militia yet living, and who would be affected by the proposed legislation, varied from 3,000 to 10,000 veterans. Originally there were about 25,000 of them, and perhaps 3,000 have been pensioned already, and at least half the others are dead, which would leave a remnant of 5,000 or 6,000. I speak from my own knowledge, because I happen to be connected in a very personal way to this question, for my father was a soldier of the Missouri Militia, and I have an acquaintance with a number of the men, who served in the Enrolled Missouri Militia, and therefore I know personally that at least half of them are dead, so far as my knowledge extends. If I could compute the number that are yet alive and that ought to be pensioned under this bill, should it become a law, there would not, in my opinion, be more than 6,000-possibly not that many.

Mr. HAMMOND. If it will not disturb the gentleman, I ould like to ask another question. The gentleman states that would like to ask another question. The gentleman states that several regiments of the Enrolled Militia were picked out in 1862, and that the balance of the militia was not disbanded until the close of the war.

Mr. SMITH of Missouri. That is correct.

Mr. HAMMOND. Now, will the gentleman please state what services were performed by the members of the militia not picked out or detailed between the time the Provisional Militia of Missouri was organized and the time when the Enrolled Missouri Militia disbanded—the general service performed by the Enrolled Missouri Militia?

Mr. SMITH of Missouri. So far as my information goes, there was no difference in the service at all. There seems to have been some trouble or misunderstanding, which resulted in the discontinuance of General Schofield. There was a good deal of feeling in the State at that time. Factions and strife were strong and bitter, and no doubt he had a good deal of trouble in controlling his men. Therefore he said, he would like to have a certain class of men excluded from the service, because they were not exactly of the character that ought to be in the serv-The correspondence with respect to this subject may be ice. seen in Secretary of War, Root's report, pages 77 to 79, which I hold in my hand. After the storm, as I stated, had passed over, and there was visibly no further use for these bad men as soldiers, the authorities undertook to organize a more decent set of men to serve the country. A certain class, supposedly the rabble, were not picked or detailed for the Provisional En-rolled Missouri Militia, and while each did the very same service and served their country in 1862, 1863, and 1864, during the uprising in 1862, which I have described, the Shelby raid in 1863 and the Price raid in 1864, only the picked Provisional Enrolled Missouri Militia have been pensioned.

Mr. HAMMOND. But after this selection, what service did

Mr. SMITH of Missouri. I understood you to ask, What service did the picked Provisional Enrolled Missouri Militia render the country? I answer, no more real service than did the Enrolled Missouri Militia, and I quote again, listen to these laudatestimonials quoted in behalf of the Enrolled Missouri Militia.

Of the service of the Enrolled Missouri Militia, the adjutantgeneral of the State of Missouri said in his annual report for the year 1863:

Regiments and parts of regiments were ordered into active service and relieved therefrom at various times throughout the State whenever the emergency required it, and life and property, either from bands of guerrillas or an invasion of the enemy in force, become unsafe in any locality. In doing this a sound discretion was used, so as not to involve the State in too great an expense for their payment.

Again, in the same report, the adjutant-general said:

During the month of January the enrolled militia in active service were continually engaged in skirmishes and fights with small bands of guerrillas and bushwhackers, in all of which they invariably routed the enemy whenever a fight could be gotten out of them or a stand was made. The heaviest engagement in which the enemy was in any considerable force was at the battle of Springfield, upon the 5th of that month, and the gallant part taken by the Enrolled Missouri Militia, under the command of Brigadier-General Holland, in the defense of that point against the attack of the greatly outnumbering forces of the rebels under Marmaduke, forms a bright page in the history of our state troops.

In his annual report for the year 1864, the adjutant-general

This body of our state forces, thus designated to distinguish it from other local troops in the service of the United States, and which is properly the militia of the State, has performed an immense amount of duty throughout the State during the past year and has proved a valuable adjunct to the troops in the service of the United States in not only repelling invasion in force, but in suppressing the bands of guerrillas and cutthroats, which, under the name of "confederate soldiers," have, in a great measure, succeeded in their attempts to desolate Missouri.

In 1863 a concurrent resolution was passed by the senate and house of representatives of the State of Missouri, as follows:

Resolved by the senate (and house of representatives concurring therein), That a committee of two on the part of the senate and three on the part of the house be appointed to memorialize Congress to extend to the Missouri State Militia and the Enrolled Missouri Militia the benefit of the pension laws of the United States and all other laws conferring rights and privileges upon the volunteer soldiers in the United States service.

And in 1864 the following joint resolution was adopted:

Resolved by the general assembly of the State of Missouri, That our Senators in Congress be instructed and our Representatives be requested to prepare and support the passage of an act through the Congress of the United States to secure to the widows and orphans of decased soldiers of the Enrolled Militia of this State who died or have been killed in actual service, and to such soldiers of the same as have been wounded in the service of the State in the present rebellion, such pension and bounty as may be allowed by the laws of Congress to the volunteer soldiers of the United States.

The point is that the 10 picked regiments as already described, known as the "Provisional Enrolled Missouri Militia." were supposed to be constantly in camp or in the field, whether they were or not, or whether they had anything to do or not. The original Enrolled Missouri Militia were supposed to be, and in fact were, always ready for actual war; however, when there was nothing to do, and no fighting to be done, and the country required no protection, they went home temporarily, Cincinnatus-like, subject to be called at any hour, as they frequently were, to defend their country and help preserve the Union; for instance, when Joe Shelby raided the State in 1863, and Price made his raid in 1864, and when Marmaduke made his raid in southeast Missouri in the fall of 1862; and they were in service many, many times of sudden excitement, or when scares were bruited abroad of some threatened invasion or raid from the South.

Mr. HAMMOND. Will the gentleman yield there? Mr. SMITH of Missouri. Yes, sir; of course.

Mr. HAMMOND. Then, afterwards, I understood they were called out when there were skirmishes and raids and guerrillas to be suppressed.

Mr. SMITH of Missouri. Yes; I admit that the Provisional Enrolled Missouri Militia did their part, but not any more than the Enrolled Missouri Militia.

Mr. NORRIS. Will the gentleman yield for a question there?

Mr. SMITH of Missouri. Yes, sir. Mr. NORRIS. Were the Enrolled Missouri Militia called after this detailing of which you speak took place?

Mr. SMITH of Missouri, Yes, sir; frequently, and particularly for Price's raid.

Mr. NORRIS. These instances that the gentleman has given occurred after the selections had been made, did they?

Mr. SMITH of Missouri. Yes, sir. These selections by detailing were made by an order of the governor, February 3, 1863. (See Secretary Root's Report, p. 82.) After that, at different times, the whole militia force of the State was called out, as I have stated; for instance, in the summer of 1863, when Joe Shelby raided, especially southwest Missouri, and also in the fall of 1864, when Price made his celebrated raid.

Mr. GOULDEN. Will the gentleman yield? Mr. SMITH of Missouri. Yes, sir; certainly.

Mr. GOULDEN. The gentleman uses the term "called" frequently, and I would like to know whether these troops or militia were called by state authorities or United States author-

Mr. SMITH of Missouri. The Missouri Militia, except the Three and Six Months' Militia, of every name were called out by the governor of the State, after the arrangement made by Governor Gamble with President Lincoln in 1861, for the double purpose of protecting the State and preserving the Union. This

was all particularly brought out before the committee by me at the hearing on this bill on the 8th of last May, to which I here refer.

Mr. GOULDEN. Then, what is the objection, may I ask, to

granting these men pensions, if they served ninety days or over?

Mr. SMITH of Missouri. There seems to be to the committee one very serious objection—which, to my mind, however, is but technical—and that is that they have no military status in the

War Department at Washington.
Mr. GOULDEN. In that they were never enrolled?
Mr. SMITH of Missouri. More than that, they were never regularly mustered in or mustered out of service; but I desire to note that the Provisional Enrolled Missouri Militia were not mustered in or mustered out, nor were the Missouri State Militia mustered in or mustered out. The status of these two classes of Missouri Militia is precisely the same in this respect as the Enrolled Missouri Militia, and yet they have been given a pensionable status, and those who survive are to-day drawing pensions, and rightfully, too.

Mr. GOULDEN. From whom did they receive their pay for military service in the militia?

Mr. SMITH of Missouri. They were originally paid by the State of Missouri, and subsequently, April 17, 1866, an omnibus act was passed by Congress to reimburse the State of Missouri-

For moneys expended in enrolling, equipping, subsisting, and paying such state forces as have been called into service in said State, since the 24th day of August, 1861, to act in concert with the limited state forces in the suppression of the rebellion against the United States.

The exact amount appropriated for this purpose was \$7,456,-417.80, and other smaller sums were appropriated for a like object, and this act, or acts of Congress, ought to constitute an equitable estoppel against the Government making any opposition to placing these men on the pension rolls of the Government, and if I were in a court of equity, they would be.

Mr. GOULDEN. That is the best reason why they should be

put on the pension rolls by the Government.

Mr. SMITH of Missouri. The facts are, that the Enrolled Missouri Militia was armed and equipped by the Government and did much service, continuing throughout the war, and the only technical difficulty is that they were never mustered in and out of the service. The further fact is, as Missouri was a border State, the militia of all classes were required to do much, and really did more service, a great many times over, than did the regular United States soldiers that were in the State.

I want to make this observation, because of its importance in this debate, that the appropriations made to reimburse the State were made indiscriminately without singling out any par-

ticular kind of militia.

Mr. RUSSELL of Missouri. I will ask the gentleman if it is not a fact that members of this Enrolled Missouri Militia, although they have never been regularly pensioned under the law, fought the battles and many of them were wounded, and many of them killed in battles?
Mr. SMITH of Missouri. That is true. Many who served

in different local militia companies, and were on temporary rolls, who were injured in battle, or injured in the service have been pensioned by special acts, but this practice has been abandoned by the committee absolutely, as I understand.

Mr. THISTLEWOOD. I would like to ask the gentleman if this difference in reference to pensions has not been due to the fact that some were enrolled with the understanding that they were not to leave the State of Missouri, and yet if the Enrolled. Missouri Militia did not have to go out of the State a good many times?

Mr. SMITH of Missouri. I do not believe that any enrolled with that understanding, but often they were taken out of the State and sent into border States to pursue invading armies, guerrillas, raiders, and otherwise to protect the State. own knowledge that Captain Cochran's company, that was organized principally in Bollinger County, in southeast Missouri, was with other Enrolled Missouri Militia, under the command of General Rogers, a United States commander, garrisoned at Cape Girardeau, kept scouting and scouring all southeast Missouri and northeast Arkansas. My father belonged to Captain Cochran's company, and was in actual service six months-hard service-in the fall and winter of 1864 and 1865. I know this to be true, of my personal knowledge.

Mr. EDWARDS of Kentucky. Mr. Chairman, realizing that the gentleman from Missouri has given this question a great of thought, and understanding that there are other border States whose militia are in the same condition as that of Missouri, I would like the gentleman to state to the House if he has knowledge or information what other States are in such or like position, and about the total number, if he could give it, that would be benefited by his bill.

Mr. SMITH of Missouri. I can not do that. I think the State of Kansas is in a very similar condition to the State of Missouri

Mr. EDWARDS of Kentucky. I would like to ask the gentleman, as a further question, if he would be willing to embody in his bill a general provision, or accept an amendment, including all the other States that have their militia in a similar

Mr. SMITH of Missouri. Certainly I would. I think my bill, as it is, will cover them all. Without quoting its language exactly, it states that it is "extended to include the officers and enlisted men of the state militia and other organizations of the several States of the Union that were organized for the defense of the Union," and so forth, and to extend to them the benefits of the pension laws. As I understand it, the Pension Bureau could formulate such kind of procedure as would be required to carry out and give effect to the terms of the measure or, act as the general power under my bill is given.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LLOYD. Mr. Chairman, the gentleman from Mississippi [Mr. Bowers], who is in charge of the time on this side, is temporarily out of the Hall, and I have been left in charge of the time on this side. I yield to the gentleman ten minutes

further time.

The CHAIRMAN. The Chair understands the gentleman from Mississippi [Mr. Bowers] has charge of the allotment of the time on that side of the House. The gentleman has asked in his absence that the gentleman from Missouri be recognized for ten minutes further.

Mr. SMITH of Missouri. My bill could be amended so as to reach Kentucky, Kansas, or any other State and cover its militia, organized as in Missouri, but who were never mustered in or mustered out and are without a pensionable status on that account. That feature of the bill, or a supplemental bill recommended as an amendment to my bill, would cover the State of

Kentucky or any other State in a similar condition.

First. To recapitulate, the Enrolled Missouri Militia was called out and enlisted July 22, 1862, for the purpose of protecting the State and its citizens, repelling foreign invasion, and suppressing raiding bands within, which it did to the satisfaction of the state and federal authorities, as I have shown, the total strength of which was 85 regiments, 16 battalions, and 33 independent companies, aggregating possibly 40,000 men from first to last.

Second. The record shows beyond controversy that they were constantly, when the necessity demanded it, under the immediate command of General Schofield, General Rosecrans, General Dodge, and General Rodgers from the date of their enlistment, July 22, 1862, until they were disbanded, March 12, 1865.

Third. The record shows indisputably that the State could not have been defended and kept within the Union without the service of the original Enrolled Missouri Militia. I wish the Committee on Invalid Pensions were present and would take notice of this.

Mr. EDWARDS of Kentucky. I suppose that the gentleman means that he would like to have that portion of the committee present who are not in favor of reporting this bill.

Mr. SMITH of Missouri. I should like to have them present. Mr. EDWARDS of Kentucky. I should like to see them here also.

Mr. SMITH of Missouri. Fourth, I have mentioned several times the agreement formed by Governor Gamble and President Lincoln November 5, 1861, which set in motion the plan to organize the Enrolled Missouri Militia. I have noted the act of Congress April 17, 1866, to reimburse the State of Missouri for moneys expended in enrolling, equipping, subsisting, and paying such state forces as were called into the service in said States since the 24th day of August, 1861, to act in concert with the United States forces in the suppression of the rebellion against the United States.

Fifth. I have called your attention to the action of the senate and the house of representatives of Missouri in 1863 memorinlizing Congress to give to the Enrolled Missouri Militia the benefits of the pension laws of the Government. Yet, when this matter was fresh in the minds of Congress and in the minds of the people of the State of Missouri, they could not say enough laudatory things about the Enrolled Missouri Militia. for whom I am now speaking. I have told you that the late Secretary of War, the Hon. Elihu Root, believed that they were worthy defenders of the Union between 1862 and 1865 and ought to be given a pensionable status by Congress. (See his report to the Senate, pp. 80, 81.) And yet the honorable Invalid Pensions Committee have for twenty years ignored every bill and every resolution and every hearing, every demand, and

every plea, personal and public, made by them and their friends, and the effort of a united Missouri delegation in the House.

All has been regarded as mere babble.

Sixth and last. I here set forth the view taken by President Lincoln of the Enrolled Missouri Militia. He regarded the Enrolled Missouri Militia as being under the national military control, stated in a letter written by him to Charles Drake and others, in reply to the demand that General Schofield be relieved as commander of the Department of the Missouri and that the Enrolled Missouri Militia be disbanded. In the letter, dated "Executive Mansion, October 5, 1863," President Lincoln says:

"Executive Mansion, October 5, 1863," President Lincoln says:

As to the Enrolled Missouri Militia, I shall endeavor to ascertain better than I now know what is its exact value. Let me say, however, that your proposal to substitute national force for the enrolled militia implies, in your judgment, the latter is doing something which needs to be done; and if so, the proposition to throw that force away and to supply the place by bringing other forces from the field where they are equally needed seems to be very extraordinary. Whence shall they come? Shall they be withdrawn from Grant, or Banks, or Steel, or Rosecrans? Few things have been so gratifying to my anxious feelings as when in June last the local force in Missouri aided General Schofield to so promptly send so large a general force to the relief of General Grant, then investing Vicksburg and menaced from without by General Johnston. Was this all wrong? Should the enrolled militia then have been broken up and General Herron detached from Grant to police Missouri? So far from finding cause to object, I confess to a sympathy for whatever relieves our general force in Missouri and allows It os serve elsewhere. I therefore, as at present advised, can not attempt the destruction of the enrolled militia in Missouri. I may add that the force being under the national military control, it is also within the proclamation in regard to the habeas corpus.

A. Lincoln. A. LINCOLN.

want to say, in conclusion, that Missouri furnished over 100,000 men to help preserve the Union, that she did more than Iowa, more than Kansas, more than many other States. Many of these men who were of the militia first afterwards became soldiers in the Regular Army and, with the assistance of the men for whom I am now speaking to this Congress and the country, saved the great State of Missouri to the Union and protected the citizens of that State and preserved civil liberty and civil authority in the country. During all thes eforty years, they have struggled with disease and poverty, and now with old age and, most of all, that desolate feeling of having been forgotten and forsaken by their beloved country. There is only a very small fraction of these men now living, something like 5,000 or 6,000.

Mr. Chairman, it is high time that justice be done these men. Though the mills of God grind slowly, yet they grind exceeding small;
Though with patience He stands waiting, with exactness grinds He

[Applause.]

Mr. KEIFER. I now yield to the gentleman from Kentucky

[Mr. LANGLEY] thirty minutes.
Mr. LANGLEY. Mr. Chairman, while I disclaim any relationship to an insurgent, and while I am, generally speaking, tolerably well satisfied with the present rules of the House, I have sometimes felt, when listening to the many varieties of oratory that we hear on all sorts of subjects under the liberty of general debate, that I would be willing to vote for an amendment to the rules which would confine debate at all times to the matter pending before the House. I felt very much in that humor a little while ago when the gentleman from New York [Mr. WILLETT] was addressing the House.

I have no ambition, Mr. Chairman, to pose as the eulogist of the present President. His record both before and since he became President, and his championship of the cause of the people, of the great policies, national and international, the enforcement of which have helped to make this the greatest Republic, aye, the greatest nation of the earth, are sufficient

eulogy of him. [Applause on the Republican side.]

I do not deny that I am, and have been for many years, a stanch admirer of Theodore Roosevelt, and I am glad to have this opportunity of saying that in my judgment no man since the birth of the Republic has done more to increase its prestige or to promote the cause of civic righteousness, and that his name and deeds will be cherished by the people of this country long after those who are snapping at his heels have been buried

in oblivion. [Applause on the Republican side.]

The country will determine whether or not gentlemen on the Democratic side of the House have acted consistently, in view of the fact that the other day they voted to rebuke the President on the ground that they were maintaining the dignity of the House and the rights and privileges of the coordinate branches of the Government, while to-day they joined in applauding the language of the gentleman from New York [Mr. WILLETT], which, I assert, was far more disrespectful to the Executive and a far greater invasion of those rights and privileges than any language contained in any message of the present or any other President ever was to Congress.

But, Mr. Chairman, I have digressed from the subject I arose to discuss. It is not my purpose to indulge in any criticism of this Government for its lack of liberality in pension appropriations. When we remember that the pending bill carries nearly \$161,000,000 and that up to the present time this Government has expended practically \$4,000,000,000 in the payment of pensions, certainly no one will contend that we have been ungenerous in pension appropriations. [Applause on the Republican side.] Yet, every time a pension appropriation bill passes I can not help feeling the injustice that, in my judgment, has been done to that class of soldiers referred to in part by the gentleman from Missouri [Mr. SMITH], the militiamen of Kentucky and other States who aided in the suppression of the rebellion. I do not propose to advocate, and I have never advocated, the extension of the pension laws indiscriminately to all state militiamen, regardless of the character or length of service performed by them. I am referring rather to that comparatively small class of militiamen who cooperated with the armed military forces of the United States in the suppression of the rebellion and who rendered valuable service to that end. Gentlemen who have studied this question know that there were three principal steps in the enactment of legislation for the benefit of invalid pensioners. I am somewhat familiar with this question, because I spent nearly ten of the best years of my life as an examiner in the adjudication of pension claims and as a member of the Board of Pension Appeals in passing upon appeals from the decisions of the Commissioner of Pen-

Those three steps were, first, the law which provided pension for disability due to the service; second, the act of June 27, 1890, which provided pension for disability without regard to service origin; and, third, the act of February 6, 1907, which provides certain rates of pension at certain ages. The gentleman from Missouri [Mr. Smrth] has given us an interesting discussion of his bill providing relief for certain organizations of Missouri state troops. As the gentleman from Kentucky [Mr. Edwards] suggested to him, I think that a bill should be passed which is broader than his bill, and which will include the cases of militiation of other States who have a significant state. of militiamen of other States who have a similar status. see that I am honored with the attention of several gentlemen who are interested in this subject, and therefore I am going to beg your indulgence while I send to the Clerk's desk and have read in my time a bill which I have prepared after much thought and investigation, and which I think meets the suggestion of the gentleman from Kentucky [Mr. EDWARDS].

The Clerk read as follows:

A bill (H. R. 16095) to extend the provisions of the pension laws to officers and enlisted men of state military organizations who rendered military service to the Union during the war of the rebellion, and to their widows, minor children, and dependent parents.

Whereas the officers and enlisted men of military organizations of certain States who, while cooperating with the armed forces of the United States and acting under the command of United States officers, rendered actual and valuable service to the cause of the Union during the war of the rebellion and aided in its suppression; and Whereas such officers and enlisted men and their widows, minor children, and dependent parents are barred from the benefits of the pension laws solely for the reason that such officers and enlisted men were never actually enrolled and mustered into the service of the United States: Therefore

actually enrolled and mustered into the service of the United States: Therefore

Be it enacted, etc., That any officer or enlisted man of a state military organization who rendered service of the character set forth in the foregoing preamble and who is disabled by reason of injury received or disease contracted in the line of duty while rendering such service, and the widows, minor children, and dependent parents of any such officers or enlisted men dying of such injury or disease, shall be entitled to the benefits of the provisions of the pension laws embodied in Title IV of the Revised Statutes of the United States.

SEC. 2. That the provisions of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and of the amendments thereto, be, and the same are hereby, extended to such officers and enlisted men of the state military organizations referred to in the foregoing preamble who rendered service of the character therein set forth for a period of ninety days or more, and to their widows, minor children, and dependent parents.

SEC. 3. That the provisions of the act approved February 6, 1907, entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," be, and the same are hereby, extended to the officers and enlisted men of state military organizations who rendered service of the character set forth in the foregoing preamble for a period of ninety days or more.

SEC. 4. That the Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: Provided, That a certificate of the adjutant-general of the State to which the military organizations belonged, showing the date of discharge thereform, shall be accepted in lieu of the honorable discharge required by the provisions of the acts

Mr. LANGLEY. Mr. Chairman, I regret that the chairman of the committee before which this bill is pending is not now

on the floor, because I would like to hear from him some good reason, if he has one, why a bill of that character should not be enacted.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. LANGLEY. Yes.
Mr. GOULDEN. To what committee does the gentleman refer and to what committee would that bill go?

Mr. LANGLEY. Necessarily a bill of this character would go to the Committee on Invalid Pensions. The bill I have had read by the Clerk is pending before that committee now, but I

have been unable thus far to get a report on it. Mr. OLLIE M. JAMES. Does the gentleman's bill provide

rellef for what are known as "state guards?"

Mr. LANGLEY. It does. All members of those organizations in Kentucky, and elsewhere for that matter, who cooperated with the federal forces—the armed military forces of the United States-in the suppression of the rebellion are intended to be covered by its provisions.

Mr. OLLIE M. JAMES. I notice that; but there were many persons in my country, for instance, that were in the state guards who rendered service, but they were not under the con-

trol of any federal general.

Mr. LANGLEY. But did they cooperate with them? Mr. OLLIE M. JAMES. They did in a way, but it was under the control and direction of state officers. I notice the gentleman's bill provides that they must have rendered service under the control and direction of the Federal Government.

Mr. LANGLEY. I will state to my colleague that in drawing this bill my chief purpose was to embody in its provisions, as far as possible, limitations similar to those contained in the general pension laws, so that they would differ only from cases now pensionable in that these men were not mustered into the service of the United States. My own opinion is that if legislation of this character is enacted it should be broader than the provisions of this bill, but after a careful consideration of the situation and after consulting with a number of gentlemen, including several officials connected with the adjudication of pension matters, I arrived at the conclusion that a bill framed

conservatively, as mine is, would have a good chance of passing.

Mr. OLLIE M. JAMES. The only point to which I was attempting to direct the attention of the gentleman was this, that if a soldier in a state guard rendered effective service for the time which is provided for in this bill, though he was not under the supervision and control of a federal officer, it seems to me he would have as good a case as though he were under the con-

trol of a federal officer.

Mr. LANGLEY. That is so; but does not this bill cover a case of that kind?

Mr. SMITH of Missouri. I will ask the gentleman this question: Will the delegation from Kentucky join with the delegation from Missouri and go to the Pension Committee and ask that committee to report a bill which will cover the case?

Mr. LANGLEY. Mr. Chairman, I will be delighted to do so, and I am sure my colleagues will also. Not only that, but will state to the gentleman that I have already talked with several gentlemen from Missouri and other States who are interested in this question, with a view of getting a hearing before the House Committee on Invalid Pensions on it.

. Mr. MILLER. Mr. Chairman, will the gentleman yield for a

question?

Mr. LANGLEY. Certainly I will. Mr. MILLER. Will the gentleman from Kentucky have any objection to the acceptance of an amendment, such as suggested by the gentleman from Kentucky [Mr. Ollie M. James], providing that all persons who rendered effective service to the Union cause, even though under state officers, should be included in the bill?

Mr. LANGLEY. I have not, Mr. Chairman, if I thought an amendment of that character were necessary and that it would not endanger the passage of the bill, which, in view of this discussion, seems more promising than I had thought.

Mr. KEIFER. If the gentleman will allow me, I would state that while these troops served under state officers and did services which were valuable, that such service was always under the general direction of the federal officer who had charge of the district at that time.

Mr. MILLER. Not always.

Mr. OLLIE M. JAMES. Mr. Chairman, I think the gentleman from Ohio is entirely in error, because the troops in Kentucky were under the direction of the governor of Kentucky.

Mr. KEIFER. They were classed together under the general

having charge of the district.

Mr. LANGLEY. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. Edwards], who can clearly state that point, as he has recently made a careful investigation of it.

Mr. EDWARDS of Kentucky. Mr. Chairman, my information is that there was an arrangement by the President of the United States, through the War Department and the governor of Kentucky, under which the State Militia of Kentucky and home guards did cooperate with federal troops, and while I do not think it would be necessary to incorporate such an amendment for the purpose of covering the home guards or state guards of Kentucky, I do not see any objection to it, because I believe any man who served ninety days or more in the suppression of the rebellion is entitled to be recognized by the Government for such services and should receive a pension.

Mr. OLLIE M. JAMES. The trouble about an understanding between the President and the governor of Kentucky is that it is not of record, and a soldier would have great trouble in proving the understanding originally had between the Presithe governor.

Mr. EDWARDS of Kentucky. But not the fact of the co-

Mr. OLLIE M. JAMES. No; but you remember the Kentucky troops who had charge of guarding the capitol at Frank-

Mr. EDWARDS of Kentucky. Some; but not many.

Mr. OLLIE M. JAMES. A good many; and there might be a considerable question whether they were doing that under instructions of the President, as Commander in Chief of the

Mr. EDWARDS of Kentucky. With permission of the gentleman from Kentucky [Mr. LANGLEY], I will say, on the contrary, that that is a matter of record in the correspondence between the President and the governor of Kentucky. I have a copy of this correspondence, and if I had thought of this question coming up at this time I would have brought it. The Capital Guards are one of the divisions in Kentucky that were provided for in this correspondence, but because of differences between the governor and the federal authorities they were never mustered in, but there is a record of the facts.

Mr. MILLER. That may be true as far as Kentucky is concerned, but it is not true of those that rendered efficient services in other States. If the gentleman from Kentucky will accept such an amendment as suggested by the gentleman from Kentucky [Mr. Ollie M. James], they will find the Kansas delega-tion heartily in agreement with them in trying to secure this

legislation.

Mr. LANGLEY. I will say to the gentleman from Kansas, if it appears that such an amendment is necessary, in order to cover the class of cases referred to, then, so far as I am concerned, I will be glad to see it inserted, and I am only sorry that the bill we are now discussing is not before the House in

such a shape that it could be amended.

I am not conceding that the bill needs amending in that respect, because my understanding is that all of these troops being in a federal military division, or department, were cooperating with the armed forces of the United States whenever they performed any service in the suppression of the rebellion, and that while performing such service, at least, they were "acting under the command of the United States officers" within the meaning of my bill, even though they may have been acting directly under the orders of the governor of the State: and I think their status was, in effect, the same so long as they were actually in the service and subject to the orders of these federal forces. It seems to me that this is necessarily the case, in view of the Janguage contained in Article II of the Constitution, which reads as follows:

The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

But the gentleman from Kentucky [Mr. Ollie M. James] and the gentleman from Kansas [Mr. MILLER] may be right in their contention. Of course I will gladly cooperate with all of the friends of the militia in the effort to perfect the measure so as to reach every deserving case. What I am contending for is not only right action, but quick action, and I want to do everything in my power to effect both these ends.

As I was proceeding to say, Mr. Chairman, when I was interrupted, the first section of this bill requires proof that the disability was contracted while the soldier was in the service and line of duty before pension can be granted under the "old' or "general" law, as it is usually termed. The second and third sections of the bill provide that it must appear that the soldier rendered the character of service to which I have referred for a period of ninety days, and the fourth section that no cause appears that would have barred the soldier from an honorable discharge if he had been in the service of the United States

before the provisions of the acts of June 27, 1890, and February 6, 1907, shall apply. I have failed to hear from any gentleman a satisfactory reason why such legislation as this should not be enacted. I have heard it contended that these troops had an opportunity to go into the service of the United States and declined to do so, and that for that reason they should not be pensioned, but as a matter of fact many of them did not have

the opportunity to go into the United States service.

In my own State of Kentucky, for example, a good many regiments were never mustered into the United States service because before they had the opportunity the State's quota was filled, but they nevertheless cooperated with the federal authorities there, the armed military forces, and rendered arduous and valuable service in the suppression of the rebellion. Many of them were wounded in battle, many of them lost their lives in the service, many were taken prisoners, and many contracted diseases from which they have never recovered. They rendered, I undertake to say, more arduous and more valuable service in the suppression of the rebellion and underwent more hardships than did thousands of soldiers whose names are now upon the pension rolls and who have received this recognition over these militiamen simply because they were mustered into the service of the United States, while the militiamen were not. It is an unjust discrimination, Mr. Chairman; service ought to be a far more important factor than muster.

Mr. EDWARDS of Kentucky. Mr. Chairman— The CHAIRMAN (Mr. Waldo in the chair). Does the gentleman vield?

Mr. LANGLEY. Certainly.

Mr. EDWARDS of Kentucky. I would like to know from the gentleman, if he has investigated that part of this matter, how many soldiers he estimates a general bill along this line would

place on the pension rolls?

Mr. LANGLEY. Mr. Chairman, in reply to the gentleman from Kentucky, I will state that while I can not answer that question now, I have talked two or three times with the Adjutant-General of the United States Army regarding the matter, and he tells me that he thinks the records are in such shape that it will be comparatively easy to approximate the number that would be affected by this bill. And I may say further in this connection, that he seemed inclined to the opinion that his records were in such shape that it could be easily ascertained what organizations in Kentucky and elsewhere were cooperating with the federal authorities, and for how long a period they so cooperated.

The contention is made also, and I presume that is what the gentleman from Kentucky [Mr. Edwards] has in mind, that the passage of this bill would involve a very large increase in our appropriation for pensions. I do not think so. It is evident already, Mr. Chairman, that no general pension legislation is to be enacted at the present session of Congress, and I give notice now to the Committee on Invalid Pensions that I will have ready at the next session the information to which reference has been made, and will be prepared to show that the passage of this bill

will not greatly increase our pension appropriation.

see that my time will soon be up Mr. SMITH of Missouri. I would like to ask the gentleman a question.

The CHAIRMAN. Will the gentleman from Kentucky [Mr. LANGLEY] yield to the gentleman from Missouri?

Mr. LANGLEY. I will.

Mr. SMITH of Missouri. Can the gentleman say how many men of this character there are in his State?

Mr. LANGLEY. I could not answer that positively, I will say to the gentleman from Missouri; but the larger part of them, I think, have already passed away. Only a comparatively small remnant of them is left. There are only a few thousands at the most; and, so far as Kentucky is concerned, the enactment of this bill would not place any considerable additional burden on the Treasury of the United States.

I want, before I close, to refer to one or two other matters and to make another appeal for more liberal pensions for all of the

old veterans.

Mr. EDWARDS of Kentucky. Mr. Chairman, a while ago the gentleman from New York [Mr. GOULDEN] asked the gentleman from Kentucky [Mr. Langley] to what committee this bill had been referred. Now, I think I violate no confidence of the committee when I say that there has been some contention that the Committee on Invalid Pensions does not have jurisdiction of this sort of legislation, because of the fact that these soldiers, or this militia, ought to be mustered in, or ought to have some action in this House that usually comes through the Military Committee; and as the gentleman from Kentucky has had experience on the Pension Board of Appeals and is a lawyer and has been giving this question considerable thought, I would like to have his opinion on that question, and if his time expires I

think I can procure more for him.

Mr. LANGLEY. Mr. Chairman, so far as the matter of the respective jurisdictions of the Committee on Invalid Pensions and the Committee on Military Affairs is concerned, I am perhaps not as capable of determining that as is the gentleman from Kentucky [Mr. Edwards], he having had longer service in this body than I have. I presume that would be largely a question of what the rules provide and what the customary practice has been. At least it is more a question of that character than it is a legal question, as I view it.

I am perfectly clear, however, on one point, and that is, that Congress has the power to fix the conditions upon which any person may be admitted to the pension rolls, and in the exercise of that power it can, of course, give a pensionable status to persons who were in state organizations without requiring that they be mustered into and out of the United States service. In fact, it has done so in several instances. This being the case, I think it would be a technical and unnecessary proceeding to have the Committee on Military Affairs take the action suggested, or rather report a bill for that purpose.

What we are trying to get at is to give these militiamen a pensionable status just as they stand and in recognition of the service they rendered, conceding that they never were in the service of the United States. My bill was drawn upon that theory, you will observe. Section 4 provides that the certificate of the adjutant-general of the State, showing date of discharge from the state service, shall be accepted in lieu of the honorable discharge from the United States service which is required in the acts of 1890 and 1907, and the concluding proviso also renders a muster in and a muster out of the United States service Consequently I think my bill clearly comes within the jurisdiction of the Committee on Invalid Pensions, and that the Committee on Military Affairs has nothing to do with it.

Mr. SMITH of Missouri. Mr. Chairman-

The CHAIRMAN. Will the gentleman from Kentucky [Mr. LANGLEY] yield to the gentleman from Missouri [Mr. SMITH]? Mr. LANGLEY. Certainly.

Mr. SMITH of Missouri. I desire to ask the gentleman whether the provisions of my bill are not general enough to enable the Pension Bureau to formulate a procedure that will let in the militia of all the States, and whether the bureau has not jurisdiction to arrange a procedure to admit them to pen-

Mr. LANGLEY. Of course the bureau has only such jurisdiction as Congress gives it. I have not given as careful a study to the gentleman's bill as I should have done perhaps. I was greatly interested in his discussion of the question, which I think was able and most convincing.

Mr. SMITH of Missouri. Before this matter is postponed to another session, I should like to ask the gentleman to examine my bill and see whether it will cover his State.

Mr. LANGLEY. I will be glad to do that, but I know that my bill covers my State.

Mr. SMITH of Missouri. I think myself that it does, and covers the State of Kansas also.

Mr. LANGLEY. I care not whose bill is passed. I simply feel that Congress and the country owe it to these brave and patriotic old heroes who rendered such valiant service to the Union cause to place them on an equality with the other sol-

diers of the country who now have a pensionable status,
Mr. GILLESPIE. I would like to make an inquiry of the gentleman as to the principle on which he asks that these men shall be placed upon the pension roll. They were men who were called out by the governor of the State for the protection of the citizens of the State when the governor thought the general protection of the Federal Government was not sufficient; when there might be sudden uprisings, or things of that kind, and to protect the citizens, the governor goes on and musters these forces that are to act entirely independent of the United States forces. Do you believe that soldiers, men engaged in warfare that way, have a right to rely upon the Federal Government for pensions, even though they did cooperate for the purpose of more effectually extending their aid in protecting the State, independent of the Federal Government? How do you argue that these men should be allowed a pensionable status by the Federal Government?

Mr. LANGLEY. So far as allowing them a pensionable status at this late day-which I understood the gentleman's question to suggest as an objection—is concerned, I think that

that ought to have been given them many years ago—
Mr. GILLESPIE. Another question, if the gentleman pleases,
Mr. LANGLEY. The gentleman makes his questions so

lengthy, if he will pardon me, and propounds so many of them before I have a chance to-

Mr. GILLESPIE. I would like to hear a little more elaboration of the proposition-upon what principle should the Gov-

ernment pension them?

Mr. LANGLEY. As I said a while ago, I am not contending that all the militia of all the States that was called out for temporary purposes or uprisings, of which the gentleman from Texas speaks, should be given a pensionable status. I am referring to that class of men like those in Kentucky, for instance, who were called out by the governor, some of whom, at least, went into the service with the understanding that they were going into the United States service, and who, although not mustered in, proceeded to cooperate with the armed forces in aiding to suppress the rebellion. The principle involved in my proposition is similar to that, I claim, upon which Con-gress based the legislation for the relief of the Texas Rangers, the Enrolled Missouri Militia, the Provisional Missouri Militia, and an organization of Tennessee Militia, which was given a pensionable status years ago.

The CHAIRMAN. The time of the gentleman has expired. Mr. KEIFER. I yield five minutes more to the gentleman.

Mr. LANGLEY. I thank the gentleman from Ohio for his courtesy. They were armed and equipped by the United States Government; they were furnished clothing by the United States Government; and in some instances they were taken entirely out of the State under the command of federal officers. I will say further to the gentleman from Texas [Mr. Gillespie] that the Government of the United States afterwards reimbursed the State of Kentucky for its expenses incurred in that connection, thereby recognizing that these militiamen had a status which removes them from the class of militiamen to which the gentleman from Texas is referring.

Mr. GILLESPIE. Is it not true, not perhaps of the kind described in the gentleman's bill, but that these irregular troops who belonged to organizations acting independent of the federal forces and who are trying to get on the pension roll, if we took them all that there would probably be 200,000 of them, including all the border States? Is there not danger that if we open up this question all these 200,000 irregular troops will

get on the pension rolls?

Mr. LANGLEY. The gentleman seems to think that if Congress recognizes this small class of militiamen that I have endeavored to describe and to distinguish from the large body of militiamen throughout the country, that it will necessarily have to go still further and give them all a pensionable status. I do not recognize the force of that argument. Congress can undoubtedly go as far as it thinks proper and then stop, and we must assume that this is what it will do. I do not know how many state militiamen there are altogether, even in these border States, who are still surviving and who, of course, would be glad to get a pension if they could; but of the class described in my bill I do not think, as I have already said, that there are more than a few thousand surviving who would be given a pensionable status under its provisions.

Now, I hope gentlemen will not interrupt me further, as I have lost a great deal of my time by these questions, but I was glad to have them, because it evinces a growing interest in this subject and makes me exceedingly hopeful of favorable action.

There were one or two other matters that I was anxious to One of them was the paragraph in the bill which appropriates for only one pension agent, the purpose of which is, of course, to accomplish, by this indirect method, what could not be accomplished directly under the rules of the House, the consolidation of all the pension agencies in Washington City. That question will, of course, be fully discussed when we reach that paragraph of the bill under the five-minute rule. But I want to say now that I am opposed to the consolidation. It is claimed that it is in the interest of economy, but I do not believe, on the whole, that it will have that effect,

I am opposed to it also because most of the pensioners in my State and district are opposed to it, and because it will be less convenient to the pensioners and will necessarily delay more or less, the payment of pensions in a large part of the country. I am opposed to it also because it will result in throwing out of employment nearly all of the people employed in these agencies, many of whom are old soldiers, and the widows and orphans of soldiers. Their salaries are too small, as a rule, to enable them to move to Washington and live, and many of them could not come if their salaries were increased. I am opposed to it because, as a result of this situation, the consolidation would take jobs from people in the different localities where the agencies are located and give the work to clerks here in the Pension Bureau who would otherwise be dropped sooner or later because of a diminution in the work of that bureau.

There has been too much discrimination in this respect al-Too many government positions are now held by citizens of Washington and its immediate vicinity notwithstanding the fact that the theory of the civil-service law is that an equitable apportionment of these places must be made among all the States

So far as the Louisville agency is concerned, I will challenge a comparison of its present administration with that of the Washington agency or any other agency. A distinguished Union soldier of Kentucky, Hon. A. T. Wood, has charge of that, A distinguished and it is conducted in an up-to-date manner in every respect. He tells me that for a considerable period preceding the quarterly payments he and his clerks all work at least an hour more

than the clerks here in Washington.

I am sorry that I have not the time allotted to me to discuss this question at greater length. I also wanted to say a few words in behalf of the widows of civil war veterans, and particularly those who married the soldiers before or during the service and who, in a sense, bore their share of the hardships and privations of the war. I also wanted to advocate the repeal of the law which denies pensions to widows who married the soldiers since 1890, and to urge favorable consideration of my bill extending the provisions of the act of June 27, 1890, and its amendments, to the veterans of the Spanish-American war and their widows and orphans, and my bill granting these veterans a bounty, and one or two other measures of interest to soldiers and in which I am deeply interested, but my limited time will not permit. I hope, however, to get these measures before the House a little later on, when I will have a chance to express my views on them.

Let me, in conclusion, urge again a more liberal pension law for the old soldiers. In my judgment, Mr. Chairman, the time is now at hand when this Government should provide a pension law liberal enough to place the old veterans of the civil and Mexican wars entirely above want, so that they will not have to labor for support, but may live in comfort for the remainder of their days. Most of them are now receiving only 40 to 50 cents a day; and yet it is contended by some that we have

already done enough for the old soldier.

I can recall at this moment many a humble home down in my district wherein dwells an old man, a soldier of the Union, who is trying to keep body and soul together, and sometimes trying to support others as well, on this small pittance of 40 or 50 cents a day.

The time has come when we ought to give every one of these old veterans a pension of at least a dollar a day. If it be contended that the condition of the Treasury is such now as not to warrant this action-that we have not the money-I, for one, would be glad to have the opportunity to vote for an issue of bonds to meet the additional expense.

In view of the glorious record that these old veterans will leave behind them; of the heroic struggles through which they passed; of the hardships they endured; and of what they accomplished for their country, I am sure that the next generation will not object to bearing its share of the burden. [Applause.] Mr. LLOYD. Mr. Chairman, I yield to the gentleman from

New York [Mr. GOULDEN] ten minutes.

Mr. GOULDEN. Mr. Chairman, the wide latitude of debate allowed by the Committee of the Whole House, if not always instructive, at least, I think tends to the gayety of nations.

We were very much amused this morning, and some of us perhaps instructed, by the remarks of the distinguished gentleman from New York [Mr. WILLETT], and while many of us did not agree with him in what he said as to the Chief Executive, at the same time I fear that the suppression of free speech in the House is a very bad precedent to establish. To my mind it was a dangerous thing to do and subversive of free govern-

I usually agree with the reports of committees, believing that a committee bringing in a unanimous report have given the question more consideration than it is possible for individual Members of the House to give, but there are times when I shall have to be classed as an insurgent. Although my friend from Kentucky [Mr. Langley] rather disclaims any intention of being put into the category of an insurgent, I observe that he is about as frequently, perhaps, in that list as many of the rest of us who are Members of this House on the question of supporting the views of the standing committees of this body.

H. R. 26203, with report numbered 1851, now under consideration has the merit at least of being brief and to the point. In addition to this excellent feature, the bill is carefully and intelligently prepared, and, with one exception, it is entitled to the approval of the House. That is the paragraph relating to the pension agencies. Under existing law there are eighteen located in the chief cities of fifteen States and one in the District of Columbia, New York and Pennsylvania having two each, This to the gentleman from Nebraska [Mr. Norris].

arrangement, now in successful operation for many years, has proven very satisfactory, and, in my judgment, should be continued for at least some years longer.

The pensions paid yearly have steadily grown in volume owing to the just recognition of the debt due the men who, in the civil war, saved the Nation, as well as to their widows

In the ten years from 1899, when the amount paid was \$144,651,879.80, it has increased to the sum carried in the present bill of \$160,869,000, an increase of more than \$16,000,000 in ten years. The age law and the increase in widows' pensions that Congress enacted into law in 1907 and 1908 are responsible for this great increase.

In 1907 the appropriation reached the low-water mark, amounting to \$138,155,412.46. The present bill may properly be called the high-water mark in the matter of pensions.

Dui ing 1907 and 1908, 67,636 new claims were added to the list. Notwithstanding this large number of additional claims, the total number on the roll decreased in 1907 from 985,971 in 1906 to 967,371, and in 1908 it fell to 951,687, a net loss of 34,284, due to death principally.

The decrease in number in the next five years will be far

greater, and the total will not, in my judgment, exceed 600,000.

As this year's appropriation is the largest in the history of pensions, it seems to me to be a mistake to attempt to change the system of payment by centralizing it into one office, and I am therefore opposed to the change at this time.

The report accompanying the bill has the following comments on the proposed change. A few salient ones I shall read for

the information of the House and the country:

the information of the House and the country:

Pension agents.—The compensation of pension agents is fixed by the act of June 14, 1878 (Supp. Rev. Stat., pp. 347 and 348), by the act of July 4, 1888, and by the act of March 3, 1885 (Stat. L., vol. 23, pp. 99 and 362.)

The bill provides for the payment of the salary of one pension agent at \$4,000. This is in accordance with the recommendation of the Secretary of the Interior (Mr. Garfield), concurred in by the Commiscioner of Pensions (Mr. Warner), made pursuant to a proviso in the pension appropriation act approved March 4, 1907, which reads as follows:

That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the seconomic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies.

From the closing lines of Secretary Garfield's report, it seems

From the closing lines of Secretary Garfield's report, it seems that the President has the right and power to reduce the number of agencies, and therefore the proposed change is unnec-I have the fullest confidence in President Roosevelt, as well as in Judge Taft, who becomes Chief Executive on the 4th day of March, and believe that the matter should be left in their hands to determine. The President can thoroughly examine into the needs of the bureau, and if deemed wise, and in the interests of those intended to benefit, the veterans and the widows of the same, he can readily and intelligently apply the remedy. I desire to insert the action of the Grand Army of the Republic of New York City, printed in the RECORD of March 18, 1908,

MEMORIAL COMMITTEE,
GRAND ARMY OF THE REPUBLIC,
New York, March 17, 1908.
To honorable United States Senators and
Members of House of Representatives:

Members of House of Representatives:

The memorial committee of the city of New York, boroughs of Manhattan, Bronx, Queens, and Richmond, in meeting assembled, unanimously disagree with the proposition to discontinue the pension agencies throughout the country and the establishment of an agency in the city of Washington, and they do most earnestly urge in behalf of the comrades resident in our city that the United States Senators and Members of the House of Representatives from the State of New York use their influence and effort against the proposed law, and for a continuance of agencies as at present existing under the law.

GEO. B. LOUD, Chairman.

EDWARD J. ATKINSON, Secretary.

I feel quite confident that those who are beneficiaries under the various laws of a grateful government to a most deserving class, by a large majority, are opposed to this change. In my judgment, there is no good, valid reason for it except the matter of economy, and I do not regard that as sufficient to justify trying an experiment at this time. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. Keifer having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries,

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr KEIFER. Mr. Chairman, I now yield twenty-five minutes

Mr. NORRIS. Mr. Chairman, I desire to avail myself of the present opportunity to offer a few observations upon the rules of the House of Representatives. The present House of Represcutatives is more than five times greater in number than the first House of Representatives that met after the adoption of the Constitution. I think all who study the subject will agree that the rules governing the organization of a legislative body should be determined somewhat by the size of the body and the length of time that it has to dispose of its business. that would properly govern 4 or 5 men when in session would be, I think all will agree, entirely inadequate to an organization composed, in round numbers, of 400 people. As a matter of fact, most of the people who defend the rules of the House, and oppose any change therein, always devote their attention and their defense to those portions of the rules which nobody has at-

It will be conceded, I believe, by all those who think that many rules, even of a very stringent nature, are necessary in the House of Representatives in order to permit us to do any business at all. As far as I know, no one has claimed that all the rules are bad; and it is no defense of the evil, if there be evil in them, to make a defense against those portions of the rules which nobody complains of, and which everybody admits

are right and just.

The gentleman from Pennsylvania [Mr. Olmsted] the other day devoted a great deal of his time in showing how it was that Members had all the opportunity necessary for debate, and what would happen if unlimited debate were allowed, and then devoted considerable time to a defense of what are ordinarily known as the "Reed amendments" to the rules of the House. So far as I have heard, no one has claimed that there should be a rule that would permit unlimited debate, or that what are known as the "Reed rules" are wrong in practice or in prin-

Notwithstanding the fact that, in my judgment, most of the rules are good and are the result of wisdom and experience. I do believe in one or two particulars the rules of the House of Representatives are not only wrong, but vicious, and ought to be changed, in order to permit the House to do the business that was intended by the framers of the Constitution it should do, and do it in the way that it should be done and in a manner satisfactory to the great people of the country that we represent.

In the first place the rules of the House provide that the Speaker shall have the power to appoint all the standing committees. Everyone who has given the subject any study knows that most of the legislation is at least mapped out by the standing committees of the House. In an organization such as this, it must necessarily be that most of the work will be done in committee. As a matter of practice, I understand the rule to be that the Speaker appoints the members of the standing committees coming from the majority side, and the leader of the minority appoints the members of the standing committees who

come from the minority side.

In this way the two men-and I am not criticising or finding fault or complaining of the patriotism, the wisdom, or the ability of the present Speaker or of the present minority leader, nor do I complain of the statesmanship of any of their illustrious predecessors—I am speaking of them not as individuals, and have no complaint to find with them personally as such, but as a part of the system or the scheme that I believe to be wrong. A man on the majority side who desires to get an appointment on a committee seeks the favor of the Speaker to get it. If he be a minority Member, he goes to the minority leader. And in this way a power, second almost to none that has been granted by the Constitution of the United States, has been given by the House rules to one, and in a certain degree to two Members of the House of Representatives.

Every Member of the House of Representatives comes here anxious for a place on some particular standing committee. For reasons best known to himself the coveted position means much to him in his political welfare. Is it any wonder that he is anxious to stand well in the eyes of the man who holds his future destiny in his hand? Is it surprising that he should strive to please the man who has the power to advance or ruin

his future political prospects?

The Speaker and the minority leader, by virtue of the rules and practice of this House, hold in their hands, to a great extent, the political welfare of every Member. It is no answer to this argument to say that this power is never used. If the system is wrong in principle, it should be abolished. Neither should the system be retained, even though it be admitted, which it is not, that just as good results would follow from the present method as the one proposed. It is not enough that we do right, but we should do right in the right way. Even if it be admitted that this great power is never intentionally used

to influence Members in their official action, it would nevertheless be quite natural that in legislation pending in this House, or in questions of policy before a political caucus, where the wishes or desires of these men were known, that the Members who had been the recipients of political preferment at their hands, unless they were vitally interested to the contrary, should endeavor to pay the political debt they owed. It is no reflection upon the Speaker or the minority leader that the House should desire to take into and retain in its own hands this great and responsible function of legislation that the framers of the Constitution never contemplated should be delegated to any one man, however wise or able.

One of the most serious objections to the rules of the House,

and in my opinion it is the most objectionable and vicious of any, is that there is practically no provision within the rules themselves for amendment or a change of the rules except by

the consent of the Speaker.

Any resolution to change the rules of the House will be by the rules referred to the Committee on Rules, which we all know means practically to the Speaker himself. Thus when we adopt the present rules at the beginning of a Congress we have tied the hands of the House absolutely as far as any change is concerned in the rules themselves and made it impossible during the entire sessions of that particular Congress to amend them in any way without the consent of the Speaker.

Many propositions have been made that the Committee on Rules ought to be elected by the Members of the House of Representatives themselves. In order that I may explain more fully my views on this subject, I desire to call attention

Mr. EDWARDS of Kentucky. I would like to ask the gen-

tleman a question.

Mr. NORRIS. I will yield to the gentleman.

Mr. EDWARDS of Kentucky. Under the rules as now constituted, can not the House elect its committees if it so desires?

Mr. NORRIS. Practically no.

Mr. EDWARDS of Kentucky. I call attention to Rule X, where he will find that it says:

Unless otherwise specially ordered by the House, the Speaker shall

And so forth.

Mr. NORRIS. Yes; but it has never been "specially authorized," and I do not suppose it ever will be or could be under the rules. The fact is it can not be unless we change the rule and thus make it "specially authorized." That is just what I propose to do.

Mr. EDWARDS of Kentucky. But it is not necessary to change the rules to give the House that authority?

Mr. NORRIS. I think so. I was going to say, when the gentleman interrupted me, that in order to explain more fully the idea I have in regard to the change, I want to call the Members' attention to House resolution 417 that I introduced in this Congress, having in view an amendment to the present rules. It provides that the Committee on Rules as now existing shall be abolished, and that another Committee on Rules consisting of 15 members shall be elected by the House. The resolution provides that 9 members of this committee shall belong to the majority party, 6 to the minority party, and that they shall be elected as follows:

The States of the Union shall be divided into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party, and such Members in each of said groups shall meet and select one of their number as a member of said Committee on Rules. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party, and such Members in each of said groups shall meet and select one of their number as a member of said Committee on Rules.

Mr. MANN. These divisions are made according to the number of Representatives?

Mr. NORRIS. According to the majority and the number of the minority as near as may be.

Mr. CAMPBELL. Will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. CAMPBELL. Under Rule X the appointment of committees is provided for by the Speaker unless otherwise ordered

Now, what rule stands in the way of the House taking upon itself the responsibility of appointing these committees?

Mr. NORRIS. Oh, probably none; but it would take another rule to "otherwise provide."

The rule of common sense.

Mr. MANN. The rule of common sense.

Mr. NORRIS. There is not any method provided for their appointment, and any method proposed would under the rules be referred to the Committee on Rules, which we all know would mean its death.

Mr. CAMPBELL. It is simply the practice of the House?

Mr. NORRIS. Yes.

Mr. CAMPBELL. ing the committees? That has resulted in the Speaker appoint-

Mr. NORRIS. I do not know as to that, but I think it has

Oh, no; it has not always been done.

Mr. MADDEN. Did the gentleman suggest any number of members of the Committee on Rules?

Mr. NORRIS. I did. The proposed amendment that I have offered provides for 15, and I was just explaining when the gentleman interrupted me.

Mr. OLLIE M. JAMES. How does the gentleman divide the

15 between the majority and the minority?

Mr. NORRIS. I have just explained that nine would come from the majority side and six from the minority side. The resolution provides that no nember of the Committee on Rules shall be a chairman of any of the standing committees. In my judgment that ought to be changed, and it ought to provide that no member of the Committee on Rules should be a member of any other standing committee.

Mr. MADDEN. Wi Mr. NORRIS. Yes. Will the gentleman yield?

Mr. MADDEN. Would not the gentleman think that a great hardship, to take the brains of the membership of the Rules Committee away from active participation in the affairs of the House and the country?

Mr. NORRIS. Well, if the members of the committee were the only ones that had any brains, that would be true; but I am going on the theory that there will be a whole lot of brains left over, enough to supply all the committees. I would not be surprised if even the gentleman himself would not be on the Rules Committee.

Mr. MADDEN. I assume that in the selection of the fifteen gentlemen under the plan proposed by the distinguished gentleman from Nebraska he would assure the country that none but the best brains of the House would be selected for that committee.

Mr. NORRIS. Well, I suppose that that would be true. It would be the best brains of the House and of the country, and as good as the House afforded; but there would be just as good I assume, and I hardly think that the gentleman's inference could mean, or that it might be construed to mean, that by taking 15 men out of the House we would exhaust the House

of all its ability and brains.

Mr. MADDEN. Oh, not at all.

Mr. NORRIS. Neither would I think the gentleman would assume that, even under the present rules, all of the brains, although there may be a great portion of it there, are to be found on the Committee on Rules or any other standing committee of the House.

Mr. MADDEN. The idea I wished to convey was that if men of a very high and superior order of ability were selected as members of the Committee on Rules, the knowledge and intelligence that these men possessed might be well utilized in other places as well as on the Committee on Rules.

Mr. NORRIS. Well, that might be. I recognize the fact that if we were adopting or trying to adopt this resolution it would be subject to amendment, and if the gentleman from Illinois could convince the House that there was not brains enough to go round and that the members of the Committee on Rules had a monopoly of the brains, the House would, no doubt, refuse to put in the amendment I have suggested, and would allow the Committee on Rules to be distributed throughout the other committees

Mr. MADDEN. Will the gentleman yield to one further question?

Mr. NORRIS. Yes.
Mr. MADDEN. In view of the few times during the session of Congress that the Committee on Rules is called upon to act, would the gentleman think it possible to get the men of the widest experience in the legislation of the country to act upon the Committee on Rules if they were to be debarred from the right to act upon other committees?

Mr. NORRIS. That might be, and that would be something to take into consideration, of course, whether we were going to deprive them of it. That is only one of the details upon which men might very honestly disagree, but it is only my individual opinion that a member of the Committee on Rules, as proposed by the resolution, would have enough to do without being put on any other standing committee. If this particular resolution were adopted we would have a Committee on Rules that would be representative of the entire membership of the House, a committee that would be subject at any time to the will of the majority of the Members of the House of Repre-

sentatives, one that would be absolutely representative of the entire country. I know-or I believe, I will say-that throughout the country generally the idea prevails that the House of Representatives has delegated too much of its power to the Speaker. Right here we often hear gentlemen talking about the degeneracy of the House of Representatives, and that it has lost its prestige that it used to command, and that it ought to have before the country under the Constitution. In my judgment, it is because we have delegated practically all of our powers as Members of the House of Representatives to the presiding officer. The Speaker of the House should be its servant, doing its will, and not its master, controlling its action.

Mr. MANN. Will the gentleman yield for a question?

Mr. NORRIS. Yes.

Mr. MANN. Along that line. The gentleman proposes a Committee on Rules of fifteen, as the gentleman explained, and I see by the gentleman's resolution that it is practically a committee of three.

Mr. NORRIS. Oh, no. Mr. MANN. Well, the gentleman's resolution provides that a committee of fifteen shall have authority to delegate to a subcommittee of its members of not less than three in number the power to report special rules to the House of Representatives for the transaction of business, and within the limitation of the authority granted such subcommittee shall have all the authority of the full committee. That is giving the power to turn over all the power to a committee of three

Mr. NORRIS. In answer to the suggestion or question I will Mr. Chairman, that it often occurs that it is necessary that the Committee on Rules has to take immediate action on something that is up before the House. I have talked with a great many men with regard to this particular subject, and it is generally conceded that there must be, in order to keep the House running properly, a small committee that will have the power if an emergency arises in the consideration of a bill, when they want to report a special rule to report it immediately and not take the necessary time that would be involved to call together a large body of men, and that was my object in putting that in the resolution, and it is safeguarded from the fact that the Committee on Rules delegates whatever power it deems necessary in such a case up to the extent of its own authority.

Now, it often occurs in the consideration, as I have seen it occur since I have been in the House, of an appropriation bill that some point of order has been made against a particular item in the bill and which would be declared out of order, properly, too, on the ground that it is new legislation, but it would be something that everybody probably except one or two men, or the one man who made the point of order, wanted to go in. The Committee on Rules, through this subcommittee, would be able to meet that emergency. This illustration shows the desirability of this provision for a subcommittee.

Mr. MANN. What I want to ask the gentleman is this, If

he thinks that the power of the House is absorbed through the rules by the Speaker, as he seems to think, why does he think that granting authority to a subcommittee of three will be used and limited to emergencies? Why does he think the power in one case is less and will not be exercised in the other?

Mr. NORRIS. Because the committee that is provided for in the resolution comes from an entirely different source and derives its power from an entirely different source, as it comes directly from the membership of the House.

Mr. MANN. Then 15 Members of the House would confer authority upon 3 in one case, and the gentleman thinks it is more unlikely for 15 Members to confer authority on 3 than for

391 to confer power on 1. I do not think so.

Mr. NORRIS. I think it is likely that 15 Members, elected by divisions of the country such as I have described, would be more likely to represent the ideas and the purposes of the House than that 3 men appointed by the Speaker, including the Speaker himself, would be likely to represent us. Now, I admit-

Mr. MADDEN. Will the gentleman permit?
Mr. NORRIS. Certainly.
Mr. MADDEN. Would these men be appointed by the House or by the 15?

Mr. NORRIS. These 3 would be a subcommittee of the 15.

Mr. MADDEN. That would be a sort of executive committee.
Mr. NORRIS. It would be a subcommittee. You can call it
executive committee" if you want to, but I want to again call attention

Mr. MADDEN. I apprehend the gentleman thinks that the Speaker usurps the power that should be in the rules themselves now.

Mr. NORRIS. Well, I have not said that the Speaker usurps any authority or power, and I do not want to say it.

Mr. MADDEN. Let us admit he does.
Mr. NORRIS. I do not care to go into a discussion of a side issue on this proposition. I have not made that charge and I am not going to be led up to it in this discussion. It may be some time we will get there when we can not help it, but I do not want to cast any reflection on the Speaker or any-one else. I refer to him as part of a system. I am not fighting him personally, but I am opposed to the system that he repre-

Mr. MADDEN. Well, if the individual who happens to be Speaker should by any chance become arbitrary by reason of the power that is vested in him by the House, is it not more than likely that those three members of the executive committee proposed by the gentleman would be still more arbitrary if they were given power?

Mr. NORRIS. No. Mr. MADDEN. And would it not be much more easy to get consent from one arbitrary functionary than from three ar-

bitrary functionaries?

Mr. NORRIS. No; I say not. The resolution provides in the first place that a committee on rules, composed of 15 Members, shall be selected, not even by a caucus of the different parties, but the selection is thrown to the several divisions, where in each division the Members meet together and select one of their own number who shall become a member of the Committee on Rules. He represents that division. He is your member on the Committee on Rules or mine. He is responsive to the men who gave him the position, and he does not depend for his position on the Committee on Rules, upon the Speaker,

or any caucus, or upon any particular individual.

The resolution amending the rules which I have proposed also provides that this committee of 15 on rules, in addition to having all the power now exercised by the present Committee on Rules, shall have the power to appoint all the standing committees of the House. This committee would be the most powerful and influential of any committee of the House. It is important, therefore, that its selection be safeguarded by every possible protection. Its selection by geographical groups, as proposed in my resolution, would put it beyond the power of any man or set of men to control its selection or to wrongfully influence its action when selected. It would be unwise, in my judgment, to permit the members of this committee to be elected directly by the House. Such a course would result in their selection by party caucuses. This would mean that they would be selected at a meeting where nearly every man present would be anxious for some particular committee appointment, and the man who had power to make that appointment would thereby have an unequal and unfair advantage in influencing and controlling the action of the caucus. I am neither charging that this has been done in the past nor admitting that it has not. It is sufficient to say that the power exists, and its use should be avoided by some such rule as the one proposed.

It is no wonder that the House has lost its prestige before the country. It has delegated by its rules much of its power to legislate to the Speaker. The lawmaking power of our Government has been by common consent of the country, like Gaul of old, divided into three parts: The Executive, the Senate, and the Speaker. The House will never regain its prestige and perform its proper function in governmental affairs, as well as regain the confidence and respect of the country, until it takes into its own hands the responsibility for legislation and resumes the powers it was intended to have by those who framed the Constitution. To do this, I believe it is necessary that it should adopt some rule or rules containing the principle,

if not the form, of the one proposed.

Mr. MADDEN. I would like to ask another question, please.

Mr. NORRIS. All right.

Mr. MADDEN. Then the gentleman is dividing authority and making it sectional instead of making it cover the whole country?

Mr. NORRIS. If the gentleman would do me the honor to read the resolution itself, he would find the entire country is covered.

The CHAIRMAN. The time of the gentleman from Nebraska

has expired.

Mr. KEHFER. Mr. Chairman, I yield five minutes more to

the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, I do not believe I will take up the additional time that has been yielded to me. I want only to say in conclusion that these particular criticisms which are made in reference to particular clauses in the resolution which I have offered may be good or they may not be good. matter of fact, there is not any reason why the scheme should fail or why the plan is bad because some particular part of it

is bad. If it is not a good idea to give the Committee on Rules the power to appoint a subcommittee to meet emergencies, then it is not necessary to give them that power. If that is a bad plan, then that part should be excluded, but if we are going at it in good faith, criticism on any proposed change to the rules ought to be made in good faith and not simply for the purpose of finding fault with them. There may be various other ways that this same result could be brought about. In my judgment, this is the best way; but that some such scheme or some such plan should be adopted, or that there should be some governing body of this House similar to the one that I have proposed in this resolution, I believe, is not doubted by a great majority of the membership of this House or by the country generally.

Mr. OLLIE M. JAMES. Will the gentleman yield for a

question?

Mr. NORRIS. I will yield. Mr. OLLIE M. JAMES. The gentleman referred in his remarks to the minority leader having part in this vicious parliamentary status that is in existence in the House?

Mr. NORRIS. Yes.
Mr. OLLIE M. JAMES. Is it not true that the minority leader has fought all the special rules that have been brought in here and against the adoption of the rules which now govern this House?

Mr. NORRIS. I refer to the minority leader having the power to name under the practice the minority members of all

the standing committees, and to that I object.

Mr. OLLIE M. JAMES. Is it not further true that in this House, when it has been found necessary to shut off debate or to deny amendment, it has always been necessary to bring in a separate rule, and that that separate rule has been adopted by the votes upon the gentleman's side of the House and over our opposition?

Mr. NORRIS. Yes, sir; as a rule that has been done, and in every instance that I remember, in my judgment, rightly done. I would not adopt or change any rule by which you would take

away from the majority the power to rule or the power to close debate at any time they saw fit.

Mr. OLLIE M. JAMES. The gentleman said that it was

rightly done always.

Mr. NORRIS. I did not say "always." I said "at times."
Mr. OLLIE M. JAMES. The gentleman remembers when the
Esch-Townsend railroad rate bill was brought here, does he
not? That was brought here under a rule which absolutely denied the right of amendment.

Mr. MANN. The gentleman is entirely mistaken in his

memory

Mr. OLLIE M. JAMES. Not about the Esch-Townsend bill: I am entirely correct.

Mr. NORRIS. I do not care to have in my time a contro-

versy over an unimportant and immaterial proposition.

Mr. OLLIE M. JAMES. I do not think it is immaterial, if the gentleman will pardon me. I said, in my belief, that the bill came in here under a rule—and I think the Record will prove it-and you could not introduce an amendment to the bill. Now, then, would the gentleman say it is proper to deny the

House the right to amend legislation? Mr. NORRIS. I would not say that, and yet I realize that there are times when it would be necessary to adopt that kind of a rule. I do not have any definite recollection of the particular instance to which the gentleman refers, but I believe he is absolutely wrong, and in the case to which he refers I am confident that many amendments were offered and considered, and now, since my attention is called to it, I have a distinct recollection in the very case to which the gentleman refers, that in connection with the gentleman from Tennessee [Mr. Gaines] I prepared an antipass amendment to that bill which was offered on the floor of the House, discussed, and voted on. I do not believe we ought to unreasonably cut off debate on important legislation, but I do believe the majority ought to have the power to limit debate or to absolutely cut it off whenever they see fit. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Sterling having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his winesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. DILLINGHAM, and Mr. McLaurin as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4632. An act for the relief of the Davison Chemical Com-

pany, of Baltimore, Md.;

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation;

S. 6136 An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho; and

S. 2253. An act for the relief of Theodore F. Northrop.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate has heard the announcement of the death of Hon, William Pinkney Whyte, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. BOWERS. I yield fifteen minutes to the gentleman from Porto Rico.

Mr. LARRINAGA. Mr. Chairman, I wish to improve the opportunity given to me by the gentleman from Mississippi to thank the gentleman from Ohio [Mr. Douglas] for having brought before this House the question of Porto Rico. Every Porto Rican, after reading his speech, will also feel grateful to him, because we really feel that our country is what in your press is called "The Forgotten Island." I do not agree with all the points touched in his speech, much less with section 4 of his bill, for granting American citizenship to the Porto Ricans.

The gentleman from Ohio begins by saying that the discussion of last session in this House about the Porto Rican regiment took a wide range. It did; and I believe, Mr. Chairman, it was a happy occurrence both for the United States and for the people of Porto Rico. I will explain in a few words. The Provisional Regiment of Porto Rico was to be made a permanent one. There were, in my understanding, some objectionable features in the bill, but they were removed by Congress. The bill passed, making the Porto Rican Provisional Regiment permanent, and putting American and Porto Rican officers on the same footing; and the effect of that fair dealing with our people made the best impression throughout the island.

Next, the gentleman from Ohio expressed the idea that the Island of Porto Rico, for the last ten years, under American rule had progressed politically, socially, and in every way. This is a very wide proposition for me to discuss in the time conceded to me, Mr. Chairman, but I will say that I differ with the gentleman from Ohio in what he says with reference to our political progress. I can not agree with the gentleman from Ohio on the first part of this proposition. How can he explain to me or to anybody else that we have progressed politically? On the 12th of April, 1900, we were given the organic act, commonly called the "Foraker Act." Under that act, which we think was not what we Porto Ricans deserved, it is stated that the upper house will be formed of 11 members appointed by the Executive. The majority of its members (6 of them) are to be Americans. Of the remaining, 5 at least were to be natives of Porto Rico. There was an injustice in

Since the 12th day of April, 1900, Mr. Chairman, more than 25 appointments have been made, and we never have been able to have that minimum increased by one single man up to this day. Every time that we went before the Executive, when a vacancy occurred, we failed to have that minimum of 5 increased to 6, in spite of the provisions and of the spirit and meaning of that act; and that minimum of 5 remains to this very day. How can the gentleman say that we have progressed politically? Has the executive been separated from this very day. the legislative? No, sir; it has not. Has the membership of that upper body been increased at least with one more from the native population of the island, as allowed by the act? It has

Mr. Chairman, as I have said before, I have no time to go fully into the matter, because I propose to touch all the different points treated by the gentleman from Ohio.

The gentleman from Ohio has undertaken to compare the political system that we had under Spain with that which was given to us under American rule. The gentleman, I believe, is

not very well informed about it. He says that it will be something of a surprise to many Americans to learn that but an appearance of autonomy had been granted by Spain to Porto Rico the year before American occupation. Yes, Mr. Chairman, it was a year before American occupation; but for forty years we had been struggling with the Spanish Government to obtain our rights, and they were conceded to us little by little.

First, we were given limited representation; then we were given the Spanish constitution and made Spanish citizens; then free trade was given us in ten years by deducting one-tenth of the duties every year, and a year before American occupation we were given home government. Mr. Chairman, in order that every Member of the House may compare that charter with the present organic act, I am going to have that charter translated into English and a copy furnished to every That act provided that the majority Member of this Congress. of the upper house should be elected by the people, and now not a single man of that body is at present elected by the people. It provided that these men were to hold some property or have other social qualifications independent of money. I do not think, Mr. Chairman, that that was a very unwise provision at the beginning.

Now the law is more liberal. The 11 members appointed by the President may not even be taxpayers nor residents of the island. But I leave it to the opinion of every Member of the House as to whether those were not more safe qualifications.

Mr. GOULDEN. Will the gentleman pardon an interruption? Mr. LARRINAGA. Certainly. Mr. GOULDEN. Have these 11 members always been ap-

pointed by the Executive?

Mr. LARRINAGA. They have always been appointed by the Executive.

Mr. GOULDEN. And were they always good men?
Mr. LARRINAGA. In the majority of cases, with only a
few exceptions, as could be expected in the selection of any body of men.

Mr. Chairman, I affirm that in the Spanish act the Executive had no more power than the governor of Porto Rico has

to-day. I propose to prove it further on.
In our autonomic charter the people of Porto Rico had some participation in the treaty-making power, for we had the right to appoint special delegates to look after the interests of the island whenever a commercial treaty with any other nation was to be adjusted.

Mr. GOULDEN. But your contention is that at least a part of those men, if not all, should be elected.

Mr. LARRINAGA. The majority of them, at least, yes; and also that the executive be separated from the legislative. The gentleman brings me to a point that I was going to touch upon later, namely, the proposition of the gentleman from Ohio [Mr. Douglas] that the time has come when this Congress should give a better government to Porto Rico, or, to quote his own

I sincerely believe that the Porto Rican people are capable of a much greater measure of self-government than is conferred upon them by the present organic law governing that island.

God bless him for those words. Mr. Chairman, this will be word of encouragement that will reach the island, and I feel deeply grateful to the gentleman from Ohio, although I can not agree with him in some of the points that he took up on Saturday on the floor of this House. [Applause.] The gentleman

Their present parliament consists of two houses—an executive council and a house of delegates. The executive council consists of 11 members, all appointed by the President, 6 of whom, citizens of the United States, are all heads of departments, and the other 5 are citizens of Porto Rico, without portfolios.

Now, gentlemen, I want to appeal to the American sentiment of every Member of this House in support of my contention—one that every good American will favor—that no such a mixture of the executive with the legislative should exist in any civilized country. [Applause.] I know very well, and every Porto Rican knows, that this organic act was only intended to be temporary. Congress had on its hands Cuba, Porto Rico, and the Philippine Islands. Your greatest statesmen here did not know much, I believe, about what they were going to do with them. Porto Rico was put in a sort of limbo, to wait there for the resurrection. [Laughter.] But we believe, Mr. Chairman, that the time has come when we should be given a government more in accordance with the principles of the American democracy, with the principles of this Nation, the greatest champion of human rights and liberty on the face of this earth. [Applause.]

I am certain, Mr. Chairman, that within my time I can not take up in detail all the points of interest in the speech of the gentleman from Ohio; neither could I, at this moment, take up the task of comparing in detail the government we had before

with that under the present Foraker Act.

But even admitting, for the sake of argument, that the political organization that we had under Spain was less liberal than the Foraker Act, does that prove that the latter instrument is what the people of Porto Rico deserve? Does that make this charter worthy of the American Nation? Has not the gentleman from Ohio himself nobly declared that the people of Porto Rico are capable of a larger measure of self-government than is conferred upon them by the present organic law governing the island? What is it then, Mr. Chairman, that stands between this body of just men and justice? How long is this eternally temporary act to stand? The gentleman from Ohio dwells upon our present prosperity. It is true, Mr. Chairman, that half of the island is prosperous. Our sugar and tobacco indus-tries have prospered and are swelling the figures of our exports, but these industries are the industries of the wealthy men only, of the combines of the rich capitalist; but what of the poor man's industry, what of our coffee industry, that at all times has been the sinews of our wealth? Why are we to-day begging Congress to help us to rebuild our main industry? Because the executive council, our upper house, during three consecutive sessions rejected the legislation passed by the lower house elected by the people.

Three times, and by both political parties, an agriculture loan was vetoed to help the poor coffee planters whose farms had been damaged by the cyclone. What were those \$5,000,000 that would have saved our main industry compared with the importance of a staple that has in one single crop reached the figure of \$16,000,000.

Why have most of the small coffee farms been allowed to pass into the hands of the rich? Because our executive council, our upper house, rejected a bill passed by the lower house to cancel the taxes due by the small planters, and the poor men saw their little farms sold at auction by the hundreds to pay \$4 and \$5 and \$10 taxes.

Amongst the improvements mentioned by the gentleman from Ohio, there is in truth a very important one which is being carried out with the federal money—the improvement of the harbor of San Juan.

Why have we not to-day our harbors improved and the pestilential swamps around our cities converted into firm, sanitary land, yielding large profits to the Public Treasury, saving all that money to the Federal Treasury? Because nine years ago our executive council killed our autonomic board of harbor works, which worked successfully and independently of the central government with their own funds.

Mr. Chairman, it would be an endless task to enumerate all the oppressions, all the hardships imposed on the people of Porto Rico by that executive council as constituted by our present organic act.

Let my distinguished friend from Ohio frame a bill on the lines that he has sketched in his speech, and if he succeeds in bringing it to the consideration of this House, I am sure, Mr. Chairman, that this body of fair-minded Americans will vote for it to a man, and he and this Congress will carry with them the blessings of a million people.

Mr. BOWERS. Mr. Chairman, I desire to address the committee very briefly with reference to some of the provisions of the bill under consideration. In the outset let me say that, as presented by the Committee on Appropriations, this bill is practically the same measure presented to the House one year ago, the only difference being in the amount appropriated for the various purposes covered by it. The general pension appropriation bill of one year ago carried about one hundred and sixty-three million and a few thousand dollars. This bill carries \$160,869,000, or \$2,184,000 less than the bill passed by the Congress one year ago.

The provisions of this measure as to the administration of the fund, the payment of the money, the medical examinations, and the pension agencies are identical with the measure reported and passed by the House one year ago.

I take it that no discussion whatever will ensue on the measure, except, perhaps, on so much of it as appropriates for 1 pension agency instead of 18 pension agencies, as in the past. In view of the fact that the House sitting to-day is the same body which sat a year ago, and of the fact that the membership of the House, with a very few changes, is identical with the membership at that time, I take it that no full or extended discussion of this particular proposition is necessary.

The question of economy of administration, of the sufficiency and efficiency of administration under the proposed plan of reduction, was thoroughly gone into and thrashed out at the time. It may not, however, be amiss to remind the House that prior to that time the matter had been referred, by the joint action of the House and Senate, to the Secretary of the Interior, seeking from him some expression as to the conditions of the Pension

Bureau in this respect, and recommendations as to what could or should be done, not only to secure economy of administration, but also an improvement of the service. The reply to that inquiry, the reply of the Secretary, came to the former session of the Sixtieth Congress in the shape of a letter, which I hold in my hand and which I ask leave to incorporate at the conclusion of my remarks.

The CHAIRMAN. Without objection, this order will be made.

There was no objection.

Mr. BOWERS. Mr. Chairman, I do not care, in view of the fact that I shall incorporate the letter in my remarks, to quote from it or allude to it to any great length. But I do want to call the attention of the committee to the fact that the Secretary was unequivocal, and is still, on the proposition that not only a vast saving in the matter of expenditure, wholly needless, wholly unnecessary expenditure, will be accomplished, but that in addition the administration of the Pension Bureau, instead of being in any way impaired or injured, would be absolutely and materially bettered.

During the hearings which were had at the last session of Congress on this point the very able Commissioner of Pensions, a gentleman well known to this body for his long years of efficient and faithful service here, was, if possible, more emphatic in his commendation of these proposed changes, and in his advocacy of what might be termed the "new system," than the Secretary. I recall that among other expressions used by him on that occasion he declared that if this was a matter of the administration of any private business no gentleman who had examined into it would hesitate for a moment on the proposition of making the change and working out the reform.

Speaking very briefly in the hearings had a short while ago at this session of Congress, and speaking briefly, because of the fact that no extended remarks were necessary in view of the thorough way in which the matter was thrashed out a year ago, he said, of the proposed reduction in the number of agencies:

You would do it in a moment if it were your own business. You take New Hampshire, Maine, and Massachusetts, three little agencies, and they would not make a vest pocketful.

Mr. TIRRELL. Can the gentleman inform us how many em-

ployees there are in the Boston office?

Mr. BOWERS. I have not the figures before me. I was reading, and had to read literally what the Commissioner of Pensions said on that subject. I do not know what the situation of the Boston office is. I do not care to and, in the discussion of this matter, have not taken up any particular agency for the purpose of demonstrating these propositions. It does not seem to me to be the proper way to proceed about it. The inquiry which should address itself to this committee, in my judgment, is whether a general consolidation can be profitably effected of all or of the greater number of these agencies; whether there are some that could be dispensed with, whether the whole number could be lessened with profit to the Treasury in the shape of decrease of expenditure and decrease of outlay, and with profit to the administration by way of betterment of the service, or the unification of the service and unifying methods throughout the whole department.

As I said a year ago, the sums appropriated for the payment of pensions, medical examiners, stationery, and so forth, are matters which are arrived at by mathematical calculation.

The high-water mark was reached in the last bill, reached because of the passage of what was known as the "McCumber bill," the old-age pension bill, and of the increase in the amount of widows' pensions, and the removal of the provision, that theretofore existed, that required widows to be dependent and in the attitude of not possessing more than a given amount of property. The larger amount of the last bill was due to the increase of the number of pensioners flowing from the passage of those two acts.

From that time—that is, from the time when the movement following the enactment of these bills reached its flood—it has diminished, and will, so the authorities of the bureau believe and the committee believes, continue to diminish in the future.

Mr. TIRRELL. Mr. Chairman, I would like to ask the gentleman another question, and that is, whether under the present administration of the business of the Pension Department the pensioners appear personally at these pension agencies scattered throughout the country to obtain their pension money or whether it is paid to them by sending in a duly signed and sworn affidavit—it is not necessary for them to appear personally.

Mr. BOWERS. Why, the fact is, the majority of them, of course, send in their affidavits and receive their money in that way. There are a few agencies at which some considerable number of people, I believe, do come and get their pensions; but when the gentleman remembers that the same agency pays in many instances a number of States, he will see how utterly im-

possible and impracticable it is for the vast number of them

to come in person and get their money.

Mr. TIRRELL. I know the custom formerly was for the pensioner to personally appear, and I have seen the department so overrun with people in Boston that they would wait hours before they could get to the desk. I wish to ascertain whether that custom has been changed.

Mr. BOWERS. Oh, they still come to some agencies in considerable numbers, but the majority of the pensions must be

paid, of course, by correspondence.

Mr. TIRRELL. I will ask the gentleman why they should

appear personally.

I do not see any reason at all. I think they Mr. BOWERS. would be much better paid by correspondence.

The following is the letter from the Secretary of the Interior

referred to above:

Secretary's Office,
Department of the Interior,
Washington, D. C., December 13, 1907.

Washington, D. C., December 13, 1907.

Sir: The "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes," approved March 4, 1907, contained the following provise:

"Provided, That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies."

In compliance with said provision I submit herewith the following report:

President under existing law in respect to reduction or consolidation of existing pension agencies."

In compilance with said provision I submit herewith the following report:

"1. Economic execution of pension laws.—The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately \$550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order all pensioners could be paid by the Commissioner of Pensions, or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, \$350,000, a saving of 20 cents per annum per pensioner, or \$200,000. After the first year of the consolidation, I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least \$25,000 more.

"2. The prompt and efficient payment of pensioners.—If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioners into three groups, one group to be pald each month, as at present, and all pensioners could be pald as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents.

"3. Inconvenience to pensioners.—As all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents, there would be no inconvenience to pensioners except the slight delay which would be caused in the case of pensioners living remote from Washington through the mails and for the check to be returned. The checks would, however, be issued quarterly, as now, and the pensioner receive his payment. Many of the pensioners now paid by the San Francisco agency, would experience but a slight days have expired from the date of mailing of vouchers. Pensioners now paid by the San Francisco agency, would experience but a slight delay in receivi

located in distant cities.

All vouchers now required by pensioners are printed by the Government Printing Office, in this city, and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for one agency rather than for eighteen.

sitch voluciers and cheeks were prepared for one agency rather than for eighteen.

All paid vouchers must be forwarded by the pension agents to the Auditor for the Interior Department in this city. There is always danger of the loss of such vouchers in the malls. Many vouchers of widow pensioners under the general law and under the act of June 27, 1890, were recently lost in transit from one of the pension agencies to the auditor in this city. No trace of the missing vouchers has as yet been discovered. The pension agent has since died, and his accounts can not be settled for many months on account of the lost vouchers.

It is further suggested that if it be decided to consolidate the eighteen agencies into one agency, the entire eighteen agencies be abolished and provision be made that the payments be made by the Commissioner of Pensions or one disbursing officer, to be appointed by the Secretary of the Interior.

The statute now provides (26 Stat. L., 138) that the pension agent, with the approval of the Secretary of the Interior, may designate and authorize a clerk to sign the name of the pension agent to official checks. There are 18 such designated clerks now employed, 1 at each

agency. The name of the pension agent is printed on all checks used, but before the check is issued it must be countersigned by the designated clerk. Only I clerk may be thus authorized to sign such checks for any one pension agent under the law as it now stands. If all pensioners were paid by the Commissioner of Pensions or by I disbursing officer the services of 6 or 8 clerks would be required to sign such checks, and if the 18 agencies be abolished and all payments made by the Commissioner of Pensions or I disbursing officer, provision should be made authorizing the Commissioner of Pensions or the disbursing officer, with the approval of the Secretary of the Interior, to designate the necessary number of clerks to sign the name of the Commissioner of Pensions or disbursing officer to such official clerks.

Ample accommodation for the consolidated agency could be furnished in the Pension building.

Under the practice now in vogue there is a duplication of records. Each of the 18 agents receives from here the certificates of pensions for the pensioners residing in his district. A record is made here and also by the agent at the agency, who then forwards the certificate with the voucher to the pensioner. A consolidation of the agencies would require but one record of the certificate, etc., which would be kept in the office here in Washington, and the certificate and voucher would be mailed direct to the pensioner from here. This would do away with having the certificate mailed to the agent, the making of a record by the agent, and the mailing by him of the certificate and voucher to the pensioner.

It would seem that the law should leave to the discretion of the Commissioner and the Secretary as to when the transfers from the different agencies should be made. To require all of such transfers to be made on one date would entail unnecessary work, and might result in delay and complications in making payments.

If the 18 agencies are abolished, and provision made for the payment of all pensions from the city of W

JAMES RUDOLPH GARFIELD, Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. KEIFER. Mr. Chairman, I hope to confine myself to a discussion of the pension appropriation bill. I wish, however, to say that after a few moments' discussion of the bill I expect general debate to end, and that we shall take the bill up under the five-minute rule, with the hope that it may be passed to-day.

Mr. Chairman, this bill, if enacted into law, will appropriate \$160,000,000 for paying, for the fiscal year ending June 30, 1910, army and navy pensioners of all classes now borne on the pension rolls, or who may hereafter be placed thereon under the provisions of any and all acts of Congress, with a proviso that navy pensions shall be paid from the income of the navy pension fund as far as it is sufficient for the purpose. The interest on the navy pension fund for the fiscal year 1908 was \$360,-409.92, while the amount expended for naval pensions in that year was \$4,934,350.50. The navy pension fund at present amounts to \$14,000,000.

The bill reported to this House for the same purpose for this fiscal year called for an appropriation of \$150,000,000, but before it became a law it was amended in consequence of the passage of the widows' pension act of April 19, 1908, to \$162,000,000 for the payment of pensioners. It will be seen that the appropriation for the next fiscal year for the same purpose is \$2,000,000

This bill carries an appropriation of \$869,000 for the expense of paying pensions for the next fiscal year. On account of information received since it was agreed upon in the Committee on Appropriations, I will ask that the appropriation for the payment of fees of examining surgeons be reduced from \$500,000 to \$400,000, which will reduce the total appropriation for the cost of paying pensioners for the next fiscal year to \$769,000. The appropriation for the present fiscal year, for the same purpose, was \$1,053,000.

The bill provides for the payment of a salary to only one pension agent—\$68,000 less than was appropriated for pension agents for this and each of many preceding years. It carries an appropriation of \$335,000 for clerk hire at agencies, \$75,000 less than was appropriated for that purpose for this fiscal year, and it includes nothing for rent or for inspection of agencies.

The disbursements on account of pensions for the fiscal year 1907 were \$138,155,412.46, and for the fiscal year 1908 were \$153,093,086.27. Those for this fiscal year, 1909, can not be

exactly ascertained until the year ends.

Unless there should be new general pension legislation it is believed there will be a rapid reduction of the annual value of the pension roll. Notwithstanding the large additions to the pension roll under the McCumber Act of February 6, 1907, and the widow's pension act of April 19, 1908, there has been a steady decrease in the number of pensioners for the two preceding years, as well as since the year 1905, when the number reached 998,441, the maximum of all the years and a number never again likely to be reached. The total number of pensioners on the rolls for the fiscal year 1906 was 985,971, for the fiscal year 1907 was 967,371, and for the fiscal year 1908 was 951,687.

The average annual value of each pension has steadily increased through the same years. In 1905 it was \$136.96, in 1906 it was \$138.18, in 1907 it was \$145.60, and in 1908 it was \$167.50.

The total decrease in the aggregate number on the pension roll during the last fiscal year was 15,684, notwithstanding the large addition of new pensioners. The reduction by death alone was 50.676.

The following table shows the decrease in the pension roll from all causes:

Decrease in pension roll during fiscal year ended June 30, 21 By death By remarriage By minors arriving at the age of 16 years By failure to claim for more than three years For other causes	
For other causes	1,010
Total	54, 366

The number of survivors of the civil war on the pension roll June 30, 1907, was 644,338, and on June 30, 1908, the number was 620,985, a decrease of 23,353 during the year, and the number of civil-war pensioners dropped on account of death during the fiscal year 1908 was 34,333, and for other causes 864. The number of civil-war veterans added to the pension roll in that year was 10,935. The number of civil-war pensioners dropped on account of death was 3,132 greater in the fiscal year 1908 than in the previous fiscal year, and it was in excess of 5 per cent of those on the roll. They will naturally, on account of the infirmities of age, decrease in a greater per cent in this and in future years.

There were 328,676 pension certificates issued in the year ended June 30, 1908, though only 37,691 were original certificates, the others being for increases, reissues and so forth. Prior to June 30, 1908, there were filed in the Pension Bureau 431,113 claims under the act of February 6, 1907, only 16,926 of which were undisposed of June 30, 1908. The total number of applicants for pensions at the end of the fiscal year 1908 was 123,483, as against 356,181 at the beginning of that year, a comparatively few of which were for original pensions.

The amount of pensions paid to soldiers, sailors, and marines, their widows, minor children, and dependent relatives, on account of military and naval service since the foundation of the Government is shown by a table taken from the report of the Commissioner of Pensions, which follows:

Total paid for pensions since the foundation of th	he Government.
War of the Revolution (estimate) ————————————————————————————————————	45, 694, 665, 24 9, 355, 711, 03
War with Mexico (service pension) Civil war War with Spain and insurrection in the Philippine	3, 533, 593, 025. 95
Islands Regular Establishment Unclassified	22, 563, 635, 41 12, 630, 947, 88 16, 393, 945, 35

There were 5,047 pensioners on the pension rolls residing in 63 foreign countries who were paid in the fiscal year ended June 30, 1908, an aggregate of \$811,473.31. There was paid \$21,420.53 to pensioners residing in our insular possessions.

There are 18 pension agencies, from which all pensioners are now paid. They are located at the places and each agency paid the number of pensioners and the amounts for the fiscal year 1908 stated in the table following:

Agency.	Pensioners June 30, 1908.	Money dis- bursed in 1908.
Augusta	16,718	\$2,945,856.05
Boston	58,499	9,046,412,21
Buffalo	43,536	6,812,641,35
Chicago		11,854,787,69
Columbus	93,969	15,940,259.79
Concord	15,633	2,748,387,69
Des Moines		8,548,546.18
Detroit	39,964	6,917,428,79
Indianapolis		10,626,002,48
Knoxville	40.000	9,428,559,60
Louisville		4,145,360.12
Milwaukee	48,241	7,910,832,71
New York	80 000	8,068,753.78
Philadelphia		8,602,333,47
Pittsburg		6,876,520,86
San Francisco	43,378	6,767,265,76
Topeka	# 00 FR0	17,621,652,81
Washington		8,790,728.39
Total	951,687	153,652,329.73

This bill provides for but one agency.

The number of pensioners paid from the several agencies varies, as shown by the table, from 15,633 at Concord, to 109,579 at Topeka; and the disbursements at the former for the fiscal year ended June 30, 1908, were \$2,748,387.69, and at the latter \$17,621,652.81. There are wide differences as to the number of pensioners paid and the disbursements made between other agencies.

The cost per capita of all kinds, including salary, clerk hire, and contingent expenses, at each of the following pension agencies in the fiscal year 1907 was: At Augusta, 76 cents; Concord, 77½ cents; Detroit, 58 cents; Columbus, 45½ cents; Topeka, 42½ cents; Philadelphia, 53 cents; Pittsburg, 56½ cents; Chicago, 51½ cents; Knoxville, 51 cents; New York, 65 cents. It will be noted that generally the larger the agency the less it costs to maintain it.

The cost at the Washington agency in paying a pensioner,

The cost at the Washington agency in paying a pensioner, treating the examining surgeons (4,662) as though pensioners, in the fiscal year 1907 was 51 cents. In Washington there is much extra labor and loss of time in paying pensioners residing in foreign countries and those residing in our insular possessions. Notwithstanding this extra labor, the cost of paying a pensioner at the Philadelphia agency is greater than at the Washington agency.

Washington agency.

The cost for clerk hire alone in the fiscal year 1907 in paying a pensioner at the Augusta agency was 53 cents, at Concord 52 cents, and at Detroit 47 cents, while at the Columbus agency it was 40 cents, and at the Topeka agency it was 39 cents, and at the Philadelphia agency 45½ cents, and at the Pittsburg agency 46¼ cents, and at the Chicago agency 42½ cents, at the Knoxville agency 44½ cents, and at the Washington agency 47 cents.

There was paid at the Topeka agency that fiscal year 109,579

There was paid at the Topeka agency that fiscal year 109,579 pensioners, which was in excess of those paid in the four agencies of Augusta, Concord, Detroit, and Louisville by 11,121. The number of pensioners (93,969) paid at the Columbus agency exceeds those paid at the Augusta (16,718), Concord (15,633), and the Louisville (26,142) agencies by 25,475.

and the Louisville (26,143) agencies by 35,475.

The cost of salaries (\$12,000) and clerk hire (\$36,821.63) at these three agencies in the fiscal year 1907 was \$48,821.63, while at the Columbus agency the cost for salaries and clerk hire was \$43,102.39, less than at the three named by \$5,719.24, though it paid 34,449 more pensioners than were paid at the three agencies named.

The payments for the fiscal year 1908 at the Columbus agency to pensioners amounted to \$15,940,259.79, and the aggregate payments at the Augusta, Concord, and Detroit agencies only amounted to \$12,611,672.53. These and other facts conclusively show that great economy must result from a consolidation.

It is not now deemed necessary to again go over and repeat all the arguments and reasons hitherto made here for a reduction of the number of pension agencies. The reduction should be made on the ground of economy, especially as the interests and convenience of the pensioners are maintained. There are 15 of the 46 States of the Union in which agencies are located and there is 1 in the District of Columbia. The States of and there is 1 in the District of Columbia. The States of Maine, New Hampshire, Massachusetts, Illinois, Ohio, Iowa, Indiana, Michigar, Wisconsin, Kentucky, Tennessee, California, and Kansas have each 1 agency, and the States of New York and Pennsylvania have each 2 agencies, as the above table shows, and there is no agency in either of the other 31 States or in any of the Territories. The agencies are not located geographically in reference to the convenience of the pensioners, nor centrally with reference to the number of rensioners to be nor centrally with reference to the number of pensioners to be paid at each agency. No regard is had to the number of pensioners to be paid or the aggregate amount to be paid at each agency. If there is any good reason for maintaining small pension agencies in the interest or for the convenience of the pensioners, then we would proceed to establish at least enough more (42) agencies to bring the number to 50, each of which would pay more than is now paid at each of several of the agencies. This would give about 5 more agencies to Ohio. Remoteness of the residence of the pensioners from the agency is not now regarded.

The Knoxville agency pays pensioners residing in 10 States—the Carolinas to and including Texas, and the intervening Gulf and other States—and all the navy pensioners residing within that agency are now paid from Washington. Topeka pays the States of Kansas, Colorado, and Missouri, the Territories of New Mexico and Indian Territory, and the State of Oklahoma. San Francisco pays the States of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; the Territories of Alaska, Arizona, and Hawaii; the Philippines, Guam, and the Samoan Islands belonging to the United States, including all navy pensioners residing in these States and Territories.

Here are magnificent distances, and yet we have no cry of Twelve of the 18 agencies do not pay the navy neglect or delay.

pensioners residing therein.

The difference in the time of a pensioner residing in Philadelphia receiving his payment under the proposed plan and under the old would not be noticeable, and the delay or difference in payments to pensioners in Ohio, Indiana, Illinois, New York, New Jersey, Pennsylvania, and the New England States would rarely be over twenty-four hours. And, as has been explained, there would be no difference at all, after the first payment, under the proposed plan; under the new plan the pensioner would still receive his pension every three months precisely the same as now, the date of receiving the payment in each paying month only being changed.

The claim is made that the payment of pensions in Washington (where there was paid last fiscal year 53,197 pensioners) is greater per capita than at some other agencies. This is only seemingly true as to the two large agencies at Topeka and Columbus. I have already shown that in the payment of 4,662 examining surgeons and in the payment of the 5,047 pensioners who reside in foreign countries from the Washington agency there is a large extra expense and much increase in labor and considerable loss of time due to several causes best stated by the commissioner in a letter to me of February 5, 1908. The postage required to be paid in paying foreign pensioners largely augments the expense at the Washington

The admitted saving the first year of \$225,000 would be sufficient to pay 1,600 widows, or other pensioners, \$12 per month. The much larger saving each year in the future would proportionately enable the Government, if it desired, to increase the

pension roll.

All months will have, under the proposed plan, pension payments on the 4th of the month.

At each agency now there are eight months in the year when no payments are made. Payments are now made on January 4, April 4, July 4, and October 4 at the following pension agencies: Buffalo, Chicago, Concord, Des Moines, Milwaukee, Pittsburg-six.

On February 4, May 4, August 4, and November 4 at Indianapolis, Knoxville, Louisville, New York City, Philadelphia, Topeka-six.

On March 4, June 4, September 4, December 4 at Boston, Augusta, Columbus, Detroit, Washington City, San Francisco-six.

Under the plan to pay all pensioners from Washington onetwelfth of the pensioners would be paid monthly. present plan no payments are made in the months of February, March, May, June, August, September, November, and December, eight months in the year, from the agencies at Buffalo, Chicago, Concord, Des Moines, Milwaukee, and Pittsburg. And no payments are made in the months of March and April, June and July, September and October, December and January, eight months in the year, from the agencies of Indianapolis, Knox-ville, Louisville, New York City, Philadelphia, and Topeka. And no payments are made in the months of April and May, July and August, October and November, and January and February, eight months in the year, from the agencies at Boston, Augusta, Columbus, Detroit, Washington City, and San Francisco. If all pensioners are paid from one place, the same clerks can work on each month's payments.

The Commissioner of Pensions gives it as his opinion that the pensioners could be paid with at least 125 less clerks than

are now found necessary. The number of clerks employed and required to transact the pension-agency business is about 430, as the Commissioner of Pensions advises me, and he gives it as his opinion that all the pensioners can be paid from the Pension Bureau with at least

125 less clerks, or by the employment of about 300 clerks only. There are now 18 chief clerks, while under the new plan but would be required. And now 18 machines and outfits for addressing envelopes, and so forth, will be required, while if the agencies are consolidated only 1 such machine will be required. One clerk with an addressing machine can address as many envelopes as 12 clerks by the ordinary method.

A somewhat similar condition exists in regard to adding ma-They have been found almost indispensable in the conduct of the agency business. If the agencies are consolidated, not one-fourth as many adding machines will be required as are now necessary. There will be much saving in clerical work, delays avoided, and time saved in the payment of original

Pension certificates, when issued here, are recorded in the bureau here—a record made of them. The certificates are then sent to the different agencies in the jurisdiction of which the pensioners live. They are again recorded there-a duplication of the work-and then, after being recorded, they are mailed with the vouchers for the first payment to the pensioners. On account of the enormous amount of work made by the recent pension acts, the pension agencies (except the one in Washington) have been, on an average, thirty days behind in forwarding the certificates and vouchers to pensioners. This, as most, if not all, Members of this House know, has led to much complaint and even dissatisfaction and to much unnecessary correspondence, because the pensioner receives his voucher from the agency long after he receives notice of the allowance of his claim from the Pension Bureau.

If there was but one agency, by a consolidation here in Washington, and the certificates and vouchers were issued from the bureau they would go promptly to the pensioners instead of being delayed in the agencies. This would also save the expense and delay of double recording, and at the same time the pensioners would get their first payment sooner than they do

The death rate of pensioners is now above 4,000 per month. In substantially all these cases there is an accrued pension to be adjusted through the Pension Bureau, and then the result, where widows and minor children are involved, has to be sent to the agencies for payment, and this now produces delay, confusion, double work, and much correspondence, which would be saved, mainly, if all payments were made from the Pension Bureau as proposed.

The Secretary of the Interior, Mr. Garfield, and the Commissioner of Pensions, Mr. Warner, have each expressed the belief that there would be a large saving in the cost of paying pensions; that they could all be paid from the Pension building; that in many instances the payment of pensioners would be materially facilitated; that there would be no necessity of a duplication of the records, as is now required, and that there would be a great saving in the matter of making settlements

with the several agencies.

Originally under an act of Congress (August 4, 1790) invalid pensioners were paid by the Commissioners of Loans. Some other pensioners were paid direct by the Treasury Department, and still others by the Paymaster-General of the United States Army, without any separate establishment being maintained to pay pensions. Later pension agencies were provided for. Formerly there was no system of paying, as now, by checks, for want of banks to cash them. The law (R. S. U. S., sec. 4780) passed February 5, 1867, and still in force, authorized the President to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners required.

If we appropriate for but one pension agent, the President will have to disestablish all the present agencies save one. The commissioner, in the hearings (p. 8) submitted a plan for the consolidation of the agencies into one agency, a portion of

which I quote:

which I quote:

The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups, as he may think proper; and may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

By this plan it will be seen that about one-twelfth of the pen-

By this plan it will be seen that about one-twelfth of the pensioners would be paid each month, while now each agency pays a different number, and at each agency there are eight months in the year when no payments are required to be made at all, and at most the clerks are engaged only in preparatory work two of each of the three months constituting a quarterly payment period. The plan is to have one set of clerks, with one addressing machine and one or more adding machines, do the work of each monthly payment, and thus comprise within each year the payment of all pensioners. It is believed, however, this method alone would not only result in largely reducing the clerks required and the consequent expense of maintaining them, but that it will promote their efficiency and secure regularity and promptness in paying pensioners.

Pensioners now receive their checks on an average of not less than ten days after pension day, however prompt the pensioners may be in forwarding their vouchers. It is the opinion of the Commissioner of Pensions that if the pensioners were all paid from here, with a largely reduced number of clerks, from 50,-000 to 60,000 of them could be sent their checks in one day after their vouchers are received; and as only 317,229 pensioners

would be paid here each month, less than six days would be required to make each monthly payment. In this way the payment of pensions would be facilitated rather than retarded. The difference in the time required for the vouchers and checks to pass by mail would, in the first payment, measure the delay. In many cases that difference would be small, and after the first payment from here would be at least as regular every three months as now. Pensioners are now paid in alphabetical order from each agency, and hence those far down the alphabet are not paid as promptly as others, yet no wrong arises from this.

The expedition in the payment of pensioners is not the only consideration. Large expense and some delay in making payments result from agencies being away from the seat of Government. I quote on this point from a letter of the Commis-

sioner of Pensions:

sioner of Pensions:

All pension checks must now be printed in this city and forwarded through the mails to the various pension agencies throughout the country. All vouchers to be executed by the pensioners are printed here in this city by the Government Printing Office and are forwarded through the mails to the various pension agencies, to be prepared and forwarded to the pensioners. More than 100 different forms of vouchers are now required for the eighteen pension agencies. As an illustration: Fifty-four different forms of vouchers are now required for pensioners under the act of February 6, 1907, three forms for each different agent, one at the \$12 rate, one at the \$15 rate, and one at the \$20 rate. If all pensioners were paid by one disbursing officer, only three forms of vouchers would be required under this act instead of fifty-four. All certificates issued by the bureau must first be forwarded to the pension agency, there to be reentered upon a different set of books and mailed to the pensioner from the agency. If all pensioners were paid from this city, the certificates would be issued by the bureau and mailed to the pensioners upon the same date they are now mailed to the pension agency. The pensioners would therefore receive the new certificates much more promptly than they do now. All vouchers, after being paid by the pension agent, must be again mailed to this city, to the Treasury Department, where the accounts are audited. This bureau can not furnish the latest post-office address of a pensioner or state when the pensioner was last paid without first securing a report from the pension agent upon whose rolls the pensioner's name is inscribed. If all pensioners were paid from this city, all such information would be immediately available, which would greatly assist in the prompt dispatch of the correspondence of this bureau. All pension claims, as you are aware, are adjudicated here in this bureau; and if all payments were made here, a complete history of each case would be readily available and th

It seems impossible to exhaust the many substantial rea-ens—economy and the pensioners' interests being kept steadily in view-in favor of a consolidation of the pension agencies.

The Topeka agent paid over one-ninth (109,579) and the Columbus agent about one-tenth (93,969) of the pensioners on the rolls in the fiscal year 1908 each paying month or quarter, while, if all had been paid from Washington, one-twelfth (317,229) would have been paid each month in the year. It follows that one set of paying clerks and a less number would be required at Washington to make the payments as promptly as they are now made at the several agencies.

No other agency now pays as much as one-twelfth of the pensioners, and about one-half of the agencies pay less than onetwentieth of them, and each of two pays less than one-fiftieth of them, while the average of all pensions paid at all the agencies is one-eighteenth. Unless each of sixteen of the agencies employs a relatively larger number of clerks than the two large pension agencies, or than would be necessary at Washington after the consolidation, they fail to pay the pensioners within their respective districts as promptly as pensioners are now paid at the two named agencies or as they would be paid at one agency, and all clerks have to be retained throughout the whole year, though no payments are made in eight of the twelve months of the year. And the salaries of the pension agent and his chief clerk and the cost of an addressing and of adding machine outfits at each agency is still to be added.

It seems reasonable to conclude that the Secretary's and commissioner's estimate of a reduction of the now average cost each year of paying each pensioner will, if the change is made, be more than realized, and that the maximum estimate of the annual reduction made by the Secretary of the Interior of \$350,-000 will at least result. Should this prove to be the case, the saving would be sufficient to pay about 2,900 soldiers, sailors, or their widows each a pension of \$12 per month, or that much increase on the pensions they are now drawing under existing law. If there is a reason for great liberality in disbursing the public moneys, there is more justice in giving it to those who bore the heat and burden of campaigns and battles, and to the dependent widows of those who are dead, than there is in unnecessarily keeping up local pension agencies.

The demands on the Republic for payment of pensions alone are too great to warrant any extravagance or liberality in the cost of paying them. And the maintaining of useless and ex-pensive agencies for disbursing pension money merely because local parties will be benefited, or because worthy people will be thrown out of employment if they should be dispensed with, is

not warranted either on the ground of necessity or on the ground of justice to the places of their location. If agencies should be maintained, because of local interests, where they are now located, then their number should be very largely increased in the interest of other equally necessitous and worthy localities.

Why should not all great cities, with their vast numbers of pensioners residing therein and in their vicinages, be given pension agencies? The cities of Baltimore, Cleveland, Cincinnati. St. Louis, New Orleans, Kansas City, Denver, St. Paul and Minneapolis, Omaha, Los Angeles, Portland (Oreg.), Seattle, and other large cities, in some of which and in their immediate vicinity reside more pensioners than reside in some agency districts, are now and have always been without a pension agency, and pensioners of some of these places and many others in the States and Territories receive, uncomplainingly, their pension checks from agencies located outside of their States more than a thousand miles away. Thirty-one of the forty-six States of the Union and all the Territories, Arizona, New Mexico, and so forth, have no pension agency located therein. From Knox-ville the army pensioners of ten States are paid, and other agencies pay pensioners of several States and Territories. The San Francisco agency pays the pensioners of eight States and three Territories and of the Philippines. The States and Ter-ritories of this agency are divided by the Rocky Mountains range, and are vast distances apart and from San Francisco. And the San Francisco agency pays the pensioners as regularly and promptly in the States of Idaho and Montana and in the Territories of New Mexico and Hawaii as it pays those residing in the Pacific coast States or in San Francisco. Remoteness from the paying agency is not a material factor.

And there is no rule of equitable division of work at the agencies. New York and Pennsylvania have each two pension agencies located therein. The two New York agencies disbursed in the last (1908) fiscal year \$1,058,864.66 less than the Columbus (Ohio) agency and \$1,740,251.68 less than the Topeka (Kans.) agency, and the two Pennsylvania agencies disbursed in the progress \$511,705.00 less than the Topeka (Kans.) bursed in the same year \$511,795.90 less than the Columbus agency and \$2,452,053.58 less than the Topeka agency. Greater disparities with other agencies appear by the figures. If the equitable distribution of the public funds alone is sought, it will best be accomplished in paying pensioners who reside in

all parts of the United States.

Neither the revenues of the Government nor good economic business methods justifies the continuance of an expensive system of paying pensioners that is clearly now unnecessary and

in no way beneficial to them.

The manifest attempts to magnify a few special instances of inconvenience to pensioners in having their pensions promptly paid into a general detriment to all pensioners has long since spent its force in the light of the facts. The pensioners, especially those who desire in the future an increase of the pensions now being paid them, are willing that economy and good business principles should be applied in paying pensioners.

I would hesitate long before I would favor any plan of paying pensions, even though economy demanded it, that would work serious delay in paying pensioners generally. There is no clamor for pension agencies in 31 States and in all our Territories where there are now none, as in each pensioners residing remote from all pension agencies are paid as regularly and promptly as in any of the other States. So as to pensioners

residing in the Territories.

The facts warrant the conclusion that no pensioners will be seriously delayed in receiving their pensions under the proposed plan of reducing the agencies to 1; that there would be prompter payments made on original and increase pension certificates and on allowances of accrued pensions to widows and orphans, and that there would be at least \$350,000 saved annually in the cost of paying pensions. I regret exceedingly that certain pension agents would be dispensed with under the consolidation plan, and that worthy clerks would, in some instances, lose their places. Some of them would doubtless be transferred to the Washington agency or to the Pension Bureau to continue the work they are now engaged on. There would necessarily have to be a gradual disestablishment of the agencies by the President.

Mr. STAFFORD. Has not the President the power to-day to discontinue the agencies if he so elects?

Mr. KEIFER. Yes. Mr. TIRRELL. Mr

Mr. Chairman, the gentleman in the course of his remarks stated that there was delay in the payment of pensions in the local offices. Now, will the gentleman tell us whether that delay is caused by an inadequacy of clerical force in the local offices?

Mr. KEIFER. There is always some delay necessarily in all the offices. I did not speak of any extraordinary or unnecessary delay. I was speaking of a fact that the pensions were not paid,

generally, on an average earlier than ten days after the day of

payment came.

Mr. TIRRELL. If there is no inadequacy of the clerical force in the local offices, will the gentleman tell us, they being supposed in the local offices to work during the hours of quiet, how the pensions could be paid more expeditiously and cheaply by having an office here in Washington? I mean, to any considerable extent. There is no rent paid in these offices, is there?

Mr. KEIFER. Yes; \$4,500 is paid for rent at the New York

agency

Mr. TIRRELL. Mo Mr. KEIFER. Yes. Most of the places have a federal building?

TIRRELL. Where there is no rent. Now, is there any additional expense, will the gentleman tell us, outside if there is no more clerical force throughout the country to pay these pensions? Is there any more expense except the agents in

charge, at \$4,000 a year?

Mr. KEIFER. The Commissioner of Pensions stated to us in his testimony something like a year ago that he could start off by reducing the number of clerks from 425 to 300. very obvious to the gentleman, if he will reflect, that if these clerks are engaged with the proper addressing and adding machines, it would do away with a large number of people in one place, and if they are engaged in paying pensioners every month in the year, that they would pay vastly more than they would otherwise pay if they were located at the several agencies with simply a proper number to commence paying pensions every three months. There are two months of every three months that they do not pay anybody or are not required to pay anybody.

Mr. DALZELL. I would like to call the attention of the gentleman to the fact that a year ago the Commissioner of Pensions testified that he would want the same number of clerks.

He said:

We would bring a majority of them from each agency here with their records, so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agency to do that work.

That is to say, bring clerks from San Francisco here, for

Mr. KEIFER. Did the gentleman want to ask a question?

Mr. DALZELL. I asked if that is so.

Mr. KEIFER. No.

Mr. DALZELL. It is not so? Mr. KEIFER. The testimony taken before the subcommittee at that time shows that he stated that 125 clerks could be dispensed with. Now, he did say something about wanting a sufficient number of clerks to make up a force to pay pensions from one office, but I think the connection in which the gentleman reads it leaves a wrong impression.

Mr. DALZELL. If my friend will permit— Mr. KEIFER. Certainly. Mr. DALZELL. Did not he use exactly this language:

We will want the same clerks. We would bring a majority of them from each agency here with their records.

Did he say that or not?

Mr. KEIFER. That is just exactly what he said, that he would take of the number of other clerks such number of them as he could use. He said he would use the same clerks they are now using somewhere else and bring part of them to the city of Washington, and that is the effect of the statement you have just read.

Mr. GARDNER of Michigan. May I say to the gentleman from Ohio that in the claim they could use a majority of the clerks the gentleman from Pennsylvania would seem to feel as though a majority meant all; but a majority might be 55 or 60 per cent of them and yet have a very great reduction in the aggregate number of clerks.

Mr. DALZELL. The majority, my friend will observe, is used in connection with the number that would be brought to

Washington, not to the number that would be used.

Mr. KEIFER. He is speaking of the same clerks that are employed in other agencies to be brought here, and the context shows clearly that they were only going to bring part of

Mr. STAFFORD. Has the committee taken any additional testimony this year concerning the adequacy of quarters here in case all these agencies were consolidated at Washington?

Mr. KEIFER. I think there has been no formal testimony I have talked with the Commissioner of Pensions to-day over the phone at his instance, and I have understood from him, as well as the Secretary of the Interior, that the quarters would be adequate, and they so testified a year ago, and there has been no change since.

STAFFORD. I beg to challenge the last statement that they so testified a year ago, because I have in my hand the hearings of a year ago, in which the commissioner used this language:

We will have room in the event that we are allowed the entire Pension building for pension purposes; that is, if they surrender us the whole building. We have the board of appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office. If these rooms were restored to us, we would have plenty of room.

So that statement is predicated upon the idea they have not sufficient room, but these offices would have to seek other quarters and place an expense upon the Government.

Mr. KEIFER. Mr. Chairman, it is just exactly the reverse of what the gentleman suggests.

Mr. STAFFORD. Well, I am only taking the language of

Mr. KEIFER. At the time the commissioner testified they were contemplating moving a large part of the Patent Office models in the Pension building, and they were using one part of the Pension building for the Bureau of Indian Affairs; and when he spoke of having sufficient room for paying the pen-sioners, of course he did not mean that he would adopt the Patent Office and the Indian Office and give them room.

He expected to have the Pension Bureau devoted to the

payment of pensions as well as the other things which properly

belong to it.

Mr. STAFFORD. Provided the offices that are now in use in the Pension building are vacated, then there would be sufficient room?

Mr. KEIFER. That is, such as have no connection whatever with the pension business.

Mr. STAFFORD. They are still occupied, and would have to be vacated, or other quarters would have to be provided?

Mr. TAYLOR of Ohio. Will the gentleman yield for a question?

Mr. KEIFER. Yes; I will yield for a question.

Mr. TAYLOR of Ohio. The gentleman stated that a number of men were housed in the Pension building that had no connection in their official duties with the work of pensions?

Mr. KEIFER. A number of offices there.

Mr. TAYLOR of Ohio. Where would these men go if this building were vacated by them?

Mr. KEIFER. Go to their proper offices, where they came from.

Mr. TAYLOR of Ohio. And would not they have to get the quarters, and then would not that be an expense to the Government?

Mr. KEIFER. I suppose the gentlemen think that we could defeat this very economical proposition by assuming that we might use the Pension Office for any other business that we pleased, although it was built for the purpose of accommodating the Pension Commissioner and all his forces and every other thing connected with pension duties. We are not going to say that we will not have room there because somebody wants to become an intruder with his office that does not belong there.

wanted to say one word-

Mr. ALEXANDER of New York. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York [Mr. ALEXANDER]?

Mr. KEIFER. Certainly; if I have the time.

Mr. ALEXANDER of New York. On what does the gentleman base his assertion that the proposed consolidation would be cheaper than the present plan of agencies?

Mr. KEIFER. Mr. Chairman, I have spent more time than I intended to in order to demonstrate that, and the gentleman will have to read my speech in the RECORD in the morning.

Mr. ALEXANDER of New York. Mr. Chairman-

Mr. MADDEN. Mr. Chairman The CHAIRMAN. To whom of

To whom does the gentleman from Ohio [Mr. Keifer] yield?

Mr. KEIFER. I yield to the gentleman from New York [Mr. ALEXANDER

Mr. ALEXANDER of New York. I have listened very carefully to the gentleman's very interesting speech, but I have failed to hear anything which would be received as evidence in a court of justice in support of the statement that it is more economical to consolidate than to continue under the existing plan. Now, if the gentleman will summarize, it may enlighten.

Mr. KEIFER. It is sufficient to say, at least, in answer, that it has been shown in every instance that where there were a few paid at a pension agency it cost more than at a place where there was a larger number paid, and that applies all through.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. KEIFER. Yes, sir.

Mr. MADDEN. Is it not a fact that there are about a million pensions

Mr. KEIFER. Nine hundred and fifty-one thousand and some hundreds.

Mr. MADDEN. Is it not a fact that to consolidate the pension agencies would save 25 cents per capita in the cost of distributing pensions?

Mr. KEIFER. On the average.

Mr. MADDEN. A million pensions at 25 cents would be \$250,000, would it not?

Mr. KEIFER. Yes, sir. Mr. MADDEN. Per annum. That is one way that you would save something. Now, is it not a fact that the people who would be employed to distribute the pensions in the central office would be at work all the time, while those who are employed in the various offices now are only at work one-third of

Mr. KEIFER. I have stated that fully in my remarks.

Mr. MADDEN. The gentleman from New York [Mr. ALEX-ANDER] seemed to think that there was no evidence of economy by the consolidation, and I simply wanted to call this to his attention.

Mr. TIRRELL. Upon that point-

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts [Mr. Tirrell]?

Mr. KEIFER. Yes. Mr. TIRRELL. Did it not appear in the discussion last year, or the year before, that it cost more per capita among the old veterans and those entitled to pensions to distribute the money from Washington than from any of the other agencies in the

Mr. KEIFER. There did not appear any such thing at all. It costs more than it did in the larger agencies, and I want to say, for the benefit of the gentleman from New York [Mr. ALEX-ANDER], that in making some of the calculation last year as to the cost of paying the pension here in the city of Washington they made it on the basis of the number of resident pensioners paid, and omitted to include the foreign pensioners paid, and omitted to include the number of pension surgeons that are all paid from here, no matter whether they are located in this city or in the most remote parts of the United States. And if the calculation had been in all cases fairly made, treating each one of the examining surgeons, and so forth, as a pensioner, it would have reduced the average cost very much below the average as stated in the RECORD last year.

The CHAIRMAN. The time of the gentleman from Ohio has

Mr. GARDNER of Michigan. Mr. Chairman, I ask that the time of the gentleman may be extended for ten minutes.

Mr. KEIFER. I do not care on my own account to have an extension

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. I understood the gentleman from Ohio said he did not desire an extension, and therefore I think we are

ready to proceed. The CHAIRMAN. Does the gentleman from Ohio desire to

have his time extended? Mr. KEIFER. I am not going to occupy any part of the time

extended to me unless it is to answer some questions.

Mr. HAUGEN. I will ask the gentleman is it not a fact, by reason of recent legislation, the work of the Pension Office has been largely increased in the Bureau of Pensions?

Mr. KEIFER. It was for a time, but it is now lower than it ever was before.

Mr. HAUGEN. And that the force has not been decreased in proportion?

Mr. KEIFER. I can not answer that.

Mr. HAUGEN. I understood the gentleman to make that statement before the committee.

Mr. KEIFER. We are not talking about the Pension Bureau, but the pension agencies.

Mr. HAUGEN. We understood from the statement made before the Committee on Expenditures in the Interior Department that a large number of the clerks now employed in that bureau will be detailed to do this very work, and a large number of clerks will be dispensed with.

Mr. OLLIE M. JAMES. I am heartily in favor of curtailing the number of these agencies, but is it not true that that has twice passed through the House, and each time that it went to the Senate has not the House yielded? Can the gentleman give us any assurance that it will not be the same the next time?

Mr. KEIFER. You are making a prophecy. I do not know. Mr. STAFFORD. The gentleman stated a moment ago that

there was an error in the computation last year, wherein it was stated that the Washington agency cost 10 cents more per capita than the other agencies with the same number of pensioners enrolled.

Mr. KEIFER.

Mr. STAFFORD. I have the figures right before me, if the gentleman disputes that fact. I can state to him instances from the record giving the cost per capita at Washington at 63.17 cents, which was the highest amount of any excepting four other agencies-and three of these are paying the smallest number in the country-Concord, Augusta, Louisville, and New York exceeding the pro rata amount, the increase for the latter being partly accounted for by the large rental which we are obliged to pay for quarters in that city. I desire to ask the gentleman if he has found from the revised estimates of this year, taking into consideration the four places to which I have referred where the per capita expense is larger, that from the figures compiled a year ago, if all the agencies had been consolidated, there would have resulted an increase of \$100,000.

Mr. KEIFER. The gentleman is mistaken. The testimony

fixed the average cost in Washington for the fiscal year 1907 at 51 cents per capita, and I am unable to answer the part of the question which relates to the revised estimate, because only this afternoon I was called to the telephone by the Commissioner of Pensions to enable him to tell me of the error that I have just spoken of, that would reduce the per capita of paying pensions in Washington now provided, that included pension surgeons or examining surgeons and others which properly should have been included and treated as though they were pensioners.

Mr. STAFFORD. Then the gentleman has just been informed this afternoon by telephone from the commissioner, showing the

cost?

Mr. KEIFER. What I have just stated was communicated to me this afternoon by telephone.

Mr. STAFFORD. Has the gentleman anything to show what

it really costs to dispense this service in Washington?

Mr. KEIFER. The expense was 51 cents per pensioner, and that was much lower than many of the other agencies-quite a number of them-and still higher than the cost of paying the pensioners at Columbus and Topeka agencies, because they did not pay so many pensioners, and they have included these extras.

Mr. STAFFORD. In the report of the Secretary of the Interior for the year ending June 30, 1907, the total expense of the Washington agency is given as \$33,865.41, and the number of pensioners provided for by this agency 53,640, making an average of 63.13 cents cost per capita for the payment of pensions at the Washington agency, whereas in Milwaukee the cost is only 54 cents-almost 53 cents-and so on down the list.

Mr. KEIFER. I do not care to occupy any further part of

my time.

Mr. GARDNER of Michigan. Lest a wrong impression be left on the House by the gentleman from Wisconsin, and I am sure the gentleman does not mean to leave any such impression as his figures would imply, although he might have heard the gentleman from Ohio say that all of the examining surgeons are paid from the Washington office, and no credit whatever is given in the per capita estimates for that.

Mr. STAFFORD. I heard the gentleman, and asked him further, because of that remark, whether he could give the expense so that the committee would have some information as to just how much it does cost to do this work here in Washington. The gentleman from Ohio said he had no such information.

Mr. KEIFER. That is the fact.

Mr. GARDNER of Michigan. Then just a moment on this

The CHAIRMAN. The Chair would like to ask the gentleman from Ohio whether he yields any time to the gentleman from Michigan?

Mr. KEIFER. I yield time, if I have it.

The CHAIRMAN. The time for general debate is entirely exhausted. The Chair understands there is no more time for anyone to consume. The Chair will therefore direct the Clerk to read the bill.

The Clerk read as follows:

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon under the provisions of any and all acts of Congress, \$160,000,000 - Provided, That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same shall be sufficient for that purpose: Provided further, That the amount expended under each of the above items shall be accounted for separately.

Mr. FOSTER of Vermont. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 4, page 2, add the following:

"And provided further, That every widow otherwise entitled on the
19th day of April, 1908, to have her pension increased to \$12 per
month by reason of the act approved on said day, shall be granted said
increase from said day notwithstanding the fact that her pension had
theretofore been increased by special act of Congress on account of a dependent child."

Mr. MANN. I reserve the point or order.
Mr. KEIFER. That is new legislation, and I think we ought not to take it up on this appropriation bill. I make the point of order that it is not in order, because it is new legislation.

The CHAIRMAN. Does the gentleman from Ohio make the point of order against this amendment?

Mr. KELEER 1.22

Mr. KEIFER. I do. Mr. FOSTER of Vermont. I ask the gentleman to reserve it.

Mr. KEIFER, I will reserve it. Mr. FOSTER of Vermont. The gentleman from Vermont understands perfectly well that this amendment is subject to a point of order. I regret that I had no opportunity to take it up with the Committee on Appropriations before offering it here. I took the matter up Saturday with the chairman of the Committee on Invalid Pensions [Mr. Sulloway], and so surprised was he to find what the ruling of the Pension Office was that I at once took the matter up over the telephone with the Pension Office. Only a short time ago I was informed over the telephone that the Pension Office felt bound to abide by the decision made some months ago.

This is the situation. Suppose a widow was drawing \$8 per month prior to April 19, 1908. Suppose that she had a dependent child and that Congress granted the child, by special act, a pension of \$12 per month, making the pension payable to the mother during her lifetime, but continuing the pension as long as the child lives. We have a provision in the pension laws to the effect that no person on the pension roll by virtue of a special act of Congress shall receive the benefit of any general pension legislation without giving up the pension

granted by the special act.

The Pension Bureau holds that the widow above described, inasmuch as her pension has been increased by the special act of Congress, can receive no benefit from the widows' pension act of April 19, 1908. That is to say, while it is true that she was drawing only \$8, and while it is true that the entire purpose of Congress in passing the special act was to provide a pension for the child, nevertheless, in view of the fact that the child's pension is made payable to the mother during her lifetime, she can not have her own pension raised to \$12, as was done in the case of all the other widows of her class. This is not just. This is not what Congress intended, either, when it provided the pension for the child, or when it passed the general widows' pension law of April 19 last. While this amendment is therefore subject to a point of order, I sincerely hope that upon reflection that point will be overlooked.

Mr. MANN. Just what does this amendment do? Mr. FOSTER of Vermont. It enables the widow, whose case I have described, to enjoy the benefit of the law of April 19, 1908, by having her pension of \$8 increased to \$12, notwithstanding the fact that in addition to her own \$8 she was being paid, under the special act of Congress, \$12 per month on account of her dependent child. This amendment would give her the increase of \$4 per month, which Congress undertook to give to every widow of a soldier who had served ninety days.

Mr. MANN. I did not listen very attentively to the reading of the amendment. The gentleman just said where a widow

had her pension increased

Mr. FOSTER of Vermont. On account of this helpless and dependent child.

Mr. MANN. Well, I know; but if she was getting this \$12, how much more would she get under the amendment?

Mr. FOSTER of Vermont. Under this amendment she would

get \$4 more. Mr. MANN. Bills are not passed giving the existence of a helpless and dependent child as the reason for paying pensions,

as I understand it. Mr. FOSTER of Vermont. Why, certainly; we frequently, by special act, grant a pension of \$12 per month to the helpless

and dependent child of a veteran. I yield to the gentleman from New Hampshire [Mr. Sulloway].

Mr. SULLOWAY. I will try and state it to the gentleman from Illinois. Widows were receiving \$8 a month. is a helpless and dependent child, it has been the habit of Congress to grant by special act \$12 for the support of that child, which gave to the widowed mother a total pension of In that class of cases where the widow was receiving \$8 in her own right and receiving \$12 for the child-

Mr. TAWNEY. During the child's minority?

Mr. FOSTER of Vermont. No; during her lifetime. At her death the \$12 go to the child or its guardian.

Mr. KEIFER. Up to 16 years of age. Mr. FOSTER of Vermont. No; pardon me, the \$12 pension is made payable to the mother during her life, and at her death

it is paid to the guardian of the child.

Mr. SULLOWAY. The widow receives no benefit from the act of April last, whereas all the other widows get \$12. The gentleman from Vermont [Mr. Foster] is exactly correct in his statement as to the result to that widow. What is proposed by his amendment is to give to the widow who is getting \$8, the \$12, which you intended to give her, I suppose, or at least I did, when we passed the act.

The CHAIRMAN. The time of the gentleman from Vermont

has expired.

Mr. FOSTER of Vermont. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from Vermont asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. I yield to the gentleman from

Mr. MANN. The gentleman from New Hampshire said it was the practice to pass a bill for \$12 a month where there was a dependent child. To whom does the pension run?

Mr. SULLOWAY. To the mother. The bill reads something like this: Pension to the widow, giving her name, is increased \$12 by reason of her having this child who is dependent and helpless.

The gentleman is still in error. Mr. MANN.

Mr. SULLOWAY. I think I should know, I have read many hundreds of them.

Mr. MANN. The gentleman's statement does not agree with himself.

Mr. FOSTER of Vermont. Let me give you the exact language used in these private acts:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia E. Willard, widow of George S. Willard, late of Company G, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Alice L. Willard, helpless and dependent child of said George S. Willard, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Aurelia E. Willard the name of said Alice L. Willard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Aurelia E. Willard.

Mr. EDWARDS of Georgia. Did I understand the gentleman

to say the pension would be continued to the child during its minority, or during its lifetime?

Mr. FOSTER of Vermont. During its lifetime. This is the case of dependent or crippled children. It seems to me that it was the purpose of Congress all the time, that where the widow, because of her widowhood, was receiving \$8 and was simply being paid the additional \$12 by the act of Congress for the benefit of the child, she should not be deprived of the increase which we gave to the other widows.

Mr. COX of Indiana. And the gentleman proposes to give her

that \$12?

Mr. FOSTER of Vermont. I propose to give her \$12 a month from the time the bill went into effect last April-that is, to give her the increase of \$4 provided for in the act of April last.

Mr. TAWNEY. The effect of the gentleman's amendment would be this: She would have a pension in her own right of \$12 a month, and a pension on account of her child of \$12 a month.

Mr. FOSTER of Vermont. That is the idea exactly.

Mr. TAWNEY. She would be receiving the pension of \$24 a

Mr. FOSTER of Vermont. Yes; she would draw \$12 just as every other widow does, and in addition to that she would receive, or there would be paid her, \$12 a month which is now being paid her on account of the helpless or dependent child.

Mr. TAWNEY. Will the gentleman explain how the law we passed, increasing the pensions of widows, discriminates against the widow who has received \$12 a month by special act?

Mr. FOSTER of Vermont. We have a very wise provision that if a person by special act of Congress is drawing a pension, that person shall not profit by any general pension legislation without surrendering the pension granted by the special The Pension Office holds that the widow's pension is increased by the special act granting the \$12 per month on account of the helpless child, and that therefore it can not grant her any increase under the general law so long as the \$12 per month continues to be paid to her.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. FOSTER of Vermont. Again, Mr. Chairman, I will ask for an extension of five minutes.

The CHAIRMAN. The gentleman from Vermont asks that his time be extended five minutes. Is there objection?

Mr. BOWERS. Mr. Chairman, inasmuch as I intend to make the point of order which the gentleman from Ohio reserved, I think I will object now.

The CHAIRMAN. The Chair sustains the point of order. The Clerk, proceeding with the reading of the bill, read as

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1910, \$500,000.

Mr. KEIFER. Mr. Chairman, I move to amend this paragraph by striking out the word "five" in line 7, page 2 of the bill and inserting in lieu thereof the word "four."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 2, line 7, strike out the word "five" and insert the word "four," so that the amount will read "\$400,000."

Mr. KEIFER. This amendment, Mr. Chairman, I make because I have ascertained from the Commissioner of Pensions since the committee reported this bill that in consequence of the age pensions reducing the number for examination required to be made by the examining surgeon, in the opinion of the Commissioner there will not be needed for the next fiscal year more than \$400,000. That is a saving of \$100,000 over that recommended by the Commissioner some weeks ago,
The CHAIRMAN. The question is on the amendment offered

by the gentleman from Ohio.

The question was taken, and the amendment was agreed to. Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Butler, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26203 (the pension appropriation bill) and had come to no resolution thereon.

ADMISSIONS TO CITIZENSHIP.

The SPEAKER laid before the House the bill (S. 388) to conform and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, with a House amendment thereto disagreed to by the Senate.

Mr. BENNET of New York. Mr. Speaker, I move that the House do insist upon its amendment to the Senate bill, agree to the conference asked for by the Senate, and that the Chair do appoint the conferees.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Mr. Howell of New Jersey, Mr. Bennet of New York, and Mr. BURNETT of Alabama.

NATIONAL ACADEMY OF SCIENCES.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1337), which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed: To the Senate and House of Representatives:

In compliance with the provisions of section 8 of the act of Congress making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, approved May 27, 1908, I transmit herewith for the consideration of the Congress the report of the National Academy of Sciences relating to the conduct of the scientific work under the United States Government.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 18, 1909.

ONE HUNDREDTH ANNIVERSARY OF BIRTH OF ABRAHAM LINCOLN.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1345). which was read, referred to the Committee on the Library, and ordered to be printed:

To the Senate and House of Representatives:

I have received from the committee of the Grand Army of the Republic, with the approval of its commander in chief, a communication running in part as follows:
"Pursuant to the recommendation of the committee authorized by the Forty-first National Encampment, Grand Army of the Republic, and appointed to take into consideration the fitting celebration of the one hundredth anniversary of the birth of Abraham Lincoln, which was made a report to the Forty-second National Encampment that was unanimously adopted, the undersigned have been appointed a committee

to prepare a programme for the occasion, met in New York City October 19, 1908, and submit the following as the result of its deliberations:

"I. That the commander in chief be requested to invite the Presi-

tions:

"1. That the commander in chief be requested to invite the President of the United States, governor of States and Territories, and mayors of cities to participate with the Grand Army of the Republic in public recognition of the centennial anniversary of the birthday of Abraham Lincoln, February 12, 1909, and by proclamation, as far as practical, recommend that the day be observed as a special holiday."

I regard the proposal as eminently proper. It will be from every standpoint desirable to observe this hundredth anniversary of the birth of Abraham Lincoln as a special holiday. I recommend that Congress pass a law authorizing me to issue a proclamation setting apart this day as a special holiday.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 18, 1909.

THEODORE ROOSEVELT.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2873. An act for the relief of the owners of the steam lighter Climax and the cargo laden aboard thereof; S. 6293. An act for the relief of Robert Davis; S. 4632. An act for the relief of the Davison Chemical Com-

pany, of Baltimore, Md.; S. 213. An act for the relief of S. R. Green;

S. 437. An act for the relief of D. J. Holmes; S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy; S. 1751. An act to reimburse Anna B. Moore, late postmaster

at Rhyolite, Nev., for money expended for clerical assistance; S. 604. An act to reimburse Ulysses G. Winn for money erro-

neously paid into the Treasury of the United States; S. 2580. An act for the relief of B. Jackman;

S. 5388. An act for the relief of Benjamin C. Welch;

S. 5268. An act for the relief of J. de L. Lafitte; and

S. 3848. An act for the relief of James A. Russell.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23351. An act for the relief of the owners of the Mexican steamship Tabasqueno;

H. R. 14343. An act to correct the naval record of Randolph W. Campbell; and

H. R. 8615. An act to correct the naval record of Edward T. Lincoln.

PUBLIC SCHOOLHOUSE CONDITIONS, DISTRICT OF COLUMBIA.

Mr. GARDNER of Michigan. Mr. Speaker, I present a re-port concerning the public schoolhouse conditions in the District of Columbia, coming from the Commissioners of the District of Columbia, and ask unanimous consent that it be received and printed as a public document (H. Doc. No. 1346).

The SPEAKER. The gentleman from Michigan asks unani-

mous consent to present a report from the Commissioners of the District of Columbia concerning public school conditions in the District of Columbia, and that the same be printed as a public document. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EULOGIES.

Mr. GILL. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

House Order No. 16.

Ordered, That there be a session of the House at 2 p. m. Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. WILLIAM PINKNEY WHYTE, late a Member of the United States Senate from Maryland.

The SPEAKER. Is there objection?

There was no objection.
The SPEAKER. The question is on agreeing to the order. The question was taken, and the order was agreed to.

ADJOURNMENT.

Then, on motion of Mr. Keifer (at 5 o'clock' and 3 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for protection of public lands (H. Doc. No. 1333)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting copies of franchises granted by the executive council of Porto Rico (H. Doc. No. 1334)—to the Committee on Insular Affairs

and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General Public Health and Marine-Hospital Service submitting an estimate of appropriation for quarantine services (H. Doc. No. 1335)—to the Committee on Appropriations and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting a report on the street railroads in the District of Columbia (H. Doc. No. 1336)—to the Committee on

the District of Columbia and ordered to be printed.

A letter from the president of the National Academy of Science, transmitting a report on the conduct of scientific work under the United States Government (H. Doc. No. 1337)-Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward E. Walker, sole heir of estate of James Walker, against The United States (H. Doc. No. 1338)—to the Committee on

War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner Ranger, Thomas Pedrick, master (H. Doc. No. 1339)-to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brigantine Fanny, Jesse Smith, master (H. Doc. No. 1340)-to the Committee on Claims and

ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for improvements in the federal building at Providence, R. I. (H. Doc. No. 1341)—to the Committee on Public Buildings and Grounds and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of Special Agent W. A. Graham Clark on the lace industry of England and France (H. Doc. No. 1342)—to the Committee on Interstate and Foreign Commerce and ordered to be

A letter from the Secretary of the Treasury, transmitting a report of rents received from the property purchased for an annex to the Post-Office Department (H. Doc. No. 1343)—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 25406) authorizing the settlement or adjustment of legal disputes concerning tidelands adjacent to the harbor of the city of Tacoma, reported the same without amendment, accompanied by a report (No. 1869), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1868), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6780) granting a pension to Jackson Yates-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18634) granting a pension to Mary Walsh-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16609) granting an increase of pension to John -Committee on Invalid Pensions discharged, and re-Feagheyferred to the Committee on Pensions.

A bill (H. R. 8996) granting a pension to George C. Rimes— Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 17078) granting an increase of pension to Thomas McClure-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24829) granting an increase of pension to William I. Milligan-Committee on Pensions discharged, and re-

ferred to the Committee on Invalid Pensions.

A bill (H. R. 26262) granting an increase of pension to Martin Murray—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25504) granting a pension to Alexander J. Sou-den—Committee on Pensions discharged, and referred to the

Committee on Invalid Pensions.

A bill (H. R. 25862) granting a pension to Liston H. Pearce-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. FULTON: A bill (H. R. 26462) establishing the age of those applying for a pension under an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 26463) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906-to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 26464) for the validation of certain certificates of naturalization-to the Committee on Im-

migration and Naturalization.

By Mr. HOWELL of Utah (by request): A bill (H. R. 26465) to provide for the exportation of distilled spirits other than those contained in distillers' original packages—to the Committee on Ways and Means.

By Mr. KENNEDY of Iowa: A bill (H. R. 26466) authorizing the city of Burlington, Iowa, to construct a bridge across the Mississippi River at Burlington, Iowa—to the Committee on

Interstate and Foreign Commerce.

By Mr. HUFF: A bill (H. R. 26467) to amend an act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes, approved March 3, 1883—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 26468) to provide for the refunding to the rightful owners, their heirs or legal representatives, the proceeds of the cotton tax illegally collected by the United States from the people of the State of Arkansas in the years 1863, 1864, 1865, 1866, 1867, and 1868, and provide for the disposition of such as may be unclaimed-to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 26469) for an increase of the irrigation fund, and for other purposes-to the Commit-

tee on Irrigation of Arid Lands.

By Mr. CLAYTON: A bill (H. R. 26470) to enlarge the powers of Andrew J. Smith and his associates, their successors and assigns, under the act approved March 10, 1908-to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 26471) to cause a survey of the Wabash River-to the Committee on Rivers and

Harbors.

By Mr. PEARRE: A bill (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. KNOWLAND: A bill (H. R. 26473) for a resurvey of Oakland Harbor, Alameda County, Cal.—to the Committee on

Rivers and Harbors.

By Mr. DAVENPORT: A bill (H. R. 26474) to provide for the erection of a public building at Tulsa, Okla.—to the Committee

on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 26475) extending the provisions of an act granting pensions to certain enlisted men, soldiers, and officers, approved February 6, 1907, to certain en-

listed men, soldiers and officers of Indian wars-to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 26476) to erect a monument on the Missisinewa battle ground, in Grant County, Ind .-- to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 26477) to establish mining experiment stations to aid in the development of the mineral resources of the United States, and for other purposes-to the Committee on Mines and Mining.

Also, a bill (H. R. 26478) to amend "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902—to the Committee on Irrigation of Arid Lands.

By Mr. MORSE: A bill (H. R. 26479) granting unsurveyed

and unattached islands to the State of Wisconsin for forestry purposes-to the Committee on the Public Lands.

By Mr. McKINLAY of California: A bill (H. R. 26480) authorizing the President of the United States to place on the retired list certain officers of the army or navy under certain conditions-to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 26481) to provide for a survey of the Ouachita River in Arkansas, with view to continuous navigation between Camden and Arkadelphia, Ark .the Committee on Rivers and Harbors.

By Mr. PRINCE: A bill (H. R. 26482) to authorize the construction of two bridges across Rock River, State of Illinoisto the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 26483) to authorize the construction of a light-house upon Diamond Shoal by Albert F. Eells and associates, and to provide for the rental and purchase thereof by the United States-to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: A bill (H. R. 26484) to regulate the movement and anchorage of vessels in Penobscot River, Maineto the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 26485) to continue improvements in Red River in Louisiana-to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26486) to authorize the construction of a public building at Winnfield, La.—to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 26487) to dredge a channel in the Saginaw River, Michigan—to the Committee on Rivers and Harbors

By Mr. WATKINS: A bill (H. R. 26488) to authorize the construction of a public building at Mansfield, La.—to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 26489) to dredge a channel in the Saginaw River, Michigan—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: Resolution (H. Res. 490) providing for the consideration of Senate joint resolution 106-to the Committee on Rules

By Mr. HITCHCOCK: Resolution (H. Res. 493) directing the Secretary of State to report to the House certain informa--to the Committee on Foreign Affairs.

By Mr. CHANEY: Joint resolution (H. J. Res. 234) to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind .- to the Committee on Military Affairs.

By Mr. GOLDFOGLE: Joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia-to the Committee on Foreign Affairs.

By Mr. HULL of Tennessee: Concurrent resolution (H. C. Res. 54) directing a survey, etc., to be made of Obeds River in Tennessee-to the Committee on Rivers and Harbors.

By Mr. FULTON: Memorial of the legislature of Oklahoma, for relief of settlers on the Kiowa, Comanche, and Apache Reservation—to the Committee on Indian Affairs.

By Mr. HAMIL/TON of Michigan: Memorial of the legislature of Michigan, urging legislation to create a volunteer officers' retired list-to the Committee on Military Affairs.

By Mr. DARRAGH: Memorial of the legislature of Michigan, favoring the enactment of a law establishing a volunteer retired list of officers of the civil war-to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ANSBERRY: A bill (H. R. 26490) granting an increase of pension to William H. Karschner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26491) granting an increase of pension to

Frederick N. Welker—to the Committee on Invalid Pensions, By Mr. ASHBROOK: A bill (H. R. 26492) to remove the charge of desertion from the military record of Alexander Har-rison—to the Committee on Military Affairs. By Mr. BARCHFELD: A bill (H. R. 26493) for the relief of

the estate of John Stewart, deceased—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 26494) granting an increase of pension to John Crowley-to the Committee on Invalid Pensions. Also, a bill (H. R. 26495) granting an increase of pension to Calvin L. Randall-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26496) granting an increase of pension to William Varian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26497) granting an increase of pension to to the Committee on Invalid Pensions. Serena Young-

Also, a bill (H. R. 26498) granting an increase of pension to John W. Van Natta—to the Committee on Invalid Pensions.
Also, a bill (H. R. 26499) granting an increase of pension to

Theodore C. Green—to the Committee on Invalid Pensions. By Mr. BENNET of New York: A bill (H. R. 26500) for the relief of Edward C. Kittle—to the Committee on Military

Affairs.

Also, a bill (H. R. 26501) granting a pension to Edward C. Kittle—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 26502) granting an increase

of pension to William H. Cole-to the Committee on Invalid

By Mr. BRODHEAD: A bill (H. R. 26503) to renew and extend certain letters patent—to the Committee on Patents. By Mr. BROWNLOW: A bill (H. R. 26504) granting an in-

crease of pension to Pleasant Smith-to the Committee on Invalid Pensions

By Mr. BURLEIGH: A bill (H. R. 26505) granting an increase of pension to Thomas J. Holmes-to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 26506) for the relief of Amos

Hershey—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 26507) to correct the military record of George W. Dunning-to the Committee on Military Affairs

Also, a bill (H. R. 26508) granting an increase of pension to Nancy J. Steward—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 26509) granting an increase of pension to Louis G. Schauberger—to the Committee on Invalid Pensions

By Mr. COOPER of Pennsylvania: A bill (H. R. 26510) granting an increase of pension to George W. Arison—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 26511) granting an increase of pension to James M. Patterson-to the Committee on Invalid

By Mr. COUSINS: A bill (H. R. 26512) granting an increase of pension to Mary A. Cook-to the Committee on Invalid

By Mr. CRUMPACKER: A bill (H. R. 26513) granting an increase of pension to John Harrigan-to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 26514) granting a pension to James O'Rourke—to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 26515) granting a pension to

Maggie Dorwin-to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry-to the Committee on the Public Lands.

By Mr. FULLER: A bill (H. R. 26517) granting an increase of pension to Christian H. Mann-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26518) granting an increase of pension to Moses Baldwin-to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 26519) granting an increase of pension to Orlando G. Andrews-to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 26520) granting an increase of pension to Warren L. Lovell-to the Committee on Invalid

Also, a bill (H. R. 26521) granting an increase of pension to William J. Rowe-to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 26522) granting an increase of pension to Joseph Smith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26523) granting a pension to Henry P. Niebuhr-to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 26524) granting an increase of pension to Michael Collins, 2d—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 26525) granting a pension to Mary J. Ellsworth-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26526) granting a pension to Nettie J.

Smith—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 26527) for the relief of the legal representatives of Allison Groves, deceased-to the Committee on War Claims.

By Mr. HASKINS: A bill (H. R. 26528) granting an increase of pension to James P. Burt—to the Committee on Invalid Pen-

By Mr. HENRY of Connecticut: A bill (H. R. 26529) granting an increase of pension to William J. Wilson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 26530) granting an increase of pension to John Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26531) granting an increase of pension to Frederick Keidel-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26532) granting an increase of pension to Warren S. Dungan-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26533) to reimburse the members of the Fifty-first Iowa regimental band for the use of musical instruments and music during the war with Spain-to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 26534) to correct the military record of Dwight Bromley-to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 26535) granting an increase of pension to Arthur Belding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26536) granting an increase of pension to Byron C. Richardson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26537) granting an increase of pension to Isaac Hogaboom-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26538) granting an increase of pension to Samuel Hillegas—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 26539) granting an increase of pension to William E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26540) granting an increase of pension to Joseph R. Maddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26541) granting an increase of pension to J. H. Shugart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26542) granting an increase of pension to Clara Swanson-to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 26543) granting an increase of pension to George W. Irvin-to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 26544) granting an increase of pension to George W. Taylor-to the Committee on Invalid Pen-

Also, a bill (H. R. 26545) granting an increase of pension to Samuel Leasure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26546) granting an increase of pension to Thomas G. Gillespie-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26547) granting an increase of pension to John D. Harbison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26548) granting an increase of pension to Enos K. Strawn-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26549) granting an increase of pension to William L. De Haven-to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 26550) granting a pension to David Hudson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26551) granting an increase of pension to ames W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26552) granting an increase of pension to Henry L. Smith-to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 26553) for the relief of W. C. Willis-to the Committee on War Claims.

Also, a bill (H. R. 26554) for the relief of the heirs of John W. Malone, deceased—to the Committee on War Claims.

Also, a bill (H. R. 26555) for the relief of Martin L. Loftis—

to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 26556) to refund certain tonnage taxes and light dues levied on the steamship Montara without register—to the Committee on Claims. By Mr. JACKSON: A bill (H. R. 26557) to correct the mili-

record of William Lockard-to the Committee on Military Affairs.

By Mr. OLLIE M. JAMES (by request): A bill (H. R. 26558) granting an increase of pension to John D. Worley-to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 26559) granting lands to the town of Conconully, Okanogan County, for cemetery purposes—to the Committee on the Public Lands.

By Mr. KUSTERMANN: A bill (H. R. 26560) granting a pension to Anna Franks-to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 26561) granting a pension to John Moncrief-to the Committee on Pensions.

Also, a bill (H. R. 26562) granting a pension to Titus B. Willard-to the Committee on Pensions.

By Mr. McHENRY: A bill (H. R. 26563) granting an increase of pension to Wesley R. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26564) granting an increase of pension to Jonathan P. Bare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26565) granting a pension to Eva Miller—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 26566) granting an increase of pension to Adolph Dassonville-to the Com-

mittee on Invalid Pensions. Also, a bill (H. R. 26567) granting an increase of pension to Frederick A. Griffith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26568) granting an increase of pension to Orlando Fountain-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26569) granting an increase of pension to William C. Medbury-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26570) granting an increase of pension to Henry A. Buttner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26571) granting an increase of pension to Ruben F. Hutchins—to the Committee on Invalid Pensions. Also, a bill (H. R. 26572) to correct the military record of Orlando A. Stebbins—to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 26573) granting a pension to Russell B. Gregg-to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 26574) for the relief of Lee Stover-to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 26575) granting an increase of pension to F. W. Sackett-to the Committee on Invalid Pen-

By Mr. NELSON: A bill (H. R. 26576) granting an increase of pension to Mark Tomlinson-to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 26577) granting an increase of pension to Elliott C. Allen-to the Committee on Invalid Pen-

By Mr. POLLARD: A bill (H. R. 26578) granting an increase of pension to Howard G. Cleaveland—to the Committee on Invalid Pensions

By Mr. PUJO: A bill (H. R. 26579) granting an increase of pension to Benjamin F. Hetrick—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 26580) granting a pension to J. P. Coshow—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 26581) granting a pension to Frank A. Berlage—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 26582) granting an increase of pension to Charles M. Bailey—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 26583) granting an increase of pension to Samuel H. Bawden-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26584) for the relief of Elizabeth A. White-to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 26585) removing the charge of desertion from the military record of Frank B. Parnell-to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 26586) granting an increase of pension to William Smith-to the Committee on Invalid Pen-

By Mr. SMITH of Iowa: A bill (H. R. 26587) granting an increase of pension to James J. Chew-to the Committee on Invalid Pensions.

By Mr. TAWNEY. A bill (H. R. 26588) granting a pension to Annie M. Biggs-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26589) granting an increase of pension to

Gertrude Bentzoni—to the Committee on Invalid Pensions. By Mr. TAYLOR of Ohio: A bill (H. R. 26590) for the relief of Harry W. Krumm, postmaster at Columbus, Ohio—to the Committee on Claims.

By Mr. WILEY: A bill (H. R. 26591) grant'ng an increase of pension to Josephine L. Jordan—to the Committee on Invalid Pensions.

By Mr. WILLETT: A bill (H. R. 26592) granting an increase of pension to Adolph Bayler-to the Committee on Invalid Pen-

By Mr. WILSON of Pennsylvania: A bill (H. R. 26593) granting an increase of pension to Andrew P. Stewart-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26594) granting an increase of pension to

James Soper—to the Committee on Invalid Pensions.
Also, a bill (H. R. 26595) granting an increase of pension to
Andrew J. Shields—to the Committee on Invalid Pensions.
By Mr. LANGLEY: A bill (H. R. 26596) for the relief of
J. F. Clark—to the Committee on War Claims.

Also, a bill (H. R. 26597) granting an increase of pension to Elijah King—to the Committee on Invalid Pensions.

By Mr. COUSINS: Resolution (H. Res. 491) to pay to Fred Douglas a certain sum of money-to the Committee on Accounts.

By Mr. CARY: Resolution (H. Res. 492) for the relief of Selina Field, widow of Norton J. Field, late a private, Capitol police-to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Memorial of farmers' institute at Farmer, Defiance County, Ohio, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of L. G. Athey and others, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. BANNON: Petition of Eli Hartly and others, for parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John C. Barber-

to the Committee on Invalid Pensions.

By Mr. BARTLETT of Nevada: Petitions of Local Unions, No. 246, of Bullion; No. 220, of Goldfield; No. 245, of Beatty; No. 243, of Fairview; No. 244, of Rawhide; No. 264, of Millers; No. 241, of Manhattan; No. 92, of Silver City; and No. 265, of Eureka, all in the State of Nevada, praying for an investiga-tion of the mines operated by Treadwell Mining Company on Douglas Island, Alaska-to the Committee on Mines and Mining.

By Mr. BATES: Papers to accompany bills for relief of John Crowley, Serena Young, John W. Van Natta, T. C. Greene, and Calvin L. Randall—to the Committee on Invalid Pensions.

Also, petition of citizens of the Twenty-fifth district of Pennvania, favoring parcels post on rural delivery routes and establishment of postal savings banks-to the Committee on the Post-Office and Post-Roads.

Also, petition of Brown & Gaston, of Cochranton, Pa., against a parcels-post and postal savings banks law-to the Committee

on the Post-Office and Post-Roads.

Also, petition of Board of Trade of Harrisburg, Pa., favoring appropriation to pay railway mail clerks' expenses from their initial terminal—to the Committee on the Post-Office and Post-

Also, petition of B. J. Walker, of Erie Malleable Iron Company, favoring H. R. 4924, for relief of officers of the navy retired for disability, but on active duty-to the Committee on Naval Affairs.

Also, petition of citizens of Mill Creek, Erie County, Pa., favoring H. R. 18204 (aid for technical education)-to the Committee on Agriculture.

By Mr. BENNET of New York: Paper to accompany bill for relief of Edward C. Kittle-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William S. Walsh (previously referred to the Committee on Invalid Pensions)-to the Committee on Pensions.

By Mr. BOOHER: Paper to accompany bill for relief of Nannie Beades-to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Chamber of Commerce of Pittsburg, for a river and harbor bill at this session of Congress to the Committee on Rivers and Harbors.

Also, petition of National Business League of America, for appropriation to erect buildings for the consular service—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of Pittsburg, for legislation to prevent unjust discrimination against American owners of foreign patents-to the Committee on Patents.

Also, petition of Chamber of Commerce of Pittsburg, for an increase in the salaries of United States circuit and district judges-to the Committee on the Judiciary.

Also, petition of Elton W. Miller, favoring H. R. 22887, in the interest of clerks and draftsmen employed at the various arsenals-to the Committee on Naval Affairs.

Also, petition of Stationary Firemen's Local Union, No. 81. favoring H. R. 16880, providing for a license for firemen, stokers, and water tenders in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of F. A. Noyes and others, of John Dority Grange, No. 381, Patrons of Husbandry, in favor of creation of national highways commission—to the Committee on Agriculture.

Also, petition of Hon. Marcellus J. Dow, of Brooks, Me., protesting against overcharge by express companies—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: Petition of business men of San Marcos, Tex., against establishment of postal savings banks and a parcels post-to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Ann Elizabeth Davis Smith-to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of James Singer, favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

Also, a petition of Merchants' Association of New York, urging all Members of Congress to encourage the return of railroad business to normal conditions by ceasing and discountenancing ill-considered or unjustified censure of existing methods of railway management, and by limiting new legislation to such measures as have been so carefully investigated as to determine not only the necessity for their enactment, but also their proper form and scope for the accomplishment of intended reform-to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of National Business League of America, favoring H. R. 21491, for erection of consular, legation,

and court buildings—to the Committee on Foreign Affairs.

By Mr. CAULFIELD: Petition of National German-American Alliance, of St. Louis, against the so-called "Humphrey amendment" to the criminal code—to the Committee on the Judiciary.

By Mr. CHANEY: Paper to accompany bill for relief of Nancy J. Stewart-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Dunning—to the Committee on Military Affairs.

Also, petition of S. B. Niblack & Co. and others, of Wheatland,

Ind., against parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Harrisburg (Pa.) Board of Trade, favoring payment of expenses of railway mail clerks while away from their initial terminal-to the Committee on the Post-Office and Post-Roads.

Also, petition of John H. Board, favoring enlarged authority of Agricultural Department to furnish intelligent farm labor-

to the Committee on Agriculture.

By Mr. COOPER of Pennsylvania: Petition of Harrisburg (Pa.) Board of Trade, favoring paying expenses of railway mail clerks away from their initial terminal—to the Committee on the Post-Office and Post-Roads.

By Mr. DARRAGH: Petition of A. C. Horton and 20 other citizens of Mecosta County, Mich., for establishment of parcelspost and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of W. H. McGinnis, of Le Claire, Iowa, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. DRAPER: Petition of National Business League of America, favoring H. R. 21491 (erection of consular, legation, and court buildings abroad) -to the Committee on Foreign Affairs.

By Mr. DUREY: Petition of retail merchants of Stratford, N. Y., against parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon; Petition of R. F. Hynd and 47 others, of Morrow County, Oreg., favoring removal of duty on jute grain bags and material used in manufacturing the same to the Committee on Ways and Means.

By Mr. ESCH: Petition of John H. Broad, favoring enlarged power of Agricultural Department to supply intelligent farm labor-to the Committee on Agriculture.

Also, petition of Pepin County Cooperative Company, favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Maggie Dorwinto the Committee on Invalid Pensions.

Also, petition of American Prison Association, for appropriation to aid preparatory work of International Prison Commission, etc.—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of Lake Side Grange, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Merchant Marine League of the United States, favoring a ship-subsidy law—to the Com-

mittee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Christian H.

Mann—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Wilmer Atkinson, against

H. R. 24473-to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of Pittsburg, for passage of regular river and harbor bill for this session of Congress—to the Committee on Rivers and Harbors.

Also, petition of Robert T. Waddell, favoring removal of duty

on explosives-to the Committee on Ways and Means.

Also, petition of National Business League of America, favor ing appropriation for erection of consular, legation, and court buildings—to the Committee on Foreign Affairs.

Also, petition of John H. Board, favoring an appropriation for enlargement of power of Agricultural Department to provide more intelligent farm labor-to the Committee on Agriculture.

Also, petition of Chamber of Commerce of Pittsburg, for legislation against discrimination by foreign patent laws against American owners of foreign patents-to the Committee on

Also, petition of Chamber of Commerce of Pittsburg, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

By Mr. GRANGER: Petition of William E. West, jr., and citizens of Little Compton, R. I., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. HAMILTON of Iowa: Petition of citizens of Keota, favoring S. 5151 and H. R. 405, for protection of prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of citizens of Keota, favoring passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of citizens of Keota, favoring S. 509, antigambling bill—to the Committee on the Judiciary.

Also, petition of citizens of Keota, favoring the Humphrey amendment to the penal code requiring that all intoxicating liquors be labeled and name of consignee be on each package—

to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of business men of Saugatuck, Mich., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Chamber of Commerce of Savannah, Ga., against S. 7867, for inspection of naval stores to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of board of trustees of Chamber of Commerce of San Francisco, for an appropriation to restore the jetties at entrance of Humboldt Bay, California-to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of Mines, of Los Angeles, Cal., favoring an import duty on asphaltum—to the Committee on Ways and Means.

Also, petitions of H. G. Codier and 47 others, of Port Jervis, N. J.; A. S. Campbell and 23 others, of Martel, Tenn.; C. P. Edwards and 47 others, of Graham, N. C.; George W. Hines and 40 others, of Boonesboro, Md.; Tom Clancy and 95 others, of Eureka, Cal.; and J. Alvin Nelson and 45 others, of Vale, N. C., for an effective exclusion law against all Asiatics save merchants, students, and travelers-to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of citizens of Clarinda, Iowa, favoring the Davis bill (H. R. 18204), in favor of technical education-to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of Excelsior Lodge, No. 259, International Association of Machinists, of Derby, Conn., against S. 5083, and with reference to immigration generally-to the Committee on Immigration and Naturalization.

Also, petitions of Kent Grange, No. 154; Goshen Grange, No. 143; Colebrook Grange, of Colebrook; New Canaan Grange, No. 138; and Litchfield Grange, No. 107, all of Connecticut, in favor

of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Benjamin F. Hall—to the Committee on Invalid Pensions.

By Mr. HUFF: Papers to accompany bills for relief of Enos K. Straun, John D. Harbison, William L. Dehaven, Thomas G. Gillespie, Samuel Leasure, and George W. Taylor—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert B. Robinson (H. R. 22248)—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Petition of John Ackerman, of Paterson, N. J., asking for the enactment of a law creating a national highways commission—to the Committee on Agriculture.

By Mr. JAMES: Paper to accompany bill for relief of Thomas McClure (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions. By Mr. KAHN: Petition of E. R. Tillman and 95 others, of

Eureka, Cal., favoring an Asiatic exclusion law against all Asiatics other than merchants, travelers, and students—to the Committee on Foreign Affairs.

Also, petition of board of trustees of Chamber of Commerce of San Francisco, Cal., in favor of improvement of Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. KNOWLAND: Petition of citizens of Alameda, Contra Costa, and Solano counties, Cal., against passage of Senate 3940to the Committee on the District of Columbia.

By Mr. KÜSTERMANN: Petition against passage of Senate -to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of citizens of Hackensack in mass meeting, against the extradition by the Russian Government of Christian Rudovitch and Ivan Pouren-to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of National Business League of America, favoring H. R. 21491, for erection of consular legation and court buildings abroad-to the Committee on Foreign Affairs.

By Mr. LOUD: Petitions of Elmira Grange, No. 762; Luzerne Grange; Glennie Grange, No. 1124; and Alabaster Grange, No. 779, Patrons of Husbandry, for legislation to establish a parcels post and postal savings banks (S. 5122 and 6484)—to the Com-

mittee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John Winston

the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Russell B. Gregg—to the Committee on Invalid Pensions.

By Mr. McMILLAN: Petitions of Pleasant Valley Grange, No. 838, of Pleasant Valley, N. Y.; Mount Hope Grange, No. 902, of Dutchess County, N. Y.; and others, favoring parcelspost and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. NELSON: Petition of citizens of Second Congressional District of Wisconsin, against S. 3940 (religious legislation in the District of Columbia) -to the Committee on the District of Columbia.

By Mr. NORRIS: Petitions of citizens of Republican City, Bloomington, and Alma, all in the State of Nebraska, against parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of John Dempsey—to the Committee on Invalid Pensions. Also, petition of citizens of New York State, favoring the

parcels-post and postal savings banks systems—to the Committee on the Post-Office and Post-Roads.

By Mr. POLLARD: Petition of Lincoln Commercial Club, for allowance of expenses of railway mail clerks from their initial terminals—to the Committee on the Post-Office and Post-Roads. By Mr. PRAY: Petition of Local Union No. 2046, United Mine

Workers of America, of Chestnut, Mont., favoring legal investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.
By Mr. PUJO: Paper to accompany bill for relief of Benja-

min F. Hetrick-to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of Commercial Club of Topeka, against parcels post on rural free-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. SLEMP: Paper to accompany bill for relief of Wil-

liam Smith—to the Committee on Invalid Pensions.

By Mr. SMITH of California: Petition of many citizens of California, against passage of Senate bill 8940—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Memorial of legislature of State of Michigan, for creation of a civil war volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. SNAPP: Petition of citizens of Elgin, Ill., against passage of Senate bill 3940-to the Committee on the District

of Columbia.

By Mr. SULZER: Petition of National Business League of America, favoring H. R. 21491, for erection of consular, legation, and court buildings—to the Committee on Foreign Affairs. Also, petition of Chamber of Commerce of Pittsburg, Pa., for

legislation giving adequate protection to American inventors-

to the Committee on Patents.

Also, petition of John H. Broad, favoring legislation for enlargement of authority of Agricultural Department to furnish adequate supply of intelligent farm labor—to the Committee on Agriculture.

Also, petition of Gas Engine and Power Company and Charles L. Seabury & Co., favoring H. R. 25542, relating to Hens on vessels for repairs—to the Committee on the Merchant Marine

and Fisheries

By Mr. TIRRELL: Petition of Albert Nudham, favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Franklinville Grange, No. 869, of New York, favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of John Feaghey (previously referred to the Committee on Invalid Pensions) -to the Committee on Pensions.

SENATE.

Tuesday, January 19, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1337), which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 8 of the act of Congress making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, approved May 27, 1908, I transmit herewith for the consideration of the Congress the report of the National Academy of Sciences relating to the conduct of the scientific work under the United States Government. THEODORE ROOSEVELT.

THE WHITE HOUSE, January 18, 1909.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1345), which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

To the Senate and House of Representatives:

I have received from the committee of the Grand Army of the Republic, with the approval of its commander in chief, a communication running, in part, as follows:

"Pursuant to the recommendation of the committee authorized by the Forty-first National Encampment, Grand Army of the Republic, and appointed to take into consideration the fitting celebration of the one hundredth anniversary of the birth of Abraham Lincoln, which was made a report to the Forty-second National Encampment that was unanimously adopted, the undersigned have been appointed a committee to prepare a programme for the occasion, met in New York City October 19, 1908, and submits the following as the result of its deliberations:

"1. That the commander in chief be requested to invite the President of the United States, governors of States and Territories, and mayors of cities to participate with the Grand Army of the Republic in public recognition of the centennial anniversary of the birthday of Abraham Lincoln, February 12, 1909, and by proclamation, as far as practical, recommend that the day be observed as a special holiday."

I regard the proposal as eminently proper. It will be from every standpoint desirable to observe this hundredth anniversary of the birth of Abraham Lincoln as a special holiday. I recommend that Congress pass a law authorizing me to issue a proclamation setting apart this day as a special holiday.

The White House, January 18, 1908.

THE WHITE HOUSE, January 18, 1909.

THEODORE ROOSEVELT.

LACE INDUSTRY IN ENGLAND AND FRANCE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Special Agent W. A. Graham of a telegram, of the legislature of the State of California,

Clark on the lace industry in England and France (H. Doc. No. 1342), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner Ranger, Thomas Pedrick, master (H. Doc. No. 1339), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brigantine Fanny, Jesse Smith, master (H. Doc. No. 1340), which, with the accompanying paper, was referred to the Committee on Claims

and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County,

Va.

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.

H.R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the

county of Orange, State of New York;

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona;

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi

River and adjacent territory; and

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 213. An act for the relief of S. R. Green;
S. 437. An act for the relief of D. J. Holmes;
S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;
S. 879. An act for the relief of John S. Higgins, paymaster,

United States Navy;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance; S. 2253. An act for the relief of Theodore F. Northrop;

S. 2580. An act for the relief of B. Jackman;

S. 2873. An act for the relief of the owners of the steam lighter Climax and the cargo laden aboard thereof;

S. 3848. An act for the relief of James A. Russell; S. 4632. An act for the relief of the Davidson Chemical Com-

pany, of Baltimore, Md.; S. 5268. An act for the relief of J. de L. Lafitte; S. 5388. An act for the relief of Benjamin C. Welch; S. 6136. An act authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho;

S. 6293. An act for the relief of Robert Davis;

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation; and

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a concurrent resolution, in the nature

which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Telegram.]

SACRAMENTO, CAL., January 18, 1909.

Senator George C. Perkins, Washington, D. C.:

The following resolution was this day adopted by the legislature of the State of California:

"Whereas there is pending in the Congress of the United States a joint resolution confirming a certain grant of privileges made by the Secretary of the Interior Department to the city and county of San Francisco, under date of May 11, 1908, whereby certain applications for reservoir sites in the Hetch Hetchy Valley, and at Lake Eleanor, in the Yosemite National Park, and forest reserves, to be used for a source of water supply by said city and county, conditioned upon certain stipulations and agreements made by the parties thereto, were approved by said Secretary of the Interior Department: Therefore be it

"Resolved, by the senate and the assembly jointly, That our Senators in Congress be instructed and our Members in Congress be requested to use all honorable means to secure the prompt adoption by Congress of the joint resolution referred to in the preamble of this resolution."

Lewis A. Halborn, Secretary of Senate.

Mr. PERKINS presented a concurrent resolution, in the nature of a telegram, of the legislature of the State of California, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Telegram.]

CAPITOL, SACRAMENTO, CAL., January 18, 1903.

CAPITOL, SACRAMENTO, CAL., January 18, 1993.

Hon. George C. Perkins,
United States Senate, Washington, D. C.:

The following resolution was this day adopted by the legislature. Please furnish other members of the California delegation with copies:
"Whereas since Yosemite Valley was ceded by the State of California to the United States sufficient money has not been appropriated by Congress to maintain the public roads in said valley in a suitable or fit condition for public travel thereover: Therefore be it
"Resolved, by the assembly and the senate of California jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means necessary to secure appropriations in the present session of Congress sufficient to place said roads in good condition; and be it further
"Resolved, That the chief clerk of the assembly immediately forward copy of these resolutions to each of the Senators and Representatives in Congress from California."

CLIO LLOYD,

CLIO LLOYD, Chief Clerk Assembly.

Mr. PILES (for Mr. Ankeny) presented a petition of Tekoa Grange, No. 195, Patrons of Husbandry, in the State of Washington, praying for the passage of the so-called "rural parcelspost" and "postal savings banks" bills, which was referred

post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of Washington Grange, No. 171, of Martinsville; of Local Grange No. 166, of Blue Anchor, and of Pequest Grange, No. 178, of Tranquillity, all Patrons of Husbandry, in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Union County branch of the State Charities Aid Association, of Plainfield, N. J., praying for the enactment of legislation to establish a national children's bureau, which was referred to the Committee on Education and Labor.

He also presented a petition of the Union County Medical Society, of Elizabeth, N. J., praying for the enactment of legis-lation to create a national department of public health, which was referred to the Committee on Public Health and National

He also presented the memorial of W. P. Stute, of Palisade, N. J., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Hoboken, N. J., praying for the enactment of legislation granting the right of citizenship in the United States to the citizens of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Gloucester County Medical Society, of Woodbury, N. J., remonstrating against the passage of the so-called "Mann drug bill," relating to the transportation of habit-forming and polsonous drugs in inter-state and foreign commerce, which was referred to the Committee on Interstate Commerce.

Mr. HEYBURN presented a paper to accompany the bill (S. 7087) to modify the boundary lines of the Priest River National Forest in Idaho, which was referred to the Committee on Public

Mr. BURROWS presented petitions of sundry citizens of Barryton, Lott, Glennie, Flint, Adrian, Battle Creek, and Cass County, all in the State of Michigan, praying for the passage of the so-called "rural parcels-post" and "postal savings banks"

bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation to create a national highways commission, which was referred to the Commit-

tee on Agriculture and Forestry.

He also presented a petition of the city council of Kalamazoo, Mich., praying for the enactment of legislation providing for the construction of a deep waterway across the southern part of that State, which was referred to the Committee on Commerce.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 8202) granting an increase of pension to Moses Bradford, which were referred to the Committee on Pensions.

Mr. LODGE presented petitions of Local Grange No. 164, of Ware; of Borough Pomona Grange, No. 11, Patrons of Husbandry, and of sundry citizens, all in the State of Massachusetts, praying for the passage of the so-called "rural parcelspost" and "postal savings banks" bills, which were referred to

the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented a memorial of the Retail Merchants' Association of Sioux County, Iowa, remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-

He also presented petitions of sundry citizens of the State of Iowa, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Council Bluffs, Iowa, praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Emmet County Medical Society, of Estherville, Iowa, praying for the enactment of legislation to create a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. LA FOLLETTE presented a petition of sundry citizens of the State of Wisconsin, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-

DEPREDATIONS ON PUBLIC TIMBER.

Mr. NELSON. I present a paper prepared by H. H. Schwartz, Chief of the Field Service, General Land Office, Department of the Interior, relative to an increase in the appropriation for preventing depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swampland indemnity. I move that the paper be printed as a document (S. Doc. No. 667) and referred to the Committee on Appropriations.

The motion was agreed to.

ANNUAL REPORT OF THE PUBLIC PRINTER.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred the annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1908, to report it back to the Senate, and I move that it be printed as a document (S. Doc. No. 664).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 783) accompanied by a bill (S. 8628) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 694. Joshua Long; S. 701. Joseph A. Espy S. 923. Andrew J. Welker; S. 1086. Abraham A. Croy; S. 1285: Walter Kelley;

S. 1289. John Lynch; S. 1294. Patrick J. Morgan; S. 1331. William H. Barnes;

S. 1531. Charles W. Carter; S. 1728. Warner P. Price;

S. 1950. Harvey B. Ames S. 1953. Christopher C. Shockley;

S. 2233. John H. Day; S. 2294. Timothy Donovan;

S. 2452. Henry G. Chritzman; S. 2461. John J. Johnson;

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S. 2497. John W. Pride;
S. 2881. Clinton D. Patterson;
S. 2921. William A. Shappee;
S. 3031. Daniel S. Wilkins;
    S. 3477. John King;
S. 3544. Travilla A. Russell;
S. 3591. Mila P. Deisz;
S. 3917. Rebecca L. Price;
    S. 3942. Henry A. Chadbourne;
S. 4100. Michael Fitzpatrick;
   S. 4100. Michael Fitzpatrick;
S. 4213. John P. D. Stevens;
S. 4214. Frank M. Montague;
S. 4339. Henry H. Klock;
S. 4512. Joseph W. Buckner;
S. 4552. Robert W. Jones;
S. 4679. Anthony Coleman;
    S. 4888. Samuel Brundage;
    S. 5125. Frances A. Holt;
    S. 5271. Jacob M. Revis;
    S. 5305. Isaac H. Long;
   S. 5347. James A. Bowden;
S. 5392. William C. Webber;
S. 5484. James Ross;
   S. 5499. Reuben H. Boyce;
   S. 5681. John House;
 S. 5681. John House;
S. 5799. Asa G. Reyburn;
S. 5873. Lawrence F. Larkin;
S. 5960. Charles S. Arnold;
S. 5974. George T. Smith;
S. 6129. William J. Dowell;
S. 6211. Cary P. Taplin;
S. 6212. John F. Sacks;
S. 6284. William L. Bales;
S. 6301. James H. L. Potter;
S. 6428. David Coble;
S. 6488. Sergiah M. Prett.
   S. 6488. Seraiah M. Pratt;
   S. 6716. Nancy J. Ayres;
S. 6738. Ralph S. Jordan;
   S. 6978. William McCarren;
   S. 7031. Henry Ipock;
  S. 7038. Judson A. Potter;
S. 7055. James M. Thomas.
   S. 7078. Iphigenia E. Crane;
  S. 7086. William A. Petty;
 S. 7160. John Giles;
S. 7173. Frederic S. Hill;
S. 7173. Frederic S. Hill;
S. 7292. Lucy McKusick;
S. 7302. Henry L. Harris;
S. 7320. George W. Peck;
S. 7321. William Thome;
S. 7387. Daniel Loftis;
S. 7388. Thomas D. Stevenson;
S. 7404. Margaret L. Harden;
S. 7412. George A. Kogle;
S. 7414. Frederick M. Hart;
S. 7441. Dana Fish;
 S. 7444. Frederick M. Hart;
S. 7441. Dana Fish;
S. 7454. Charles A. Slocum;
S. 7490. William H. Bettinger;
S. 7495. William T. Collins;
 S. 7499. Gilbert L. Holmes;
 S. 7503. James E. Herbert;
8. 7503. James E. Herbert;
8. 7510. James S. Swinehart;
8. 7511. Elbridge F. Green;
8. 7527. Rily J. Philbrook;
8. 7532. Hamilton H. McLain;
8. 7535. Bradford H. Tripp;
8. 7561. Joseph W. Hartshorn;
 S. 7643. Edward Taubert:
 S. 7653. George E. Currier;
 S. 7702. William McClarey;
 S. 7714. John C. Boren;
S. 7737. Charles F. Smith;
S. 7741. Thomas C. Shankland;
S. 7746. Earl M. Rogers;
S. 7747. John Blade;
S. 7750. Levi Judd;
S. 7788. Louise M. Bishop;
S. 7789. Emeretta A. Catlin;
S. 7790. Jessie Stagg;
S. 7857. Augusta Burchard;
S. 7860. John E. Phelps;
S. 7869. Rachel J. Windsor;
S. 7907. Milo S. Goldthwait;
S. 7911. William Miles;
S. 7935. Charles G. Fink;
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S. 7936. Boyd Cannady:
    S. 7947. Charles W. Kimball;
S. 7949. William P. Worthing;
    S. 7964. James R. Bruner;
    S. 7977. Oscar C. Stevens;
    S. 8003. Edwin H. Nash;
    S. 8026. Thomas Tirrell;
S. 8076. Catharine H. Baker;
    S. 8078. George G. Adams, alias Godfrey Adams;
S. 8079. Charles F. Richards;
 S. 8126. Blackburn B. Dovener; and
S. 8432. Lucius Fuller.
Mr. SMOOT, from the Committee on Claims, to whom were referred the following bills, reported them severally without
 amendment, and submitted reports thereon:
    A bill (S. 7782) for the relief of James H. Owen (Report No.
 784); and
    A bill (H. R. 8733) for the relief of Walter W. Keefe (Report
 Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army
 and Navy, and certain soldiers and sailors of wars other than
 the civil war, and to widows and dependent relatives of such
 soldiers and sailors, reported it without amendment and submitted a report (No. 786) thereon.
    Mr. MARTIN, from the Committee on Claims, to whom were
 referred the following bills, reported them severally without
amendment:
   A bill (H. R. 10986) for the relief of L. H. Lewis; and
A bill (H. R. 10987) for the relief of A. A. Lewis.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (S. 7859) for the relief of Parsey O. Burrough,
 reported it without amendment and submitted a report (No.
787) thereon.
Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 15218) for the relief of the sureties on the official bond of the late Cornelius Van Cott, reported it
without amendment and submitted a report (No. 788) thereon.
   Mr. FULTON. I am directed by the Committee on Claims, to
whom was referred the bill (H. R. 9969) for the relief of George
J. Miller, of Wenatchee, Wash., to report it favorably without
amendment, and I submit a report (No. 789) thereon. I call the attention of the Senator from Washington [Mr. Piles] to
the bill.
   Mr. PILES. I ask for the present consideration of the bill
just reported by the Senator from Oregon.
                      Let us have the regular order, Mr. President,
   The VICE-PRESIDENT. The regular order is demanded.
The bill will go to the calendar.
Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., reported it without amendment and submitted a report (No. 790) thereon.
   Mr. PILES, from the Committee on Pensions, to whom were
referred certain bills granting pensions and increase of pensions, submitted a report (No. 791), accompanied by a bill (S.
8629) granting pensions and increase of pensions to certain
soldiers and sailors of wars other than the civil war and to
certain widows and dependent relatives of such soldiers and
sailors, which was read twice by its title, the bill being a sub-
stitute for the following Senate bills heretofore referred to that
committee:
   S. 412. Betsy Anderson;
   S. 2867. Morton R. Perry
   S. 3061. James G. Hannard;
   S. 5992. John L. Johnson;
   S. 6298. Franklin Presley;
   S. 6310. Harry W. Bershon;
S. 6730. George A. Sorrels;
  S. 7017. Helen L. Seymour;
S. 7275. Jesse Tyre;
S. 7318. Harry H. Short;
S. 7578. James Brown;
S. 7761. James Diversity
  S. 7761. James Dixon;
S. 7762. Joseph Andrew;
S. 7768. Eugene Wessinger;
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S. 8013. Barnard Klein:

S. 8049. Emilie Le Barbier Crofton; and S. 8431. Henry B. Wallis.

Mr. LODGE, from the Committee on the Philippines, to whom

was referred the bill (S. 8023) for the relief of Pedro Mangalindan, Basilio Baltazar, and Julio Lacsamana, reported it without amendment and submitted a report (No. 792) thereon.

He also, from the same committee, to whom was referred the bill (S. 8478) to provide for payment of the claims of certain religious orders in the Philippine Islands, reported it with amendments, and submitted a report (No. 793) thereon.

Mr. CLARK of Wyoming, from the Committee on the Ju-diciary, to whom was referred the message of the President of the United States relative to the celebration of the hundredth anniversary of the birth of Abraham Lincoln, asked to be discharged from its further consideration, and that it be referred to the Committee on the Library; which was agreed to.

LINCOLN POSTAGE STAMP.

Mr. CARTER. From the Committee on Post-Offices and Post-Roads, I report back favorably without amendment the joint resolution (H. J. Res. 216) for a special Lincoln postage stamp, and request unanimous consent for its present con-

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Postmaster-General to design and issue a special postage stamp of the denomination of 2 cents in commemoration of the one hundredth anniversary of the birth of Abraham Lincoln.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SMITH of Maryland introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8604) to equalize the pension of Edward D. Bates from March, 1883, up to the time of the special act granting him \$24 per month; and

A bill (S. 8605) granting an increase of pension to Mary E.

Campbell.

Mr. NEWLANDS introduced a bill (S. 8606) for the creation of a bureau of arts and public buildings and of a council of the arts, and defining their duties, which was read twice by its title and referred to the Committee on the Library.

Mr. NEWLANDS. I ask, in connection with the bill, that the proceedings and correspondence of the American Institute of Architects relative to the creation of a bureau of arts be published as a document.

The VICE-PRESIDENT. Does the Senator from Nevada wish the bill to be printed as a part of the document?

Mr. NEWLANDS. Yes.

The VICE-PRESIDENT. Without objection, it is so ordered. Mr. GARY introduced a bill (S. 8607) granting a pension to Charles Ladshaw, which was read twice by its title and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 8608) for the relief of the commissioned officers carried on the roll of the field, staff, and band of the Second Regiment United States Volunteer Infantry, war with Spain, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 8609) to provide for the utilization of the phosphate deposits now belonging to the United States, which was read twice by its title and referred

to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Patents:

A bill (S. 8610) to amend section 4889 of the Revised Statutes; A bill (S. 8611) to amend section 4917 of the Revised Statutes: and

A bill (S. 8612) to amend section 4893 of the Revised Statutes. Mr. LODGE introduced a bill (S. 8613) granting an increase of pension to George F. Plaskett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 8614) to increase the pensions of certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 8615) for the relief of the heirs of Joshua Hill, deceased, which was read twice by its title and, with the accompanying paper, referred to the Com-

mittee on Claims.

Mr. DICK (by request) introduced a bill (S. 8616) granting an increase of pension to Mary L. Morrow, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8617) granting an increase of pension to Beatrice Paul Marmion, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8618) taxing real estate in the District of Columbia at the true value thereof, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. NELSON introduced a bill (S. 8619) granting an increase of pension to Harrison Sloggy, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8620) granting an increase of pension to Daniel W. Ingersoll, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 8621) granting an increase of pension to Eudora McLaffin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 8622) for the relief of Capt. R. L. Flanigan, which was read twice by its title and

referred to the Committee on Military Affairs.

He also introduced a bill (S. 8623) granting an increase of pension to John Monett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 8624) for the relief of B. C. Thompson, of Lyons, Toombs County, Ga., for removing obstructions from the Oconee River, making it navigable, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 8625) granting an increase of pension to William O'Brian, which was read twice by its title and, with the accompanying paper, referred to the Com-

mittee on Pensions.

Mr. MARTIN introduced a bill (S. 8626) for relief of the Providence Methodist Episcopal Church, of Sussex County, Va., which was read twice by its title and referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 8627) granting an increase of pension to Lucius A. Hancock, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. du PONT introduced a bill (S. 8630) granting an increase of pension to William J. Gardner, which was read twice by its title and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8631) granting an increase of pension to Mary A. Hayward, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8632) granting an increase of pension to John M. Adams:

A bill (S. 8633) granting an increase of pension to Prudencio

Ortagus; and A bill (S. 8634) granting an increase of pension to Benjamin B. Turner.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLINT submitted an amendment proposing to appropriate \$10,000 for the construction of a launch for the use of the customs service at and in the vicinity of Los Angeles, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CONSULAR IMPROVEMENT AND COMMERCIAL ENLARGEMENT.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (S. 7804) for permanent consular improvement and commercial enlargement, which was referred to the Committee on Foreign Relations and ordered to be printed.

REPORT OF COMMISSIONERS-GENERAL TO THE TOKYO EXPOSITION.

On motion of Mr. Cullom, it was

Ordered, That there be printed 5,000 copies of Senate Document No. 657, Sixtieth Congress, second session, being the report of the commissioners-general to the Tokyo Exposition, to be delivered to the Senate docuyent room.

IMPROVEMENT OF RYE HARBOR, NEW HAMPSHIRE.

Mr. BURNHAM submitted the following concurrent resolution (S. C. Res. 74), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Rye Harbor, in the State of New Hampshire, with a view to restoring navigation therein, and to submit estimates for the same.

AFFAIRS IN LIBERIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 666), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

To the Senate and House of Representatives:

The inclosed letter from the Secretary of State with the accompanying documents in reference to Liberia explain themselves. I very earnestly hope that the recommendation of the Secretary of State will be approved and that Congress will grant the appropriation of \$20,000 to pay the expenses of a commission, who shall go to Liberia to examine into the situation, confer with the officers of the Liberian Government, and with the representatives of other governments actually present in Monrovia, and report recommendations as to the specific action on the part of the Government of the United States most apt to render effective relief to the Republic of Liberia under the present critical circunstances. The relations of the United States to Liberia are such as to make it an imperative duty for us to do all in our power to help the little Republic which is struggling against such adverse conditions. I very earnestly hope that the action proposed will be taken.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 19, 1909.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs

H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County,

H. R. 24151. An act to authorize the Secretary of War to do nate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.;

H. R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the

county of Orange, State of New York.

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, was read twice by its title and referred to the Committee on Territories.

The following joint resolutions were severally read twice by their titles and referred to the Committee on the Judiciary

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory; and

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

PANAMA CANAL PURCHASE.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read Senate resolution 254, submitted yesterday by Mr. RAYNER, as follows:

Whereas it is currently reported that the Attorney-General of the United States, at the instance and under the direction of the President, has ordered the district attorneys in several of the federal districts to institute an investigation in connection with various publications lately appearing in the press in relation to the purchase of the Panama Canal; and

to institute an investigation in connection with various plately appearing in the press in relation to the purchase of the Panama Canal; and

Whereas in the progress of said investigation a number of witnesses connected with the papers in which said publications were made have been summoned to appear and testify before the grand juries of said several districts; and

Whereas the federal districts outside of the Territories and the District of Columbia are not invested with common-law jurisdiction, and have only such jurisdiction as arises under the Constitution of the United States and under the laws made in pursuance thereof, and the supreme court of the District of Columbia has only such jurisdiction as is now contained in the codification of the laws made under authority of Congress, and such further jurisdiction under the acts of Congress, as is particularly conferred upon it by said code; and

Whereas it is provided in the first amendment to the Constitution of the United States, among other things, that Congress shall make no law abridging the freedom of the press: Be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate whether the investigation aforesaid has been ordered by the President; and if it has been ordered, under what statute of the United States, if any, the proceedings has been instituted, and by what right and authority the process of said courts is being employed in the premises.

Mr. RAYNER. Mr. President, I desire to submit to the Senate

Mr. RAYNER. Mr. President, I desire to submit to the Senate a few additional remarks, supplementary to those of yesterday. in connection with this resolution.

There is no reason why the Senate should not pass the resolution framed as it is. There is no objection to it. It has been done over and over again. It is in the line of precedent. I do not know upon what ground the Senator from Massachusetts [Mr. Lodge] is opposing the passage of the resolution and asks to send it to the Judiciary Committee, where it will be of no avail; because if it goes to the Judiciary Committee there will ing the Government or libeling the President as President or

be a subcommittee appointed, and it will take some weeks to consider it, and it will come back to the main committee, and by the time it gets back into the Senate the evil complained of will have culminated and we will be perfectly remediless in the premises.

This resolution asks precisely the same thing that the resolution of the Senator from Texas [Mr. Culberson] asked a few weeks ago. There have been passed by the Senate hundreds of resolutions asking a public officer of the United States for information. It is not an attack upon a public officer. It does not embody any attack against the President of the United States. It does not ask the Attorney-General to disclose information that we have not a right to receive from him. As I said yesterday, it does not ask for the names of his witnesses or the testimony before the grand jury. It simply asks under what law of the United States he is proceeding.

I want to show the Senate now how important this matter is. If the Attorney-General says, "Well, I will not give you the information," then it becomes a question as to what the Senate will do. The Senate might say, "We will not exact the information from him." Then, again, it may say that it will do it. But let the Attorney-General reply to the resolution of the

Senate as to the law he is acting under.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. I yield.
Mr. CLAPP. I desire to ask the Senator a question.
Mr. RAYNER. Certainly.
Mr. CLAPP. It seems to me that sometimes in these proceedings we ought to stop long enough to see where we are liable to land if we continue. While it may be premature, I should like to ask the Senator, in good faith, if he cares to express an opinion, as to the idea of any method we would have, any process we could adopt, any plan we could employ to require the Attorney-General to furnish the information in case he saw fit not to respond directly to the resolution and declined to furnish it. Unless we can require him to furnish it, it seems to me that we are discussing a very barren, academic subject.

Mr. RAYNER. 1 think the Senate has the power to enforce The same question came up the other day and its own orders. was discussed under the resolution we passed here that the President and Attorney-General give certain information. They declined to give the information. The President said that he instructed the Attorney-General that the Attorney-General should not furnish the reasons why he permitted the consolidation of the two companies referred to in the resolution of the Senator from Texas. Under a subsequent resolution that matter is now being inquired into by the Judiciary Committee. What the Judiciary Committee will do about it I am not able to say, but I am under the impression that when either the Senate or the House of Representatives asks a public officer to give it information and he declines to do it there is some process by which the public officer can be brought before it and compelled to perform his duties. That is a matter that we are not anticipating. Let us wait. I feel that the Attorney-General will give us this information. I feel pretty confident that he will not object to the passage of this resolution, and will give us the information.

Now, why? I want it distinctly understood that I am not concerned about any criminal proceedings for individual libel in the District of Columbia. I know, as every other lawyer upon this floor knows, that if a man is criminally libeled in the District of Columbia he can appeal to the criminal courts of the District of Columbia. That is not the question at all. Mr. Cromwell, who I understand is here in Washington, claims that the New York World, or the Indianapolis News, or any other paper has criminally libeled him, he has the right to appear, I apprehend, at the instance of the district attorney not of the Attorney-General but of the district attorney-before the grand jury of the District of Columbia and give his testi-mony. Then it is for the grand jury to say whether it is a criminal libel; whether it will present it.

That is not the question. Everybody admits that. The point I want to get at is only emphasized by what took place in the federal circuit of New York yesterday. It is not the district federal circuit of New York yesterday. It is not the district attorney for the District of Columbia; it is the district attorney of New York, who is proceeding under the order of the Attorney-General of the United States and trying to indict people in the federal circuit outside of the District of Columbia. know under what law he is proceeding to do this, under what statute of the United States the Attorney-General of the United States, acting through the district attorney of the New York circuit, is proceeding to indict anyone for libel, either for libellibeling anyone else, because my contention is that the federal

circuits have no jurisdiction of the matter at all. I want it distinctly understood that I am not now justifying these publications. I am not making any attack upon the Pres-

ident of the United States or the Attorney-General. I know that as to anything I may say here in debate under the Constitution I can not be questioned for it. It is for that very reason that I do not propose to abuse the privileges of this floor. I am not making an attack of any sort upon the President or upon the They may be proceeding in strict perform-Attorney-General. ance of their official functions. It is a simple request, and I can not understand why the Senate should object to it. I simply want the information from the Attorney-General under what law or statute he is proceeding. If he gives us the law, if he gives us the statute, I apprehend we might undertake the repeal of it, if there is any law in existence under which you can either libel the Government of the United States or libel the President as such.

If he answers us that the proceeding is merely a question of individual libel, certain persons appearing before the grand jury of the supreme court of the District claiming that they have been libeled here in this District, that is a matter we have nothing to do with. The point is being made that if there is a libel committed upon any of the Government reservations that gives the circuit court of the United States jurisdiction.

Mr. CLAPP. Just a moment, if the Senator please. Mr. RAYNER. I yield.

Mr. CLAPP. I simply ask the Senator to repeat his last re-

There was noise and I could not hear it.

Mr. RAYNER. I want to show the Senate the extreme importance of this proposition. The point is being made now that if a libel-let us call it the crime of libel-if the crime of libel is committed in any of the government reservations, that gives the district or the circuit court of the United States jurisdiction over it. For instance, let us take the case of a student at West Point, we will say from California. He receives a paper from San Francisco that has a libelous communication in it. The idea is that you can indict the editors of that paper in the federal circuit, because it is circulated on a government reservation; and having indicted the proprietors, or the editors, you can by requisition or extradition bring them over from California to be tried in the federal courts of the United States. Is it not an important question to find out whether or not the Attorney-General, acting through his district attorney, is pro-

ceeding to accomplish any such purpose?

Mr. CLAPP. Mr. President, if the Senator will pardon me, if the Attorney-General is proceeding to do that, it seems to me that the remedy, and the only practical remedy, would be a law of Congress prohibiting it. I do not see how, by dealing with the Attorney-General, we can effectuate any remedy or

result in the matter.

The remedy is to pass a repealing statute Mr. RAYNER. providing that that shall not constitute a libel. But it is utterly impossible for us to do that unless we know how the Attorney-General is proceeding in this matter.

Will the Senator pardon another interruption? Mr. CLAPP.

Mr. RAYNER. Certainly.

With due deference to the Senator from Mary-Mr. CLAPP. land, it does seem to me that he is mistaken. If we feel that such a law should be passed, we never for one moment would think of conferring with the Department of Justice, or any other department; we would proceed to pass it. The question whether the Attorney-General deems that that is the law is something that we have nothing to do with; it has nothing to do with the law itself. Either it is the law or it is not. If it is the law, and we want to change it, we should repeal it without any reference

to his view.

Mr. RAYNER. I submit to the Senator from Minnesota there is a necessity for getting at the facts before we determine whether there is a necessity to pass a law. The Senator from Minnesota has not the information, I have not the information, as to whether the law covers a government reservation; but there is one thing sure. This case is now being argued before the district court of New York. It was argued yesterday; it is argued to-day; and I understand the proposition will be contended for that a libel is constituted wherever the paper circu-For instance, a paper circulates here in the District of Columbia. That paper is published in Indiana. The Indiana editors can be brought here to the District of Columbia and tried for libel. As I said just now, the paper circulates in a government fort, at a government arsenal, at a government academy, upon a government reservation. If the paper makes its appearance upon a government reservation and there is a libel published in it, it is claimed that that constitutes the

crime of libel and gives the federal court jurisdiction over the matter.

If that is the law, I apprehend we want to pass a statute repealing that law. I do not know whether it is the law. The Attorney-General does know whether he is proceeding under a law of that sort; and that is all that this resolution asks him. do not care for the balance of the resolution, whether the President has directed him to do it. We can guess who has directed him to do it. That is a matter not of any very serious importance. But I want to know under what law he is proceeding in the federal circuit in an investigation for a criminal libel.

Mr. CLAPP rose.

Mr. RAYNER. Does the Senator want to ask me a ques-

Mr. CLAPP. Well, Mr. President, I certainly do not want to be captious in interrupting the Senator.

Mr. RAYNER. I do not object to it at all. We want all the

light on this subject that we can get. Mr. CLAPP. I should like to ask this question: The court of New York now has this matter under consideration. court will probably hold that it can be done or can not be done. If the court holds that it can be done, it then is the law in the contemplation of that court; but I can not for the life of me see what difference it makes as to what the Attorney-General's view of that law is. That is what I should like to have the Senator point out. If it is the law, it should be repealed, perhaps; it is for us to judge whether it should be repealed, and the only authority upon the question whether it is the law or not will be the decision of the court and not the opinion of the Attorney-General.

Mr. RAYNER. Mr. President, I think without any assumption I can easily answer that question. By the time the New York courts decide this question I think it will be too late for us to do anything; it goes through a long process of delay and postponement; there is a motion made to quash the subpænas, and by the time the court gives an opinion upon the question and the question gets before the grand jury and there is a presentment or indictment the time will have passed for us to take

any steps about it.

Now, suppose there is no indictment; suppose there is no presentment, and suppose the summonses or subpænas are quashed, what then? We do not know any more then than we We want to know from the Attorney-General under what law he has been proceeding. Therefore I think I have There would be such a delay that it answered the question. would be impossible for us to do anything. If there is no indictment and no presentment, then we do not know under what proceeding the Attorney-General has undertaken this investigation, and we are entitled to know that from the Attorney-General. We are entitled to have the information now, so that we can act on it.

Now, what is the objection to getting this information from the Attorney-General? He is not asked to make any disclosures. I will ask the Senator from Minnesota what is the objection? Is it not a perfectly harmless and inoffensive resolution, worded in the most respectful and reverential way, asking a public officer whether he is not abusing the trust that has been committed to him? I do not charge any abuse of that trust. I do not charge him with misuse of his power. He may be acting in pursuance of law. Have we not a right, as a branch of the legislative department, to demand of any public officer whether or not he is acting in accordance with a law that Congress has passed, and if he is so acting to give us the law under which he proceeds?

Mr. CLAPP. The Senator has asked me questions. I agree with him that it a harmless resolution, and I go a step further with the suggestion that it is absolutely an ineffectual resolu-In the first place, of course we may demand it, but I do not believe the Attorney-General is required to tell us what law he is proceeding under. I do not think he is required to answer this resolution. It seems to me it is a mere barren inquiry.

That is my objection to passing it.

Mr. RAYNER. Will the Senator from Minnesota permit me to ask him whether the inquiry of the Senator from Texas [Mr. CULBERSON] the other day was a barren inquiry, whether or not the Attorney-General had advised the President that the Steel Company and the Tennessee Coal and Iron Company had a right to consolidate? Was that a barren inquiry? It is now before the Judiciary Committee.

Mr. CLAPP. In my humble judgment it was a barren in-

quiry.
Mr. RAYNER. I do not agree with the Senator from Minne-

Mr. CLAPP. I voted to send it there for certain reasons, which some day I propose to put in the RECORD. It struck me then that it was a barren inquiry, and I believe the experience, when we hear from the committee, will further support that suggestion.

Mr. RAYNER. I am on the committee, and I can not anticipate what the action of the committee will be. I know what my action will be. It will never be a barren inquiry if I have

anything to do with it, I assure you; never.

Do you tell me that the Senate can not compel an officer of the United States to give legitimate information to this body? This was argued in full by the Senator from Georgia [Mr. BACON] the other day, and an unanswerable argument was presented by him in this body on that subject. Are we perfectly powerless in dealing with officers virtually of our own creation, so that we can not ask them any questions-lawful questions? And if they decline to answer them, have we not any power over them to compel them to do anything? Are we perfectly powerless in the premises? When we ask any officer of the Government, high or low, in any of these departments, any question in connection with the performance of his public functions, can he come here in defiance of this body and say he will not answer you, and are we perfectly powerless to make him give an answer? I will never accede to that proposition until the Senate so determines.

Mr. CLAPP. I would not want to remain silent under the suggestion, so broadly made, that the the Senate has no right to make any inquiry of an officer, and would in all cases be powerless if an officer refused to respond to such an inquiry. My point is that there are inquiries which can be made, and have been made, which the officer is not obliged to answer, which he could treat just as President Cleveland treated the request for papers in the case referred to the other day in the argument of the Senator from Georgia [Mr. BACON]. This falls, in my judgment, within that classification. We can not compel the Attorney-General, in my humble opinion, to tell what passed between him and the President, nor can we compel him to give us his opinion as to what particular law he is proceeding under. That is why it seems to me it is a barren

inquiry.

Mr. RAYNER. Mr. President, I am not asking for any information as to what took place between the Attorney-General and the President. There is no such provision in this resolution. I am not asking for any reasons. I avoided the controversy that is now pending in the Judiciary Committee. I think the Senator from Texas [Mr. Culberson] had a perfect right to ask that question, and I do not think the President had any right on earth to tell the Attorney-General not to answer. That is my judgment, but, nevertheless, I avoided that contro-I am not asking the Attorney-General for any reasons. I am simply asking him for a perfectly harmless piece of information as to what law of the United States he is proceedingunder in the circuit of New York when he is bringing witnesses from all over the country in the investigation for libel in the federal circuit. Does not the Senator from Minnesota agree with me that the federal courts have no jurisdiction in cases of libel outside of the District of Columbia, aside from the reservation question they are now raising? Is there any doubt about that proposition?

Mr. CLAPP. Offhand, perhaps I am rather inclined to think

the Senator may be correct on that proposition.

Mr. RAYNER. The Senator will be better satisfied after he has examined the authorities, because there never has been any controversy about it. They have no jurisdiction. What law is he proceeding under in New York? He is proceeding because these papers have been circulated upon a government reservation, I suppose. If there is such a law, that is the only law that he is proceeding under. Let us have the law, and then we will see what to do with it. What is the objection? I will accept what the Attorney-General tells us. I am satisfied he will give us this information. I am satisfied you will get the informa-tion. Therefore, Mr. President, I simply ask for the passage of an order that is in line with precedent. That is all. there is anything objectionable in the order or resolution, I am willing to eliminate it, but it has been done over and over again in the Senate. Public officers have been called upon to furnish information to the Senate, and this is the first case of which I know that there has been any refusal. I say, therefore, that the Senate has the right. It is not a partisan question; it is not a political question at all. I have no feeling in the matter and surely no partisanship. It does not embody any attack upon the President, so that it might divide the President's friends and the President's enemies. I make no attack whatever upon the Attorney-General. He may be proceeding in the strict line of his official duty. I am asking him simply in a

respectful way for information, but if he does not give us the information, then the Senate can afterwards determine what to do about the matter. That is the question which is now under discussion by the Judiciary Committee of the Senate.

Mr. DOLLIVER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. I do. Mr. DOLLIVER. I should like to ask the Senator if the matters to which he refers would not come out very speedily on a motion to quash the subpœnas?

Mr. RAYNER. I did not hear the last part of the Senator's

question.

Mr. DOLLIVER. I understood the Senator from Maryland to say that motions were already pending in these courts to quash the subpænas by which these witnesses had been summoned before the grand jury. Now, would not the whole question of the statute under which the Government was proceeding, or the district attorney was proceeding, be developed at once in such a proceeding?

Mr. RAYNER. Not at all; and if it would, I would immedi-

ately withdraw this resolution.

I want to say to the Senator from Iowa that the question raised on a motion to quash is a question as to the form of the subpœna.

Mr. DOLLIVER. I understand the Senator from Maryland to simply desire the Attorney-General to advise the Senate what the statutes of the United States are in such cases.

Mr. RAYNER. If there are any, and if there are not

Mr. DOLLIVER. When did it occur that the great lawyers of the Senate had to go to the Attorney-General of the United States to inquire into the contents of the Revised Statutes of the United States?

Mr. RAYNER. It never occurred before, because there has never before been a proceeding that I know of that has not been justified by the Statutes of the United States. That is the answer to that proposition. It never occurred before in the history of the United States.

Mr. DOLLIVER. I will add that it looks to me as though this were a matter entirely for the courts; and I think that a fair consideration of the relations between the judicial and the legislative departments of the Government would not only suggest but would require us to allow the courts to attend to their own matters.

Mr. RAYNER. That would be an unanswerable proposition I were attempting to invade the jurisdiction of the courts, if I were asking the Attorney-General or any district attorney to disclose any information that we have not any right to; but my proposition is that he is proceeding-I will not say it is my proposition--but I believe that he is proceeding outside of the statutes of the United States for the purpose of gaining information that he has not any right to acquire as Attorney-General of the United States.

Mr. DOLLIVER. Then, Mr. President, that matter will appear very speedily in the proceedings before the courts.

Mr. RAYNER. It will not appear at all. If the Senator from Iowa had followed the proceedings of the courts as I have tried to do, he would know that a motion to quash a subpæna because the subpœna or summons is in improper form does not raise the constitutional question that I am raising in the Senate; and that is, whether, under the Constitution of the United States, the district or circuit courts of the United States have any jurisdiction. That motion can be determined without the slightest reference to the constitutional question, and will be so determined.

Mr. DOLLIVER rose.

Mr. RAYNER. One moment; let me finish the answer, if the Senator please. If the court sustains the validity of the summons, or if the court sets aside the summons, it does not at all raise the question that I am discussing.

Mr. DOLLIVER. But it will dispose of the whole contro-

Mr. RAYNER. Exactly. Then, we want to know why the Attorney-General undertook to use the courts of New York and if there was any law to justify him; why he did it, and for what purpose he did it. That is the answer to the Senator's suggestion just now. Now, I want to conclude. Senators will have ample time, and I think I have discussed this proposition

as much as is necessary.

This resolution simply asks for information, and it asks for nothing else. It is in the line of precedents in this body. I do not see why a government should be afraid of its own Attorney-General. Why not let the Attorney-General answer this question, instead of letting other persons answer it for him? If the Attorney-General says, "I will not answer your question," very well; we will see what we can do about it; but I apprehend that he will answer it, and I apprehend that just as soon as this resolution goes to him he will give us the process through

which he is proceeding.

I therefore say this is in line with hundreds of precedents which the Senate has made by passing resolutions asking for information from public officers. I ask the Senate to maintain its immemorial privileges and to stand by its ancient rights.

That is the proposition here in this case.

Mr. DOLLIVER. Mr. President, I do not desire to be wanting in the wish to maintain the privileges of the Senate, but I believe that a larger question than that is here, and that is to maintain the mutual confidence, respect, and cooperation that is required in this Government between the coordinate branches

Mr. RAYNER. Will the Senator from Iowa allow me to interrupt him'

The VICE-PRESIDENT. Does the Senator from Iowa yield

to the Senator from Maryland?

Mr. DOLLIVER. I do.

Mr. RAYNER. Just one suggestion, which I forgot and which I now desire to make. The importance of the last point that I made I wish to emphasize just by reading a line. Here is what the President says about it in his message of December 15:

While the criminal offense of which Mr. Pulitzer has been guilty is in form a libel upon individuals, the great injury done is in blackening the good name of the American people. It should not be left to a private citizen to sue Mr. Pulitzer for libel.

I apprehend the word "sue" was inadvertently used, although he had a right to sue him, but-

He should be prosecuted for libel by the governmental authorities.

The President further states:

The Attorney-General has under consideration the form which the proceedings against Mr. Pulitzer shall be brought.

There is the President's message, and we have a right to ask what form has the Attorney-General under consideration in

which these proceedings can be brought.

Mr. KNOX. Mr. President, I hope the Senate will not pass this resolution; not because the Senate is without power, not because of the terms in which the resolution is couched-for the terms are most respectful and in entire accordance with the precedents of the Senate-but because I think we would be establishing an exceedingly dangerous and troublesome

precedent if it should pass.

After all, it amounts to this: The Government of the United States is proceeding in one or more courts in a matter which charges some citizens of the United States with a violation of law. It is not necessary for me to call the attention of Senators to the fact that the duty and function of enforcing the law rests upon the President of the United States, and in order that his hands may be strengthened and that his judgment may be enlightened, Congress has provided an Attorney-General, upon whom it casts the duty of advising the President in relation to the execution of the law; furthermore, putting under the control of the Attorney-General all prosecutions and proceedings in which the United States are interested.

Mr. President, I have listened attentively to the distinguished and capable Senator from Maryland [Mr. RAYNER], whose opinions upon questions of law always challenge my interest and respect; but so far as I have been able to gather from what he has said it amounts to this, that in his opinion, as a lawyer, the Government of the United States is proceeding without adequate authority, and that in order to clear up his mind upon this subject he would like to have information from the Attorney-General of the United States as to the exact

legal basis of his case.

I am very free to say, Mr. President, that if I were acting in the capacity of Attorney-General of the United States I would feel constrained to say that it was contrary to the interest of the public to discuss in advance of a trial in court the question as to what the Government's plan was, especially

in a criminal case.

Mr. President, if we were to pass this resolution, I can see in my mind's eye how in any case in which any prominent defendant or any very prominent interests were involved some one might raise the same question, and we would be compelled to thrash out here on the floor of the Senate whether or not such case were firmly grounded in the law. I can recall that on one afternoon some five years ago it became my duty as I then saw it—and I have never had any reason to change my mind upon that subject—to announce to the people of the United States, and to all of them at the same time, that it was the intention of the Government to proceed to dissolve what up to that time was the greatest combination of capital that

ever was gotten together in the history of the world in order to control the competitive business of the two great railroads of the Northwest. The next day's papers brought from many of the leaders of the bar of the United States a statement that such a prosecution would not lie. It was said that the act upon which the Government proposed to base its proceedings did not apply to the situation; that such a combination was made upon entirely different lines and along lines upon which the great railroad interests of this country had been operating for many years.

Now, imagine, Mr. President, some one introducing a resolution in the Senate of the United States stating that here is a misuse of the power of the Government and the functions of the courts in order to break down and cripple the great railroad interests of the West; imagine the possible effect upon the ultimate decision of that case if, upon a partial argument and acting probably upon sentiment, the Senate of the United States had declared in some form or other that such a proceeding was ill advised and badly founded! Why, Mr. President, we know well enough that there were four justices of the Supreme Court who held that opinion, and the possibility of such action affecting a vote in that court is not very remote.

I understand, Mr. President, the Senator from Maryland yesterday advanced-and he advanced them with great force and with great eloquence—certain propositions, certain reasons why prosecutions such as he referred to do not lie. I had curiosity enough to examine with some care the questions he has raised, and I find authority-and I propose to send it in a memorandum to the desk to be read as a portion of my remarks-I find authority apparently contradicting every one of those legal propositions. Mr. President, I am not alleging-and I want to be distinctly understood on this point—that these authorities and statements correctly state the law; neither am I alleging that the Senator from Maryland has incorrectly stated the law; but what I do allege is that there are authorities on both sides of the propositions the Senator has enunciated; or, in other words, they seem to cover debatable ground.

It is not difficult to understand that the Attorney-General of the United States takes the views expressed in the authorities expressed in this paper to be read from the desk, and has advised the President accordingly. If he has, he is acting well within his rights, and I think it would be an entirely superfluous thing upon the part of the Senate to pass the resolution that has been presented by the Senator from Maryland, which seems to originate in the idea that if he holds such view he may

be mistaken.

I ask that the paper I send to the desk may be read. The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Punishment for libel in the District of Columbia is fixed by statute, section 815 of the code.

The definition of libel is taken from the common law, which is in effect in this jurisdiction by virtue of section 1 of the code. The laws of Maryland are no longer the laws of the District of Columbia; all acts and parts of acts of the general assembly of Maryland, general and permanent in their nature, being repealed by section 1636 of the code, the exceptions contained in that section having no relation to libel

and permanent in their nature, being repeated by section 1636 of the code, the exceptions contained in that section having no relation to libel.

The authorities are numerous where officials have been libeled and indictments have been returned therefor.

Even the Government can be libeled, although indictments of that kind are rare in this country. (Newell on Slander and Libel, sec 940.) On page 989 of the same book you will find a precedent taken from Odgers on Libel and Slander, for such an indictment.

In the case of United States v. Hudson and Goodwin (7 Cranch, 32), the Supreme Court of the United States held that the circuit courts in the States had no common-law jurisdiction in cases of libel against the Government of the United States. In that case they tacitly treat the indictment as one good at common law.

In the District of Columbia—the courts here, which are federal courts, have jurisdiction of common-law offenses. (U. S. v. Deforrest, 11 D. C. App., 458.)

This case draws the distinction between the jurisdiction of our courts and the jurisdiction of the circuit courts in the States, as defined in United States v. Eaton (144 U. S., 677.)

The case of In re Dana (7 Benedict, 1) is no longer law, for the reason: First, that the removal of Dana was refused solely on the ground that there was no court in which he could have a trial guaranteed to him by the Constitution of the United States. This was remedied by statute so far as the police court of the District of Columbia is concerned—the police court at that time had no jury system—and the case never could have applied to where an indictment was returned in the supreme court of the District of Columbia, And further, that at that time libel was not punished by statute.

The right of removal to the District of Columbia, has been decided in the case of United States v. Wimsatt (161 Fed. Rep., 586), where the indictment charged a common-law offense in the district court for the southern district of New York; held, that the right of removal rofenses, the

for Baltimore County, and that the same was published of and concerning the said David Fowler, judge as aforesaid, and of and concerning the administration of justice by the said Fowler, judge as aforesaid. The court of appeals of Maryland held the indictment good, stating, however, that it was not necessary for them to decide whether or not a person could be indicted for composing and printing scandalous matter of and concerning the administration of justice.

In Maryland libel is not defined by any statute, but the definition of libel is the common law of that State.

There being no question under English authorities that it is an offense at common law to libel the Government, there can be no question that in the State of Maryland it is a criminal offense to libel the Government.

Government.

Mr. KNOX. Now, Mr. President, I want to add to what I have already said—and I only do it again for the purpose of emphasizing my point—that I do not wish the Senate to understand that the propositions of law advanced in the document that has just been read are ones for which I stand, but they emphasize the fact that I could get up an argument between the lawyers of this Senate on any one of those propositions, which would go to demonstrate the absurdity of passing this resolution. Suppose-and this is not an unlikely supposition-that by the force of the eloquence and the logic of the Senator from Maryland we could unanimously be convinced that every one of those propositions of law is erroneously stated and that the ones he stated yesterday were accurately stated and would solemnly so resolve. What would it all amount to if the courts in which the proceedings in question are to be tried should determine otherwise? The court has the power to enforce its de-We have no power at all in the premises. It would not only be a brutum fulmen, but it would make the Senate ridicu-

Mr. RAYNER. Mr. President, I think I can convince the Senator from Pennsylvania in a very few moments that not one of the authorities cited in the document read at the desk has the slightest bearing on the proposition now before the Senate.

Mr. KNOX. That is what I thought.

Mr. RAYNER. I am satisfied that I can assure him as to that. There is no one-and I say this without intending any flattery, because the Senator from Pennsylvania does not require it-there is no one at the American bar whose legal opinion I respect in a higher degree than I do that of the Senator from Pennsylvania, but he is on a line of cases that have no bearing whatever upon the proposition that I discussed before the Senate

Mr. KNOX. May I ask the Senator from Maryland just one question?

Mr. RAYNER. Certainly.
Mr. KNOX. I would rather make a statement to him and then follow it by a question, but I will ask the Senator did he not understand me to say that I do not stand for any of those propositions?

Mr. RAYNER. I did understand the Senator to say that, and I know he does not stand for them. [Laughter.] Now, take this case from my own State with which I am a little familiar. A man named Richardson published a paper and he issued a most infamous publication against a judge of one of our circuit courts. He was indicted, tried, convicted, and imprisoned. I think the court imprisoned him for three years, but the governor afterwards pardoned him. That was an indictment for libeling a judge, not for libeling the State of Maryland, nor for libeling the Government.

The other case that is quoted here, if I recollect arightfor I am answering the cases now upon the spur of the moment, and the Senator from Pennsylvania will correct me if I am wrong-was one of the sedition cases. That was a case of a conviction under the sedition laws, Mr. President. There were half a dozen such cases. I am speaking now from recollection. The Senator from Massachusetts [Mr. Lodge], who knows all about the history of those days, and he will correct me if I am wrong, remembers there were a half dozen convictions under

the sedition laws.

Lyons, a Member of the House of Representatives, was tried, convicted, and sentenced to prison. A man named Cooper, if I recollect the name aright, was tried, sentenced, and convicted. We all know what those laws were, and we know how the operation of those laws broke up the Federalist party, and, if recollect aright-and the Senator from Pennsylvania can correct me if I am wrong—the case he quotes was a conviction under the sedition laws. There are no sedition laws now in the United States. I ask the Senator from Pennsylvania, is there any statute now in the United States-for if there is, he knows it, and I will respectfully take his opinion—under which you can punish men for libeling the Government of the United I ask that question of the Senator from Pennsylvania, if he will answer it.

Mr. KNOX. Mr. President, I want to be consistent, and shall answer by saying that I am not now practicing law.

Mr. RAYNER. I understand the Senator has answered many a question here without practicing law, and if there was any statute of the United States under which a man could be punished for libeling the Government of the United States, it would be immediately forthcoming. The very fact that the Senator from Pennsylvania answers me that he is not practicing law is a tacit admission that there is no statute of the United States under which a man can be prosecuted for libeling the Government of the United States. I will treat that as an admission from the Senator from Pennsylvania that there is no such law, for the Senator has looked up this question, and if there were any such law as that, he would have furnished it to the Senate this morning. Therefore, if there is no law like that, where do the federal circuits get hold of the common law?

This is another question I will put to the Senator from Pennsylvania, provided he will not give me the same answer: Have the circuit courts of the United States any common-law jurisdiction to punish for libeling the Government? That was an offense under the British law. Would the federal circuits take hold of that proposition? Is the law of Great Britain imported into the federal circuits? Are not the federal circuits governed by laws that have been passed under the Constitution of the United States, and have they any jurisdiction except the jurisdiction conferred upon them by the Constitution of the United States?

The Senator from Pennsylvania can not stand on these authorities, because there is no authority here that contradicts the

propositions that I am making.

In the District of Columbia you can indict an individual just the same as you can indict him anywhere else. But I was not arguing this case upon the proceedings in the District of Columbia. There is where the Senator from Pennsylvania, I respectfully submit to him, has made a mistake. I was not arguing this case in reference to the proceedings before the courts of the District of Columbia. I am arguing this case upon the proceedings before the federal districts in New York, and if there is any case which has ever held that the federal districts of the United States have jurisdiction in any case of libel, either against the Government, against the President as such, against any officer of the Government, or against an individual, I should like to see it. It is not upon the authorities which the Senator from Pennsylvania has kindly furnished to the Senate that these propositions depend. If the Attorney-General depends upon these cases, he can be put out of court in about five minutes. It would not take very much of a lawyer to dispose of those cases as not applicable to proceedings in the southern district of New York.

Therefore, Mr. President, I still maintain the original proposition, and I will put it a little stronger than I put it at first. Leaving out the District of Columbia now, for the Senator from Pennsylvania and myself agree upon the fact that you can indict an individual for libel in the District of Columbia-I say that from anything we have heard in the Senate there is nothing whatever to justify the Attorney-General of the United States, at the instance and under the direction of the President, in pursuing the unwarranted investigation that he is pursuing in the federal districts of the State of New York for the purpose, not of getting the indictment of that court, but for the purpose of doing something not embraced in the proceedings which

he is undertaking.

Mr. CULBERSON. Mr. President, I ask the indulgence of the Senate for a moment. The Senator from Pennsylvania [Mr. KNOX] submitted the case of the Northern Securities Company, as I understand, as a parallel case to this.

Mr. KNOX. Mr. President

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. CULBERSON. Certainly.

Mr. KNOX. I can hardly allow that statement to go unchallenged. That was not my intention. What I said in reference to the Northern Securities case was in illustration of what might have happened in another case—not another kind of a case, but another case of a dissimilar kind, of course. I did not think it was necessary to make that statement, because it is apparent upon its face.

Mr. CULBERSON. Mr. President, I do not think there is any difference between the Senator and myself with reference to what I stated, or was about to state, and that is that he undertook to liken the statement made by him as Attorney-General as to the procedure he intended to take in the Northern Securities case to the procedure in the case at bar, if I may use such

a term in this Chamber.

The Attorney-General in that case, as I understand him, announced to the public that he would take this action. That was a full and frank statement of all the facts necessary for the

public and for the Congress, because everyone knew under what law he would proceed and did proceed. But, Mr. President, it might have been inquired in this Chamber, and it might have been inquired by the public, and I have often wondered myself what distinction the distinguished Attorney-General at that time made between the Northern Securities Company merger and other mergers of great railways in the United States against which no proceedings were taken. I will be glad to have some explanation of it even now, if it is compatible with the public interest and the relationship of the Senator to the question.

But, passing from that, Mr. President, the inquiry of the Senator from Maryland [Mr. RAYNER] goes further than anyone has stated here, I believe. The question at the bottom of this whole controversy is whether the processes of the courts and the authority of the Government of the United States are not being used to prosecute people for political offenses. That is

the question, or one of them, at least.

Now, let me call the attention of Senators to what the President says about this matter in his message to which the Senator from Maryland a moment ago adverted, and let us see how the President regarded this offense of a great newspaper proprietor, if, indeed, there be any offense:

prietor, if, indeed, there be any offense:

It is therefore a high national duty to bring to justice this vilifier of the American people, this man who wantonly and wickedly and without one shadow of justification seeks to blacken the character of reputable private citizens and to convict the Government of his own country in the eyes of the civilized world of wrongdoing of the basest and foulest kind, when he has not one shadow of justification of any sort or description for the charge he has made. The Attorney-General has under consideration the form in which the proceedings against Mr. Pulitzer shall be brought.

The President not only says that this is an offense against individuals, but that it is an offense against the "American people" and against the "Government" of the United States to have made the publications referred to. Under which of these phases is the Attorney-General of the United States proceeding? Is he prosecuting in good faith a charge against Mr. Pulitzer for defaming private individuals only, as alleged, or is he proceeding against him for the double purpose of attempting to protect individuals and to punish him for libeling the American people and the Government of the United States represented, of course, as we deal with those things here now, by the President?

The Senator from Maryland stated yesterday that libeling the Government was not an offense at common law, and he was right. It was made an offense by statute in England, commencing, I believe, in the reign of George IV. I have here the authorities, which could be cited. The District of Columbia is excluded by general consent in this discussion. They are proceeding in Indianapolis; they are proceeding in New York under the style of the case of "The United States v. Some Publishing Company." What are they attempting to do? is what we want to know. Are they attempting to prosecute Mr. Pulitzer for an offense against individuals, or against the whole American people, or the Government?

In the case of Hudson, reported in 7 Cranch, it was decided that the courts of the United States have no common-law jurisdiction in cases of libel against the Government of the United States; and the reasoning in that case further goes to the effect that there is no law in the United States, common or satutory, by which the Government can be libeled. No statute exists in this country on the subject since the repeal of the sedition act.

So, Mr. President-and that is all I rose for-I suggest that the Senator from Maryland may be probably correct in his suggestion yesterday that the processes of the courts of the United States and the authority of the United States are being used under the impression that there is some law in this country by which men uttering honest convictions of a political character may libel the Government or may be arrested and prosecuted for libel against the Government, and we are entitled to have a frank statement from the Attorney-General upon this question as to what law he is proceeding under. Let him give the Senate the information, in order that, if he is attempting to establish a proceeding of the latter kind, we may know it and take whatever steps may be necessary to arrest it by repealing any law that may be in existence on the subject.

Mr. RAYNER. Mr. President, I wish to ask the Senator from Pennsylvania [Mr. Knox] if he has not made an entirely wrong quotation from the Maryland case? I find no such quotation. Is the Senator from Pennsylvania on the floor? I find no such quotation at all. This appears to be a statement of law, by whom I do not know. There is no such quotation that I can find in the Maryland reports. In the case of Richardson, I think that is a mistaken quotation. I thought so when I

I want to say only one word, and then I shall be through.
I saved myself from all these authorities yesterday. They have

no bearing upon the case. Now, let me get to the final proposition, and this answers everything that the Senator from Pennsyl-I admit that the court of the District of Columbia has jurisdiction if the President goes before it as an individual. If the President as an individual, either personally or in the performance of his duty, conceives that he has been criminally libeled, he can go to the supreme court of the District of Columbia and ask for an investigation before the grand jury just in the same way that any other individual can. Any man can do so if he is falsely charged with crime or corruption in or out of office. The Maryland case held that it could be so charged where he was in office-he was a judge of one of the courts. His office gives him no special standing in court, and he has not by reason of his office the least right to invoke the jurisdiction of the court, and there is not a single authority that has been quoted which affects a single proposition that I have submitted to the Senate.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. Lodge] to refer the resolution to the Committee on the Judiciary.

Mr. RAYNER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PILES (when Mr. Ankeny's name was called). My colleague [Mr. ANKENY] is absent on account of illness.

Mr. CLARK of Wyoming (when his name was called). I have general pair with the Senator from Missouri [Mr. Stone]. BRANDEGEE] and will vote. I vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to my colleague

[Mr. Gore] and will vote. I vote "nay."
Mr. TAYLOR (when his name was called). pair from the Senator from New Jersey [Mr. Briggs] to the Senator from Kentucky [Mr. McCreary] and vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call was concluded.

Mr. LODGE (after having voted in the affirmative). I ask if the Senator from Georgia [Mr. CLAY] has voted?
The VICE-PRESIDENT. He has not voted.

Mr. LODGE. I have a general pair with that Senator—Mr. KEAN. I suggest to the Senator from Massachusetts that he transfer his pair to my colleague [Mr. Briggs], who is

necessarily absent.

Mr. LODGE. I understand a pair has been transferred to

the junior Senator from New Jersey. I transfer my pair to the Senator from Washington [Mr. Ankeny], and will let my vote stand. Mr. KNOX (after having voted in the negative). I desire to

inquire whether the pending question is on the motion to refer the resolution to the Committee on the Judiciary or to lay it

The VICE-PRESIDENT. It is on the motion to refer the resolution to the Committee on the Judiciary.

Mr. KNOX. Being opposed to sending the resolution to the committee, I will let my vote stand "nay."

The result was announced—yeas 44, nays 24, as follows:

YEAS-44. Gallinger Beveridge Borah Page Perkins Piles Platt Crane Cullom Curtis Dick Gamble Guggenheim Bourne Hale Heyburn Kean Kittredge La Follette Lodge Brown Bulkeley Dixon Dolliver du Pont Elkins Scott Smith, Mich. Smoot Stephenson Burkett Burnham Burrows Carter Flint Warner Long Nelson Warren Wetmore Clapp Clark, Wyo. Fulton NAYS-24. Milton Money Newlands Overman Bacon Bailey Bankhead Gary Johnston Simmons Smith, Md. Sutherland Taliaferro Knox McEnery McLaurin Culberson Davis Owen Taylor Teller Frazier Martin Rayner NOT VOTING-24. Aldrich Cummins Daniel Gore Hansbrough Nixon Paynter Ankeny Brandegee Briggs Clarke, Ark. Clay Hemenway Hopkins McCreary McCumber Penrose Richardson Depew Dillingham Foraker Stone Tillman

So the resolution was referred to the Committee on the

Foster

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the consideration of House bill 23464, being the legislative, and so forth, appropriation bill.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30,

1910, and for other purposes.

Mr. WARREN. Mr. President, the Committee on Appropriations considers the vote of yesterday a significant one, and that committee, not only willing but anxious always to construct a bill and so conduct it as to receive the approval of the Senate, or a majority thereof, feels that before proceeding further the

Senate should know its intentions.

In view of the vote upon the salary of the Speaker, it is presumed that those who voted to reduce it desire also to reduce those salaries which lie parallel with it; for instance, those of the Vice-President, the Chief Justice, and the associate justices of the Supreme Court. For that reason the committee feels that it should offer amendments reducing the salary of the Vice-President to \$15,000, of the Chief Justice to \$15,000, and of the associate justices to \$14,500 without any intention of moving to reduce the salary of the President or of the judges of the circuit and district courts.

In view of this reduction, and in view of the fact that the Cabinet officers and the President are provided with horses and carriages, I earnestly hope that the Senate may allow to the Speaker and the Vice-President the sum proposed by the committee, \$5,000 added to this salary of \$15,000, for the purchase of horses, carriages, and other vehicles.

Mr. BAILEY. I did not, perhaps, correctly understand the Senator from Wyoming, but I understood him to say that the committee has no purpose of moving to reduce the proposed

committee has no purpose of moving to reduce the proposed salary of the President from \$100,000 to \$75,000. Did I cor-

rectly understand the Senator?

Mr. WARREN. That is correct. Of course it is with the Senate to change it if it sees fit. But the committee do not think it best to offer any reduction to that sum at this time.

Mr. BAILEY. The only suggestion I have to offer in reply to that statement is that the President's proposed salary can better stand a reduction than any of the others, because the President is the only official concerned by these increases who has been able to save anything out of his salary, and it seems to me he could better submit to a reduction than the other officials.

The VICE-PRESIDENT. The Secretary will state the next

amendment passed over.

The SECRETARY. On page 30, after line 7, it is proposed to

For purchase, driving, maintenance, and care of carriage or other vehicle, and of horses, for use of the Speaker, \$5,000.

Mr. BAILEY. I move to strike out the words "or other vehicle."

Mr. BORAH. Mr. President

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

Mr. BAILEY. One moment. The Senator from Idaho has a motion to submit, and I yield to him.

Mr. BORAH. I understand that the question is on the adoption of the amendment contained in lines 8, 9, and 10, on page 30, as a whole.

The VICE-PRESIDENT. That is the pending question. Mr. BORAH. Upon that I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator from Texas proposes

an amendment to the committee amendment.

Mr. BAILEY. My motion of course would take precedence of the other motion, because if the clause is to remain in the bill, it ought to be perfected before a motion to strike it out is I therefore renew my motion, intending if it is adopted to vote against the whole paragraph.

The VICE-PRESIDENT. The Senator from Texas proposes

an amendment, which will be stated.

The Secretary. In the committee amendment, in line 9, strike out the words "or other vehicle."

Mr. WARREN. With reference to the amendment, I will say that I yield to no one, not even the Senator from Texas, in love of the horse. I always drive a horse where I can.

The Senator alluded yesterday to some ranch possessions in which I am interested where we raise horses. I may say to him that it has become necessary in the ranch business to use automobiles for many purposes, including that of hunting lost horses, because it is a matter of speed and economy. At the present quotation of prices of automobiles given us for the next season they are relatively cheaper than horses, cheaper to main-

tain, and it is in the interest of the Government that so fast as we may be able to use automobiles to advantage in place of horses we should adopt them.

As to the part of the remarks of the Senator from Texas regarding danger, there certainly would be no more danger in the hands of the Speaker and Vice-President than there is now from their use by men and women who now own automobiles and are bound to continue using them.

Mr. CARTER. I should like to ask the Senator if he finds

automobiles useful in herding sheep? [Laughter.]
Mr. WARREN. That is rather a personal question, but I may say that when sheep get scattered in a storm and we would wear out and possibly kill horses in finding them, we drive in a day an automobile 150 or 200 miles (away beyond the capacity and strength of the horse) and discover them, thus saving them, where otherwise they would become the prey of

wolves or would perish for lack of care.

Mr. BAILEY. The Senator from Wyoming has a perfect right, if it suits either his taste or his pocketbook, to buy and use automobiles on his own ranch, and if his horses, either hitched or loose, take fright, that is their owner's own concern. But the suggestion I made yesterday, and which seems pertinent here and pertinent everywhere, is that no man has a right to use a vehicle on a public highway that is calculated to jeopardize the safety of other people who have a right to use that highway. I think there is not a Senator here or anyone elsewhere who does not know that it is a matter of daily occurrence for horses to become frightened and many serious accidents to occur in consequence of using automobiles on the public highways.

I do not complain very much where they are used in a city, because horses which are also used in our cities become ac-customed to them and seldom take serious fright at them, and yet in this city, and in every other one, it is an occasional occurrence that a serious runaway is produced by some horses

taking fright at automobiles.

I am not myself inclined to have the Government patronize any particular line of industry, but if the argument which the Senator from Wyoming has advanced here in opposition to the motion which I have made is to prevail, then the Government of the United States must send all of its horses to pasture to die of neglect and old age and must supply every need it has to go and come by the automobile. In other words, the Senator from Wyoming serves notice on the American farmer that this is to become a horseless age-

Mr. WARREN. Mr. President— Mr. BAILEY. Let me finish the sentence. Because if the Government of the United States finds it to its interest and to its convenience to employ the automobile instead of the horse, then every citizen of the United States must ultimately find it to his interest and to his convenience. Now, I yield to the Senator.

Mr. WARREN. The Senator must not undertake to misrepresent me on that point.

Mr. BAILEY. The Senator from Texas does not undertake to misrepresent anybody, and the Senator from Wyoming ought not to suggest that the Senator from Texas does so.

Mr. WARREN. I withdraw that, and say that the Senator has evidently entirely misunderstood what I said. There perhaps is just as much necessity for horses now as heretofore, and this fact is best proved by the condition of the horse market. As against all the growing use of automobiles, horses get higher and higher in price every year. I would take nothing from the horse except that part of the business that can be better and cheaper done with an automobile. I would certainly do nothing against the farmer, as I am one and always have been, and as to his product, the horse, I have always taken pride in furnishing what little money I could get to propagate and raise the best, and oftentimes to my loss rather than profit.

So I must not be understood by the Senator from Texas as meaning that we are infringing upon the use of the horse. The business of the country is increasing every day, and even if we are not employing horses to do all kinds of transportation business, the market is good for horses. The more automobiles we have put into use in recent years, the higher the market for horses has gone.

Mr. BAILEY. Mr. President, that is a singular course of

Mr. WARREN. I may say that it was the same when the general use of electricity commenced. We use many times more gas now than we did before we had electricity, because there is more use accorded to the two. It is the same with automobiles and horses. If the Senator has bought horses lately, he knows that they are higher to-day than they were a year ago, and that they were higher a year ago than the year before.

Mr. BAILEY. The Senator from Texas has bought horses within a year, and the Senator from Texas does not recall a year since he reached his majority when he has not bought and The Senator from Texas can bear testihas not sold horses. mony to the statement of the Senator from Wyoming that he often sells them for less than it costs to raise them. The Senator says that is his experience. Then, Mr. President, with a loss chargeable against the industry, surely the Senator does not want to aggravate that loss to the American farmer by supplying demands with machines which are now supplied by horses

The Senator from Wyoming has suggested what to my mind is the most remarkable argument ever advanced in a legislative assembly. That argument is that the more rapidly you can displace an article the higher its value advances. He says the more automobiles you employ the higher the price of horses

Mr. WARREN. I do not state it in theory; I state the fact, and the Senator will not controvert it that it is the fact. It is not the theory but the fact. We had horses on street cars until a few years ago. Now, it is all electricity, and yet horses have not gone out of general use, and are higher in price now than they were before they were displaced as the motive power for street cars.

Mr. BAILEY. But they are not so high as they would be if the use which they formerly supplied was not now supplied by other kinds of motive power. If it were still true that we had a demand against the horse supply of the country to provide for all the street cars and the other uses which electricity now supplies, the price of horses would be such that the Senator from Wyoming would not be compelled to admit in the Senate that he has been unwise enough to raise them at a loss; but, on the contrary, the Senator from Wyoming and all other farmers like him would be able to calculate a profit on the horse department of their farms

Mr. WARREN. Has the Senator from Texas always made

money in raising horses?

Mr. BAILEY. The Senator from Texas has not always made money raising horses. The Senator from Texas spends all of his spare time and all of his spare money-and sometimes spends money he can not well afford to spare-in trying to improve the horse stock of his State. The Senator from Texas believes that next to the dog the horse is man's best friend. The Senator from Texas believes that the horse is the noblest of God's dumb creatures, and he does not want to see him supplanted with a senseless machine.

As far as I am concerned, I think the people had better travel a little slower and go the old way, rather than to travel so fast and not go the safe way. If gentlemen want to use an automobile and take the risk of what it may do, for sometimes I understand it turns upside down and sometimes catches the

occupant in the turn-

Mr. WARREN. And sometimes horses run away. Mr. BAILEY. Horses run away, I grant that; but the horse only runs away when a man mistreats him or does not know how to use him. All the accidents with a horse are traceable to the folly or mismanagement of the man. But I am told that the accidents of these machines are sometimes unavoidable. I am told that they sometimes "skid." I do not know exactly what that means, but I have an idea. Then I am told that they sometimes "turn turtle," by which I understand that the topside goes down to the bottom and the bottomside comes up top.

If the Senator or a citizen chooses to use them on his own ranch or on his own premises, I would be the last man to interfere with him; but I do not think he has a right to go on the public highway and endanger the lives of men, women, and children by the use of a machine that frightens the means of locomotion

employed for a thousand years.

The horse has an ancient and a prescriptive right to the highway, and I do not think he ought to be driven from it by these machines. I know more than one man who has been compelled to sell his horses and carriages because their wives were afraid to use them on the highways where these machines are

I have read one of the articles in one of the magazines which seems to be devoted to advertising automobiles that they are going to emancipate the horse from the drudgery of the great cities. It may be that they will, but when they do it will increase the drudgery of the farmer in the country. When the farmer has no market for his horse which he has raised, and has no market for his corn and his oats and his hay to feed him, the horse may be emancipated from drudgery, but what is to become of the American farmer?

I believe that at least the Government ought to set the example of traveling the old way, and let us travel by things that I

breathe and feel rather than by machines that neither breathe nor feel and yet produce much mischief in the world.

Mr. DIXON. Mr. President, before the vote is taken on this special item regarding horses and carriages for the use of the Speaker, I should like to ask the Senator from Wyoming to what extent in the pending legislative appropriation bill carriages and vehicles and means of transportation are provided for other officials here in the city of Washington. What other government officials have an appropriation to cover matters of this kind?

Mr. WARREN. All of the heads of departments have provision for the purchase and maintenance of horses and vehicles, and the President, of course, and I think some of those who are not heads of departments, but busy men of the departments.

Mr. GALLINGER. The District Commissioners and the Com-

missioner of Pensions.

Mr. WARREN. Yes; the District Commissioners and the Commissioner of Pensions, and a number of others. It seems to me rather singular that we have not heretofore provided for the Speaker and Vice-President, considering the amount of work they have to do in traveling, and considering, on the other hand, the number of vehicles that we furnish for the departmental work.

Mr. FLINT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. DIXON. I do. Mr. FLINT. I wish to ask the Senator from Wyoming one question before he takes his seat, if he will permit me. there any carriages or vehicles other than those for the Vice-President and the Speaker contained in this bill that have not been in previous bills?

Mr. WARREN. Oh, no. In answering the Senator I will say that those are the only two. All the others have been in former bills, and for that matter I found them there when I came to the Senate over eighteen years ago, and I assume it is a very old practice to accord horses, carriages, and so forth, to

Cabinet officers and others.

Mr. DIXON. This is what I wanted to say. I do not believe in the Government being cheap or niggardly in the matter of the payment of its public officials, but I do believe that items providing for payment outside of the regular salaries certainly lead to abuse and to just criticism. I think if we are going to pay the Vice-President and the Speaker and the other officials enumerated in the bill more money than they are now receiving, it should appear on the face of the salary. I believe it is open to just criticism to pay carriage hire and automobile hire for officials in Washington. I think it is open to just as much criticism as if we paid house rent and grocery bills and servants' wages. If we are going to increase salaries, let us give it to them in a lump sum on the face of it and cut down these appropriations which are used in a different way from that on the face of the law.

As I notice around the city, I think the civil list fund that is being gradually built up from year to year on these appropriation bills, not only for high officials, but for those lower in the scale, is becoming quite an item. I remember that four or five years ago the House on one of the legislative appropriation bills inserted a provision that carriages and automobiles used in the departments should have letters printed on the side 4

inches long.

Mr. HEMENWAY rose.

Mr. DIXON. I think the Senator from Indiana was chairman of the Committee on Appropriations of the House at that time.

Mr. HEMENWAY. I had the honor, if it was an honor, of drafting the provision that carriages for the heads of departments should have no letters on them, but carriages used by government officials other than heads of departments should have printed the particular department to which the vehicle belonged. There are quite a number of carriages other than those used by heads of departments.

Mr. WARREN. By the Library, for instance. Mr. HEMENWAY. We found, for instance, the Library. The law requires the lettering on a carriage for the use of the Library and on a carriage for the use of the Treasury Department or the Interior Department or whatever it might be. There are quite a number of carriages used by others than heads of departments. The carriages used by heads of departments, of course, have no lettering of any kind on them. is no statute requiring such lettering of them.

Mr. DIXON. At the suggestion of one of the Senators on this side, and I think it is very pertinent, I should like to ask the Senator from Indiana why Congress in its wisdom provided that this thing should be done? What was the occasion for it?

Mr. HEMENWAY. There were so many carriages in use. The Senator remembers that we had great difficulty in ascertaining how they got them, the fund out of which they were paid for, and where we got below the head of a Department we made them brand the carriages belonging to the Government used for official purposes. As I remember the statute, we required that they should be used only for official purposes, so that in the case of anyone using them for social purposes it would be seen in a minute that it was a carriage intended only for official use.

Mr. DIXON. I should like to ask the Senator whether or not in good faith that act of Congress was carried out by these officials, it providing that the carriages should not be used for

social purposes?

Mr. HEMENWAY. I could in turn ask the Senator if other acts of Congress were carried out in good faith by heads of departments. The Senator possibly has been here long enough to know that in the departments they have a little scheme that they call "short-circuiting" Congress, and if there is a department of the Government that does not try to short-circuit Congress every year I have never been able to discover it.

Mr. BACON. What does "short-circuiting" mean?

Mr. HEMENWAY. That is their term for it. It means to

use money appropriated by Congress for some purpose other

than the purpose for which it was appropriated.

Mr. DIXON. In connection with what the Senator from Indiana has just said, notwithstanding that prohibition in the legislative appropriation bill four or five years ago, I think it is a matter within the common knowledge of every Senator in this Chamber that there is hardly a social function or a reception when up and down the streets of Washington you do not notice from half a dozen to a dozen carriages with the government brand on one side, used purely for social purposes, not for the official work of the heads of the departments or the other officials for whom these appropriations are made. I think it leads to a bad condition of affairs. I do not speak of the President, who is the official head of the Nation. If in this case we are going to give the Speaker increased compensation, let us do it, but not in this roundabout, circuitous manner.

Mr. BACON. Mr. President, I want to say that I entirely agree with the Senator from Montana [Mr. Dixon] in regard to this matter. If we are to vote to give \$5,000 additional to the Speaker, I would very much prefer that it should be given to

him as salary

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do. Mr. WARREN. Will the Senator allow me to make a statement?

Mr. BACON. I will. Mr. WARREN. Of course, he has no horses and carriages now; and this appropriation is for purchase and maintenance. Hereafter it will be only for maintenance. It will be a small sum; it would not be an addition of \$5,000 to the salary except in one year.

Mr. BACON. What the Senator says does not go to the root of the matter with me. I have never favored the giving of carriages and horses to public officials. I am saying nothing now about the President. There may be reasons why there should be an exception made in that case. I suppose the law has existed for a long time. The practice of making appropriations for carriages and horses for heads of departments and other officials

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business,

which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily The Senator Without objection, it is so ordered. from Georgia will proceed.

Mr. BACON. I have never, myself, favored it. 1 think, of course, there are certain vehicles which are needed in the business of the Government. We need certain vehicles in the legislative department, but not for the individual use of Senators and Representatives, and none have ever been provided for Senators and Representatives. We have to have vehicles in carrying documents and delivering the mail and other matters connected with the business of the Senate and House. In the same way I am not only willing but desirous that the departments shall have vehicles necessary for the transaction of their

business. But carriages for the riding of the heads of the departments is nothing more than simply a distinction. It is practical, of course, but it is not given to them because of business. The head of a department does not need a carriage to transact his business. His business is in his office and there is where he stays. The only time when he has need of a carriage in his official business, so far as I know, is when he goes to a Cabinet meeting, which is within a very short distance of his

A Senator or a Representative has ten times as much need for a carriage as the head of a department, because we have to go continually, and I go, paying 25 cents for six tickets on a street car. I presume that is what most of the Senators do when they go on business, I mean. Of course, there are Senators who have other means of transportation, but I believe nine-tenths of the Senators and nine-tenths of the Representatives, doing ten times as much traveling about on official business as the head of a department, travel on a street car when

I say, while these appropriations have been the custom ever since I have been in the Senate, it has been one which has never I do not believe myself, in this republican met with my favor. Government in setting up an officer and equipping him with something to indicate the importance of his office, or to put around him the badge of position. If he has not enough salary, I am ready to give him more. I do not say that with reference to the Speaker of the House of Representatives in particular. I would vote against each one of the appropriations for a carriage for any official other than the President of the United States.

I agree with my friend the Senator from Texas [Mr. BAILEY] to a large extent in his criticisms on automobiles. I am not my self partial to them, and I think there is great truth in the fundamental proposition that automobiles or anything else ought not to be allowed upon the public highways to endanger those who are in the common use of the public highways. At the same time, we can not stand in the way of the march of events. If the Senator from Texas were proposing to regulate automobiles in this city, as I think they ought to be regulated, to keep them within a proper rate of speed, I should be with

I am going to vote against the entire proposition, and therefore I do not think I will vote against the proposition for the use of automobiles by the Government if the vehicles are going to be allowed. The elimination of the few, or one possibly, which would be used by the Speaker, would not affect the general question. I want to go to what I consider the material matter. I shall vote against the amendment which gives any sort of vehicle—horse vehicle or machine—and I would be very glad of an opportunity to vote against giving it to any other officer of the Government for his personal use.

Mr. HEMENWAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. HEMENWAY. I do not know that an amendment has been offered to the bill striking out all carriages. I tried very hard as a Member of the House of Representatives to strike out all carriages. Now that we give them to Cabinet officials and various other officials of the Government, the sole question on this bill is whether we are going to put the Vice-President and the Speaker of the House of Representatives in possession of a carriage, making them equal with the various Cabinet officials, or whether we are going to continue to allow the heads of the departments to enjoy the luxury of a carriage and the Speaker and the Vice-President either to buy carriages of their own or walk or ride on street cars?

I do not remember of any very energetic effort on the part of either the House or Senate in the last three or four years to strike out carriages from this bill. I do remember very distinctly that an active effort was made to do it some five years ago, and that we could not secure the assistance and cooperation of either body of Congress, and carriages for the various heads of departments were continued in the bill. So, speaking for the committee, I simply call attention to the fact that I believe that the presiding officer of each body, the House and the Senate, are of equal importance, in fact more important, with greater duties to perform than the various heads of the departments, and that the time has come when they ought to be treated with the same consideration the heads of the departments are treated.

I shall be very glad to vote for an amendment to strike out all carriages if you want them stricken out. On the other hand, if they are not stricken out, I shall vote to give the Vice-President and the Speaker of the House of Representatives a carriage. Am I taking too much of the Senator's time?

Mr. BACON. No; the Senator is speaking to the point. I shall not interrupt him.

Mr. HEMENWAY. The question of salaries, questions of entertainment, and so forth, have been discussed. I am not prepared to say whether it is right or wrong. If nobody got dinners until I gave them, we would be a little shy on dinners. I have been here some fourteen years. I think I have given two dinners in that time. Some other Senators, more fortunate, have given many dinners. We know that our Cabinet officials give dinners. We know that they are expected to give them, right or wrong. We know these things have grown up by

I am not prepared to say that our constituents do not like to have it done. It is very nice to say to the people that we want to live the simple life, and go back with our stories as to how we live here. I think they question our statements when they read the newspapers, and think that possibly we are simply trying to play to some one's prejudice.

I insist that we either ought to vote in these carriages for the Vice-President and the Speaker of the House of Representatives, or we ought to vote out the carriages for the various

heads of the departments.

Mr. CLAY. Mr. President, will the Senator let me ask him a question?

Mr. HEMENWAY. Yes. Mr. CLAY. Will the Senator point out in this bill any amount that it carries for carriages for Cabinet officers and other department officials?

Mr. HEMENWAY. The Senator is upon the Committee on Appropriations, and no doubt is just as well informed as I am. Mr. CLAY. I am talking of this bill.

Mr. HEMENWAY. I am answering the Senator's question. He is upon the Committee on Appropriations. He is a very active, energetic, intelligent member of that committee, and I have no doubt he knows just as well where the appropriation for carriages is carried as I do, and he also knows that an amendment of this bill prohibiting their use altogether would be just as effective as it would be in the sundry civil bill, the deficiency bill, or any other bill you may want to put it on.

Mr. BORAH. Mr. President—
Mr. BACON. Mr. President, I have yielded to the Senator from Indiana [Mr. Hemenway] for an inquiry, and I have not had the question propounded, as I understand it.

Mr. SCOTT. Will the Senator from Georgia yield to me for

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. BACON. For a question, I will; but if the Senator wants to discuss the matter, I think he ought to take his own time

Mr. SCOTT. I simply want to make a statement. Does the Senator from Georgia know that we appropriate for horses and carriages for the Commissioners of the District of Columbia, and that one of them stated before the District Committee that he used one of the carriages for his own use?

Mr. BACON. Then he ought not to have done so.
Mr. SCOTT. Now, does the Senator want to make the VicePresident and Speaker of the House of Representatives walk, when we furnish carriages to the Commissioners of the District of Columbia?

Mr. BACON. Mr. President, I hope I may be allowed to proceed, at least for a moment. Then I will yield to the Senator. Mr. BAILEY. Before the Senator from Georgia proceeds

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?.

Mr. BACON. I yield for an inquiry.
Mr. BAILEY. I really intended to interrupt the Senator for correction instead of an inquiry.

Mr. BACON. That is always in order.
Mr. BAILEY. The Senator from Georgia complained a while ago that by insisting that the Government should use horses instead of automobiles I was standing in the way of progress.

Mr. BACON. No, no. Mr. BAILEY. Well, the Senator said we could not resist the march of progress. I simply want to file a protest against any suggestion that a country is making much progress when it is taking from the farmers one of the chief articles of value produced by them and concentrating that operation in the great cities. I do not believe that is progress. I do not want to be put in the attitude of standing in the way of the march of

Mr. BACON. Mr. President, I quite agree with the Senator from Texas in his view in regard to this matter. Possibly the word "progress" was not the proper word. I meant we could not stand in the way of those things which seem to be the trend of public opinion and public action and practice. Auto-

mobiles seem to have come to stay; I am sorry for it. I wish one had never been invented or manufactured. The Senator from Texas can not go further than that I am sure. I mean. While I would be very glad to debar the automobile, there seems to be such a general concensus of opinion in favor of it, such a general use of it, that it seems to be impossible to That is the progress I mean, and the only progress to which I refer.

Now, Mr. President, to come back to the matter of carriages, I want it most distinctly understood that in the opposition which I make to this amendment there is no disposition on my part to in any manner depreciate the office of the Speaker or to deprive him of anything which anybody else of his rank ought to have. If it be true that the granting of vehicles for their personal use-I am not talking about business use, but personal use—if it be true that the granting of vehicles for their personal use to heads of departments is an improper thing to do, then we ought not to say that for that reason we ought to give one to the Speaker of the House, or half a dozen to the Speaker of the House, as the case may be. The thing to do is to correct that which is improper, and not say that an equality must be secured by doing another thing to make it correspond to something that is admitted to be improper, but let us do away with that which is improper.

I repeat, Mr. President, that I am not opposed to either the District Commissioners or the heads of departments having vehicles which they need in their official work. It may be that the District Commissioners, having to cover a great deal of territory and to look after a great many things, have need for vehicles in their work; and if so, it is proper that they should have them; but it is not proper that, having vehicles furnished to them for their official work, they should be used in their personal work. If that is true as to the Commissioners of the District, why is it not also true of the heads of departments? If for their official work vehicles are given to heads of departments, why should they use them for their personal convenience

any more than the commissioners should do?

I should like to ask the Senator from Indiana [Mr. HEMENway] one question. The Senator from Indiana was formerly the chairman of the Committee on Appropriations in the other House, and I suppose it was at that time that the movement was begun to put labels on government carriages. Why was it that the labels should be put upon the carriages for a subordinate official, but not for the head of a department, if it was true that the carriage was needed for his official work and not for his personal use?

Mr. HEMENWAY. It was generally understood that the carriage of a Cabinet official was to be used for social as wellas business purposes under the prevailing rule in the departments that the Cabinet officer had to make certain social calls, while the other vehicles were to be used purely for official business, and we undertook to make them use them for official business.

Mr. BACON. Mr. President, that emphasizes the point I am making, that they are not for their official use, but for their

personal use

Mr. HEMENWAY. If the Senator will permit me, that depends on whether we construe the calls which they make upon the various representatives of other governments as official duties or social duties. That is a question which has been much discussed in Congress. I am not an expert; I am not on the Committee on Foreign Relations, and so I will not undertake to determine whether it is a part of their official duties or not to make these various calls.

Mr. BACON. That may be true as to the Secretary of State, but I do not think it is of any other official, any more than it

is of a Senator.

I quite agree with the Senator from Indiana that the head of a department ought not to have a carriage and at the same time a carriage be denied to the Speaker of the House of Representatives. I will go a little further. I will say that the head of a department ought not to be allowed a carriage unless a Senator is allowed one. I think a Senator is the equal in every particular in rank, importance, and dignity with the head of a department. I am not, however, in favor of giving carriages to Senators, and for the reason that I am not in favor of giving carriages to Senators, I am not in favor of giving them to the heads of departments.

Why is it, Mr. President, that the executive department should be the one which should have all the badges and insignia of office in every particular to a greater degree than any other department of the Government? I should like for any Senator here to tell me why the head of a department should have a carriage and a judge of the Supreme Court not have one. should like for anyone to tell me why the Speaker of the House

should have a carriage and the Chief Justice have none; and, Mr. President, if we are to run this thing out to its logical conclusion, there must be one of two things, either none ought to have them or all ought to have them, and as all ought not to have them, then, in my judgment, none ought to have them. make the only exception in the case of the President of the United States, and I am ready—the Senator from Indiana says that the requisite votes can not be had—I am ready, and have been ready ever since I have been on this floor, to say that no

other official should be provided with a carriage.

I am in favor, Mr. President, of good salaries. I do not think any Senator here will say that in my course in this Senate I have ever been distinguished by as much desire for economy as possibly I ought to have manifested, but I am not in favor in this republican government of setting up an officer and surrounding him with badges and insignia of office. Of course, you ought to know that he is an officer, but I am not in favor of setting him upon a pedestal; I am not in favor of putting him in a chariot and sending him around. He is there in office, not for his benefit. Office is not created in this country for the benefit of the officeholder. He is there to perform certain duties; he ought to be liberally paid for performing them; and that is all. A Cabinet officer ought to be paid a sufficient sum to enable him to have his own carriage, and he is paid enough to have his own carriage. The Speaker of the House ought to be paid enough to have his own carriage, and with a salary of \$15,000 he is paid enough, and the same will be true of the Vice-President. In this bill we raise the Speaker's salary, according to the amendment, 25 per cent. I myself did not vote for it, but I acquiesced, of course, in the action of the Senate, and I am not in favor of going further. I think that, instead of adding more carriages to other officials, the thing to do is to return to what I consider to be the proper course-to furnish all the carriages that are needed in official work, let them be branded as official carriages, and then let every officer who wants a carriage or an automobile for social purposes furnish it at his own expense or out of his own salary.

Mr. DIXON. Mr. President, I merely want to add to what I have said that I do not want to be misunderstood as objecting to an item for the Speaker of the House of Representatives and at the same time agreeing to allow the appropriation to stand for 20 other officials in Washington. I notice in this same bill that the Secretary of State is allowed \$8,000 for horses and carriages. I notice for another Cabinet officer \$3,500 is appropriated. I think the whole plan is wrong. I do not think I overestimate when I say there are 25 horses and carriages with drivers for these different departments used every day in the city of Washington by government officials, from Cabinet officers down to second lieutenants, with footmen and drivers paid for by the United States Government. The practice is all wrong, and I think all these items ought to go out of the

Mr. WARREN. I want to say to the Senator from Montana that I think he is mistaken about those amounts. They are included with other incidental expenses. The \$8,000 would be the total appropriation from which that item would be paid.

Mr. DIXON. I read from the bill, on page 47, under the head of "Secretary of State:"

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of wagons, carriages, and harness, rent of stable, telegraph and electrical apparatus and repairs to the same, and other items not included in the foregoing; in all, \$8,000.

Mr. WARREN. Those are miscellaneous expenses, of which portion goes to the purpose to which the Senator refers. There are other items.

Mr. DIXON. But the whole purpose of the provision is to

appropriate for horses and carriages for the Secretary of State.

Mr. WARREN. The only reason why that is mentioned particularly is because of the misunderstanding that has some-times existed by reason of the fact stated by my colleague on the committee with reference to certain regulations put on by the other House. This was for the purpose of bringing that out prominently, so that it might be seen; but out of that amount of money there are a great many other things to be paid for.

Mr. DIXON. I would say that does not alter the proposition known to every Senator in this Chamber, that every day not one but dozens of government equipages, driven by paid men, are

used, not for official purposes, but in doing the social and society "stunt" in the city of Washington.

Mr. BACON. Mr. President, I want to say that this has not always been the policy of this Government. It has not always been recognized as the right thing. Senators will resember that before possibly a pright that proper that before possibly a pright that the pright this flow. member that before possibly any one of them now on this floor was a Senator a very distinguished man who had been Attorney-

General of the United States was defeated on a nomination for Chief Justice of the Supreme Court of the United States because he had made improper use of a vehicle, using that official vehicle for his personal use, and a sobriquet was attached to his name which, I suppose, will cling to him forever—the word "cabriolet," or something of that kind, which I have forgotten.

Mr. HALE. "Landaulet."
Mr. BACON. There is such a word, though I thought the particular sobriquet was of the class I have mentioned, but possibly the Senator is correct and the word is "landaulet." But I should like to know how many officials of this day would survive the test if that criticism were made upon everyone who uses for social purposes the vehicles furnished by the Government.

Mr. President, I want to emphasize the statement I made in the beginning, that these officers do not need carriages for their official work to one-tenth the degree that any Senator upon this floor needs one for his official work; and while I am not in favor of giving to Senators carriages for their official work, for the same reason I am utterly opposed to giving carriages to the heads of departments, not simply for their official work, but

for their social pleasures and uses.

Mr. MONEY. Mr. President, I want to say just a word on this matter. A bill increasing the salaries of the President, the Vice-President, and the Speaker of the House of Representatives was introduced and referred to the Committee on Finance, of which I am a member. I could not see why it went to that particular committee; but it was said it was necessary to have the approval of some committee that it might go as an amendment on the appropriation bill. I took the view in committee, and I have it yet, that we ought not to deal in this matter by indirection. I do not object to a salary of \$15,000 for the Speaker of the House and the Vice-President; in fact, I believe that was my proposition in the committee, if I recollect aright. Originally the bill proposed a salary of \$25,000. We compromised in the committee on \$20,000, but there was no mention made in that bill of any allowance for carriages or anything else. In raising the salary of the President of the United States to \$100,000 it was thought proper—and I think it was done on my motion—to add that there should be no further allowance. That was distixctly adopted by the committee on the ground that we should not deal indirectly with appropriations of the public money, but that we should say what the salary should be, and that should be sufficient to cover the other expenses.

Now, as I said, I will very cheerfully vote to give these officers a salary of \$15,000, but I will not vote for any extra allowances. On the contrary, I will move at the proper time that no further allowance shall be made to any of these officers, during their incumbency at least. We all know that during the incumbency of the present President we granted him \$25,000 for traveling expenses. I recollect that the plea was made that he simply had to have that money to get along, and I recollect also—and I do not believe that there was a solitary man who voted for the appropriation who claimed that it was constitutional. I think they admitted very freely that it was an unconstitutional act; but what are you going to do about it? He had to have

more money.

Now, it is said that our President-elect is a very poor man and ought to have \$100,000, and that much has been recommended, with the provision that there should be no further allowance. f it takes \$20,000 to enable the Vice-President of the United States and the Speaker of the House to perform all their duties, social and professional, let us give them the \$20,000 and have none of these extra allowances which lead to repeated innova-tions upon our system and upon the law, which ought not to be tolerated by the Senate, which should deal directly with all questions that come before it.

The pending bill ought to be amended by striking out every provision for carriages and things of that sort. Of course if you wish the salary of the Vice-President and the Speaker to be \$20,000, let it be fixed at that amount; but I myself think when these officers get twice as much as any man who sits before

them, that ought to be sufficient.

I can not help agreeing with the junior Senator from Texas [Mr. Balley] in the remarks he made yesterday, that there is among officials a great deal too much of this attempt at mere ceremony and ostentatious show in this town. Of course we are progressing. We have progressed with the "Four Hundred," and we have got into a position, socially speaking, where large expenditures are required of rich people; but there is no law in the world, social or otherwise, that calls upon an official, if he is a poor man, to make extravagant expenditures enter-taining. That is not necessary to maintain the dignity of his office; in fact, it rather detracts from than adds to the dignity of the Chief of a great republic like this to say that he must entertain in a style that is suited more to the royalty of Europe.

I am aware that there is a gradual change of opinion going on in the country; that people do not regard the President of the United States any longer as a public servant; and in the current number of a New York weekly magazine the statement is made by the editor in the leading editorial of that journal that there are two great rulers in the world-one of them is Theodore Roosevelt and the other is Wilhelm, the Kaiser. The article goes on to say that both have been rebuked, one by the Reichstag and the other by his Congress; that Wilhelm tamely submitted to his rebuke, but the "ruler of America" did not submit to his rebuke, and was going to resent it; and the editor went on to say that, so far as he was concerned, he was with the ruler. That is getting to be very much the case everywhere. A year ago I said here that from all I could learn a coup d'état by the President of the United States would be welcomed by a large number of newspapers, by some admirals in the navy,

and by some generals in the army.

It is time we were getting back, if possible, to something like republican simplicity. I was struck by a remark made by the Senator from Rhode Island [Mr. Aldrich] the other day, though not in the Chamber here, that in trying to get access to the President of the French Republic, M. Fallieres, he had to go through more different groups of soldiers and saw more uniforms, more ceremony, and more state than he found at the court of any crowned head in Europe. That is true; but France is not a republic in the genuine sense of the word. It is a militarism, as I have attempted to state forty times when it was brought up as a parallel or as a precedent of anything

that is asked for here.

But, Mr. President, it is a singular thing that all over the Christian world to-day and, even farther, in the Mohammedan world also, there is a tremendous tendency toward the freedom of the people, a tremendous effort being made to withdraw from the rules of the country that part of liberty that ought by right to belong to the people; and at the same time in the republics of the world there is a tremendous tendency just the other way, to make continual encroachments upon the power and authority of the people by the executive, the judicial, and sometimes by the legislative branches of the several govern-

This tendency is well recognized.

I will say, in passing, that quite a distinguished English writer upon matters of diplomacy and statecraft has written an article, in which he congratulates the American people that they are shaking off the teachings of George Washington and the trammels of the Constitution, in order to get abreast of the other nations of the world and become a world power with the prominence and, you might say, the preeminence demanded by our enormous resources and population. But that is not a matter of congratulation for an American; and I am very much afraid that some gentlemen quite near the court in this city have had a great deal to do with drawing us away from the teachings of George Washington and from the trammels of the Constitution.

It is quite common now for a state judge to say that it rests with the court to so interpret the Constitution as to make it possible to do the useful and necessary things that have arisen from our progress in civilization; in other words, to sap and undermine it by judicial interpretation and not to consider the Constitution as a strait-jacket for the General Government to prevent its doing what might be considered useful and neces-By whom? By the man who happens to be in the executive chair, whose sole business is to carry out the law, make recommendations from time to time, and inform Congress upon the condition of the country. Whenever the Executive begins to think that the Constitution need not be regarded, there is dislocation somewhere and it is time he should be brought to his

I listened with great interest this morning to the speech of the senior Senator from Maryland [Mr. RAYNER] in regard to the resolution which was referred to the Committee on the Judiciary. It is out of time now to speak of that; but it is worth while, I think, for me to say what is on my mind while I have gotten to it.

There is no law that anybody here can mention which defines the crime of libel against the Government of the United It can not be said that the American people have been libeled when only three names have been mentioned out of its ninety million. It can not be said that there is any law pre-scribing punishment for libeling the Government, for it does not exist. It can not be said that there is any common-law juris-diction of the United States courts in such cases; and it can not be said that any such common law exists in regard to libel,

because it came up after we had seceded from Great Britain, rebelled against her authority, and set up for ourselves.

So I was curious to know, and I wanted the information to see where the Attorney-General could get his authority. But I think, Senators, he would have said that he was forbidden by the Chief Executive to reply. I do not know whether the Chief Executive can construe correctly a statute of the United States or a clause of the Constitution, but if he should be accused of ability properly to do it, I think a fair trial before a competent jury would acquit him of any such offense.

There was also a pleasing rumor going around the Senate here about a month ago, that when this administration had ended the Attorney-General was going to Baltimore to study law [laughter]; but hopes of that have been dashed, I understand, by later declarations. It is very unfortunate that he did not do that some years ago, and certainly it is to be hoped that when he does undertake the study of law he will get a better

teacher than he has had for the last four years.

Mr. President, I have gotten off from the pending subject, which I ought not to have done, and I have trespassed upon the indulgence of the Senate. But now, returning to the point, I do not care what the amount of the salary is. I do not want to be illiberal. If you say \$20,000, it is all right; but let us not have anything else. This thing of going outside the regular salary in order to give the officeholder a sum of money which he can handle is all wrong. Nobody knows what he is going to do with it, except that he is going to spend the whole sum. Does anybody suppose that \$25,000 was spent by the Executive in traveling expenses last year? I do not presume anybody thinks he spent that much. Nobody knows that he has; nobody knows what he has done with it; but there is a supposition that the President spends money very freely whenever he can get his hands on it. I do not say that he does it improperly, but the allowance was made unconstitutionally. I can not say that he knew it was unconstitutional, because I do not believe he knows anything about that, and that would acquit him, I think.

Mr. BORAH. Mr. President, I simply want to say, in answer to the suggestion made by the Senator from Indiana [Mr. HEMENWAY], that there is no disposition upon the part of anyone that I know of to discriminate between the Vice-President and the Speaker, or between the Vice-President and the Speaker and anyone else, so far as these expenses for carriages are concerned; but if those having charge of the bill, knowing where these items are, will give us some information, I will promise that they will have the same opportunity to pass upon all of

the items

Mr. HEMENWAY. If the Senator wants the information now—I am sure he understands it as well as I do—a general provision prohibiting the use of carriages by any head of a department or anyone connected with a department, and requiring the return to the Treasury of all unexpended balances of appropriations for that purpose, would reach the kernel.

Mr. BORAH. I will have plenty of time to draw that amendment, and it will be offered.

If the Senator will allow me-Mr. HALE.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. BORAH. I do. Mr. HALE. If the Senator will say that no money appropriated by this bill shall be expended for such purposes, coupled with the provision suggested by the Senator from Indiana that unexpended balances of amounts heretofore appropriated shall be returned to the Treasury, that will cover it.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I do.

Mr. WARREN. I do not rise to question the statements made by colleagues on the committee; they are perfectly correct; but I desire to make a suggestion as to the wisdom of the proposition. When the Senator has offered an amendment of that kind and it is adopted, every carriage employed by the Senate, by the Library, and by the departments will be cut out; the mail will have to find its way on foot, and the same is true of the books of the Library.

Mr. BORAH. Mr. President, there ought to be some way, and that within the minds and knowledge of the committee who are so well experienced and informed on this subject, by which we could detect and individualize and specialize and get at those features which we want out of the bill, and if they are not taken out, it will be because the information is not given to the body and an opportunity given to it to vote on them.

Mr. President, it is not alone because we donate \$5,000 to the Vice-President or the Speaker, but it is the principle which is involved in the proposition and the extent to which it will be carried and the result as a matter of final legislation and effect non the history and upon the welfare of our people. We are now to donate \$5,000 for carriage hire alone to one officer of this Government, an amount which was paid to a United States Senator for yearly service for twenty-five years in the history of this Republic. We are to donate another \$5,000 to another single officer, an amount equal to that which was paid per annum to a United States Senator for years in the history of the Republic. We know very well that these officers can not and will not use that amount of money in the discharge of their official duties. We are simply to donate it for the purpose of enabling them to perform certain social functions, which we are glad to have them perform, if they desire to do so, but which should be performed at the expense of their own purse and not at the expense of the United States.

The Senator from West Virginia suggests that a certain donation was made for the benefit of the Commissioners of the District of Columbia and that they did not utilize it properly, and he says, therefore, Shall we discriminate between the District of Columbia Commissioners and the Speaker or Vice-President? That illustrates the vice of this kind of legislation. When it once gets a foothold, the man who establishes a bad precedent has his precedent in time ratified by law and another precedent established alongside of it in order to equalize all those who propose to do wrong; and after we have established the proposition of carriages for one man we must continue to provide carriages for every single individual engaged in the service of the government of the District of Columbia upon any reasonable basis or fair relationship of one officer to another.

So we must take the commissioners, the Secretary of State, the Secretary of War, their assistants, and all the different Secretaries, and then go to the Representatives and the Senators, for every officer in the employ of the Government in the District of Columbia is just as much entitled to a vehicle to carry him to his place of business or to carry his family to a social function as is any other officer. Where shall we stop? What reason can we assign for stopping? There is only one principle upon which to proceed, and that is to eliminate from this bill and from all other bills which come before the Senate all items appropriating for this purpose money which is in the United States Treasury as the money of the people of the United States and not of the United States Senate.

It is a notorious fact that while we are sitting here legislating \$400,000 of the people's money out of the Treasury there is a bread line being fed day by day within the shadow of this Capitol. It is by reason of the fact that the necessaries of life have been raised to such a point that those people are unable by means of anything which is afforded them in the way of an industrial effort to secure the necessaries of life. Yet we vote away \$400,000 as if it was money which they did not have to raise and which did not have to come from their efforts and which was not at last visited upon them as a bunden

I am utterly opposed to every part and parcel of this appropriation, both for carriage hire as to the Vice-President and the Speaker and as to all other officials who have been availing themselves of this provision of the law.

ing themselves of this provision of the law.

Mr. HEMENWAY. Mr. President, I have just sent for the last statute enacted on this question.

We have had an annual performance ever since I have been in Congress on the question of carriages, usually at both ends of the Capitol. I think fourteen years ago there were possibly three times as many carriages used by officials of the Government as there are to-day. About six years ago when we passed this legislation we reduced them to a limited number. They are increasing again. I am not prepared to say that the Secretary of State should not be furnished a carriage at the expense of the Government or that the various heads of departments ought not to be furnished with them. That is a question on which we can very well differ. As a rule, I have opposed the use of carriages for anything but official purposes, and I oppose them now for anything but official purposes.

In this great Government of ours, where we are appropriating billions of dollars, I see no reason why on the question of the salaries of judges and other public officials, which is less than a drop in the bucket, there should be so much of discussion, while items covering millions of dollars go through here with very little discussion. We expended on traveling expenses for the forest reserves in one year \$250,000, and yet that man who stood up here to object to it was criticised by the public press as

being opposed to the preservation of the forests. You can take any item in connection with that service—

Mr. HEYBURN. Before the Senator leaves that question— The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. HEMENWAY. I do.

Mr. HEYBURN. It may be proper—I hope it is—to inquire as to who it was that was so criticised by the public press?

Mr. HEMENWAY. Well, there were several Senators included. I think two of them are on the floor at this time.

Mr. HEYBURN. I just wanted the fact to appear. When the Senator shall have concluded his remarks, while I will not speak upon the forest-reserve question, I will submit a few remarks pertinent to this matter.

Mr. HEMENWAY. The expenses of the various departments of the Government have doubled and trebled, and when the items come before the Senate there is fifteen minutes of discussion. Here, on a question involving a very limited amount of money, we have had two or three days of discussion. I think if the Senate and House would show a little more courage when some of these other items come up, where millions are rolled out of the Treasury, and discuss bread lines, it might save millions and millions of dollars.

Now, unfortunately, the first item appearing in this bill for discussion—

Mr. FLINT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. HEMENWAY. I do.

Mr. FLINT. I should like to ask the Senator from Indiana a question. He has had considerable experience both in this body and in the House of Representatives. He has stated that there have been many discussions in reference to carriages by various Members of both bodies. I should like to ask him if he ever heard any of those Members of either House who were asking for the elimination of carriages make any suggestion that the pay of the Members of this body and of the other body should be reduced? On the contrary, I think he will state that we have voted here to increase our own salaries and have then criticised those in other positions in the Government when it was sought to place them on a like level with us.

Mr. HEMENWAY. There are a few of us who voted against the increase of salaries to ourselves. I am free to say that I voted against it, but I voted against it purely upon the theory that the salary was to be increased for the term I was then serving. I believed that the salaries of Members of Congress ought to be increased, and I do not remember whether or not I explained my vote at the time, but that was the sole reason why I voted against it. It was on the ground that we were increasing the salaries for the term that we were then serving. If I could vote now—I am willing for the public to have my judgment on it—I would make the salary of Members of Congress \$10,000 for the term commencing when I go out. I believe they are entitled to it.

But I want to get back to this question. Now, unfortunately—

Mr. BORAH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. HEMENWAY. I do.

Mr. BORAH. I should like to ask the Senator why, in view of this bill, it should not be \$15,000, and why we should not have \$5,000 carriage allowance also?

Mr. HEMENWAY. If the Senator wants to vote for that he has the privilege.

Mr. BORAH. No-

Mr. HEMENWAY. I should not want to. I have no doubt the Senate would give it consideration. He would have the right to move to make it \$15,000 and have a carriage at \$5,000, if he thought that was the proper thing.

Now, unfortunately, on this bill the item affecting the Speaker of the House of Representatives was reached first. The point of order was raised by the Senator from Idaho [Mr. Borahl] upon the increase of the salary of the Speaker of the House of Representatives. A motion is made to strike out the carriage for the Speaker of the House of Representatives.

The Speaker of the House of Representatives, I think, lives the simple life just as much as any official of this great Government of ours. He has asked for no increase of salary. He has asked for no carriage. It is true he is now 48 years of age [laughter], but he can walk as far as the average man of that age. It is not for Joseph G. Cannon, Speaker of the House of Representatives, that an increase of salary was re-

quested. It is not for him as Speaker of the House of Representatives that a carriage has been asked, because he has nothing whatever to do with either proposition. The first suggestion of an increase of his salary came from the Committee on Finance. The proposition for a carriage came from the Committee on Appropriations, after the House of Representatives had placed upon the bill a provision for a carriage for the Vice-

President of the United States.

Now, then, I have simply this to say, that these bodies—the Senate and the House—should maintain their dignity. If Cabinet officers are to have carriages, then the Speaker of the House of Representatives and the Vice-President of the United States should have carriages. I do not know whether Congress is going to give the carriage or not. I do not care. I can speak at least for the gentleman who is now Speaker of the House of Representatives, and say that he does not care. So, from a personal standpoint, no one need care whether he votes for or against a carriage for the Speaker of the House of Representatives or votes for or against an increase of salary for the Speaker of the House of Representatives.

The provision as to carriages which we last enacted, found in the act of February 3, 1905, with which I had something to do,

provides:

Sec. 4. No part of any money appropriated by this or any other act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the executive departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the executive departments or other government establishments at Washington, D. C., unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspleuously painted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used.

After thrashing this out during two or three sessions this law was enacted. I think I am safe in saying there are fewer carriages now being used by public officials than at almost any

other time, at least in recent years.

Now, you go into the navy and army and you find there that officers are using carriages. I do not know just how they get them. Possibly the chairman of the Committee on Naval Affairs knows how the carriages are secured for officers of the navy. Congress has gone into this matter. It has tried to limit it in the best way it could. But whenever my distinguished friend from Idaho votes to increase the navy to the extent of four battle ships, or two battle ships, or any other number of battle ships, he adds more to the expense of carriages for the officers who are to sail upon those vessels in one vote than he would add by voting for a half dozen bills like this.

Mr. BORAH. There is some difference between adding a battle ship to the navy and providing that somebody may ride at the expense of the Government to go to some social function

in Washington.

Mr. HEMENWAY. But when the Senator adds a battle ship to the navy, he adds more carriages to the list, in connection with that vessel, than he would add if he should vote for two bills like this.

Mr. BORAH. If that is true, it is because the Senator from Idaho has labored under a want of information with reference to the peculiar kind of legislation which has crept into these I did not know that we were voting for things of this kind when we vote for battle ships, but it seems now that whenever you vote for anything, there is an automobile attached to it.

Mr. WARREN. Will the Senator from Indiana allow me?

Mr. HEMENWAY. Certainly.

WARREN. Knowing how little the total amount expended for carriages aggregates and how pusillanimous it is as compared with some amounts, I should like to ask the acting chairman of the Committee on Appropriations and the chairman of the Committee on Naval Affairs to state, as near as he can, what it costs per annum to run a battle ship after it is

Mr. HALE. Mr. President, of course the purpose of the Senator from Idaho is to save the money of the people—a very proper object-but while this discussion has been going on I have made some figures. While we are very sensitive—I will not say about carriages, for I will not discuss that, but about the increase of salaries—the interest at 4 per cent upon the cost of a battle ship is largely more than the entire programme reported from the Committee on Appropriations for all the in-creases of salaries; and when the Senate confronts the question of adding tens of millions of dollars to the expenditures of the Government to increase our already immense military establishments, very little sensitiveness is likely to be shown here as to increasing the burden of the taxpayer.

The annual expense of maintaining a single one of the big battle ships proposed by the Navy Department-26,000 tons; 50 per cent larger than the original English Dreadnought-will be four times as much as every increase in this bill as reported by the Committee on Appropriations. And yet we shall be asked to add not a few hundred thousand dollars, not a few million dollars, but many million dollars, tens of millions of dollars, before this session ends, to increase the military estab-lishments of the Government. When I say the military establishments I mean the army and the navy; and one reason why I have not been disturbed by these moderate increases of salary is that they are so small in the aggregate, in the levy which they make upon the taxpayers of the country, that they do not arouse in me any marked objection.

We shall never reduce the expenses of the Government, which are becoming alarmingly large; we shall never be in the condition of a thrifty man, who cuts his garment according to his cloth and keeps his expenses somewhere near in range of his income; we shall never reduce the alarming and dangerous deficit that will stare use in the face at the end of this Congress, a deficency which will probably amount to more than \$120,-000,000, with the revenues constantly falling off and other expenditures under our legislation constantly increasing—we shall never meet this grave question, the gravest which confronts this Congress in its waning days, until we take in hand, not simply this small matter of salaries and a few hundred thousands of dollars, but the enormous expenditures that we are asked to make for the military side of the Government.

So, Mr. President, I repeat that I have not been unduly alarmed by the small increase of salaries asked in this bill. Already the Senate has reduced the scale and set the fashion, which I suppose will be followed applicable to other officers,

in reducing from what the committee has reported.

I do not look upon it as a matter of much importance whether we give a carriage or do not give a carriage to the Speaker or the Vice-President. It is not a very important matter, in my mind; and as the Senator from Indiana has so well said, it is not a subject that has crossed the minds of the incumbents of either of those places. It will do no harm if the carriages are stricken out of the bill. I do not fancy that much harm is done by the heads of executive departments having carriages-wagons is what they really have, rather modest equipages-in which they go about when they are called to come before committees and when they are called to meetings and other places. The aggregate is small. There is very little pomp and display and splendor in these modest wagons that Congress has vouchsafed to the heads of departments and a few of the subordinate officers, and the evil in it does not, in my mind, rise to a great one. But I shall hope, Mr. President, that before this Congress closes it will set itself in sober fashion to the consideration of the matter of reducing some of the enormous expenses of the Government in other directions.

Mr. HEMENWAY. Mr. President, I am very glad, indeed, that I was interrupted by the Senator from Maine [Mr. Hale]. Just briefly I want to close by saying that I think it makes little difference whether this item stays in or goes out. Certainly in a great government like ours-the greatest on earththe people of the United States are not going to complain when the heads of the various departments of the Government are furnished with a carraige to haul them to the Cabinet meetings, and if they do occasionally use the vehicle for social purposes I do not think the broad, strong, intelligent American people are going to fall out with Congress for allowing them to have the convenience. Upon the other hand, if we should give to the Vice-President and the Speaker a carriage, I do not think we convenience. shall have committed any great wrong or taken any very great sum of money out of the Treasury. I sincerely hope that the same zeal and energy will be continued, looking to the real question of appropriations, where millions of dollars do go out of the Treasury and where, in my judgment, a great saving could be made if all Senators and Members of the House would look as carefully into those appropriations as they are looking into this

little question of salaries. Mr. HEYBURN. Mr. President, for six years I have listened

to this debate at each recurring appropriation bill, and it has seemed to me that if the Government is going to run a livery stable it should do it on a little different plan. Instead of assigning horses and drivers and carriages for the individual use of particular public officers, let the Government keep them all. and when a public officer has occasion to use one, let him ring up on the telephone like other people, and say, "Send a carriage up here for John Smith, Assistant Secretary So-and-so.' will then mark it and they will know where it is going and they will simply send it up. That is the way for the Govern-ment to keep a livery stable. Then it is open to all government officers who are entitled to use it.

Do you suppose for a moment that a member of any department of the Government would use any team to the extent of \$5,000 or \$1,000 during a term of office? I am not inclined to be penurious about these things. There is, however, a principle behind it that does appeal to one when we for a moment remember the character of our Government,

Men forget sometimes and think they are governing the people. I have heard it charged that men were governing somebody else in this country. There is no man in the United States who governs any other man. We all govern in this country. We are merely representatives of the people for the purpose of carrying their government into operation, and we should not forget it.

I always inwardly rebelled against the idea of assigning a carriage to a man because he held some office at the will of the people in order that he might use it for his own pleasure. My mind rebels against it.

I am not in favor of this item or any other item like it. would pay such salaries to our public officers as that the burden of maintaining their carriage and its equipment would not be heavy upon them. What nation on earth furnishes its members of parliament or its cabinet officers or its ministers of state a private carriage? What nation on earth does it? None except this Republic.

Furnish a state carriage to the President of the United States as in the days of the founders, and let it be a state carriage that shall be recognized as the state carriage of the Chief Executive, not the chief ruler, but the Chief Executive of the will of the American people, and let him ride in the state coach; and I, as every other American citizen, would take pride in the fact that we furnish the coach and that it was an American President riding in the coach of the people. I would stop right there. would furnish no other state coach for any man, but I would give them free livery and a livery stable of the Government of the United States paid for as other, what we might call "bunch," institutions are supported, out of a fund to maintain carriages and horses for the use of the officers of the Government in the performance of public duty.

I can not overlook the polite invitation of the Senator from Indiana [Mr. Hemenway] to a discussion which I shall not indulge in, but I have the official figures before me. They were placed on my desk just a few minutes before the suggestion was made. He drew a comparison between those who objected to a pay roll of the Forestry Service of \$250,000. That pay roll, according to the official figures, the past year was \$1,442,252.94, and in the estimates for the year, upon which we are to appropriate in a few days, for salaries it is \$3,500,961.

Mr. HEMENWAY. But the Senator must understand that that conserves the forests.

Mr. HEYBURN. I am going, probably, to have an epportunity to consider that question briefly in a few days.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. BAILEY] to the amendment of the committee.

Mr. BEVERIDGE. What is the amendment?

The VICE-PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 30, line 9, of the committee amendment, strike out the words "or other vehicle."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. BEVERIDGE. What is the amendment as amended?

The VICE-PRESIDENT. The Secretary will read the amendment as amended.

The SECRETARY. On page 30, after line 7, insert:

For purchase, driving, maintenance, and care of carriage and of horses for use of the Speaker, \$5,000.

Mr. CULBERSON. On the adoption of the amendment as amended I ask for the yeas and nays.

The year and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when the name of Mr. Clarke of Arkansas was called). My colleague [Mr. Clarke of Arkansas] is paired with the Senator from Rhode Island [Mr. Aldrich], and would vote "nay" if present.

Mr. McENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. If he were present, I would vote "nay."

Mr. TAYLOR (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. Briggs] to the Senator from Kentucky [Mr. McCreary] and I vote "nay." The roll call was concluded.

Mr. CLARK of Wyoming. I again announce the transfer of my pair, and I vote "yea."

The result was announced-yeas 21, nays 40, as follows:

Bourne Bulkeley Clark, Wyo. Crane Cullom du Pont	Elkins Foraker Guggerheim Hale Hemenway Kenn	Kittredge Lodge Long Page Perkins Scott	Teller Warren Wetmore
		AYS-40.	
Bacon Bailey Bankhead Beverldge Borah Brown Burkett Burnham Clapp Clay	Culberson Curtis Davis Dixon Dolliver Flint Frazier Frye Gamble Gary	Heyburn Johnston La Follette McLaurin Martin Milton Money Nelson Overman Paynter	Piles Rayner Simmons Smith, Md. Smith, Mich. Smoot Sutherland Tallaferro Taylor Warner
C		OTING—31.	warner
Aldrich Ankeny Brandegee Briggs Burrows Carter Clarke, Ark. Cummins	Daniel Depew Dick Dillingham Foster Fulton Gallinger Gore	Hansbrough Hopkins Knox McCreary McCumber McEnery Newlands Nixon	Owen Penrose Platt Richardson Stephenson Stone Tillman

So the amendment as amended was rejected.

The VICE-PRESIDENT. The Secretary will report the next amendment passed over.

The Secretary. The next amendment passed over is the paragraph in the House bill on page 35, beginning with line 10, the item under the subhead "Law library."

Mr. WARREN. I ask that that may be passed over until we

finish the consideration of the salaries.

The VICE-PRESIDENT. The amendment will be further passed over. The next amendment relating to salaries will be reported.

The Secretary. On page 41, under the head of "Executive," the Committee on Appropriations proposes, in line 14, to strike out "fifty" and insert "one hundred;" and after the word "dollars," to insert "this sum to include all transportation expenses now otherwise provided for by law, and this provision

Arc CLAY. Mr. President, I move to amend the committee amendment by striking out "one hundred" and inserting "seventy-five" before the word "thousand," and on that motion

I call for the yeas and nays.

The VICE-PRESIDENT. The amendment to the amendment

The Secretary. In line 14, page 41, strike out "one hundred" and insert "seventy-five," so as to read:

For compensation of the President of the United States, \$75,000.

Mr. DAVIS. I move as a substitute for the amendment to insert the word "fifty" in place of "seventy-five."

Mr. CLAY. I call the attention of the Senate to the fact that we now pay the President of the United States \$75,000.

Mr. WARREN. The amendment proposed by the Senator from Arkansas would be in the third degree. It can not be considered now.

Mr. CLAY. I was going to say to the Senator from Arkansas that we give the President \$50,000 as salary and \$25,000 for traveling expenses; and in the event we place it at \$75,000, it will give \$75,000 for salary and traveling expenses. If you cut it down and deny him all traveling expenses, he would then have for his salary hereafter less than it is at the present time.

Mr. HEYBURN. I wish to ask a question. I call the attention of the Senator from Georgia to the language in line 15 of the amendment for the purpose of determining whether or not his statement is correct that this would cut out the present allowance of \$25,000 for traveling expenses. This is the lan-

The VICE-PRESIDENT. The Chair will call the attention of the Senator from Idaho to the fact that the word "not," in line 15, has been stricken out and "now" inserted.

Mr. HEYBURN. "This sum to include all transportation

Mr. HEMENWAY. "Now otherwise provided for by law." Mr. WARREN. It was amended in the early consideration of the bill.

Mr. HEYBURN. I was not here at that time. My copy did

not indicate it. I withdraw the suggestion.

Mr. CLAY. I think, clearly, in the event we adopt this amendment and make it \$75,000, taking into consideration the amendment which was made in line 15, then the President can only use \$75,000 for his salary and traveling expenses and all other expenses

Mr. HALE. Undoubtedly.

Mr. BEVERIDGE. May I ask the Senator a question for information only?

Mr. CLAY. Undoubtedly.

Mr. BEVERIDGE. Do I understand that in voting upon the Senator's proposed amendment, if it should be carried, it gives to the President \$75,000 for all purposes?

Mr. CLAY. That is true.

Mr. BEVERIDGE. It excludes the \$25,000 now specially awarded him?

Mr. CLAY. That is right.

Mr. BEVERIDGE. If that is the effect of the amendmentspeak merely for my own vote-I should vote for it, but otherwise I should be compelled to vote against it.

Mr. CLAY. If I understand it, and I think I do, \$75,000 is to be the total salary, which shall include traveling expenses. Mr. BEVERIDGE. So it amounts in one definite appropria-Mr. BEVERIDGE. So it amounts in one definite a tion to precisely what the President now gets in two?

Mr. CLAY. That is correct. It will not interfere, as I understand it, with any other expenses of the White House provided heretofore or that may be provided hereafter.

Mr. BEVERIDGE. Except traveling expenses.

Mr. CLAY. The President will probably be benefited if it is adopted, for, as I understand the act which we passed giving him \$25,000 for traveling expenses, it provides that it shall be paid out on his certificate, and I have been informed, and I think correctly informed, that the President at this time has used only about \$6,000 of the \$25,000 appropriated for traveling I do not know that to be correct, but I have been informed by those who ought to know. I am sure that under the law, if that is the case, the balance of the amount appropriated for traveling expenses has been converted back into the Treasury.

This would allow the President, if he used \$10,000 for traveling expenses, and there was \$15,000 left, to apply the remainder to his own use. I think it proper, and I am perfectly willing to go that far in regard to the salary. It does not involve the amount that we appropriate now. The President at this time could use \$25,000 for traveling expenses, if he saw fit and

proper to do so.

Mr. PILES. I should like to ask the Senator from Georgia how much under his amendment the President would receive as the sum total of his salary?

Mr. CLAY. Seventy-five thousand dollars, clear. Mr. PILES. That includes the amount for mile That includes the amount for mileage, or railroad fare?

Mr. CLAY.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. CLAY] to the amendment of the committee.

Mr. CLAY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to my colleague [Mr. Gore], and vote "yea."

Mr. CULBERSON (when Mr. Taliaferro's name was called). The Senator from Florida [Mr. TALIAFERRO] requested me to state that he has a general pair with the Senator from West Virginia [Mr. Scorr], and that if present he would vote "yea" on this proposition.

Mr. SCOTT (after having voted in the negative). I will attend to it before the roll call is through. I did not notice that the Senator from Florida is absent. I have no intention at all

of taking advantage of my pair.

Mr. CULBERSON. I am certain the Senator from West Virginia intended to take care of the matter, if it was called to his attention. I am simply announcing, in my place, properly what the Senator from Florida asked me to announce.

Mr. TAYLOR (when his name was called).

I am paired with the Senator from New Jersey [Mr. BRIGGS].

The roll call was concluded.

Mr. SCOTT (after having voted in the negative). without noticing that the Senator from Florida [Mr. Talia-FERRO] was not in his seat. I will transfer my pair to the senior Senator from New York [Mr. Platt] and allow my vote

Mr. CLAPP (after having voted in the negative). In voting against the amendment of the Senator from Georgia my position might be misunderstood.

Mr. LODGE. Is there anything in order until the vote is announced?

The VICE-PRESIDENT. Not until it is announced.

Mr. CLAPP. I desire to change my vote. Mr. LODGE. Oh, pardon me.

Mr. CLAPP. I wish to make an explanation. In voting against the amendment, if that amendment were lost, the salary would be left at \$100,000, and, being opposed to any increase, I wish to change my vote and vote "yea" on the amendment.

The result was announced—yeas 32, nays 33, as follows: YEAS-32.

Bailey Bankhead Beveridge Borah Brown Burkett Clapp	Culberson Curtis Davis Dixon Dolliver Frazier Gary	Jonnston La Follette McCreary McLaurin Martin Milton Money Overman	Paynter Piles Rayner Simmons Smith, Md. Smith, Mich. Teller
	NA NA	AYS-33.	
Bourne Bulkeley Burnham Burrows Carter Clark, Wyo. Crane Cullom du Pont	Elkins Flint Foraker Frye Gallinger Gamble Guggenhelm Hale Hemenway	Heyburn Kean Kittredge Knox Lodge Long Nelson Page Perkins	Scott Smoot Sutherland Warner Warren Wetmore
	NOT V	OTING-27.	
Aldrich Ankeny Brandegee Briggs Clarke, Ark. Cummins Daniel	Depew Dick Dillingham Foster Fulton Gore Hansbrough	Hopkins McCumber McEnery Newlands Nixon Penrose Platt	Richardson Stephenson Stone Taliaferro Taylor Tillman

so Mr. Clay's amendment to the amendment was rejected. The VICE-PRESIDENT. The question is on agreeing to the amendment

Mr. CULBERSON. On the adoption of the amendment proosed by the committee to make the salary of the President \$100,000, I demand the yeas and nays.

Mr. HALE. Let that clause of the bill be read as reported

by the committee.

The VICE-PRESIDENT. The Secretary will state the amendment as requested by the Senator from Maine.

Mr. BACON. Before the vote is taken I desire to make an inquiry. I will wait, however, until after the reading of the amendment has been had.

Mr. HALE. Let the clause be read so that the Senate may

understand it.

The VICE-PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 41, under the heading "Executive," after the words "United States," in line 14, the Committee on Appropriations propose to strike out "fifty" and insert "one hundred," so that if amended it will read:

For compensation of the President of the United States, \$100,000.

The VICE-PRESIDENT. Does the Senator from Maine desire the next amendment stated?

Mr. HALE. Yes; the entire clause.
Mr. WARREN. Let the whole clause be read.
The VICE-PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. And in the same line, after the word "dollars," it is proposed to insert:

This sum to include all transportation expenses now otherwise provided for by law, and this provision to take effect on March 4, 1909.

The VICE-PRESIDENT. The question is on the amendment, Mr. CLAPP. The word "now" ought not to be there. This ought not to be continuing legislation.

Mr. BACON. Mr. President, I had indicated a willingness to yield to the Senator from Minnesota in order that he might make his suggestion.

The VICE-PRESIDENT. The Senator from Georgia yields to the Senator from Minnesota.

Mr. BACON. If the Senator from Minnesota desires to pur-

Mr. BACON. It the Selator From Anniesotal desires to pursue that matter, I yield to him.

Mr. CLAPP. Mr. President, the entire language, it seems to me, is somewhat complicated. As I understand, the provision for traveling expenses runs out at a given time, and then there will be no expenses "otherwise provided for." So it is meaningless if that is the intention. If there is to be a continuing provision as against other expenses, it seems to me that, instead of putting the word "now" in, it should simply read "transportation expenses otherwise provided for by law." I am not particular about it, however.

The VICE-PRESIDENT. The question is on the adoption of

the committee amendment.

Mr. BACON. I hope that Senators will respond to the suggestion on the part of the Senator from Minnesota [Mr. Clarr]. in order that we may know how the matter stands.

Mr. WARREN. Mr. President, it is this way: The \$25,000 now provided for this purpose is contained in the sundry civil appropriation act, and if not repealed here it would be available until the 1st of next July. What we seek to do is to increase the salary of the President from the 4th day of March next to \$100,000 per annum and cut off the balance of that appropriation which is due him for traveling expenses.

Which is now provided by law

Mr. WARREN. Yes; which is now provided by law. What is now provided by law is not a continuing appropriation. It was merely put in each year for two years, if I am correct; but we now propose to cut it off from March 4 to the end of the fiscal year.

Mr. BACON. I understand that; but the point, as I got it from the Senator from Minnesota [Mr. Clapp], is this: That while this provision will cut off the \$25,000 now provided by law, it will not prevent the devotion of other sums hereafter to a like purpose.

Mr. CLAPP. But, if the Senator will pardon me-

Mr. BACON. If the Senator from Minnesota will pardon me

The VICE-PRESIDENT. The Senator from Georgia has the

Mr. BACON. If the Senator from Minnesota will pardon me for a moment, he will see this: This is a constitutional provision for paying the salary of the President. We have a constitutional provision which has always been in effect, which, according to the view the Senate took of it two years ago, permitted the appropriation of an additional amount for traveling ex-penses for the President. If by the passage of this bill, if it becomes a law, we fix the salary at \$100,000, the very same reason which induced Congress two years ago to say that they could legitimately during the term of the President give him an additional \$25,000 for traveling expenses will permit Congress to do it again. As I understand the Senator from Minnesota, his purpose is to have this so framed not only that it will cut off the present appropriation of \$25,000, but that it will be a barrier to the enactment of any such legislation in the future.

Mr. WARREN. Mr. President, it is impossible for us to

prevent that.

Mr. BACON. It will not be. Of course, I understand that it does not prevent our passing the law. We can not bind a subse-quent Congress, but it would be in the nature of an indication of the purpose of this Congress which would not be disregarded.

Mr. WARREN. That is the intention of the amendment as

it stands, Mr. President.

Mr. BACON. Then why not so frame it? Mr. WARREN. It is a difficult matter to cover all of these things, but if Congress shall see fit hereafter to do as it has done before, provide for traveling expenses, it is impossible for us to prevent it by any terms in this bill.

Mr. BACON. Of course we can not prevent it. the slightest doubt in my mind, Mr. President, that the act we passed two years ago was an unconstitutional act. I so stated on the floor of the Senate at the time, and made a speech

Mr. WARREN. The best proof of that is that we have sought, on the first opportunity, to make it unnecessary to pur-

sue what might be considered a questionable course.

Mr. BACON. I want to call the attention of the Senator to the fact that when we specify the particular thing which is now excluded, we give warrant for that which is not now included in the law.

Mr. HEMENWAY. Let me suggest to the Senator— The VICE-PRESIDENT. Does the Senator from Georgia

yield to the Senator from Indiana?

Mr. BACON. I do. Mr. HEMENWAY. It was the intention of the Committee on Appropriations and was the intention of the Committee on Finance to make the \$100,000 salary of the President include all traveling expenses. There is no question but what that is the intention now-to give the President a salary of \$100,000 to include all expenses of traveling.

Mr. BACON. Very well.
Mr. HEMENWAY. That statement made in debate will bind

Congress just as much as it would if it were put in the law.

Mr. BACON. Very well; but it has never been made as explicitly as the Senator now makes it, and with that I am now content.

Air. iiEMENWAY. I make it; and I assure the Senator that it is the intention of the committee in reporting the amendment to make the President's salary of \$100,000 include traveling expenses and everything clse.

Mr. BACON. Mr. President, I desire to make an inquiry of Senators here more familiar with matters of appropriation than those of us who are not on the committee may be. My inquiry

is this: I understand that there is a regular appropriation each year of \$25,000 for contingent expenses of the President. Am I correct in that

Mr. HEMENWAY. There are a number of appropriations. Without having seen it myself, I have been in-Mr. BACON. formed by Senators who are upon the committee that there is

such an appropriation of \$25,000.

Mr. HEMENWAY. The appropriation is made in the follow-

ing words:

For contingent expenses of the executive office, including stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, carriages, harness, automobiles, expenses of stable, including labor, and miscellaneous items, to be expended in the discretion of the President, \$25,000.

Mr. BACON. Very well. That in some degree answers my quiry. The inquiry I was about to make was, whether or not the \$25,000 contingent fund was applicable in any manner to the personal expenses of the President. It would seem that a very large portion of that \$25,000 is applicable to the personal expenses of the President, so that, if this amendment is adopted, \$100,000 will not really be the limit of the money that we will devote to this purpose.

Mr. HEMENWAY. The Committee on Appropriations in reporting \$100,000 for the salary of the President do not include this item, but expect to continue to appropriate for contingent

expenses as they have done in the past.

Mr. BACON. So that in addition to the \$100,000, if we should adopt that amendment, there would be for the salary of the President so much of the \$25,000 as in his discretion he may see fit to use for those personal expenditures which are mentioned here.

Mr. HEMENWAY. I do not see anything in this item for contingent expenses except office expenditures. The provision

For contingent expenses of the executive office, including stationery therefor—

Mr. BACON. That is all right. Mr. HEMENWAY (reading)-

as well as record books, telegrams, telephones, etc.

Mr. BAILEY. It also says for horses, carriages, and automobiles.

Mr. HEMENWAY. Yes.

Mr. President, so far as the enumerations just made by the Senator from Indiana are concerned, of course there would be no possible suggestion that they could inure to the benefit of the President; but, as I understand, the provision goes on further and specifies carriages, horses, automobiles, and other things which are for the personal use of the President.

Mr. HEMENWAY. Yes; and it is intended—
Mr. BACON. Now, if it were limited to carriages, horses, and automobiles, I would have no objection, because, as I stated before, I am perfectly willing that the President shall have carriages and horses at the public expense. It is perfectly proper that he should have.

Mr. HEMENWAY. This all goes to the executive office and not to the President, except in the case of the horses and carriages. All of this appropriation of \$25,000 is for the contingent expenses of the executive office. That is the language of

the bill.

Very well. If the Senator will pardon me a moment, in addition to the expenditures of the executive office, carriages and horses are the only other items, are they?

Mr. HEMENWAY. Those are the only other items I see. Mr. BACON. If that is so, I think I shall have no more to

Mr. HEMENWAY. But in this instance the appropriation is for the executive office. If the Senator will look at the wording of the bill he will see that this appropriation is for contingent expenses of the executive office, not for the President.

Mr. TELLER. Mr. President, this item, which seems to be a matter of controversy between the Senator from Georgia and the Senator from Indiana, is, perhaps, with the exception of the provision with regard to automobiles, the same item that has been in the bill in some shape ever since I have been in public life. The amount has been sometimes less than it is now. The President could not expend for his personal use any of this money. He may buy a team and use the team, and that he has been doing from time immemorial.

Mr. BACON. Mr. President, I want to be understood. I was not objecting to that item. I was simply, for my information, desiring to ascertain whether, if we fixed the salary at \$100,000, there would be anything in addition to the \$100,000. and I desired to ascertain how much of the \$25,000 would be

enjoyed by the President.

Mr. TELLER. Mr. President, there will be no addition to the salary of the President by anything that is in the bill.

precedent has been established by Congress in the last two years in appropriating \$25,000 for traveling expenses. Next year, if Congress sees fit to do so-although I think it would be in violation of the Constitution-it can add \$25,000 more for traveling or other expenses, and no act that we can pass now will prevent that being done. We must rely upon the good faith of our associates here, who say that they intend that \$100,000 shall be full compensation of every kind and character.

The VICE-PRESIDENT. There are two amendments in the paragraph on page 41, lines 13, 14, 15, 16, and 17; but they are so related to each other as to constitute practically one subjectmatter. Without objection, the two will be included in the vote. The question is on agreeing to the amendment. On that question the Senator from Texas has demanded the yeas and navs.

Mr. HEYBURN. I want to see if we understand just exactly what the effect of this provision will be. The amendment, or rather the provision which is submitted for the determination of the Senate, I understand, is as follows:

For compensation of the President of the United States, \$100,000, this sum to include all transportation expenses now otherwise provided for by law, and this provision to take effect on March 4, 1909.

Is that provision for the salary limited to take effect March

Mr. HALE. Undoubtedly.

Mr. HEMENWAY. That is all.
Mr. HEYBURN. We have not been using that language in former appropriation bills. I have just examined them. bill under consideration provides that these appropriations shall be for the fiscal year. That would mean the entire fiscal year.

Mr. HEMENWAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Indiana?

Mr. HEYBURN. Certainly. Mr. HEMENWAY. Mr. President, the provision is to take effect March 4, 1909, because the new President comes into office on March 4, and, under the Constitution, his salary can not be increased during his term of office. The object of the committee in making it begin March 4 is to have the increase

of salary begin with the inauguration of the new President.

Mr. HEYBURN. Then, in effect, it repeals so much in the last appropriation act for the payment of the salary of the President as applies between March 4 and the end of the fiscal

Mr. HEMENWAY. That is the idea exactly.
Mr. HEYBURN. That is obvious.
Mr. HEMENWAY. And it strikes out the provision for traveling expenses, which would continue until July 1 next, unless repealed by this language.

Mr. HEYBURN. It repeals two things. It repeals the existing appropriation for the payment of the regular salary-

Mr. HEMENWAY. Yes.

Mr. HEYBURN. And it repeals the item in the sundry civil appropriation act of the last session of Congress, which provided for the payment of \$25,000, or so much thereof as might

be necessary, for traveling expenses.

Mr. HEMENWAY. That is the effect,
Mr. HEYBURN. It was in order that we might have some understanding that I raised the question.

Mr. CULBERSON. Mr. President, I did not object to the suggestion of the Chair a moment ago that this provision be voted upon as one amendment, but I desire now to make a special request that the question be divided, so that the two amendments may be voted on separately. The first amendment is the one to strike out "fifty" and insert "one hundred."

The VICE-PRESIDENT. The amendments are separable.

What is the other amendment?

Mr. CULBERSON. The other is the italicized part. Some Senators might desire, if the salary is by vote of the Senate left at \$50,000, to pay traveling expenses. Personally I am opposed to that and voted against it, but I think the two amendments are separable and ought to be voted upon separately.

The VICE-PRESIDENT. The Senator is entitled to a sepa-

rate vote upon each amendment.

Mr. BURKETT and Mr. LODGE addressed the Chair.

The VICE-PRESIDENT. The Senator from Nebraska. Mr. LODGE. I want to be heard on the point of order before it is decided.

Mr. BURKETT. Mr. President, there is a question which I should like to ask the committee if they have considered. The point may have been raised by the Senator from Georgia [Mr. BACON], but I could not hear all that he said. Of course the Constitution prohibits an increase in the salary of the President during his term of office. Does the Senator in charge of the bill believe that this provision as it is written will modify the law

as it is now, which provides for the salary of the President, and be such a modification that from year to year we could appropriate \$100,000, instead of \$50,000, for his salary and not contravene the provision of the Constitution referred to?

Mr. WARREN. I do not know whether I understand the Senator correctly, but the intention of this amendment is simply to appropriate \$100,000 for the President's salary, in place of \$50,000, and cut out the \$25,000 additional for traveling

expenses

Mr. BURKETT. Would that be amending the existing law under which the President now draws his salary, so that you could appropriate the second year more than \$50,000, as provided by the present law? For example, to get at what I mean, we have laws providing for the salaries of officers for whom we do not appropriate the full amount. I have in mind one officer for whom the law provides \$4,500 salary, but Congress appropriated only \$3,500. Some of these cases have been taken to the courts, and the courts have held that the plaintiff could not enforce a claim for the difference between what was appropriated and what the law provided, but that the failure to appropriate the full amount in any year did not repeal the statute providing for the salary. Now, if we simply appropriate in this bill \$100,000 for the President's salary for the next fiscal year, would that alter the law under which the President draws his salary, so that we could appropriate \$100,000 the second year without contravening the constitutional provision in regard to increasing the salary of the President during his term of office?

Mr. WARREN. Mr. President, in my judgment it would.

The provision reads in this way-

Mr. BAILEY. Mr. President, if the Senator from Wyoming will examine the statute, he will find that the Senator from Nebraska [Mr. Burkett] is right. The present statute fixes the salary in accordance with the constitutional requirement just as it fixes the salary of Members of the House and of the Senate. The appropriation in the pending bill does not alter that statute; and next year you will find yourselves face to face with the proposition-and believing the increase was improper and unauthorized, I was willing to wait until that time—you will find yourselves face to face with the proposition that the salary of the President is fixed, and that you are not able to change it during his term.

Mr. TELLER. Mr. President, I believe there is a good deal of force in the suggestion that has been made. I would suggest to the Senator in charge of the bill that, if it is the will of the Senate to fix the President's salary at \$100,000 next year, we may well suppose the purpose is to fix it at that amount for all time to come. I think if the provision could be amended so as to read: "For the compensation of the President of the United

States after the 4th of March, 1909"

Mr. WARREN. Or the clause could commence with the word "hereafter."

Mr. TELLER. Let it read, "The compensation of the President of the United States after the 4th day of March, 1909, shall be \$100,000.

Mr. WARREN. Would this meet the views of the Senator from Colorado, "That hereafter the compensation of the President of the United States," and so forth?

Mr. TELLER. No; I think it would be better the other way. Mr. HEMENWAY. I suggest it could be amended so as to read, "From the 4th of March, 1909, and thereafter the salary of the President of the United States shall be," and so forth.

Mr. TELLER. Shall be annually \$100,000.
Mr. BURKETT. Mr. President, I suggest a safer way—
Mr. WARREN. In answer to the question of the Senator from Nebraska, I will say that the object of the committee in presenting the amendment in this way is the same as in the case of the change in our own salaries. These matters have come up for appropriation each year. We do not contemplate that the President of the United States or a Senator has to go to law to get his salary, because we have to appropriate for

it each year.

Mr. BAILEY. If the Senator will permit me just a mo-

Mr. WARREN. I desire to finish my sentence first; but I admit that if the Senate wishes to fix it for the future, and provide so much annually, we had better elaborate and change

the section. For one, I am willing to do so.

Mr. BAILEY. I would suggest to the Senator that, so far as the compensation of Representatives and Senators may be concerned, we can increase that or decrease it from time to time. There is no constitutional limitation in that respect; but it is only in the case of the Supreme Court and of the President that there is a prohibition against a change. In the case of the Supreme Court it is provided that the salary shall not be diminished. Of course, that was to keep the Congress from subjecting the court to Congress's will by reducing their salaries. the case of the President the provision is that the salary shall be neither diminished nor increased, which obviously was intended to keep Congress from stripping the President and as obviously to keep the President from blandishing the Congress into giving him too much.

Mr. HALE. If the Senator will allow me, I believe he is entirely correct; that if the clause is left as now stated in the bill, at the end of this year we shall be confronted with the same situation, and the salary of the President would not be increased except for one year. But that can all be remedied if you add at the end of the clause "and hereafter the salary of the President shall be as provided in this section.'

Mr. BAILEY. Or "shall be \$100,000 per annum."

Mr. McLAURIN. If the Senator in charge of the bill will allow me; if he will strike out lines 16 and 17 and insert the words, "after the 4th of March, 1909, the salary of the President of the United States shall be \$100,000 per annum," it will accomplish it.

Mr. WARREN. The Senator from Indiana has an amend-

ment to offer.

Mr. HEMENWAY. In line 13, after United States, add "from March 3, 1909, and annually thereafter."

Mr. BAILEY. That does not fix it.

Mr. HEMENWAY. So that it will read:

For compensation of the President of the United States from March 3, 1909, and annually thereafter, \$100,000.

Mr. BAILEY. Of course, I hope the Senate will vote down the amendment; if it does not, I realize that the committee can arrange it in conference and state it carefully; but the suggestion of the Senator from Mississippi fixes his salary, first by striking out "and," where you limit it to the 4th of March, you might leave that there so as to avoid any question.

Mr. HEMENWAY. Let me again call the attention of the

Senator to this reading:

For compensation of the President of the United States from March 3, 1909, and annually thereafter, \$100,000.

Mr. BAILEY. That merely appropriates.

Mr. HEMENWAY. "And annually thereafter."
Mr. BAILEY. If the Senator will say, "And annually hereafter the compensation of the President shall be \$100,000," then it will-

Mr. HEMENWAY. Would not that be a repetition?
Mr. BAILEY. No. The Senator knows the constitutional requirement that the President shall receive for his services a compensation that is fixed.

Mr. HEMENWAY. "And annually thereafter \$100,000."

Mr. BAILEY. We do not want to make an appropriation. We want to fix the salary.

Mr. HEYBURN. I should like to hear it read.
Mr. McLAURIN. Put it in as I have suggested, and it will be right.

Mr. HEMENWAY. I think it is right as it is, and I move

it as I suggested it.

The VICE-PRESIDENT. The Senator from Indiana proposes an amendment, which will be stated.

The Secretary. After the words "United States," in line 13, it is proposed to insert "from March 3, 1909, and annually thereafter."

Mr. BURKETT. That makes an appropriation, a continuing appropriation for all time, the way it is worded—"\$100,000 a -and it does not change the existing law under which the President draws salary. I submit the purpose could be accomplished by taking the law as it is and simply substituting \$100,000 for \$50,000.

Mr. HEYBURN obtained the floor.
Mr. CARTER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I will yield in a moment. I want to direct attention to the language of the amendment. We can not ap-

propriate money for this year and hereafter.

Mr. HALE. No.

Mr. HEYBURN. That is the language of the amendment. We can not do it. I ask that the amendment be read which contains that vice. We can provide what the salary shall be, but we can not appropriate \$100,000 annually hereafter.

The VICE-PRESIDENT. The Senator from Idaho—

Mr. HEYBURN. I ask that the amendment be read.
Mr. HEMENWAY. As there seems to be much difference of opinion, I will follow the suggestion of the Senator from Maine and the Senator from Mississippi. In line 15—
The VICE-PRESIDENT. The Senator from Indiana with-

draws the other amendment?

Mr. HEMENWAY. I withdraw the other amendment.

The VICE-PRESIDENT. The Senator from Indiana withdraws the amendment heretofore proposed.

Mr. HEMENWAY. In line 15, after the word "and," strike out the present words and insert:

After the 3d of March, 1909, the salary of the President shall be \$100,000 per annum.

Mr. BEVERIDGE. That is it.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The Secretary. In the committee amendment, after the word "and" at the end of line 15, strike out the remainder of the paragraph and insert:

After the 3d of March, 1909, the salary of the President shall be \$100,000 per annum.

Mr. CLAY. Do we appropriate anything for his salary?
Mr. LODGE. That comes first, as it stands now.
Mr. CLAY. If we simply say his salary shall be \$100,000 and do not appropriate, he would not have any money at all. Mr. BAILEY. I suggest to the Senator from Indiana that he strike out the word "salary" and insert "compensation."

That is the constitutional word.

Mr. HEMENWAY. We accept the amendment to strike out salary" and insert "compensation."

The VICE-PRESIDENT. The question is on agreeing to the amendment in line 14, which will be stated by the Secretary.

The Secretary. In line 14, before the word "thousand," it is proposed to strike out "fifty" and insert "one hundred;" so that, if amended, it will read:

For compensation of the President of the United States, \$100,000.

The VICE-PRESIDENT. On this question the Senator from Texas demands the yeas and nays.

The yeas and navs were ordered.

Mr. CARTER. A parliamentary inquiry, Mr. President. Has the Chair held that the amendments are separable?

The VICE-PRESIDENT. The Chair is of the opinion they

are separable. The Chair first suggested that perhaps the Senate would vote upon them both at once, as they relate to the same general subject-matter, but the Senator from Texas desired a vote upon each separately. In the opinion of the Chair the Senator is entitled to have a separate vote. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DAVIS (when the name of Mr. Clarke of Arkansas was called). My colleague [Mr. Clarke of Arkansas] is paired with the Senator from Rhode Island [Mr. Aldrich]. If he were present, he would vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. Hopkins] to my colleague [Mr. Gore] and will vote. I vote "nay."

Mr. TAYLOR (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. Briggs] to the Senator from Kentucky [Mr. McCreary] and vote "nay."

Mr. CULBERSON (when Mr. TILLMAN'S name was called). The Senator from South Carolina is paired with the Senator from

Vermont [Mr. DILLINGHAM]. If he were present, he would vote nav.

The roll call was concluded.

Mr. CURTIS (after having voted in the negative). I desire to inquire if the junior Senator from Delaware [Mr. RICHARDSON] has voted?

The VICE-PRESIDENT. He has not.

Mr. CURTIS. I desire to withdraw my yote and announce my pair with that Senator.

Mr. GAMBLE (after having voted in the affirmative). voted on the roll call, but I discover that my pair, the senior Senator from Nevada [Mr. Newlands], has not voted. I will transfer my pair to the senior Senator from Washington [Mr. ANKENY] and will allow my vote to stand.

The result was announced—yeas 35, nays 30, as follows:

	3	ZEAS-35.	
Bourne Bulkeley Burnham Burrows Carter Clark, Wyo. Crane Cullom Dick	Dixon du Pont Elkins Flint Foraker Frye Fulton Gallinger Gamble	Guggenheim Hale Hemenway Heyburn Kean Kittredge Knox Lodge Long	Page Perkins Scott Smoot Sutherland Warner Warren Wetmore
	1	NAYS-30.	
Bacon Bailey Bankhead Beyeridge	Borah Brown Burkett Clapp	Clay Culberson Davis Dolliver	Frazier Gary Johnston La Follette

McLaurin Martin Overman Rayner Taylor Teller Simmons Smith, Md. Taliaferro Milton Paynter Piles NOT VOTING-27. McCreary McCumber McEnery Platt Richardson Smith, Mich. Stephenson Aldrich Daniel Ankeny Brandegee Depew Dillingham Briggs Clarke, Ark. Cummins Curtis Foster Nelson Newlands Nixon Penrose Gore Hansbrough Hopkins Tillman

So the amendment was agreed to.

Mr. SMITH of Michigan subsequently said: Mr. President, on the roll call with reference to the increase of the salary of the President, I voted on the first roll call to make the salary \$75,000, and on the second roll call I was absent from the Chamber temporarily. If I had been present I should have voted "nay." I simply want the Record to show that.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Indiana [Mr. Hemenwayl to the committee amendment. The amendment to the

amendment will be stated.

The Secretary. In line 16 it is proposed to strike out:

This provision to take effect on March 4, 1909.

And to insert in lieu thereof:

After the 3d of March, 1909, the compensation of the President of the United States shall be \$100,000 per annum.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The Secretary. On page 41, line 19, before the word "thousand," it is proposed to strike out "twelve" and insert "twenty," and after the word "dollars" to insert "to take effect on March 4, 1909," so as to read:

For compensation of the Vice-President of the United States, \$20,000, to take effect on March 4, 1909.

Mr. WARREN. Agreeably with the notice I gave this morning, I move that the word "twenty" be stricken out and the word "fifteen" inserted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next passed-over amendment was, on page 42, after line

For purchase, driving, maintenance, and care of carriage or other vehicle, and of horses, for use of the Vice-President, \$5,000.

Mr. WARREN. I ask that the amendment be disagreed to. The amendment was rejected.

The next passed-over amendment was, on page 44, after the word "dollars," in line 26, to insert:

Under Secretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, \$10,000.

Mr. CULBERSON. Mr. President, the amendment just reported is under the head of the Department of State, and I note several other amendments under the same subdivision. The amendments taken together amount to the creation of additional offices of the Government, and consequently an additional appropriation of money. I would be glad to have some Senator (the Senator in charge of the bill, of course, prefer-ably, or some other Senator familiar with the subject) state ably, or some other Senator familiar with the subject) state what need, if any, there be for this increase of offices. I may mention incidentally that I notice the first new office is that of Under Secretary of State at a salary of \$10,000. I am not familiar with the phrases of monarchy, but it strikes me that Under Secretary of State is a little bit out of the ordinary, in our country at least, and I would be glad not only to know what necessity there is for creating these additional offices, at an expense of thirty or forty thousand dollars a year, I believe, in the aggregate, but why we should use that term "Under Secretary of State?'

Mr. WARREN. Mr. President, I desire to say on the part of the Appropriations Committee that nearly all of the amendments that we have been considering yesterday and to-day were sent us by other standing committees-for instance, the Committee on Finance. The judiciary matters came from the Judiciary Committee, and this particular matter came to us from the great Committee on Foreign Relations. I presume we will hear from

some member of that committee.

Mr. LODGE. Mr. President, the amendment was before the Committee on Foreign Relations, and the committee had the advantage in considering it of hearing in regard to it the statement of Mr. Root, who is just now leaving the department.

The case is, briefly, this: The Department of State has been insufficiently supplied with aids for the Secretary of State. I do not mean that the clerical force, the ordinary working force

of the department, is insufficient, but I mean the Secretary of State has not had the assistance he ought to have had. Our foreign business everywhere has grown and expanded immensely of late years, and there has been no corresponding growth in the assistance given to the Secretary of State. If I may use the language of Mr. Root, he has been doing the work of two men. He has been endeavoring to deal with the very great and momentous questions that come before him as Secretary of State, involving our relations with other nations and which require the very best thought that the ablest man can give, and at the same time he is obliged to attend to the administration of the department.

I know that the work was so severe, the burden so heavy, that was a leading cause in the breaking down of Mr. Hay's health. I know how heavy the burden has been for Mr. Root to carry; and, Mr. President, at the beginning of the new administration I think there is nothing more important than to give to the Secretary of State the assistance that he ought to have. work is being gradually divided among the different assistant secretaries, so as to be properly organized. But more than that is needed. Some man is needed there who can take upon himself, in the absence of the Secretary, or when the Secretary is occupied in other work, the administration of the departmenta man who is fitted, if necessary, to be Secretary of State. We want a man in a higher position, at a larger salary than is

awarded an assistant secretary.

What name we give him is unimportant. So far as I am concerned, I am perfectly willing if a better name can be found to see it taken by the Senate. But after some consideration in the committee, where the same objections were made, we came to the conclusion that it was as good a phrase as any. It is desired to differentiate the office from that of assistant secretary. The fact that it is used in England for convenience seems unimportant. The object is to get a position which shall be different from that of assistant secretary, of more importance, with larger salary, to be held by a man who will relieve the Secretary of State of duties which ought not to be imposed upon him.

I sincerely believe that no amendment has been suggested to the bill which will make more for the better transaction of the business of the Government of the United States than the

amendment now before the Senate.

Mr. BACON. Mr. President, there is something in names. It is perfectly natural that in a republican government we should not desire the names that are common in monarchical governments. For instance, I have always been opposed to the designation of the governor of the Philippines as "governorgeneral." We have never adopted it in the law. It was proposed once, and, I think, passed one of the Houses by that name, and was taken out.

Now, as a member of the Foreign Relations Committee, I, in common with all the other members of the committee without exception, I think I may state with propriety, favor this legislation, after having given it in committee the most careful consideration. I did not like the name "undersecretary," and I do not like it now for the reasons which I have already suggested.

I want to suggest—and I think I have good reason to believe that it will be acceptable to everybody—the use of the term "vice-secretary" instead of "undersecretary." I am quite sure it will be acceptable to those who are mostly concerned.

I want to say-for I was out of the Chamber a moment while the Senator from Massachusetts was on the floor, and I do not know whether he mentioned the fact—that it is intended that this officer shall be superior to the assistant secretaries and that in the absence of the Secretary he shall be Acting Secretary

Mr. CULLOM. That is right.
Mr. BACON. And the word "vice" carries the full meaning of it, and it is more consistent with the terms usually used in this country. I trust that that suggestion may be favorably

I will make a motion to amend by striking out the word undersecretary" and inserting "vice-secretary" in lieu

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The Secretary. In the committee amendment, in line 26, it is proposed to strike out the word "under" and insert in lieu

thereof the word "vice," so as to read "vice-secretary."

Mr. LODGE. I am not wedded to any particular title, if a suitable one can be found. "Vice," it seems to me, is used exclusively for presiding officers.

Mr. BACON. Not at all.
Mr. LODGE. It does not seem to me, if I may venture to say so, a particularly happy term for a secretary. I confess I am at some loss, because it is desirable to differentiate this office from that of assistant secretary, which is the natural term. "Second secretary" has been suggested, but I do not

think it would be appropriate.

Mr. BACON. Throughout this country, not only in official life but in business life, the word "vice" is used where the person chosen is to stand in place of the principal officer. It is peculiarly an American title. I say peculiarly; that is not the proper word. It is one generally used, I should say. We say vice-president".

Mr. BEVERIDGE. It is distinctly monarchical, as "vice-regent" and "vice-gerent."

Mr. BACON. For that reason I changed my statement, and I said it was general. It is used in business corporations and everything else, whereas the term "under" is not used in this country in any connection.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. Certainly.

Mr. CARTER, I suggest to the Senator from Georgia the propriety of using the words "chief assistant secretary" instead of the word "vice."

Mr. BACON. The Senator from Montana is also a member of the Committee on Foreign Relations, and he will remember the fact that in the discussion the idea was brought out and emphasized that the particular grade of officer it was desired to secure the services of could be more easily gotten if the word "assistant" was not used.

Mr. CARTER. The words "chief assistant" would operate to differentiate, I should think. It would depart from the usual

order somewhat, at least.

Mr. NELSON. I wish to say about the term "undersecreit is borrowed from the English, and it is in many portions of our common law. They have in the English system what they call "undersecretaries" in the various departments, and those undersecretaries are considered as permanent officers, who do not go and come with a change of administration.

Mr. LODGE. That is quite true.

Mr. NELSON. They are continuously there and are supposed to be familiar with all the intricacies of the department duties. We are simply adopting a well-known term that has been in existence for years and years in the British system of government, and I think it is very appropriate, because I can conceive that, in connection with our diplomatic affairs, it would be a good plan to adopt the system they have there. An undersecretary should be a permanent officer, who would not go and come with a change of administration.

Mr. LODGE. Mr. President, the suggestion made by the Senator from Minnesota is very apt. Undersecretaries of course are well known in England. They are the men who are always there and do not change with administrations. are also undersecretaries who do represent political parties, and if their chief is not in the House of Commons they usually sit in the House of Commons. The same phrase is used in France for undersecretaries of state and I think of other departments. I think it is used simply as a convenience. Of course it has been used in England, but a good many words that we use have been used in England, and I can see no objection on that ground.

I see the same difficulty confronting the Senate that confronted the committee and that confronted me. If I had had my choice and could have found a suitable name I should have preferred to have taken a distinct title not used in other countries, but when I was confronted with it I failed to think of a better one, and when the committee was confronted with it they failed to think of a better one than undersecretary.

started with the desire to get some other phrase.

I do not wish to seem critical. I do not think that the term "vice-secretary" is happy, and it seems to me that "second secretary" is misleading. "Chief assistant" is bringing in the very word where we want to make the distinction. My own opinion is that this is the most convenient term we can find for the office which we desire to create.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Georgia [Mr. Bacon] to the amendment of the committee, proposing to strike out the word "under" and to insert the word "vice."

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment as reported by the committee.

Mr. CULBERSON. I move to strike out "ten thousand" and to insert "seven thousand five hundred."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 45, in the committee amendment, lines 3 and 4, strike out the words "ten thousand" and in lieu insert the words "seven thousand five hundred."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas to the amendment of

the committee.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment as reported by the committee.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will report the next amendment passed over.

The Secretary. On page 46, after the word "dollars," in line 1, insert:

Said private secretary and clerk to the Secretary of State to be appointed by the Secretary of State; private secretary to the Under Secretary of State, \$2,500; clerk to Under Secretary of State, \$1,500.

Mr. WARREN. I have an amendment which I wish to offer. The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment to the amendment, which will be stated.

The Secretary. On page 46, line 5, after the word "dollars," insert a comma and the words "to be appointed by the Secretary of State."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CARTER. Has the amendment appearing in line 6, page 45, been agreed to?

Mr. WARREN. I understand that that was agreed to as we went along in the first day's consideration of the bill.

The VICE-PRESIDENT. It was agreed to when reached in the reading of the bill. The next amendment which was passed over will be stated.

The SECRETARY. On page 46, line 10, after the word "each," insert:

Private messenger to the Secretary of State, \$1,000.

The amendment was agreed to.

Mr. WARREN. I assume it is not necessary for me to call attention to the totals from time to time, as the Secretary has authority to change the totals to conform.

The VICE-PRESIDENT. The Secretary has that authority by order of the Senate heretofore made. The Secretary will

report the next amendment passed over.

Mr. WARREN. I think the next amendment passed over is

The Secretary. On page 167, under the heading "Judicial," in line 3, the committee proposed to strike out the word "thirteen" and insert "eighteen," so that if amended it will read: For the Chief Justice of the Supreme Court of the United States, \$18,000.

Mr. WARREN. I move to strike out "eighteen" and insert

"fifteen" before the word "thousand."
Mr. BEVERIDGE. Do I understand the Senator to say that the committee itself and all the members thereof agreed to the amendment he is now moving, reducing the proposed increase as he has indicated?

Mr. WARREN. I gave notice this morning, after consulting with a part of the committee and in presence of the balance, that I would move that amendment when we came to it. So I think it is generally understood.

Mr. TELLER. As a member of the committee, I want to say that this is the first I have understood that the sum was to be changed. I wish to know from the chairman whether the proposed reduction includes all the judges.

Mr. WARREN. I think the Senator from Colorado was in the Chamber in the morning when we took up the bill. I said then the committee would move to reduce the salary of the Chief Justice to \$15,000 and of the associate justices to \$14,500.

Mr. TELLER. If I was in, I did not appreciate what was said.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The Secretary. In line 4, page 167, before the word "thousand," strike out "twelve" and insert "seventeen," so that if amended it will read:

And for eight associate justices, at \$17,500 each.

Mr. WARREN. I move to strike out "seventeen thousand" and insert "fourteen thousand," so as to read "\$14,500 each." The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BEVERIDGE. Mr. President, I understand we are now voting as in Committee of the Whole, and that hereafter when the bill comes into the Senate we may vote, if we please, upon any of these propositions, and there is no necessity for reserving them in advance. Is that correct?

The VICE-PRESIDENT. They will have to be reserved when the bill comes into the Senate, however.

Mr. BEVERIDGE. Now?

The VICE-PRESIDENT. When the bill comes into the Senate.

Mr. BEVERIDGE. And then the last question we voted on

may be voted on de novo.

Mr. HEYBURN. I do not know that there is any other provision the committee desires to take up before the matter is open to amendment. I should like to inquire of the Senator in charge of the bill as to whether the provision, on page 168, line S, has ever before appeared in an appropriation bill.

Mr. WARREN. We have not reached that point. Wi
Senator wait until we reach it?

Will the

Mr. HEYBURN. I will wait until it is reached. The VICE-PRESIDENT. The Secretary will report the next

amendment passed over.

The Secretary. Under the subheading "Circuit Courts," beginning at line 12, page 167, the committee reports to strike out the word "seven" and to insert "ten," so that if amended it will read:

For 29 circuit judges, at \$10,000 each.

Mr. BORAH. I move to strike out "ten," in line 13, and insert "eight," so as to read "\$8,000 each."

I wish to call the attention of the Senator to one fact which probably has escaped him in the reading Under the law as it now stands these judges have \$10 a day for expenses whenever they are holding court outside of their particular and immediate jurisdiction. this bill increases the amount of the salary, it cuts that off, does it not?

Mr. NELSON. It does not.
Mr. BACON. As it came from the committee it did. I am

sure that was the design of the Judiciary Committee.

Mr. WARREN. If the Senator will allow me right there, that is true, but upon looking it over it would really be a reduction or at least not an increase of any importance on the part of certain circuit judges. Figures were before us. Therefore it was considered better to leave it as it was, because, as the Senator will remember, it is only a few years since that expense allowance was surrounded with proper safeguards, and it can only be used for actual expenses not exceeding \$10 per day.

Mr. BACON. I know that we threw around such safeguards as we could. I do know also that it is at the present time the

subject-matter of very grave abuses. Mr. CURTIS. Mr. President-

Mr. BACON. If the Senator will pardon me a moment, without any suggestion of any impropriety on the part of the judges, conceding that they keep themselves within the limit of the law, the fact has been brought to the attention of Senatorswill say of those who belong to the Judiciary Committee in the discussion of various measures-that it frequently occurs a judge lives across the line so near that he can go to the court in the morning and return in the evening, and yet under the law he is entitled to \$10 a day for every day that he performs his duties in that particular way. I say that is a great abuse

of the present law.

Mr. WARREN. Will the Senator allow a question there?

Mr. BACON. Certainly.

Mr. WARREN. Does the Senator think that among the some 30 circuit judges that practice prevails to any extent? I assume that he has some one judge in mind. I ask the Senator if he thinks it is a general abuse?

Mr. BACON. The Senator is mistaken in saying that I have one judge in mind. On the contrary, I have no judge in mind. I have some localities in mind, not the judges, because I really do not know the names of the judges in those particular

Mr. WARREN. Would it amount to many localities?
Mr. BACON. I think that it will amount to quite a number, not to all by any means, but wherever there are large cities it is very apt to be the case, because those are the jurisdictions to which the judges living in another jurisdiction go to hold court. I presume it will be found, in a greater or less degree, in the case of almost every large city that there are judges who live probably outside of that city who go to hold court there, and who are enabled to go to the court and return to their homes with almost as little inconvenience as judges who live within

the jurisdiction go to their court rooms and return to their homes

I did not know the fact that the Appropriations Committee had made a change. I did know the shape in which the provision left the Judiciary Committee, and I do know the fact that the members of that committee-probably I ought not to say that. I will state for myself that I was largely influenced in my judgment in agreeing to these amendments by the fact that these expenses were cut off. I took the liberty of interrupting the Senator from Idaho to call his attention to what I thought was the status of the bill, because I knew the provision had come from the Judiciary Committee in that shape.

Mr. BORAH. I understand now that it is not.

Mr. BACON. I am corrected by the Senator from Wyoming, and I am told that the Committee on Appropriations did not retain the provision as it came from the Judiciary Committee.

The VICE-PRESIDENT. The question is on agreeing to the

amendment reported by the committee.

Mr. NELSON. Mr. President, I simply desire to say that when I voted for the amendment to increase the salary of the circuit judges to \$10,000 a year, as I did in the Judiciary Committee, I did it with the express condition that they should be deprived of their per diem. They are now, under the law, entitled to \$10 a day, and most of them draw it for most of the year. Most of the judges get from \$1,500 to \$2,500 a year out of that per diem. If that is the law, as it appears in the bill, \$8,000 would be an ample increase, in my mind.

Mr. WARREN. Mr. President, just a word in relation to that. It may be true as to one or two districts; but take the district, for instance, in which the Senator who has just spoken resides, which, I believe, is the eighth. There are courts at St. Paul, St. Louis, and at Denver every year. They can not draw this \$10 a day unless their actual expenses amount to that

sum—that is, they can not legally draw it.

Mr. NELSON. Will the Senator allow me? That may be his interpretation; but as a matter of fact they draw the full \$10 a day, and they "make no bones" about it.

Mr. WARREN. The Senator is certainly mistaken as to most of the judges. He may have some in mind to which that would apply; but surrounded, as I said before, with strict qualifications, they can not legally draw more than their actual expenses when they are away from home.

Take, for instance, the court at Denver. The railroad fare going and returning from either one of the other points, or from the home of the judge, added to the per diem expenses while he is there, amounts to more than he can possibly draw, because he can only draw \$10 a day while absent upon that particular duty. The judges who attend the court in Denver have been short, I think, in every term of the court held there; they are not able to reimburse themselves from that fund the amount that they expend for long-distance railroad fare and hotel per diem because of this \$10 a day restriction.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Idaho [Mr. Borah] to the amendment, which will be stated.

The Secretary. On page 167, line 13, in the committee amendment, strike out "ten" and insert "eight," so that if amended it will read:

For 29 circuit judges, at \$8,000 each.

Mr. BACON. I will ask the Senator what is the present salary of the circuit judge?

Mr. WARREN. The present salary is \$7,000 a year, and I certainly hope it will not be reduced from what is proposed in the bill, to \$8,000.

Mr. BORAH. Mr. President, do I understand that they

are to get the \$8,000 and also their traveling expenses?

Mr. WARREN. They get the traveling expenses.
Mr. BORAH. And \$8,000?
Mr. WARREN. When away from home, if the expenses do not exceed \$10 a day, and \$7,000.
Mr. BORAH. I ask for the yeas and nays on the amend-

ment to the amendment.

The yeas and nays were ordered.

Mr. KEAN. Before the roll is called I should like to know what the question is.

The VICE-PRESIDENT. The Secretary will report the amendment and the amendment to the amendment at the request of the Senator from New Jersey.

The Secretary. On page 167, line 13, the committee amendment proposes to strike out "seven" and insert "ten." It is now proposed to strike out "ten" and insert "eight," so that if amended it will read:

For 29 circuit judges, at \$8,000 each.

Mr. BACON. I understand the Senator from Wyoming to say that if the salary were fixed at \$10,000 and all per diem cut some of the judges who now receive \$7,000 in receiving \$10,000 would receive less than they now receive with that per

Mr. WARREN. Perhaps I spoke a little loosely, but if there should be a trifle more business, we will say, in such circuits as the eighth, where they are spending now, perhaps, more than \$2,000 a year for traveling expenses, it would make it less than

the present salary and the per diem.

Mr. BACON. Very well. On the other hand, necessarily following that, we have the proposition that the \$10,000 paid as the salary, with the per diem added, the circuit judges will

frequently get \$13,000.

Mr. WARREN. That depends upon the amount of business, but this amount of travel expense adds nothing to salary or income of the judge, nothing whatever, because it only covers

away from home traveling expenses.

Mr. BACON. The probability of the amount is so great that the Appropriations Committee have changed the provision as it left the Judiciary Committee, believing that it would not increase the pay received by these judges if \$10,000 were fixed as the amount and the per diem cut off. Now the proposition is to increase it \$3,000, in the face of the probability as to the number of the judges, at least that their per diem will be \$3,000 more.

Mr. WARREN. Will the Senator permit me to ask him a

question?

Mr. BACON. With pleasure.

Mr. WARREN. Does the Senator think it is an entirely fair proposition to take a given salary and cut off the expenses where in one circuit the courts are held, perhaps, at one point only and the judges live at that point, while in another circuit we show 12 or more States and Territories, extending from the British line to the Mexican line, and there are three courts, and the courts are as far apart as St. Paul and St. Louis and Denver? Does he think he is doing equal justice to all those judges?

Mr. BACON. It seems that whichever plan we adopt injustice has got to be done to somebody, or more than justice to some of them. I had in mind really that it might be well to see if we could in some way equalize this matter. I am in favor of raising the salary of the judges. I am very much more in favor of giving to judges good salaries and even emoluments in the way of carriages, if need be, and things of that kind, than to officers of either of the other departments. They are to a certain extent cut off from the opportunities which the officers of other departments have. They have very grave responsibilities. They have no opportunity to speak for themselves.

While it might be proper to raise the salary within a certain amount it does seem to me when the Judiciary Committee was of the opinion that \$10,000 was a sufficient increase to justify cutting off the per diem allowances, if we now find that the suggestion of the Senator from Wyoming is correct that it might do injustice in some cases, it ought to be equalized in some way.

In other words, the whole \$10,000 which the Committee on the Judiciary thought was going to be a sufficient sum without the per diem should not be given with the per diem entirely added.

Mr. WARREN. Will the Senator permit a suggestion? I know the earnestness of the Senator. He is a member, if I mistake not, of the Judiciary Committee.

Mr. BACON. Yes.

Mr. WARREN. It is now 5 o'clock, and I think it better to lay this matter over until to-morrow.

Mr. BACON. I think so.

Mr. WARREN. And I hope the Senator and other members of this committee may consult members of the Committee on Appropriations and try to arrive at some proper solution.

Mr. BACON. I wish to suggest, also, to the Senator from Wyoming, in this connection, that he be prepared to-morrow morning to give us, as accurately as he can, the various amounts drawn by the judges for this per diem, so that we can possibly arrive at some middle ground in the matter.

Mr. BAILEY. And to save the Senator from Wyoming a little trouble, I remind him of the fact that the Senate refused to convict a judge who admitted that he drew the \$10 a day and who, it was proved, spent less than \$5 a day.

Mr. WARREN. We have changed the law. Mr. BAILEY. They have always claimed it heretofore.

Mr. BACON. If the Senator will permit me

Will the Senator from Wyoming yield to me Mr. SCOTT. for a moment?

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. Yes.

Mr. BACON. If the Senator will permit, I wish to extend the suggestion so that it may include information relative to the amounts per diem received by the district judges, because we have got to pass on their salaries also.

Mr. WARREN. That suggestion we will follow up as closely

as we may

Mr. BAILEY. I should like to ask the Senator from Wyoming a question.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. I do. Mr. BAILEY. I wish to ask the Senator from Wyoming if his committee have had before them any information as to the salaries paid to judges of the supreme courts of the several States of the Union? I undertake to say that, with one or two exceptions, perhaps, we will say five exceptions, there is not a State in the Union that pays its supreme judges or "judges of the court of appeals," as some of the States designate them—but including them all under the term of "judges of the highest court in the State"—there are not more than five that pay them more than these circuit judges are now receiving.

Mr. WARREN. I think the circuit judges ought to receive

Mr. BAILEY. I can not, to save my life, understand how a judge of a court whose jurisdiction is a limited one, although it is a court of appeals, should have a higher salary than the judge of a court of final jurisdiction, who exercises that jurisdiction over the life, liberty, and property of all the people in a State; and when we, representing these various States, are willing to say that judges of inferior courts are entitled to higher salaries than the judges of our highest courts, I think, to put it mildly, that we underestimate the value of our States.

Mr. SCOTT. Will the Senator from Wyoming yield to me?

Mr. CLAY. Will the Senator allow me to ask him a ques-

Mr. WARREN. I shall be glad to yield to the Senator from West Virginia [Mr. Scott] if he will first permit me to make a statement. I want to say that I shall ask to have the pending bill taken up on the conclusion of the routine morning business to-morrow and of the speech of the Senator from Tennessee [Mr. Frazier], of which he has given notice for to-morrow morning. I do this so that Senators may be here to vote on this question.

CONSIDERATION OF PENSION BILLS.

Mr. SCOTT. Mr. President, I want to say to the Senate that there are twelve hundred pension cases on the calendar. Many of them will have to go to the other House. It will only take a few minutes to consider them, and I hope those Senators who desire to remain will remain here and let us clear the calendar of the pension cases.

I ask unanimous consent to have House bill 23849 taken up. The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a bill,

the title of which will be stated.

Mr. LODGE. If this request is granted, I suggest that it be understood that there shall be no other business transacted, and that immediately on the conclusion of the pension bills the Senate will adjourn.

Mr. BEVERIDGE. I hope the Senator from Massachusetts

will not make that request.

Mr. SCOTT. Mr. President, I do not understand that I have yielded the floor.

No; the Senator has not.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. Lodge] asks unanimous consent that it be understood that no other business be considered this evening except pension bills.

Mr. BEVERIDGE. Mr. President, I hope the Senator from Massachusetts will withdraw his request for unanimous consent, because immediately after the pension business is disposed of I have a matter here which will require no discussion which I should like to have considered.

Mr. President, I hope Mr. KEAN.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts [Mr. Lodge]?

Mr. BEVERIDGE. Mr. President-

Mr. LODGE. The pension bills will take, as we know, some little time—half an hour or thereabouts.

Mr. BEVERIDGE. Very well, Mr. President; I will bring up the matter in which I am interested in the morning.

Mr. LODGE. I presume that will suit the Senator from Indiana.

Mr. BEVERIDGE. Very well.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

The question now recurs on the request of the Senator from Virginia [Mr. Scorr] to proceed to the consideration of

the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 23849) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which had been reported by the Committee on Pensions with amendments.

The Secretary proceeded to read the bill.
Mr. SCOTT. On page 4, after line 4, I move to strike out the clause from line 5 to line 8, inclusive,

The VICE-PRESIDENT. The amendment proposed by the

Senator from West Virginia will be stated.

The Secretary. On page 4, after line 4, it is proposed to

The name of Gustavus A. Springer, late of Company C, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The reading of the bill was resumed.

The first amendment of the Committee on Pensions was, on page 9, after line 2, to strike out:

The name of William M. Clark, late of Company E, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 8, after the words "rate of," to strike out "forty" and insert "thirty-five," so as to make the clause read:

The name of Martha A. Adams, widow of George F. Adams, late surgeon Sixty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to strike

The name of Jennie Bennett, widow of Charles H. Bennett, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 37, line 19, after the words "rate of," to strike out "forty-five" and insert "forty," so as to make the clause read:

The name of Joseph Sizelove, late of Company K, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of Senate bill 8254.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

sailors. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

Josiah Fishback, late of Company B, One hundred and twenty-second Regiment, and Company H, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension of \$24.

James Arney, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension of \$24.

Oscar H. Carus, late of Company H, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension of \$24.

Abdial McKonly, late of Company G, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$24.

Bariah B. Champlin, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension of \$24.

Thomas M. Meritt, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension of \$36.

Mary Bobbins, former widow of Frederick W. Kunst, alias William Kunst, late of Companies L and E, First Regiment U. S. Reserve Corps, Missouri Volunteer Infantry, and pay him a pension of \$12.

John N. Chase, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30.

Frisby D. Hutchinson, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension of \$30.

Samuel E. Hull, late principal musician Twenty-sixth Regiment Ohio Volunteer Infantry, and Battery C, Fifth Regiment Pennsylvania Volunteer Infantry, and Battery C, Fifth Regiment, U. S. Artillery, and pay him a pension of \$30.

John J. Gangwer, late of Company D, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension of \$30.

Daniel Lewis, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension of \$30.

Daniel Lewis, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension of \$30.

Albert Harris, late of Company C, One hundred and twenty-third Regiment U. S. Colored Volunteer Infantry, and pay him a pension of \$30.

Regiment C. S. Colored Volunteer Infantry, and pay him a pension of \$30.

Rezin Warfield Hall, late quartermaster-sergeant Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension of \$24.

Horace S. Lowry, late of Company E. Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Robert A. Mears, late of Company C, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension of \$24.

Charles Adams, late of Company D, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension of \$24.

Jasper N. Milliken, late of Company B, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension of \$30.

George Paul, late of Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension of \$30.

Charles Paul, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension of \$24.

Allyne C. Litchfield, late colonel Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension of \$30.

Joseph Norris, late of Company D, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Charles P. Betts, late of Company I, Twenty-sixth Regiment New

Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$24.

Charles P. Betts, late of Company I, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay him a pension of \$24.

Eldridge S. Lyons, late of Company B. Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension of \$24.

Samuel J. Kent, late captain Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension of \$30.

George F. Thayer, late of Company K, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension of \$34.

Rebecca E. Collins, widow of Silas T. Collins, late of Company G, Eighty-sixth Regiment Indiana Volunteer Infantry, and Sixty-seventh Company, Second Battallon Veteran Reserve Corps, and pay her a pension of \$12.

John L. Nason, late of Company L, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension of \$12.

Stephen H. French, late of Company K, Seventh Regiment Maine Volunteer Infantry, and pay him a pension of \$30.

John H. Allbee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension of \$30.

John H. Allbee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension of \$24.

Washington M. Shields, late second lieutenant Company H, Eighty-fifth Regiment Hillinois Volunteer Infantry, and pay him a pension of \$24.

James S. Yates, Inte of Company G. Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension of \$24.

Jackson Ramsey, late of Company C., Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension of \$24.

Samuel D. Knight, late first lleutenant Company D, One hundred and slxteenth Regiment Ohio Volunteer Infantry, and pay him a pension of \$30.

Volunteer Mounted Infantry, and pay him a pension of \$24.

Samuel D. Knight, late first lleutenant Company D. One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension of \$30.

Lehaven Long, late of Company D. Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension of \$24.

John S. McCammon, late of Company H. Sixth Regiment Pennsylvania Volunteer Infantry, and Company B. One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and Company B. One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension of \$24.

Chester H. Felton, late of Company D. Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension of \$24.

John Eger, late of Company B. Twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension of \$24.

Samuel H. McCurdy, late of Company E. Second Regiment Ohio Volunteer Latery, and pay him a pension of \$24.

William J. King, late commissary-sergeant Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension of \$24.

Ohio Volunteer Infantry, and pay him a pension of \$24.

Alexander Gardner, late of Company H. Ninety-fifth Regiment New York Volunteer Infantry, and Company G. Fourteenth Regiment Veteran Reserve Corps, and pay him a pension of \$24.

William D. Gaby, late of Company K. Fifty-third Regiment Veteran Reserve Corps, and pay him a pension of \$24.

William D. Gaby, late of Company K. Forty-seventh Regiment Veteran Reserve Regiment New York Volunteer Infantry, and pay him a pension of \$24.

George Robinson, late of Company F., Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$24.

George Robinson, late of Company F., Second Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$24.

Austin Gill, late of Company E., Seventy-fourth Regiment New York Volunteer Infantry, and pay him a pension of \$24.

Con Hadley, alias Cornelius Sessions, late of Company C, Eleventh Regiment Fantry, and pay him a pension of \$24.

Con Hadley, alias Cornelius Sessio

Robert Zeek, alias Robert Sick, late of Company I, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension of \$24.

Stephen Corwin, late of Company K, Sixteenth Regiment Indiana Volunteer Infantry, and Company K, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension of \$30.

Willard Morris, late of Company E, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension of \$24.

Goodwin Y. Atlee, late of Company A, Third Battalion District of Columbia Militia Infantry, and pay him a pension of \$12.

Nathan F. Barrett, late sergeant-major, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension of \$12.

Nathan F. Barrett, late of Company K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$24.

Eliza Custis, dependent mother of John W. Custis, late of Company E, Ninth Regiment U. S. Colored Volunteer Infantry, and pay him a pension of \$12.

George W. Baker, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension of \$30.

Reuben Ray, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30.

Mary Etta Wittich, widow of James F. Wittich, late first lieutenant Company K, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension of \$32.

Nannie M. Lowe, widow of William Lowe, late of Company G, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension of \$12.

Sedley A. Lowd, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and Company K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$50.

Rufus E, Rounds, late of Company B, Maine Volunteer Coast Guards, and pay him a pension of \$24.

Benjamin F. Pettengill, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$50.

Sedley A. Lowd, late of Company E, Second Regiment Maine Volunteer Infantry, and pay him a pension of \$24.

Emma T. Nash, widow of James S. Nash, late c

Anson Buxton, late of Company E, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension of \$24.

Rhoda J. Chase, widow of Ira J. Chase, late of Company C, Nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension of \$24.

Robert R. Bratton, late of Company E, Twenty-seventh Regiment Indicatory W. Sisson, late of Company F. One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension of \$24.

Harrison Presson, late first lieutenant Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension of \$24.

James H. Valentine, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension of \$24.

James H. Valentine, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension of \$24.

Clark S. Devoe, late of Company G, Second Regiment Kansas Volunteer Infantry, and pay him a pension of \$24.

Clark S. Devoe, late of Company H, Second Regiment Kansas Volunteer Cavalry, and pay him a pension of \$24.

George W. Hawkins, late of U. S. S. North Carolina, Racer, and William Bacon. United States Navy, and pay him a pension of \$30.

Lyman H. Leach, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension of \$30.

George Soder, late captain Company F, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension of \$30.

Elizabeth Cook, widow of Samuel Cook, late of Company F, Twenty-second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension of \$30.

Peter D. Melville, late of Company A, Fifth Regiment Regiment Pennsylvania Reserve Volunteer, and pay him a pension of \$30.

Peter D. Melville, late of Company M, Nicht Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension of \$30.

James L. Fitzgerald, late of Company K, Third Regiment New York Volunteer Infantry, and pay him a pension of \$30.

James L. Fitzgerald, late of Company K, Third Regiment New York Volunteer Infantry, and pay him a pension of \$30.

Danie

of \$24.

James McEnany, late of Company G, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension of \$24.

Nora Davis, former widow of Patrick Forn, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and widow of Charles E. Davis, late of Company D, First Regiment Connecticut Volunteer Cavalry, and pay her a pension of \$12.

John Harper, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension of \$30.

Ann Bacheller, widow of Benjamin P. Bacheller, late of unassigned company, Seventh Regiment Maine Volunteer Infantry, and pay her a pension of \$24 per month in lieu of that she is now receiving: Provided,

That in the event of the death of Jesse Lee Bacheller, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Ann Bacheller, the name of the said Jesse Lee Bacheller shall be placed on the pension roll at \$12 per month from and after the death of said Ann Bacheller.

Charles W. Dinsmore, late of Company D, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension of \$30.

Marquis D. Lillie, late of Company M, First Regiment Iowa Volunteer Cayalry, and pay him a pension of \$30.

Louis Glistrap, late of Company B, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension of \$24.

Harriet A, Kelliher, widow of John Kelliher, late major, Twentieth Regiment Massachusetts Volunteer Infantry, and major, United States Army, retired, and pay her a pension of \$30.

Benjamin F, Simpson, late major, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension of \$30.

William A, Ferrel, late of Company D, One hundred and sixteenth Regiment Ohlo Volunteer Infantry, and pay him a pension of \$36.

Eugene S, Austin, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension of \$24.

Ensign L. Calkins, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension of \$24.

George W. Fertig, late second lieutenant Company B, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension of \$30.

Wesley Trafford, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension of \$30.

Jeremiah Dotter, late of Company E, First Regiment L. S. Volunteer Sharpshooters, and pay him a pension of \$12.

Harlon S, Willis, late of Company E, First Regiment Indiana Volunteer Cavalry, and pay him a pension of \$12.

Elisha B. Wood, late of Company D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension of \$12.

Mr. LONG. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 18, line 17, before the word "dollars," it is proposed to strike out "twenty" and insert "twenty-four," so as to read:

The name of James N. Titus, late first lieutenant Company D. One hundred and fortieth Regiment Ohio National Guard Intantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEMENWAY. On page 20, line 5, I move to strike out "thirty-six" and insert "fifty;" and at the request of the Senator from West Virginia [Mr. Scort], a member of the committee, I want to make a statement as to the case.

Mr. SCOTT. I should like to have the Senator make a statement in regard to the case, because the committee does not wish

to establish a precedent.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 20, line 5, before the word "dollars," it is proposed to strike out "thirty-six" and insert "fifty," so as to read:

The name of George L. Masters, late of Company K, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. HEMENWAY. I desire to make a brief statement in regard to the amendment. I will say, Mr. President, that George L. Masters was a soldier of long service and a man of distinguished ability. He has been chaplain of the Traveling Men's Protective Association, but he is now totally disabled and has recently been sent to an asylum, leaving his family without property, and they will be wholly dependent upon this pension for support. He is a man of unusually high character and good standing in the community. If there is a worthy case, or ever was a worthy case, this is one. I know Mr. Masters personally, and know that his family will be left in great distress unless his pension is increased to \$50 per month.

Mr. SMOOT. I desire to ask the Senator a question. When this bill was considered in the committee, was the man then in

an asylum, or has he been sent to an asylum since?

Mr. HEMENWAY. At the time this bill was considered by the committee he was then earning a salary; but he broke down, his mind is gone, and he is now absolutely without earning capacity

Mr. SMOOT. Then, under the conditions, of course, the rules

of the Senate committee would allow the increase.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. On page 20, lines 9 and 10, in the case of S. S. Kirkpatrick, I move to strike out "twenty-four" and insert in lieu thereof "thirty."

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 20, line 9, after the words "rate of," it is proposed to strike out "twenty-four" and insert "thirty," so as to read:

The name of Solomon S. Kirkpatrick, late of Company A, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. CURTIS. Mr. President, I wish to state that Mr. Kirkpatrick was one of the leading lawyers of southern Kansas and was at one time a Member of the other House of Congress. He is now in a helpless condition, unable to recognize his friends when he passes them on the street. He has within the last week been taken to an asylum for treatment.

Mr. SCOTT. In view of that statement, the committee ac-

cepts the amendment.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of the bill (H. R. 23850) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported

from the Committee on Pensions. The first amendment was, on page 4, line 5, to strike out the name "Groves" and to insert the name "Graves," so as to

read :

The name of Chauncey H. Graves, late of Company A, Sixty-eighth Regiment Illinois Volunteer Infantry, and first lleutenant Company K, One hundred and fifty-fourth Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the words "rate of," to strike out "forty-five" and insert "forty," so as

The name of George B. Cock, late of Company F, Fourth Regiment Ohlo Volunteer Infantry, and captain Company G, Fifth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 13, after the words "rate of," to strike out "twenty-four" and insert "thirty," so as to read:

The name of Barney O. Flinn, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 17, after the words "rate of," to strike out "forty-five" and insert "forty," so as to read:

The name of David Leadbetter, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Pleasant A. Cashon, late assistant surgeon, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The next amendment was, on page 15, line 1, after the words "rate of," to strike out "thirty" and insert "twenty-four," so as to read:

The name of Henry F. Carr, late of ordnance detachment, Watervliet Arsenal, United States Army, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The next amendment was, on page 16, line 20, after the name "Eveline," to strike out the name "Aiken," and insert the name "Aikin," so as to read:

The name of David Leadbetter, late of Company L. Twelfth Regiment his Volunteer Cavalry, and pay him a pension at the rate of \$40 per him to Volunteer Cavalry, and pay him a pension at the rate of \$40 per him to leave the same of the per him to the same of the per him to the The name of Eveline Alkin, widow of Dwight A. Alkin, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William S. Lessig, late of Company K, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

"rate of," to strike out "sixty" and insert "fifty," so as to read:

The name of Ephraim Plumpton, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. BURNHAM. I hope that amendment will be disagreed to. The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment of the Committee on Pensions was, on page 20, line 5, before the word "dollars," to strike out "sixty" and insert "fifty," so as to read:

The name of Horatio W. Longa, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. BURNHAM. I ask that that amendment may also be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to

be read a third time.

The bill was read the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of the bill (H. R. 24344) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of the bill (S. 8422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll, at the rate therein specified, the follow-

William T. Johnson, late of Company G, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Henry T. Powell, late of Company G, Second Regiment California Volunteer Cavalry, and pay him a pension of \$30.

John L. McKee, late of Company K, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$24.

Devtor F. Powder Letter 1.

Mary M. Ball, widow of John W. Ball, late of Company G, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension of \$12.

Jacob Mays, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension of \$36.
Charles C. Jones, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30.
Caroline Coburn, widow of John Coburn, late colonel Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension of \$30.
Robert E. Banks, late first lieutenant Company G, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of \$30.
Isaac H. Isaacs, late of Company B, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension of \$24.
James A. Brians, late of Company G, First Regiment Ohlo Volunteer Heavy Artillery, and pay him a pension of \$30.
Hiram B. Lord, late of Company I, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension of \$30.
James P. Nowland, late of Company M, First Regiment Michigan Volunteer Cavalry, and pay him a pension of \$24.
Benoni Lewis, late of Company I, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension of \$24.
Sarah A. Horr, former widow of Henry K. Geer, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension of \$24.
Sarah A. Horr, former widow of Henry K. Geer, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension of \$10.
Robert W. McCullough, jr., late of Company A, First Regiment New Jersey Volunteer Infantry, and pay him a pension of \$40.

Robert W. McCullough, jr., late of Company A, First Regiment New Jersey Volunteer Infantry, and pay him a pension of \$40.

Charles J. Hinds, late of Company D, Second Regiment, and Company G, Teuth Regiment, New Hampshire Volunteer Infantry, and pay him a pension of \$30.

Henry M. Barber, late of Company F, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension of \$24.

James H. McAllister, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Richard D. Coonen, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

Joseph L. Wright, late of Company A, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension of \$40.

Isabella R. Vosburgh, widow of Hiram D. Vosburgh, late assistant surgeon, Eighth Regiment New York Volunteer Cavalry, and pay her a pension of \$17.

George S. Warren, late of Company H, Forty-fourth Regiment Wissosph L. Wright, late of Company A. One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension of \$40. Isabella R. Vosburgh, wlow of Hiram D. Vosburgh, late assistant surgeon, Eibrth Regiment New York Volunteer Cavalry, and pay her a pension of \$17.

George S. Werren, late of Company H. Forty-fourth Regiment Wiscosian Volunteer Infantry, and pay him a pension of \$24.

Francis Weaver, late of Company H. Forty-fourth Regiment Wiscosian Volunteer Infantry, and pay him a pension of \$24.

Francis Weaver, late of Company H. Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$24.

John A. Pattee, late of Company H. Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$24.

Washington F. Landers, late of Seventeenth Battery Indiana Volunteer Light Artillery, and pay him a pension of \$30.

Thomas Phelan, late first lieutenant Company B, Seventh Regiment Missouri Volunteer Infantry, and pay him a pension of \$30.

Calvin Boyer, late of Company B, Fritled B, Begiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

James A. Grant, late of Company B, Seventh Regiment Michigan Cavalry, and pay him a pension of \$24.

Frank M. Swann, late of Company L, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension of \$30.

John W. Knapp, late of Company G, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Arthur R. Curtis, late lieutenant-colonel Twenticth Regiment Michigan Volunteer Infantry, and pay him a pension of \$30.

Arthur R. Curtis, late lieutenant-colonel Twenticth Regiment Massachusetts Volunteer Infantry, and pay him a pension of \$30.

Arthur R. Curtis, late lieutenant-colonel Twenticth Regiment Maine Volunteer Infantry, and pay him a pension of \$30.

Rodney N. Hall, late first-class musician, Tenth Regiment Maine Volunteer Infantry, and pay him a pension of \$30.

Hobert B. Doolittle, late of Company B, Tiert Regiment Maine Volunteer Infantry, and pay him a pen

Hobert L. Wilson, late of Company F, and sergeant-major, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension of \$30.
Edwin B. Paddock, late of Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$24.

Melvin P. Miller, late of Company D, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension of \$24.

Adam Wingenfield, late of Company I, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

George W. Becker, late of Company K, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension of \$24.

Berdette M. Sperry, late of Company A, Brackett's battalion, Minnesota Volunteer Cavairy, and pay him a pension of \$30.

Charles S. Baker, late of Troop F, Fourth Regiment U. S. Cavairy, and chief bugler Second Regiment New York Volunteer Cavairy, and pay him a pension of \$50.

Berge Johnson, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay him a pension of \$30.

John Egan, late of Company II, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension of \$24.

William A. Richardson, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension of \$24.

Lucius Bigelow, late of Company I, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension of \$24.

Edwin M. Haynes, late chaplain Tenth Regiment Vermont Volunteer Infantry, and pay him a pension of \$24.

Eliza Palmer, widow of James J. Palmer, late captain Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension of \$30.

Francis I Gardiner, late of U. S. S. Princeton, United States Navy, and pay be in a pension of \$30.

Eliza Palmer, widow of James J. Palmer, late captain Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension of \$30.

Francis I Gardiner, late of U. S. S. Princeton, United States Navy, and pay him a pension of \$30.

Elisha Bridges late of Company E, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension of \$24.

David F. Painter, late of Company F, Fifty-fourth Regiment Indiana Volunteer Infantry, and Fifteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension of \$30.

Charles H. Rankin, late of Company C, First Regiment Iowa Volunteer Cavalry, and pay him a pension of \$24.

Ira A. Silvernail, late of Company G, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension of \$30.

Allen T. Landress, late of Company H, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension of \$24.

Ebenezer Winslow, now known as Eben C. Thomas, late of Company B, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension of \$24.

George W. Palmer, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension of \$36.

Eli W. Wilhite, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension of \$36.

Samuel T. Cromwell, late of Company H, First Regiment Indiana Volunteer Infantry, and pay him a pension of \$30.

John B. Hazen, late of Company H, First Regiment Maine Volunteer Cavalry, and pay him a pension of \$30.

John B. Hazen, late of Company H, First Regiment Maine Volunteer Cavalry, and pay him a pension of \$30.

William H, Knight, late captain Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Eander Stillwell, late first lieutenant Company D, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Stephen M. Gilley, late of Company H, First Regiment Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Eander Stillwell, late first lieutenant Company

Fifth Regiment U. S. Colored Volunteer Cavalry, and captain Company 6, Fifth Regiment U. S. Colored Volunteer Cavalry, and pay her a pension of \$30.

Edward E. Houstain, late first lieutenant Company B, 1'wenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

George W. Curl, late of Company I, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension of \$24.

Ann M. Mason, widow of Granville P. Mason, late captain Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension of \$20.

Thomas Painter, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Oliver S. Adams, late of Companies B and C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension of \$30.

Ezra P. Byram, late second lieutenant Company E, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension of \$24.

Edwin Potter, late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension of \$24.

Charles E. Sherman, late of Company G, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension of \$24.

Alexander G. Smith, late unassigned, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension of \$24.

Mr. BEVERIDGE. On page 6, line 5, I move to strike out

Mr. BEVERIDGE. On page 6, line 5, I move to strike out the word "thirty" and insert in lieu thereof the word "fifty." The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 6, line 5, after the words "rate of," it is proposed to strike out "thirty" and insert "fifty," so as to read:

The name of Caroline Coburn, widow of John Coburn, late colonel Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I move that the Senate adjourn. The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 20, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Tuesday, January 19, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

EXPUNGING SPEECH FROM RECORD.

The SPEAKER. The gentleman from Ohio.

Mr. KEIFER. Mr. Speaker—
Mr. HUGHES of West Virginia. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. HUGHES of West Virginia. Mr. Speaker, I rise to make the motion to expunge the speech of Mr. Willett of yesterday from the Congressional Record.

Mr. PAYNE. Mr. Speaker, if the gentleman from West Virginia will yield to me to make a suggestion-

Mr. HUGHES of West Virginia. Certainly.

Mr. PAYNE. Mr. Speaker, I have not had an opportunity to read this speech. I was not in the House during all of the speech on yesterday, and only heard two or three sentences very near its close. This is an important matter, the question of how far a Member can go in debate in a criticism of the Executive and in criticism of the Senate. In the Fifty-first Congress there was a flagrant violation of the rules of propriety and of the rules of parliamentary law in a speech which was made in the House criticising the Senate. That Congress in its wisdom saw fit to refer the whole matter to a special select committee appointed by the Speaker, and that committee made a very valuable report, defining properly the limits and proprieties of debate in the House so far as it related to membership in the other body. I think that in this question it would be well for the House in its dignity and deliberation to refer this resolution to a special committee, to report, say, within a limited time, within a week, to the House, and then let the House act upon that report. If this satisfies the gentleman from West Virginia, I would move that the resolution which he offered be referred to a select committee of five, to be appointed by the Speaker.

The SPEAKER. The Chair will call the attention of the gentleman from New York, and also the gentleman from West Virginia, to the fact that no resolution has been offered. It seems to the Chair that a resolution should be offered reciting what is

proposed to be stricken out.

Mr. PAYNE. I understood the gentleman from West Virginia to move to strike out the whole speech from the RECORD.

That is the motion I understood he made.

Mr. LANGLEY. That is correct, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, I take it it is necessary to submit the reasons why the speech should be stricken out.

The SPEAKER. It seems to the Chair, if the gentleman from New York will indulge the Chair, that the House is entitled to something, either a motion or a resolution, that will disclose the breach of privilege, if it be a breach of privilege, that has been referred to. At present there is just the bare motion to strike out the speech of the gentleman from New York. So far as the rules of the House are concerned the Chair can concede that such a motion would be privileged. The Chair will have the Clerk read the following, which occurred April 13, 1906, showing the practice that has been followed, and before it is read the Chair will state that unless gentlemen heard the speech, and unless perchance that is the only speech the gentleman from New York has made, there is nothing to identify it.

Mr. PAYNE. Mr. Speaker, if the Clerk will read that, perhaps I can frame a motion in a moment that will answer the

purpose.

The Clerk read as follows:

On April 13, 1906, Mr. AUGUSTUS P. GARDNER, of Massachusetts, claiming the floor for a question of privilege, offered the following res-

claiming the moor for a question of privilege, othered the following resolution:

"Whereas, on the 10th day of April, 1906, in a speech printed this morning in the RECORD, the gentleman from Kentucky [Mr. HOPKINS], contrary to the law of the House, has embodied the following sentences:

'A few days ago Mr. Bennet of New York.' 'The effort of my friend, though covertly designed, is the first show of their influence in this body.' 'Again, on last Wednesday he showed his interest in the steamship companies by offering and securing the passage through this House authorizing the admission of Fannie Diner, a pronounced idiot.'"

Mr. FITZGERALD. I suggest that the Clerk has read sufficiently far to indicate what was done at the time indicated, and as that language was stricken out of the RECORD at the time, I doubt if it is advisable to repeat it now. I suggest that the gentlemen conform to the rules and reduce their motion to writing, and then have the matter come properly before the House. Mr. PAYNE. I did not hear the suggestion.

Mr. FITZGERALD. The language which is being read was stricken out of the Record at a former session of Congress. The rules require that the resolution be submitted in writing, I suggest that the gentlemen prepare their resolution and submit it to the House.

The SPEAKER. The Chair has no desire for the reading unless the House desires to have it complete. The Clerk reads not from the Manual, but from the Parliamentary Precedents, which are in print and which were printed by authority of Congress. The Chair only desired to call the attention of the gentleman from West Virginia [Mr. Hughes] and the attention of the gentleman from New York [Mr. PAYNE] that it seems to the Chair something should be offered in shape of a motion or the Chair something should be offered in shape of a motion or a resolution that would show that this is a matter of privilege, so that the House could deal with it as may seem proper.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from West Virginia offers a

resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 494.

Whereas the speech of Mr. WILLETT printed in the Congressional Record of January 18, 1909, contains language improper and in violation of the privilege of debate: Be it Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and report to the House within ten days.

Mr. UNDERWOOD. Mr. Speaker, I make a point of order against the resolution. It does not specify wherein the language is improper and does not indicate to the House on what proposition we are voting, and therefore there is no question of privilege involved in the motion as it is presented. The gentleman does not specify where the privilege of the House has been violated

The SPEAKER. The Chair will again read the resolution,

as well as the whereas, as follows: Whereas the speech of Mr. Willett, printed in the Congressional Record of January 18, 1908—

That identifies the speech-

contains language improper and in violation of the privileges of debate:

Resolved, That a committee-

And so forth.

Mr. OLLIE M. JAMES. Mr. Speaker, the resolution sent to the desk reads "1908," and I make the point that we have not jurisdiction of that question at this time. [Laughter.]

The SPEAKER. Does the gentleman from West Virginia [Mr. Hughes] modify his resolution?

[Mr. HUGHES] modify his resolution?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. OLLIE M. JAMES. A point of order, Mr. Speaker.

Mr. HUGHES of West Virginia. I wish to change it to "1909," instead of having it read "1908."

Mr. OLLIE M. JAMES. Just a year behind, that is all.

The SPEAKER. The Chair on close examination finds the original was written "1908." In dim penciling the figure "9" seems to be written over the "8" and offer all it was the misoriginal was written "1908." In dim penciling the figure "9" seems to be written over the "8," and, after all, it was the mistake of the Chair in reading it "1908."

Mr. UNDERWOOD. Mr. Speaker, on the point of order I have made I wish to say that the gentleman's resolution is not definite, and does not even state that the speech was made in the House of Representatives. It does not indicate what language is involved. There is nothing in the resolution for the House to determine. It is merely an opinion of the gentleman from West Virginia [Mr. Hughes] himself that the language is unparliamentary, and if we voted on the resolution in its present shape we would merely vote to sustain the proposition of the gentleman itself and not for the expunging of particular language from the Record. I therefore insist that the resolu-tion as it now stands does not present a question of privilege.

Further, as was suggested to me a moment ago, in order for it to be a matter of privilege it must affect somebody, and that

is not indicated in the resolution at all.

The SPEAKER. The gentleman recollects the legal maxim, Certum est quod certum reddi potest"—that is certain which may be rendered certain. This refers to remarks of Mr. WIL-LETT in the RECORD of yesterday. And when the Chair turns to the RECORD, it refers to the whole speech. It seems to the Chair

Mr. UNDERWOOD. The resolution does not say so.
Mr. FITZGERALD. The precedent referred to by the Chair specifically pointed to a Member of the House. In the earlier precedent the resolution cited in it the language referring to the members of the Senate and the Senate as a whole. If there be a breach of privilege in the insertion of this speech in the

RECORD, it consists of having made a statement affecting somebody against whom it would be improper to utter the language. It seems to me if the resolution is to be offered, the gentleman should withdraw it at this time and prepare it in accordance with the rules and precedents, so that the House may act upon it properly. Nothing is lost, and it may be a matter of impor-tance that whatever is done be done in a proper manner.

The SPEAKER. The Chair again reads:

Whereas the speech of Mr. Willett, as printed in the Congressional Record of January 18, 1909, contains language improper and in violation of the privileges of debate—

Now, that refers to the whole speech, and alleges that it contains language that is in violation of the privileges of debate, and then follows the resolution, providing for a special committee to investigate. It seems to the Chair that the resolution is sufficiently definite to enable the Chair to say that it is

the duty of the Chair to entertain it as a question of privilege.

Mr. FITZGERALD. If language contained in a speech relates to a private citizen, unless of such character as to be indecent, it would not be a breach of the privilege of debate. The language of the resolution must designate in some way that language has been used applicable to some one referred to in a way that would make it a breach of the privileges of debate. The Chair is not permitted to argue that the mere conclusion of the gentleman is a statement of fact. It seems to me he should prepare his resolution in a manner that would bring the question fairly before the House.

The SPEAKER. The gentleman is aware that there are many precedents. Where there is a question of rumor or allegation in a journal or a magazine the House has entertained from time to time resolutions not exactly in the words, but in substance as contained in this resolution. Of course it is for the House to dispose of the resolution as it may see fit. It is only for the Chair to determine whether the resolution on its face does present a question of privilege upon the point of order

made, and the Chair thinks it does.

Mr. CLARK of Missouri. Mr. Speaker, I would like to say a few words about the parliamentary situation. I do not care anything whatever about Mr. WILLETT's speech. I did not hear it. I have not read it in the Record. But it is the utmost importance to this House that if anything is done about this speech, that it should be done in decency and in order. The motion of the gentleman from West Virginia [Mr. Hughes] is a bald proposition to expunge Mr. WILLETT'S speech from the RECORD because he thinks Mr. Willett's remarks as to the President improper. Now, suppose a case. Suppose a man were to get up The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Missouri?

Mr. HUGHES of West Virginia. How much time does the gentleman want?

Mr. CLARK of Missouri. Oh, if I have to borrow time, I will take five minutes.

Mr. HUGHES of West Virginia. Mr. Speaker, I move the previous question. [Cries of "Oh, no!"] I yield, then, five minutes to the gentleman from Missouri.

Mr. CLARK of Missouri. Suppose a case. Suppose a Member were to deliver a speech here an hour long that was appropriate in every way, in taste, in matter, and everything else, and should incorporate in it in the course of two or three minutes words that the judgment of the House concluded ought not to be in a speech and that were not permitted by the rules of the House. Then, under a motion like this offered by the gentleman from West Virginia, you could strike out that entire speech. Well, now, while every man in the House might be willing and anxious to strike out this particular speech—I am not expressing any opinion on this speech whatever, for, being ignorant of its contents, I have none—the resolution of the gentleman—
Mr. HUGHES of West Virginia. You understand my resolu-

tion refers this to a committee of five?

Mr. CLARK of Missouri. I know your resolution refers it to a committee of five. But my contention is that the resolution ought to specify what is objectionable in this speech, and if it is not done, some day this action will be taken as a precedent to strike out somebody's speech here simply because the majority do not like it.

Mr. MANN. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Yes.

Mr. MANN. Does the gentleman think it would always be desirable to incorporate in the resolution the particular language which he did not wish to have appear in the RECORD?

Mr. CLARK of Missouri. Yes. Mr. MANN. And which would not appear in the permanent

RECORD?

Mr. CLARK of Missouri. Yes; I think in every case a mo-

tion to strike out a part of a man's speech ought to incorporate the thing that is objected to.

Mr. MANN. Supposing the language was indecent? Mr. CLARK of Missouri. It does not make any difference whether it is indecent or whether it is decent. We are not so squeamish that we can not consider a sentence that is in English. I repeat that I am not talking especially about this speech in controversy here, but I object to a precedent being established here, that in your hands, or, if the control of the House should change, in our hands, or, if the control of the House should change, in our hands, in a moment of aggravation and excitement, might be made an engine of oppression.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Yes; certainly.

Mr. DALZELL. Will you allow me to interrupt you?

Mr. CLARK of Missouri. Yes.

Mr. DALZELL. It seems to me the gentleman is endeavoring to put upon the author of the resolution the performance of the very duty for which the committee is to be appointed. The committee is to examine the speech and report to the House, after calm consideration, whether all of the speech ought to go out, or portions of it; and if so, what portions ought to be expunged. It is not fair to put upon the author of the resolution, a single Member of the House, the performance of the duty in advance for which the committee is appointed.

Mr. CLARK of Missouri. But nobody asked the gentleman

from West Virginia to introduce this resolution, so far as is known. He did it voluntarily. He may have done it with the best of motives, or the worst. I am not passing on that; but it looks as though he ought to be made to come in here with something that the House can act upon, just like an indictment in a criminal case. You can not simply say that a man is guilty of a crime and go at him that way and arraign him on general principles and make him plead to it and try him and convict him on it. You must specify in what regard he violated the rules of this House or the rules of propriety, just as an indictment must be specific in its allegations.

Mr. DALZELL. Mr. Speaker, will the gentleman allow me? Mr. CLARK of Missouri. Yes; gladly.

Mr. DALZELL. The gentleman's proposition now is that because the gentleman from West Virginia saw fit to offer this resolution there shall be given to him the determination of the question as to what parts of the speech, if any, ought to be expunged; but his judgment as to that matter may not be my judgment or the judgment of 390 Members of the House, Mr. CLARK of Missouri. That is true.

Mr. DALZELL. Now, why should not the House have an opportunity to express its judgment in the report of this committee?

Mr. CLARK of Missouri. Let me ask you a question?

Mr. DALZELL. Certainly. Mr. CLARK of Missouri. Suppose that this resolution passes the House; the Speaker appoints a committee of five good men and true; they take this speech, examine it to find out what they think is objectionable; then their report is brought back into the House, and the gentleman from Pennsylvania thinks there is something else objectionable, or I think there is something else objectionable. Why have we not a right to get up and amend that resolution then?

Mr. HINSHAW. You have.

Mr. CLARK of Missouri. But here you are starting in with nothing.

Mr. DALZELL. Oh, no; we are starting in with an examination of the whole business. If I were asked to express my opinion of the speech, I should say that not a word of it ought to go into the RECORD.

Mr. CLARK of Missouri. I am not expressing any opinion at all about that speech, but I am expressing the opinion that if you adopt this resolution you will set a precedent that will return to plague the inventors.

Mr. DALZELL. My point is that if we follow out the gentleman's suggestion, this resolution ought to contain the whole of the speech.

Mr. FITZGERALD. I think if that were done, it would be

perfectly proper.

Mr. OLMSTED. May I ask the gentleman from Missouri a question?

Mr. CLARK of Missouri. Yes.

Mr. OLMSTED. If I understand the position of the gentleman from Missouri, it is this: We are considering whether there is a speech or a portion of a speech which ought not to go into the RECORD.

Mr. CLARK of Missouri. Yes.

Mr. OLMSTED. Is it your proposition that in order to get it out of the RECORD we shall insert it in a resolution which will go into the RECORD?

Mr. CLARK of Missouri. That has invariably been done, and it ought to be done.

Mr. OLMSTED. Then in what way would we keep it off the RECORD?

Mr. CLARK of Missouri. You can not keep it off the RECORD to save your soul.

Mr. OLMSTED. We can keep it out of the permanent RECORD. The object of this resolution is to keep it from going

into the permanent RECORD. Mr. CLARK of Missouri. Let me put you a question. Suppose the resolution is adopted and the committee is appointed. It is brought in here, you have a right, and I have a right, and every Member on the floor has a right to take the speech of the gentleman from New York, sentence by sentence, and repeat the whole speech on the floor of this House in arguing the case for the purpose of honestly ascertaining whether it is proper for the RECORD. I will tell you what happened within the gentleman's own recollection in the last Congress, two gentlemen on the floor of the House, and one of them I see before me now, had a debate one day. The next morning there was a long speech in the RECORD, and one of the gentle-men objected to the contents of that speech on the ground that there was matter incorporated in it that was not uttered on the floor of the House, and after a long debate got it out of the

RECORD. But while he was expunging that speech from the RECORD the man that made the speech got every word of it back into the RECORD, and it is in the RECORD to-day.

Mr. MANN. If the gentleman from Missouri will permit me, I was one of the gentlemen to whom he refers. Nobody objected to the speech for the reason that the gentleman -that it had not been uttered in the House-nobody objected to the gentleman who had printed his speech in the RECORD inserting it a second time, although he could have been called to order on account of it, and the precedents would have

forbidden him to have repeated the speech.

Mr. CLARK of Missouri. Let me ask the gentleman a ques-

Mr. MANN. Very well. Mr. CLARK of Missouri. The gentleman tried to get the speech out of the RECORD.

Mr. MANN. I got it out. Mr. CLARK of Missouri. The gentleman got the speech delivered out of the RECORD, but the man who made the speech in

defending it got it all back again.

Mr. MANN. That is far from the fact. He did not get it back into the RECORD and did not want to put it in the RECORD.

Mr. CLARK of Missouri. In one Congress before I came here, I think it was the Fifty-second, there was a distinguished gentleman, not a member of this House now, who made a speech here assailing a man from his State. The man came in and moved to expunge it from the RECORD, and the House debated it for three whole days, and in reply, in defense of the speech the first man made, he went to work and dug up every offensive thing that had been uttered by any Member about any other Member for the last ten years and incorporated it into the Record. This is all I care to say about the matter now

Mr. PAYNE. Will the gentleman from West Virginia yield to me?

Mr. HUGHES of West Virginia. I will yield three minutes

to the gentleman.

Mr. Speaker, while it was probably proper in the precedent which has been stated, in the last Congress, where the gentleman from Massachusetts [Mr. GARDNER] offered a resolution pointing out certain portions of a speech that had been made and asked to have it stricken from the RECORD, that was the case where he made the motion and the House decided to strike it from the RECORD, and it was well to define what part of the speech he desired to have stricken from the Record. But this resolution refers the whole question to a committee. we designated in the resolution the parts of the speech to go out of the Record, there is hardly a necessity for having a committee appointed. The committee should have the whole speech without any opinion expressed by the House, and then report to the House untrammeled whether the whole speech, or, if a part of it, what part of it, should be stricken from the RECORD as a breach of the privileges of the House. I think the gentle-man from West Virginia has gone about this in exactly the

proper way.

Mr. FITZGERALD. Will the gentleman from New York

permit an interruption?

Mr. PAYNE.

Mr. FITZGERALD. The House recently referred a particular portion of the message of the President of the United States to a select committee. It did not refer his entire message to

that committee to search out and find out what was to be elimi-

Mr. PAYNE. In regard to that, I want to say to my colleague that there was not a particle of question in anyone's mind as to the remainder of the message but that it was a proper message to send to Congress. But I defy any man to read, as I have within the last fifteen minutes, the speech of the gentleman from New York and stand up here and specify what parts of it should go out of the RECORD, whether the whole of it should go out or only a part of it, so nearly is it correlated and so full is it of reflections upon the President, which seems to constitute a breach of the privileges of the House.

I did not want to say anything before this committee was appointed, but it is evident to me that every word and every sentence in that speech should go to this committee for their examination and report to the House. I yield back the balance

of my time.

Mr. HUGHES of West Virginia. Mr. Speaker, the gentleman from New York [Mr. PAYNE] has expressed my views in reference to the speech of his colleague from New York [Mr. Wil-LETT]; but in order to give the House the benefit of it, I drafted my resolution so that this committee will be appointed. I now move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous

question.

The question was taken, and the previous question was ordered.

Mr. FITZGERALD. Mr. Speaker, has the Speaker ruled on the question of order raised by the gentleman from Alabama [Mr. UNDERWOOD]?

The SPEAKER. Yes. The question now is on agreeing to the resolution.

The question was taken, and the resolution was agreed to. The Chair announced the following committee:

Mr. Mann, Mr. Perkins, Mr. Foster of Vermont, Mr. Howard, and Mr. CLAYTON.

PENSION APPROPRIATION BILL.

Mr. Speaker, I move that the House resolve Mr. KEIFER. itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 26203), the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. BUTLER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 2, line 8: "For salary of 1 agent for the payment of pensions, \$4,000."

Mr. TAYLOR of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. The Clerk read as follows:

Page 2, lines 8 and 9, strike out the words "for salary of 1 agfor the payment of pensions, \$4,000," and insert the words "for aries of 18 agents for the payment of pensions, \$72,000."

Mr. TAYLOR of Ohio. Mr. Chairman, the provision contained in lines 8 and 9 of this bill is identical to the provision contained in the pension appropriation bill as reported last year. The amendment I offer is identical to the one offered last year to this same provision. The fact of the matter is that the committee is attempting, not to legislate the 17 pension agents outside of the city of Washington out of office, but to starve them

out by forgetting to provide for their salaries.

I object seriously to this evasive mode of legislation. proper that 17 agencies should be abolished, let a bill be brought in abolishing the agencies and the offices of the agents, and not let the agents still exist without pay. If there has been created by law 18 agencies and there have been appointed by the President, the Senate confirming, 18 pension agents, I take it that it is the duty of Congress, so long as these agents are legally created and holding office, to appropriate the money necessary to pay their salaries. Of course it is easy to see why this particular provision was drawn in this way. It is to get around the point of order on the ground of new legislation. The obvious purpose is evidently to consolidate the payment of pensions in the one agency in the city of Washington. If this bill should pass with this provision as it stands, it could be and would be nullified, because section 4780 of the Revised Statutes is still in full force and effect. This statute provides that the President is authorized to establish agencies for the payment of pensions whenever, in his judgment, the public interests and convenience of pensioners require, with the proviso that no more than three agencies can be established in any State and no new agency can

be established in a State where the whole amount of pensions paid the next preceding year was less than \$500,000.

Under this law there have been established 18 agencies, and there have been created and appointed 18 pension agents, who are now holding office. If this provision goes through and passes, the effect will be to transfer the great majority of the clerks and records of the various agencies to Washington, and have one agent in Washington distribute the money. The other agents, until their offices are abolished, would have nothing to do but sit in their various localities and have a claim against the United States Government for the amount of their pay until the offices were abolished, and no Member of this House or of the committee can deny they would have a valid claim, so long as they were legally created and holding office, against the United States Government, enforcible in the Court of Claims. One of the large items of savings claimed by the committee is \$68,000 in agents' salaries. With these laws still on the statute book, I claim that that is not a saving, that it is simply a postponement of the payment of salaries of these agents until a future appropriation or adjudication of their claims. The principal claim made by the committee is that it works a great economy to consolidate the various agencies. Secretary Garfield a year ago wrote a letter in which he said the Government would be saved about \$200,000 that year and \$225,000 each succeeding year. He gave absolutely no figures or facts upon which to base his statement, beyond the bare statement itself. As a matter of fact, we know that the clerks doing the work of distributing the pension money in Washington receive from \$1,200 to \$1,400 a year, while the clerks doing the same work in the agencies other than in Washington receive anywhere from

\$000 to \$1,000 a year.

The CHAIRMAN. The time of the gentleman from Ohio

has expired.

Mr. TAYLOR of Ohio. Mr. Chairman, I ask for five minutes

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may proceed for five minutes. Is there objec-

tion? [After a pause.] The Chair hears none.
Mr. TAYLOR of Ohio. The investigation of the Keep Commission a year ago showed that the expense of living in Washington was about 20 per cent higher than the other cities covered by these agencies; so that, if we bring a majority of the clerks here, the natural sequence will be to increase the salaries to bring them up, proportionately, with the salaries paid for the same work in the departments at Washington. That will amount to \$100,000 or \$125,000-Mr. ADAIR. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?

Mr. TAYLOR of Ohio. Yes.
Mr. ADAIR. Would it not be true, if the 17 agencies are abolished, it would require a vastly less number of clerks to perform the services of paying pensions than under the present system?

Mr. TAYLOR of Ohio. I will state for the information of the gentleman that in the hearings of a year ago-for there are no hearings this year of any consequence-it was stated that the clerks employed at the various agencies would be absorbed into the various departments of the Government; so, therefore, there is not any saving in the matter of clerk hire.

Mr. ADAIR. The gentleman does not believe that the clerks employed at the various agencies throughout the country would

be transferred to Washington to perform this work?

Mr. TAYLOR of Ohio. I stated in my opening remarks that a majority of them would, and I make that statement on the authority of the gentleman in charge of the bill, my colleague from Ohio, General Keifer. I fail to see where the slightest economy comes, and I believe that the difference of the small saving of the pay of the clerks would be more than overcome by the difference in the per capita cost. For instance, one of my colleagues on vesterday mentioned the fact that the way he figured the matter up, it cost about 63.13 cents per capita, and the gentleman from Ohio, my colleague, stated it costs 51 cents per capita in Washington.

Mr. KEIFER. That was for the previous year. It is not so

much now

Mr. TAYLOR of Ohio. They were the last figures obtainable,

Mr. STAFFORD. Does the gentleman concede that last year it cost 63.13?

Mr. KEIFER. No, sir.

Mr. STAFFORD. Has the gentleman any figures to show what it does cost?

Mr. TAYLOR of Ohio. Mr. Chairman, I have not yielded to anybody.

Mr. KEIFER. I only want to state I know of no such figures

Mr. STAFFORD. I beg to challenge that statement. Mr. TAYLOR of Ohio. Mr. Chairman, I insist upon proceeding within my time.

Mr. COX of Indiana. Mr. Chairman, will the gentleman vield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Indiana?

Mr. TAYLOR of Ohio, Yes; I will yield for a question.
Mr. COX of Indiana. On the question of economy to the
Government in the event the bill becomes a law as recommended by the committee, suppose there were 17 of these agencies abolished. Does not the gentleman believe that it would, at least, be economy to the extent of saving the \$4,000 salary which

Mr. TAYLOR of Ohlo. Mr. Chairman, I have answered that question. There is no such saving. The salaries are due these men whether we appropriate the money in this bill or not, and will be collected in some future bill. It costs about 45 cents in Columbus, Ohio, per capita. We will take the lowest figures in Washington given by my colleague [Mr. Keifer], 51 cents here. That, in my judgment, will overcome any small saving that is made in the other direction. Take up the hearings on this bill; on page 6 we find about 3 lines, and the Commissioner of Pensions, Mr. Warner, does not ask that the 17 agencies be abolished, but he states, in answer to a question by General Keifer, "Yes; I wish you would knock them down to 9." In other words, he states that a state of the states In other words, he states that 9 of them are what he thinks can be done away with.

Now, in the city of Columbus, Ohio, where I live, there is distributed to soldiers and widows in the State of Ohio only a few hundred dollars less than \$16,000,000 per annum. between thirty and forty clerks. Some justice should be done to these servants of the Government. Nearly all of them are residents of that city, and most of them have their homes there. If these people are brought here, or a majority of them, they will be forced to give up their environment and their homes, come to Washington, and would probably be the first people dropped, because there is an evident intention to drop somebody, as shown by the fact that they have reduced the clerk hire about \$65,000 in this bill. What would be the result? They would be left on their own resources in a city where there is no opening in commercial life.

Mr. ADAIR. Will the gentleman yield? Of course, that might work a hardship; but is not that true in relation to persons holding other positions? I believe the gentleman's State recently elected a new United States Senator and left Senator FORAKER with a home in Washington, and soon to be thrust out of employment.

Mr. TAYLOR of Ohio. I yielded for a question, not a funny

speech.

Mr. EDWARDS of Georgia. Does not the gentleman think that if these persons are unnecessary they ought to be dis-

Mr. TAYLOR of Ohio. If there are clerks that are unnecessary, I am willing that they should be discharged, but do not let us begin in the smallest end of the Government. Let us look at all the departments.

Mr. EDWARDS of Georgia. I am favorable to that, too. I believe in discharging unnecessary clerks wherever they are

found.

Mr. TAYLOR of Ohio. Mr. Chairman, just one more remark: The claim is that the consolidation of all the pension agencies into one would reduce the per capita cost. That is simply a surmise on the part of the gentleman in charge of the bill. There is nothing that I can find that justifies that remark. However, I have never known, and I do not believe history has ever shown, that the departments in Washington are run more economically than the departments in other cities than Wash-

The SPEAKER. The time of the gentleman has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Moore of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment joint resolu-tion and bill of the following titles:

H. J. Res. 216. Joint resolution for a special Lincoln postage

stamp; and

H. R. 23863. An act for the exchange of certain lands sit-uated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery

Association, of Salt Lake City, Utah, and the Government of the United States.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3751. An act authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Sait Lake City, Utah, and the Government of the United States.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. DALZELL. Mr. Chairman, I want very briefly to put myself on record in support of this amendment. The committee's bill is not an attempt to violate the rules, because the Committee on Appropriations would not be guilty of any such attempt, but it is, in fact, a plain violation of one of the rules of the House. Let me state the situation. Section 4780 of the Revised Statutes provides:

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require; but the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of \$500,000.

In 1885, more than twenty years ago, Congress passed this

That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be \$4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

The situation, then, is this: The President of the United States, pursuant to authority, has appointed in the United States 18 pension agents. The Congress of the United States has provided that each of those pension agents shall receive a salary of \$4,000 per annum. If the Committee on Appropriations should obey the mandates of the law, then this appropriation bill would carry salaries for 18 pension agents, at the rate of \$4,000 a year each.

The committee, however, in the exercise of its discretion, has seen fit to refuse to appropriate for 17 of these pension agents, but that action on the part of the committee can not interfere with the right of these agents to office. They are still officers appointed by the President; they still have the in-dorsement of the President. In the exercise of his discretion they are necessary to be appointed, and, therefore, you transfer simply from the Committee on Appropriations of this House the office of appropriating that money to the Court of Claims, where each and every one of these pension agents will, if he enters suit, be entitled to receive his salary.

Mr. TAWNEY. Will the gentleman from Pennsylvania per-

mit an interruption?

Mr. DALZELL. Certainly.
Mr. TAWNEY. The pension appropriation bill provides for the payment of the salaries of all of these agents until July 1. Now, if the President of the United States between now and then exercises his discretion as the Department of the Interior has suggested it would be done, why the agents or the officers would be abolished. Then what claim would they have against the Government in the Court of Claims?

Mr. DALZELL. Well, the fault on the part of the Committee on Appropriations is not quite as much as it would seem to be. But the gentleman will remember that before the 1st of July we will have another President and another Secretary of the

Interior.

Mr. TAWNEY. We will not have to wait that long.
Mr. DALZELL. So that the claim of saving of salaries by
this provision of the appropriation bill falls to the ground. These gentlemen are taking from the President the personal discretion conferred upon him by law and exercised by every President since this act was passed prior to the passage of the act fixing their salaries, which was twenty-three years ago.

Mr. KAHN. And all for the benefit of the pensioners.

Mr. DALZELL. You say that there will be quite a saving by dispensing with the clerk hire in these 17 pension agencies. I call your attention to what the Commissioner of Pensions says on that subject. He was asked whether or not he would need, when this consolidation takes place, the services of these pension clerks, and he said:

We will want the same clerks. We would bring the majority of them from each agency here with their records so as to have them go right to

work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agencies to do that work.

The CHAIRMAN. The time of the gentleman has expired. Mr. ALEXANDER of New York. I ask that the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

Mr. DALZELL. The proposition, then, is to take the clerks employed in these 17 agencies—in the city of Pittsburg, in the city of Philadelphia, in the city of Buffalo, or wherever they may possibly be—and pay them their salaries in the city of Washington. Now, it may be said that the salary of an employee of the Pension Office is precisely the same whether it is paid to him in the city of New York, in the city of Philadelphia, or paid to him in the city of Washington, but that would not be true. All experience teaches us that if these people are brought here to Washington and employed here their salaries will be increased.

The salaries paid to the clerks employed at the various agencies are not as large as those of corresponding clerks in the city of Washington, and for the reason that the expenses of living in the city of Washington are greater than the expenses of living in these various places. I suggest anyhow, moreover, that this money that goes to these clerks ought to be expended in the localities where the clerks live and not in the city of Washington. So that when you transfer all these employees to Washington, you at the same time discharge 17 pension agents. These 17 pension agents, every one of them, as I am informed, belongs to that class for which we specially legislate. They are, each and all of them, veterans of the civil war.

Now, aside from anything else I have said, I am opposed to this policy of consolidating and concentrating in the city of Washington all those public duties that can just as well be performed elsewhere. The policy is a wrong one. And aside from the fact that this provision in this pension bill is in violation of the rules of the House is the further fact that no good is to be accomplished by it; and for that reason I hope the

amendment will prevail.

Mr. CLARK of Missouri. I would like to ask the gentleman from Pennsylvania if he thinks it would cost any more to live in Washington than it would in New York, or Philadelphia, or

Mr. DALZELL. I think it does cost more here than it does in Pittsburg. I have never lived in New York or Philadelphia.

Mr. CLARK of Missouri. You have been there?

Mr. DALZELL. Yes; I have been there occasionally.
Mr. SLAYDEN. I would like to ask the gentleman from Pennsylvania if he believes there is any reasonably early date when the pension list will be reduced and that there will be a less number of administrative officers required; and if so, ought we not to be beginning a policy of concentrating and reducing the expenses of the administration of this tremendously expensive branch of the Government?

Mr. DALZELL. The time has not come yet, and we will cross

that bridge when we come to it.

Mr. SLAYDEN. The gentleman thinks that the time has not come when we may expect to reduce the pension expenses?
Mr. DALZELL. I think not.
Mr. SLAYDEN. You think not.

Mr. ESCH. As I understand the gentleman, if this concentration takes effect, it would mean an additional 400 clerks in the city of Washington that would require the Government to rent additional buildings?

Mr. DALZELL. Undoubtedly. The Commissioner of Pensions testifies that he has no room for these people. The Pension Office is full as it can hold and you have got to turn out 432 of the employees of that office now and make room for

these people or else rent quarters somewhere else in the city.

Mr. KEIFER. Mr. Chairman, I should like to have the gentleman furnish some evidence of the last statement.

Mr. DALZELL. Why, the testimony of the Commissioner of

Pensions.

Mr. KEIFER. Here it is. There is not a word of that kind

Mr. PAYNE. Mr. Chairman, I did not expect to take any part in this debate, as I seem to have some other work outside that engrosses all my time.

The CHAIRMAN. The Chair is ready to recognize some gen-

tleman who is opposed to the amendment.

Mr. PAYNE. I am in favor of the committee action. I am opposed to the gentleman who just spoke. I do not know in what particular way the amendment comes up.

The CHAIRMAN. If the gentleman from New York is opposed to the amendment, the Chair will recognize him.

Mr. PAYNE. I am opposed to the amendment. The CHAIRMAN. The gentleman is recognized.

Mr. PAYNE. I think it is about time that the House of Representatives and every Member in it began to think a little of calling a halt on the expenditures of the Government. They have crept up to enormous amounts, and no one realizes that more than a person who is engaged in trying to formulate a bill to provide revenues for the Government. And I want to say to the gentlemen on this side of the House in all seriousness that before they vote a dollar or a million dollars or a hundred million dollars on any proposition they had better think twice. They had better study the appropriations that we are making, and the large expenditures we are making from year to year, and the revenues of the Government. I was always taught as a boy to keep my expenses within my income. It is a pretty good rule to follow, boy or man or nation; and I think that when we come to consider these propositions we ought not to be wholly guided by gentlemen whom we have assisted into fat places in the government service. We ought not to be guided by the clamor of people who desire to continue their attachment to the pay roll of the United States, but we ought to consider the people, as well, who are out of office, who pay the taxes, who pay these salaries, and we ought to consider whether it is not best to economize.

Now, Mr. Chairman, this thing has been debated in the last three or four years in various phases, and still it holds good that there is no reason in the world why these offices should not be consolidated. The men who receive pensions would receive fully as much attention, would receive their money fully as promptly and as well, whether it was carried through the mails from my friend's district, Buffalo, to the city of Auburn, where I live, or from Washington to the city of Auburn. And so it is all through the country. They would get their pensions just as regularly from the Treasury of the United States, whether the office from which the checks were mailed was here in Washington or whether there were a dozen or more offices

scattered throughout the United States.

The mails run regularly through all the United States, and the pensioners can easily get their vouchers through the mail and get the checks when the time comes for it. There will be a saving of clerks, because in each of these agencies they have to do three months' work inside of a week, or inside of a few days, and it takes a large force to do that work. The rest of the three months they have more leisure than they do through the few days in which they are preparing vouchers for pay days, and if this same force of clerks could be made to work on from day to day, as a Member of Congress does, for instance, through the months and through the year, and alternate the payments from one district to another, so that one district should come in one week, and another district in another week (when I speak of districts, I speak of the localities where these pension agencies are situated), alternating them one after another so as to cover the whole period of the quarter, the whole three months, it could not help saving a number of clerks to do this business, and a number of salaries. It is conceded that the 17 pension agents themselves would go out of business,

and there would be but one general agent.

Mr. CLARK of Missouri. I should like to ask the gentleman from New York if he has any doubt about what is going to happen about this thing and if this will not be a repetition of what happened here last year and the year before, that we will knock these agents out, and the bill will go over to the Senate and the Senate will put them on again, and the conference com-

mittee will yield, and there you are?

Mr. PAYNE. Well, I am willing to say to the gentleman that our efforts in this direction, while well directed, are often of no avail: but I have found it my experience that the only way to break through the barrier at the other end of the Capitol was by repeated knocks. If at first you don't succeed, try, try again, and the only way to accomplish a valuable reform of this kind is by repeatedly sending the bill to the other end of the Capitol, and finally let the country see who is right and who is wrong about such a proposition as this, about any reform, about any change in the law. I have faith that even the Senate will finally yield to the will of the people.

Mr. CLARK of Missouri. Does the gentleman from New York know any way in which we can get our referees to stand pat?

Mr. PAYNE. I want to say to my friend from Missouri that he does not want to bear down too hard on the conferees from the Appropriation Committee, because if the House does not like their action, the House can turn them down, and because the committee come in here and finally yield in a conference report-and I do not know, but they do in this instance-to the instructions of the House, those conferees are not to blame; it is the House itself. If the gentleman from Missouri will show

me any way to put backbone into each of the 391 Members, I will show him how to keep the House from backing down on any of these propositions; but he will have to show me first.

Mr. CLARK of Missouri. I have studied about that a good

deal and have not found it out.

Mr. PAYNE. When the gentleman finds it out, if he will tell me, I will join teams with him, because there are many things I would like to have my way about. In the meantime, I want to clear my skirts.

Mr. HARDY. If the gentleman will pardon me, will not the House have the backbone whenever they want to get rid of the

expenditure?

Mr. PAYNE. I do not know how that is, but I know I want to get rid of it. I presume the majority of the House does, because they have voted in that way. I know of course that there are some gentlemen here who feel that they represent these pension agencies who are very strenuous in their opposition to this proposed reform, and I know that they are gentlemen of ability, gentlemen of influence, and I do not wonder that many Members of the House fall down before their impassioned eloquence and great persuasion; but what I want to say is that I think every Member of the House should think twice whether he is bound to keep up these little petty things for the few people in his district, or whether he can come out into the open and tell the people of his district that he is in favor of lopping off these useless things and cutting down useless expenditures and is willing to begin at home and pluck the beam out of his own eye, as I heard it so eloquently described by my friend from Minnesota [Mr. Nye] the other day. I hope he will get the beam out of his own eye on this proposition, and, with an eye single to the best interests of all the people of the United States, tell those gentlemen in his district that he is laboring for the public good and trying to cut down useless expenditures, and that he can not be swerved from any such course as that be-cause some people in his district are trying to dissuade him. This applies as well to pension agencies as it does to the innumerable people in the mail service of the United States, who come here and persuade gentlemen that their salaries are low, and when you come to compare them you find them high up in the scale among the great body of employees on the pay roll of the United States Government. [Applause.] Mr. ALEXANDER of New York. Mr. Chairman, I agree with everything my colleague [Mr. PAYNE] has said so far as

economy is concerned. If I believed, or if it was proven, that the consolidation scheme would cheapen the expense of paying pensioners, I would not ask that the amendment offered by the gentleman from Ohio [Mr. TAYLOR] be voted upon. Mr. Chairman, I have read the RECORD and whatever has been said respecting the increased expense of the agency system, and I fail to find one sentence that would be received in any court of justice as evidence of the fact that consolidation plan would be cheaper than the existing agency plan. It is theory and presumption. My colleague [Mr. PAYNE] has not studied the question. To those of us who have studied it carefully, his attitude betrayed his ignorance. He talks of the clerks at the agencies as being at leisure. Those of us who have had an opportunity to observe know that they work as continuously as clerks in the departments at Washington. If my colleague had taken time to look into this matter, if he had attempted to find proof for what he said, he would not talk as he does.

Let us see on what this alleged economy is based. Let us be fair, gentlemen. When flood and fire and earthquake come, how quick are we to help the destitute. But let us not sit here and create destitution by taking from the old soldier, his widow and orphans, their source of subsistence unless the reason for our action is based upon truth and proof. When it is pointed out by such evidence as appeals to the reason and not to the prejudices of men that a saving can be effected by consolidation, then I am willing to vote for the change, regardless of the fact that a pension agent lives in the city in which I have the honor in part to represent.

Now, on what is this claim of extravagance based? Almost wholly upon one paragraph in a letter of the Secretary of the Interior.

Let me read it:

The annual expenditure on account of the payment of pensions, Including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately \$550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order all pensioners could be paid by the Commissioner of Pensions, or one disbursing officer located in the city of Washington, with an annual expenditure of, at most. \$350,000, a saving of 20 cents per annum perpensioner, or \$200,000.

Now, upon what does he base that estimate? Not one word of evidence. He goes on to the extent of a column or more, but never mentions a specific item that will enter into this \$200,000. It is all assumption and theory. No proof is offered. Nothing is given upon which this House can act independently of the Secretary's ipse dixit.

The CHAIRMAN. The time of the gentleman has expired. Mr. ALEXANDER of New York. I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. Mr. Chairman, in his remarks yesterday, the gentleman from Illinois [Mr. MADDEN] asked the gentleman from Ohio [Mr. Keifer] this question:

Is it not a fact that to consolidate the pension agencies would save 25 cents per capita in the cost of distributing pensions?

Mr. Keifer. On the average.

Mr. Madden. A million pensions at 25 cents would be \$250,000, would it not?

Mr. Keifer. Yes.

Mr. Chairman, that is nothing more than assertion? Is it a fact? Then, why did the gentleman not offer some proof? If it is true, it ought to be susceptible of proof; and if satisfactory evidence is produced here, it would end this debate. But it is not a fact, as is easily shown by the figures of the Commissioner of Pensions. He is very specific in his statement. He presents a table, which I will print in my remarks, showing what each agency costs:

Topeka	
Columbus	
Chicago	
Knoxville	
Indianapolis	
Boston	
Philadelphia	
New York City	
Washington	
Des Moines	
Milwaukee	-
Buffalo	
Pittsburg	
San Francisco	
Detroit	
Louisville	
Augusta	
Concord	

Mr. COX of Indiana. Will the gentleman yield?

Mr. ALEXANDER of New York. Not now; a little later on. The average of those agencies is 56.8 cents. The cost at Washington is 63.1 cents.

Mr. KEIFER. Where does the gentleman get that?

Mr. ALEXANDER of New York. From a letter of the Commissioner of Pensions. This shows a difference in favor of the agencies of 6.3 cents, or, allowing a million pensioners, that would make over \$60,000. Mr. Chairman, why has the committee not shown that it would cost less in Washington than the average of the 17 agencies? If the commissioner's written statement is correct, the consolidation of the agencies would cost \$60,000 more than the existing plan. I know what the gentleman from Ohio [Mr. Keifer] said yesterday in his remarks.

Will the gentleman allow me to make one Mr. KEIFER.

suggestion?

Mr. ALEXANDER of New York. Yes.

Mr. KEIFER. The statement I gave yesterday, as stated in my speech, was 51 cents per capita in the fiscal year 1907. This morning's statement, made for the fiscal year ending June 30, 1908, fixes the per capita in Washington at 44 cents.

Mr. ALEXANDER of New York. I have given the commissioner's own figures in his own handwriting. They can not be

changed daily to fit the gentleman's argument.

Mr. KEIFER. Made when?

Mr. ALEXANDER of New York. The statement I present was published in the RECORD of March 19, 1908, and will be found on page 3692. Now, what is the reply of the gentleman from Ohio? Simply that in Washington other expenses are paid which make the average per pension higher here than at some of the other agencies. But we are not furnished specific infor-It is not in the RECORD and not before this House.

Why did he not come into court with proper proof? Year after year he comes here with mere assertion. There are some

agencies

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MACON. Mr. Chairman, I ask unanimous consent that

the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from New York may have five minutes additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. I desire to ask the gentleman a question. Mr. ALEXANDER of New York. Yes.

Mr. MACON. I believe you stated in your statement a few minutes ago that there was a saving of about \$60,000 by maintaining the different agencies, if there were as many as a million pensioners on the roll.

Mr. ALEXANDER of New York. According to the statement

Mr. ALEXANDER of Pensions; yes. of the Commissioner of Pensions; yes.

About \$60,000. Then, sir, I will ask you if we Mr. MACON. About \$60,000. Then, sir, I will ask you if there would not be a saving of \$8,000 to the Government if we abolish the 17 pension agencies and do away with 17 pension agents at a salary of \$4,000 each, which would make \$68,000. That would be a clear saving in round numbers in salaries alone of \$8,000, if it does cost \$60,000 more to pay the pensions in Washington than at the agencies that it is now sought to abolish.

Mr. ALEXANDER of New York. In answer to the gentleman from Arkansas, let me explain how this table which I have presented is made up. It costs at Topeka 42.5 per pensioner. That is arrived at by dividing the entire expense of that agency, including the salaries of the agent and all his employees, by the number of pensioners. That gives the cost per pensioner. At Columbus, the expense is 45.8. That is reached in the same way.

Now, if you add up the entire cost of the 18 agencies and divide the sum total by 18, you get the average per pensioner for the whole country, which is 56.8 cents. Now, subtract the average of all the agencies, 56.8, from 63.1 cents, the cost per pensioner at Washington, and you have 6.3 in favor of the agencies. The gentleman from Ohio can not get away from that. It is proof, not assumption. He bases his argument on the letter of the Secretary of the Interior, which says "it is estimated," or reduces the cost per pensioner at Washington by avoiding arbitrarily expenses which the commissioner included in his table ten months ago. He does not so much as tell us what expenses he leaves out. He would not do this in court. But anything, he thinks, will go in this House.

Mr. JOHNSON of South Carolina. Will the gentleman allow

me to ask him a question?

Mr. ALEXANDER of New York. Certainly. Mr. JOHNSON of South Carolina. Is it not true that all the vouchers are made out here in Washington and sent to these

Mr. ALEXANDER of New York. That is another reason offered by the opposition, and I am glad the gentleman asked it. The vouchers are made up here in Washington in a way, but the work is not duplicated at the agencies. If the Secretary of the Interior had fully understood the work of these agencies, he would hardly have marshaled that as an argument for their abolition.

Last year the Senate and House reached a compromise, turning the matter over to the President for his action. Much stress had been laid upon the claim that the President desired the abolition of these 17 offices, an assumption which received additional importance, because his Commissioner of Pensions and Secretary of the Interior indicated a preference for the work being done in Washington. When the matter was turned over to the President, therefore, the belief obtained that his action would settle the question. He could ascertain the absolute truth respecting expense and convenience, as well as the desirability of consolidation, and the fact that he has seen fit to continue all the agencies indicates that he has found no good reason, based on economy or betterment of service, for interfering with present conditions.

Now, on what does the committee base its report this year? It had nothing but theories and assumptions last year, and its position now is weakened by the action of the President. desired to bring the question up again this year, why did it not make a thorough investigation? It had the time and the opportunity. But it has examined no one, and offers no new testi-mony. The Commissioner of Pensions and the Secretary of the Interior are silent. It has not even attempted to answer the points made in the last session by the opponents of its recommendations, showing by the only statistics furnished that the cost of paying the pensioners at Washington would be over

\$60,000 more than under the present or agency system.

Mr. Chairman, the work must be done in Washington or elsewhere, and since it is shown by irrefutable proof that it can be done as cheaply and as well under the present system, why make a change? Several important reasons exist why these offices should not be disturbed. Each one has a force of exoffices should not be disturbed. Each one has a force of experienced clerks, whose homes and family ties are in the several agency towns. Many of them are soldiers and the widows and orphans of soldiers. Shall these people be rudely turned out of office, simply that their work may be done in Washington by other people, perhaps less worthy and less efficient? Is this just or humane? Some one says, "Oh, bring them to Washington." Break up happy home life in Buffalo, in Pittsburg, and in other agency cities simply to transfer work here which can be done as well and as cheaply there? Some of them can not come here. There are in the way aged fathers, helpless mothers, growing families and children in the state of the stat growing families, and children in school. Will you turn them out of office simply to have the work done here? The President would not do it-why should you? What is to be gained by such cruelty?

Another reason appeals to me for not disturbing the present system. These offices are of incalculable benefit to the old To them they go for assistance and information. Their vouchers and papers are prepared for them. Often payments are made twice a week; otherwise some pensioners would wait for their pay a long time after their names go upon the rolls. Indeed, the old soldier visits the pension office of his district very much as the pilgrim visits Mecca. Whatever he needs to know about his papers or pension is furnished him promptly and correctly. He has no fear of misinformation or He could not come to Washington. That is too far away and the expense too great. But he finds his way easily to the agency of his district, where he is known and is not kept waiting.

Mr. Chairman, there is the reason that we are dealing with the old soldier and his widow and orphans. The country owes much to the heroic defender of the Union. At least, it can not afford to turn him out of office without good cause, or to inconvenience him, or to treat him with disrespect. This is not a question of economy or of reform. The existing way is as economical and as wholesome as the proposed change. Nothing should be assumed. The burden of proof is upon the proponents, and that proof should be established beyond the shadow of a doubt. If greater cost exists, it can easily be made clear and sufficient. Let this House be fair.

The CHAIRMAN. The time of the gentleman from New York has again expired. The Chair will now recognize some gentleman-

Mr. ADAIR. Mr. Chairman, I ask unanimous consent to

extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent of the committee to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears

Mr. KEIFER. Mr. Chairman, I want to make a suggestion in reference to this debate.

The CHAIRMAN. The gentleman from Ohio will make his suggestion.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent that debate close in one hour and that the time, although a larger part of the time of debate has been in favor of the amendment, be equally divided between the two sides.

The CHAIRMAN. The gentleman from Ohio, who has charge of this bill, asks unanimous consent of the committee that debate on this amendment may close in one hour, and that the time of debate shall be equally divided between those who are in favor of the amendment and those who are opposed to it. How is the time to be controlled?

Mr. STAFFORD. Will the gentleman qualify that by stating that if the time on either side be not consumed that the other

inat it the time on either side be not consumed that the other side may have the use of that time not to exceed one hour?

Mr. KEIFER. Well, the total time may be occupied by one side or the other, but in fairness must be equally divided.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. With that qualification, I do not object. The CHAIRMAN. The time is to be controlled by the Chair. Is there objection? [After a pause.] The Chair hears none.

The Chair will now recognize the gentleman from Michigan [Mr. GARDNER] under the five-minute rule.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Currier having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on January 18, 1909, approved and signed bill of the

H. R. 23866. An act to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen, this is the third time that the Committee on Appropriations has brought this recommendation to your attention. Twice it has been passed by a large vote. The ground for and against

has been traversed thoroughly in preceding years. Every point that has been raised this morning was raised one and

two years ago, and has been answered over and over again.

After it was passed favorably the first time, the Secretary of the Interior was instructed, and that instruction grew out of a disagreement between the conferees, to investigate and report, first, whether consolidation would work inconvenience to the pensioners; second, whether consolidation would result in a saving to the Government, and report at the opening of the session of the next Congress. He reported negatively as to the first-that is, that consolidation would not work inconvenience to the pensioners. In former discussions great stress has been laid upon that. Happily no one here this morning claims that if there is a consolidation the pensioner will suffer from inconvenience. At least that has not been alleged up to this moment. The second is, he declares that there will be a saving. I am astonished at the gentleman from New York [Mr. ALEXANDER], and I am sorry he has retired from the Chamber. I am astonished that a man so level headed as he usually manifests himself to be should be so wide of the mark in saying that there is no evidence of any saving. Now, one of the high officials

Mr. ALEXANDER of New York. Will the gentleman yield? Mr. GARDNER of Michigan. If I can have time.

Mr. ALEXANDER of New York. What does the gentleman mean by suggesting that I have retired from the Chamber? Are his other statements on a par with that as to accuracy?

Mr. GARDNER of Michigan. Knowing the gentleman so well as I do, I will allow him to put his own construction on it. I know he would not consciously misconstrue anything. But he says this, "What is the evidence that there is any reduction?" The Secretary of the Interior, in an official paper to the Congress of the United States, in answer to a direction to investigate and report, says that the saving will amount to at least \$200,000 the first year, and after that to \$225,000, and in subsequent years still more.

Mr. ALEXANDER of New York. Now, does the gentleman know from anything before the House on which that statement

of the Secretary of the Interior is based?

Mr. GARDNER of Michigan. I will go a step further and answer that later. The Commissioner of Pensions, who is presumably, as a responsible—
The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER of New York. I move that he have five

or ten minutes longer, if he desires them.

The CHAIRMAN. The Chair, having control of the time, will yield to the gentleman from Michigan [Mr. GARDNER] five minutes additional time.

Mr. GARDNER of Michigan. Thank you. The Pension Commissioner over and over again has stated, after the most careful investigation as to the expense of various agencies and the expense here in the city of Washington, that it would save at least \$200,000 the first year.

Now, to answer the gentleman's question. If you instruct a responsible officer in a corporation with which you are connected to investigate and report what, in your judgment, would be the saving on a given line of action and he brings to you a statement of results based upon such investigation, you are bound to accept his statement or impeach his judgment or disprove the data upon which such is based.

Mr. ALEXANDER of New York. Will the gentleman yield?
Mr. GARDNER of Michigan. Certainly.
Mr. ALEXANDER of New York. I ask the gentleman if it is not a fact that in the examination of all such questions in his committee, as a rule, as well as in the other great committees in the House, that the heads of the departments bring in the evidence on which they base their estimates? It is not left to assertion; it is not left to estimates. The facts are brought in.

Mr. GARDNER of Michigan. Is the gentleman asking a question or making a speech?

Mr. ALEXANDER of New York. I know that is true in the Judiciary Committee.

Mr. GARDNER of Michigan. The gentleman had fifteen min-

utes, and if he will give me as long—
The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNEB] yield to the gentleman from New York [Mr. ALEX-ANDER 1

Mr. GARDNER of Michigan. Not if he is going to make a speech.

Mr. ALEXANDER of New York. Well, I asked a question.
Mr. GARDNER of Michigan. The gentleman has not answered the query that I put to him at all. It stands there unquestionably as the principle of action that ought to govern, and the House owes it to the country to carry it out the same as all intelligent business concerns would. Now, the gentleman

wants to be specific. He says himself that the Topeka agency costs 42½ cents per pensioner. They pay one-tenth and more of all the pensioners. He did not mention the case of Augusta; he did not mention the case up in New Hampshire where it is almost double that, with a bare 15,000 pensioners to pay. Why did not the gentleman from New York [Mr. Alexander], who proposes to be so fair, get down to bed rock and take the smallest agencies and compare them with the largest agencies, and then point out to the House how the larger the agency the less per capita it costs, and the smaller the agency the more per capita? The gentleman would get away from it—
Mr. ALEXANDER of New York. Will the gentleman allow

me to ask

Mr. GARDNER of Michigan. I can not yield to the gentleman to make a speech. You have had much of my time and all of yours.

Mr. ALEXANDER of New York. Do you yield? Mr. GARDNER of Michigan. Not unless you get me some more time.

Now there are the bed-rock facts. If you can pay 100,000 pensioners at 42 cents and 15,000 costs 77 cents, what have you a right to expect where you have 951,000 to pay with the aid of the most modern mechanical devices? Now, I ask the gentleman as a business man, can you escape the conclusion that it will be more economical? Answer "yes" or "no."

Mr. ALEXANDER of New York. The gentleman will not

give me an opportunity to answer.

Mr. GARDNER of Michigan. Yes or no. It is mere begging the proposition. The judgment of this House has gone affirmatively twice to the country, and I hope it will go again. The gentleman from Missouri wanted to know why the conferees did "not stand up to the rack," or words to that effect. Let me say that representatives of the body at the other end of this Capitol declared that they had not given any attention to this matter; some of them said last year "If you will put this through, we will agree to investigate it;" and when driven into a corner, and told it would be a saving, one of them said: "We do not care for the saving, what we want is the offices;" and that is the size of it. Nearly every man advocating the continuance of these agencies is directly interested in an agency, by residence or otherwise, in his State.

Mr. FOCHT. I would like to ask the gentleman why it is

that the Grand Army posts of my district have been petitioning me to vote for a continuance of the present condition of

the payment of pensions at the agencies?

Mr. GARDNER of Michigan. I am glad the gentleman called

attention to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I ask five minutes more.
The CHAIRMAN. The Chair will make a statement to the gentleman from Michigan. The Chair has recognized the gentleman from Michigan for ten minutes. By order of the committee the time has been limited to thirty minutes on a side, and there are twenty minutes remaining to those who are opposed to this amendment, and the time has already been assigned.

Mr. TAWNEY. I have been allotted five minutes. I will

yield one minute to the gentleman from Michigan to answer the

gentleman from Pennsylvania.

The CHAIRMAN. If the gentleman will permit; perhaps, under the rule, the gentleman from Minnesota has no authority to yield time; but, if there is no objection, the Chair will permit the gentleman to yield one minute of his time to the gentle-

man from Michigan.

Mr. GARDNER of Michigan. I can answer directly. I am a member of the Grand Army, and my district has been worked thoroughly to defeat me because I was in favor of this consolidation. Last year the commander of the department of which I am a member went from post to post and camp fire to camp fire, working among the Grand Army men, and tried his best to defeat my return to Congress simply because conscientiously, after most careful investigation, I believed this is in the interest of economy and no detriment to the pensioners, and therefore favored the consolidation. Work of like kind has been done in other departments, to my personal knowledge. Some, not all, of the pension agents have been exceedingly active in stirring up the comrades to exert their influence against the consolidation.

The CHAIRMAN. The Chair will now recognize the gentleman from Wisconsin [Mr. STAFFORD] for five minutes, and then

will later recognize the gentleman from Kansas.

Mr. STAFFORD. Mr. Chairman, I do not think that the argument just advanced that persons who are espousing the amendment before the House to continue the agencies as they now exist have a personal motive in the matter and can not judge this question as well as those who are on the other side should affect the decision of this question. I take the position of the gentleman from New York [Mr. ALEXANDER], and of others from cities where these agencies are now maintained, that, having acquaintance with the operation of these agencies, they have a better knowledge of the conditions than strangers, and at the Milwaukee agency I understand that the clerks are occupied all the time

Mr. GARDNER of Michigan. Will the gentleman allow me? Mr. STAFFORD. I decline to yield. I have only a few minutes. And that the work as performed in these agencies is done more economically and more expeditiously than it could be done here if the agencies were consolidated in Washington.

Why is it that the average clerical hire in these outside agencies is but \$977, whereas the average clerical hire in the city of Washington is \$1,280? Does it need repetition in this Chamber to any Member who is acquainted with the superannuated clerks in the Pension Office to show that they are not as efficient as the clerks who are employed throughout the country? And is there any wonder, then, that the cost of this service here in Washington is 63.13 cents per pensioner, according to the figures as presented a year ago by the Department of the Interior, and that the cost at Des Moines and Milwaukee, with the same number of pensioners, was 10 and 9 cents less per capita?

Mr. GARDNER of Michigan. Are you asking me a question? Mr. STAFFORD. We scan the report of the Secretary of the Interior for this year and do not find any facts or details at all concerning the expenses for the past fiscal year. When last night I propounded the question to the gentleman having this matter in charge, as to what was the extra cost that should be allotted because of the expense of pension surgeons being included in the item of the Washington agency, he was unable to give the House any information.

What do we find before us? Nothing but statements based upon pure assumption of the Pension Commissioner that there would be a saving if these offices were consolidated, when the data before us shows that there would be an excess charge and expense if this work was done here in the agency at Wash-

Mr. GARDNER of Michigan. Did you hear the statement of the gentleman this morning?

Mr. STAFFORD. The gentleman from Michigan made the argument a little while ago that we should consider somewhat the extra cost in some of the smaller agencies; but if you will figure, as I figured a year ago, and consider that there are but a small number of pensioners paid there, you will find, based upon the cost of 63.13 cents per pensioner here in Washington, that if they were all paid here at this agency, it would result in an increased cost of a hundred thousand dollars. I take it that every one of those who are advocating this proposition here on the floor is actuated by the same motives as are those on the other side of this question.

If they would have shown to them that economy would result, they would, regardless of any pressure from home, be in favor of the proposition to abolish the agencies; and I will say that, for my part, I have not received any letter from any person in my district concerning this during the present session. They would be prompted by the same motives to discontinue the agencies; but at this time, when there are as many pensioners on the rolls as there ever have been-

Mr. GARDNER of Michigan. No, no.
Mr. STAFFORD. There being 950,000 pensioners—
Mr. GARDNER of Michigan. Less than there have been at any time in sixteen years.

Mr. STAFFORD. There may be just a few less, but there is not any decided difference. And will the gentleman question that there were only 230,000 pensioners on the rolls when these agencies were established?

Two years ago we called upon the Secretary of the Interior to make an inquiry under a resolution as to the economical management of these pension agencies, and whether any econwould result by the proposed consolidation. right to expect some information to be furnished that would justify his present recommendation; but does he present any data or any statistics whatsoever to support his claim that a saving would result? And did he have any investigation of the agencies; did he dispatch any person to the agencies throughout the country to investigate as to whether there would be any saving?

Mr. GARDNER of Michigan. Yes.

Mr. STAFFORD. The record does not show that there was any investigation whatsoever, and he does not present any facts at all in support of it; and until he does present some facts, I shall vote in favor of the retention of these agencies.

Mr. CAMPBELL. Mr. Chairman, I am in favor of this amendment, because I believe it is in the interest of both economy and administration. No man in this House ever heard of anything being done cheaper or quicker in Washington than it is done elsewhere in the country. It will take as many men to do the work in Washington as are employed in the payment of these pensions in the country to-day. On the question of economy, where will you put the pension clerks if you bring them here? You can not put them in the Pension Office, for the space there is occupied to-day. We are now paying almost a half million dollars a year for rent in Washington. If you bring all the clerks here that are necessary to pay the pensions, you will fill up many of the vacant houses in Washington at a large rental with these additional pension clerks. To-day they are occupying buildings that are owned by the Government, In addition to that, we are paying to-day in without rent. Washington \$1,280 per clerk to the clerks engaged in the payment of these pensions, and outside of Washington we are paying \$970 per clerk.

Mr. LIVINGSTON. Mr. Chairman-

Mr. CAMPBELL. I can not yield. I only have five minutes. The Committee on Appropriations have had much time, and they have not presented a statement of facts here to show that there will be any economy in paying these pensions in Washington

But I am opposed to centralizing these agencies here for another reason. Such action will result in the delay of paying the pensions to the old soldiers. It will also result in many instances of the old soldiers who are to-day employed in the agencies outside of Washington at \$900 a year in having to stay at home without a job and giving place to clerks here who are rated at \$1,280 a year, because they can not come here and live on the \$900 a year they are living on at home. No man who is employed at Topeka or Columbus or any other great agency can leave his home and come here and live on a salary such as he receives to-day. Many of these clerks live in their own houses. They can not leave their homes without great hardship. Many of them have been in the service for the last twenty years and are able and efficient clerks, and the figures of the Pension Commissioner show they have paid pensions more economically in the country than it has been done in Washington.

In answer to the statement of the gentleman from Michigan [Mr. Gardner] that no one opposes this consolidation who does not have an agency in his district, I want to say that I have no agency in my district. I have few, if any, constituents in any agency as employees; but I have hundreds of pensioners in my district who receive their pay from the Topeka agency, and it is for them that I speak. No man who favors centralizing these agencies in Washington has shown that it will not delay the payment of pensions. It is a mere assumption that the change will result in having the business done more economically than it is done to-day; and even if it did, the delay that would not be economy to save a few dollars a year as a result of delay in the payment of pensions.

Mr. COX of Indiana. Mr. Chairman, in a few brief words I want to record myself in favor of the bill reported to this House by the committee, and in opposition to the amendment

proposed by the gentleman from Ohio [Mr. TAYLOR].

It strikes me that the argument advanced in behalf of the amendment is a peculiar argument. The argument advanced this morning in favor of the amendment is to the effect that the 18 pension agencies are largely in the interest of economy. If that is true—that it is in the interest of economy to have 18 different pension agencies scattered all over the United States—upon the same principle why not have 36 pension agencies scattered over the United States, and then you would reduce the expenses of the Bureau of Pensions to an absolute minimum? I take it if there was not one word said, one iota of evidence furnished by the committee showing that it would be in the interest of economy to concentrate these agencies in the city of Washington, that the facts would bear that proposition out.

Mr. LIVINGSTON. It is a self-evident proposition.

Mr. COX of Indiana. Yes; as suggested by the gentleman from Georgia, a self-evident proposition. Suppose you have a business man. He has that business scattered over 18 or 20 different States in the United States. It is certainly a self-evident proposition that it will be much more expensive for that man to conduct his business scattered over the United States than it would be if it was all concentrated at one given point.

Objection has been made this morning to the fact that the Secretary of the Interior does not give any facts or data upon

which to base his statement when he declares that it would save the Government of the United States not less than \$200,000 the first year and \$225,000 the next year. I insist that his statement, wherein he does make the positive statement that it would save the Government of the United States \$200,000 the first year, is a statement of fact and not a conclusion.

The CHAIRMAN. The time of the gentleman from Indiana

has expired.

Mr. TOWNSEND. Mr. Chairman, this is the third time that this matter has been before the Congress; the two times before I was Chairman of the Committee of the Whole House, and, therefore, did not have any opportunity to express myself, either by word of mouth or by speech. I listened to the discussions, however, as I have at this time, with a great deal of interest for the purpose of discovering the reason why we should change the law that has so long been on the statute book, and which change, to my mind and in my judgment, is bitterly opposed by the great majority of pensioners of the United States.

Now, Mr. Chairman, I am willing at this time and at all times to support an amendment to existing law which will bring any material economy to the country and by so doing work no injury to the pensioned veterans of the civil war. But, judging as best I can from the arguments which have been presented pro and con, I am well satisfied that at least it is a mooted question whether there is to be any real economy to the country or not. As for myself, sir, I am not in favor of any cheese paring method when applied to the pensioners of the civil war. Even though it did cost possibly a little more to maintain the agencies, as the pensioners desire them and as they have existed for lo, these many years, I should still vote in favor of the existing law. I have no pension agency in my district, although I am a neighbor to a district which has such agency.

I submit that that alone has absolutely nothing to do with my attitude on this question, although the desire of the pensioners in general has much to do with it, and especially as I have not yet been convinced that there is going to be any material economy accomplished by the passage of the bill as presented. Mr. Chairman, you may call this sentiment, and you may say that sentiment has absolutely nothing, or ought to have nothing, to do with the legislation by the American Congress, but I submit that this is a sentiment which has guided us since the close of the civil war, a sentiment which does credit to our manhood as Members of this House and does credit to us as a Nation. Therefore, inasmuch as I am not convinced that there is to be any material economy, inasmuch as I am satisfied that it is the desire of the soldiers of the country that the law should be retained as at present, I am in favor of the amendment as proposed.

Mr. KAHN. Mr. Chairman, it is evident from the statements made here that it has not been proven that there will be any material saving to the Government if this bill is passed as reported by the committee. But there are a few matters in connection with the subject that I would like to present to this committee. In the first place, the law under which these pension agents are appointed gives the President the power to make the appointments. The law does not say there must be so many agents. It says that whenever in the judgment of the President he thinks it advisable to appoint an agent, he may do so. Under that law he has appointed 18 agents throughout the United States. He can refuse to issue the commissions as vacancies occur. He may refuse appointments, but it seems to me—

Mr. BOWERS. Will the gentleman yield for a question? Mr. KAHN. Yes.

Mr. BOWERS. Does the gentleman contend that all of the pension agencies now in existence in this country are established under the act to which he refers?

Mr. KAHN. I am not quite informed on the subject, but I believe a majority of them are.

Mr. BOWERS. Quite a number, but let me say to the gen-

Mr. BOWERS. Quite a number, but let me say to the gentleman that a number of pension agencies were established by specific law.

Mr. KAHN. Be that as it may, the fact remains these agencies have been established, and I apprehend they have been established for the convenience of the pensioners of this country. The payment of pensions is not the sole duty of the pension agencies. It is not the sole thing for which they were established. Wherever there is a pension agency in this country there are hundreds of pensioners who go to the agent for advice. They go to find out certain requirements of the pension laws, and they are given the advice freely. If you disestablish these agencies, you simply compel the pensioners to go to pension attorneys for that advice. That is what you will do.

Mr. LIVINGSTON. For what?

Mr. KAHN. For getting the advice that they now get for nothing from the pension agencies. The matter of economy is an important thing, but yet this Government has established in all of the large cities of the United States post-office stations and subpost-office stations in order to bring the post-office near the people. All the business of these communities could be done at one general post-office, but for the advantage of all the people the Government has established stations and substations in order that the great majority of the people of the country may be able to do their business conveniently, expeditiously, and economically.

Mr. GARDNER of Michigan. Does the gentleman see any parallel between the substations of the post-office and the pen-

Well, there are upward of a million pensioners in the United States, and they are a considerable proportion of the population of the United States. I contend that every pensioner is entitled to have his pension agency as near his home as it can possibly be established, not only for the purpose, primarily, of giving him his payment, but in order that he may go to that agency and find out certain matters in connection with the pension laws of the country. It is the custom in thousands of cases for the pensioner to go to the agent when he wants to make application for an increase and get the agent's advice in regard to preparing his affidavits. This advice is freely given by the agent. If the pensioner had to consult an attorney about the matter, he would have to pay a fee for the very advice that he now gets gratis from the agent. It frequently happens that the agent points out mistakes in the affidavits for increase, and in doing so he saves the applicant the annoyance and the delay that would result if the mistake were not corrected. I believe the amendment is a good one and ought to prevail.

Mr. FOCHT. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Yes. Mr. FOCHT. Ignoring the question of economy entirely, I would like to ask the gentleman to state which plan he thinks would produce the most efficient service to the old soldier?

Mr. KAHN. The present plan. In that connection let me call a matter to the gentleman's attention. The mail going out from the different agencies reaches the pensioner within one or two or three days at most. From Washington, going to the far West, it would take four or five days. Recently a mail car was burned which was carrying mail matter between San Francisco and the city of Washington. Such things happen occasionally. If such a car had contained vouchers for pen-sioners, the delay in securing duplicates from Washington would have led to untold hardship to thousands of pensioners in the far West.

The CHAIRMAN. The time of the gentleman has expired. Mr. TAWNEY. Mr. Chairman, I now yield two minutes of my time to the gentleman from Indiana [Mr. Holliday].

The CHAIRMAN. With the permission of the committee, the Chair will permit the gentleman from Minnesota to yield two

minutes of his time to the gentleman from Indiana.

Mr. HOLLIDAY. Mr. Chairman, in two minutes, of course, no very elaborate argument can be made. I am opposed to the amendment and in favor of the bill as reported by the committee. I believe it is in the interest of economy, and there is another argument in favor of it, and that is the new pensioner the pensioner just placed upon the pension roll-will get his money sooner if pensions are paid from Washington than he will get them now.

I remember one instance where a pensioner wrote to me. His pension had been allowed, and after some weeks had elapsed my attention was called by the pensioner, the beneficiary of the allowance, to the fact that he had not received his pension and the reason is the pensions are allowed here and then they are sent away to the particular agency. That caused delay and then there is some delay there, whereas, if the pensions were paid from one agency, the place where the pensions are allowed, they will be placed upon the roll and the money will be sent as rapidly as the clerical force could do it to the pension beneficiary.

Mr. SULLOWAY. It would not be paid until the quarter

Mr. HOLLIDAY. It is not paid now at the beginning of the quarter. It is delayed frequently a considerable period and it would be paid more promptly from Washington.

Mr. SULLOWAY. If he did not get the voucher, it would

not make a particle of difference.

Mr. HOLLIDAY. As a matter of fact it does not make any difference in the long run; the payment would come about three months apart anyhow. If it was a little later in beginning it

would get around every three months after that, and I would

The CHAIRMAN. The Chair now recognizes the gentleman

from Minnesota [Mr. TAWNEY].
Mr. HOLLIDAY. I would simply like to add this, Mr. Chairman, that a great deal has been said about pensioners demanding that these pension agencies be restored. If the pension agents themselves happen to be soldiers, I can understand why that demand is made, but as an old soldier and as a member of the Grand Army I may say I never heard one single pensioner express any desire to have these agencies retained with an additional expense to the Government.

Mr. TAWNEY. Mr. Chairman, the real question involved is a simple business proposition. Congress by the enactment of this bill into law will appropriate over \$160,000,000 for the payment of pensions heretofore allowed. The only question involved in this discussion is in respect to the payment and administration of this appropriation of \$160,000,000. Can it or can it not be administered efficiently and more economically through 1 agency than through 18 different agencies scattered throughout the different parts of the country. It seems to me that it should be manifest to every Member of this House who stops to consider the proposition from a business standpoint that 1 agency with a complete organization can distribute from one central point the \$160,000,000 appropriated for pensions more economically than the 18 different agencies could do it.

The Secretary of the Interior told the Committee on Appropriations during the last session of Congress that the economy in this proposed consolidation would amount to at least \$350,000. Part of this sum would be saved in the salaries of the agents themselves, and part of it in a reduction of the clerical force, and another part in the mechanical equipment that could be used here in a central agency for the purpose of addressing envelopes, doing much of the clerical work and computation, which is practically all of the service required of any of these To equip all of these 18 agencies with these modern mechanical appliances would be expensive and it would not be good administration.

For that reason, Mr. Chairman, and because of the economy, and because of the greater efficiency in the doing of the work, and because, also, it does not in the least delay or affect the payment of a single pension in the United States, the committee has heretofore recommended this provision and the House has twice adopted it, and the committee did not this time feel justified in reversing the policy of this House as well as the policy of the committee itself, and that, too, without any evidence. Now, we are paying from this agency in Washington all the pensions that are paid to pensioners in foreign countries, the aggregate being about \$7,000,000 a year. There is no complaint on the part of the foreign pensioner on account of delay. his payment regularly four times a year on the same day, and the same is true now and will be true of the pensioners of the United States if this provision goes through and the amendment is defeated.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. Tawner] has expired.

The Chair will now recognize the gentleman from Ohio [Mr. Keifer], in opposition to the amendment, if there is no gentle-man desiring to speak in favor of the amendment, for ten minutes.

Mr. WANGER. Mr. Chairman, I would like to say a word

in favor of the amendment.

The CHAIRMAN. Will the gentleman consume his time now or after the gentleman from Ohio speaks?

Mr. KEIFER. Mr. Chairman, I wish to close the debate. The CHAIRMAN. The Chair then will recognize the gentleman from Pennsylvania [Mr. Wanger] for five minutes.

Mr. WANGER. Mr. Chairman, I would be very pleased to vote against this amendment if I were convinced of any substantial economy to result to the Government by dispensing with pension agencies, and that the dispensing them would not deprive the pensioners of the substantial services which they are now enjoying to their great advantage.

My friend from Minnesota [Mr. TAWNEY] quotes the evidence of the Secretary of the Interior, I think it was, or the Commissioner of Pensions, of last year, of a very large saving. But it will not be forgotten that there was a demonstration at that time by a gentleman with an experience of several years in the payment of pensions, to the effect that the views that there would be resulting economy from consolidating these agencies were purely theoretical and were based upon misapprehension; that, on the contrary, there would be equal or greater expenditures under a consolidation than there are now with the several agencies, with great inconvenience to clerks and pensioners.

It must lie within the experience of nearly every Member of this House that writing to the Bureau of Pensions-I mean that where pensioners write to the Bureau of Pensions-with the very large number of cases with which that Bureau has to deal, it takes a much longer period of time to send an answer to the correspondent than it does to get an answer from these several pension agencies. There is now the certainty of prompt payment and of prompt information.

Mr. TAWNEY. Will the gentleman permit an inquiry there? Mr. WANGER. One moment. And just at this time, when there is a movement to discentralize the great postal service of the country and divide its functions and scatter them all over the United States, it seems to me an extraordinary period to again bring in this proposition without ever having had any hearing by anybody except a few advocates of the abolition.

Mr. TAWNEY. The gentleman referred a moment ago to the difference in time of receiving an answer from an agency and one from the department. The time is controlled largely, I suppose, by the amount of time required to investigate the record. The record of all the pensioners is kept here in Washington. Inquiries made here by the pensioner are in respect to his own case. That is something that the agency has nothing whatever to deal with. The agency deals merely with the payment of the pension; and if the inquiry is anything in respect to the payment of the pension the pensioner gets a prompt reply, because it does not require three or four days of time to investigate and find out what answer to send him.

Mr. WANGER. It requires considerable time to get the correspondence to the desk where it properly belongs and where it will be dealt with. We all have experience in calling for information in respect to the filing of pension applications or testimony, and it takes two or three weeks at the bureau before these applications or affidavits reach the files of the case and before the answer from the bureau with respect to them can be relied upon.

Mr. DAWSON. Does the gentleman know whether or not it is the practice of the Pension Bureau to answer inquiries received from pension applicants at all? I understand if a pensioner writes the Pension Commissioner with regard to his pension case he is not certain to get any answer at all.

Mr. WANGER. My understanding is that he is not certain to get any answer at all, but that in a considerable number of instances an answer is received. That fault does not lie entirely with the Pension Bureau. Letters are sent without defining and specifying the case to which they relate, and the bureau very often, under those circumstances, does not ask for the additional information, whereas when the letter goes to the pension agent the latter goes to his list, and response is made promptly.

Mr. HOLLIDAY. I will ask the gentleman what information the pension agent can give about a pension that has not been allowed?

Mr. WANGER. None at all where the pension has not been allowed.

The CHAIRMAN. The time of the gentleman has expired. The Chair now recognizes the gentleman from Ohio [Mr. KEIFER] to close the debate.

Mr. KEIFER. I understand I have ten minutes.
The CHAIRMAN. Ten minutes.
Mr. KEIFER. Mr. Chairman, I understand the difficulty that the gentlemen labor under generally in their effort to prove to this House and the country that it is economical to maintain a few offices located in certain quarters of the Union; and while I recognize that, I also recognize the fact that not one of those who spoke for this amendment ever dreams about the poor soldiers that live in 31 States of this Union and in all the Territories in the West where they have no pension agencies at all.

My friend from California [Mr. KAHN] appeals tearfully for the old soldier that can go to the San Francisco office on the morning of pay day and there cause much delay in the payment of pensions while he gets his first. But he sheds no tear for the pensioners of Los Angeles, Seattle, and other cities on the Pacific coast, and all the pensioners living in the other States, like Idaho and Montana, and other places, who all get their pensions from the San Francisco office. The pensioners in these States and Territories do not complain, because they, in fact, get their pensions paid to them as regularly and as promptly as those residing in San Francisco.

Now, we have had a good deal of talk about agencies being continued, even though we passed this bill. No such dire calamity would happen, but it might if they were to be continued, as my colleague from Ohio says, and we had to pay them. But they will be disestablished by the President, as they were by law established by the President, so that we will have no lawsuits nor any payments of that kind to make.

They say the Pension Office is not large enough, and it has been said in the last twenty-four hours that we would have to build more pension buildings to pay the pensioners if they were all paid here. It seems hardly possible that much more room can be secured in the Pension building than is required now for the one located there. The Commissioner of Pensions, in his statement a year ago, undertook to tell us that there would be plenty of room in the Pension building, and calculations and estimates have been practically made since, and he confirms now what he stated in his testimony before the subcommittee of the Committee on Appropriations. He said then:

We will have room in the event that we are allowed the entire Pension building for pension purposes; that is, if they surrender us the whole building. We have the board of appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office. If those rooms were restored to us, we would have plenty of room.

That concludes that argument. But the gentleman from New York says that he has read the RECORD and listened and studied for years to find out a single fact that tends to show any economy. It has been conceded all along that we would save 125 clerks; and my friend from Michigan [Mr. GARDNER] says they will cost \$1,000 each a year; and if you will get a slate and pencil you can easily figure out that that will be \$125,000. This will show a saving of that amount per year for clerks alone.

Mr. ALEXANDER of New York. Will the gentleman allow

me to ask him a question?

Mr. KEIFER. Not now. If he will multiply the number of agents, 17, by the salary now paid each, to wit, \$4,000, he will get \$68,000, a further saving of that sum; and so if he would go on he might get some other facts. He need not study a year longer. [Laughter.]
Mr. GARDNER of Michigan. And \$4,500 a year rent.

Mr. KEIFER. And \$4,500 for rent in the city of New York. Some of these things are self-evident. It costs less in all the agencies in the proportion as they are greater in point of numbers of pensioners paid and amount of pension money paid. Old statistics have been revamped here. I do not know when or how they were made. It was attempted yesterday and to-day to show that the city of Washington was the most expensive place of any in paying pensions. I tried to show that the cost per capita in the year 1907, in Washington, as shown by the testimony, was 51 cents. It was contended that this calculation was not true, and gentlemen stated it was 63 cents. talked with the Commissioner of Pensions this morning over the phone and asked him to give the cost per capita for the last fiscal year of paying the pensioners in four cases. He gave me in writing the result of a calculation made this day, showing the cost per capita in Buffalo, 49 cents; Philadelphia, 46 cents; Pittsburg, 49 cents, and Washington, 44 cents. So we have now got recent statistics.

I want to say that in making the calculation for Washington, reducing it to 44 cents, the commissioner said that he took into account not only the foreign pensioners, but the examining surgeons that have to be paid from here. I want to put into the RECORD this statement, so as to let it go in as a whole.

Mr. GARDNER of Michigan. He put the Washington agency on all fours with the other agencies?

Mr. KEIFER. Yes, undoubtedly; taking the same things into account; and he included the examining surgeons,

Mr. ALEXANDER of New York. Is it true that the subcommittee having this matter in charge, of which the distinguished gentleman from Ohio is chairman, reported unanimously not to bring in this section in the bill until the subcommittee was instructed by the balance of the Committee on Appropriations to bring it in?

Mr. KEIFER. That statement is not quite true; and if it was, I would not be at liberty to speak of it here, for we do not reveal the votes of individual members on committees. The

statement is not quite true. [Laughter.]
Mr. ALEXANDER of New York. Will the gentleman from Ohio yield?

Mr. KEIFER. I can not allow you a minute; I will yield to you for a question. My time is about out.

Mr. ALEXANDER of New York. I just had that statement from the chairman of the Committee on Appropriations. [Laughter.]

Mr. KEIFER. Well, he is responsible for all he says here. I have no objection to it. It is not quite true. [Laughter.]
Mr. TAWNEY. What I said was that the Committee on Ap-

propriations did not wish to take the responsibility of changing the policy of the House on this question, it having twice voted to consolidate those agencies.

Mr. KEIFER. I understood my friend from California [Mr. KAHN] to say that if pensioners can not go to the Pension Office they would have to go and hire an attorney at law, or an attorney of some kind, to help them get their pensions allowed.

I never have heard of any such case as that in forty years' ex-

It is still asserted here that there will be no economy in a reduction of the pension agencies, and it is repeatedly asserted that no investigation has been made which shows any economy will result.

Now, as it has been disputed so often, I want to read just one paragraph from the Secretary of the Interior after he had made an investigation of this subject, which my friend from New York seems to have forgotten. Two years ago we required by law that this subject be investigated by the Secretary of the Interior and that he report on the subject of the economy of discontinuing these agents. This he did, and after all his experience and getting all the facts together he became a competent witness, and I read a single sentence from his testimony in the hearings a year ago on the subject:

I believe that the saving would be nearer \$350,000 a year in administration, and without any loss to the pensioners in expeditiously receiving their pensions, and without in any way interfering with the handling of the present business in the settlement of claims presented.

That is his testimony, and that comprises the conclusion of this matter, and I ask for a vote on the amendment.

Mr. Chairman, I ask unanimous consent to print in the RECORD a letter and memorandum from the Pension Office.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record. Is there objection? There was no objection.

The documents referred to are as follows:

DEPARTMENT OF THE INTERIOR, UNITED STATES PENSION AGENCY, Washington, D. C., January 18, 1909.

Hon. V. WARNER, Commissioner of Pensions, Washington, D. C.

Washington, D. C.

Sin: The number of pensioners on the rolls of the Washington agency to-day is 53,359. This includes 5,047 who reside in foreign countries. It takes twice the length of time to examine a voucher executed in a foreign country as it does a domestic voucher by reason of the almost unmentionable foreign names and long addresses; for example, Levi W. Bailey, Port Victoria, Mahe, Seychelles Islands, Indian Ocean, via Bombay; or Julia H. A. Sternberg, 86 Kurfurstenstrasse III, Berlin, W., Germany; or Harry Ouseley Blake Lane, Hampden, Barkley street, St. Kilda, Melbourne, Victoria, Australia; or Fumiko Kikuchi, 750 (2) Ashiya, Seido Mura, Sarushinden, Mukogun, Hyogo-Ken, Japan. We also must scrutinize the vouchers to see if the officer before whom the voucher is executed is properly certified by an American consular officer. This makes relatively 63,000 pensioners, to which is added 5,000 examining surgeons, to whom were sent last year 18,200 checks. This reduces the cost of payment to 40 plus cents per pensioner.

There were sent out from this agency last year 261,470 pieces of mail.

The payment of the foreign pensioners is the most tedious. Written in the language of the country from which they come, it is with the greatest difficulty that we are able to decipher them, and repeatedly have to call in the assistance of an interpreter.

Respectfully, yours,

JNO. R. Kore, Language of the country of the pensions of the country of t

JNO. R. KING, United States Pension Agent.

MEMORANDUM.

The average cost per pensioner for the payment of pensions, exclusive of the pension agent's salary, at the Buffalo, Philadelphia, Pittsburg, and Washington agencies during the fiscal year ended June 30, 1908, was as follows:

	WW PINTS
BuffaloPhiladelphia	49 46
Pittsburg Washington	49 44

In obtaining the percentage at the Washington agency the number of examining surgeons paid at this agency was added to the number of pensioners, and each foreign pensioner considered as equivalent to two pensioners in the United States. It is believed, however, that the labor involved in the payment of foreign pensions is perhaps three times as great as that in paying the same number of pensioners in the United States. The contingent expenses at the Washington agency during the last fiscal year include \$625 for postage in forwarding the checks to foreign pensioners. A similar expense does not occur at any other agency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TAYLOR].

The question was taken; and on a division (demanded by

Mr. TAYLOR of Ohio) there were—ayes 65, noes 87.
Mr. TAYLOR of Ohio. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. TAY-LOR of Ohio and Mr. KEIFER.

The committee again divided; and there were-ayes 71, noes 194

Accordingly the amendment was rejected.

The Clerk read as follows:

The Clerk read as 1010ws:

The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups as he may think proper; and he may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall

be paid their quarterly pensions on March 4. June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change, so as to properly adjust all payments as herein provided.

Mr. TAYLOR of Ohio. Mr. Chairman, a point of order to

that paragraph.

The CHAIRMAN. The Chair will hear the gentleman. Mr. TAYLOR of Onio. Mr. Chairman, this is a new scheme for dispensing the money of pensioners, is new legislation, and should not be in an appropriation bill. The same point of order was made against identically the same provision on the bill last year and was sustained.

Mr. UNDERWOOD. Mr. Chairman, a parliamentary in-

quiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. Were points of order reserved against this bill when it was reported to the House?

The CHAIRMAN. Points of order were reserved.

Mr. MANN. I reserved them,

The CHAIRMAN. Does the gentleman from Ohio [Mr.

Keifer] desire to be heard on the point of order?

Mr. KEIFER. Does the gentleman think this ought to go out? If it does, it will leave the matter just as well, perhaps, except in a possible emergency. There might be some embar-rassment to the department. I think last year, after discus-sion, it was permitted to remain in the bill. It is probably subject to a point of order if the gentleman insists upon it. It is simply a regulation of the mode of paying that ought to be in the statutes.

The CHAIRMAN. Does the gentleman from Ohio [Mr. TAY-

LOR] insist upon his point of order?

Mr. TAYLOR of Ohio. I insist on the point of order. The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

In case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other cierk employed therein to temporarily act as such agent for payment of pensions.

Mr. TAYLOR of Ohio. Mr. Chairman, I make a point of order to that paragraph that it is new legislation, changing existing law

The CHAIRMAN. Does the gentleman from Ohio [Mr.

Keffer desire to be heard?

Mr. KEIFER. I want to appeal to the gentleman to allow that to stand, because, as an illustration, if the pension agent at Columbus, Ohio, is ill and unable to perform his duties on a pension-paying day, if this clause is allowed to become a law the Commissioner of Pensions will be permitted to designate somebody to act temporarily, and to allow the payment to go on. The only effect of striking this out would be to subject the department to some embarrassment in case an exigency of that kind should arise. This has nothing to do with the consolidation of pension agencies at all.

Mr. TAYLOR of Ohio. I will say that the pension agency in Columbus has run for a great many years without this legisla-

tion. I insist on my point of order.

Mr. KEIFER. It might not happen there, but it has happened at other places

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

Mr. TAYLOR of Ohio. Mr. Chairman, I make the point of order that that changes existing law.

Mr. KEIFER. I suppose the gentleman makes these points of order upon the theory that this legislation is in pursuance of the decisions of the House with reference to the consolidation of pension agencies. It is not, and is proposed only for the purpose of relieving the existing agencies from embarrassment.

The CHAIRMAN. The gentleman from Ohio concedes that the point of order is well taken, and the Chair sustains the

point of order. The Clerk, completing the reading of the bill, read as follows:

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the person appointed to act in

Mr. TAYLOR of Ohio. Mr. Chairman, I raise the point of order against that paragraph. It changes existing law.

The CHAIRMAN. The Chair sustains the point of order. Mr. KEIFER. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BUTLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26203, the pension appropriation bill, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote asked on the amendments?

Mr. KEIFER. There is but one amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Keifer, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EULOGIES ON THE LATE SENATOR WILLIAM B. ALLISON.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The Clerk read as follows:

Order No. 17.

Ordered, That there be a session of the House at 2 p. m., Sunday, February 21, for the delivery of eulogies on the character, life, and public services of Hon. WILLIAM B. ALLISON, late a Member of the United States Senate from the State of Iowa.

The order was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26399, being the urgent deficiency appropriation bill; and, pending that motion, I ask unanimous consent that all general debate in Committee of the Whole be closed. The bill is the smallest urgent deficiency bill that has been reported to the House for many years, and it carries but very few appropriations, and nearly all are urgent appropriations.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill indicated, the urgent deficiency appropriation bill, pending which motion the gentleman asks unanimous consent that all general debate be closed or that there be no general debate. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he proposes, under the five-minute rule, to allow whatever latitude is necessary to discuss the bill?

Mr. TAWNEY. Certainly; there will be no restriction of reasonable debate under the five-minute rule.

The SPEAKER. The Chair hears no objection. The motion of Mr. TAWNEY was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Foster of Vermont in the chair.

The CHAIRMAN. The Clerk will read the bill. Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. By order of the House all general debate is closed, and the Clerk will read the bill by paragraphs.

The Clerk read as follows:

TREASURY DEPARTMENT.

Washington, D. C., Bureau of Engraving and Printing: For the purchase of land, in addition to the amount appropriated by act of May 27, 1908, \$146,304.40.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the distinguished chairman of the committee, merely for my information, how much the appropriation amounted to made under the act of May 27, 1908?

Mr. TAWNEY. Two hundred and fifty thousand dollars.

Mr. BARTHOLDT. And this is \$146,000 in addition? that for the site and the building?

Mr. TAWNEY. No; for the site. The authorization of the building, as I recall it, was \$2,000,000. I will say that when we authorized the purchase of the site to erect the building for the Bureau of Printing and Engraving last session of Congress we had no information whatever as to the amount of money that would be necessary for the purchase of the site.

We knew that the amount appropriated would not be sufficient for that purpose. But we concluded to allow the \$250,000 so that there would not be a surplus that would be an incen-

tive to the owners of the property to ask more than the property was worth, and we made a flat appropriation of \$250,000, without reference to the cost of the site, because we had no information upon that point. The site has been purchased, and it will require this amount to complete the purchase and pay the consideration that the Government agreed to pay.

Mr. BARTHOLDT. On what side of the present building is it proposed to erect this building?

Mr. LIVINGSTON. It is right across the street from the

Department of Agriculture.

Mr. TAWNEY. There are three squares, 231, 232, 233.

Mr. BARTHOLDT. Is it north, south, east, or west of the present building?

Mr. TAWNEY. It is south of the main building.

The Clerk, proceeding with the reading of the bill, read as follows:

For purchase, care, and maintenance of automobiles for use of the President, \$12,000.

Mr. COX of Indiana. Mr. Chairman, I would like to ask the chairman of the committee in reference to this provision whether or not the appropriation bill in the last Congress carried an item for the purchase of automobiles for the President?

Mr. TAWNEY. It did not.

Mr. COX of Indiana. Whether or not there is anything in the law now empowering Congress to appropriate money for the purchase of automobiles for the President?

Mr. TAWNEY. I think the Congress has authority to appropriate money unquestionably for that purpose. There is an appropriation of \$25,000, a miscellaneous appropriation, out of which the horses for the President have heretofore been purchased, including their maintenance and care. They have also

purchased carriages and maintained them out of it.

The committee was informed that the President-elect intends to practically abandon the use of horses for reasons of his own and use the automobiles as a means of conveyance instead of a carriage and horse. Under the law as it exists now it is not possible for him to purchase the automobiles out of the appropriation made for this current fiscal year, and in order to make the automobiles available for use by March 4 it is necessary to provide in this bill specifically for the purchase and maintenance of these automobiles during the remainder of the fiscal year from March 4 to July 1.

Mr. COX of Indiana. Does this increase the appropriation in any way to the President or for the benefit of the President?

Mr. TAWNEY. It will increase it to the extent of the cost

It will increase it to the extent of the cost of these automobiles. Hereafter their care and maintenance will be paid for out of the same appropriation that the care and maintenance of the horses and carriages has heretofore been paid. It will increase it to the extent of \$12,000.

Mr. COX of Indiana. As I understand the gentleman, heretofore there has been \$25,000 appropriated, and out of that a

certain part has gone for the purchase of horses?

Mr. TAWNEY. Horses and carriages and their maintenance. Mr. COX of Indiana. Is this \$12,000 intended to be appropriated here in addition to the \$25,000?

Mr. TAWNEY. It will be in addition to that for this year. Hereafter the \$25,000 will provide for the care and maintenance of the automobiles purchased under this appropriation of \$12,000.

Mr. COX of Indiana. Then, whereas \$25,000 has heretofore been appropriated, this session we will appropriate \$37,000. Am I correct?

Mr. TAWNEY. That is the practical effect of it, making the appropriation \$37,000 for the current fiscal year instead of \$25,000, due to the fact that the President-elect intends to use automobiles instead of horses and carriages.

Mr. COX of Indiana. Has the gentleman any idea about how

many automobiles this \$12,000 will purchase?

Mr. TAWNEY. I have no idea; but it will not only include the cost of the automobiles, but the care and maintenance of them from March 4 until July 1.

Mr. COX of Indiana. Is this \$12,000, sought to be appropriated in here, based upon estimates received by the committee-not only as to the original cost of the automobiles, but

as to the cost of their maintenance likewise?

Mr. TAWNEY. The present secretary of the President is the gentleman who communicated with the chairman of the Committee on Appropriations on the subject, who had looked into the matter of cost of automobiles, and it was the judgment of the committee—although very few, if any of them, knew any-thing about it from actual experience—that \$12,000 would not be any more than was necessary to purchase a couple of automobiles and maintain them for four months.

Mr. COX of Indiana. Is this amount of \$12,000 based upon the estimate which the gentleman says he received from the

secretary?

Mr. TAWNEY. Yes.
The CHAIRMAN. The time of the gentleman has expired.
Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Minnesota a question. I understood the gentleman to state that this \$12,000 must cover the cost of the automobiles and their maintenance from March 4 to July 1.

Mr. TAWNEY. Yes. Mr. GARRETT. There was \$25,000 appropriated for this fiscal year for the purchase and maintenance of the general expenses, incidental expenses. Would all of that \$25,000 have

been used up by the 4th of March?

Mr. TAWNEY. I do not think it will. I know what the gentleman wishes to bring out, I think. The purchase and main-tenance of the automobiles from March 4 to July 1 should leave something of a surplus appropriated for the fiscal year, for the reason that no horses and carriages will be maintained or purchased.

Mr. GARRETT. What will become of the horses and carriages there now after the 4th of March next?

Mr. TAWNEY. I do not know. They will be disposed of.

Mr. GARRETT. They belong to the Government? Mr. TAWNEY. They belong to the Government; and some of them, as I am informed, belong to the President personally.

Mr. GARRETT. I mean those that have been bought out of these appropriations.

Mr. TAWNEY. Yes.
Mr. BARNHART. What will become of the appropriation to be used for horses and carriages in the future?

Mr. LIVINGSTON. There will be none.

Mr. TAWNEY. In the legislative, executive, and judicial appropriation bill as it passed the House at this session of Congress the language was so changed as to hereafter permit of the purchase and maintenance of automobiles out of that \$25,000.

Mr. BARNHART. And this \$12,000 is to buy a new outfit and

then continue the old appropriation?

Mr. TAWNEY. Yes; to buy a new outfit and maintain it until the next appropriation becomes available on the 1st of July.

Mr. BEALL of Texas. Can the gentleman tell us how many horses are in the stables now, purchased by Government money? Mr. TAWNEY. I can not.

Mr. BEALL of Texas. Or how many carriages? Has any information in regard to this matter ever come to your committee?

Mr. TAWNEY. Well, there has never been any official information that the committee has received on the subject. I noticed that when the President moved to Washington from Oyster Bay last fall the newspapers stated that he brought 16 horses with him. Now, I do not know how many of them were horses belonging to the Government or how many belonged to him personally, and I do not know whether that is the number or not.

Mr. BEALL of Texas. Does the gentleman know whether there has been any detail of horses from any department to the Executive Mansion as there has been of clerks from different

departments of the Government?

Mr. TAWNEY. I do not. Mr. MANN. The law authorizes a detail of clerks. Is there any law authorizing a detail of horses?

Mr. TAWNEY. Not that I know of.

Mr. COX of Indiana. Mr. Chairman, I would like to ask the chairman one more question to see whether or not I understood him correctly a moment ago. I desire to ask him whether or not there is any statute now in force that will authorize Congress to appropriate money for the purpose of buying automobiles for the President.

Mr. TAWNEY. I do not think there is any specific authority, but it is one of the incidental expenses of maintaining the ex-

ecutive branch of the Government.

Mr. MANN. And dignity of the Government.

Mr. TAWNEY. There has been no question of the general authority which Congress has to provide the necessary means

authority which Congress has to provide the necessary means for maintaining that branch of the Government.

Mr. COX of Indiana. Mr. Chairman, as the gentleman announces there is no statute in force authorizing Congress to make this appropriation, I want to make the point of order.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the point of order comes too late.

Mr. COX of Indiana. I suspect the gentleman is correct on that.

The CHAIRMAN. The Chair sustains the point of order of the gentleman from Minnesota. Unless there is objection the pro forma amendments will be considered as withdrawn.

The Clerk read as follows:

For miscellaneous items and expenses of special and select commit-tees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, \$40,000.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee to explain this item.

Mr. TAWNEY. This item, Mr. Chairman, is a miscellaneous appropriation for the House of Representatives, exclusive of salaries, paid for labor and other employees and for all select committees. I have a letter here from the Chief Clerk of the House which will explain the amount that has been expended and the amount estimated to be expended during the remainder of this session.

Mr. BENNET of New York. Will the gentleman have it in-

serted in the RECORD without having it read?

Mr. TAWNEY. I will insert it in the RECORD, and I ask that this letter be printed in the RECORD for the information of the

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

House of Representatives U. S., Office of Chief Clerk, Washington, D. C., January 14, 1909.

Washington, D. C., January 14, 1909.

Hon. James A. Tawney,

Chairman Committee on Appropriations,

House of Representatives.

Dear Sir: I beg to submit the following statement as to amounts to be paid from the appropriation for "Miscellaneous items and expenses of special and select committees" for the fiscal year ending June 30, 1909, to accompany my letter of the 13th instant requesting a deficiency appropriation of \$40,000:

Salaries ordered by the House to be paid from the contingent \$19,000 5,000 2,000 2,500 3,700 1,450 500 5,000 Iund
Miscellaneous purchases (estimated)
Funeral expenses
Rental of annex folding room
Telephone service at Capitol and House Office Building
Lea Laundering towels.

Laundering towels.

House resolution, Committee on Ways and Means (estimated).

House resolution, Committee to Investigate Wood Pulp (estimated).

The resolution of Special Committee to Investigate the Extent of Special Committee to Investigate the Inv 5,000 mated)
House resolution, Committee to Investigate the Extent of Special Agents and Inspection Service.
Joint Committee on Revision of the Laws.
Extra stenographic work performed by stenographers not on the House corps (estimated). 5, 000 3, 800 4,500 57, 450

We have on hand in this fund at the present time \$20,000. Yours, very truly, WM. J. BROWNING, Chief Clerk.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

For the Patent Office, as follows: For printing the weekly issue of patents, designs, trade-marks, and labels, exclusive of illustrations, for printing, exclusive of illustrations, and binding the monthly volumes of patents, and for printing, engraving illustrations, and binding the Official Gazette, including weekly, monthly, bimonthly, and annual indexes, \$106,500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman to explain the reason for this large appropriation in a deficiency appropriation bill.

Mr. TAWNEY. For the Patent Office?

Mr. STAFFORD. Yes. Mr. TAWNEY. I would state, Mr. Chairman, in answer to the inquiry of the gentleman from Wisconsin, that this expenditure is a statutory expenditure. They are obliged to publish these patents from time to time. During the last fiscal year the cost of this printing was increased by the Public Printer to the Department of the Interior 20 per cent. I may say that that is one of the reasons for all of these deficiencies in the appropriations made for printing for other departments-that is, for the Department of the Interior proper, and also for the Interstate Commerce Commission. When before the committee Secretary Garfield said:

The printing of the Official Gazette has been increased by the Public Printer 55 per cent over what it was last year, and 10 per cent in the printing of patents—

And the 20 per cent I referred to was the increase in the ordinary departmental printing in the Department of the Interior.

I will read further:

The CHAIRMAN. Fifty-five per cent?
Secretary Garfield. Yes. The scale that was in existence when the estimate was made last year has been increased by exactly that much, and therefore, this being a business that we can not stop, that has

The CHAIRMAN. It is a statutory obligation?
Secretary Garrield. A statutory obligation to print the specifications in the patents.

It is the result of the revised estimate?

Mr. STAFFORD. It is the result of the revised estimate? Mr. TAWNEY. It is the result of the revised estimate of the cost.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to return to the section regarding the Department of Agriculture, the section that we passed a moment ago, for the purpose of offering an amendment at the end of the last line.

Mr. TAWNEY. I will have to object, Mr. Chairman. I do

not know what the amendment is.

Mr. HEFLIN. I will explain to the gentleman. It is an amendment to make a slight increase in the appropriation to supply Members with improved vegetable seeds for distribution among the people.

Mr. TAWNEY. I will have to object, Mr. Chairman. Mr. HEFLIN. Then I move, Mr. Chairman, that we return to that section for the purpose of offering an amendment to it.

Mr. TAWNEY. I make the point of order that the motion is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OLLIE M. JAMES. Would not an amendment of the character mentioned by the gentleman from Alabama be in order now as a separate and independent section?

The CHAIRMAN. The Chair is not called upon to pass upon

that question now.

Mr. HEFLIN. I wish to offer the amendment at the end of the last section.

The CHAIRMAN. Will the gentleman from Alabama please state his amendment as he desires to make it, and indicate where he wishes to make it?

Mr. HEFLIN. At the end of the section, under "Department of Agriculture," following "one hundred thousand dollars," on page 5.

Mr. TAWNEY. Mr. Chairman, I make a point of order. Mr. HEFLIN. Or as a separate section, to read thus:

To supply deficiency in the quota of vegetable and other valuable seed authorized to be furnished each Senator and Representative, the sum of \$30,000, which the Secretary of Agriculture is required to purchase.

The appropriation is not sufficient now, I desire to state to the gentleman from Minnesota, to give the supply of seed that we have had heretofore, and unless we can send out the number that we sent before and supply those who have been receiving them, it will be a great injustice to those not supplied—some will get seed and some will not.

Mr. TAWNEY. I make the point of order, Mr. Chairman, that the amendment is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HEFLIN. I would ask to offer it at the end of the bill. The Clerk read as follows:

For printing and binding for the Interstate Commerce Commission, \$40,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After line 23, page 6, add the following:

"The Postmaster-General is hereby authorized to rent offices for division headquarters, Railway Mail Service, in Washington. D. C., for the remainder of the current fiscal year out of the appropriation heretofore provided 'for rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, and badges for railway mail clerks.'"

Mr. OVERSTREET. Mr. Chairman, I desire to add to that, at the beginning, "and postal service," so that the amendment I have just offered will fall within the postal service. Make it as a center head, like the other center heads in the bill.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Indiana [Mr. OVERSTREET].

The question was taken, and the amendment was agreed to. Mr. HEFLIN. Mr. Chairman, I desire to add a new paragraph at the end of the bill, on page 6, the amendment which was read a little while ago.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the amendment is not in order. The amendment is in relation to an appropriation for the Department of Agriculture, and we have passed that part of the bill appropriating for that department, and the gentleman can not now do by indirection what he failed to do directly, namely, in effect, return to that para-graph in relation to the Department of Agriculture. Besides, the House is not in possession of any information that this is a deficiency appropriation in the seed appropriation. This bill a deficiency appropriation in the seed appropriation. This bill carries deficiency appropriations to supply deficiencies in the appropriations heretofore made. The estimates have been regularly submitted to the House by the departments for which the original appropriations were made.

Mr. CANDLER. Mr. Chairman, this being a deficiency bill, and intended to supplement the appropriations that have been made heretofore, it seems to me that any appropriation, so far as that is concerned, that is insufficient for the purpose intended would necessarily come within the provisions of this bill.

The CHAIRMAN. What does the gentleman say to the point of order made by the gentleman from Minnesota, that this is not strictly a deficiency?

Mr. TAWNEY. We have no knowledge that there is a de-

Mr. TAWNEY. We have no knowledge that there is a deficiency in the appropriation for the distribution of seed.

Mr. CANDLER. We all know that the appropriation is not sufficient to furnish the number of packages of seed that has heretofore been furnished to each Member of Congress and to Senators, and to that extent there is a deficiency.

Mr. TAWNEY. If the contlemen will popult Members of

Mr. TAWNEY. If the gentleman will permit, Members of Congress may, perhaps through the press, have gained information tion to the effect that this appropriation will not be sufficient; but we are not receiving and acting upon appropriations that are estimated for through the press of this country.

Mr. CANDLER. Why can not we act upon our own knowledge? You and I know there is a deficiency in the number of

packages of seed this year.

Mr. BARTLETT of Georgia. Will the gentleman permit a question?

Mr. TAWNEY. Certainly. Mr. BARTLETT of Georgia. The deficiencies appropriated for in this bill are upon the estimates furnished by the departments?

Mr. TAWNEY. Yes. Mr. BARTLETT of Georgia. Does not the gentleman know it to be a fact that the reason the chief of the bureau of the Department of Agriculture has given various Members of Congress, over his own signature, why the amount is so small is because the appropriation is not sufficient to furnish the amount?

Mr. TAWNEY. Well, the appropriation may not be sufficient to give to the Members of the House and the Senate all the agricultural seeds that they desire. But that is not the question.

Mr. BARTLETT of Georgia. But we all know that Mr. Galloway, the chief of this department, has written to every Member of Congress, assigning as a reason why the usual amount of last year and the year before was not assigned to us was because the amount appropriated for the purpose was not sufficient to meet the deficiency by reason of the insufficient amount of appropriation.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. BARTLETT of Georgia. If I have any time to yield, I will.

Mr. MANN. Has the Department of Agriculture any authority to incur any expense, or to provide any seed, except out of the appropriations which were made in the current law? Mr. BARTLETT of Georgia. Why, of course not.

Mr. MANN. Then there can be no deficiency while that appropriation is still in existence.

Mr. BARTLETT of Georgia. If there is no power to appropriate for a deficiency in this way, why do we appropriate \$12,000 for automobiles for the Executive?

That is another proposition. Mr. MANN.

Mr. BARTLETT of Georgia. It is the same as the other, so far as I am concerned.

Mr. MANN. And that was subject to the point of order. Mr. BARTLETT of Georgia. I think we ought to be as willing to give seed to the farmer as automobiles to the President.

Mr. MANN. It seems to me very clear that this is not a deficiency item.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly. Mr. CLARK of Missouri. Do you not know we have all been notified that there is a deficiency of 2,000 packages in the seeds this year for each Member?

Mr. MANN. Oh, if we could appropriate 2,000 packages of seed, it would probably be in order, but the difficulty is that you can not appropriate seed.

Mr. CANDLER. Money will get the seed.

Mr. MANN. The deficiency is in the amount of seed which the sum we have appropriated will purchase. The deficiency is not in the appropriation; and deficiency here must be a deficiency in the amount authorized to be expended. There is no authority for the Agricultural Department to purchase these seeds except the authority in the appropriation law, and there is not a deficiency in that appropriation. The mere fact that there was not enough money appropriated, in our judgment, to buy the seed we want would authorize us to make an appropriation; if carried to its fullest, might extend to a million more. The amount of seed received is not a deficiency in the appropriation at all, and the estimate would properly go for the purchase of seed to the Committee on Agriculture. The CHAIRMAN. The gentleman from Colorado.

Mr. CANDLER. I want to ask, Mr. Chairman, if I did not have the floor?

The CHAIRMAN. Does the gentleman yield to the gentleman from Mississippi?

Mr. CANDLER. I yielded to the gentleman from Illinois.
The CHAIRMAN. Debate is proceeding under the five-minute

Mr. CANDLER. I yielded to the gentleman from Illinois [Mr. Mann], and he talked my time out. [Laughter.] I admire him, and in discussion he always sheds light on any and

all questions. [Applause.]
Mr. MANN. I ask that the gentleman from Mississippi may

be allowed to proceed for five minutes.

The CHAIRMAN. The Chair has recognized the gentleman from Colorado. The gentleman from Mississippi will have an

opportunity later.

Mr. COOK of Colorado. Mr. Chairman, in the hearing before our Committee on Agriculture, I asked Doctor Galloway, Chief of the Bureau of Plant Industry, by what authority the quota of seeds has been reduced to each Member of this House, and he replied:

Owing to the lack of money to purchase the seeds, and the price of seeds was very much higher than a year or two ago, and it is therefore necessary to cut down the quota.

Mr. CANDLER. Mr. Chairman, the effect of this amendment offered by the gentleman from Alabama is simply to increase the amount that has heretofore been appropriated for this purpose. It is not to change a single word, line, or syllable of the statute as it now exists. It is simply for the purpose of adding to the appropriation the amount of \$30,000, which the Chief of the Bureau of Plant Industry says will be sufficient to restore the quota of seed that has heretofore been given to each Member of Congress and each United States Senator. We have up to this time received 12,000 packages of seeds. Under this year's appropriation each Member of Congress and each Senator will receive 10,000 packages of seeds. So there is a deficiency of 2,000 packages of seeds in comparison with what each Member has heretofore received. The gentleman from Illinois [Mr. MANN] says we can not appropriate 2,000 packages of seeds. Of course we could direct 2,000 packages of seeds to be purchased, and in that way appropriate 2,000 packages of seeds, but we all know that it takes money to buy the seed. If Members of Congress have got to the point where they do not realize that money will buy seed, then vote this \$30,000, and you will find out that it will provide for each Member of Congress 2,000 packages, according to the statement made by the gentleman in charge of the Bureau of Plant Industry.

Now, if there is any deficiency in automobiles to be furnished to the incoming President, I should like to know where the deficiency exists. The President likes a horse. The Presidentelect likes automobiles; but the fact that the President of the United States likes a horse, while the incoming President prefers an automobile, does not create a deficiency, and I do not see any reason why we should give automobiles even to the President-elect of the United States and refuse to the farmers of this country a few vegetable seeds which they ought to have. I have more requests now than I can provide seeds for, and I dare say that every Member within the sound of my voice

finds himself in the same situation to-day.

It has been stated that the majority in this House can do business. Now, the only thing I ask and the only thing that the gentleman from Alabama [Mr. HEFLIN] asks is that the majority may have an opportunity to say whether or not they want to appropriate this \$30,000. If they are given that opportunity, and the majority do not want to appropriate it, why let that be the end of it; but I appeal to the chairman of this committee who makes this point of order not to insist upon it, but to let each and every man have the opportunity to express his views upon the floor of this House and say by his vote whether or not he wants to buy seeds for the farmers or automobiles for the President-elect of the United States. [Great applause.] So far as I am concerned I am for the farmers I am not favorable to automobiles. They frighten horses and kill too many people to suit me. [Applause.]
Mr. POLLARD. May I ask the gentleman a qu

May I ask the gentleman a question?

Mr. CANDLER. With great pleasure.

I should like to inquire whether any of Mr. POLLARD. these seeds are grown in the valley of the Tombigbee?

Yes; they grow in great luxuriance in the valley of the Tombigbee. Nowhere on the face of the earth do they grow with greater vitality than by the beautiful rippling waters of the Tombigbee. [Great applause.] In past years there has been complaint that some of these seeds were not there has been complaint that some of these seeds were not Mr. CLARK of Missouri. I will ask the Chairman if it is good. I have no doubt that they are all good, but if they were not true that the precedents are the other way? A year or

deficient in the matter of vitality, or anything else, all you would have to do would be to plant them upon the banks of the Tombigbee and they would bring forth the most beautiful and luxurious results that have ever been seen in all the great country in which we live. [Laughter and great applause.] And I want to say to you that unless you give the farmers who live along the valley of the Tombigbee these 2,000 extra packages of seeds, you will be taking away from this Republic an opportunity to demonstrate the glorious and marvelous possibilities which exist in this valley which is blessed with the waters of this lovely river. [Applause.] I want to know whether you will find it in your heart, any of you, to deny this request that comes through the motion of the gentleman from Alabama, who, like myself, is always for the people. If you have the hardihood to deny it, then the time will come when you must give an account to the great bar of public opinion which now demands this small and economical appropriation. [Applause.] The people look with amazement at the marvelously extravagant appropriations which oftentimes are made, when the small and economical appropriations are denied.

I want to put it up to you again squarely to say whether or not you will refuse to grant to the farmers of this country the small additional appropriation which is requested, when you give automobiles to the President-elect of the United States, who is no better than I am, no better than you are, and no better than the humblest citizen in my district; because, as President, he is the servant of the people, as you and I are servants of the people. Can you give to him, in response to a mere letter which he writes to the Committee on Appropriations, \$12,500 to buy automobiles in which he may spin around the city of Washington, when the farmers of my country and the farmers of yours want these vegetable seeds, a part of which will go to bring happiness and prosperity to the people along the beautiful valley of the Tombigbee, and there demonstrate the beauties and glories and the fertility of American soil? [Great ap-

plause.

Mr. TAWNEY. Speaking to the point of order I simply want to say, Mr. Chairman, that this amendment can not be in order for the reason that I have heretofore stated, and in addition to that, we have the antideficiency law, requiring the heads of de-partments to apportion their appropriations at the beginning of each fiscal year. The only deficiency that could be asked for would be a deficiency arising because of the happening of some unusual or extraordinary circumstance subsequent to the time of the apportionment. In that case the apportionment could be waived and the reason for the waiver stated to Congress that would accompany the estimate. We have no information whatever as to there being a deficiency in the seed appropriation, and it is not therefore a deficiency appropriation, and is not in order.

The CHAIRMAN. For a long period of years it has been the ruling of the Chair that an amendment to be in order must be made in connection with the portions or the paragraph of the bill to which it is germane. This amendment would have been germane in connection with the paragraph under the head of the Department of Agriculture. It was not offered until the

end of the bill.

Mr. HEFLIN. Mr. Chairman, I understood the Chair a little while ago to rule that it would not be in order to return to that section. I made the motion, if I remember correctly, to return to the paragraph relating to the Department of Agriculture on page 5 for the purpose of offering an amendment.

The CHAIRMAN. The Chair understood the gentleman from

Alabama.

Mr. HEFLIN. But I understood the Chair to rule that had we returned to that paragraph at the end of the section this amendment would have been germane—that it would have been germane to that paragraph ending on the last line of page 5, under the head of the Agricultural Department.

The CHAIRMAN. It would have been germane.
Mr. HEFLIN. Why would it not be proper to move to return

to that section for the purpose of offering an amendment?

The CHAIRMAN. Because it is contrary to the practice of the House. The practice of the House is that to return to a section or paragraph can only be done by unanimous consent. Unanimous consent was asked by the gentleman from Alabama and objection was made. Then the gentleman from Alabama moved that the committee return to that paragraph, whereupon the gentleman from Minnesota raised the point of order, which was sustained by the Chair.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

two ago the gentleman from Ohio [Mr. Burron] got into some kind of a squabble about whether the public building at Cleveland should be built of granite or sandstone, and he happened to be out of the room when the matter came up, and afterwards he came in and asked unanimous consent to return to that particular section, but somebody objected. The gentleman from Ohio moved to return to it, and the House voted with him, and it was so done.

The CHAIRMAN. The Chair will say to the gentleman from Missouri, in response to the inquiry, that that was under different conditions. These conditions were that the reading of the bill had been completed; and the gentleman having the bill in charge moved that the committee rise and report; this was voted down. Under those circumstances, the Chair held that a motion to return to a paragraph was out of order, but the committee reversed this decision on appeal from the Chair.

Mr. TAWNEY. I move that the committee do now rise. Mr. HEFLIN. One moment. I wish to know what the Chair's ruling is.

The CHAIRMAN. The Chair sustains the point of order. Mr. HEFLIN. I wish to appeal from the decision of the Chair. [Cries of "Oh, no!"] I withdraw the appeal for the

The CHAIRMAN. The gentleman from Minnesota moves

that the committee do now rise.

Mr. OLLIE M. JAMES. Did I understand the Chair to rule that in case we voted down the motion of the gentleman from Minnesota that the committee rise then we might recur to the paragraph?

The CHAIRMAN. The Chair simply stated to the gentleman from Missouri, in answer to a parliamentary inquiry, the conditions under which and the manner in which a motion to

return to a paragraph was held to be in order.

Mr. TAWNEY. Mr. Chairman, I move that the committee do

The CHAIRMAN. The gentleman from Minnesota moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were 70 ayes and 77 noes.

Mr. TAWNEY. I ask for tellers.

Tellers were ordered.

The Chair appointed as tellers the gentleman from Minnesota, Mr. TAWNEY, and the gentleman from Alabama, Mr. HEFLIN.

The committee again divided; and the tellers reported that there were 79 ayes and 79 noes.

The CHAIRMAN. Upon this vote the Chair votes "aye," and the vote is then 80 ayes and 79 noes.

So the committee determined to rise; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 20399, the urgent deficiency bill, and had instructed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I move the previous question on the bill and amendment to its final passage.

Mr. HEFLIN. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. HEFLIN. A parliamentary inquiry. Would it be in order now to move to recommit the bill?

The SPEAKER. It would not.
The question on the motion of Mr. Tawner for the previous question was then taken; and the Chair being in doubt, the House divided; and there were 95 ayes and 78 noes.
Mr. CLARK of Missouri and Mr. HEFLIN called for the yeas

and navs.

The yeas and navs were ordered.

The question was taken; and there were—yeas 149, nays 109, answered "present" 6, not voting 123, as follows:

		EAS-1	49.	
Alexander, N. Y. Andrus Barchfeld Barclay Bartholdt Bates Bede Bennett, Ky. Bingham Birdsall Bonynge Bontell Brownlow Burke Burleigh Burleson Butler Campbell Capron	Cary Cassel Caulfield Chaney Chapman Cole Conner Cook, Pa. Cooper, Pa. Cooper, Wis. Courrier Dalzell Darragh Davidson Douglas Draper Driscoll	Edi Elli En, Esc Fni Foo Foo Foo Foo Foo Foo Gai Gai	rchild siker dney sster, Ind. ster, Vt. sikrod ler dner, Mass. dner, Mich. dner, N. J.	Graham Greene Guernsey Haggott Hale Hamilton, Iowa Hamilton, Mich. Hammond Harding Haskins Hayes Henry, Conn, Hepburn Higgins Hinshaw Holliday Howell, N. J. Howell, Utah. Howland

	THE COID	-1100014.	9	ANUARY 1
	Hubbard, Iowa Hubbard, W. Va.	Loudenslager	Overstreet	Swasey
	Hubbard, W. Va.	McCall McKinley, Ill.	Parker	Tawney
	Huff	McKinley, Ill.	Parsons	Taylor, Ohio
	Hull, Iowa	MCKINDOV	Payne	Thistlewood
3	Humphrey, Wash. Jenkins	McLachlan, Cal.	Perkins	Tirrell
1	Jones, Wash.	McMillan McMowner	Pollard	Townsend
Ġ	Kahn	McMorran Mann	Porter	Vreeland
	Keifer	Marshall	Pray Prince	Wanger
	Kennedy, Iowa	Martin	Reynolds	Washburn Watson
	Kennedy, Ohio	Moon, Pa.	Rodenberg	Weeks
ļ.	Knapp	Moore, Pa.	Smith, Cal.	Wheeler
į	Knopf	Morse	Smith, Cal. Smith, Iowa	Wilson, Ill.
	Knowland	Murdock	Snapp	Wood
Š	Küstermann Landis	Nelson	Southwick	Woodyard
	Lawrence	Norris	Stafford	Young
	Lindbergh	Nye Olcott	Sterling	
	Loud	Olmsted	Sturgiss	
i	Louis		Sulloway	
	Adair		S—109.	Section 1
	Adamson	Edwards, Ga.	Hull, Tenn.	Robinson
d		Ellerbe	Humphreys, Mis James, Ollie M.	ss. Russell, Mo.
	Alexander, Mo. Ansberry	Ferris Finley	James, Offie M.	Russell, Tex.
	Barnhart	Fitzgerald	Johnson, S. C.	Sabath
	Bartlett, Ga.	Flood	Jones, Va.	Shackleford
	Bartlett, Nev.	Floyd	Keliher Kitchin	Sheppard Sherley
	Beall, Tex.	Focht	Lamb	Sheriey
	Beall, Tex. Bell, Ga.	Foster, Ill.	Langley	Sherwood Sims
	Booher	Fulton	Lassiter	Slayden
	Bowers	Gaines, Tenn.	Lee	Small
	Brantley	Garner	Lewis	Smith, Mo.
	Brodhead	Garrett	Livingston	Smith, Mo. Smith, Tex.
	Burnett	GIII	Lloyd	Sparkman
	Candler	Gillespie	McDermott	Spight
	Clark, Mo.	Glass	Macon	Stanley
	Clayton Cook, Colo.	Godwin	Moon, Tenn.	Stephens, Tex. Thomas, N. C. Tou Velle
j	Cooper, Tex.	Gregg Hackney	Moore, Tex.	Thomas, N. C.
	Cox, Ind.	Hardy	Murphy Page	Wallace
곏	Craig	Harrison	Pou	Watkins
ì	Cravens	Hay	Pujo	Webb
3	Crawford	Heflin	Randell, Tex.	Weisse
H		Helm	Ransdell, La.	Wiley
i	Davis	Henry, Tex.	Rauch	Williams
j	De Armond	Hitchcock	Reeder	A STATE OF THE STA
9		Howard	Reid	
1	Dixon	Hughes, N. J.	Richardson	
N			PRESENT "-6.	
-		Bradley	Padgett	Talbott
1	Bennet, N. Y.	Cockran		
1	Ashann		TING—123.	
ŝ	Acheson Allen	Fornes Fowler	Lamar, Fla.	O'Connell
1	Ames	French	Lamar, Mo.	Patterson
9	Anthony	Gaines, W. Va.	Laning Law	Pearre
á	Ashbrook	Gillett	Leake	Peters Pratt
		Goebel	Legare	Rainey
3		Goldfogle	Lenahan	Rhinock
1	Boyd	Gordon	Lever	Riordan
1		Goulden	Lilley	Roberts
J	Brundidge	Granger	Lindsay	Rothermel
1	Burgess	Griggs	Longworth	Rucker
J	Burton, Del.	Gronna	Lorimer	Ryan
1	Burton, Ohio	Hackett	Lovering	Saunders
ı	Byrd	Hall	Lowden	Scott
1		Hamill Hamlin	McCreary	Sherman
1		Hamiin Hardwick	McGavin	Slemp
1	Caldwell	Hardwick	McGuire	Smith, Mich.

	NOT VOT	TING-123.	
Acheson	Fornes	Lamar, Fla.	O'Connell
Allen	Fowler	Lamar, Mo.	Patterson
Ames	French	Laning	Pearre
Anthony	Gaines, W. Va.	Law	Peters
Ashbrook	Gillett	Leake	Pratt
Bannon	Goebel	Legare	Rainey
Beale; Pa.	Goldfogle	Lenahan	Rhinock
Boyd	Gordon	Lever	Riordan
Broussard	Goulden	Lilley	Roberts
Brundidge	Granger	Lindsay	Rothermel
Burgess	Griggs	Longworth	Rucker
Burton, Del.	Gronna	Lorimer	Ryan
Burton, Ohio	Hackett	Lovering	Saunders
Byrd	Hall	Lowden	Scott
Calder	Hamill	McCreary	Sherman
Calderhead	Hamlin	McGavin .	Slemp
Caldwell	Hardwick	McGuire	Smith, Mich.
Carlin	Haugen	McHenry	Sperry
Carter	Hawley	McKinlay, Cal.	Steenerson
Clark, Fla.	Hill, Conn.	McLain	Stevens, Minn.
Cocks, N. Y.	Hill, Miss.	McLaughlin, Mich	.Sulzer
Coudrey	Hobson	Madden	Taylor, Ala.
Crumpacker	Houston	Madison	Thomas, Ohio
Cushman	Hughes, W. Va.	Malby	Underwood
Dawes	Jackson	Maynard	Volstead
Denby	James, Addison D	.Miller	Waldo
Diekema	Johnson, Ky.	Mondell	Weems
Durey	Kimball	Mouser	Willett
Estopinal	Kinkaid	Mudd	Wilson, Pa.
Fassett	Kipp	Needham	Wolf
Favrot	Lafean	Nicholls	

So the previous question was ordered. The Clerk announced the following pairs: For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN

Mr. BENNET of New York with Mr. Fornes.

Until further notice:

Mr. MUDD with Mr. TALBOTT.

Mr. Scott with Mr. Saunders. Mr. MALBY with Mr. MAYNARD.

Mr. STEVENS of Minnesota with Mr. PATTERSON.

Mr. HILL of Connecticut with Mr. Granger.

Mr. LORIMER with Mr. GORDON.

Mr. Gaines of West Virginia with Mr. Legare.

Mr. Anthony with Mr. Lamar of Florida. Mr. Ames with Mr. Aiken.

Mr. Hubbard of Iowa with Mr. McHenry. Mr. Burton of Delaware with Mr. Rothermel.

Mr. Coudrey with Mr. Pratt. Mr. Allen with Mr. Ashbrook.

Mr. BANNON with Mr. BROUSSARD.

Mr. Burton of Ohio with Mr. Brundinge.

Mr. CALDER with Mr. BURGESS.

Mr. Calderhead with Mr. Byrd. Mr. Cocks of New York with Mr. Caldwell.

Mr. CRUMPACKER with Mr. CARLIN. Mr. CUSHMAN with Mr. CARTER.

Mr. Dawes with Mr. Clark of Florida. Mr. Denby with Mr. Estopinal.

Mr. DIEKEMA with Mr. FAVROT.

Mr. FASSETT with Mr. GOLDFOGLE. Mr. FRENCH with Mr. GRIGGS.

Mr. GILLETT with Mr. HACKETT. Mr. Goebel with Mr. Hamill.

Mr. GRONNA with Mr. HAMLIN. Mr. HAUGEN with Mr. HARDWICK.

Mr. Hawley with Mr. Hill of Mississippi. Mr. Hughes of West Virginia with Mr. Hobson. Mr. Addison D. James with Mr. Houston.

Mr. Lafean with Mr. Johnson of Kentucky.

Mr. LANING with Mr. KIMBALL. Mr. Longworth with Mr. Kipp.

Mr. LOVERING with Mr. LAMAR of Missouri.

Mr. Lowden with Mr. Leake. Mr. McGuire with Mr. Lenahan.

Mr. McKinlay of California with Mr. McLain. Mr. McLaughlin of Michigan with Mr. Nicholls.

Mr. MADDEN with Mr. O'CONNELL. Mr. Madison with Mr. Peters. Mr. MILLER with Mr. RAINEY. Mr. Mouser with Mr. Rhinock.

Mr. Needham with Mr. Rucker, Mr. Pearre with Mr. Ryan, Mr. Slemp with Mr. Taylor of Alabama.

Mr. Roberts with Mr. SULZER.
Mr. SMITH of Michigan with Mr. UNDERWOOD.

Mr. Velstead with Mr. Willett.
Mr. Waldo with Mr. Wilson of Pennsylvania.
Mr. Weems with Mr. Wolf.

For the day:

Mr. McCreary with Mr. LINDSAY.

Mr. WALDO. Mr. Speaker, I came in at the door just as my name was being called and it was passed over before I could get to the desk.

The SPEAKER. The Chair hardly thinks the gentleman comes within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. TAWNEY. I move to recommit the bill to the Committee on Appropriations, and on that I move the previous question.

Mr. Speaker-

The SPEAKER. The bill has not been engrossed and read a third time; it was the amendment which was agreed to. question now is on the engrossment and third reading of the

The question was taken, and the bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. TAWNEY. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations, and on that I move the previous question.

The SPEAKER. The gentleman from Minnesota moves to recommit the bill to the Committee on Appropriations, and upon that motion he demands the previous question.

Mr. HEFLIN. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?

Mr. HEFLIN. A parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. HEFLIN. Would that motion take precedence over a motion to recommit to the committee with instructions?

The SPEAKER. The previous question would have to be

voted down to make the motion amendable by instructions. The gentleman from Minnesota having made the motion for the previous question upon a motion to recommit the bill to the Committee on Appropriations instructions, of course, can not be offered unless the previous question should fail.

Mr. CANDLER. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise? Mr. CANDLER. The gentleman from Minnesota having made the motion for the previous question, then the only way to

amend would be to vote down the previous question.

The SPEAKER. That is correct.

The question was taken on ordering the previous question, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. CANDLER) there were-ayes 144, noes 97.

So the previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed. On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2253. An act for the relief of Theodore F. Northrop;

S. 6136. An act authorizing the Secretary of War to grant

revocable license lands to Boise, Idaho; and
S. 8143. An act granting to the Chicago and Northwestern
Railway Company a right to change the location of its right
of way across the Niobrara Military Reservation.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3751. An act authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veteransto the Committee on Military Affairs.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26394, the naval appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26394, the naval appropriation bill, with Mr. MANN in the chair.

On motion of Mr. Foss, by unanimous consent, the first read-

ing of the bill was dispensed with.

Mr. FOSS. Mr. Chairman, I desire to state to the committee that I have made a very full, and I trust not too exhaustive report upon this bill, referring to all the items, and I shall take but little time of the committee in a general explanation, pre-ferring to make my explanations as we reach the different paragraphs.

This bill carries \$135,662,888. The estimates that were submitted by the Department, exclusive of new construction, amounted to \$134,869,527. The amount carried by this bill, exclusive of new construction, is \$119,860,116. The committee, after a careful consideration of these estimates that were submitted to it through the Secretary of the Treasury, and after hearings, day after day, reduced these estimates to the amount of over \$15,000,000. And our appropriation bill which is presented here, exclusive of new construction, will carry sented here, \$119,860.116.

But the committee have recommended in this bill a naval programme, and it has been necessary to make appropriation toward the construction of that naval programme, and therefore it has added to this \$119,860,000 the sum of \$15,802,000 for armor and armament, construction and machinery, and equip-ment, which will be required during the next fiscal year in the construction of these ships which are authorized by this bill. So much for the amount carried by the bill.

Now, as regards the personnel, we have 42,000 men. not asking for any increase in the number of men this year. so far as relates to the naval programme, I desire to make a brief statement. In this bill the committee recommend the building of two large battle ships of 26,000 tons which will cost approximately \$10,000,000, or \$20,000,000 for the two; and then in addition to this the committee recommend the building of one fleet collier, and in connection with that you will recall that a year ago we authorized the building of two fleet colliers at a cost not exceeding \$1,800,000 each. Now, the Secretary of the Navy has received bids from some of the large shipbuilding concerns in this country, and he finds that he can build two colliers for practically what he estimated would be the cost of one last year. In our law last year we authorized that one of these colliers be built in a navy-yard on the Pacific coast, but in this bill we ask for a repeal of that provision, so that the Secretary of the Navy, if this is adopted by the House, will be able to build four fleet colliers instead of two, as authorized in the bill of last year.

Mr. KNOWLAND. Will the gentleman yield to a question?

Mr. KNOWLAND. Will the gentleman yield to a question?
Mr. FOSS. Yes.
Mr. KNOWLAND. How can you expect to change an existing law in an appropriation bill?

Mr. FOSS. By act of Congress. I trust the gentleman from California [Mr. Knowland] will not make any point of order against the repeal of this provision.

Mr. KNOWLAND. The gentleman certainly will.

Mr. FOSS. Here is an opportunity to save the Government \$800,000 to \$1,000,000.

Mr. KNOWLAND. I have a statement to make that will show that there is not this difference in the cost between build-

ing at a navy-yard and by private contract.

Mr. FOSS. We have also recommended as part of the naval programme the building of 5 torpedo-boat destroyers. These will cost each of them in the neighborhood of \$800,000, or, for the 5, \$4,000,000. Then, in addition to that, we have authorized the building of 4 submarine boats, at a cost of approximately \$500,000 each, or in all \$2,000,000. This comprises the naval programme which the Committee on Naval Affairs recommends to this House this year. The naval programme therefore consists of 2 battle ships, 5 torpedo-boat destroyers, 1 fleet collier, and 4 submarines. The cost of this naval programme will be approximately from \$27,000,000 to \$28,000,000. The Secretary of the Navy, when he appeared before the committee, recommended a naval programme that was double this, which would have cost between \$65,000,000 and \$70,000,000 probably. It was recommended in the department by the naval board, and I will just briefly read to you what the recommendation was.

Mr. BARTHOLDT. Before the gentleman reads, will he

allow me to ask him a question?

Mr. FOSS. Yes.

Mr. BARTHOLDT. I see that the detailed estimates of the department were given at \$134,896,527.71.

Exclusive of new construction.

Mr. BARTHOLDT. The total of the bill is \$135,662,888.

Mr. FOSS. Yes.

Mr. BARTHOLDT. So, really, including the increase of the navy which the committee has allowed, the committee reports about \$1,000,000 more than the department has asked for.

Mr. FOSS. The department made no estimates on the new construction, because it did not know what the committee would

Mr. BARTHOLDT. Does the gentleman mean to say that the Navy Department makes an estimate to Congress amounting to \$135,000,000, without any increase at all, without taking into consideration the increase in the amount which would be required under that construction?

Mr. FOSS. In the general estimates which are sent to Congress there are no estimates sent as to the cost of the battle

ships or cruisers.

Mr. BARTHOLDT. Then this really means, with what the Secretary of the Navy asks the committee, if you add that amount to the \$135,000,000 you would have a naval budget of nearly \$200,000,000.

Mr. FOSS. If you added the cost of the ships recommended by the department and if we should appropriate in one year for the construction of all of them, then that would practically amount to \$200,000,000.

Mr. BARTHOLDT. I merely wanted to call the attention of

the House to these facts.

Mr. FOSS. Now, in regard to the naval programme recom-mended by the Secretary of the Navy. He recommended 4 battle ships, 4 scout cruisers, 10 destroyers, 4 submarines, 3 colliers, 1 repair ship, 1 ammunition ship, and 2 mine-laying ships. The President in his message, in addition to this programme, recommended 2 hospital ships.

I say that if this programme had been recommended by the committee it would have cost in the neighborhood of \$65,000,000 or \$70,000,000. The committee, after careful consideration, have here recommended a programme which, as I said a moment ago, can cost very much less—less than half, about \$27,000,000 and we believe it to be a fair, sensible, and reasonable pro-

Mr. LLOYD. I find on the estimates made by the department, on page 27, the amount of estimates for 1910-

\$134,000,000.

Mr. FOSS. These are the estimates for this year.

Mr. LLOYD. I understood you to say the Secretary of the Navy asked for an appropriation which would amount to nearly \$200,000,000.

Mr. FOSS. Oh, no. I said that if we adopted the naval programme recommended by the Navy Department and should make the appropriations for the construction of all the ships in that naval programme in a single year that that added to the estimates would make in the neighborhood of \$200,000,000.

Mr. LLOYD. The estimates show that for construction and machinery there would be appropriated fourteen and a half millions.

Mr. FOSS. That is, the ships already authorized. Mr. LLOYD. Well, then, this \$22,000,000 which you appropriate?

Mr. FOSS. That is, \$14,000,000 that is necessary.

Mr. LLOYD. Do you appropriate that this year for the ships which are authorized in this bill?

Mr. FOSS. The \$14,000,000 relate to the ships already authorized last year. If we authorize two battle ships this year, it will be necessary to appropriate enough to make up the \$22,000,000.

Mr. LLOYD. Then next year you will have to carry the

balance of it?

Mr. FOSS. Next year we will have to carry the balance of it, Mr. LLOYD. Approximately \$13,000,000 of the amount is on account of the battle ships?

Mr. FOSS. Well, whatever will be necessary under this construction and machinery, which is an approximate estimate.

Now, Mr. Chairman, unless there are some questions, I do

not care to use any more of the time of the committee.

Mr. GAINES of Tennessee. I would like to ask the gentleman how much money this bill carries for powder?

Mr. FOSS. Six hundred and fifty thousand dollars, I believe, for the manufacture of smokeless powder. That is the powder But when we reach that item I will-

Mr. GAINES of Tennessee. I would like to have a little information before we reach that. This \$650,000 is to be used at the government factory down here?
Mr. LOUDENSLAGER. Yes.

Mr. FOSS. Yes; it is to be used in the manufacture of smokeless powder.

Mr. GAINES of Tennessee. How much does it cost per pound to make this powder?

Forty-three cents this year.

Mr. GAINES of Tennessee. Was it not 35 cents last year?

No; about 45 cents last year, I believe, Mr. FOSS. Mr. GAINES of Tennessee. How much this year?

Mr. FOSS. Forty-three cents.

Mr. GAINES of Tennessee. How much are we buying this year?

Mr. FOSS. We are buying, I believe, 2,400,000 pounds. Mr. GAINES of Tennessee. Last year it was 2,000,000 pounds. Why is it 400,000 pounds more this year?

We have more ships; a larger navy. Mr. FOSS.

Mr. GAINES of Tennessee. Why do we not make that extra amount of powder at the factory at 35 or 45 cents a pound, rather than to pay 65 cents to the powder concern?

Mr. FOSS. We manufacture about half as much as we

purchase, a little over 1,000,000 pounds.

Mr. GAINES of Tennessee. The figures last year were 65 cents and 2,000,000 pounds, and we made a million pounds for about 35 or 45 cents.

Mr. FOSS. In those figures they do not take into consideration the cost of the plant, nor the pay of the officers in charge, nor a number of other things. All they take into consideration

is the cost of the labor and material.

Mr. GAINES of Tennessee. We have invested so much down here at the powder factory, and do not count that in the making of the powder. Now, you say you are buying 400,000 pounds more this year. My information last year, as I recall it, was that we could make all the powder we used. Now, why do we not make at the government factory all this increased amount of 400,000 pounds, as long as we can make it for 35 or 45 cents a pound?

Mr. FOSS. I would say to the gentleman that the price of powder is fixed by a joint board of the army and navy.

Mr. GAINES of Tennessee. I understand that. Mr. FOSS. And it is the belief of both the army and the

navy that we are getting the powder at a very fair price.

Mr. GAINES of Tennessee. If we are making it at 45 cents

in a powder factory that is not running at full blast, and we have an increased number of ships and an increased demand for powder to the amount of 400,000 pounds, I do not see why we do not increase the output of the factory. I do not want to take up any more time of the committee now, but if to-morrow the gentleman can answer that more fully I shall be very glad to know, because I do not see why we do not run our factory when we can make powder at 45 cents, especially when we need 400,000 pounds more powder than we did last year.

Mr. SHERLEY. The gentleman made the statement that powder was being manufactured for 45 cents a pound, excluding the pay of the officers and the interest on the investment. I think the gentleman is somewhat mistaken in his figures, and as we have just had this matter up in the committee and considered it in connection with the fortifications bill I should be very glad if he could supply the exact figures, giving the items and putting the information in the RECORD as to the cost of powder at Indianhead.

Mr. FOSS. I will try and furnish the figures for the gentleman, but I am quoting from the testimony of Admiral Mason, Chief of the Bureau of Ordnance, in which he says:

Counting the cost of material and labor alone, the price, under the present processes, has averaged about 45 cents per pound. For the last fiscal year it was about 43 cents, the reduction being due to the efficiency of the acid plant.

Mr. SHERLEY. What I am anxious to get is a detailed statement, not showing the conclusion as to the price, but as to the items that go into it. Then we can draw our own deductions.

Mr. FOSS. I shall be very glad to call upon the department for such a statement.

Mr. SHERLEY. Is not the gentleman also in error as to the price we are paying for powder? Is not that 67 cents?

Mr. FOSS. I did not state the price.

Mr. HITCHCOCK. Will the chairman of the committee permit an interruption?

Mr. FOSS. Certainly. Mr. HITCHCOCK. Will the gentleman indicate as to the capacity of the government plant?

Mr. FOSS. I think we can manufacture down there about one-third of what we use.

Mr. HITCHCOCK. It is now being worked to its full capacity?

Mr. FOSS. I think it is, nearly.

Mr. HITCHCOCK. Can the chairman of the committee present figures on that point from the department?

Mr. FOSS. I have not the figures here to-day, but I presume I can get them.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FOSS. Certainly.
Mr. FITZGERALD. I wish to ask the gentleman whether he will at this time explain the provision with reference to the payment of clerical employees at navy-yards?

Mr. FOSS. I would rather do that when it comes up.

Mr. FITZGERALD. I should like to have it in the RECORD, in order that I may examine it before that time. I should like to ask some questions about its effect. It may help to satisfy a number of Members of the House as to whether it is wise or not.

Mr. FOSS. We will reach that early in the bill, and I purposely have not alluded to it, but wanted to wait until we reached that provision. I will refer the gentleman to document 1224, a letter from the Secretary of the Navy, transmitting a detailed statement of the employment of classified employees under the lump-sum appropriation.

Mr. FITZGERALD. I have examined that document. What I wish to know particularly at this time, for instance, is whether under the language of this provision it is intended to permit the Secretary of the Navy to transfer clerks from one station

Mr. FOSS. It is in his discretion to do so, I think, but I do not understand that it is his intention to do so.

Mr. FITZGERALD. My inquiry is, What does the committee

Mr. FOSS. I think he has no greater authority in that re-

spect than he has to-day.

Mr. FITZGERALD. I think he has. The per annum clerks in the navy-yard to-day can not be transferred to any other navy-yard. Could that be possible under this provision?

Mr. FOSS. I think that he can transfer any clerks that he

wants to.

Mr. FITZGERALD. When a clerk is specifically appropriated for in a particular department in a certain navy-yard, he can not be transferred, according to my understanding, to any other yard.

Mr. LOUDENSLAGER. Does the gentleman mean the office or the official can not be transferred?

Mr. FITZGERALD. The particular clerk.

Mr. LOUDENSLAGER. The particular official can be transferred now, but the office can not.

Mr. FITZGERALD. I catch the meaning of the gentleman. He means the particular individual can be changed from one place to another.

Mr. LOUDENSLAGER. Yes; but the office can not.

Mr. FITZGERALD. Under this provision it would enable

the Secretary to transfer the office?

Mr. LOUDENSLAGER. My own opinion about the matter is that it does give the Secretary of the Navy the discretion to change the office as well as the individual, and to add to one yard additional officers if the work demanded and take away from the other yards where the work does not demand it. That

is my opinion about the change.

Mr. FITZGERALD. I wish to ask whether it was considered by the committee that it would be desirable to provide that

where some clerks are in the employment of the department and it is advisable to reduce the number employed at any particular place those clerks then dropped should be given preference in employment out of these particular appropriations when the force is to be increased—in other words, to prevent what, perhaps, is not now done, the arbitrary reduction of the force in order to get rid of some employees and in a short time increase the force back again and take in new employees?

Mr. FOSS. I would say to the gentleman that that whole matter is left in the discretion of the Secretary of the Navy under this provision. He can enlarge or reduce the force as the work under the Navy Department may increase or decrease. You have to leave a large discretion somewhere. As to the motive behind it, whether he does it to get rid of these men or not, I am not in sufficient confidence with the Secretary of the Navy

to know what his mind may be.

Mr. FITZGERALD. I am not making reference to any individual. This is a radical change in the practice that exists, and I desire to ascertain as far as possible just what power the Secretary of the Navy will have. I believe that some change is advisable, and I think the committee should be able to state the effect in every respect of this change which is to be made.

Mr. FOSS. I should say that the Secretary of the Navy had

full discretion to do just that thing. Now, if there is no further question, I will reserve the balance of my time.

[Mr. PADGETT addressed the committee. See Appendix.]

Mr. PADGETT. I now yield three minutes to the gentleman

from Virginia [Mr. LASSITER].

Mr. LASSITER. Mr. Chairman, by an overwhelming majority the voters of this country have instructed the Sixty-first Congress to enact tariff legislation in which the principle of protection to American industries shall be recognized. Realizing that the bill which will be reported by the Ways and Means Committee will contain a continued affirmation of this policy, and in obedience to the demands of a large number of my constituents, whose only industry is agriculture, and whose chief if not sole market crop is peanuts or ground beans, I ask for a careful consideration of paragraph 271 of the act of 1897, known as the "Dingley tariff law," which provides as follows:

Peanuts or ground beans unshelled, one-half of 1 cent per pound; shelled, 1 cent per pound.

The cultivation of peanuts may be said to have been unknown in this country until after the civil war. Beginning in southeastern Virginia it has extended to the States of North Carolina, Georgia, Alabama, Florida, Tennessee, Texas, and South Carolina, which States according to the census of 1899, produced 11,964,957 bushels on 516,656 acres. It is understood that since the last census this crop has extended into other States, particularly California and Nevada, though in the lastmentioned States the industry has been a very struggling one, owing to immediate competition with Japan. I shall ask to subjoin a table showing the acreage and production of peanuts in the United States according to the censuses of 1889 and 1899. It is probable that the next census will not show any very great increase in the home production, owing to the precarious condition of the industry. A total production of 15,000,000 bushels would probably be a liberal estimate. According to the information prepared for the use of the Committee on Ways and Means-

It is estimated that the world's annual product of peanuts reaches the enormous total of 600,000,000 bushels. The value of the United States product which is consumed almost entirely by the American people is \$10,000,000.

This is a most liberal estimate, especially in view of the fact that the census of manufactures for 1905 gives \$7,260,810 as the value of this article after it has gone through the process of cleaning or manufacture into candy and has become a finished product.

There are two kinds of peanuts produced in this country, called, spectively, from their origin, "Virginias" and "Spanish." respectively, from their origin, "Virginias" and "Spanish." Of the former 30 pounds make a bushel, of the latter 22 pounds make a bushel. Peanuts are not adapted to heavy soil nor can they be raised profitably by high-priced labor. The cultivation began upon the worn-out sandy soils of the Southern States, and was profitable with labor at an average price (male and female) of something less than 50 cents per day under a rate of duty of 1 cent on unshelled and 11 cents on shelled peanuts, which amounted to an ad valorem rate of 72.86 per cent. With the increase of population and general appreciation of this luxury the total production of this crop has greatly increased, though the price to the farmer has only increased from 2 cents per pound in 1884 to .036 in 1907. In the meantime wages of labor have increased nearly 100 per cent and the ad valorem rate of duty has decreased from 72.86 to 14.02 per cent. At the same time the farmer to-day has to pay higher duty on more

articles of necessary consumption than ever before in the history of the country. Nor if the protective principle is to continue, can he hope to secure from the Sixty-first Congress any appreciable relief from tariff taxation on his purchases, though he acquiesce in the complete abolition of the duty on his product.

The importations come principally from Japan, Spain, and Africa, where labor cost is low. I invite attention to the tables which I shall print herewith, showing the average ad valorem rate of duty on unshelled and shelled peanuts since 1883, taken from "Imports and duties 1894–1907, by William W. Evans, assistant clerk" (Ways and Means Committee); and "Customs Law of 1894 compared with the Customs Law of 1890 with rates of the Mills bill of 1888 and Wilson's bill of 1894."

Though Canada has a duty of 3 cents per pound on peanuts, shelled and unshelled, 3,116,345 pounds out of our total exportations of 6,386,012 pounds, valued at \$278,236, find a market in that country. This is mentioned to show that the Canadian duty is not prohibitive, and that people will have luxuries even though they have to pay for them. It will be observed from the tables that our importations of peanuts have been comparatively small until the year of 1907, when they amounted to 10,432,828 pounds unshelled, valued at \$371,967, and 4,780,054 pounds shelled, valued at \$244,709. The figures for 1898 are not given in the table, but have been ascertained to be, unshelled, 6,498,202 pounds, valued at \$255,346; of shelled, 1,775,946 pounds, valued at \$88,370. The partial failure in the crop of those years accounts, in a measure, for the large increase in the importations, which, though relatively not large compared with the total home crop, caused an infinite deal of distress both to the farmers and to the native cleaning industries, for reasons to be explained.

The fact seems to be well ascertained that the peanut industry is unique in the respect that there is a very close interdependence between the peanut grower and the peanut buyer. This arises from the conditions of the trade. When the domestic peanut reaches a price on the Atlantic coast which produces a living profit to the peanut farmer, the peanut buyers are confronted with foreign importations of an indefinite quantity. For this reason—though in actual experience the importations from Spain and Africa have not been very large—the peanut buyer claims he can not pay to the domestic producer more than it costs to produce the foreign nut, plus freight, until it is definitely ascertained at the end of the crop year what will be the foreign importation. It seems to be ascertained that, owing to the cheap ocean transportation across the Pacific, the California and Nevada growers can not successfully compete with the cheaply produced Japanese peanuts on that coast. Prior to the Japanese trade invasion the consuming public of the Pacific coast were glad to buy the Atlantic coast and southern peanuts at a price which included the railroad transportation across the continent.

The domestic dealers require large banking credit during the buying season, which extends from November until the end of the following spring. By the time the more thrifty farmers are willing to market their year's product, and before the cleaning operations have been completed and the finished product ready for the consuming market, experience shows that the quotations of farmers' peanuts on the market first begin to reach a figure when they are barely profitable to the farmer. At this juncture large importing and jobbing houses have learned that it is profitable to introduce a form they are hard barble learned that it is profitable to introduce a form they are hard barble learned that it is profitable to the farmer. able to introduce a few thousand bushels of Spanish or African nuts to break the domestic market. By a system of wide correspondence with the local jobbers in every city of the United States, the importer finds it to his interest to offer imported peanuts at a price lower than the home market. By expert manipulation only a small quantity of imported nuts is sufficient to demoralize entirely the American market by offering imported peanuts at a price lower than they can be sold by domestic dealers. These latter, with a year's stock on hand, immediately find their customers canceling previous orders or de-clining to make further purchases. In this commercial situa-tion the American buyers are confronted with the alternative of renewing their notes with continued interest charges, insurance, depreciation, and shrinkage, or of throwing their whole stock upon the market at a price to meet the foreign competition. Whether or not the peanut dealers ought to be able to take care of themselves with the peanut importers is beside the question so far as the farmer is concerned. The farmer gets the worst of it.

With this brief review of an industry upon which many thousand American farmers are entirely dependent, I submit that in a general revision of the tariff laws, necessarily governed by the principle of protection, the provisions of the present act are inadequate. It was intended by the schedule of the act of 1897 to fix the duty at 46.91 per cent ad valorem. Changed conditions have reduced this rate in ten years to 14.02 per cent in 1907 and 12.72 per cent in 1908 on the farmers' product. The

situation speaks for itself and the peanut growers ask simple justice.

The duty should be increased.

First. Because there is so great a difference, absorbed by middlemen, between the price received by the farmer and that paid by the consumer that the consumer would receive no material disadvantage by a tariff tax which would enable the farmer to produce peanuts profitably. The whole peanut crop of this country is finally sold in small packages costing 5 or 10 cents per package. A reasonable increase in the duty would greatly benefit the farmer, while there would be no appreciable reduction in the standard 5 and 10 cent packages.

Second. Because peanuts are not a necessity, but a luxury. Third. Because the declared object of the forthcoming revision is to equalize "the difference between the cost of production at home and abroad, together with a reasonable profit to American industries." The countries which compete with the peanut industry are among those which have the cheapest labor in the world. Our soils are no better, if as well, adapted to this crop than the soil of our competitors. It is possible that any question of superior skill of the competing producers would be resolved in favor of the foreigner. Surely in this revision of the tariff the American farmer, whether hired hand or small proprietor, will not be expected to live on the cheap rations of the frugal Spanish peasant or the Japanese cocile.

Domestic production of peanuts.

State.	Acres in 1899.	Acres in 1889.	Per cent of increase.	Bushels produced in 1899.	Bushels produced in 1889.	Per cent of increase.
Virginia North Carolina Georgia Alabama Florida Tennessee Texas	116,914 95,856 100,589 78,878 69,452 19,534 10,734	58,962 17,767 52,226 23,955 26,166 16,244 1,560	98.3 439.5 92.6 229.3 165.4 20.3 588.1	3,713,347 3,460,439 1,435,775 1,021,708 967,927 747,668 184,860	1,171,624 421,138 624,528 278,359 359,555 523,088 43,967	216.9 721.7 129.9 267.0 169.2 42.9 320.5
South Carolina. Total	7,162 516,658	2,573	178.4	131,710	42,769 3,588,143	208.0

Peanuts (unshelled).
[Table showing average ad valorem rate of duty since 1883.]

Year.	Rate of duty.	Pounds.	Value.	Duties.	Value per pound.	Ad va- lorem.
1884	1 cent per pound § (Mills bill) "	73,344	\$1,006.72	\$733.44	\$0.022	72.86 54.64
1890	1 cent per pound				.014	b72.86
1894	do	110,369	1,682.62	1,103.69	.015	65,50
1895	Jdo		136.71	136.51	.010	99.85
	(20 per cent		1,078.77	215.75	.012	20.00
1896	do	189,520	2,359.61	471.92	.012	20.00
1897	do	138,102 4,200	2,106.85 57.00	421.36	.015	20.00
1898	decent per pound	77,943	830.80	11.40 389.74	.013	20.00
1899	do	216,084	4,539.58	1,080.43	.021	46.91 23.80
1900	do	206,858	5,667,76	1,034,31	.027	18.25
1901	do	738,718	18,761.75	3,693,63	.025	19.69
1902	do	1,084,633	23,909.14	5,173.19	.023	21.63
1903	do	2,523,816	67,309.29	12,619.10	.027	18.75
1904	do	3,337,378	100,893.55	16,686.88	.030	16.54
1905	do	3,404,557	109,262.40	17,022.79	.032	15.58
	do	2,325,259 10,432,828	74,373.80 371,967.55	11,626.29 52,164.14	.032	15.68 14.02

a Not a law.

^b Based on importations of 1893. Peanuts (shelled).

[Table showing average ad valorem rate of duty since 1883.]

Year.	Rate of duty.	Pounds.	Value.	Duties.	Value per pound.	Ad va- lorem.
1884 1888 1890	1½ cents per pound 1 (Mills bill) a 1½ cents per pound	25	\$2.20	\$0.37	\$0.041 .014 .088	16.82 511.21 516.82
1894	do	157	9.00	2.36	.057	26.25
1895 1896 1897	{do_ 20 per centdo	1,616 243 1,060	15.22 4.24 9.14	3.04 .85 1.83	.009 .017 .009	20.00 20.00 20.00
1898 1899 1900 1901 1902 1903 1904 1905 1906 1907	1 cent per pound do	288 9,184 7,422 55,621 38,049 64,170 1,147,131 1,935,260 704,978 4,780,054	7.00 334.61 215.00 1,937.51 1,048.00 2,166.00 46,927.15 71,988.00 33,631.00 244,709.00	2.88 91.84 74.22 556.21 380.49 641.70 11,471.31 19,352.60 7,049.78 47,800.54	.024 .036 .029 .035 .028 .034 .041 .037 .048	41.14 27.45 34.55 28.76 36.26 29.65 24.45 26.85 20.96 19.55

a Not a law.

b Based on importations of 1893.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman

from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Chairman, I am opposed to the bill providing for an appropriation for the erection of consular, legation, and court buildings abroad. This bill was called up in the House a few days since, and after considerable discussion went over until a later date. I take advantage of this opportunity to register my protest against it.

The Committee on Foreign Affairs has made a favorable re-

port upon it, and the bill as reported provides:

That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish said buildings, suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residence of diplomatic officers and for the offices of the diplomatic establishment: Provided, That hereafter not more than \$1,000,000 shall be appropriated for the purposes set forth in any one fiscal year.

SEC. 2. That the sum of \$1,000,000 is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purchase, erection, repair, alteration, and furnishing embassies, legations, and consulates, the said sum to be expended within the purposes of this act, at the discretion of the Secretary of State; not to exceed one-half thereof to be expended to secure consular and court buildings at Shanghai and Yokohama, and not to exceed one-half thereof to be expended to secure embassy buildings at Berlin and Mexico City.

In this metter I do not want to be misunderstood. I helieve

In this matter I do not want to be misunderstood. I believe that we should be progressive, and that we should, as far as possible, maintain our national dignity at home and abroad, but I do not believe in extravagance such as this bill proposes. do I believe it will, if carried out, add materially to our national dignity abroad-I believe that our standing as a nation is already fixed as the first of all powers. With able representatives this can be maintained as long as we merit that standing and dignity which we to-day enjoy.

One of the arguments advanced by gentlemen in support of this measure is that in proportion to the show and expenditures our foreign representatives are able to make will our country be esteemed by foreign powers. So far as I am concerned—and I believe I voice the sentiment of millions of Americans who are vitally interested in this important matter-I would rather have better financial conditions and more money in our Treasury here than so much dignity, at such a high price, abroad. [Ap-

plause.]

It is a well-known fact that the American people, as a whole, are heavily burdened with taxation; and if it were a direct levy of taxes upon them instead of an indirect taxation they would never stand for it. The people have the burden to bear, however, and it is by taxation upon them, and every dollar that is appropriated out of the Treasury and which is not applied in a way to materially benefit the country is necessarily placing additional burdens upon the shoulders of the taxpayers of this country and giving them absolutely nothing in return. Taxation at its best and in its easiest form is hard to bear, and always material benefits should result from the expenditures of such money. It is much easier for us to submit to taxation when we know we are at least getting a part of it back in some needed improvement. I think, sir, that the time has come when we should consider a way to curtail and reduce rather than increase taxation. I think, too, that if we are to make appropriations that they ought certainly to be in the interest of the people and for improvements here at home, and in the interest of economy and in keeping with good business judgment, rather than to make such large and extravagant appropriations in the interest of a few high-salaried officials in order that they might entertain lavishly and display a pomposity, which is foreign to Americanism, in foreign countries. [Applause.]

Of course I have due respect for the committee reporting the bill to the House and asking favorable action upon it, but that does not deter me from candidly and frankly expressing my views upon it. I oppose the bill because I believe it is unnecessary, extravagant, and untimely to make appropriations

for the purposes stated in the bill.

It is pretty safe to assume that if this bill becomes a law it will not stop with the million that is asked for, nor with the million that will be asked for each year, but that amount will

be increased from time to time.

It is unnecessary, because the remuneration which the United States Government grants its diplomatic officers is ample to enable them to live in style befitting an American citizen. know that it is urged that the dignity of this Republic requires that its diplomatic representatives should be properly housed; that their salaries are not large enough to meet the high rentals of the capital cities of foreign countries and make proper provision for the decent support and appearance of their families. I know the assertion is made that under present conditions none but rich men can afford to accept these positions, and that

the erection of these official homes for our ambassadors and ministers would enable the man of small means to make a respectable showing and, on the other hand, would obviate such glaring extravagances as have been exhibited to the world in the experience of one of our chief representatives abroad.

All this, Mr. Chairman, is the merest buncombe. It is in line with the great clamor, some years ago, as to the attire in which American diplomats should appear at court functions, and we all remember how one of our ministers literally made Rome howl by presenting himself in the gorgeous uniform and paraphernalia of a militia colonel of his native State. Just as one of our diplomats of yore, who asked how he should dress for a foreign court function, was advised by the then Secretary of State to dress like an American gentleman, so I say our ambassadors and ministers should house themselves and live like American gentlemen, and thus exemplify to other nations the

vaunted simplicity of the Republic. [Applause.]

The proposed legislation is untimely for many reasons. We are confronted with a huge Treasury deficit, which, I understand, will not be less than \$130,000,000 when the current fiscal year closes. The paring knife is applied to all departmental estimates. It is impossible, we are told, to have a river and harbor bill this session on account of this deficit. Soil surveys in agricultural districts all over the country are refused for the same reason. As for appropriations for good roads, rural mail routes, forest preservation, conservation of our natural resources, much-needed public buildings, and such other projects in which every man, woman, and child at home are interested, these are not to be thought of.

The Isthmian Canal project, with all its elements of uncertainty and its enormous cost, swallows hundreds of millions in its insatiable maw. This is no mere rhetorical figure, for has there not already been introduced a bill calling for \$500,000,000 for the completion of that big ditch? When that enterprise was first mooted and its cost put at a hundred millions, or thereabouts, it staggered us somewhat, but additional millions have been voted almost joyously, and this five hundred millions will

no doubt also be granted sooner or later.

We are importuned to grant the use of the Pension Office building for the purposes of an inaugural ball. The ball is no part of the inaugural ceremonies. It will cost the Government nearly a hundred thousand dollars, and endanger valuable records in that building which could not be replaced if destroyed by fire, if it complies with this request which will benefit a purely private enterprise; but I fear that in spite of all the cogent arguments, in spite of all the facts and figures that have been arrayed against the proposition, Uncle Sam will be made to bleed again for the benefit largely of the hospitable and much-favored citizens of the city of Washington, who have never learned to walk without the appropriation crutch.

All the economies which are preached to us affect the rural population; they are all at the expense of the farmers. this fact that I propose to address myself briefly, and beg those who hear me to remember that "God made the country and man made the town." I might also add that large governmental appropriations and salaries have made the beautiful

city of Washington.

The Yearbook of the Department of Agriculture for 1907 tells us that the grand total of values of farm products for that year was \$7,412,000,000, and for the last nine years it amounted to the fabulous sum of \$53,000,000,000. Besides, there were farm dairy products in 1907 which nearly reached \$800,-000,000, poultry and eggs produced on farms \$600,000,000, and animals sold from farms and slaughtered on them in 1907 were worth about \$1,270,000,000. The balance of trade in farm products in favor of this country in 1907 was \$444,000,000; in other products the trade balance of 1907 in favor of the United States was only \$2,500,000. The aggregate of trade balances in the eighteen years since 1890 produced in favor of the United States by farm products amounts to \$6,500,000,000, while the trade in other commodities during those eighteen years resulted in a grand adverse balance of \$456,000,000. Let me quote a little further from the Yearbook:

A great stream of wealth has consequently been sent from farms to foreign countries to offset the adverse balance of trade in commodities other than agricultural, to pay the ocean-freight costs on imports conveyed in foreign-owned ships, and to pay the interest, dividends, and principal on investments in the United States by foreigners. It is the farmer who has sent credit to expatriated Americans; it is he who has provided the immigrant with millions to send every year to the loved ones in the old countries; and if there is still any credit to dispose of, the farmer has provided the American traveler in foreign countries with his pocket money.

The miner can not restore the mineral to the mine. With the farmer it is different. The primal forces and atoms of the universe are his. The sun shines and the rain falls, and the farmer applies his art and science to inexhaustible resources, ever adding enormously to the country's wealth, capital, credit, and welfare.

From the Yearbook we also learn the following values of the leading crops for the year 1907:

	Quantity.	Value.
Cornbushels	2,592,320,000	\$1,836,901,000
Wheatdodo	634,087,000	554,437,000
Oatsdo	754,443,000	334,568,000
Barleydo	153,597,000	102,290,000
Ryedo	31,566,000	23,068,000
Buckwheatdo	14,290,000	9,975,000
Potatoesdodo	297,942,000	183,880,000
Haytons	63,677,000	743,507,000
Cottonbales	11.107.179	613,630,436
Tobaccopounds	698,126,000	76,234,000
Flaxseedbushels	25,851,000	24,713,000
Ricedo.:	18,738,000	16,081,000

The number and values of farm animals for the same year are equally significant:

	Number.	Value.
Horses. Mules Milch cows Other cattle. Sheep. Swine.	19,992,000 3,869,000 21,194,000 50,073,000 54,631,000 56,084,000	\$1,867,530,000 416,939,000 650,057,000 845,938,000 211,736,000 339,030,000

Mr. Chairman, just at this juncture it may prove interesting to point out briefly how penuriously the National Government deals with the farmer in the matter of granting him facilities to get his products from the farm to market. In 1906 it cost the farmers of the United States \$28,361,645 to carry to market the crops I shall name, viz, hay, tobacco, cotton, cereals, and potatoes. During a period of sixteen years, ending with 1907, the Government of the United States appropriated the pitiful total of \$526,000 for the object of road improvement. In 1904 the individual States spent for the same purpose a grand total of nearly \$80,000,000. It has been estimated that an annual appropriation by Congress of from twenty to twenty-five million dollars, for ten or fifteen years, allotted to the different States in proportion to population, would within twenty years put the public roads of this country in such excellent condition that they would bear comparison with the best of Europe and would enable our farmers to save from 40 to 75 per cent of the cost of hauling their produce to market. Talk about economies. Here is one that comes home straight to the agricultural population of the United States, and especially of the South. Bills in-numerable have been introduced, year after year, proposing appropriations for the construction of good roads, but none of them has yet been placed on the statute books.

them has yet been placed on the statute books.

The cost of bad roads to the farmers of the United States is perhaps a difficult matter to estimate. However, when it is considered for the entire country upon the basis of highway mileage and the results of experiments relative to the cost of hauling farm produce, the figures are most surprising. The Federal Department of Agriculture states that there are 2,151,578 miles of public roads in the United States. Of this mileage statistics for the year 1904 show that about 7 per cent are improved. During the crop year 1905–6, \$5,748,000,000 pounds of farm products were hauled over common roads from farm to market. As no figures are included for forest or mine products or for the general commodities of life that go from city to country, it is evident that the slightest saving in cost of hauling per ton would assume striking proportions when considered for the entire country. Figures show that these great crops traveled in wagons over the country roads 208,432,644 miles merely in being transported from the farm to the railroad shipping point.

point.

Investigations have established the fact that the average cost of hauling per ton per mile is about 25 cents. The cost on stone roads, dry and in good order, is about 8 cents; on stone roads in ordinary condition, 12 cents; on earth roads containing ruts and mud, 29 cents; on sandy roads when wet, 33 cents; on sandy roads when dry, 64 cents.

A reduction in the cost of hauling from 25 cents to 12 cents would mean an average saving of over \$250,000,000."

The facts and figures just stated, Mr. Chairman, I have adduced to show how little the legislative body of the greatest agricultural country in the world has done and is inclined to do for the agriculturists. To be sure, the farmer is praised on every possible occasion, but, sir, "fine words butter no parsnips," and the farmers of the United States would rather have one ounce of performance than any number of pounds of promises. [Applause.]

From general conditions I am going to pass to a specific instance. The district which I have the honor to represent is composed of 12 counties. It is essentially an agricultural community, if we except the great and important seaport of Savannah, about which I shall have something to say later on. people are among the most industrious, thrifty, and frugal to be

found anywhere in this land. Their material reward comes from honest toil. They are not continually shouting for "the old flag and an appropriation;" they work for and merit all they get. Their demands are not upon the generosity of the Government; they simply ask for fair treatment. When they ask for bread, they look somewhat askance upon the stone that is handed them. When a request is made by their Representative in Congress for a soil survey or a rural mail route in that district, they resent it when they are told that no funds are available for that purpose, for they remember with what cheerful alacrity millions are voted for nonproductive purposes

When bills are introduced here for needed public buildings in the rapidly growing cities of the district, and are met with hard-luck stories of actual and prospective deficits-deficits growing out of inexcusable extravagance and not caused by providing for real necessities—then my people wonder if there is not something wrong with legislation that "saves at the spigot and wastes at the bung." I have brought in bills here for public buildings which are greatly needed at Statesboro, Waynesboro, Swainsboro, and other thriving towns in my district, the aggregate of appropriations asked not exceeding \$500,000, but thus far I have heard nothing but "not now; some other time, perhaps." And yet the agricultural importance of that section ranks high even when compared with others that have been less modest in their demands. The following table, compiled from the agricultural yearbooks, shows the total of agricultural products of the First Congressional District of Georgia by counties, the production of cotton being taken from the Yearbook for 1907, the other figures from the Yearbook for 1905:

Counties.	Corn.	Oats.	Rice.	Potatoes.	Value.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.
Bryan	93,690	9,710	825,060	8,680	\$30,400
Bullock	464,090	45,150	111,334	6,001	84,542
Burke.	667,980	45,180	4,172	4,184	79,482
Chatham	40,940	6,430	1,556,674	125,375	50,748
Effingham	127,670	7,770	108,052	32,758	41,239
Emanuel	509,160	14,980	83,388	2,131	78,263
Liberty	166,550	14,950	1,125,308	11,025	50,475
McIntosh	20,980	840	946,912	755	41,265
Screven	429,540	.33,030	84,660	3,003	52,364
Tattnall	401,070	23,500	100,318	1,934	86,564
Total	2,921,670	201,540	4,045,878	195,846	595,342

Counties.	Sirup.	Sugar.	Peas.	Pea- nuts.	Upland cotton.	Sea- island cotton.	Value of farm products not fed to cattle.
	Gals.	Lbs.	Bu.	Bu.	Bales.	Bales.	
Bryan	1,170	2,310	7,007	751	1,568		\$207,770
Bullock	123,269	27,190	23,439	34,950	12,335	4,860	1,208,998
Burke	33,644	1,100	52,669	3,178	31,197		2,316,715
Chatham	12,653	620	3,804	121	152	4	455,127
Effingham	43,825	13,050	5,907	230	1,633		228,816
Emanuel	92,590	6,320	33,443	5,303	18,197	288	1,117,494
Jenkins					11,270	3	
Liberty	42,716	2,580	9,154	1,128	908	78	360,451
McIntosh	20,550		1,527	1,842	22		113,598
Screven	88,186	5,160	38,813	2,176	15,038		1,131,237
Tattnall	58,900	20,750	21,446	5,586	4,180	3,838	944,892
Toombs					5,714	101	
Total	517,503	79,080	197,209	55,265	102,219	9,172	8,085,092

I have no figures for the counties of Jenkins and Toombs, except as to cotton, but the output there would easily bring the grand total of values for the district up to, if not above, \$10,000,000.

In support of the statement that our section of the country is well adapted to the production of vegetables, I wish to quote from the Sylvania Telephone:

THESE ARE THE CHAMPIONS.

My, my; we thought there was a limit to everything, but there seems to be none at all to the size that turnips may attain in Screven County. For some weeks now the Telephone has been reporting a turnip from this one, and a ruta-baga from that one, and a cow horn from another—the story gradually tending upward every time; and not only the story, but the turnips as well, for we always bad the "proof of the pudding" before relating the tale.

So, as we say, these have been no Baron Munchausen tales of wonderful and fabulous growth, but actual turnips that were planted and grew in this very Screven County soil.

But now listen. We are going to give you the climax to it all. The limit has at last been reached, and here we'll rest, for this season at least. We can't tell you about them like they are—you will just have to see them to know what we mean. One of them is a purple top, weighs 11 pounds, and measures 12 inches through. The other

is a cow horn—but no cow in this county ever had a horn that big. it is 26 inches long and big around in proportion.

As we said before, you just ought to see them. It's the biggest sight that has ever been brought into the Telephone office. They were raised by Mr. Joshua Daughtry, of Woodcliff—the fair home of the orange and of many other splendid fruits and products, but more especially now that garden spot of the ruta-baga and purple top.

I think, in view of the small size of the turnip and ruta-baga referred to and by way of apology, that I should add that no doubt larger ones could have been produced but for the fact that this has not been a very good season for turnips and rutabagas in that section. [Laughter.]

The importance of Savannah as a seaport is universally conceded, and yet I doubt if many of my colleagues in this House, especially those of the West, have even an approximate appreciation of its commerce. It is worth while to give a few figures on that subject. For the three fiscal years 1905, 1906, and 1907 the exports and imports at Savannah figured up thus:

Year.	Exports.	Imports.	Duty collected.
1905 1906 1907	\$62,244,837 64,839,551 63,039,824	\$1,488,692 1,503,069 2,203,867	\$25,823 47,029 71,015
Total	190,124,212	5,195,628	143,867

In this connection I wish to quote a clipping:

[From the Savannah Morning News, Tuesday, October 6, 1908.]

SAVANNAH'S BANK CLEARINGS.

A glance at Savannah's bank clearings once in a while will be helpful to Savannah's business men and real-estate owners who are disposed to think Savannah isn't going ahead as fast as she ought to. The last week's report of the clearings of cities in the South Atlantic section showed Savannah ahead of any other city. Savannah's were \$5,845,000, an increase of 2.7; those of Richmond were next to Savannah's, being \$5,265,000, a decrease of 15.2; Atlanta's were \$4,522,000, a decrease of 6.6; and Jacksonville's were \$1,046,000, a decrease of 17.1.

When it is remembered that in October last year, just before the panic, business was exceptionally good, the showing made by Savannah a year after the panic is remarkable. In fact, it is a showing to be proud of. All the other cities last week, in the list for this section, showed a decrease in their clearings in comparison with the clearings a year ago, except Savannah. Savannah's increase was not large, but it was an increase. Savannah's business, therefore, is booming ahead, notwithstanding the fact that the effects of the panic are still felt.

That Savannah is steadily advancing is apparent from the number of dwellings that are being erected. All over the southern section new houses are being built; and if we are rightly informed, many more are projected. While Savannah has the business building will continue, and that she will hold her business and increase it there is not a doubt. Last week's bank clearings are an excellent advertisement of the city. Particularly do they speak volumes to those who understand their full meaning.

the city. Particular

This much, Mr. Chairman, I have brought forward in support of the bill, introduced by me at the first session of this Congress, for widening and deepening the harbor at Savannah, a work imperatively called for by the ever-increasing commerce of that port. I do not know if the fiat that we are to have no river and harbor bill this session is irrevocable; I trust it is not. I trust that some money can be found for projects that will benefit cities and States that contribute to the wealth and prosperity of the country. I trust that we shall find money for things like that before we spend it on frills and furbelows like palatial residences for our diplomatic officers in foreign cities.

Mr. Chairman, I shall be excused, I hope, for dilating upon this topic of liberality in one direction and niggardliness in the other. It is a subject on which I feel deeply. We need not take wonder, sir, that the farmers of the country grumble when appropriations are withheld which, judiciously expended, would vastly improve the conditions with which they have to contend. Look at the tariff! It is constructed with greatest solicitude for the interests of the manufacturer, who is hedged in with protection on every side. There isn't much in it for the farmers; on the contrary, the extravagant protection accorded to the manufacturers, especially those who manufacture agricultural implements, bears heavily on the tillers of the soil. The United States sells to the farmers of the world more agricultural implements than almost all the other nations combined. The surpassing excellence of the American implement is acknowledged by all the world. And yet, in the face of this universal demand for the American product, the tariff maintains a prohibitive duty on this class of manufactures, and thus enables the International Harvester trust to charge the American farmer twice as much as he would pay if under a lower tariff. Competition could be established by the importation of plows and harrows and harvesters and thus the price be lowered to our farmers.

Far be it from me to enter upon a discussion of the iniquities of the present tariff policy of the Republican party. We shall get quite enough of debate on that topic when the Sixty-first Congress convenes in extra session after the 4th day of March. What I have said about the tariff is merely incidental to the general subject of my complaint about the lack of consideration shown the farmer. This indictment is based upon striking specifications. The total of appropriations for the fiscal year 1907–8 amounted to \$920,798,143.80. Of this the farmer's as shown by the agricultural appropriation bill-was only \$9,447,290, a fraction more than 1 per cent. For the fiscal year 1908-9 the proportion is about the same, for of a total of \$1,008,804,894.57 there was appropriated for the work of the Department of Agriculture only \$11,672,106. In other words, Mr. Chairman, that interest which adds annually more to the wealth of the country than any other of the great sources from which the Nation's wealth flows, gets the smallest share. increase in appropriations for agricultural purposes for 1908-9 over 1907-8 was a little more than \$2,000,000, while for the army it was nearly seventeen millions; for fortifications, \$2,500,000; for pensions, seventeen millions; and even the diplomatic service profited to the amount of half a million. All these branches of the public service are nonproductive; the agricultural appropriation alone gives into a field that yields returns a hundred,

aye, a thousand fold. [Applause.]

The appropriations for the army, the navy, and pensions for the fiscal year 1909 aggregate \$380,000,000. One per cent of that enormous sum, Mr. Chairman, expended every year in aid to the States for the purposes of road improvements would be of incalculable advantage to the farmers of the country, would save them many, many more millions in wear and tear of horses, mules, and vehicles; would make intercommunication easier; would in many ways contribute toward making life on the farm would in many ways contribute toward making life of the less monotonous and far more happy, and would be an important factor in allaying the desire of the farmers' sons and daughters for life in the city, because it would mean better schools and churches in the rural sections. This is but one of schools and churches in the rural sections. the items in respect of which Congress should be more liberal toward the farmer, but it is an important one. There are many others, such as improving the navigability of our rivers; draining our swamps and lowlands; establishing inland waterways, so as to cheapen freights; appropriating sufficient funds to make soil surveys wherever these are advisable and profitable; and to otherwise encourage the agricultural interest of this country. [Applause.]

The great Napoleon laid it down as a maxim of statecraft that agriculture must be regarded as the first interest of the state. It is a maxim that should not be lost sight of by the Congress of the United States. [Applause.]
Mr. GAINES of Tennessee. Mr. Chairman, I would like to

ask my colleague from Tennessee a few questions. I would like to ask if the powder factory at Indianhead is running to its full capacity

Mr. PADGETT. I think not. Mr. GAINES of Tennessee. Why is it not running to its full

Mr. PADGETT. I do not think they run it to its full capacity, but they are running it to the capacity of the appropriations made for it.

Mr. GAINES of Tennessee. Then, if the appropriation for running the powder factory were increased we could get more powder from the government powder factory:

Mr. PADGETT. Yes; but I do not know that that would be indicious.

Mr. GAINES of Tennessee. Why not?
Mr. PADGETT. We want to maintain establishments that could supply the Government if necessary in time of emergency. Mr. GAINES of Tennessee. What other concern do we buy powder from?

Mr. PADGETT. We buy in the open market, and the price is fixed by our own officers.

Mr. GAINES of Tennessee. Who gets the bids, as a rule? Mr. PADGETT. The Secretary of the Navy and the Secretary of War.

Mr. GAINES of Tennessee. Who furnishes the powder under the bids?

Mr. PADGETT. I do not know the individuals. Mr. GAINES of Tennessee. What concern?

Mr. PADGETT. I do not know. They buy in the open market, and the Government fixes the price under a board of

Mr. GAINES of Tennessee. The gentleman is unable to tell what firm furnishes it?

Mr. PADGETT. I do not know. I have never inquired.

Mr. GAINES of Tennessee. Can the gentleman from Illinois [Mr. Foss] inform me from whom the Government buys?

Mr. FOSS. I think the Du Pont Powder Company. Mr. GAINES of Tennessee. Yes; that is exactly who it is; the most infamous powder trust that ever existed on God's earth, and a trust which is now being prosecuted in the federal courts of the United States in Delaware.

Mr. PADGETT. I do not know that the trust question can cut much figure when the government officers fix the price.

Mr. GAINES of Tennessee. We have been a number of years trying to get the price down from \$1 to what it is now. My colleague states that we are not running the government powder factory to its fullest capacity, because we are not appropriating money enough to do it, and the point I want to accentuate is that fact, that if we give more money in this bill to run the powder factory, we would have less to buy from the so-called

private" concerns, to wit, the powder trust.

Mr. PADGETT. The price at which we are manufacturing and the price at which we are buying do not afford a very strong

argument for manufacturing more.

Mr. GAINES of Tennessee. Before we built the government powder factory the Du Ponts were charging us a dollar a pound, and because of that outrage Secretary Long recommended that we put up this powder factory; and now we are making it for 47 cents, all told, and buying it at 65 cents from the Du Ponts.

Mr. PADGETT. Forty-seven cents does not include the cost of the interest on the outlay, nor does it represent the cost of the salaries of the officers and men furnished by the Government.

Mr. LOUDENSLAGER. So far as the department is concerned, and as I understand the action of the committee, the committee has given every dollar that the department asks this year for that purpose.

Mr. PADGETT. I understand so. Mr. LOUDENSLAGER. For running the powder plant at Indian Head; and as I understand it, it is running practically all the year round, except what time may be absolutely neces sary to make repairs, as in any other plant of that kind and character.

Mr. PADGETT. By running it continuously night and day it might make more. The gentleman asked me if it was making all it could make, and I said "no," but it is being run to extent of the appropriation.

Mr. GAINES of Tennessee. Does my colleague think that we should enlarge that plant, or should we have another?

Mr. PADGETT. I do not see any necessity for it at the present time.

Mr. GAINES of Tennessee. I just want to state-I do not want to prolong the debate-that we were paying \$1 before, and we paid about 80 cents during the Spanish war, and because of those prices, and because of that "monopoly," and I think he used that word, Secretary Long recommended the building of this government powder factory. The powder we bought was not good powder; Secretary Long said so, I think. Now, if this government concern can turn out more powder, and at 47 cents, I do not see why we do not appropriate more money, rather than pay the powder trust, or any other concern,

Mr. PADGETT. I think when the other man makes it, and we fix the price at which we will buy it, we are not at a dis-

Mr. SHERLEY. The gentleman does not mean by that statement to imply that the Government arbitrarily fixes the price. What the Government does is through an army and navy board. That board enters into trade relations with the powder manufacturers, and a price is agreed upon.

Mr. PADGETT. But they have the right, and they fix the price and compel the other men to accept their figures.

Mr. SHERLEY. They fix the price, but they have to fix that price with regard to whether the companies will furnish any powder at the figure or not.

Mr. PADGETT. No; they fix the price with a view of what

is right and proper.

Mr. SHERLEY. I understand; but they also have to bear in mind whether they can get the powder. Now, the gentleman does not mean to tell the committee that adding to the cost of material and labor in the manufacture of powder, which is 45 cents, as stated by the chairman of the Committee on Naval

Mr. PADGETT. About 47. Mr. SHERLEY. Forty-five cents, as stated by the chairman of the Committee on Naval Affairs, that adding to that the payment of officers, insurance, and interest on investment would increase it to 67 cents or anywhere near that.

Mr. PADGETT. And a reasonable profit on the investment. Mr. SHERLEY. With a reasonable profit, The gentleman The gentleman surely does not mean to make that statement?

Mr. PADGETT. Well, I do not think that 67 cents is an

exorbitant price from the proof.

Mr. SHERLEY. I will state to the gentleman that we have had a hearing of General Crozier on the fortifications bill for the last two hours on this subject, and he said a very liberal estimate for all the additional items would be 10 per cent increase on the labor and material price, and 10 per cent of 45 cents would make 4½ cents, a total of a little under 50 cents. You would not get up anywhere near the 67-cent price that is now being paid the powder manufacturers.

Mr. PADGETT. Admiral Mason and others before the com-

mittee stated to the committee that that price was a fair and reasonable price that was fixed by the board. I am only basing my statement upon the statement of the men who are at the head

of the bureau in the department.

Mr. SHERLEY. But that conclusion is not warranted by the subsequent facts as to the cost at Indianhead as to what should be charged in addition as representing a fair profit on the investment and risk. Counting all those things in, and the loss from powder not being up to the standard and being rejected, would not bring it anywhere near 67 cents.

Mr. PADGETT. I do not know myself, and I can only state that Admiral Mason stated it was a fair price. I can not state

personally because I do not know.

Mr. SHERLEY. Well, I simply did not want the statement to go unchallenged, because I think we will have very shortly some detailed figures on the subject.

Mr. PADGETT. I am only stating what those gentlemen stated to the committee. I am not a powder expert and do not state my personal opinion. I will insert the statement of Admiral Mason and the report of the joint army and navy board.

On page 124 of the hearings of the first session, Sixtieth

Congress, the following appears:

Mr. Dawson. We have heard a great deal, and we will hear more when this bill comes on the floor, about the powder monopoly—about the deterioration of the powder and the low grade of powder supplied to the Government by the so-called "Powder trust." Have you any views that you would give to us that would enlighten us on the subject and prepare us against these attacks if they should come?

Admiral Mason. I would be very glad to give the committee any information that I can. I am not prepared offhand to go into particulars, but all I can say is that we are not in the hands of a powder monopoly in any way, and I should say, to the contrary, that the powder people are in our hands, because we make the price, we prescribe the specifications, and we have inspectors and subinspectors to watch the processes and to make them do just exactly as we say.

Mr. Dawson. Was there a joint army and navy board created to consider this whole powder question?

Admiral Mason. Yes.

Mr. Dawson. Where will their report be found—is it in your annual report?

Mr. Dawson. Where will their report be found—is it in your annual report?

Admiral Mason. I think it is a public document, but I will be very glad to look it up and give you all the information on the subject.

Mr. Dawson. Will you please do that?

(Copies of joint board's reports and correspondence concerning price of smokeless powder are hereto appended, marked "A, B, C, D, E, and F.")

F.")

Mr. Thomas. Is there a powder trust?

Admiral Mason. As far as the Navy Department is concerned, no; we have control of it.

Mr. Robers. I would like to ask if we are getting as good powder from the private manufactories as from Indianhead?

Admiral Mason. Decidedly, yes.

Mr. Mudd. Admiral, if they make powder just as good, and just as cheaply, what is the particular reason for maintaining a government establishment? Do you claim it tends to prevent monopoly?

Admiral Mason. By having the government plant we have control of the situation. We know exactly how much that powder costs us, and when these people come in with exorbitant prices we say, "You can not get such prices, and if you do not come down within reason, we will go to Congress and ask them to give us a plant in which we can make all of the powder, although we do not like to do that, because we want to keep two or three outsiders going in case of accident to our plant."

Mr. LOUDENSLAGER. Then another thing, it keeps you posted as to the evolution and manufacture of powder.

Admiral Mason. Yes; we are making experiments as well as the powder companies.

powder companies.

The Exhibits A, B, C, D, E, and F referred by Admiral Mason are as follows:

NAVY DEPARTMENT, BUREAU OF ORDNANCE, Washington, D. C., February 23, 1906.

Sir: This bureau has to request that the department communicate with the Secretary of War, suggesting the appointment of a joint army and navy board to consider the present specifications for the manufacture and test of smokeless powders for the army and navy, with a view to a revision of these specifications where such revision is found to be advisable, and, further, to take up all questions relating to the granulation, manufacture, and tests of smokeless powders which may be referred to the board by this bureau and by the ordnance office of the army.

2. To this end it is requested that the board be directed to report to the chief of this bureau and to the Chief of Ordnance, United States Army, for instructions.

3. The following officers are nominated for the personnel of this board on the part of the navy: Commander Austin M. Knight, Lieut. Commander A. C. Dieffenbach, and Lieut. John Halligan.

Respectfully,

N. E. Mason.

N. E. MASON, Chief of Bureau of Ordnance.

The SECRETARY OF THE NAVY.

MARCH 16, 1906.

Sir: In accordance with the order of the Secretary of the Navy, No. 3799-69, of March 9, 1906, constituting a board for the consideration of all matters connected with the subject of smokeless powder which may be referred to the board by this bureau and by the ordnance office of the army, the board is requested to consider the following subjects and to make such recommendations in connection with them as may be found expedient:

(a) Specifications for the manufacture and test of smokeless powder. This is intended to include all matters directly or indirectly included in manufacture, beginning with the selection and preparation of all material and ending with ballistic tests for acceptance.

(b) The granulation of powders.

This will include a consideration of the relations between army and navy guns and the feasibility of assigning a granulation for a given caliber in the navy to the same or a different caliber in the army.

(c) The cost of manufacture of smokeless powder.

Under this head the board should estimate, as accurately as may be, the cost of manufacture of powder at the government plant at Indian Head, including a fair allowance for interest on capital invested, repairs, insurance, salaries, etc. Consideration should be given to losses which may result from the idleness of plant at seasons when the work in hand is insufficient to keep the plant fully employed, and to the possible loss from enforced discharge, at such seasons, of trained employees.

(d) Other commercial features connected with the manufacture and ployees. (d) Other commercial features connected with the manufacture and

ployees.

(d) Other commercial features connected with the manufacture and delivery of powder.

Under this head consideration should be given to the purchase of alcohol (by the companies or the Government) and to questions connected with "Solvent recovery;" also to questions relating to boxing and boxes, freight charges, and, in short, to all questions of business and business methods which may be found to be at issue between the Government and the companies.

As a result of (c) and (d), above, an expression of opinion is desired as to the price which the Government should pay for powder with fairness to all interests concerned.

(e) The care of smokeless powder in storage and transportation and the tests to which it should be subjected in service.

This includes all precautions connected with the powder from the date of its delivery to the Government.

(f) It is the intention of the bureau to give the board very wide discretion in its investigations, and no subject properly connected with smokeless powder should be regarded as excluded because not specifically mentioned in the preceding paragraphs.

(g) The board is authorized and instructed to call into consultation such experts as it may desire, and especially such representatives of the powder companies as may desire to be heard. To this end, notice of the existence and objects of the board should be given to the companies at the proper time and an invitation extended to them to send representatives for consultation.

The officers and employees of the bureau are at the service of the board, and very careful consideration is suggested of the methods of manufacture and test which are used at the naval powder factory at Indianhead.

(h) The preceding instructions are to be considered by the board in

manufacture and test which are used at the naval powder factory at Indianhead.

(h) The preceding instructions are to be considered by the board in connection with such further instructions as may be received from the Chief of Ordnance, United States Army.

Respectfully,

Chief of Bureau of Ordnance.

Commander Austin M. Knight, U. S. Navy, Senior Member, Joint Board on Smokeless Powder.

C.

Joint Army and Navy Board on Smokeless Powder,

Bureau of Ordnance, Navy Department,

Washington, D. C., September 26, 1906.

Sir: Following an earlier report, dated August 1, 1906, forwarding revised specifications for the manufacture of smokeless powder, the Joint Army and Navy Board on Smokeless Powder submits the following report dealing with the price which should be paid private manufacturers for smokeless powder for cannon, to be made for the Government in accordance with the specifications above referred to. In arriving at the price hereinafter recommended the board carefully considered all data which it could obtain, including the actual cost of manufacturing powder at the Naval Powder Factory at Indian Head, Md., and statements and information presented by the powder makers who were afforded an opportunity to appear before it to discuss the subject involved, to present their views as to the cost of manufacture, and to answer the questions of the board.

2. The price charged for smokeless powder for some years past has

tions of the board.

2. The price charged for smokeless powder for some years past has been 70 cents per pound, exclusive of the cost of the alcohol used, which heretofore has been supplied by the Government. The actual price paid, including the cost of the alcohol, has thus been approximately 74 cents per pound. Taking the figures furnished by the naval powder factory for the cost of raw material and labor and accepting its estimate as to maintenance, depreciation, and fire loss, the cost of a pound of powder, based upon an output of 1,000,000 pounds, which is approximately the yearly output of that factory, working night and day, is 54.6 cents. By adding the interest on capital invested in grounds, building, and machinery, the interest on capital invested at any time in material on hand, powder in process of manufacture and powder in dry houses, taxes, administrative expenses not considered in the data furnished from the naval powder factory, profit, etc., the price per pound is increased from 54.6 cents to ap-

proximately 69 cents. In the judgment of the board, it is probable that the experience of the private manufacturers enables them to cheapen the cost of production at certain points, and that the actual cost of their powder is somewhat less than that of tile naval powder factory. Such advantage as they may gain here, however, is probably offset by expenses to which they are subject for pensions in the case of employees killed or injured in their works, by damages exacted by neighboring property owners, and by other expenses necessarily incident to the manufacture of powder. From an economical standpoint a government powder factory has advantages, some of which are the following: Smaller salaries for administrative officers, and plant probably worked to full capacity, while those of existing private manufacturers have been generally worked much below their maximum capacity as a result of limited orders. These advantages are, however, offset in a measure by a labor day of eight hours, while the labor day of private manufacturers is ten hours, and by the expense incident to a large number of holidays during the year, for which the government employees are given full pay.

It is considered probable also that private manufacturers have an advantage over the Government in the purchase of raw materials; but this subject is a difficult one to investigate, and the board has no accurate information concerning it.

Based upon all data at its disposal, the board is of the opinion that a price of 69 cents per pound is a fair one to be paid private manufacturers for smokeless powder, the manufacturers to furnish their own alcohol. The board considers that the arrangement under which the Government has heretofore supplied the alcohol to the manufacturers has many disadvantages, and recommends that in future it be abandoned, and that manufacturers be required to supply their own alcohol, which may be removed 'from bond free of duty under proper regulations of the Treasury Department.

3. In view of the more economical operation

Austin M. Knight,
Commander, U. S. Navy, President of Board.
A. C. Dieffenbach,
Commander, U. S. Navy (Retired).
B. W. Dunn,
Major, Ord. Dept., U. S. Army.
C. B. Wheeler,
Major, Ord. Dept., U. S. Army, Lieutenant, U. S. Navy.

The CHIEF OF ORDNANCE, U. S. Army, War Department, Washington, D. C.

NAVAL PROVING GROUND, Indianhead, Md., August 2, 1906.

NAVAL PROVING GROUND, Indianhead, Md., August 2, 1906.

Sir: By direction of the Bureau of Ordnance:

1. I have to submit the following estimate of the probable cost of smokeless powder at private works.

2. The cost of manufacturing 1,000,000 pounds of powder at the Indianhead works during the fiscal year recently closed has been 47.7 cents per pound, exclusive of alcohol. Every item due to its manufacture is included in this cost. All raw materials, chemicals, laboratory expenses, heat, light, power, care of grounds, buildings, etc., have been reckoned; also a charge for loss by fire based upon the mean fire loss for the last six years.

3. Included in this is an allowance of 5 per cent for a depreciation on buildings and improvements. Another allowance of 10 per cent depreciation on the machinery of the entire plant is also included.

4. In comparing the cost of powder at this plant with private manufacturers, it would be fair to assume generally that private purchasers obtain their material at least 10 per cent less than the Government does. It has been hinted to me that the Tennessee Fibre Company sells its material to private manufacturers at 4½ cents per pound; we pay 5½ cents per pound. A paper manufacturer told me several years ago, when we were paying 6 cents, he was paying considerably less for this cotton. The same thing is probably true of acid. But on known data the following amounts should be subtracted from the cost at this place:

14, 760 44, 685 474, 000 Deducting this from _____

or, say, 42.9 cents per pound to the private manufacturer.

5. The total rejections of powder amount to 1.7 per cent during the history of its manufacture. These rejections have not affected Indianhead, and should not other makers. However, adding 1.7 per cent to their cost, we have a total of 43.6 cents. If the powder can be reworked or used for other purposes, this item should not be considered.

6. It may be urged that there is a business hazard attached to the manufacture of this material; that is, that we may be making a differ-

ent powder some day that will render much or all of the plant useless. Such an argument should have no weight, since we have already been using this powder for seven years or more, and in the account of cost given above, 10 per cent of the machinery is expended each year off the books, which would provide for a total elimination of the plant in ten years. Attention is called to the powder "cordite," which, in spite of its manifest disadvantages, has continued in use some fifteen years without any immediate prospect of some other powder being substituted for it

tuted for it.

7. On the basis of 1,000,000 pounds of powder manufactured per annum, it will be seen that a price of 70 cents per pound yields a profit of \$264,000, and this considers every possible charge except the pay of the officers connected with the financial administration of the

pay of the officers connected with the manner of the enterprise.

8. Judging from the cost of the Indianhead plant, the total investment will amount to about \$650,000. On this basis the stockholders should receive a dividend of over 40 per cent on the capital invested if the powder is sold at 70 cents. If it were sold at 55 cents per pound, this would yield 17.5 per cent profit on the capital invested, and in case the orders were cut down during any one year to one-half, the profit should still be satisfactory.

Respectfully,

Jos. Strauss.

Jos. Strauss, Lieutenant-Commander, U. S. Navy, Inspector of Ordnance in Charge.

Commander A. M. KNIGHT, U. S. Navy,

President Joint Army and Navy Board

on Smokeless Powder Specifications,

Bureau of Ordnance, Navy Department,

Washington, D. C.

SEPTEMBER 7, 1906.

September 7, 1906.

Sirs: Referring to proving-ground letter 3023, of August 2, 1906:

1. I beg to call attention to the following items that should be considered in calculating the cost of powder at private factories:

(a) Powder on hand in dry houses and raw material, such as cotton, nitrate of soda, and other supplies. This will amount, at a factory of the capacity of the one at Indianhead, to approximately \$500,000, and must be added to the capital invested.

(b) Local taxes, which will vary in the location of the plant.

(c) The cost of indemnifying employees who have been injured. Respectfully,

Jos. Strauss.

Jos. Strauss,
Lieut. Comdr., U. S. N.,
Inspector of Ordnance in Charge.

JOINT ARMY AND NAVY BOARD ON SMOKELESS POWDER SPECIFICATIONS, Navy Department, Washington, D. C. (Through Chief of Bureau of Ordnance.)

E. I. DU PONT COMPANY, Wilmington, Del., August 27, 1906.

AUSTIN M. KNIGHT, Commander, U. S. Navy,

President Joint Army and Navy Board on

Smokeless Powder Specifications,

Washington, D. C.

Smokeless Powder Specifications,
Washington, D. C.

Dear Sir: Complying with your request that we give you our reasons for opposing any reduction in the price now paid by the Government for smokeless powder, we submit the following discussion:

In opening this discussion we desire to say that, in our judgment, the price paid for the powder is far less important than its quality, and that at the present time, with the processes of the manufacture and even the composition of the powder in a more or less experimental and uncertain condition, an effort to reduce the price is likely to be false economy. With the army and navy it should always be the aim to have the best possible powder regardless of the cost. The desire should be to give an adequate price and to expect a constant improvement in the article. In order to produce a superior article we must be allowed a reasonable and fair margin of profit, so that we may be able to purchase the best materials, employ the best skilled labor, and be allowed to work and rework the material until the desired result is obtained. If we must stop short of that because of price it is easy to determine what the natural result will be—either loss on our part or an inferior powder. We have spared no expense in our efforts to improve our product, and we should receive an adequate compensation.

At the beginning, when the price was fixed at \$1 per pound, the manufacturers had little knowledge of the subject, and their plants were not suited to economical production. Before experience had shown us how to make a profit the Government reduced the price to 80 cents a pound, and again to 70 cents, while we were making powder at a loss or with no profit. It is only within the last three years that a profit has been made. It would be a great injustice to the companies who have continued under these circumstances to produce a good powder, and who have spared no expense to improve it, to insist now that we must submit to another reduction, under more rigid specifications, before we have rec

80 to 85 cents.

The Government has a system of inspection that grows daily more rigid, to which inspection we do not object, but which tends to increase the cost of production. The bureaus have just adopted new specifications which are more exacting and to which they have added new and untried tests, which will probably add to the number of rejections. These specifications undertake to control each step of the processes to be used, to specify raw materials, number of washings, their duration, etc., and in the end we are still held responsible for the results.

In arriving at the cost of powder manufactured by the Government, its experts lose sight of many items of expense which the Government pays through other channels, as salaries of officers, technical men, book-keepers, clerks, traveling expenses, etc. The Government charges some of these items to other accounts, and overlooks them in estimating the cost of manufacture of powder. Upon examination of our books we

find that the following result would be obtained by taking what we are informed is the cost of powder at Indianhead on the manufacture of 1,002,000 pounds.

We find that during the past year of our operations the ratio of rejections to the amount of powder manufactured and delivered to the Government was 5.23 per cent. If from the manufacture of powder at Indianhead there be deducted the same percentage for rejections, the result would be that instead of delivering 1,002,000 pounds of powder, Indianhead would produce 949,000 pounds of acceptable powder, and the cost per pound would be increased from 47.45 cents (their cost of powder manufactured, exclusive of alcohol) to 49.98 cents, and their cost of 54.63 (including alcohol) would be increased to 57.63 cents. If to this there be added the amounts paid by our company, which have not been taken into consideration by the Government in their estimate of cost—mill superintendence, 1.96 cents per pound of powder manufactured; the sum instructive cost, 2.98 cents per pound of powder manufactured; the sum instructive cost, 2.98 cents per pound of powder manufactured in the cost would be 62.20 cents, exclusive of alcohol) or 69.85 cents, including alcohol. This showing clearly demonstrates the fact that the only profit that we could obtain in the manufacture of powder at 70 cents per pound (and alcohol furnished by us) would be brought about by a more economical expenditure of labor in factory operations, because it is beyond dispute that the Government is paying approximately the same prices for cotton, acids, and other raw materials as we are.

Progress in the manufacture of powder sometimes causes the abandonment of whole plants, as was the case when the change from brown prismatic to pyrocellulose powder was made. This company had, at large expense, equipped two plants for the Government's used during the Spanish war, which were utilized for a short time to manufacture the powder. Experiments with a new powder, which, if adopted for the smokeless, powder was made,

pense, and the costly extensions to our plants are rendered unnecessary and useless.

We would further call the board's attention to the fact that the policy of this company has always been, regardless of expense, to improve the powder by adopting every suggestion made by the Government. For instance, in the Government's efforts to standardize the process of manufacture of powder, we have been called upon at large expense to change our plants to insure a uniform process of manufacture. In this connection we have recognized the great importance of pure water in the manufacture of powder, and although the water supplies of two different plants had been used for upward of five years with satisfactory results, we realized that improvements in the product would result from corresponding improvements in the water supplies of two different plants had been used for upward of five years with satisfactory results, we realized that improvements in the product would result from corresponding improvements in the water supplies of water. This expenditure will result in an improvement in the powder and a corresponding benefit to the Government.

A very important item in the cost is the rejection of powder by the Government. It may be argued that we should not produce a powder that would not meet the requirements. The art of powder making has not yet reached the point where rejections are not to be expected. Furthermore, add to this the fact that the Government is constantly changing the specifications, insisting upon making additional tests, some of which are purely empirical in their nature, so that their influence and result can not be foreseen. The chances of rejection are thus vasty increased, and should be a large item in the fixing of the price of powder.

The manufacture of powder is a hazardous business far beyond the

of powder.

The manufacture of powder is a hazardous business far beyond the conception of inexperienced men. The danger of fire and explosion which may destroy valuable plants is great, and greater still is the cost of life.

which may destroy valuable plants is great, and greater still is the cost of life.

We may have touched on many things in this letter which you will consider irrelevant in fixing a just selling price for powder. We believe that all these factors have an important bearing on the subject, and each must be given its due weight.

To conclude our arguments we may note:
First. The necessity of your having the very best powder which can be made. Your ships and your men demand it. This can not be had if you put the price too low.
Second. The painstaking and careful attention which we have given to the improvement of the powder, the money which we have risked in our experiments to develop it, and the capital which we are risking today in our efforts to produce for you a new and better powder are all worthy of compensation and the Government should consider its own interests by encouraging us.

Third. During the experimental stage of the manufacture of smokeless powder, which continued until the last three years, we realized little or no profit. It is discouraging to think that such a condition may continue. Progress in the production of powder is the most expensive item to be considered, for it means constant expenditure of

money, which rarely develops value, and when it does produce something the result means entire abandonment of old methods. To illustrate, you are to-day experimenting with a powder which has already cost us several hundred thousand dollars. If the experiment is a failure, the money invested is lost. On the other hand, if it succeeds our present plants are, in a large measure, rendered valueless. We recognize the importance and value of the initial steps taken by the Government in developing the present powder and the work done in the government laboratories. It is a fact, however, that the manufacture would not have reached the present standard had it not been for the very large expenditure of money made by us in experiments and in designing and perfecting the necessary machinery. We have freely given to the Government the benefit of these experiences for use at its own plants. We are not desirous of taking to ourselves an undue credit for this development, but we believe that the bureaus will agree with us that the art of manufacture would not have reached the present improved condition had we not undertaken the work, for the reason that Congress has always failed to appropriate sufficient funds to enable the Indianhead plant to do it.

Fourth. We are selling to the Government to-day a better powder, made under rigid inspection and subject to rejection, for a less price than we are paid by the commercial trade, which takes powder made without specifications or inspection and in which we have constant, wide-awake, active competition. This in itself is sufficient proof that the Government is buying its powder at a fair and just price.

Fifth. The Government, by its own experience at Indianhead, is well aware of the cost of making powder. If to this cost there be added a fair margin, to correspond to the items which we have enumerated and to the losses which we must allow for, we feel sure that it will be shown that the present price is not unreasonable, but it is a just and fair price, made necessary by the expe

E. I. DU PONT COMPANY, By E. G. BUCKNER.

F.

Joint Army and Navy Board on Smokeless Powder,

"Washington, October 22, 1907.

1. The board met at the Navy Department this day. Present:
Lieut. Commander Joseph Strauss; Maj. B. W. Dunn, U. S. Army;
Maj. O. C. Horney, U. S. Army; Maj. J. E. Hoffer, U. S. Army; and
Lieut. T. C. Hart, U. S. Army. The Du Pont Company was represented
by Mr. H. F. Brown, chemical director.

2. The inclosed statement of the cost of manufacturing at the Indianhead plant for the fiscal year ending June 30 was presented and considered the basis for fixing the price of powder. From this statement
it is found that powder is being manufactured at a cost of 4.2 cents
per pound less than it was for the fiscal year ending June 30, 1906.
Of this reduction, 3 cents per pound is due to the use of cheaper nitrating material and 1.2 cents to increased output. In recommending a
price for new contracts the board does not deem it proper to consider
as a factor the resulting cheapening at the Indianhead plant due to
the increased output, since the private manufacturer, having but one
market, must limit his output to the demands of the Government.

3. The price of 69 cents per pound fixed last year was based upon
the cost at Indianhead. That cost has now been reduced 3 cents
per pound, and the reduction rests wholly upon the lessened cost of
raw material. Allowing for possible fluctuations in the price of raw
material and considering that the manufacturer should also profit
by its reduction, the board recommends that the price of powder be
reduced by 2 cents per pound—that is to say, that the price on new
contracts be fixed at 67 cents per pound, the manufacturer to furnish
the alcohol.

Respectfully,

the alcohol.

Respectfully,

Jos. Strauss,
Lieut. Commander, U. S. Navy.
B. W. Dunn,
Major, U. S. Army.
Odus C. Horner,
Major, U. S. Army.
Jay E. Hoffer,
Major, U. S. Army.
Thos. C. Hart,
Lieutenant II S. Navy. Lieutenant, U. S. Navy.

.4383

The CHIEF OF BUREAU OF ORDNANCE, Navy Department, Washington, D. C.

Referring to bureau's indorsement No. 19277/34, of the 5th instant, on the communication of the joint army and navy board on smokeless powder:

1. I beg to state as follows:

Summary of expenditures for the production of powder for the past year at Indianhead.

\$454, 790. 64 13, 829. 10
10, 991, 83 6, 952, 46
13, 812, 66
31, 180. 65

531, 557, 34

Dividing by 1,047,063, product for the year, the cost per 0.5077 pound is______
Deduct cost of alcohol expended per pound_____ Cost of powder without alcohol ...

In comparing this with the cost during the past fiscal year, which was 47.4 cents, we find that it has been cheapened 3.6 cents; this is accounted for to the extent of 2.4 cents per pound by the fact that

the cost of cotton per pound of powder in 1905-6 was 7.21 cents and in 1906-7, 4.82 cents, the reduction being due to the use of the cheaper Tennessee fiber. The remaining 1.2 cents is accounted for in the fact that the fixed charges, amounting to some \$77,000 plus a considerable share of the labor, are not increased with the increased output.

These exhibits fully explain the matter. In his hearings before the committee at the present session, Admiral Mason in substance reaffirmed the foregoing statements.

Mr. Chairman, I reserve the remainder of my time.

Mr. FOSS. Mr. Chairman, there is no further demand for time on this side, and I suggest that we proceed with the read-

ing of the bill by paragraphs.

Mr. PADGETT. The gentleman from Tennessee [Mr. GAINES]

asks for five minutes-

Mr. FOSS. Wait until the end of the first paragraph is reached.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1910, and for other purposes.

Mr. GAINES of Tennessee. Mr. Chairman, I simply want to make a few observations. We are not, judging from the statement that my colleague [Mr. Padgert] has just made, running the government powder factory to its fullest capacity, because we do not appropriate enough money to do so. I insist this bill should be amended in some way so that we can enlarge the output. It seems we are buying 2,400,000 pounds of powder from a private concern. That private concern is what is known as "the powder trust." Gentlemen, my colleague, and in fact most of the committee, state we have a board which fixes the price which we pay to a private concern. Now let us see. That concern controls practically all cern. Now, let us see. That concern controls practically all the powder concerns in the United States. There are a few so-called "independents." Now, what kind of a concern is this with which we are dealing, this so-called "powder trust." Here are the figures right before me, gentlemen, in a letter from Secretary Metcalf to me, which I printed in the Record of April 13, 1908, when this very question was up here in the House. I read from Secretary Metcalf's letter:

In 1897 we bought 300,000 pounds at a dollar a pound; in 1898 we bought 2,543,500 pounds at 80 cents a pound; in 1899 we bought 350,000 pounds at 80 cents a pound; 1900, 695,000 pounds at 80 cents per pound; 1901, 1,401,000 pounds at 74 cents per pound; 1902, 1,551,000 pounds at 74 cents per pound; 1903, 2,258,000 pounds at 74 cents per pound; 1904, 4,642,710 pounds at 74 cents per pound; 1905, 4,492,000 pounds at 74 cents per pound; 1906, 2,025,000 pounds at 69 cents to 74 cents per pound; 1907, 2,875,000 pounds at 69 cents per pound.

Now, then, on the next page Mr. Metcalf informs me that the cost of powder, without alcohol, per pound is 47.45 cents, and that the expenditure for alcohol per pound would make the total cost 57.63 cents per pound. That is what it cost a year ago. It seems the price has gone up this year for making a pound of powder. I have just read you these official figures, showing that when we were in the clutches of this concern, it was charging this Government a dollar per pound for powder. When the din of war was sounded they were charging us a dollar a pound, and during the Spanish war they charged us 80 cents a pound. In time of war, when we use millions and millions of pounds of powder, they charge us more than they charge us in peace. That is the kind of a patriot we are dealing with to-day—a conare making to-day for 47 cents. The only way, it seems, to extricate ourselves is to increase the appropriation and run a government powder factory at its full extent. Without intending the contribution of ing to criticise the committee—for I do not—I would like to ask why we do not do that? What is the matter? This concern that controlled us in time of war dictates to us to-day— and it so dictated in time of war—that, as I said a while ago, Secretary Long came in here and urged Congress to put up an experimental government powder factory, and we did so at a small cost. And what is the result? We were not only making it at 47 cents last year, but we brought this monster monopoly down from 80 cents to 67 cents per pound.

Now, would it not be wise, would it not be just to the Gov-

ernment, as it seems we are making more dogs of war, and must make them, and as we are making more powder, and must have it, as the demand for powder is greater now in time of peace than heretofore, that we should enlarge the appropriation so that, as the demand increases, we may furnish it ourselves, and at 47 cents, as against paying out 67 cents to this concern that made the Government pay a dollar a pound before the Spanish war and 80 cents during that war? That is all, and the only reason why I have taken up your time to say a word on the subject. The Government is making it at 47 cents, while this

concern is making it at 67 cents. They formerly charged us 80 cents and just before the Spanish war \$1. The little old powder factory, not much larger than a cabin down in the southland, has brought it down to 47 cents. And I want to say it has given us the best powder the world has ever seen, whereas, previous to this, the powder was defective, and Secretary Long so said in his report to us about the time of the starting of the Spanish war.

It seems to me, Mr. Chairman, and I repeat it in conclusion, that we should enlarge this appropriation, for the demands for powder are greater, and because it is cheaper and better, and

because it hurts no one.

Some say that building a government concern interferes with private enterprise. It may do so sometimes, but, gentlemen, here is a plain case of where it did not hurt and does not, and it is not only the largest powder concern in the United States, but I dare say the largest in the world. It is so very large and so very powerful that he have not only had to appoint a board to bring down and fix the price of powder we take from it, but go into the federal court to enjoin it from its lawless performances

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Mann, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration bill H. R. 26394, the naval appropriation bill, and had come to no resolution thereon.

PEPUBLIC OF LIBERIA.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 666), which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

and ordered to be printed:

To the Senate and House of Representatives:

The inclosed letter from the Secretary of State, with the accompanying documents, in reference to Liberia, explain themselves. I very earnestly hope that the recommendation of the Secretary of State will be approved and that Congress will grant the appropriation of \$20,000 to pay the expenses of a commission, who shall go to Liberia to examine into the situation, confer with the officers of the Liberian Government and with the representatives of other governments actually present in Monrovia, and report recommendations as to the specific action on the part of the Government of the United States most apt to render effective relief to the Republic of Liberia under the present critical circumstances. The relations of the United States to Liberia are such as to make it an imperative duty for us to do all in our power to help the little Republic which is struggling against such adverse conditions. I very earnestly hope that the action proposed will be taken.

The West Monroll of States and Theodore Roosevelly.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 19, 1909.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request from the Senate, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES

January 18, 1909.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States.

LEAVE TO PRINT.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to have printed in the Record a letter of Secretary Metcalf to me, and the appendices thereto, that I alluded to a few moments ago.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a letter of Secretary Metcalf and the appendices thereto, which he alluded to in the Committee of the Whole House on the state of the Union, shall be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

EULOGIES ON HON, WILLIAM H. PARKER.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following order.

The Clerk read as follows:

Ordered, That there be a session of the House at 12 m., Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. WILLIAM H. PARKER, late a Member of this House from South Dakota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

WITHDRAWAL OF PAPERS.

Mr. HUBBARD of West Virginia, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Malvina J. Swiger (H. R. 6847), Fifty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows

A letter from the Commissioners of the District of Columbia, concerning public schoolhouse conditions in the District (H. Doc. No. 1346)—ordered to be printed as a House document.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for the removal of snow and slush from the route of the inaugural procession (H. Doc. No. 1347)-to the Committee on Appropriations and ordered to be printed.

A letter from the Assistant Secretary of the Interior, transmitting papers showing reasons for repeal of the special act granting a pension to Jackson Adkins (H. Doc. No. 1348)—to the Committee on Invalid Pensions and letter only ordered to be printed.

A letter from the Secretary of the Interior, transmitting decision of Commissioner of Patents and the United States courts in patent cases for the year 1908 (H. Doc. No. 1349)—to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 203) to authorize the Secretary of State to invite the Permanent International Association of Navigation Congresses to hold in the United States in the year 1911 the Twelfth International Congress of Navigation, reported the same without amendment, accompanied by a report (No. 1877), which said joint resolution and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24863) to prohibit the importation and use of opium for other than medicinal purposes, reported the same with amendment, accompanied by a report (No. 1878), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 26709) to amend an act to provide for the reorganization of the consular service of the United States, reported the same without amendment, accompanied by a report (No. 1881), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 20613) to compensate C. W. Smith for services and disbursements made in the war with Spain, reported the same without amendment, accompanied by a report (No. 1870), which said bill and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 25361) for the relief of the heirs of Jenkins & Havens, reported the same without amendment, accompanied by a report (No. 1871), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 16924, reported in lieu thereof a resolution (H. Res. 495) referring to the Court of Claims the papers in the case of W. D. Farron, accompanied by a report No. 1872), which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred House bill 24503, reported in lieu thereof a resolution (H. Res. 496), referring to the Court of Claims the papers in the case of Charles W. Munn, accompanied by a report (No. 1873), which said resolution and report were referred to

the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred House bill 24107, reported in lieu thereof a resolution (H. Res. 497) referring to the Court of Claims the papers in the case of Davis W. Hatch, accompanied by a report (No. 1874), which said resolution and report were referred to the Private Calendar.

Mr. McKINLEY of Illinois, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 5989) authorizing the Department of State to deliver to Maj. C. DeW Wilcox decoration and diploma presented by Government of France, reported the same without amendment, accompanied by a report (No. 1875), which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 26245) for the benefit of the Citizens' Bank of Louisiana, reported the same without amendment, accompanied by a report (No. 1876), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12080) for the relief of Addison L. Brown, reported the same with amendment, accompanied by a report (No. 1879), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

bill (H. R. 24355) granting an increase of pension to Michael P. Roehrig-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25936) granting an increase of pension to Mar-Pierce-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25991) granting a pension to Mary A. Murphy Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26591) granting an increase of pension to Josephine L. Jordan-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KIMBALL: A bill (H. R. 26598) authorizing and directing the Secretary of the Treasury to reimburse certain citizens of the city of Versailles, Ky., in the sum of \$1,875, for money donated by them to assist in the purchase of a site for a post-office building in said city, out of any unexpended balance of the appropriation for the erection of said building that may remain after the completion of the same-to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 26599) to withdraw from settlement and entry certain lands in the State of California—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 26600) for the resurvey of

certain lands in the State of Nebraska-to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 26601) to authorize the Secretary of War to continue and complete the locking and damming of the Cumberland River in Tennessee above Nashville and to the Kentucky line and in accordance with the plan heretofore authorized and adopted by river and harbor act of 1886, on or before July 1, 1913, and for other purposes to the Committee on Rivers and Harbors.

By Mr. SIMS: A bill (H. R. 26602) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. LAFEAN: A bill (H. R. 26603) to construct a Lincoln memorial highway from the White House, Washington, D. C., to the battlefield of Gettysburg, Gettysburg, Pa .- to the Com-

mittee on Appropriations.

By Mr. WATKINS: A bill (H. R. 26604) to establish an agricultural experimental farm on Red River, in the Fourth Congressional District of Louisiana—to the Committee on Agriculture.

By Mr. SHERMAN (by request): A bill (H. R. 26605) to provide for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane—to the Committee on Appropriations.

By Mr. BOOHER: A bill (H. R. 26606) to authorize the Lewis Bridge Company to construct a bridge across the Missouri River-to the Committee on Interstate and Foreign Com-

By Mr. HUMPHREY of Washington: A bill (H. R. 26607) to improve the maritime efficiency and provide for a naval-reserve service for the United States—to the Committee on Naval Affairs.

By Mr. COOPER of Texas: A bill (H. R. 26608) authorizing and directing an examination and survey of the Sabine and Neches rivers and the canal extending from the mouths of said rivers to the mouth of Taylors Bayou, with a view of obtaining 30 feet of water-to the Committee on Rivers and Harbors.

By Mr. COX of Indiana: A bill (H. R. 26609) to amend section 718 and section 725 of the Revised Statutes of the United States, relating to the granting of injunctions and punishment for contempts of courts, and providing for trial by juries in indirect contempt cases—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A bill (H. R. 26610) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereof-to the Committee on War Claims

By Mr. GRAHAM: A bill (H. R. 26611) for the erection of a monument to the memory of Lieut. Friend W. Jenkins-to the Committee on the Library.

By Mr. PUJO: A bill (H. R. 20612) for the survey of Bayou Boeuf, Louisiana-to the Committee on Rivers and Harbors.

By Mr. WILEY: A bill (H. R. 26613) granting an increase of pension to all soldiers of the Mexican war and to all surviving widows of soldiers of the Mexican war-to the Committee

By Mr. PUJO: A bill (H. R. 26614) for the survey of Bayou Cocodrie, Louisiana-to the Committee on Rivers and Harbors. Also, a bill (H. R. 26615) for the survey of Bayou Courtableau, Louisiana—to the Committee on Rivers and Harbors.

By Mr. GODWIN: A bill (H. R. 26616) for the improvement of the lower Cape Fear River, North Carolina, from Wilmington to the sea, providing for a survey thereof looking to a project which will afford a channel 30 feet deep and of sufficient width to accommodate the needs of commerce-to the Committee on Rivers and Harbors.

By Mr. SMITH of Michigan: A bill (H. R. 26617) to require the Washington Gaslight Company and the Georgetown Gaslight Company to maintain and record a certain pressure of gas—to the Committee on the District of Columbia.

By Mr. BURNETT: A bill (H. R. 26618) to provide for survey of Etowah and Coosa rivers in Georgia and Alabama-to the Committee on Rivers and Harbors.

By Mr. LEE: A bill (H. R. 26619) to provide for survey of Etowah and Coosa rivers and their tributaries in Georgia and Alabama-to the Committee on Rivers and Harbors,

By Mr. THOMAS of North Carolina: A bill (H. R. 26620) for a survey of Big Swift Creek from Vanceboro to Gardners Ford, North Carolina-to the Committee on Rivers and Harbors.

By Mr. CRAIG: A bill (H. R. 26621) to provide for survey of Coosa and Tallapoosa rivers and their tributaries in Georgia and Alabama-to the Committee on Rivers and Harbors.

By Mr. HELM: A bill (H. R. 26622) to establish a national military park at Perryville, Ky .- to the Committee on Military

By Mr. KENNEDY of Ohio: A bill (H. R. 26623) providing for the holding of a term of the United States circuit and district courts annually at Youngstown, Ohio-to the Committee on the Judiciary.

By Mr. LINDBERGH: A bill (H. R. 26624) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same-to the Committee on Indian Affairs.

By Mr. OLLIE M. JAMES: A bill (H. R. 26625) relating to claims before the Court of Claims and the testimony before -to the Committee on War Claims.

By Mr. CRAIG: A bill (H. R. 26722) to provide for the continuation of work for the improvement of navigation of the Alabama River in Alabama-to the Committee on Rivers and Har-

Also, a bill (H. R. 26723) to provide for the survey and examination of the Cahaba River in Alabama and its tributaries, with a view to ascertaining the possibility of aiding navigation on said river and on the Alabama River, and of developing the water power thereof-to the Committee on Rivers and Harbors.

By Mr. HEFLIN: A bill (H. R. 26724) to provide for the survey and examination of the Coosa and Tallapoosa rivers, in Georgia and Alabama, and their tributaries, with a view to ascertaining the possibility of aiding navigation on said rivers and on the Alabama River, and of developing the water power thereon—to the Committee on Rivers and Harbors.

By Mr. WATSON: A bill (H. R. 26725) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads"—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: A bill (H. R. 26726) for dredging the inland water route in Michigan-to the Committee on Rivers and Harbors.

By Mr. SHACKLEFORD: Resolution (H. Res. 498) for the appointment of a committee to investigate alleged shortage at the United States subtreasury at St. Louis-to the Committee on

By Mr. PARSONS: Resolution (H. Res. 499) requesting certain information from the Secretary of the Treasury and the Attorney-General-to the Committee on the Judiciary

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 236) for a survey of Indian River, in the State of Florida, from Fort Pierce to Sewalls Point-to the Committee on Rivers and Harbors

Also, joint resolution (H. J. Res. 237) for a survey of the Suwanee River from White Springs to the Gulf of Mexico—to

the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 238) for a survey of the Kissimmee River, in the State of Florida—to the Committee on Rivers and Harbors

Also, joint resolution (H. J. Res. 239) for a survey of New Smyrna Inlet-to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 240) for a survey of St. Augustine Harbor, Florida—to the Committee on Rivers and Harbors.

By Mr. HULL of Tennessee: Concurrent resolution (H. C. Res. 55) directing the Secretary of War to cause a resurvey of Cumberland River, etc.—to the Committee on Rivers and Harbors.

By Mr. SMALL: Concurrent resolution (H. C. Res. 56) directing the Secretary of War to cause a survey to be made of Point Harbor Channel, North Carolina—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 57) directing the Secretary of War to cause to be made a survey of Pamlico and Tar rivers, North Carolina—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ADAIR: A bill (H. R. 26626) granting a pension to Jeremiah D. Woodard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26627) granting a pension to James M.

Overshiper—to the Committee on Invalid Pension.

Overshiner-to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 26628) granting an increase of pension to Frances W. Borden—to the Committee on Pensions, By Mr. BARNHART: A bill (H. R. 26629) granting an in-

crease of pension to Martin Mullin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26630) granting an increase of pension to Martin Weaver-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26631) granting an increase of pension to Thomas R. Boulton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26632) granting an increase of pension to William H. Schearer-to the Committee on Invalid Pensions. Also, a bill (H. R. 26633) granting an increase of pension to

Oliver Cromwell-to the Committee on Invalid Pensions. By Mr. BARTLETT of Georgia: A bill (H. R. 26634) for the relief of the heirs of Jordon Lyons, deceased—to the Committee on War Claims

By Mr. BENNETT of Kentucky: A bill (H. R. 26635) granting a pension to Algon E. Cole—to the Committee on Pensions. By Mr. BROWNLOW: A bill (H. R. 26636) granting an increase of pension to John Goins—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 26637) granting an increase of pension to Joseph M. Sexton-to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 26638) granting an increase of pension to Thomas Bolan—to the Committee on Invalid Pensions. Also, a bill (H. R. 26639) granting an increase of pension to Michael Kenney-to the Committee on Pensions.

Also, a bill (H. R. 26640) granting an increase of pension to William S. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26641) granting an increase of pension to George H. Fisler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26642) granting an increase of pension to John Moran-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26643) granting an increase of pension to William L. Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26644) granting an increase of pension to William J. Courtney-to the Committee on Invalid Pensions. Also, a bill (H. R. 26645) granting an increase of pension to

George Larson—to the Committee on Invalid Pensions. Also, a bill (H. R. 26646) granting an increase of pension to Joseph Kolhamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26647) granting an increase of pension to Thomas Forrester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26648) granting an increase of pension to John Dunn-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26649) granting a pension to Charles E. Rowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26650) granting a pension to Fred Meyerto the Committee on Invalid Pensions.

Also, a bill (H. R. 26651) granting a pension to Charles Dillon-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26652) granting an increase of pension to James Vosburg—to the Committee on Invalid Pensions. Also, a bill (H. R. 26653) granting an increase of pension to

James G. Moe—to the Committee on Invalid Pensions. Also, a bill (H. R. 26654) granting an increase of pension to

John A. Plummer—to the Committee on Invalid Pensions Also, a bill (H. R. 26655) granting an increase of pension to

Fred W. Verkins-to the Committee on Invalid Pensions, Also, a bill (H. R. 26656) granting an increase of pension to

Cornelius Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26657) granting an increase of pension to M. J. McRaith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26658) granting an increase of pension to Charles H. Van Buren—to the Committee on Invalid Pensions. Also, a bill (H. R. 26659) granting an increase of pension to John Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26660) granting an increase of pension to

William S. C. Megill—to the Committee on Invalid Pensions. Also, a bill (H. R. 26661) granting an increase of pension to

Martin P. Broberg-to the Committee on Invalid Pensions. By Mr. COUSINS: A bill (H. R. 26662) granting an increase of pension to Anna M. Landon-to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 26663) granting an increase of pension to William S. Johnson-to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 26664) granting an increase of pension to Samuel De Voss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26665) granting an increase of pension to Mahlon C. Sween—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26666) granting a pension to Murray R. Marshall—to the Committee on Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 26667) granting an increase of pension to Clara T. Lyle-to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 26668) for the relief of Allan L. Briggs—to the Committee on Claims, By Mr. GILLESPIE: A bill (H. R. 26669) to remove the

charge of desertion from the military record of William H.

Ring—to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 26670) for the relief of Joseph P. Binns, deceased—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 26671) granting a pension to Horace G. Shull-to the Committee on Pensions.

By Mr. HENRY of Texas: A bill (H. R. 26672) granting a pension to Sophronia Beverly—to the Committee on Pensions. Also, a bill (H. R. 26673) granting an increase of pension to

David P. Baker-to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 26674) granting a pension to William H. Blagg-to the Committee on Pensions.

Also, a bill (H. R. 26675) granting a pension to J. B. Bell-to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 26676) for the relief of Josefa T. Philip, widow late Admiral John W. Philip-to the Committee on Naval Affairs.

By Mr. ADDISON D. JAMES: A bill (H. R. 26677) granting a pension to J. E. Hutton-to the Committee on Invalid Pen-

sions.

By Mr. OLLIE M. JAMES: A bill (H. R. 26678) granting an increase of pension to John E. Z. Malcolm-to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 26679) granting an increase of pension to Thomas F. Waldeck—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 26680) granting an increase of pension to George H. Gardner—to the Committee on Invalid

By Mr. KENNEDY of Iowa: A bill (H. R. 26681) for the relief of Nathan Crutchfield—to the Committee on War Claims. By Mr. KIMBALL: A bill (H. R. 26682) granting an increase

of pension to John Ward—to the Committee on Invalid Pensions. By Mr. LOUD: A bill (H. R. 26683) granting an increase of pension to Charles H. Jeffers-to the Committee on Invalid

Pensions. By Mr. McHENRY: A bill (H. R. 26684) granting an increase of pension to Alexander Dodson-to the Committee on Invalid

Pensions. Also, a bill (H. R. 26685) granting an increase of pension to

William Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26686) granting an increase of pension to Felix Kerstetter—to the Committee on Invalid Pensions

Also, a bill (H. R. 26687) granting a pension to Oscar S. Thornton-to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 26688) for the relief of

Fred R. Brown-to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 26689) for the relief of Elsie J. Angier, Caroline Doxtator, John Bowman, Henry Jacobs, Benjamin Jourdan, Zera Gardner, and Joseph Howe, allottees of the Stockbridge and Munsee tribe, for logs cut by them on their respective allotments and wrongfully taken from them by the United States of America—to the Committee on Claims.

By Mr. PUJO: A bill (H. R. 26690) for the relief of the com-

missioned officers on the roll of the field, staff, and band of the Second Regiment U. S. Volunteer Infantry, war with Spain-to

the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 26691) granting an increase of pension to Lancaster D. Baldwin—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 26692) granting an increase of pension to Emanuel Fuller-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26693) granting an increase of pension to Jesse F. Snow-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26694) to provide for the issuance of medals of honor to Jesse F. Snow and other volunteer soldiers of the civil war-to the Committee on Military Affairs.

By Mr. REID: A bill (H. R. 26695) for the relief of the heirs of John G. Freeman, deceased-to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 26696) granting a pension to Nannie Eckert-to the Committee on Invalid Pen-

Also, a bill (H. R. 26697) granting an increase of pension to Windfield S. Reynolds—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 26698) granting an increase of pension to George R. Scott-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26699) granting an increase of pension to David Hatcher-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26700) granting an increase of pension to Philander R. Baldwin-to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 26701) granting a pension to Lawrence Z. Hoffman—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 26702) granting a pension to William L. Zweiger-to the Committee on Invalid Pensions. Also, a bill (H. R. 26703) granting a pension to Jake H. Wick-

ert-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26704) granting an increase of pension to Edward Thimmig-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26705) granting an increase of pension to Robert A. McComb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26706) granting an increase of pension to Henry Kraeger-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26707) granting an increase of pension to Joseph Osthelder—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 26708) granting an increase of pension to Robert J. Strong—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 26710) granting a pension to Ellen Waters-to the Committee on Pensions,

By Mr. BRADLEY: A bill (H. R. 26711) granting an increase of pension to Daniel P. Schultz—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 26712) granting an increase of pension to James B. Weimar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26713) granting an increase of pension to Romulus C. Ramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26714) for the relief of the estate of Mark Newell, deceased—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 26715) granting an increase of pension to James H. Smith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26716) granting an increase of pension to James Williams-to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 26717) to remove the charge of desertion from the record of George Whitmore—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 26718) for the relief of H. C. Linn and the heirs of Samuel Powers-to the Committee on Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 26719) granting an increase of pension to Eliza A. Elliott-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26720) granting an increase of pension to A. P. Noyes-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26721) to correct the military record of Charles Kostohryz-to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Manufacturers' Club of Buffalo, N. Y., favoring H. R. 22901, 22902, and 22003, relative to interstate rate requirements—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of Keen Hill Grange, No. 1602, of Coshocton County, Iowa, against parcels post and savings banks laws—to the Committee on the Post-Office and Post-

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of Mrs. J. L. Kennedy, heir at law of Jordan Lyons-to the Committee on War Claims.

By Mr. BEDE: Petition of business men of Grand Rapids, against legislation to establish a parcels-post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Georgia: Petition of general assembly of Georgia, demanding the return of cotton taxes collected by the Federal Government between the years 1862 and 1868-to the Committee on War Claims.

Also, paper to accompany bill for relief of D. W. Garmon-to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Petition of business men of Kentucky, favoring parcels-post and postal savings banks lawsto the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Petition of Harrisburg Board of Trade,

favoring the payment of railway postal clerks' expenses from their initial terminals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lawrenceville Board of Trade, favoring passage of a liberal river and harbor bill this session of the Sixtieth Congress-to the Committee on Rivers and Harbors.

Also, petition of American Association of Masters, Mates, and Pilots of Steam Vessels, favoring H. R. 15657, concerning licensed officers of steam and sail vessels-to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pittsburg Board of Trade, favoring a liberal river and harbor bill for the second session of the Sixtieth Congress-to the Committee on Rivers and Harbors.

Also, petition of Wilmer Atkinson, against H. R. 24473, to codify and amend the postal laws-to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of Athens, Me., against passage of Senate bill 3940-to the Committee on the District of Columbia.

Also, petition of Association of American Agricultural Colleges, for placing materials of manurial value on the free listto the Committee on Ways and Means.

By Mr. DAWSON: Petition of Tri-City Labor Congress, protesting against the sentence by Judge Wright of Gompers,

Mitchell, and Morrison—to the Committee on the Judiciary.

By Mr. DOUGLAS: Petition of John Holliday and other citizens of Ohio, favoring establishment of parcels post and postal savings banks-to the Committee on the Post-Office and Post-

By Mr. DWIGHT: Petition of D. M. McNish and others, of McGraw, N. Y., against parcels post on rural free-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Missouri: Papers to accompany bills for relief of Charles Sells (H. R. 24522) and Henry Norris (H. R. 24520)—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Western Fruit Jobbers' Associafavoring maximum and minimum freight rates-to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Petition of West Exeter Grange, No. 824, against establishment of postal savings banks and a parcels post-to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of John Donachy-to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bill for relief of Christian H. Mann (H. R. 26517)—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Papers to accompany bills for relief of Romulus C. Ramer and James B. Weimer-to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of estate of Mark Newell and estate of Frederick Klooz-to the Committee on War Claims.

By Mr. GILLESPIE: Petitions of citizens of Comanche, Boerne, De Leon, Dublin, Fort Worth, and Alvarado, all in the State of Texas, favoring the parcels-post and postal savings banks system-to the Committee on the Post-Office and Post-

By Mr. GRAHAM: Petition of Gimble Brothers, favoring S. 6975 (increase of judges' salaries)-to the Committee on the Judiciary.

Also, petition of Lawrenceville Board of Trade, favoring a liberal river and harbor bill for the second session of the Sixtieth Congress-to the Committee on Rivers and Harbors.

Also, petition of Harrisburg Board of Trade, favoring paying expenses of railway postal clerks from their initial terminals to the Committee on the Post-Office and Post-Roads.

Also, petition of American Association of Masters, Mates, and Pilots of Steam Vessels, favoring H. R. 15657, entitled "A bill concerning licensed officers of steam and sail vessels"-to the Committee on the Merchant Marine and Fisheries.

Also, petition of Anti-Saloon League of America, favoring

-to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Rhode Island Chapter of the American Institute of Architects, against a memorial of Lincoln in vicinity of Union Railway Station-to the Committee on the Library

By Mr. HAMILTON of Michigan: Petition against passage of Senate bill 3940-to the Committee on the District of Co-

Also, petition of Golden Rod Grange and others, of Cass County, Mich., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDY: Paper to accompany bill for relief of J. R. Groves-to the Committee on War Claims.

By Mr. HAYES: Paper to accompany bill for relief of Thomas J. Jordan—to the Committee on Pensions.

By Mr. HUFF: Petition of coal operators of Pittsburg, fav-

oring establishment of a bureau of mines-to the Committee on Mines and Mining.

By Mr. KAHN: Petitions of C. P. Campbell, of Hampton, Tenn.; A. J. Engebretson and 70 other residents of San Jose; James Regan and 95 other residents of San Francisco; Atwood Young and 32 other residents of the State of Maryland; Z. O. Griffith and 49 other residents of Winston-Salem, N. C.; and James F. Young and 70 other residents of Santa Rosa, Cal., for effective law against Asiatics, save merchants, students, and travelers-to the Committee on Foreign Affairs.

Also, memorial of the legislature of California, favoring House joint resolution relative to lands in the Hetch Hetchy Valley and Lake Eleanor reservoir sites, in the Yosemite National Park, California-to the Committee on the Public Lands.

By Mr. KELIHER: Petition of Federation of Jewish Societies, for the appointment of Jewish chaplains in the army and navy for Jewish soldiers and sailors-to the Committee on Military Affairs.

By Mr. KIMBALL: Petition of Louisville Free Public Library, against increase in tariff on books-to the Committee on Ways and Means.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Titus B. Willard (H. R. 26562)-to the Committee on Pen-

Also, paper to accompany bill for relief of John Moncrief-to the Committee on Pensions.

By Mr. LOUD: Paper to accompany bill for relief of Charles H. Jeffries-to the Committee on Invalid Pensions.

By Mr. MARTIN: Petition of Medical Association of South Dakota, favoring a distinct department of education—to the Committee on Education.

By Mr. NEEDHAM: Petition of board of trustees of the chamber of commerce, for appropriation to rebuild jetties at entrance to Humboldt Harbor-to the Committee on Rivers and Harbors.

By Mr. NYE: Petition of citizens of Minnesota, protesting against the passage of the so-called "Sunday-observance bill" (S. 3940)—to the Committee on the District of Columbia.

By Mr. PRAY: Petitions of Smelter Men's Union of Great Falls, Mont., and Elkhorn Local Union, No. 157, of Montana, favoring legislation enabling investigation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Commit-tee on Mines and Mining.

By Mr. REID: Paper to accompany bill for relief of heirs of

John G. Freeman—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of Harry J. Utter-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Misses M. E. and S. J. Gladney--to the Committee on Pensions.

By Mr. SHERWOOD: Petition of A. H. Cobb and others, of Monclova Grange, No. 1663, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and

Also, petition of citizens of Ohio, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia) -to the Committee on the District of Co-

lumbia. By Mr. STEVENS of Minnesota: Petition of Chicago County Union, No. 197, American Society of Equity, of Minnesota, favoring retention of present duty on potatoes, and possibly an advance of 5 cents per bushel over and above the prevailing rate-

to the Committee on Ways and Means. Also, petition of Cooper Union, No. 61, favoring employers' liability bill—to the Committee on the Judiciary.

Also, petition of George H. Lemon and others, of White Bear Lake, Minn., against a parcels-post and postal savings bank to the Committee on the Post-Office and Post-Roads.

By Mr. THISTLEWOOD: Petition of Central Labor Union of Duquoin, Ill., against decision by Judge Wright in case of President Gompers, Mitchell, and Morrison—to the Committee on the Judiciary.

By. Mr. TOWNSEND: Memorial of Michigan state legislature, relative to placing on retired list volunteer officers of the civil war-to the Committee on Invalid Pensions.

Also, petition of French Town Grange, No. 749, of Monroe Mich., favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. WEEMS: Petition of Herman Skinner and others, favoring parcels-post and postal savings banks laws-to the

Committee on the Post-Office and Post-Roads.

Also, petition of Somerset Grange, No. 1662, asking for the enactment of a law creating a national highways commission—to the Committee on Agriculture.

Also, petition of board of trustees of the state board of agriculture, Morrisville, favoring an appropriation for enlargement of power of Agricultural Department to provide more intelligent

farm labor—to the Committee on Agriculture.

By Mr. WEISSE: Petition of National Business League of America, favoring H. R. 21491, for erection of consular, legation, and court buildings-to the Committee on Foreign Affairs.

Also petition of Wisconsin State Federation of Labor, protesting against the extradition of Christian Rudowitz and Jan Pouren-to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Paper to accompany bill for relief of Robert J. Strong-to the Committee on Invalid Pensions.

SENATE.

Wednesday, January 20, 1909.

Prayer by Rev. Joseph C. Hartzell, Bishop for Africa, Methodist Episcopal Church.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. Burrows, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved. MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 26203. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes; and

H. R. 26399. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

The message also returned to the Senate, in compliance with its request, the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT- presented a petition of Mariners Harbor, No. 3, American Association of Master Mates and Pilots, of Rondout, N. Y., and a petition of Enterprise Harbor, No. 2, American Association of Master Mates and Pilots, of Camden, N. J., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which were referred to the Committee on Commerce.

Mr. BURROWS presented resolutions adopted by the legislature of the State of Michigan, favoring the placing of the names of officers of the civil war upon the retired list, which were referred to the Committee on Military Affairs.

Mr. PLATT presented a petition of members of the Bar Association of New York City, N. Y., praying for the enactment of legislation to increase the salaries of the Chief Justice and associate justices of the Supreme Court and of the circuit and district court judges of the United States, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 124, Patrons of Husbandry, of Wolcott, N. Y., and a petition of sundry citizens of the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Ira Thurber Post, No. 584, department of New York, Grand Army of the Republic, of Allegany, N. Y., praying for the enactment of legislation granting pensions to ex-prisoners of war, which was referred to the Committee on Pensions,

Mr. BROWN presented a petition of the Commercial Club of Broken Bow, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a petition of sundry business men and stock raisers of Chadron, Nebr., praying for the repeal of the

duty on hides, which was referred to the Committee on Finance. He also presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARKE of Arkansas presented petitions of sundry citizens of the State of Arkansas, praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which were ordered to lie on the table.

Mr. WARREN presented a memorial of the Wool Growers' Association of Fremont County, Wyo., remonstrating against the repeal of the duty on first-class wools, and also praying for an increased duty on third-class wools, which was referred to the Committee on Finance.

He also presented a petition of the Wool Growers' Association of Fremont County, Wyo., praying for the enactment of legislation providing for a reasonable maximum charge for grazing privileges on the public domain, which was referred to the Committee on Public Lands.

He also presented a petition of the Wool Growers' Association of Fremont County, Wyo., praying for the enactment of legisla-tion requiring railroad companies in the transportation of live stock to run their trains at a minimum speed of not less than

16 miles per hour when there are 10 or more cars of live stock, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 2318, of Cumberland; of Local Union No. 2591, of Glenrock; and of Local Union No. 2630, of Hudson, all of the United Mine Workers of America, in the State of Wyoming, praying for the enactment of legislation granting a sufficient compensation to maintain the family or beneficiaries of those who are killed or injured in mine disasters, which were referred to the Committee on Mines and Mining.

Mr. DICK presented a resolution adopted at a meeting of

the coal operators of the Pittsburg (Pa.) district, relative to the establishment of a national Bureau of Mines, which was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

PITTSBURG, PA., January 18, 1909.
At a meeting of the coal operators of the Pittsburg district, held this day, the following action was taken:
Whereas there is now before Congress a bill which provides for the establishment of a National Bureau of Mines, for the purpose of carrying on technological investigations that are pertinent to the mining industries; and

dustries; and Whereas the operators of this district feel that such a bureau will

Whereas the operators of this district feel that such a bureau will be of the greatest benefit to the coal industry, in making tests of explosives and other materials used in mines, thus tending to the preservation of life and property: Therefore be it *Resolved*, That the Senators and Members of Congress from this State be especially urged to do everything in their power to bring about favorable action upon this measure, with a view of having such a bureau established and placed on a permanent basis.

SAMUEL A. TAYLOB, Secretary.

Mr. PAGE presented a petition of Local Grange, Patrons of Husbandry, of Danville, Vt., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of members of the Bar Association of Nez Perce County, Idaho, praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for restoring and rebuilding the jetties at the entrance to Humboldt Bay, in that State, which was referred to the Committee on Commerce.

Mr. DICK. I present a memorandum to accompany the bill S. 8368) to regulate the retirement of certain veterans of the civil war. I move that the memorandum be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. 5009) to reimburse John G. Foster and Horace H. Sanford, reported it without amendment and submitted a report (No. 794) thereon.

Mr. CULBERSON, from the Committee on Public Buildings

and Grounds, to whom was referred the bill (S. 7276) providing for the improvement, repair, and an addition to the public build-

ing at Pensacola, Fla., reported it without amendment.

Mr. BEVERIDGE. The bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, was incorrectly referred to the Committee on Territories. I report the bill back and ask that it be referred to the Committee

on Public Lands, to which it should be assigned.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1177) for the relief of S. W. Langhorne and H. S. Howell (Report No. 795);

A bill (S. 5510) for the relief of the owners of the tug Juno (Report No. 796);

A bill (S. 8379) for the relief of the owners of the British steamship Maroa (Report No. 797);
A bill (H. R. 3388) for the relief of L. B. Wyatt (Report No.

798); and

A bill (H. R. 13955) to compensate E. C. Sturges for property lost during the Spanish-American war (Report No. 799)

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 8601) to provide for the payment of claims of the Roman Catholic Church in Porto Rico (Report No. 800); and A bill (H. R. 6145) to refund to the Territory of Hawsii the

amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government (Report No. 801).

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 8587) to amend sections 2325 and 2326 of the Revised Statutes of the United States, reported it with amendments and submitted a report (No. 802) thereon.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7348) authorizing the procuring of additional land for the site of the public building at Beatrice, Nebr., reported it with amendments and submitted a report (No. 803) thereon.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (8.6327) providing for the purchase of a reservation for a public park in the District of Columbia, to report it without amendment, and I submit a report (No. 804) thereon. I ask that the map accompanying this bill be printed with the report.

The VICE-PRESIDENT. The bill will be placed on the calendar, and the map accompanying the report will be printed at the request of the Senator from West Virginia.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7951) to provide for the erection of a temporary annex to the post-office building in Detroit, Mich., reported it without amendment and submitted a report (No. 805) thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 8034) to increase the limit of cost for purchase of site and erection of a postoffice building at Missoula, Mont., reported it without amendment and submitted a report (No. 806) thereon.

He also, from the same committee, to whom was referred the bill (S. 7444) for the establishment of a park at the intersection of Rhode Island avenue, North Capitol, and U streets NW., Washington, D. C., submitted an adverse report (No. 807) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the amendment submitted by Mr. Long on the 12th instant, proposing to appropriate \$90,000 for increasing the limit of cost for the addition to the public building at Kansas City, Kans., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, reported an amendment proposing to appropriate \$5,000 for post-office, court-house, and finishing quarters in attic for Civil Service Commission, Providence, R. I., intended to be proposed to the sundry civil appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

REPORT ON HAWAII.

Mr. PLATT, from the Committee on Printing, to whom was referred Senate resolution 245, submitted by Mr. Perkins on the 8th instant, reported it with an amendment in the nature of a substitute, and the substitute was considered by unanimous consent and agreed to, as follows:

Resolved, That 3,000 additional copies of Senate Document No. 668, Sixtleth Congress, second session, "Hawaii, Its Natural Resources and Opportunities for Home Making," be printed for the use of the Senate document room.

BOUNDARY LINE BETWEEN MISSISSIPPI AND LOUISIANA.

Mr. CLARKE of Arkansas. I am directed by the Committee on the Judiciary, to whom was referred H. J. Res. 232 and H. J. Res. 233, to report them severally without amendment. The joint resolutions relate to local matters, and as they will consume no time, I ask for their present consideration.

There being no objection, the joint resolution (H. J. Res. 232) to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOUNDARY LINE BETWEEN MISSISSIPPI AND ARKANSAS.

Mr. CLARKE of Arkansas. I now ask for the present consideration of House joint resolution 233.

There being no objection, the joint resolution (H. J. Res. 233) to enable the States of Mississippi and Arkansas to agree

upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time. and passed.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. CULBERSON. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7675) to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak., to report it favorably without amend-

ment, and I submit a report (No. 808) thereon.

Mr. KITTREDGE. Mr. President, I ask unanimous consent for the present consideration of the bill just reported by the Senator from Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the limit of cost fixed by the act of Congress approved May 30. 1908, for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak., be extended from \$100,000 to \$190,000, and it authorizes the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, such additional land, if any, as may be needed in connection with the extension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8635) granting an increase of pension to David W. Aldrich:

A bill (S. 8636) granting an increase of pension to Cora G. Davison;

A bill (S. 8637) granting an increase of pension to Sarah J. Selby

A bill (S. 8638) granting an increase of pension to Alfred H. Livingston .

A bill (S. 8639) granting an increase of pension to Albert N. Raymond;

A bill (S. 8640) granting an increase of pension to Mahala A. Brumley

A bill (S. 8641) granting an increase of pension to George Stevens:

A bill (S. 8642) granting an increase of pension to Frederick H. Williams

A bill (S. 8643) granting an increase of pension to Charles H.

A bill (S. 8644) granting an increase of pension to Eunice A.

A bill (S. 8645) granting an increase of pension to Robert H. Fernsworth; and

A bill (S. 8646) granting an increase of pension to Robert S. Faught.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:
A bill (S. 8647) granting an increase of pension to William

Sherman; and A bill (S. 8648) granting an increase of pension to Helen E. Salsbury (with the accompanying papers).

Mr. McENERY introduced a bill (S. 8649) to amend an act

entitled "An act in relation to the Hot Springs Reservation in Arkansas," which was read twice by its title and referred to the Committee on the Judiciary.

Mr. McENERY. To accompany the bill, I present a memorial of the general assembly of the State of Louisiana, which I ask may be printed as a document and referred to the Committee on the Judiciary

The VICE-PRESIDENT. Without objection, it is so ordered, Mr. LODGE introduced a bill (S. 8650) granting a pension to Mary Bradford Crowninshield, which was read twice by its titie and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN (for Mr. Gore) introduced a bill (S. 8651) granting a pension to Esaw Walker, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8652) granting a pension to Elihu Messer; and A bill (S. 8653) granting an increase of pension to A. Born-

Mr. CLARKE of Arkansas introduced a bill (S. 8654) for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark., which was read twice by its title and re-ferred to the Committee on Public Lands.

Mr. GALLINGER introduced a bill (S. 8655) to require the Washington Gaslight Company and the Georgetown Gaslight Company to maintain and record a certain pressure of gas, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8656) granting an increase of pension to Sallie S. Allen, which was read twice by its title and, with the accompanying papers, referred to the Committee on

Mr. CARTER introduced a bill (S. 8657) granting a pension to William R. Bramble, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8658) for the relief of Edward Breassey, which was read twice by its title and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 8659) for the benefit of the Citizens' Bank of Louisiana, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced a joint resolution (S. R. 117) relating to the celebration of the one-hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, which was read twice by its title and referred to the Committee on the Library.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. CLARK of Wyoming submitted an amendment intended to be proposed by him to the bill H. R. 15372, commonly known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, which was ordered to lie on the table and be printed.

IMPROVEMENT OF MATTAPONI RIVER, VIRGINIA.

Mr. MARTIN submitted the following concurrent resolution (S. C. Res. 75), which was referred to the Committee on Com-

merce.

*Resolved by the Senate (the House of Representatives concurring),
That the Secretary of War be, and he is hereby, authorized and directed
to cause an examination and survey to be made and submit estimates
for the following improvements in the Mattaponi River, Virginia:

For a channel 200 feet wide and 14 feet deep from York River to the
landing one-half mile above the bridge at Walkerton.

For a channel 100 feet wide and 7 feet deep from the above-mentioned
landing to Ayletts.

For a channel 60 feet wide and 5 feet deep from Ayletts to Dunkirk.

For a channel 7 feet deep accept the Mattaponi River.

kirk.

For a channel 7 feet deep across the Middle Ground, connecting the Mattaponi and Pamunkey channels, just off West Point.

For a suitable turning basin at Ayletts.

For the straightening and cutting off certain bends and points of land projecting into the river at several points between Walkerton and

For a thorough snagging and removal of logs from the river between Walkerton and Dunkirk, and the clearing of the river banks of all trees, stumps, etc., which make navigation dangerous at times of extra high tides or freshets in the river.

MILITARY ACADEMY AT WEST POINT.

Mr. DICK submitted the following resolution (S. Res. 256), which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be directed to furnish to the Senate of the United States copies of all reports, recommendations, and other correspondence of record in the War Department, or at the United States Military Academy at West Point, relative to the subject of hazing at the Military Academy since January 1, 1908; also copies of all reports, recommendations, and other correspondence of record in the War Department relative to cadets of the Military Academy reported as deficient in either conduct or studies, or both, as a result of the last general examination held at the Military Academy.

USE OF CARRIAGES BY OFFICIALS.

Mr. FLINT. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 257) was read, as follows:

Resolved, That the Committee on Appropriations be, and they are hereby, directed to ascertain and report to the Senate whether any officers of the Government, including the army and navy, are devoting to their personal or private use any carriages, automobiles, or other vehicles which are the property of or are provided by the Government.

The VICE-PRESIDENT. The Senator from California asks

for the present consideration of the resolution. Is there objection?

Mr. GALLINGER and Mr. HALE. It had better go over. The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

HOUSE RILLS REFERRED.

H. R. 26203. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

H. R. 26399. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Appropriations.

FORT DOUGLAS MILITARY RESERVATION, UTAH.

The VICE-PRESIDENT laid before the Senate the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, returned from the House of Representatives in compliance with the request of the Senate.

Mr. SUTHERLAND. I ask for action on the motion I entered the other day to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. SUTHERLAND. I move that the bill be indefinitely postponed.

The motion was agreed to.

REPORT OF INTERNATIONAL TUBERCULOSIS CONGRESS ..

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 671), which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a communication from the secretary of the Smithsonian Institution, together with reports from the superintendent of construction of the new National Museum building, the disbursing agent of the Institution, and the secretary-general of the International Tuberculosis Congress, as to the details of the work done by the Smithsonian Institution in fitting up the building for the meetings of said congress and the results accomplished by the congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 20, 1909.

REPORT OF JAMESTOWN TERCENTENNIAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Com-mittee on Printing:

To the Senate and House of Representatives:

To the Senate and House of Representatives:

In compliance with the provisions of the acts of Congress approved March 3, 1905, and June 30, 1906, respectively, I submit herewith the final report of the Jamestown Tercentennial Commission, embodying the reports of various officers of the Jamestown Exposition, held at Norfolk, Va., in 1907.

It is recommended by the commission that if the report is published as a public document the illustrations be included. If it should be so published, I would recommend that a sufficient sum be authorized from the unexpended balance remaining in the appropriation of \$50,000 for expenses of the Jamestown Tercentennial Commission to cover the expenses of printing 2,000 copies—500 for the Senate, 1,000 for the House of Representatives, and 500 for distribution to public libraries throughout the country. out the country.

THE WHITE HOUSE, January 20, 1909.

THEODORE ROOSEVELT.

OMNIBUS CLAIMS BILL.

The VICE-PRESIDENT. The morning business is closed. Mr. FRAZIER. Mr. President, I ask that Senate bill 5729 be laid before the Senate.

Mr. FULTON. I do not, of course, wish to interfere with the Senator from Tennessee. I only want to inquire whether his proceeding now will affect the unanimous-consent agreement for the consideration of the omnibus claims bill, if it is laid aside for other business than that mentioned in the agreement. If so, I simply ask the Senator to allow me to have that bill laid before the Senate, and then he can proceed with his remarks just the same.

Mr. FRAZIER. Very well.

The VICE-PRESIDENT. The Senator from Oregon asks that
the omnibus claims bill be laid before the Senate. It will be

stated by the Secretary.

The Secretary. A bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FRAZIER. I ask that Senate bill 5729 be laid before the

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. FRAZIER. Mr. President, when the resolution under which the investigation of the Brownsville affray has been carried on by the Military Committee was before the Senate in the Fifty-ninth Congress, I cast my vote against it. I did so for two reasons: First, because I believed that, under the law, the President had the right to discharge an enlisted soldier before the expiration of his term of enlistment when, in his opinion, it was necessary and proper to do so for the good of the service, and the President having exercised the discretion vested in him by law, I did not believe it was wise, even if within the scope of the powers of the Senate, to attempt to review or annul his action; and, second, because I believed that such investigation would tend to stir up, keep alive, and accentuate race feeling and prejudice, and that its effects would be hurtful both to the army and to the country at large.

I have had no occasion, Mr. President, to change the views I

at that time entertained.

The fact is, Mr. President, if that had been a battalion of white soldiers instead of negroes, there would never, in my opinion, have been any legislative investigation, and the control and discipline of the soldiers of the army would have been left undisturbed in the Commander in Chief of the army, where it

properly belongs.

But it seems, Mr. President, that whenever any question arises affecting the negro, there are certain people, including the negro himself, who seem to think that he should be dealt with in an exceptional and unusual way; that he is to be treated as the ward of the Nation, and must be the constant object of its care and solicitude. No greater wrong can be done the negro and no greater injury can be inflicted upon the country as a whole than to impress upon the negro such false and erroneous teachings. Mr. President, those who have been instrumental in placing practically the entire negro population of the country in the attitude of defending criminals of their race, because they were of their race, have assumed a grave responsibility, indeed. They have inflicted a lasting injury upon the country and upon the negro himself. If those people in every section of the country, who are especially solicitous for the negro's welfare would, by word and act, teach the negro that he is to be shown no exceptional consideration, but must stand or fall on his conduct and merit alone, they would render him incalculable benefit and the country a lasting service.

But it is not my purpose at this time, Mr. President, to discuss the action of the Senate in passing the resolution and ordering the investigation. The resolution was passed; the investigation has been made at the expense of much time, labor, and The committee has reported. Nine out of thirteen members of the committee find and report that the shooting up of the town of Brownsville was done by the soldiers of the Twenty-

fifth Infantry then stationed at Fort Brown.

Mr. President, I would have been content to sit silent and leave this question where the report of the majority of the Committee on Military Affairs and the order of the President left it, but for the fact that two bills have been introduced and are now on the calendar of the Senate, both having for their purpose the restoration to the army of the men of the Twenty-fifth Infantry discharged under the President's order. It is true that both of said bills come before the Senate from the Military Committee with adverse reports, but both bills are here and their consideration is being pressed. It therefore becomes important, in fact, essential for the Senate in the consideration of these bills, to pass upon and determine the question as to whether the negro soldiers of the Twenty-fifth Infantry, stationed at Brownsville, were the perpetrators of the assaults and murder committed there on the night of August 13-14, 1906.

If some of the negro soldiers were guilty of the crimes enacted there on that night, and the most searching investigation has failed to reveal and identify the actual participants, then the whole battalion is contaminated, and surely no part of it should be taken back into the service. If, upon the other hand, all of the soldiers were wholly innocent of any participation in that riot, then the President, by his order of dismissal, did them a great wrong. I shall therefore address myself first to the ques-

tion, Who shot up the town of Brownsville? It is a simple question of fact to be determined from the evidence. town was raided at the dead hour of midnight, by a band of armed desperadoes who shot into houses of citizens, endangered the lives of women and children, wounded the lieutenant of police, and killed one unoffending citizen, nobody denies. Who were the guilty perpetrators of those outrages? That is the first question to be determined.

Mr. President, perhaps no event of like character in the history of this country was ever so often investigated, and by so many different people and tribunals and with such elaboration, as this shooting affair at Brownsville. It has been dignified into a question of national importance. Not less than seven separate, distinct, and independent investigations have been made by individuals of high character and great responsibility, by

courts, both civil and military, and by committees.

And while it is not conclusive, it may be persuasive for the Senate to know that the verdict in each and every one of these investigations, as to the negro soldiers, has been guilty. The affray was first investigated immediately after it occurred by Major Penrose, the commanding officer of the post, in connec-tion with a committee of the citizens of Brownsville. That committee was headed by Captain Kelly, an ex-federal soldier and a Republican, and its other members included citizens of the highest standing and respectability in the city of Browns-The events were fresh in the minds of the witnesses who testified before them, and the committee and Major Penrose were on the ground and were doubtless moved by an earnest desire to reach the truth. Both found and reported that the assault was made by soldiers of the Twenty-fifth Infantry

The citizens' committee embodied its findings in a telegram to the President, of date August 15-16, 1906, a portion of

which I quote:

which I quote:

The undersigned, a committee of citizens appointed at and by a mass meeting of the people of Brownsville, held in the federal courthouse in this city on Tuesday, the 14th instant, to investigate the attack made on the city by negro troops stationed at Fort Brown, adjoining the city, after an almost continuous session of two days, find as follows: That a few minutes before midnight on Monday, the 13th, a body of United States soldiers of the Twenty-fifth Infantry (colored), numbering between 20 and 30 men, emerged from the garrison inclosure, carrying their rifles and an abundant supply of ammunition, and also began firing in town and directly into dwellings, offices, stores, and at police and citizens. During the firing one citizen, Frank Natus, was killed in his yard, and the lieutenant of police, who rode toward the firing, had his horse killed under him and was shot through the right arm, which has since been amputated at the elbow. After firing about 200 shots, soldiers retired to their quarriers. After the most diligent inquiry we find that no shots were fired from the town into or toward the garrison, nor any provocation given for the attack.

Major Penrose reported to the War Department, of date August 15, 1906, in which he said, among other things:

August 15, 1906, in which he said, among other things:

The mayor again called upon me about 10 a. m. (August 14) and informed me that a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning he told me there had been picked up between 75 and 100 empty cases and used clips, as well as a few cartridges that had not been fired. Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.

Were it not for the evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me, I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand.

Major Blocksom an inspector-general of the army was sent

Major Blocksom, an inspector-general of the army, was sent Brownsville immediately after the affray, and after a thorough and exhaustive examination and investigation, reported to the same effect, that the shooting was done by the negro soldiers. The grand jury of Cameron County, Tex., in which Brownsville is located, after a careful investigation, reported that the negro soldiers made the raid and did the shooting, but they properly found no indictment, because the proof failed to identify the individuals guilty of the crime. No indictment will lie against a battalion of men.

Mr. Purdy, an Assistant Attorney-General of the United tates—a man of judicial temperament—a northern man and a Republican—after a searching investigation, reached the same conclusion of guilt on the part of the soldiers.

The Penrose court-martial, composed of eight officers of the highest character and standing, and certainly not prejudiced against the soldiers, after a hearing lasting four months, likewise found that the shooting was done by the enlisted men of

the Twenty-fifth Infantry, stationed at Brownsville.

It may be said that in the trial of Major Penrose the question of the guilt of these men did not properly arise, and hence that finding was gratuitous. But an examination of the specifications filed against Major Penrose shows that it was one of the questions raised. In fact, the chief contention raged about it, for if it could have been established that the soldiers did not commit the outrages of the night of August 13-14, then no blame could attach to Major Penrose, and he must go free.

And finally, Mr. President, the Military Committee of this Senate, after an investigation lasting for more than a year, and of the most thorough and exhaustive character, has found and reported to the Senate, by a majority of 9 to 4, as follows:

First. That in the opinion of this committee the shooting in the affray at Brownsville on the night of August 13-14, 1906, was done by some of the colored soldiers belonging to the Twenty-fifth U. S. Infantry, then stationed at Fort Brown, Tex.

Fortunately for the truth of history, the committee charged with the investigation of this shooting affray were able to secure the testimony of at least 15 witnesses who saw and recognized the raiders as soldiers, and by whose testimony they can be traced from their gathering near to or within the walls of the reservation throughout the length of their murderous foray and until they started on their return to the reservation. I shall briefly and as concisely as possible quote the substance of the testimony of some of these witnesses who trace the raiding party from beginning to end. I shall not consume the time of the Senate in reading the testimony of the witnesses, but shall try to state it, so far as I undertake to do so, fairly and impartially.

and impartially.

Mr. George W. Rendall and wife lived over the telegraph office, situated on the corner of Elizabeth street and Garrison road, opposite the gate or entrance to the reservation. Mr. Rendall is a large property owner, was a member of the Perry expedition that opened Japan to the world and to modern civilization, and is a man of the highest standing and respectability in Brownsville. When the firing began, he looked out of his window toward the reservation and across the street, only 30 feet wide, and, by the lights over the gate, saw and recognized a bunch of soldiers on the inside of the wall going toward the mouth of Cowan alley. He saw these men jump the wall and go in the direction of that alley. His wife also saw the bunch of men on the inside of the wall going in the direction of the point where they scaled the wall.

José Martenez, a drug clerk, lived at the house at the corner of Cowan alley and Garrison road. He was sitting in his room reading. The door was open. He heard the first shots, as he thinks, inside the wall, and distinctly heard the voices of the men calling to each other to "hurry up," and "jump," and heard them as they jumped the wall and proceeded up Cowan alley. He recognized them as dressed in the uniform of United States soldiers.

These three witnesses, who are unimpeached and whose testimony is straightforward and clear, would seem to establish beyond question that the raiders proceeded from within the wall of the reservation.

The raiders proceeded up what is known as "Cowan alley," a narrow alley between Elizabeth and Washington streets, and running parallel with them. At the corner of Cowan alley and Fourteenth street they fired a large number of shots into the Cowan house, occupied by Mrs. Cowan and her children and a servant girl. The house was still lighted, it having been only a short time before filled with the laughter and joy of a children's party. The rear room of this house extends along the alley, and its window was only a few feet from the alley. There was a light in the room. As the firing approached, the servant girl, Amanda Martinez, went to close the window opening on the alley, and as she did so, by the light of the lamp in the room, she saw and recognized, only a few feet from her, the negro soldiers, with their guns, firing into the house. This witness had exceptionally favorable opportunity of seeing and recognizing the raiders, and her testimony is in no wise impeached or contradicted. This witness was a plain, working girl who entertained no prejudice against the negro soldiers. She could not have been a party to any conspiracy, if there was one, to charge the crimes of that night upon the soldiers. such a purpose was plotted and carried out by anybody, surely this poor working girl would not have been taken into the plot. She was where she could see. She swears she did see, and unless she deliberately perjured herself, without motive or reason, the men who fired into the Cowan house that night, shot out the lighted lamp that stood near to her, shot over the prostrate forms of the mother and children, who had thrown themselves prone upon the floor and lay there crouching while a shower of bullets passed only a few feet above their prostrate forms, were negroes, dressed in the uniform of American soldiers.

Just across Fourteenth street from the Cowan house is the rear of the Leahy Hotel. Herbert Elkins, a young man of some 18 or 19 years of age, was occupying a rear room on the second floor of the hotel. That room was only a few feet from the corner of Fourteenth street and the alley. He had just retired, but had not gone to sleep, and as the raiders came up the alley firing he looked out of the window and saw and recognized them as United States soldiers. He states that the leaders of the party proceeded up the alley, and that some of the party

turned into Fourteenth street, apparently uncertain which way to go; and that the leaders up the alley called them to come that way; and as they turned to follow the leaders they were directly opposite his window and just beneath him, and only a short distance from him; and he distinctly recognized them as negroes dressed in the uniform of United States soldiers, armed with guns.

Mrs. Leahy, the proprietress of the hotel, who stood at a window in one of the nearby rooms on the second floor, also saw and recognized the men as negro soldiers.

The raiding party proceeded up Cowan alley to the corner of Thirteenth street, and there fired into the rear rooms of the Miller Hotel. One of these rooms on the second floor, with a window opening on the alley, was occupied by Mr. Hale Odin, his wife, and children. They stood at the window and saw the raiding party approach, and state that they recognized them as negro soldiers. One soldier fired directly at them, there being a light in their room, and the bullet entered the sill of the window and passed up through the room. Hale Odin was not even a citizen of Brownsville; he was a northern man; a graduate of Ann Arbor, and could have had no possible interest in unjustly fixing the blame upon the negro soldiers.

When the firing began the lieutenant of police, M. Ygnacio Dominguez was at the police station. He immediately mounted his horse, rode down Washington street to Fourteenth street, and there met another policeman, who told him that the negro soldiers were raiding the town and that they had gone up Cowan alley. He at once rode back to Washington street, along which he was joined by another policeman on foot, and together the three policemen proceeded down Thirteenth street toward Cowan alley, up which the raiders were proceeding. When they approached near to Cowan alley, the two policemen on foot, realizing the danger of encountering a band of desperadoes, numbering from 10 to 20, armed with high-power rifles, begged the lieutenant of police not to proceed down Thirteenth street to the alley, but the old officer, who had been on the police force of Brownsville for more than ten years and had made a most enviable record, both as a citizen and as an officer, seeing, as he stated, lights burning in the Miller Hotel, and realizing that the lives of its occupants were in danger, rode down the street and intercepted the advancing raiders at the junction of the alley and Thirteenth street. As he advanced into what seemed the very jaws of death, he cried out to the people "to put out their lights," and as he came to the junction of the alley and Thirteenth street, he was, as he says, within 20 to 25 feet of the raiding party, and he recognized them as negro soldiers, armed They fired upon him as he rode hastily across the alley and down Thirteenth street, with a rain of bullets flying about him. He was shot in the arm so severely that amputation was necessary. His horse was shot under him and fell dead a short distance beyond at the corner of Thirteenth and Elizabeth streets.

Those who are interested in the defense and exoneration of the negro soldiers may question the integrity and good faith of other witnesses; may question the opportunities to see and know who the murderous assailants were; but Dominguez, who, in the discharge of his duty, was brought within a few feet of these men, and who rode that night upon his white horse amidst a rain of bullets fired from high-power rifles, could not be mistaken as to the men who fired the deadly missiles at him as he cried out to the people to put out their lights and save their lives. If there was a conspiracy of citizens or saloon keepers or smugglers or anybody else to shoot and kill and then charge it upon the soldiers, surely Dominguez was no party to it, for he carries an empty sleeve, which is testimony convincing alike of his innocence of conspiracy and of the fact that he was there in the thick of the fray and knew whereof he spoke. He bore no ill will against the soldiers. He had no motive to unjustly lay the blame upon them. He had no friends to shield. He could have had no purpose to misrepresent or to swear falsely. He, above all others in Brownsville that night, save one, was the sufferer, and he would have been equally interested in detecting the guilty men, whether they had been citizens or smugglers or soldiers. With one accord every witness who was questioned upon the subject testified to the honesty, the sincerity, the high character for truthfulness, as well as the universal popularity, of Lieutenant Dominguez among the people with whom he lived and whom he had so long and faithfully served. Can it be possible that that honest man, without rhyme or reason or purpose, deliberately perjured himself? I do not believe it.

but had not gone to sleep, and as the raiders came up the alley firing he looked out of the window and saw and recognized them as United States soldiers. He states that the leaders of the party proceeded up the alley, and that some of the party

fired upon by the soldiers, but retreated back up Thirteenth street beyond Washington. The hat of one of the policemen was pierced by a bullet fired by the raiders.

Mr. Chase, Mr. Bodin, Mr. Canada, and other guests of the Miller Hotel, not citizens of Brownsville, looking out of the windows of the hotel, saw and recognized the raiders as men

dressed in the uniform of United States soldiers. The desperadoes proceeded up Cowan alley to what is known as the "Tillman Saloon," the proprietor of which had been loud in his protests against the negro soldiers being sent to Brownsville, and who had refused accommodations at the same bar to the negro soldiers with his white patrons. He had established a bar in the rear or side of his saloon, and allowed negro soldiers to be served apart from white people, if they would come in that way, but they had refused his proffered offer. In the rear of this saloon was a courtyard, in which patrons were served drinks. It was lighted by a number of When the firing began, the bartender closed the front door of the saloon opening upon Elizabeth street; and as the firing proceeded up Cowan alley toward the saloon he started through the courtyard to close the rear door opening upon the alley; but before he reached the door the band of assassins stepped within the door and fired upon him, one bullet passing through his body. He fell in the courtyard and died almost instantly. A more wanton, cold-blooded, and unprovoked murder has seldom been recorded in the criminal annals of this country.

Paulino Preciado and another Mexican were sitting in the courtyard in the rear of the saloon waiting to be served when the firing began. They went with the bartender to the front when he went there to close the door. Preciado was following Frank Natus, the bartender, to the rear to close the gate leading into the alley when Natus was shot and killed and was within plain view of the men who fired the fatal shot. He himself was shot through the hand and through the clothing. By the light of the lamps in the courtyard—it was practically as light as day—he could see and recognize them as negro soldiers. They stepped within the door when they fired upon Frank Natus, as this witness testifies.

This man, who is the editor of a paper published in Spanish in the city of Brownsville, if to be believed, establishes beyond the possibility of doubt the guilt of some of the soldiers of the Twenty-fifth Infantry. It is claimed that his testimony is, at least to some extent, discredited by the fact that he testified before the grand jury and others, and that in such testimony he did not state that the soldiers came within the door of the courtyard; but his explanation of that is that he testified through an interpreter and only answered the questions that were propounded to him, and that that particular question was not asked him. The explanation seems reasonable and plausi-That he was there in the saloon both before and after the death of Frank Natus, that he had the opportunity to see how he was killed, and that he was within the range of the bullets fired is not disputed, and it seems scarcely reasonable to suppose that this man would deliberately swear falsely as to the material fact of the identity of the murderers. He was a Mexican and had no prejudice against the negro soldiers. His character was not impeached. He appeared to be a man of education and respectability in the community in which he lives.

But, more than that, Preciado is corroborated by the fact that at the Miller Hotel, at the corner of Thirteenth street and Cowan alley, eight witnesses recognized the raiding party as soldiers and saw them cross Thirteenth street and go on up the alley toward the Tillman Saloon, only half a block away. If they were negro soldiers at the Miller Hotel, they were negro soldiers at the Tillman Saloon. They were the same band of men who had started from the barracks upon their mission of death. No others were seen or heard of that night.

Preciado was further corroborated by the testimony of Ambrose Littlefield, who, at the moment of the shooting into the Tillman Saloon, was standing in Cowan alley, less than a block away, and was looking at the raiding party. He saw the flash from the firing of only one gun, and yet he heard at the same time five or six guns fired into the saloon. If those firing had all been outside the door when the volley was fired, he would undoubtedly have seen the flashes from the other guns. Where were those who fired that volley? They must have been within the wide door of the courtyard, as Preciado says.

within the wide door of the courtyard, as Preciado says. From the Tillman Saloon the raiding party returned along the alley to Thirteenth street, and thence to Washington street, where they fired into the house of a Mr. Starck. Adjacent to the house of Mr. Starck is the residence of Mr. Tate, the customs officer who had had a difficulty with the soldier, Newton, whom he had knocked down with a revolver some days before. The two houses were cottages, and similar in size and shape. As the raiders left the Tillman Saloon, returning along Cowan

alley and thence up Thirteenth street to the Starck house, they were followed at some distance by Mr. Littlefield, a former deputy sheriff and a man of intelligence.

He followed at a safe distance, and as he was passing along the Cowan alley, between the saloon and Thirteenth street, the firing occurred at the Starck house, to his left. He ran to the corner of Thirteenth street and looked around the corner up in the direction of Washington street, a distance of only 120 feet from him, and as he did so he saw the raiders running diagonally across Thirteenth street and Washington street, in the direction of the barracks. There was a street lamp at the corner of Thirteenth and Washington streets, and as the raiders ran by and under that lamp Mr. Littlefield recognized them as wearing the uniform of soldiers and carrying guns, and as one of the raiding party ran near to the light he looked back in the direction of Mr. Littlefield, and he recognized him as a negro.

There were other witnesses who corroborated in many respects the testimony of the witnesses to whom I have referred. There were 15 or more witnesses who testified positively and unequivocally that they saw and recognized the raiding party as dressed in the uniform of United States soldiers and armed with rifles, and many of them recognized them as negroes. We are asked to believe that these witnesses were all mistaken, and that they could not have seen what they swore they saw because of the darkness of the night. It was a clear, starlight night and not a dark night. Many of the witnesses were very near to the raiders, and many had the aid of artificial light. theorize as to how far a soldier or a negro could be seen and recognized as such on a different night and at another place and by different eyes is pure speculation and utterly worthless as evidence. No man could tell what a particular witness could see at those places and on that night unless the occurrences all the accompanying conditions could be reproduced. And even then, what one eye could see might not be visible to a different eye. These 15 witnesses, in no wise personally interested in the subject of this investigation, entertaining no prejudice against the soldiers, swore that they could see, and that they did see and recognize them. Their testimony can not be brushed aside on the mere speculation that it was in the darkness of the night, and that they could not, therefore, recognize what they unequivocally swear they did recognize. Either those 15 witnesses, some of them not even residents of Brownsville, saw and identified the raiders as soldiers, or we must conclude that all of them theretofore known as truthful and respectable people, deliberately transformed themselves for the purposes of this investigation into a band of perjurers. Four witnesses—Hale Odin, Mr. Littlefield, Mrs. Leahy, and Herbert Elkins—saw soldiers immediately after the shooting ceased running back toward Fort Brown, carrying their guns. Thus the raiders are traced from their starting point, at the garrison wall, throughout their murderous foray, and are finally seen hurrying back toward the fort only two blocks away. The positive testimony of these 15 disinterested witnesses

The positive testimony of these 15 disinterested witnesses would, in any ordinary case, even where men were being tried for their lives or liberty, be sufficient to satisfy any unbiased jury of the guilt of some of the negro soldiers, and to overcome the plea of not guilty, which is practically what is offered in contradiction of it. In fact, Mr. President, if a particular individual charged with this crime was identified with the certainty and precision that these 15 witnesses identified these raiders as soldiers, I can not see how he would escape conviction before any unbiased court.

But there are other facts and circumstances corroborative of the testimony of these witnesses which, it seems to me, when taken in connection therewith, is absolutely conclusive that the soldiers of the Twenty-fifth Infantry were the men who were guilty of the outrages and who committed the murder on that night. That the shooting was done with high-power rifles is conceded by all parties. Early in the morning following the raid, in fact in one instance before daylight, a large number of shells, clips, and some unexploded cartridges were picked up in the streets of Brownsville at the places where the firing occurred. These same shells and unfired cartridges and clips were identified beyond controversy as being government ammunition such as the Twenty-fifth Infantry were armed with. Clips of the kind picked up are only manufactured for and used with the Springfield rifle, model 1903. The shells and unexploded cartridges had on them the stamp of the manufacturer for the Government, so that there is no question that these shells and cartridges and clips were those used only by the Government, and with which the Twenty-fifth Infantry were supplied

A number of witnesses, including Major Penrose himself, testified that the shells picked up were not corroded and appeared

to have been recently fired. Bullets were extracted from the Yturria House, the Cowan House, the Miller Hotel, and other houses into which they had been fired. These bullets were of substantially the size, weight, and by analysis were shown to be of the material of the bullets with which the Twenty-fifth Infantry were supplied. The proof is unquestioned that, if these bullets were fired from the empty shells picked up on the streets of Brownsville, they could not have been fired out of any other gun known, either military or sporting gun, except the Springfield rifle, model 1903. Those bullets had on them the marks of the four lands of the Springfield rifle. Other highpower rifles, except the Krag, have more than four lands.

But it is said that the Springfield cartridge might have been fired out of the Winchester or the Mauser rifle; but the bullets taken from the houses were not fired from either the Winchester or the Mauser rifle. Why do I say so? Because those guns have six lands, and the bullets found had on them the marks of only four lands. But it is said that these bullets may have been fired from the Krag gun, which has four lands. That is true, so far as the bullets are concerned; but if the bullets found in the houses were fired out of the shells found on the ground where the shooting occurred, then they could not have been fired out of the Krag gun, because the Springfield cartridge is too long and too large to be fired from the Krag. The proof is clear that the Springfield cartridge can not be fired from the Krag rifle, so that if the bullets found in the houses were fired from the Krag gun, they must have been fired from shells other than those picked up where the firing took place. If the bullets were fired from other shells than those found on the ground, what became of the empty shells from which they were fired? Could the raiders, in the darkness of the night and in the hurry of the raid, have picked up and removed every empty shell of the 200 or more fired, as they were thrown from their guns and scattered on the ground, so that not one was left? Of course that was impossible and could not have been done. It seems to me to follow, therefore, that the bullets taken from the houses must have been fired from the shells found upon the streets where the firing occurred; and if this be true, they could only have been fired from the Springfield rifle.

If the shells picked up in the streets after the shooting were government shells, if the bullets extracted from the houses were government bullets, and if it be true that the bullets and shells combined, forming the cartridges, could not have been fired from any other gun than the Springfield rifle, it leads logically and irresistibly to the conclusion that the soldiers, who alone had such guns and such ammunition, must have done the shooting.

There is no possible escape from that conclusion.

Now, what are the facts? It is conceded by all that the shells picked up in the streets were government shells. It is proven that the bullets taken from the houses, in combination with the shells picked up, could only have been fired from the Springfield rifle, which rifles nobody in that country had except the soldiers. Then, were the bullets extracted from the houses government bullets? If so, the chain is complete and the conclusion can not be avoided.

Mr. President, a circumstance occurred in the investigation of this case by the committee which, in my judgment, was fortunate in the interest of truth, and which settled beyond the possibility of doubt the fact that the bullets taken from the houses were government bullets. When the bullets which were taken from the houses were presented in evidence before the committee, the Senator from Ohio, who has been diligent and untiring and able in his defense of these soldiers, requested that they be analyzed. Doubtless, in preparation for what might be revealed by that analysis, the distinguished Senator obtained and had placed in evidence the specifications according to which the bullets were to be made, prepared by the War Department and furnished to the manufacturer, the Union Metallic Cartridge Company, which manufactures a large part of the ammunition for the army. The shells and cartridges picked up upon the streets of Brownsville bore the stamp of that company. The specifications furnished by the War Department did not that the bullets manufactured by the Union Metallic Cartridge Company for the Government were to contain anti-The specifications called only for lead and tin. When the report of the analysis was furnished to the committee it appeared that a number of these bullets were composed of three ingredients-lead, tin, and antimony-and doubtless it was then believed by some that there had been discovered a circumstance which demonstrated that the bullets extracted from the houses in Brownsville, fired there on the night of the 13th of August by the raiders; were not government bullets at all, and, therefore, that the soldiers could not have been the guilty parties.

and when the bullets were being manufactured by the Union Metallic Cartridge Company, in 1905, it was discovered that the bullet manufactured by the formula furnished by the department was not sufficiently hard at the point to stand the test prescribed, and that therefore the manufacturer, with the consent and approval of the government inspector, had put into these bullets antimony, to a certain extent, for the purpose of hardening the point of the bullet and increasing its resisting power. It appears from these records that 2,200,000 of the bullets manufactured by the Union Metallic Cartridge Company, under the contract of 1905, were made of the three ingredients lead, tin, and antimony-and that a portion of those cartridges were sent to and were in the possession and use of the Twentyfifth Infantry.

It is further proven by the testimony of the officers of this company that no other bullet manufactured, either for army purposes or sporting purposes, was ever manufactured by them, either before or after that time, which contained the three constituent elements of lead, tin, and antimony. Thus the bullets taken from the houses were not only shown, by reason of their peculiar and unusual composition, to have been government bullets, but the records further show that these peculiar and unusual bullets were the very bullets with which the Twenty-fifth Infantry were supplied. This search for antimony in the bullets which the Senator from Ohio had instituted, doubtless with the expectation of proving that the bullets taken from the houses were not government bullets, and that they must therefore have been fired by others than the soldiers, turned out, to my mind, an absolute and conclusive demonstration of the guilt of the soldiers. And thus the Senator from Ohio was "hoist with his own petard."

Of all the people in Texas or elsewhere who used bullets for sporting purposes, and of all the soldiers in this country who were armed with cartridges, the Twenty-fifth Infantry were the only ones near to or in the vicinity of Brownsville, were armed with this peculiar bullet, distinct and different in its constituent elements from all others, and these peculiar bullets were those fired into the houses in Brownsville on the night of the raid, and they had on them the marks of the four lands made by being fired from the Springfield rifle, with which

these soldiers were armed.

Mr. FORAKER. Mr. President-The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. FRAZIER. I do.

Mr. FORAKER. I hope it will not interrupt the Senator from Tennessee for me to suggest that the testimony shows that this precise bullet was also furnished to the Twenty-sixth Infantry, which preceded the Twenty-fifth Infantry at Brownsville, and that such bullets were to be found in the saloons there as well as in other places in Brownsville, which had been obtained from the Twenty-sixth Infantry—precisely this same kind of bullet. So that, instead of being hoist with my own petard, while I was disappointed-I will admit that-in the effect of the testimony, yet the testimony is clear that, so far as the bullets belonging to the Twenty-fifth Infantry are concerned, they might just as well have come from the Twenty-sixth Infantry.

Mr. FRAZIER. It is true, Mr. President, the Twenty-sixth Infantry, or a portion of them, were furnished with the same bullets, and it is true that there was some testimony that some saloon keepers had some of those bullets on their bars.

Mr. PILES. Mr. President-

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. FRAZIER. I do.

Mr. PILES. I should like to ask the Senator from Tennessee if all the bullets which were found were analyzed; and if so, were they all found to contain antimony?

Mr. FRAZIER. I am not sure that they were all analyzed. In fact, my recollection is that they were not all analyzed; but I am not distinct on that question. Perhaps the Senator from Ohio [Mr. FORAKER] can enlighten us.

Mr. FORAKER. They were not all analyzed. Only a few

were analyzed that were collected for that purpose.

Mr. PILES. I should like to ask the Senator from Ohio, Was any bullet that was analyzed found to contain anything different from what the Senator from Tennessee has stated?

Mr. FORAKER. My recollection is that all the bullets that were analyzed contained antimony, but there was one bullet analyzed which did not contain the percentage of antimony that was found in the regular army bullets.

Mr. PILES. But all contained some antimony? A closer investigation, however, of the records of the department revealed the fact that long before the affray occurred, no metal casing such as the regular army bullets bad.

Mr. WARNER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. FRAZIER. I do.

Mr. WARNER. I think that we all agree that the bullets which were analyzed were selected generally; that no special bullets were sent up for analysis; so that they might be taken fairly as representative of all.

Mr. FRAZIER. That is undoubtedly true.
Mr. FORAKER. It was thought at the time that they would be a fair representation.

Mr. WARNER. I think so. Mr. FRAZIER. That was done with the idea that it was not

necessary to analyze every bullet.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. FRAZIER. I do. Mr. CULBERSON. At the suggestion of the Senator from Mississippi [Mr. Money], I ask the Senator from Tennessee this question: Although bullets might have been left by the soldiers of the Twenty-sixth Infantry, was there any proof that any of that infantry left their guns out of which such bullets could have been shot?

Mr. FRAZIER. None whatever; and I was just coming to that in the argument which I expect to make a little later. would make no difference, Mr. President, if somebody else did have these shells or bullets. If they had the Springfield shells or bullets, they could only have fired them out of the Springfield gun; but there is no proof that anybody else had a Springfield gun at Brownsville at that time, except the soldiers of the Twenty-fifth Infantry. Now, with the permission of Senators, I

shall proceed.

Thus we find, Mr. President, these bullets, peculiar and dis-tinctive from all others, and only in the possession of these soldiers, as the bullets which were fired into the houses of Thus we find on them the marks of the four lands Brownsville. made by the Springfield rifle, with which these soldiers were armed. Thus we find the empty government shells picked up in the streets, and bearing marks of having been recently fired. Thus we find the undisputed proof, that if these bullets were fired from these shells, they could not have been fired from any other gun then known or in use, except the Springfield rifle, model 1903, with which these soldiers were armed.

It may be said that others may have, in some way, procured

from the soldiers these Springfield cartridges, with their anti-mony bullets, and fired them into the houses. If so, they must also have procured Springfield rifles, for they could not have been fired out of any other gun than the Springfield rifle, and there is no pretense that anybody else at Brownsville had that

gun except the soldiers.

With this chain of evidence complete and unbroken and incontrovertible, all of which could not possibly exist and the soldiers still be innocent, can there remain room for doubt as to their

While it may be charged that witnesses were prejudiced, or that they exaggerated their capacity to see and identify the guilty raiders, these facts and circumstances, about which there is and can be no controversy, it seems to me, must establish beyond reasonable doubt or uncertainty the fact that the soldiers committed the outrages and murder on the night of August 13-14, 1906.

But that is not all, Mr. President. Not only did 15 or 20 reputable witnesses swear they saw and recognized the raiders as soldiers; not only was it proven beyond the possibility of doubt that the shells picked up in the streets were government shells, and that the bullets shot into the houses were government bullets, and that this shell and this bullet forming the cartridge could not have been fired from any other gun than the Springfield rifle, which only the soldiers had, but 5 witnesses testified that shots were fired from within the walls of the reservation. Three of these witnesses swore that shots were fired from the upper gallery or porch of B Company quar-These witnesses were corroborated by another circumstance, convincing in its nature, and that is, an examination of the course and alignment of the bullets which were fired into the Yturria house, at the corner of Cowan alley and Garrison road. That house is surrounded at that point by a solid board fence some 6 feet in height. The bullets which entered the house—the fence was not struck—ranged down, the place of exit being nearer to the ground than the place of entry. A number of witnesses made careful examination of the range of these bullets and from the alignment were able to locate with approximate accuracy the point from which the bullets were fired, and all of them agree that they must have been fired

from an elevation above the ground. This must have been so, or the fence would have been struck, and the range of the bullets would not have been downward. They say that they could not have been fired from any other place than from the upper porch of B Company quarters. If these witnesses and these circumstances establish the fact that shots were fired from the upper gallery of the barracks, inside the reservation, then it would seem to follow irresistibly that the soldiers, who alone occupied

the quarters, must have done the firing.

But it is said that it is unreasonable to suppose that men who were starting out to raid and shoot up a town would first fire within the reservation, and thus arouse the garrison. Upon the other hand, Mr. President, that was the most natural and reasonable thing for them to have done to enable them to do their bloody work and yet conceal their identity. Even if there was no understanding with the guard, and I am inclined to think there was some understanding of that kind-though I confess the proof is not distinct upon that-that they should give the alarm and sound the call to arms. Being soldiers of experience, they knew that as soon as such a terrific firing began inside of or near to the garrison, the natural and inevitable result would be the call to arms and the consequent turmoil and confusion which would follow. They knew that in the midst of the darkness and confusion, when men who were not actually engaged in the raid were coming out of their quarters with their guns, they could easily join them with their guns, and thus escape detection. And that, in my opinion, is exactly what occurred.

It must not be overlooked that at once, as soon as the call to arms was sounded, soldiers began to circulate the report that the garrison was being attacked, and so successful were they in repeating this unfounded story that they actually convinced their white officers of its truth, though no shot was fired at the barracks, no shot struck them, and the firing was constantly going from the garrison and not toward it. It diverted suspicion from the soldiers and undoubtedly contributed to

their escape without detection.

If those who sounded the call to arms had been in league with the raiders they could not have hit upon a plan better calculated to enable the midnight marauders to join their companies and conceal their identity. The barracks were in darkness. No lights were burning. Everything was in confusion. The formations were being made on the campus with the barracks between them and the town. There were entrances to the barracks from the town side, and nothing to hinder the returning marauders from entering that way, passing through the buildings, and joining their companies, and no one could tell whether they procured the guns which they carried from the gun racks in the quarters or brought them fresh from the scenes of their murderous assaults.

Now, Mr. President, what defense is offered to this mass of positive and circumstantial evidence, so incriminating in its First, it is said the enlisted soldiers swore they were not guilty, and though it has been more than two years they have not yet confessed it. Would any one, of common observation of men, expect that they would have sworn that they were guilty, even if they were? Do men usually admit that

were guilty, even if they were? Do men ust which would place a halter about their necks?

Why, Mr. President, it is hardly to be supposed that those who actually participated would certainly have confessed their

Right here I want to say that I give no credence whatever to the alleged confession of one of these soldiers, as reported by the detective and sent to the Senate in the recent message of the President of the United States. I base the conclusions which I have reached in this case upon the testimony taken before the Committee on Military Affairs and upon the testimony taken otherwise.

I have had some experience with detectives in the practice of the criminal law. I would not charge that detectives as a class are unworthy of belief, but, Mr. President, with my experience, if I were sitting upon a jury sworn to do justice according to the law and testimony, I would be very slow to base a verdict of guilty upon the unsupported testimony of any detective that I ever heard testify in a court of law, and I never heard of a negro detective who signed his name with his mark upon whose testimony I would base a verdict of guilty.

I do not know anything as to the matter of the conduct of these detectives about which we are told in the President's message; neither do I propose to stop to discuss the question of the lawful use of the money in the Treasury in the payment of those detectives. I stop at this point merely to make plain that I do not base my conclusions in the slightest degree upon the alleged confessions made to one of these detectives by Boyd Convers.

It will be borne in mind, Mr. President, that the controversy is, not what particular soldier was engaged in the riot, but was any soldier so engaged. So that the testimony of the soldiers should have little more weight than would the testimony of a number of defendants jointly charged with the commission of crime.

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Michigan? Mr. FRAZIER. I do.

Mr. SMITH of Michigan. I should like to ask the Senator from Tennessee right there, if he wants to be understood as saying that, if any soldier of that battalion was engaged in the

shooting, all the soldiers of the battalion are guilty?

Mr. FRAZIER. Oh, no, Mr. President; I did not say any such thing. I said in the early part of my remarks—and I repeat it, for I believe the Senator from Michigan was perhaps not in the Chamber at that time-that if some of these soldiers were engaged in this affray, if they committed these outrages and this murder, and, after the most careful and searching and diligent investigation, it was impossible to separate the guilty from the innocent, then, to a certain extent, the entire battalion became contaminated, and I do not believe that it was for the interests of the army or of the country to have them taken back

Mr. SMITH of Michigan. Mr. President, if I am not disturb-

ing the Senator from Tennessee

Mr. FRAZIER. The Senator will not disturb me by asking

Mr. SMITH of Michigan. I should like to pursue the inquiry a little further. Now, suppose a midnight assassin was to enter the home of a defenseless person, take his life, and then escape to the great body of the people, where the identity of the particular assailant could not be ascertained, does the Senator from Tennessee believe that the whole body of the people would be guilty because, forsooth, they could not fix the guilty one with definiteness?

Mr. FRAZIER. O, Mr. President, the Senator knows that I

do not believe any such thing as that.

Mr. SMITH of Michigan. Well, then, I want to ask one more question. How many men of this battalion were in the hospital sick and unable to participate in such a crime the night it is said to have been committed?

Mr. LODGE. I think there were two.
Mr. FRAZIER. I am not advised, Mr. President, or rather I do not recall at this moment, how many of them were in the

Mr. Lodge says that there were two in the hospital.

Mr. Lodge says that there were two in the hospital.

Mr. Lodge. That is as I remember, but I am not sure.

Mr. SMITH of Michigan. If there were two in the hospital, are they guilty; and if they were in the hospital, should they

be convicted by a proclamation? Mr. FRAZIER. Mr. Presider Mr. President, I do not recall, as I say, whether or not there were any soldiers in the hospital, and

that is not very material to the point I am making.

Again, it is said that the soldiers could not have committed the crimes charged, because about the time the firing ceased the companies were formed, the rolls called, and all of the soldiers were reported present or accounted for. But it must be borne in mind that the men who called the rolls, and the men who answered not by name, but merely present, were the soldiers charged with the commission of the crimes. full credence be given to the testimony of those soldiers, who claimed to have called the rolls, and found all present or accounted for, it in no wise militates against the conclusion that certain soldiers were in the riot and did the shooting, for abundant time elapsed after the shooting ceased, and before the rolls of the company were finally completed and verified, for any soldier who participated in the riot to have returned and answered to his name. It will be remembered that the greatest distance from the reservation at which any of the firing took place did not exceed 350 yards. That those participating in the crime could have run back, gone into the reservation and into the quarters and joined their companies being formed in front of the barracks and answered to their names, is conclusively proven by the testimony of at least two of the soldiers

There were entrances to the quarters from the side next to the garrison road, and there were stairways on that side which returning soldiers could have mounted and then come down from their quarters and out to the front and joined their companies; or, in the darkness and confusion of the formation, they could have passed directly through the buildings from the side

nearest to the garrison road and the town and gone out where the companies were being formed and no one could have detected those who thus came in from those already in the quarters. Quartermaster-Sergeant Taliaferro was sleeping, as he swore, in the administration building, located near to D Company barracks, and when the firing began he dressed and went back of the officers' quarters and around them and finally to the door of Major Penrose's residence and knocked or rang the bell and, receiving no response, passed on, maneuvering, as he stated, along a depression in the ground, until he came to the hospital, and finally to the guardhouse, and thence to Major Penrose in front of the quarters, where the men were being He thus traversed a distance of over 800 yards, and formed. yet when he reached the companies, the rolls were being called and the companies were being formed. The men who did the firing had to traverse a distance of only 350 yards. They were dressed. He had to dress to go out of his house.

Corporal Miller testified that he was out on pass that night, He had been across the river to Matamoras, in Mexico, and returned during the early part of the evening and visited at a kinsman's house in the town, and from there went to a gambling house near the corner of Twelfth and Adams streets, and was engaged in gaming at the time the firing occurred. He remained there until the firing ceased and then started for the barracks. In going from the gaming house to the barracks he had to travel at least two blocks, and possibly three blocks, farther than the men who had done the firing had to travel to reach the barracks, and yet he reached the reservation, entered it, joined his company as it was being formed and the roll was being called. And no one knew when he came in or how he got there. This demonstrates clearly that the raiders had ample time, after they had done their bloody work, to hasten back to the reserva-tion, and in the darkness and confusion of the night incident to the call to arms to join their companies and answer to their names

Another witness whose testimony it was not attempted to either impeach or to contradict, and whose standing as a citizen and a man was above reproach, an ex-federal soldier, a man who had been more than twenty years in the employment of the telegraph company and who had served the greater part of the four years of the civil war in the telegraph service of the federal army-Mr. Sanborne-was sleeping in the room adjoining the telegraph office at the rear of the building, at the corner of Elizabeth street and Garrison road. About the time the firing ceased, and while looking out of the window which opened on the Garrison road, he saw a man whom he recognized under the lights over the gate of the entrance to the reservation, only 30 feet from him, as a negro soldier, come along Garrison road from the direction of Cowan alley, carrying his gun, and saw him enter the gate and go into the garrison. This soldier, undoubtedly, was returning from the firing squad, and joined his company and doubtless answered the roll call when it was taken, and reported "present," and yet he came in from the town with his gun after the shooting ceased.

It is further claimed by those who deny the guilt of the soldiers, that they could not have procured their guns from the gun racks. These gun racks were located in the quarters of the men, and the keys to them were in the possession of the colored officers in charge of the quarters. It will thus be seen that the very soldiers who are charged with the commission of this crime had the keys to these racks. How the keys were secured from those charged with their possession, or whether other keys were used, does not, of course, appear from the evidence, but that the gun racks were opened and that the rifles were in the hands of the soldiers is proven by the overwhelming weight of testimony adduced before the committee. Certainly, the soldier Sanborne saw enter the gate with his gun, after the

shooting ceased, had his gun out of the gun racks.

It is claimed that an inspection of the guns next morning did not disclose that any of them had been recently fired. But it will not be forgotten that when the guns were replaced in the gun racks after the firing, the keys to those gun racks were still left in the hands and custody of the enlisted men charged with the commission of the crime, and the same keys that unlocked the gun racks when the guns were taken out to make the raid doubtless unlocked the gun racks to take them out for the purpose of wiping them out after the white officers had left the quarters. That this was possible and probable is shown by the report of Major Penrose, in which he says:

Some one of them must have had a key to the gun racks, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

There is much contradiction in the proof as to the time required to clean a gun after it has been fired, but from experiments actually made by competent and reliable officers, and other testimony of witnesses of unquestioned integrity not involved in this unfortunate affair, it has been established, as I believe, by the weight of testimony that where a gun is cleaned within a few hours after having been fired it can be wiped out and cleaned, either in the light or in the dark, so as to pass inspection within the space of two or three minutes.

It is further claimed that the soldiers could not have committed this crime, because all the ammunition with which they were charged was accounted for. But the testimony of practically all of the witnesses, except the negro soldiers of the Twenty-fifth Infantry, was to the effect that soldiers almost universally had a surplus of ammunition in their lockers, or elsewhere concealed, and that it was easy for them to procure this surplus ammunition. Even the white officers of the Twenty-fifth Infantry so testified. In fact, it was the universal and unvarying testimony of all the soldiers who testified, except the negro soldiers themselves. They, with suspicious uniformity, swore that it was impossible for them to get extra ammunition, while everybody else swore that it was easy and practically universal. They could get it on the target range, where it was carried out in boxes and given to them for practice and no account or record kept of what they used.

The Senator from Ohio lays much stress on the fact that the ammunition with which each company of the Twenty-fifth Infantry was charged was accounted for, and yet he says that the Twenty-sixth, who preceded the Twenty-fifth at Brownsville, had so much surplus ammunition that clips of it, given away by the soldiers, adorned the bars of the saloons in Brownsville, and was even left lying around the quarters when they went away, to be picked up by visitors.

On the one hand we are asked to believe that citizens procured and had enough of this surplus ammunition which they could only have procured from the soldiers to shoot up their own town, and on the other we are asked to believe that the soldiers themselves could not possibly have procured any surplus ammunition, and hence could not have had any with which to do the shooting. However they may have procured this ammunition, it can not be questioned that both empty shells and unexploded cartridges of the government manufac-ture were found in the streets of Brownsville immediately after the shooting occurred nor that government bullets were taken from the houses shot into that night, so that somebody must have had a surplus of ammunition, and there is no evidence to show that anybody else had it other than the soldiers of the Twenty-fifth Infantry.

Mr. President, was there a motive for the soldiers to have committed this outrage? It is said that there was no adequate motive to have moved the soldiers to commit those crimes. No motive is adequate, Mr. President, for the commission of murder, and yet murders are committed. What may be a compelling motive for one man may not be so for another. are committed almost daily throughout this broad land, to the shame of the American people, for causes which, to a man of high moral instincts, would seem to furnish utterly insufficient motive. Murders have been committed for a few paltry dollars, for some fancied wrong, and sometimes in wanton, devilish

That the occurrences preceding and following their arrival at Brownsville were such as to arouse in the negro soldiers a feeling of resentment, if not of retaliation, toward some of the people of Brownsville I do not think can be questioned. It can not be doubted, from the testimony taken before the committee, that the soldiers knew that some of the citizens of Brownsville objected to and had protested against their being stationed at Fort Brown. Neither is it reasonable to suppose that the colored soldiers, who were denied the privileges of the bars patronized by white people, which they had been accustomed to enjoy elsewhere, did not resent what they regarded as a discrimination on account of their race.

No one, Mr. President, not familiar with the real character of the negro race knows or can fully appreciate the intensity of feeling with which he resents any apparent discrimination against him on account of his race and color. This is strikingly illustrated in the intense opposition of the negro to those laws in effect in some States, providing for the separation of the races in railway coaches, even where the accommodations are equal and exactly alike. It was admitted by many of the soldiers in their testimony that this subject, together with the subject of other indignities which they claimed had been inflicted upon some of them, were frequent matters of discussion in the barracks of the soldiers.

Allison, a discharged soldier of the Twenty-fifth Infantry, opened a bar on the garrison road near to the reservation on pay day, which was Saturday before the outbreak on Monday night following. This bar was so popular with the men and was so freely patronized by the soldiers that, as one witness stated, it took four or five bartenders to wait upon the patrons. There, in that den of vice, was in all probability hatched the diabolical plot which culminated in riot and murder.

There had been several difficulties, or what the soldiers regarded as indignities, inflicted upon them since their arrival at Brownsville by customs officers. The soldier Newton had been knocked down on the street by Mr. Tate, a customs officer, The soldier Newton had because he claimed the soldier had been rude and offensive to his wife and other ladies. Another soldier, Reed, had been knocked or pushed off the gangway into the mud at the ferry which plied between Brownsville and Matamoras. Another customs officer had struck a negro soldier in a barroom, as related by Lieutenant Thompson, because he sought to drink at the same bar with the officer and remarked that he was as good as any white man. These and other instances enumerated in the testimony taken would naturally arouse the prejudice and enmity of the soldiers against certain people of Browns-

It was evident from the testimony that the incidents to which I have referred, and others, to which for want of time I have not alluded, taken in connection with the order issued by Major Penrose, on the evening of the 13th, recalling all passes and prohibiting the soldiers from leaving the reservation, had undoubtedly wrought the soldiers up to a high state of resentment, and doubtless kindled in their minds a spirit of retaliation and revenge. While it is true that in the consideration of a case such as this the presence or absence of a motive for the commission of a crime is a circumstance to be looked to, even the entire absence of a motive is not sufficient to overcome or annul facts otherwise proven and established. If the soldiers had a motive, and I believe that the testimony in this case clearly establishes that fact, then it is a circumstance to be looked to to prove their participation in the riot. If there was an absence of sufficient motive on the part of the soldiers to shoot up the town, how much more was there an absence of motive on the part of the people of Brownsville to shoot up their own town and kill their own neighbors. It may be that there was feeling on the part of some of the people against the soldiers, as there was on the part of the soldiers against some of the people; but there was no feeling on the part of the people against themselves, nor of one part of the people against any other part.

And the soldiers were not attacked. No shot was fired at tem. No bullet entered the barracks. No soldier was injured, The attack was on the people of the town, and it was a deadly, malevolent attack. The shots were not fired in the air to frighten, but into the houses and at the people, to kill. Not at one house or at some individual to satisfy a personal revenge, but at many houses and at many people, showing that those who fired them were moved by a deadly, murderous purpose, to

seek revenge upon and terrorize a whole people.

The Tillman Saloon and the Tate house were clearly the objective points of the raiders, for when they had finished their deadly work there they turned and fled back to the post. Tillman had refused to serve the negro soldiers with white people at his bar, and had been loudest in his opposition to the sol-diers being sent to Brownsville. Tate had doubtless incurred their enmity by what they regarded as an unjustifiable assault on one of their comrades. In their murderous foray they seemed to have especially directed their fire at the house of Louis Cowan, who had been loud and noisy in his objections to and denunciation of the negro soldiers, especially on account of the Evans affair, in which it was charged that Mrs. Evans had been dragged from her horse by a negro soldier. After the Cowan house, the Miller Hotel seemed to be the especial object of their attack. Its proprietor, Mr. Moore, had likewise done much talking in opposition to the negro soldiers being stationed at Brownsville. In short, the places singled out for especial attack were the very places against which the soldiers had some ground for enmity and ill will.

Finally, Mr. President, if the soldiers did not commit these offenses, who did? No proof whatever was offered before the committee which points to the guilt or even tends to implicate any others than the soldiers. Various theories have been suggested, based on the merest speculation, but one after another has been abandoned, because not an iota of proof has been ob-tainable to show that any other people had either a motive or the opportunity to have committed these crimes.

It was first suggested that possibly Mexican soldiers might So much did the soldiers feel what they regarded as a discrimination against them by the saloons of the town that one for having committed such a crime could be found. But when

it appeared from the proof that the bullets extracted from the houses which had been shot into on the night of the 13th and 14th of August could not have been fired from the Mexican mauser, with which the Mexican soldiers were armed, because the bullets were larger than the bore of that gun, that theory was abandoned.

It was then suggested that the Texas Rangers might have committed the crimes, though no possible reason or motive for them to have done so was suggested. But it was proven that no Texas Rangers were in that part of the State, and that they were not armed with a gun out of which the cartridges used could have been fired. So that theory was abandoned.

It has been suggested that smugglers might have committed the crimes, but not one syllable of proof was adduced before the committee, even tending to show that there was any organized band of smugglers in that vicinity at that time, or that they were armed with high-power rifles, or government ammunition, or that they had any motive to raid upon and shoot up the town of Brownsville. Nobody saw a smuggler. Nobody heard of a smuggler being in or near Brownsville on the night of the raid.

It is suggested in one of the minority reports that possibly the saloon keepers of Brownsville committed these offenses for the purpose of driving the soldiers away from Brownsville because they were not receiving the profits from their trade.

Mr. President, it was because of their own action that the saloons did not receive the trade of the soldiers. But is it conceivable that the saloon keepers could have organized themselves into a band of 10 to 20 men, armed with high-power rifles, and gone through the streets of Brownsville and not have been identified by any of the many residents who saw the raiders? And is it probable that such saloon keepers would have gone to the Tillman Saloon and in cold blood murdered one of their own number, and he a young man scarcely more than a boy in years, against whom no man in all that city had aught of ill to say, either before or after his untimely death? This theory, from the evidence, is as groundless as the many others that have been suggested and abandoned for want of proof to give them even color of plausibility.

Finally, Mr. President, it has been charged that the people of Brownsville themselves shot up their own town and murdered their own citizen, with a view of laying the blame at the door of the negro soldiers for the purpose of securing their removal from Brownsville. This charge, Mr. President—which has been distinctly made, I believe, by some of the negro soldiers only, though it has been suggested and insinuated by others—is a gross, unwarranted, and an utterly unsupported slander upon the people of Brownsville. It challenges their intelligence as well as their character as a law-abiding people.

Let us view it for a moment in the light of known and admitted facts, and put to it the test of common sense. We are asked to assume, for there is absolutely no proof, that a band of 10 to 20 citizens organized themselves, procured high-power rifles, clothed themselves in the uniforms of United States soldiers, blacked their faces, and thus equipped, deliberately marched through their own city, in the midst of their own homes and those of their neighbors, and shot into houses where innocent women and children were sleeping, endangered the lives of unoffending citizens, and finally wounded their old, faithful, and popular lieutenant of police, and murdered in cold blood one of their own citizens.

But that is not all, Mr. President. Our credulity must be put to a still further test. We are asked further to assume, in the absence of proof, that these people stole from the quarters of the soldiers empty shells (though no shells were missed), and not only scattered them upon the streets at the points where the firing occurred, but that in the darkness of the night they were able to find and pick up, and that they did find, pick up, and remove every shell which they themselves fired, and which their high-power guns scattered as they fired; all this, with the hope and for the sole purpose of laying the blame upon these negro soldiers, that thereby they might possibly induce the Government to send them elsewhere, though they had not even petitioned or asked the Government to remove them.

Mr. President, I think Senators will search in vain for an instance, either in Ohio or Texas or elsewhere, where white men have ever been known to kill each other to be relieved of the presence of objectionable negroes. The suggestion is so grotesquely absurd that it would seem to tax the credulity of the most partisan friend of the negro soldiers.

Finally, Mr. President, it must not be forgotten that we are not trying men for a felony, where a reasonable doubt would insure an acquittal; we are not trying men for murder a conviction would involve their incarceration or death; we are considering one question only, and that is, Is there sufficient

evidence of the guilt of these men to make it unwise and improper to restore them to the ranks of the army? Mr. President, what character of men should constitute the American Army? Shall they be men who respect the law and afford protection to defenseless citizens? Shall they be men who come with clean hands? Or shall the army have in it men whose hands are stained with the blood of innocent citizens?

Mr. President, I desire now briefly to consider the bills introduced by the Senator from Ohio [Mr. Foraker] and the Senator from Missouri [Mr. Warner]. I am opposed to both bills. Not because the men proposed to be reenlisted are negroes, but because the testimony taken before the Military Committee, in my judgment, clearly shows that at least a part of these men are guilty of the grossest crimes, which totally unfits them for service in the army, and because it is utterly impossible to ascertain which ones are guilty and which ones are innocent of those crimes.

The bill introduced by the Senator from Ohio, to all intents and purposes, reviews, annuls, and sets aside the order of the President discharging the soldiers of the Twenty-fifth Infantry and provides that any one or all of them may again enlist upon swearing that they were innocent of participation in, or had any guilty knowledge of, the affray at Brownsville. It further restores to them all rights and privileges which they enjoyed before discharge and gives them full pay for the time since their discharge.

Mr. President, I shall not stop to discuss the legal question as to the power of Congress to restore these men to the army. I believe Congress has that power. Congress has power under the Constitution to provide rules and regulations for the government of the army, and I believe it can provide the qualifications for reenlistment and can say in its sovereign capacity as the legislative body what and who shall constitute the army of the United States. But, as I said, I am not going to discuss that question now.

Mr. President, if any of those soldiers were guilty of the crimes committed at Brownsville or, though not actually guilty of participation, were aiders and abettors before or after the fact, this bill provides an easy, certain, and expeditious mode for the restoration to the army of the guilty and innocent alike. If this bill becomes a law, not only will Congress thus set aside and annul the action of the President, who issued the order of dismissal, but every discharged soldier who desires it, however stained his hands may be with the blood of innocent people, will again be enrolled in the army of the country. And the President, should he approve it, will repudiate his own act and confess himself a blunderer and a wrongdoer. Were the soldiers legally discharged? Did the President have the power to discharge those men?

Mr. President, the resolution of the Senate under which this investigation was made, impliedly recognizes, because it does not question, the legality and justice of the President's act in the summary discharge of the men of that battalion. That resolution says:

Resolved, That without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate and, if deemed advisable, at Brownsville or elsewhere; the expense of the investigation to be paid from the contingent fund of the Senate.

Leaving out of consideration the question of the power of the President, as Commander in Chief of the army, to discharge an enlisted soldier before the expiration of his term of enlistment, about which there may be a difference of opinion, it is in my opinion clear that such discretion is vested in him by the Articles of War, which have the force of statutes. Article 4 says:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

That article has been often construed and held to authorize dismissals, such as those contemplated in Special Order No. 266, issued by the President. In fact, it has been almost daily invoked for the past fifty years, and under it hundreds of enlisted men have been yearly discharged from the army without anybody questioning the authority under which they were discharged.

Prior to the act of 1866, the President not only had and exercised the power to dismiss, at his discretion, enlisted men of the

army, but commissioned officers also. By the act of July 17, 1866, Congress provided:

That no officer in the military or naval service of the United States shall, in time of peace, be dismissed from the service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof.

It will be observed that as to the enlisted men the law was left as it was before the passage of that act; that is, they can be dismissed in either of four ways provided by the fourth article of war—either by the President, the Secretary of War, the commander of a department, or a court-martial. Clearly, if Congress had contemplated or intended to take away from the Congress had contemplated or intended to take away from the President—if it had the power to do so—the authority to dismiss an enlisted man, it would not have confined its inhibition to "no officer in the military or naval service of the United States." It would undoubtedly have included enlisted men. And the fact that it did not include enlisted men clearly demonstrates that Congress intended to leave the law as to them as it was, as set out and recognized in article 4 of the Articles of War.

In construing the act of 1866 the Supreme Court of the United States, in Blake v. United States (103 U.S.) held that, notwithstanding that act, the President had the power to dismiss or supersede an officer of the army, by and with the advice and consent of the Senate, by the appointment of some one in his place.

And in Crenshaw v. United States (134 U.S.) that court held that a midshipman in the navy could be thus dismissed or dropped from the rolls of the navy. In that case the court used the following significant language:

An officer in the army or navy of the United States does not hold his office by contract, but at the will of the sovereign power.

If an officer appointed by the President and confirmed by the Senate holds his office "at the will of the sovereign power, surely an enlisted man does not hold his place by any higher right. How can it be insisted, Mr. President, when even in spite of a statute prohibiting the President from dismissing an officer of the army he can still do so by appointing his successor, that he can not discharge an enlisted soldier, where the Articles of War, which have all the force and validity of statutes, authorize him to do so?

But, Mr. President, we have the benefit of an actual adjudication in this case by the courts of the United States. In Oscar W. Reid v. The United States, in the district court of New York, this very question of the power of the President to discharge the enlisted men in this case was considered, and that court held that they could be thus discharged. I ask that a portion of that opinion, which I have marked, be inserted in my remarks without reading.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Hough, D. J.
Several matters discussed at bar must be laid aside as immaterial to the disposition of this cause.
Whether Reid or his comrades, or any of them, were guilty of the riotous disturbance in question; or whether Reid personally committed any infraction of good order or military discipline; or whether he is in fact a desirable soldier, or knew or withheld anything tending toward the discovery of the perpetrators of the Brownsville riot; or whether, so far as Reid or others are concerned, the President's action was unnecessarily severe, cruel, or unjust, are questions beyond this judicial investigation.

so far as Reld or others are concerned, the President's action was unnecessarily severe, cruel, or unjust, are questions beyond this judicial investigation.

The material inquiries seem to me very few. The nature of a soldier's contract of enlistment has been sufficiently treated In re Grimley (137 U. S., 147). By his contract Reld assumed the burden of military service, not for a definite time, but for three years, "unless sooner discharged by proper authority."

Nothing is expressed in the enlistment papers as to what reasons shall be sufficient for early discharge. And if the engagement be treated merely as a civil contract of hire, the Government would be entitled to dispense with Reld's services under it at any time, provided the authority—i. e., the officer directing discharge or dismissal—be "proper."

In other words, if enlistment be no more than a hiring by civil contract, under this particular contract the corporate master may discharge the servant whenever he pleases and for or without cause, provided only the officer directing discharge be "proper authority."

I do not give assent to the assertion that a soldier's engagement is or bears much resemblance to a civil contract of hire; but on the assumption (most favorable to petitioner) that it is such a contract, it is on the part of the Government a general contract, terminable at will, if that will be expressed through a proper officer. (Martin v. New York Life Ins. Co., 148 N. Y., 118.)

This petitioner was, so far as formalities attending his severance from the service are concerned, properly discharged; that is, his discharge paper was correct in form and signature, and so much is not denied. But the "authority" causing and directing his discharge was the President of the United States, who personally gave the order therefor; so that the final question upon assumptions very favorable to petitioner is whether the President, as Commander in Chief of the army, is "proper authority" to terminate in invitum a soldier's enlistment.

Ilstment. This question must be answered affirmatively if either (1) there be inherent constitutional authority in the President, as Commander in Chief, so to do, or (2) there be such authority in the absence of congressional statutory action limiting, defining, or regulating the Commander's powers, or if (3) in this case the President acted in accord-

ance with the various acts of Congress regulating the army and discharges therefrom.

As to the first and second of these last queries, no opinion is expressed, because the last question must, in my judgment, be answered unfavorably to the petitioner.

The Articles of War constitute the only statutory declaration concerning discharges from the military service. (U. S. Rev. Stat., sec. 1342.)

Intraversibly to the petitioner.

The Articles of War constitute the only statutory declaration concerning discharges from the military service. (U. S. Rev. Stat., sec. 1342.)

Article 4 provides:

"* * no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial;"
and this language has remained unchanged in the statutes since 1806.

I am quite unable to perceive how the President's right to terminate a soldier's engagement could be more explicitly recognized, and indeed conferred, if recognition seems to imply some antecedent right.

This fourth article of war clearly assumes that discharges must be granted before expiration of service; the power to grant them implies the power to impose them, unless a soldier have some rights inherent in his contract or inferable from the nature of his occupation.

This petitioner's contract is civilly but a hiring at the will of the employer, while the nature of his occupation, so far from varying that status, has been frequently so judicially defined as to leave no doubt of congressional intent.

The recruit is bound to serve during the full term of his enlistment, but a single ag, but may dismiss him at the very first moment or at any subsequent but may dismiss him at the very first moment or at any subsequent subsequent with the contract of the parties, but "the military compact many be dissolved at any moment by the supreme authority of the Government." (U. S. Blakeney, 3 Grat (Va.) at 391; cited Re Morrissey, 137 U. S., at 159.) And this historical view of the soldier's relation to the Government or the Crown antedates the founding of this Nation and is the accepted doctrine of the British military establishment, upon which ours was modeled. (Re Tuffnell L. R., 3 Ch. Div., 173.)

Even if, therefore, there be no inherent power of control over the military forces of the Nation vested in its constitutional Comm

Mr. FRAZIER. Mr. President, that the men of the Twentyfifth Infantry were legally discharged from the service, it seems to me, is hardly a debatable question. Then, if they were legally discharged, what reason is there to restore these soldiers to the army which at least a part of them have so sig-nally disgraced? Wherein, Mr. President, does the Government owe any obligation, legal or moral, to any one of these dis-charged soldiers to reenlist him in its service? Each enlisted under a contract of service which he knew contemplated that he might be discharged any day or hour the Government might conclude the public welfare required it. They were paid for the service rendered. Can it be said that because the Govern-ment enlists a body of men, and they have served a number of years, it is bound either in law or morals to keep them in its service, or when legally discharged to reinstate them, when there is about them even a suspicion of crime which would or might even affect injuriously the public service?

Many of us who have investigated this case, or have read the proof, I have no doubt, believe that perhaps 10 per cent of the battalion discharged are actual murderers, or aiders and abettors of murder. Certainly every tribunal which has investigated it has so found. The most searching investigation has failed to point out which were the guilty and which were the inno-cent. Then, shall the Government take the chance of placing in its ranks murderers, rather than leave out of its ranks some men who may not be criminals, but upon whom certainly rests the suspicion of crime? There are enough American citizens, Mr. President, ready and willing to fill the ranks of our army, who are not only honest and law-abiding men, but who are free from the suspicion of crime. Do we owe nothing to the honor and good name of the army itself, or to the peace and security of the people among whom these men if reenlisted must be quartered? Are all our sympathies to be expended on a body of men a part of whom are, in my opinion, proven to be midnight assassins, and none upon the innocent and helpless people of Brownsville, who were shot and murdered?

It is said that this Government ought not to send these soldiers out into the world branded with a discharge "without honor." I reply that this Government dare not, in justice to its defenseless citizens, again clothe in its uniform and arm with its guns a body of men among whom there are those who have disgraced the one and turned the other upon helpless women and children. The Senator from Ohio pleads for justice for the American soldier. I plead for justice for the American citizen. The American soldier should be the protector and defender, not the assassin of American citizens.

Mr. President, the only prerequisite required by the proposed bill for the reenlistment of these soldiers is that they shall take a prescribed oath. Every member of the First Battalion, Twenty-fifth Infantry, discharged by the President has already taken a similar oath. Notwithstanding such oath, a majority of the committee has found, and so report, that the crimes of August 13-14, 1906, at Brownsville, were committed by members of that battalion. The effect of such finding and report necessarily is that at least a portion of such discharged soldiers have sworn falsely. If the facts sustain that report, and I have endeavored to show that they do, then the logical meaning of the proposed bill is to provide that, upon the guilty soldiers committing perjury the second time, they shall be eligible for reenlistment, and shall be again enrolled in the Army of the United States.

It has been suggested that the guilty would likely not reenlist, because they would not want to bring themselves under the surveillance of their officers. In my judgment, exactly the reverse would follow. The guilty would be deterred by no scruples of conscience from again swearing falsely, and they would regard their reenlistment as strengthening the presumption of their innocence and removing still further the probability of their punishment. They would feel that if Congress interfered once, and by its action shielded them against at least one consequence of their crime, it would do so again if they were en-rolled among its soldiery. They would feel licensed to repeat their deadly assaults upon some other sleeping and defenseless

Besides, Mr. President, this bill offers a premium on perjury. It provides that if the oath is taken and reenlistment perfected, the soldiers thus reenlisted shall draw pay for the entire time since the date of their discharge. Under this provision each soldier who reenlists, if this bill becomes a law, will draw pay for more than two years, during which time no services what-ever were rendered the Government. If these soldiers were legally discharged, and therefore properly out of the army, by what course of reasoning can we justify ourselves in taking from the Treasury money placed there by taxation upon the people and voting it as a pure gift to these men for the period when they were not in the employ of and not rendering any services to the Government? We would be equally justified in voting a bonus to any other of the hundreds of enlisted men who are annually discharged for the good of the service, or even to civilian employees who were legally discharged for the good of the service.

Mr. President, can we afford to pass any measure which provides for or opens the way for the reentry into the army of a body of men from 5 to 15 per cent of whom are shown by the evidence to be guilty of murder and many more of whom were undoubtedly aiders and abettors of such murder, before or after While it may be true that there are among the men discharged some who are innocent both of active participation in the crime and of guilty knowledge of it, still, so long as the guilty are mingled with the innocent and it is impossible to identify and separate them, the whole body is poisoned and contaminated, and the character and honor and proper discipline of the army and the peace and safety of the people impera-tively demand that all shall be excluded from the service. The inconvenience and loss, if there be such, of the individual, even though guiltless of crime, must be made subservient to the public welfare.

Mr. President, the army is supported and maintained by taxation upon the people as an instrument for the preservation of law and order within our own borders, no less than as an instrument of defense against the aggressions of a foreign foe. It must be maintained and disciplined so as to be a protection and not a source of danger to the peaceful citizen and to every community in which it may be quartered. Unless the personnel of its officers and enlisted men and its discipline are such as to furnish indisputable guaranty of such safety and protection to the people, and especially to helpless women and children, the army degenerates into a mob and becomes a standing menace to the peace and order of the country.

In the administration of the military arm of the service the preservation of proper discipline is of supreme and paramount importance. Therefore, to readmit to its rolls a body of men the conduct of a portion of whom has inflicted upon the army "the blackest stain recorded in its entire history," under circumstances which make it hopelessly impossible to separate the guilty from the innocent, would irreparably weaken, if it did

not permanently impair, the morale of the army.

It would be a gross injustice to the army itself to admit into its ranks men among whom there are murderers. It would be a still more grievous wrong to the people to again clothe the guilty among them with power and arm them with the weapons with which they may again wreak their vengeance upon a sleeping and unoffending people, encouraged and emboldened by the hope that by a general and concerted silence their identity would be concealed, and by congressional inter-ference they would be retained in or restored to the army if dismissed.

Mr. President, in the conclusions which I have reached in this matter and in the views I have expressed upon it I have been influenced by no prejudice against the negro. no grudge. I entertain for him no unkindly feeling. never favored any policy with reference to the negro that did not recognize his rights as a man and did not assure him equal

and exact justice before the law.

I have never failed to condemn every act of lawlessness inflicted upon the negro, and have always demanded for him a fair and impartial trial, when he has been charged with violation of law, it mattered not how atrocious his crime. Mr. President, I know the negro, his faults and his virtues-and he has many virtues. My knowledge and observation of the negro race cover almost the span of my life, for they nursed me in my infancy, played with me in my boyhood, and I have known and them in mature manhood. I have prosecuted and defended them as a lawyer; I have tried and passed sentence upon them as a judge; I have exerted the power of the State to shield and protect them against lawlessness sought to be inflicted upon them for grave crimes when I was governor of my State, and many times in pity have I reached out to them the hand of executive clemency, because of their weakness. I recall with gratitude, and I pray God I may never forget, their loyalty and fidelity to those whom they served and loved during the turmoil and strife and bitterness of the civil war. I remember when bloody, devastating war, with all its appalling horrors, raged about my own home, and no white man was there to guard and protect it, with what confidence and security mother and children lay down to sleep at night, because outside of our door slept a black sentinel in whose fidelity we trusted with implicit faith.

If I may be pardoned, Mr. President, for such a reference in this presence, one of the sweetest memories of my childhood is of the old black mammy who nursed me. I remember how, as the shadows of evening would gather, and the soft southern winds would sigh gently through the leaves of the great spreading oaks that shaded my old country home, she would take me in her arms and rock me to and fro and sing me to sleep to the music of those sweet southern melodies that I loved so well.

No, Mr. President, I would do the negro no wrong. I would help him if I could. I would strengthen him where he is weak. I would teach him by practical and industrial education to be a better and more useful man. I would shield him from his own weaknesses and excesses. I would steady his stumbling feet, as he treads the stony way that leads up to his moral and material betterment. And above all, Mr. President, I would have him learn that if he would rise, he must cease to shield and protect the criminals of his race, and must purge it by aiding in their detection and just punishment.

Mr. President, there has been injected into the consideration of this unfortunate affair, largely outside of this Chamber, I am glad to say, a race question, which has no proper place in it. Perhaps it was inevitable. This has been done largely by the negroes themselves and by those to whom they look as their

teachers and their guides.

A greater wrong was never inflicted upon the great body of respectable and law-abiding negroes of this country than to place them in the attitude of upholding crime and shielding criminals because they are of their race. That the race question was involved in the causes which led to the commission of these crimes I have no doubt. That it was involved in the treatment of the negro soldiers after the commission of the crimes I do not believe. Mr. President, to those of us who live in the South, where the negroes dwell in great numbers, there is a real race problem, upon which the most thoughtful of our people feel deeply. The exigencies of civil war freed the slave, but the black man remained, and with him a problem unparalleled in its difficulties. Mark those difficulties: nearly equal in numbers, but utterly and wholly dissimilar. The one educated, proud, and aggressive; the other ignorant, idle, and superstitious. The one with a thousand years of

civilization stretching out behind it; the other but a few centuries removed from barbarism. The one but a generation ago in bondage to the other, yet each made, by law, equal in civil and political rights. Thus situated, they are asked to dwell together, on the same soil and under the same skies, in peace and harmony, without the one race dominating the other.

Mr. President, the people whom I have the honor in part to represent here have dealt fairly, kindly, even generously, by the negro. In education and charity they have paid 95 per cent of the taxes and given him his pro rata share of the bene-Before the law they have protected him in his equal ts. They have opened to him the avenues of industry and bade him enter, and by honest toll build for himself a home and a competency. But, Mr. President, I would not be entirely frank if I did not say that upon certain phases of the race question they, in common with the rest of the South, have stood, and I believe will ever stand, firm and unalterable. First, never again will the negro race be allowed to politically dominate and control a sovereign State of this Union. To do so would be to enthrone ignorance and give it dominion over intelligence, and to bring back the rapine and utter and reck-less debauchery of the reconstruction era. Second, the social barrier which separates the races will never be allowed to be lowered. To do so would destroy the purity and integrity of the white race and shock the sensibilities and outrage the moral sense of the Caucasian race the world over.

Mr. President, for forty years and more, in patience and kindness, the people of the South have wrestled with this problem, which is racial, not political. It is still unsolved. What the end will be only God, in His infinite wisdom, can see. Shall it be that the black race will be deported? If feasible, it would remove the last remaining barrier to the complete unity of the American people. Shall it be a race war—bloody, fierce, exterminating—a war for the survival of the fittest? God forbid. Shall it be amalgamation and the unspeakable horror of a corrupted and inferior race? To allow it would be to destroy that civilization which is at once our strength and our pride. Shall it be that the two races will dwell together, and yet apart, in peace and harmony? To do so without the one race dominating and ruling the other would be to belie the universal verdict of racial history. I do not know. But one thing I do know, Mr. President, that the solution of this problem rests primarily in the hands of the southern white man and the southern black man and calls for the wisest counsel and broadest conservatism of both. I know that it can never be solved by men far removed from its fatal touch and whose minds are not filled with an appalling sense of the deep racial difficulties with which it is hedged about. It can only be solved by those upon whose hearts and consciences it rests as a perpetual burden and who are in honor pledged to its ultimate solution.

Mr. President, we know not what the future holds in store for us as a nation and a people. We can only go forward with hope, trusting that in the providence of God all things may be settled aright and in consonance with the peace and unity of our people and the perpetuity of the Republic. And, as I grow older, Mr. President, and get a broader and, I trust, a clearer view; as I see the men of every section of this Union knit together, closer and closer, by ties of blood and kinship and interest, I am coming more and more to feel that whatever befalls, we of the South who are striving for the right solution of this problem, as God has given us to see it, will have the encouragement and sympathy of the best of those of the North and East and West, who are blood of our blood and bone of our bone; whose hopes are our hopes and whose common destiny is wrapped up in this Republic, founded by our Caucasian fathers for the happiness of their children. [Manifestations of applause in the galleries.]

During the delivery of Mr. Frazier's speech,
The PRESIDING OFFICER (Mr. Warner in the chair).
The Senator from Tennessee will please suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

A bill (S. 6484) to establish postal savings The SECRETARY. banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered, and the Senator from Tennessee will proceed.

At the conclusion of Mr. Frazier's speech, Mr. FORAKER. Mr. President, while this subject is before the Senate, I desire to ascertain whether we can not agree upon a time for taking a vote upon Senate bill 5729 and the amendments which may be offered thereto.

Mr. WARREN. I am sorry to say that I am unable to agree this morning for the committee, because we have had but one speech upon the subject from the other side of the Chamber and there are two or three who have matters in preparation. I am inclined to think we shall reach the time soon, but I could not to-day agree upon a date to bring the matter up for final disposition.

Mr. FORAKER. May I ask the Senator how many there are who want to speak, and when he thinks they will be ready to speak?

Mr. WARREN. I am unable to say that.
Mr. FORAKER. Unless we can get something definite, the Senator understands that it will be necessary for me to move to proceed to the consideration of the bill.

Mr. WARREN. I understand that perfectly, and I would not deny the Senator that privilege if I could. I shall take no offense if the Senator shall at any time move to take up the bill. I think, however, that there might be a better way; but nevertheless it is the Senator's right to move to take up the bill without any agreement regarding it.
Mr. FORAKER. The Senator will se

The Senator will see the necessity I am

under of trying to get some definite information.

I will give notice that next Monday, if I can not at that time or before then get a time agreed upon for taking the vote, I shall move to proceed to the consideration of the bill. I hope Senators will take notice of that. I do not want to cut anybody off from speaking. I want to give everybody a full opportunity; but the session is fast coming to a close, and if there is to be a vote on the bill in the Senate at all it ought to be taken soon. All Senators appreciate that, I am sure.

On next Monday, then, unless prior to or at that time I can get an agreement to vote, I shall move to proceed to the con-

sideration of the bill.

I have an amendment to offer to Senate bill 5729, which I wish to have printed and lie on the table. I introduced and had printed an amendment heretofore, and this is intended as a substitute for it.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Mr. LONG submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as

That the Senate recede from its amendments numbered 4, 21. That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

"Strike out the proposed amendment and insert in lieu thereof the following:

"And for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions."

And the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 7, lines 11 and 12 of the bill, strike out the words "and had a product valued at five hundred dollars or more;" and in the Senate amendment strike out the words "one thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: After the word "feeble-minded," in the proposed amendment, insert the following: ", blind, deaf and dumb;" and the Senate agree to the same.

On amendments numbered 24, 26, and 27, the committee of conference have been unable to agree.

CHESTER I. LONG, EUGENE HALE, S. D. MCENERY, Managers on the part of the Senate. EDGAR D. CRUMPACKER, EDWIN C. BURLEIGH,

JAMES HAY,

Managers on the part of the House of Representatives. The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. BURKETT. Mr. President, I desire to ask the Senator in charge of the conference report a question with reference to amendment No. 7. As I caught the reading of the report, amendment No. 7 was agreed to with such an amendment—if I caught the wording aright—that the provision for the enumeration of the ruptured, crippled, and deformed children under 18 years of age is not included in the bill. That is as I understand the conference report.

No provision is made for the taking of the Mr. LONG. enumeration of this class by the enumerators, but those in insti-

tutions are to be enumerated.

Mr. BURKETT. Mr. President, I want to call the attention of the Senator to the point that that action practically nullifies any good intended to be derived from the proposed amendment. The object of the amendment was to have an enumeration of these crippled and deformed persons taken for the purpose of directing the attention of state legislatures to the need of building hospitals for them and also of private philanthropists to the need of the building of such hospitals. There are, as a matter of fact, practically none of these hospitals—comparatively speaking, I mean, of course—for deformed and crippled children. Perhaps three or four States have such hospitals. People who have been interested in them have found that the trouble in getting them established is that they could not make the legislatures understand that there were a good many of this class in the State, or, at least, enough to be worth while to build such an institution, for they have never been able to present the matter in proper form to philanthropists who devote money to hospitals of various kinds. Therefore they have urged that this amendment should provide for enumerating, not the number of this unfortunate class in the hospitals, but that the enumerators should make this report so that it might be used with private philanthropists as well as with state leg-

I think the Senator will see, from that statement, that simply enumerating those who are in hospitals does not reach the good that would be attained by the enumeration as contemplated by those who are advocating the amendment. Therefore I should like to hear from the Senator as to whether or not this matter was taken into consideration in the conference com-

mittee with the object I have stated in view.

Mr. LONG. Mr. President, in answer to the inquiry of the Senator from Nebraska, I will state that the amendment re-ceived very careful consideration by the conference committee, and while the committee sympathized with the purpose of the proposed amendment, yet the difficulty came in its practical

operation, if it were incorporated in the bill.

An inquiry similar to this was included in the census of 1890, and the results in securing the information were so unsatisfactory that the committee of conference did not deem it wise to include it in this census. The Director of the Census, in a statement before the Senate Committee on the Census when it was considering this bill, had this to say in regard to this amendment:

Mr. North. Of course I have very deep sympathy with the purpose for which it is proposed. At the same time I am obliged to say that I think it would be much to be regretted if it were put into the law. The schedules for the census of 1890 contained three questions of this character—

Quoting-

Whether suffering from acute or chronic disease, the name of the disease, and length of time afflicted; whether defective in mind, sight, hearing, or speech, or whether crippled, maimed, or deformed—

This part of the inquiry is similar to the Senator's amend-

the name of the defective, whether a prisoner, convict, homeless child,

ir pauper.

Every enumerator was required to ask those three questions in every family that he visited, and there was a terrible uproar about it. .

The difficulties encountered by the enumerators were so serious that practically the questions were withdrawn before the census was completed. The unfortunate experience made it seem desirable to those concerned with the Twelfth Census to omit questions of this character from the schedule.

The Twelfth Census included inquiries in regard to the blind and the deaf and dumb. The results of the effort to take the census of the blind and deaf and dumb were so unsatisfactory that this bill as it passed the House and Senate contained no provision for the enumeration of the blind and deaf and dumb. It was shown that in the last census, while the enumerators found that there were 240,000 blind and deaf and dumb in the country, that after a careful subsequent examination, made after the reports of the enumerators were returned, that the number was reduced to 151,000. Over 80,000 mistakes were made. Over one-third of those returned by the enumerators as blind or deaf and dumb were found on subsequent inquiry to be

not of those classes. So this bill, as it passed the House and the Senate, was confined to as few schedules as possible. In the cities there will be but one schedule, that of population, for the enumerators, and in the country there will be two, population and agriculture. The inquiries in relation to manufactures, mines, and quarries will be made by special agents. So, believing that this amendment, if incorporated in the bill, would not obtain accurate information, the conferees on the part of the House objected very strongly to the incorporation of this amendment in the bill, and the Senate conferees yielded. We do, however, include the enumeration of the defective classes when they are in institutions.

The VICE-PRESIDENT. The question is on agreeing to the

conference report.

The report was agreed to. Mr. LONG. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, ask for a further conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. Long, Mr. Hale,

and Mr. McENERY.

Mr. LONG. Mr. President, I desire to have printed in the Record two letters from the Director of the Census, one bearing upon this question and the other upon another subject included in amendment No. 7.

The VICE-PRESIDENT. Without objection, permission is

The letters referred to are as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, January 14, 1909.

Mr. John Thomson, Free Library of Philadelphia, 1217 Chestnut Street, Philadelphia, Pa.

Mr. John Tromson,

Free Library of Philadelphia,

1217 Chestnut Street, Philadelphia, Pa.

Mx Dear Sin: Your letter of January 11 is at hand. I regret that your attention and that of others interested was not earlier called to the fact that the Thirteenth Census bill does not provide for the special classes is limited to those in institutions only. The omission of a provision calling for the enumeration of the blind and deaf, and that the enumeration of certain of the special classes is limited to those in institutions only. The omission of a provision calling for the enumeration of the blind and other defective classes as found among the general population was not done without careful consideration, and it was done most regret-Taily, for I and all my assistants have the fullest sympathy with the sinformation in connection with that work. There were three or four considerations which determined our judgment, and you are entitled to a full statement of them.

I. The difficulties and complications attending the decennial enumeration of the population of the United States are increasing so rapidly that it has become imperative to simplify and reduce the range of the inquiries. We have now to deal with a population of whom 15 per cent are foreign born, speaking some twenty or more distinct languages or dialects. It is impossible to secure 65,000 enumerators who within the time limit allowed, with the necessary control of the secure of the inquiries. We have now to deal with a population of whom 15 per cent are foreign born, speaking some twenty or more distinct languages or dialects. It is impossible to secure 65,000 enumerators who within the time limit allowed, with the necessary required to handle, in addition, six or eight special schedules.

With respect to the work; much less if they are required to handle, in addition, six or eight special schedules.

With respect to the enumeration of this character through the ordinary census enumerators; and the futility of such effort was again very forcibly demonstrated

of one of these classes must include all classes. No one of these unfortunates is entitled to any more consideration from the Federal Government than any other class. To include them all means the loading up to every enumerator with at least five special schedules of a technical nature and can only result in greatly retarding the progress of his regular work, as was the case in 1890, when a complete census of the special classes was undertaken. The information desired can not be accurately obtained by this means, and much of it, judging from past experience, would have to be thrown away. I do not believe that the half million dollars additional expenditure involved would be, on the whole, money well invested.

experience, would have to be thrown away. I do not believe that the half million dollars additional expenditure involved would be, on the whole, money well invested.

III. The Thirteenth Census bill has passed both Houses of Congress and is now in conference, and any change in its provisions in this regard is beyond the parliamentary power of the conference committee. It can only be reached by means of a supplemental act; this, of course, is difficult, but not impossible. It appears, however, from your letter, and from many others I have received, that these special enumerations are desired for the purpose of facilitating the work of various state and local organizations established to aid the afflicted classes. The purpose is above criticism, but the object is state or local, and the question arises, Why should the state and local authorities demand that the Federal Government shall collect data for the state and local authorities, who alone can make any practical use of it?

To me it seems clear that the States themselves, by means of an intermediate census, should collect the information which is desired by their own institutions and organizations along the lines under discussion. This is now done by several of the States—New York, Massachusetts, and Pennsylvania, for instance—and I am hopeful, if the federal census fails to obtain the data desired, that it will result in stimulating a number of States to provide for a state census in 1905, which they ought to take and upon which they ought to rely for this information.

Very respectfully,

S. N. D. North, Director.

porthis information.

Very respectfully,

S. N. D. North, Director.

Department of Commerce and Labor,

Bureau or the Census,

Washington, January 11, 1999.

Dear Senator Long: The amendment to section 8 of "An act to provide for the Thirteenth and subsequent decennial censuses," which relates to the internarriage of white and negro persons, is open to serious objection, and, if retained in its present form, will not only have a tendency to delay the work, but will also lead to situations in which it will operate to prevent the orderly conduct of the enumeration. This amendment, which refers to an inquiry to be made on the schedues routing to population, is inserted on page 6, at line 8, after the conduction of either whole or partial negro between a white person and a person of either whole or partial negro blood, specifying whether the husband or the wife in such marriage between a white person and sperson of either whole or partial negro blood, specifying whether the husband or the wife in such marriage is of negro blood.

Obviously, the intention of this amendment is to provide the means for securing through the medium of the census enumerators definite information concerning the extent to which these interracial marriages have taken place, and also in what proportion each party to such marriages is of negro blood, but, as a matter of fact, information of this character is already contained on the population schedules of the Twelfth and preceding censuses, and needs only to be fully developed through a special tabulation of the data already in the possession of the Census Office.

The schedules relating to population at each census since and including 1880 have contained inquiries as to the color, sex, relationship to head of family, and conjugal condition of each person enumerated, and it is obvious that a detailed examination of the returns with respect to the considerations named would reveal for each of these censuses, with substantial completeness and accuracy, the facts as to internarriage between whi

tion of the character mentioned that is possible under any circumstances.

The results to be attained in the direction contemplated by said amendment would be confined, moreover, to a comparatively restricted area, as interracial marriages of this character are prohibited by law in all the territory—except the District of Columbia—comprising the South Atlantic and South Central divisions; in Indiana, Missouri, and Nebraska, of the North Central division; and in Arizona, California, Colorado, Idaho, Nevada, Oregon, and Utah, of the Western division. At the census of 1900 there were 8,833,994 persons of negro descent, and of this number 7,836,267, or very nearly nine-tenths (88.7 per cent), were found in the Southern States; and if the Northern and Western States just mentioned are also included, the number is increased to 8,084,942, or 91.5 per cent. The remainder of the country contained, therefore, only 749,052 persons of negro descent, or less than 10 per cent of the entire number in continental United States in 1990, and it is largely among this small proportion of the negro population that the terms of the amendment would be operative, if at all. White and negro persons legally married in other States are permitted to live in some of the Northern and Western States mentioned, it is true, but allowing for these cases the amendment would be applicable in limited areas only, and would not be productive of nearly as good results, in

all probability, as have been and can again be obtained through the ordinary processes of census enumeration, as already illustrated.

An inquiry of considerable significance, however, can be added to the population schedule at the Thirteenth Census, without Interfering in any way with the work of the census enumerators, and, if it could be substituted for the amendment which now appears in section 8, it would undoubtedly bring results, even though not altogether satisfactory, of sufficient value to afford the means of determining, periodically, the probable extent to which there has been an intermixture of white and negro blood and also whether the tendency is, on the whole, an increasing or a decreasing one. Such an amendment, if it should be proposed, would read somewhat as follows:

"Strike out in section 8, page 6, line 8, after the word 'Navy,' the words 'also each case of intermarriage between a white person and a person of either whole or partial negro blood, specifying whether the husband or the wife in such marriage is of negro blood, whether black or mulatto."

An inquiry of this character was first made in 1850 and was continued at each census thereafter until 1900, when it was temporarily abandoned. The omission at the latter census was due to the fact that at the preceding census, that of 1890, the law contained a specific requirement for the enumeration on the population schedule of the number of negroes, mulattoes, quadroons, and octoroons, but the attempt to secure information of this character in the detail required was not sare of little was indicated the same indication of the extent to which the races have mingled, the same indication of the extent to which the races have mingled, the same indication of the extent to which the races have mingled, the same indication of the extent to which the races may be made at the Twelfith Census to distinguish buse reason not attempt was made at the Twelfith Census to distinguish buse reason at the Negro Bulletin (p. 15), that "while no competent author

Hon. CHESTER I. LONG, United States Senate.

Intermarriage of white and negro persons, as shown by the returns of the Twelfth Census.

[Abbreviations: Color—W. for white; B. for black. Sex—M. for male; F. for female. Conjugal condition—M. for married.]

Relation to head.	Color.	Sex.	Conjugal condi- tion.
Head	w.	M.	M.
Wife	В.	F.	M.
Head	В.	M.	M.
Wife	w.	F.	M.
Head	В.	M.	M.
Wife	w.	F.	M.
Head	В.	M.	M.
Wife.	W.	F.	M.
Head	В.	M.	M.
Wife.	W.	F.	M.
Head	В.	M.	M.
Wife	W.	F.	M.
Head.	В.	M.	M.
Wife	W.	F.	M.
Head.	В.	M.	M.
Wife	W.	F.	M.
Head	В.	M.	M.
Wife.	W.	F.	M.
Head	В.	M.	M.
Wife.	w.	F.	M.
Head	w.	M.	M.
	В.	F.	M.
	В.	M.	M.
WW. 1	W.	F.	M.
Wire	11.	P.	M.

OMNIBUS CLAIMS BILL.

Mr. FULTON. Mr. President, I understand the Senator from Wyoming [Mr. Warren], in charge of the legislative, executive, and judicial appropriation bill, desires to take up that bill. Am I correct?

Mr. WARREN. Mr. President, I think I ought to say that I have a conference report here, which I hope will take no time except to read it. Then, agreeably to the notice I gave yesterday, I desire to take up the appropriation bill and proceed with the few amendments remaining, excepting those increasing the salaries of judges. We are awaiting information from the Treasury Department which may not come until to-morrow morning, and we may be compelled to let the bill go over until to-morrow for the consideration of those items. I say that for the information of the Senator and of the Senate.

Mr. FULTON. Then, I will ask that the omnibus claims bill may be temporarily laid aside. I will call it up later.

The VICE-PRESIDENT. Without objection, it is so ordered.

COMMISSIONS OF RETIRED OFFICERS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the House recede from its disagreement to the amendments of the Senate to the amendments of the House, and agree to the same.

> F. E. WARREN, N. B. SCOTT, J. P. TALIAFERRO. Managers on the part of the Senate. J. A. T. HULL, JAMES HAY Managers on the part of the House.

The report was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I now ask the Senate to resume the con-

sideration of the legislative, and so forth, appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. WARREN. Mr. President, I send to the desk an amendment which I offer on behalf of the committee. It covers the matter which was overlooked in the original consideration of

The VICE-PRESIDENT. There is a pending amendment. Does the Senator desire that that shall be passed over?

Mr. WARREN. I desire that that shall be passed over for the present, as we are awaiting some information, and I note the absence for the moment of the Senator from Georgia [Mr. BACON], who called for it and who will again be in his seat in a few moments

The VICE-PRESIDENT. The pending amendment will be

passed over.

Mr. CLAY. While we are on that proposition, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wyoming

yield to the Senator from Georgia?

Mr. WARREN. I do.

Mr. CLAY. We passed a law within two or three years, probably last year, providing that federal circuit judges in traveling over their districts should be paid, my recollection is, not exceeding \$10 a day for their expenses. not apply to the district judges, who, when they hold court at different places in their districts, have to pay out of their own salaries their railroad fares, hotel bills, and other expenses. ask the Senator is that true?

Mr. WARREN. If I may have the attention of the Senate for a moment, I will give the history of that matter, as I understand it. The law which provided for the circuit courts of appeal was enacted in 1891. When enacted it named the cities in which court should be held, and confined it to one city in each circuit. It also provided for the traveling expenses of the judges of the circuit courts of appeal and for such district judges as might be called upon to sit, and while sitting, with the circuit courts of appeal judges at not exceeding \$10 a That went along until by various acts we have amplified the law by providing for the holding of court in different cities within the circuits, which naturally makes the expense much larger than when the law was first enacted.

After the impeachment trial of Judge Swayne before this body, we provided in an appropriation bill that the circuit judges of the circuit courts of appeal should have not to exceed \$10 a day, and that it should be for their actually incurred expenses, to be duly and explicitly certified. Last year, if I mistake not, the Senate provided in the sundry civil bill that the district judges should have a per diem of, I believe, \$6 a day for such travel as was necessary within their districts when holding court away from home; but, unfortunately, that amendment of the Senate was lost in the conference, so that at

the present time district judges receive no allowance for traveling expenses within their districts, but do receive their expenses, not exceeding \$10 a day, when going outside their districts on special business.

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Michigan?

Mr. WARREN. I do.

Mr. SMITH of Michigan. They receive this allowance in going into the circuits of which their districts are a part or any ther circuit in which they may be called.

Mr. WARREN. That is, they receive so much for each day.

Mr. SMITH of Michigan. Not to exceed \$10. Mr. WARREN. So much as they may expend, not exceeding \$10.

Mr. SMITH of Michigan. And the expenses must be itemized and certified to.

Mr. WARREN. Yes. I now ask that the amendment offered

by me may be stated.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The Secretary. On page 6, line 18, after the word "each," it is proposed to insert the following:

Assistant clerk to Committee on Fisheries, \$1,440.

The VICE-PRESIDENT. The question is on agreeing to the amendment

Mr. CULBERSON. Is that amendment recommended by the committee as necessary?

Mr. WARREN. It is.

Mr. CULBERSON. How many clerks have they?

Mr. WARREN. They have one clerk and one messenger. Mr. CULBERSON. It seems to me, Mr. President, that we

are increasing the officers of the Government very fast.

Mr. WARREN. Mr. President, I think this is the only increase of the kind in the bill, and the representation of the business in that committee by the chairman of the committee appears to justify the amendment. I think the chairman is now employing two men besides the present authorized force, and paying them from his own pocket, and it was thought best to give him this additional clerk.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

Mr. WARREN. In consequence of the amendment just adopted the total should be changed from \$42,920 to \$44,360.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 6, line 19, in the amendment hereto-fore agreed to, it is proposed to strike out "forty-two thousand nine hundred and twenty" and insert "forty-four thousand three hundred and sixty

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Now, if the Secretary will turn to page 38, there is an amendment in lines 16 and 17 in regard to which the Senator from Idaho [Mr. Heyeurn] wishes to address the Senate.

The VICE-PRESIDENT. The amendment will be stated. • The Secretary. On page 38, line 16, after the word "dollars," the Committee on Appropriations reported an amendment, to insert "1 assistant, \$1,800," so as to read:

Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For 1 chief assistant, \$3,000; 1 assistant, \$2,400; 1 assistant, \$1,800.

Mr. HEYBURN. Mr. President, there is a provision in this bill, on page 38, which reads as follows:

Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with the plan approved by the Judiclary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For 1 chief assistant, \$3,000; 1 assistant, \$2,400; 1 assistant, \$1,800; 1 assistant, \$1,200; 1 assistant, \$1,200; 1 assistant, \$2,000; 1 assistant, \$2,000;

The history of this piece of legislation will be interesting to the Senate. In 1906, in the sundry civil appropriation act, this item first appeared. On page 753 of the thirty-fourth volume of the Statutes at Large we find this item, which was the beginning of this legislation. I read it:

To systematize the preparation of law indexes, etc., and to provide trained law clerks therefor: To enable the Librarian of Congress to direct the law librarian to prepare a new index to the Statutes at Large—

I direct particular attention to thatin accordance with a plan previously

Mr. WARREN. From what is the Senator reading?

Mr. HEYBURN. I am reading from the thirty-fourth volume of the Statutes at Large, the item in the sundry civil act of 1906.

To resume reading:

In accordance with a plan previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other indexes, digests, and compilations of law as may be required for Congress and other official use, \$5,840 to pay for five additional assistants in the other official

That is the item of appropriation. It did not pass without receiving the attention of the Senate at that time. The object of the item was to provide for indexing the Revised Statutes from the beginning of the Government up to that time or up to the codification or revision of the laws in 1873. That was the purpose as appears from the consideration of the question at that time. The purpose was meritorious. It was a proper thing to do. We had no index of the Revised Statutes between the first session and that of 1873. After 1873 the statutes were completely indexed in the revision which bears date of 1878 and in the Supplements to the Revised Statutes. They were completely indexed, and there was no occasion for any additional index to them.

Mr. WARREN. May I ask the Senator whether his contention is that the law which he has read provides for the indexing prior to 1873?

Mr. HEYBURN. Undoubtedly.
Mr. WARREN. But not since?
Mr. HEYBURN. Whether it provided for the indexing since 1873 or not is not material to the point I submit for considera-

It appears from an investigation of the record affecting this question that those who have been engaged upon this work have done almost everything except the work that Congress appointed them to do. We have appropriated for this work as follows: In 1906, \$5,840; in 1907 we appropriated \$5,840 for this work; in 1908 we appropriated \$5,840; and we are now asked in this bill to appropriate \$10,700 for the continuation of this work.

Mr. WARREN. I suppose the Senator has noted the section in the appropriation act of 1907 which provides for indexing

the statutes since 1873?
Mr. HEYBURN. Yes; I am now directing my attention to the original enactment and to the manner in which it has been performed.

Mr. SUTHERLAND. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?
Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. There is so much confusion in the Chamber that I am not quite certain I heard the Senator aright. Do I understand the Senator to complain that the work of indexing has been carried on with reference to the laws passed

since 1873?
Mr. HEYBURN. Entirely. Not at all as to those prior to that time.

Mr. SUTHERLAND. My recollection is that in one of the appropriations for this purpose it was specifically provided that the work should be first entered upon with reference to the

statutes enacted since 1873.

Mr. HEYBURN. My attention is not called to that, but it is called to a communication addressed by the Judiciary Committee of this body to those having in charge the work.

Mr. SUTHERLAND. If the Senator will permit me further

Mr. HEYBURN. Certainly.

Mr SUTHERLAND. If the Senator will look at 34 Statutes at Large, page 1399, he will find this language:

To expedite the preparation of that part of the new index to the Statutes at Large, which is an index to the statutes enacted since the year 1873.

Mr. WARREN. The Senator from Utah is correct about that. I have it here, and the Senator from Idaho will soon find it.

Mr. HEYBURN. I have it here. It reads:

To expedite the preparation of that part of the new index to the Statutes at Large, which is an index to the statutes enacted since the year 1873, and to provide for the additional service in the law library necessary to the printing of the said index, namely, for type-writing a printer's copy of the card index and for proof reading, \$5,000.

I am not referring to that item. I think the Senator from Utah will see in a moment that that is an additional piece of legislation which is not involved in the question I am raising.

Mr. SUTHERLAND. I called the Senator's attention to it

for the purpose of asking whether he did not think that by that language Congress was indicating a desire that that work should be first entered upon?

Mr. HEYBURN. I think not. That was in 1907.

I desire, first, to make some remarks in regard to the period between 1906, when this item first appeared in the appropriation bill, and that date, as well as since that date.

Mr. SUTHERLAND. One further inquiry. My understanding is that the index of the statutes since 1873 has already been My understand-

ing is that the index of the statutes since 1843 has already been completed, so that no part of the appropriation now proposed can be used for that purpose. Am I correct about that?

Mr. HEYBURN. To this extent, Mr. President: I have in my hand a volume which states upon the back to be "Scott and Beaman—Index. Analysis of the Federal Statutes. Volume I. General and Permanent Law, 1873–1907."

Mr. SUTHERLAND. Now, if I am correct about that, in suggesting that the work of indexing since 1873 has been completed, then no part of the present appropriation can be used for that purpose. Necessarily it will all be used for the purpose of indexing the statutes prior to 1873.

Mr. HEYBURN. I was under such an impression until I received this communication, under date of January 15, which

states as follows:

Relative to the status of the indexing of the laws of the United States, at the present time the laws of a general nature, from 1873 up till last year, have been indexed and printed in one volume. This took one and one-half years.

The men are now working on the local laws passed during that period.

That is, from 1873 up to the present date.

These include the laws relating to the District of Columbia, Alaska, Porto Rico, the Philippines, etc. This will likely be printed in two

After that has been done it is the intention to index all laws from the beginning of the Government down to 1873.

The best estimate that can be made is that with the present force it will take five years yet to complete the work.

If allowed the two additional assistants included in the bill, it will probably take three years yet in which to complete the work.

There is a very concise statement of the present status of this These persons propose not to index the Revised Statutes from the beginning, as was contemplated when this appropria-tion was first made, but they propose to consume two or three years in the preliminary work of indexing the special laws that have been enacted since 1873.

Now, nothing is more needed or was more needed at the time the first provision was made for this work than an index for the Statutes at Large of the United States in order that they may be readily referred to. There is no index in existence that covers them all, each volume containing its own index; and recognizing the importance of that work, Congress made this appropriation, with the view of having the Statutes at Large indexed, commencing at the beginning. That was the purpose. indexed, commencing at the beginning. That was the purpose. An examination of the discussion in this Chamber upon that question leaves no doubt as to that conclusion.

But we are met with the proposition that this system has been approved by the Judiciary Committee of both Houses of Congress. That statement is not borne out by the record. year after this work was commenced the chairman of the Judiciary Committee is shown to have sent the following communication to the persons engaged upon this work:

COMMITTEE OF THE JUDICIARY, UNITED STATES SENATE, Washington, D. C., March 1, 1907.

Hon. Herbert Putnam, Librarian of Congress, Washington, D. C.

DEAR SIR: I have to advise you that at a meeting of the Judiciary Committee of the Senate, held this day, the following resolution was agreed to:

"Whereas the Librarian of Congress has, under the provisions of an act of June 30, 1906, submitted to the Judiciary Committee of the Senate for its approval the plan of an index to the Statutes at Large;

Senate for its approval that and
"Whereas this committee has had such plan examined by some of
its members, who find it to be satisfactory and suitable for the objects intended: Therefore be it
"Ordered, That the plan be, and the same is hereby, approved, and
that a notice of this approval shall be sent this day to the Librarian
of Congress by the chairman of this committee."

Yours, truly,

C. D. CLARK, Chairman.

Mr. President, I have secured at the room of the Committee on the Judiciary the volume I have before me, which, upon its back says:

Library of Congress, law library. Headings and subheadings for the index of the federal statutes. Prepared by the law library. Draft of a classification prepared for the approval of the Judiciary Committee of Congress, under act of Congress approved June 30, 1906, and submitted for the criticism of all who have occasion to use the indexes to the federal statutes.

That is in blank as to volume, page, or reference to the law. It contains merely a system upon which this work was to be based or that was to be used in doing this work. But it has no reference to the fact that they were proposing to commence in 1873, because this system is applicable to the Statutes at Large of the United States, commencing from the beginning. That volume I obtained at the committee room.

Now, here is an extract from the minutes of the Judiciary Committee of the Senate regarding a proposed index to the statutes, and it is dated March 1, 1907:

Whereas the Librarian of Congress has, under the provisions of an ct of June 30, 1906, submitted to the Judiciary Committee of the enate for its approval the plan of an index to the Statutes at Large;

That is, this volume-

Whereas this committee has had such plan examined by some of its members, who find it to be satisfactory and suitable for the objects intended: Therefore be it

Ordered, That the plan be, and the same is hereby, approved and that a notice of this approval shall be sent this day to the Librarian of Congress by the chairman of this committee.

Mr. President, all of that referred to the work provided to be done by the act of 1906-the item in the sundry civil act. When this question was up for consideration, this is what occurred. I read from the Congressional Record, volume 40, part 9, page 8846, June 21 of that year. The question being on agreeing to this amendment in the sundry civil bill, Mr. Spooner said:

this amendment in the sundry civil bill, Mr. Spooner said:

I hope the Senate will not agree to the amendment of the committee. The preparation of the indexes which are provided for by that clause of the bill involves a very small expenditure of money. I have looked into the matter with a good deal of care, and I think it very important that the work should be done, and done under the auspices under which I am sure it will be done if the provision is left in the bill; that is, under the auspices of men in the Library who are lawyers and well educated. It is a matter which will make it of very great value. It is not a code. As I understand, it is proposed to have it in the Library, so that if a Senator wants to know the statute law upon a particular subject he can obtain the information, and obtain it accurately, in a very few moments. There is nothing of a job in it. The Senator will understand that the well-educated lawyer is a man admirably adapted for that sort of work, and that work ought not to be done by laymen. There are different methods of indexing statutes.

Mr. Halle. If the Senator will allow me, I will say that the committee had very little information in regard to the matter, and struck it out on the sugestion that the House itself had not completed its consideration. I am not sure but what the House has since then, under a suspension of the rules, voted for a proposition that covers the matter. The main object of the Senate amendment was that information might be gotten in conference or by action on the part of the House. That is why the committee struck out the provision.

Mr. Spooner. The matter was very carefully examined by Mr. Littlefield, who went into it, I am informed, very thoroughly. I myself have felt very greatly, and I suppose other Senators have also, the need of an accurate and thoroughly well-prepared index of the statutes. The amendment involves a small sum. There is no committed by Congress to any publication of it hereafter. It will be made in the Library; it will be kept there

That is the end of that discussion so far as it is pertinent. Now, those are the circumstances under which this legislation first came before Congress. I think it is stated in one of these reports approximately what the expense would be. The matter came up for consideration again in the sundry civil bill on January 14, 1907, the succeeding session of Congress. Mr. Spooner said on that occasion:

Mr. President, I sincerely hope that the conference committee will not omit an adequate provision, narrowing it so as to eliminate the objection which I myself take to it, for I think they would thereby be doing the public service, and especially the congressional work, an injury. The statutes of the United States have not been well digested. Congress did provide for a digest of existing statutes, I think at the price of \$10,000, was it not? The price was not fixed, I am informed, but that was the sum asked. The work was done and submitted to the Judiciary Committee, I believe, and was examined, probably, by one or two members of the committee. It is in four volumes, as I recollect. I have had occasion to examine that index, and it is worth the money, and it ought to be paid.

Upon that basis these men have gone forward and made an index of what was already indexed. The Revised Statutes are thoroughly indexed; the Supplements to the Revised Statutes have been thoroughly indexed; and there was no necessity for the reindexing of the laws after 1873. It was not claimed that there was any necessity for doing such work at the time the appropriation was made. It was claimed, and very properly, that an appropriation should be made for the indexing of the statutes prior to the revision, and it was for that purpose that the money was appropriated. No member of this body then or now supposed for a moment that it was the intention of Congress to make an appropriation that has now involved the Treasury in an expenditure approximating \$50,000 for doing that which had already been done. The appropriations for the clerical help alone up to this time amount to \$17,520.

There has not been a start made to do the work for which the appropriation was made. But, on the contrary, these folks engaged in this work say it will take five years to complete the engaged in this work say it will take live years to complete the work, and if we are to indulge them they will add \$50,000 to the cost of this work. For the money expended we have received nothing of value. No part of the intention of Congress has been realized so far. So I have raised objection to the continuance in the appropriation bill of this item, unless it shall require in terms which can not be mistaken or avoided that the original intention of Congress shall be carried into effect; that is, the indexing of the Statutes at Large, commencing at the beginning.

They have, according to their theory of the intention of Congress, commenced at the top and have spent four years nearly, three, in reindexing according to their own plans the Revised Statutes and the Supplements to the Revised Statutes. I know that every member of this body appreciates the necessity of indexing the statutes.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Does not the index being prepared refer to the pages of the Statutes at Large instead of referring to the Revised Statutes or the Supplements?

Mr. HEYBURN. I will say to the Senator from Montana that this illustrates the entire system. I will take—

Securing of contracts; corporations or firms, persons interested in, not to act for Government; penalty; Revised Statutes, 1873.

That is the index to the Revised Statutes.

There is no attempt here to index anything prior to the Revised Statutes, which while they bear date "1878," of course,

as we all know, represent the work of the revision of 1873.

Mr. CARTER. Then I understand the Senator to say that the index being prepared refers to the section in the Revised Statutes or Supplement, and likewise to the page and book of the Statutes at Large?

Mr. HEYBURN. No.
Mr. CARTER. It does not?
Mr. HEYBURN. It refers only to the page and book of the Statutes at Large, when it passes the revision and enters upon the Supplements to the Revised Statutes.

Mr. CARTER. I fully agree with the Senator from Idaho in his conclusions that the preparation of the index, proceeding upon that line, is manifestly not responsive to the purpose of Congress, nor does it possess anything of any value.

Mr. HEYBURN. Not at all. I will cite another instance, if the Senator will permit me to interrupt him, to emphasize that idea. I will read this item:

Necessary to making of contracts; exception; Revised Statutes 3679, 3732, 5503.

There is no other reference. There is no reference that will enable one to turn to the Statutes at Large upon which that statute was based.

Mr. SUTHERLAND. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.
Mr. SUTHERLAND. Does not the volume to which the Senator from Idaho is referring purport to be an index of the statutes since 1873?

Mr. HEYBURN. Yes; it purports to be.
Mr. SUTHERLAND. Then, necessarily it must begin with
the Revised Statutes. It does not reach back of the Revised Statutes, and therefore there is no necessity of putting into that volume any reference to the Statutes at Large preceding the adoption of the Revised Statutes.

Mr. HEYBURN. I thoroughly realize that.
Mr. SUTHERLAND. I understand that that would be included in a separate volume.

Now, let me ask the Senator from Idaho another question in this connection. I understand him to say that this is an index merely of the Revised Statutes and the Supplements since the Revised Statutes were adopted.

Mr. HEYBURN. That is correct.

Mr. SUTHERLAND. Is not the Senator mistaken about Is it not an index of the general law included in the Revised Statutes, in the Supplements to the Revised Statutes, and in the Statutes at Large adopted since 1873?

Mr. HEYBURN. I have so stated; but that was not what

the appropriation was made for.

Mr. SUTHERLAND. Doubtless the Senator desires to be fair. I called his attention a moment ago to the provision contained in volume 34, Statutes at Large, page 1399, which reads as follows:

To expedite the preparation of that part of the new index to the Statutes at Large, which is an index to the statutes enacted since the year 1873, and to provide for the additional service in the law library necessary to the printing of the said index, namely, for typewriting a printers' copy of the card index and for proof reading, \$5,000, the same to be available until the close of the fiscal year 1908.

I submit to the Senator from Idaho whether that is not a clear indication that Congress desired that first of all in the preparation of this work an index should be prepared of the statutes passed since 1873, regarding that as of paramount importance?

Mr. HEYBURN. That is an entirely different and separate item. Congress may have intended to provide for a great many

things in connection with the indexing of the statutes, but that is not the provision to which I am directing my remarks.

Mr. SUTHERLAND. I understand that, but the language of the statute making the appropriation is-

to expedite the preparation of that part of the index which is an index to the statutes passed since 1873.

Whether it was for another purpose, or for the purpose to which the Senator from Idaho is now addressing himself, I

submit to the Senator whether it did not indicate a desire on the part of Congress to regard that work as of paramount importance?

Mr. HEYBURN. Possibly so.

Mr. SUTHERLAND. And would not the officials to whom the work was intrusted be justified in concluding from that that it was the desire of Congress that they should first enter upon that work?

Mr. HEYBURN. I think there is no foundation for such a conclusion. Congress doubtless, when it made the appropriation, which is of an entirely different sum and an entirely different language, may have thought that it would like to have those laws indexed. If it did, I think it gave but very meager consideration to the question. But the item to which I am directing my attention in the bill now under consideration is not that work. This item, on page 38 of the bill, refers to the other It refers to the work provided for in 1906. The item that is under consideration does not refer, in my judgment, to the class of work to which the Senator from Utah has called my attention.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Do I correctly understand the Senator in his conclusion, to wit, that the indexing for the period covered by the Revised Statutes and the Supplements practically consti-

tutes merely a copy of the indexes of those books?

Mr. HEYBURN. Merely a transcript.

Mr. CARTER. Paraphrased somewhat, but essentially copies

of the indexes already existing?

Mr. HEYBURN. And paid for at large expense.

Mr. CARTER. Most assuredly. And that that copy has cost \$17,000?

Mr. HEYBURN. Seventeen thousand five hundred dollars was carried in the appropriation acts for 1906, 1907, and 1908,

and this bill provides for \$10,700.

Mr. CARTER. If the Senator is not mistaken, there is surely serious need for the consideration of this kind of an expenditure. I venture to say that the indexes to the Revised Statutes and the Supplements could be copied at a cost not exceeding \$1,000.

Mr. HEYBURN. Or the half of it.
Mr. CARTER. Or the half of it, as the Senator states, If, as a matter of fact, the work thus far executed only comprehends really a copy of those indexes, at a cost of \$17,000, some very serious mistake must have been made somewhere.

I have not investigated the question, and therefore make my statement upon the view expressed by the Senator from Idaho. I wish to impress the Senate with my understanding, based upon the information he gives, that in three separate items Congress appropriated \$17,500 for the performance of a work which merely consists of copying the indexes to the Revised Statutes and the Supplements, with light paraphrasing and change.

Mr. NELSON. The Statutes at Large? Mr. CARTER. Not the Statutes at Large, but the Revised Statutes of the United States, now possessing good indexes, as a rule. I can scarcely credit the statement that this can be possible.

Mr. WARREN rose.

Mr. CARTER. Does the Senator in charge of the bill have

any information on the subject?

Mr. WARREN. With the consent of the Senator from Idaho, I will say that this matter of indexes has been shifted around from one place to another and from one committee to another for several years, and I have wished, during the time, to keep out of it as much as possible and let the lawyers of the Senate settle it among themselves. But I am bound to say that the expense of this work did not originate or commence in the Library. We had various bills and there were various appropriations before that, and the Librarian did not ask for this work. In fact, the Librarian not only did not ask for it, but did not want it. However, it was finally decided by the Committee on Appropriations and by the Senate and House that, in order to get out of the difficulty and to secure perfect and expert work, it should be carried over to the Library. It is over there under a special act and is no part of the Library proper. The volumes are not printed and controlled by the Library.

In fact, they have to pay for the copies they wish for their own use. Here is the first volume [exhibiting]. I presume the

Senator from Idaho has seen it.

Mr. HEYBURN. Yes; I have it here.

Mr. WARREN. It is the first volume of what was expected to be a full and, you might say, an expert index of all the stat-

utes of the United States.

Mr. CARTER. The Senator from Idaho makes the statement that the work as executed up-to-date commenced with the Revised Statutes and copied the index, only elaborating, of course, as the book indicates.

Mr. WARREN. I bardly think the Senator from Idaho said that, or could mean it. The work already done does not show

Mr. CARTER. The book held by the Senator from Wyoming is as large or nearly as large as a volume of the Revised Stat-The index must be as large as the text.

Mr. WARREN. This is merely the first volume.

Mr. SUTHERLAND. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Utah? Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I think the Senator from Idaho surely does not mean to say that the index to which he is referring is a mere copy of the index of the Revised Statutes so far as it refers to the Revised Statutes. I have had occasion to examine it, though not very thoroughly, but I have examined it suffi-ciently to satisfy me that it is not a copy of the index of the Revised Statutes. I understand from some of the people who are engaged in the work that the index was made by a page-topage reading of the original laws, and that it is essentially a new index. The volume of it would indicate that.

Mr. HEYBURN. There is nothing upon the face of it to indicate that they investigated the original enactments. Of course many of the items in the Revised Statutes are based upon laws enacted half a century or more ago. No reference to that fact is made in this index. They refer only to the sections of the

Revised Statutes.

Mr. SUTHERLAND. Mr. President-

Mr. HEYBURN. Just a moment. I want to be perfectly fair

and candid in this matter.

Mr. SUTHERLAND. If the Senator will permit me, in this connection I submit to him that it would not be proper in that index, which is an index of the laws passed since 1873, to refer to the former statutes. That reference would be made in the indexes which were subsequently made.

Mr. HEYBURN. If I may be permitted, that there may be no

misapprehension, I will state that the index of the Revised Statutes refers to the page in the Revised Statutes and not to the law that was carried into the Revised Statutes showing its origin. This is the language of the item in the appropriation bill upon which this is based and which shows what they were to do.

To enable the Librarian of Congress to direct the law librarian to prepare a new index of the Statutes at Large.

That is what the index was to be. It was not to be an index of the Revised Statutes or the Supplements, but of the Statutes at Large.

Mr. WARREN. Will the Senator read the few words which follow there?

Mr. HEYBURN. Yes; I have already read it all, but I will read any part of it:

In accordance with the plan previously approved by the Judiciary Committees of both Houses.

I have the plan. Senators can only understand the plan which was submitted by seeing it, and I will ask Senators to notice what the plan consisted of. I see the chairman of the Judiciary Committee present. I think he will bear me out in saying that that is the plan which was approved, and that it consisted merely of the plan as to the form and not the substance.

Mr. WARREN. I have a little brief here of the authority by which the work went to the Library. Would the Senator object to having it read?

Mr. HEYBURN. Not at all. Mr. WARREN. Then I ask that this brief may be read for information.

The VICE-PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

INDEX TO THE STATUTES AT LARGE. [Bill, p. 38, lines 9-20.]

What volumes were to be indexed?

The original appropriation did not limit to any particular volumes of the Statutes at Large the ground to be covered by the index. It reads as follows:

"To enable the Librarian of Congress to direct the law librarian to prepare a new index to the Statutes at Large, in accordance with a

plan previously approved by the Judiciary Committees of both Houses of Congress." (34 Stat. L., 753.)

Owing to the fact that the approval of the Senate Judiciary Committee was not obtained until March 1, 1907, no indexing was done until that date, but on March 4, 1907, Congress clearly expressed its intention as to which portion of the index should be first prepared by putting in the general deficiency act an appropriation:

"To expedite the preparation of that part of the new index to the Statutes at Large which is an index to the statutes enacted since the year 1873." (34 Stat. L., 1399.)

An examination of the debates in Congress when the index appropriation was under discussion will show that those responsible for the legislation had in mind an index to all the Statutes at Large.

June 15, 1906, Mr. Littlefield, offering the item for the first time as an amendment to the sundry civil bill, said: "This amendment, or this provision, will provide for scientific indexing of legislation up to date. * * * We have to-day 33 volumes of the Statutes at Large. There is no scientific index of them."

On the same day Mr. Littlefield read on the floor of the House what he called the "general scope of the proposition." One item of this "proposition" was as follows: "Index anew the 33 volumes (35,390 pages) of the Statutes at Large."

When the bill came up in the Senate on June 21, 1906, Senator Spooner said: "It [the index] will cover all phases of every class of subjects dealt with by our statutes."

On December 10, 1906, while the legislative, executive, and judicial bill carrying the index appropriation was under discussion in the House, the only objection made was that the item as drafted permitted the law library to prepare indexes and digests for others than Congress.

When the bill reached the Senate, this item was discussed on January 14, 1907. The same objection was made as in the House, and it was further suggested that the necessary approval of the Senate Judiciary Committee hefore any further work could be d

NEED OF FIRST INDEXING LAWS SINCE 1873.

NEED OF FIRST INDEXING LAWS SINCE 1873.

The indexes to the Revised Statutes and supplements are contained in three separate volumes. There has been no supplement since 1901. Hence the necessity for preparing Volume I of the index, which has already been published, and which is the result of a careful search of the Statutes at Large since 1873, for all general and permanent legislation. It should be of great assistance to all persons seeking to find the law on any particular subject and especially to the Joint Committee on Revision of the Laws and to individual Members of Congress interested in bills reported from that committee.

There is a large mass of important legislation not contained in the supplements because not general and permanent in character. This is scattered through the separate volumes of the Statutes at Large, and at present is entirely inaccessible. The second part of the index will be a guide to all this legislation. The third part will index all legislation of Congress prior to 1873.

The new revision will not make useless the index to the Statutes at Large.

There will always be need for getting at the material in the Statutes at Large. As pointed out by Judge Smith of Iowa, in the House on June 15, 1906, and by Attorney-General Moody on June 12, 1906, in a letter to Representative Kennedy, cases will often arise where it will be necessary to know what was the law before the revision was charted.

enacted.

The revision will include only general and permanent legislation. The new index will bring to light all legislation, including such important subjects as the District of Columbia, Indian Territory, Alaska, and other Territories, and the thousands of items of appropriation acts and temporary provisions, useful as precedents.

INDEX NOT A DUPLICATION OF WORK AT STATE DEPARTMENT.

The index will not duplicate the work now done at the State Department, which indexes only the acts of each Congress as they appear. The new index will make permanently and conveniently accessible all the legislation of all the sessions of Congress from 1789 down to the present date.

Mr. NELSON. Mr. President— Mr. HEYBURN. That includes the work to be done in the index for five years, and my object in raising this question is to see that the work we directed to be done shall be done now.

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Minnesota?

Mr. HEYBURN. Certainly. Mr. NELSON. I have looked through the index that has been prepared, and I think the Senator unintentionally fails to state the full effect and purport of the index. In examining it, I find it not only is an index of the Revised Statutes, but of the volumes of the Statutes at Large since that date. You can turn to almost any item there in the book and you will find the Revised Statutes first referred to and then afterwards the Statutes at Large by the number. So I think this may be fairly called an "Index of the Revised Statutes and of the Statutes at Large passed since 1873."

Mr. HEYBURN. I think I so stated.

Mr. NELSON. I will state what is the defect in the revision, to my mind-but whether the revisers are to be blamed for it or not, I am not prepared to say. There are many portions of the Revised Statutes that are based upon older statutes. In the Revised Statutes they are generally referred to in the margin. I think this index ought, in every instance, to refer to the original statute that is found in the Revised Statutes. In that respect it seems incomplete; but whether in omitting that they did violence to their duty, I am not prepared to say

Mr. CARTER. I call the attention of the Senator from Minnesota, for instance, to page 784 of the book, to which he refers

for the purpose of answering a proposition he made. Where the index refers to the Statutes at Large, it does not at the same time make reference to the portion of the Revised Statutes in which the law is found; and where it refers to the section of the Revised Statutes it does not refer to the page in the

Statutes at Large where the law can be found. Mr. HEYBURN. Mr. President, I was pro-Mr. President, I was proceeding to give one item that would be applicable to all where they have indexed other than the Revised Statutes as to the manner in which they do it. Under the head of "Appropriations," on

page 934, for instance, they say:

Contracts in excess of-

That refers to appropriations-

not to be made; penalty

First, it gives the Revised Statutes, 3079, 3732, and 5503. Then it gives the subsequent legislation since the Revised Statutes, and refers not to the Supplements, but to the Statutes at Large since that time, and in no instance does it carry its reference back to the statutes from which the Revised Statutes were taken. I will give an instance. We will take section 3709 of the Revised Statutes. In the Revised Statutes there is marginal reference made as follows:

ADVERTISEMENTS FOR PROPOSALS.

2 March, 1861, c. 84, s. 10, v. 12, p. 220. 22 June, 1874, c. 389, v. 18, p. 177.

All of that valuable information is omitted from this system of indexing. It is not as complete an index as that contained in the Revised Statutes, for in every case in the Revised Statutes, by marginal reference or index, you may turn to the law in the Statutes at Large upon which the provision in the Revised Statute rests. That should certainly have been carried into this system of indexing, because no lawyer or no legislator will fail to realize the importance often and often again of going back to the statute itself for the purpose of knowing what was in the minds of the revisers. All who refer to laws know the necessity for recurring back to the language of the statute, that you may know the history of a law, the purpose of its enactment, and its application.

I did not intend, when I addressed myself to this subject, to criticise the work of these men as to its accuracy, because it was my intention to take such steps as would lead to the performance of the work that was designated for them.

Mr. SUTHERLAND. Will the Senator yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I understood the Senator to criticise this work because in a reference to the Revised Statutes reference is not also made to the Statutes at Large upon which the section of the Revised Statutes is based. The index to the Revised Statutes itself makes no such reference. The index to the Revised Statutes is simply an index of the Revised Statutes. and in order to find out the origin of a law you are obliged to turn to the Revised Statutes themselves and there you will find the marginal notes. This index will not in the future prevent that course from being pursued.

Mr. CARTER. It seems to be the contention of the Senator from Idaho that it is merely a copy of a part, at least, of the

index.

Mr. HEYBURN. Well, it is a meager copy. been investigating the corresponding references in the index of the Statutes at Large and this index, and I find that the references in the index of the Revised Statutes are much more comprehensive and, I think, better expressed than the references in this new index.

As I said, I did not rise to criticise the details of this work, but I rise to criticise the doing of this work in preference to that which we delegated to these parties to be done. That was the purpose of my objection to this appropriation. As to this volume, there is nothing upon it to indicate that it is the property of the United States or that it is an official publication. I again call attention to the fact that it is designated as Scott and Beaman's Index Analysis of the Federal Statutes, Volume 1, General and Permanent Law from 1873 to 1907.

Mr. NELSON. Does the Senator know whether they intend to have it copyrighted in their own name?

Mr. HEYBURN. I do not. There are some things in connection with this work that I would not undertake to prophesy in regard to, but I do know that work that is authorized to be done by Congress and paid for out of the Public Treasury should not bear the names of private individuals and be placed upon the market under their names.

We have provided by appropriate legislation that this book shall be distributed as the Revised Statutes of the United

States are distributed.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I desire to ask one more question. Does the Senator know whether the gentlemen who have carried on this revision are selling the books of indexes to outside parties?

Mr. HEYBURN. I would not suppose that they were at all. I am not here to attack these men as individuals; I am here to do what I can to rectify the misdirection or mistaken application of the instructions of Congress. I contend that when we instruct any body of men to do one thing, it is not competent for them to do something else in lieu of the thing we instructed them to do; that is all. One of these objects was meritorious and commendable, and the other was useless and a waste of money. But I simply want to call the attention of the Senate to this fact in order that, in passing upon the provision of the appropriation bill on page 38, they may at least know what they are doing and decide whether they want to perpetuate the misdoing of this work.
Mr. BURKETT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska.

Mr. HEYBURN. Certainly. Mr. BURKETT. Let me ask the Senator a question, so that we may know where we are going. I have had occasion, I will say, to use this index somewhat, and it seems to me that the observations the Senator makes as to omissions, perhaps, raise a question as to how large we want this index to be. If we are to undertake all that the Senator has suggested, we would have to call it an encyclopedia instead of an index. It would be an encyclopedia of law. But as the Senator has passed that matter over, is he raising the question of making this appropriation at this time?

Mr. HEYBURN.

Then, let me ask the Senator a question. Mr. BURKETT. As I understood from the statement made here by the Senator in charge of the bill, this part of the work has been done first, and the other part of it is now in early contemplation. If we really want what the Senate intended to have in the first place, we must make this appropriation, it seems to me.

Mr. HEYBURN. Mr. President, I think the Senator from

Nebraska could not have been present during the entire con-

sideration of this question.

Mr. BURKETT. Mr. President, I was.

Mr. HEYBURN. I read a communication which clearly set forth the order in which this committee, if we may call it such, intends to proceed, and I intend, if I can-to use a homely phrase-to head off and turn them in the right direction. They say, in response to an inquiry, that they propose now, instead of proceeding to the indexing of the Statutes at Large, to do something else. What is it? To index private statutes and something else. What is it? To index private stationaries special laws. Those can wait until we have what Congress special laws. Those can wait until appropriation. I am in favor wanted when it made the original appropriation. I am in favor of an appropriation to do that work, but I want this bill to be so amended that under this appropriation they can not do something else. I want this amendment so worded that the will of Congress will be carried out, and I want it so plainly expressed that there will be no question as to the will of Congress in this matter. It was for that purpose that I brought it up. I did not bring up the subject for the purpose of attacking the men who are doing the work, for they are, doubtless, men entitled to the respect of their fellow-men; but we must correct these errors when they arise, whether it be from our own inadvertence, our own insufficient expression, or whether it be from the misinterpretation placed upon our direction by some one else than those who are to serve us.

The work they have done in indexing the Revised Statutes and the Supplements up to date is complete. We do not need to make any appropriation for that work, as that work is complete and paid for. I want the amendment to confine the work hereafter to indexing the Revised Statutes, commencing with volume 1 and bringing them up to 1873. For that reason I have called the attention of the Senate to this provision, and I propose to offer an amendment to strike out, on page 38, from line 19 down to and including line 20.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated by the Secretary.

The Secretary. On page 30, after line 8, it is proposed to

strike out all down to and including line 20.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. ELKINS. Mr. President, the point which the Senator from Idaho [Mr. HEYBURN] has just raised is a very important one, and if his objection is not explained or answered it seems to me his amendment should prevail, as I now understand it:

but I take the floor more particularly to speak on the question of the increased salaries provided in this appropriation bill for the circuit court judges, the district judges, the judges of the supreme court of the District of Columbia, the district court of appeals, and the judges of the Court of Claims, but more particularly as to the discrimination made against the judges of the Court of Claims in favor of other judges. I believe the Court of Claims to be a very important court, by whom very intricate and complicated questions have to be determined, where large sums are involved, as well as the interpretation of the laws, the Constitution, and so forth. I can not see why the compensation of the judges of that court should not be equal to that of the judges of the circuit and district courts.

This question has been before Congress, and before the Senate particularly, at various times. I want to read from some remarks made by Senator Bayard when he offered an amendment to increase the salaries of the judges of the Court of Claims, so as to make them next in amount to the salaries of the judges of the Supreme Court of the United States.

Bayard said in the Senate:

Mr. President, I can not imagine how it has been that, in providing an advance of the salaries of the judges of the Supreme Court "an equally meritorious class of men," those whose line of duty is upon quite as high a grade, whose responsibilities are just as great, requiring almost, if not quite, as high a degree of professional skill, as much labor, and certainly as high qualifications, the judges of the Court of Claims should have been wholly omitted. They are entitled, in my opinion, to almost, if not quite, as high a salary as the judges of the Supreme Court. As I said before, the grade of the questions with which they are occupied for a large portion of the year is quite as high as that of any of our judges.

That is strong language, coming from a former very distinguished Democratic Senator.

At that time the subject was widely discussed in the public press, and I should like to read from comments made on it by two or three of the leading newspapers of the United States.

I now read from the New York Times:

This court is only second in importance to the Supreme Court of the United States, with which its jurisdiction is coextensive.

Then the New York Tribune said:

Nowhere is there greater need of ability and integrity than in this court, which must decide every year between the United States and individuals upon claims involving millions of dollars.

The New York Evening Post said:

It must be conceded that its importance equals that of any other court under the Government, with the single exception of the Supreme Court; and while, by dignity and power and historic repute, the Supreme Court of course outranks all others, the amounts of money and the legal questions involved in most of the cases coming before it are not greater or more difficult than the amounts and questions in cases before the Court of Claims.

The Judiciary Committee of the Senate, through its then chairman, Senator Hoar, on the 19th of March, 1896, thus characterized the jurisdiction of the Court of Claims:

To the general jurisdiction of the court Congress has, from time to time, added a great number of subjects of special jurisdiction which, in the magnitude of the amounts involved and the novel and varied character of the cases tried, probably exceeds that of any other court of original jurisdiction in the world.

And after thus setting forth in detail the jurisdiction of the court, the committee thus concluded its report to the Senate:

It may therefore be reiterated that while the compensation of the judges of the Court of Claims has been singularly overlooked, no judges in the United States have been so weighted with personal responsibility, and no court has had such vast and varied and difficult subjects of jurisdiction committed to it or has received more repeated manifestations of trust and confidence from the legislative power.

At a later date, having reference to the same subject, Attorney-General Griggs thus addressed the Senate committee:

I also think that the proposed increase of salary is just, and ought to be granted. There are no judges in any of the inferior courts of the United States who perform more responsible or difficult work than the judges of the Court of Claims. The proposed increase puts them on a par with judges of the circuit courts of the United States, with whom they are at least equal in dignity and importance. I have the honor to give my very cordial approval of the proposed amendment.

Mr. President, in the bill reported from the Committee on Appropriations the recommendation of the former Attorney-General and the words that I have quoted from Senator Bayard and Judge Hoar do not seem to have prevailed. The committee has made a distinction and given the judges of the circuit and district courts of the United States more than is re-ceived by the judges of the Court of Claims. The importance of the Court of Claims was duly considered at the time of its establishment and the salary of its judges was then fixed at \$4,000, while that of the judges of the Supreme Court of the United States was only \$6,000 and that of the judges of the supreme court of the District of Columbia only \$1,600. The judges of the Court of Claims, when the act was passed creating their offices, were allowed salaries next to those of the judges of the Supreme Court of the United States; but of late there has been a disposition to pay them less than is received by the judges of the circuit courts and the judges of the district courts.

It seems to me that this is a kind of discrimination that tends to lessen the dignity of the Court of Claims. I will not say it degrades it, but certainly it is putting it in a false light.

I think the judges of that court are entitled to just as much compensation as the judges of the circuit courts and district courts and the judges of the supreme court of the District of Columbia and the court of appeals of the District of Columbia.

Now, I should like to read an extract from a letter of the late Senator Allison bearing on this subject. He surely was as careful as any man who has ever led the Appropriations Committee of the Senate when a question of this kind was being considered. He said:

There is pending a bill for the increase of the salaries of the judges of the Supreme Court, circuit courts, and district courts; and should this be done, I will do what I can to place the judges of the Court of Claims upon an equality certainly with the district judges.

I desire also to read an extract from the report of Assistant Attorney-General Thompson for 1908. Mr. Thompson was a judge of the Court of Claims, I think, and was subsequently appointed Assistant Attorney-General. He says in his report:

appointed Assistant Attorney-General. He says in his report:

In the foregoing report I have referred specially to but few of the many very important cases and briefly to the nature of the litigation pending in the Court of Claims. The great responsibility resting upon the court is apparent, and I can not refer thereto in more fitting terms than in the language of my predecessor, Assistant Attorney-General Van Orsdel, now justice of the court of appeals:

"There is probably no trial court in the country upon which there is imposed business of equal magnitude. Its jurisdiction is so comprehensive, the importance of the questions passed upon so great, and the number of cases annually disposed of so numerous that the work of this court becomes one of first importance."

Leite these reports and statements of these distinguished men

I cite these reports and statements of these distinguished men in support of my contention that whatever else is done in respect to these salaries, the judges of the Court of Claims should have as much as the judges of the circuit courts of the United States, certainly as much as the judges of the districts courts and the judges of the court of appeals and the supreme court of the District of Columbia. I hope that this view will be acquiesced in by the committee and that at the proper time the Senate will agree to it.

The VICE-PRESIDENT. The question is on the amendment

proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. WARREN. Mr. President, I merely want to say that the amendment as offered by the Senator from Idaho cuts out the entire paragraph of the text of the bill as it came from The House text was changed by the Senate committee only in two items, one by adding an assistant, and the other in the total appropriation. Of course we shall have to meet the matter in conference, but under this motion it would naturally follow that the work would stop and the men would be discharged after the end of the present fiscal year.

Mr. HEYBURN. Mr. President, at that point, if the Senator will permit an interruption, I will say that I have prepared an amendment which obviates that objection. I have prepared an amendment to be offered if the Senate strikes out the present language. The proposed amendment reads as follows:

To index the Statutes at Large of the United States from volume 1 to and including the current volume of such statutes: For one chief assistant, \$3,000—

I will just say that the proposed amendment enumerates the same force and the same salaries, but it confines them to the

Mr. CULBERSON. Simply as a matter of convenience, I suggest to the Senator would it not be better for him to move what he has just read as a substitute for the language of the House bill-

Mr. HEYBURN. That would answer the same purpose.

Mr. CULBERSON. Rather than take two motions?
Mr. HEYBURN. Very well. Then, with the permission of the Senate, I will withdraw the amendment I have offered, and in lieu thereof move to strike out the present text and substitute for it the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 38, after line 8, it is proposed to strike out all down to and including line 20, and in lieu thereof to insert:

To index the Statutes at Large of the United States, from volume 1 to and including the current volume of such statutes: For 1 chief assistant, \$3,000; 1 assistant, \$2,400; 1 assistant, \$1,800; 1 assistant, \$1,200; 1 assistant, \$00; 2 assistants, at \$720 each; in all, \$10,740, or so much thereof as may be necessary, to complete said work, said work to be submitted to the Judiciary Committees of the two Houses of Congress for inspection and approval.

Mr. HEYBURN. I will say that the amendment provides for the same salaries in the same form as the provision at present in the bill. I have confined it, however, to the work of indexing the Revised Statutes.

Mr. WARREN. Mr. President, continuing what I was about to say, this matter of indexing the laws of the United States has been a wearisome subject for the Committee on Appropria-

tions for many a long year. In fact, I know of no subject that we approach with more dread than we do this, because it appears to the committee that there are constantly changing ideas on the part of those to whom we apply for information regard-

This work is being proceeded with under orders that were made complete by the chairmen of the Committees on the Judiciary of the House and the Senate, and by the action of the Senate and House. Under all these circumstances I suppose that the complaint now must be (for it can be no other) not that we started wrong, not that the orders were incorrectly made, or that the work was placed in the wrong hands, but that it is not being done as it was expected to be done by those who sub-

mitted it to the Library. Am I correct about that?

Mr. HEYBURN. Or as the Judiciary Committee thought it was to be done and instructed it to be done.

Mr. WARREN. Very well. Mr. President, as I said before, if we strike out the text of this paragraph of the House bill and substitute other language in its place, we must meet this matter in conference, and I want to express a desire if the amendment shall be adopted-and, of course, I hope it may not pass, and I shall vote against it—that we may have full and complete information from the standpoint of those who object to the language as it is in the bill as it came from the House.

Mr. CARTER. Mr. President, the language of the original enactment providing for this index system was clear, specific, and unmistakable. It required that the Statutes at Large of the United States, and not a part or portion of the statutes, should be indexed. Through some means Congress was later persuaded to begin at the last of the work instead of beginning at the first of the task, so that the work, so far as it has progressed, represented in these volumes presents the same identical case that would be presented if we were to undertake "a" in one volume, a quarter way through in another volume, and the remainder of the distance until we exhaust the letter "a" in a third volume. The inconvenience of subdividing into separate volumes the letters of the alphabet anyone can perceive. When you take up a dictionary and look for the letter "a," or the definition of a word under that letter, you naturally expect every word in the language beginning with the letter "a to be found in one place and not scattered through a series of volumes.

This work, so far as it has been completed, is utterly valueless, except in so far as it may be used as copy in the completion of the work which Congress by the original enactment intended to have executed.

I am not quite certain that the amendment of the Senator from Idaho [Mr. HEYBURN] is sufficiently specific or provides proper control. I do not think that the public money should be expended in the preparation of this work, to be submitted later to the Judiciary Committee of each House, for what will approval or disapproval amount to after the work has been completed and paid for?

Mr. HEYBURN. A mere form——
Mr. CARTER. I think the amendment should provide that this work should be executed under the direction and control of the Judiciary Committees of the respective Houses, so that we shall not hereafter be confronted with this shifting and changing which, whatever the motive may have been, will result inevitably in extending this work through a series of years and involving a very large, indeed an abnormally large, appropria-tion of money for its final completion, and when completed in this line of sections or segments it will be in no sense responsive to the demand of Congress,

It was intended, for instance, whenever the words "War Department" appeared for the first time in a Statute at Large of the United States, they should be indexed and the words "War Department" traced down to the last enactment in the last Statute at Large issued. Such can not be the case beginning at volume 20 of the statutes and indexing thence to the end, then going back to the beginning, or No. 1, and doubling over the

ground a second time.

I submit to the Senator from Idaho that, instead of submitting this work for the approval of the committees after its completion, it should be executed under the direction and control of the respective committees.

There is now, Mr. President, an index on the files of the Senate somewhere-copies of that index are in the Judiciary Committee, I am informed-covering this identical ground. That index was prepared many years ago at the suggestion of the lamented Senator Hoar of Massachusetts. It was paid for by Congress, or, at least, a proposition to pay for it was made.

Mr. BACON. I will say to the Senator that he is correct in his statement that the work was done and the volumes actually printed—that is, a certain number of them—and compensation for it was recommended by the Judiciary Committee of the Senate; but the Senate did not see fit to appropriate the money, and I think the work has never been paid for.

Mr. CLARK of Wyoming. I beg the Senator's pardon. Congress did appropriate a sum; not the sum recommended by the Judiciary Committee, but a sum accepted finally by the party who did the work.

Mr. BACON. That must have been at a subsequent session, then. I know, if I am not mistaken in my recollection, that when the Judiciary Committee first recommended it, it was

disapproved of by Congress.

Mr. CLARK of Wyoming. My recollection is that Congress

appropriated \$5,000 for the work.

Mr. BACON. The Judiciary Committee recommended \$10,000, but I was not aware of the fact that a lesser amount was sub-sequently appropriated. I know that at first it was refused.

Mr. CARTER. My recollection is that \$5,000 was appro-

priated for that work.

Mr. President, the 34 volumes of the Statutes at Large should be indexed in good form and regular order, excluding, of course, the cost of printing, which is not contemplated by this item,

for the sum of \$10,000.

In view of the fact that a partial preparation of an index from 1873 down to the present date has already absorbed over \$17,000, it is manifest, to my mind, that some kind of supervision is necessary in order to secure the execution of this work within a reasonable time and at reasonable cost. Therefore I hope the Senator from Idaho will accept an amendment to his amendment, striking out "subject to the approval of" and inserting "subject to the direction and control of the committees."

Mr. HEYBURN. I cheerfully accept the amendment, and will ask that it be incorporated in the amendment which I have

offered.

I neglected to say, as I intended, that a joint committee of the two Houses of Congress is now, and has been for two years or more, engaged in revising the laws of the United States. That work has progressed to the point where this body—the Senate—has passed upon its work on the criminal code, and it is now pending in the other body and nearly completed, so far as its consideration is concerned. More than half the laws of the United States have been prepared by the joint committee, of which I have the honor to be chairman; more than half the work is done and ready for the consideration of Congress whenever Congress is ready to consider it; and the entire work of revising or preparing it for the consideration of Congress has not cost anything like the sum which has been expended for this imperfect indexing.

Mr. SUTHERLAND. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. Can the Senator from Idaho state to the Senate how much the preliminary work performed by the commission appointed by Congress, preceding the appointment

of the committee, cost?

Mr. HEYBURN. It is with a feeling of humiliation that I state approximately the cost of the work of the commission. I have not the exact figures, but I am informed that it is more than \$200,000, and I am not proud of it. I will undertake to say that the committee of which the Senator from Utah is a member could have done the work in a quarter of the time for one-tenth of the expense.

Mr. SUTHERLAND. I agree with the Senator.

Mr. HEYBURN. Yes. I do not care to drag into this discussion the cost of that lay commission which undertook to codify and revise the laws of the United States and protracted and prolonged its work until we were compelled to fix a day when it should cease and when its report should be made. I will not enter upon a criticism of that injudicious expendi-

ture, because it is not necessary.

But I say that the work of your joint committee in revising these laws will include, of necessity, a reindexing; will include a repetition of this same work that it may conform to the new print of the Revised Statutes; and whenever the Senate or Congress is ready to receive the work of that committee, it is ready for its consideration, and there will be no delay about it. It has involved a vast amount of work. It has not been a question of copying indexes. It has been a question of tracing every law back to its foundation and comparing it and checking it with every other law, in order that the law as it is to-day may appear in that revision.

Mr. WARREN. Will the Senator from Idaho yield for a ques-

tion?

Mr. HEYBURN. Certainly. Mr. WARREN. I desire to ask the Senator at this point whether or not he has made any use of the index, the first vol-

ume of which is under his hand, and whether in proceeding with his work it has been of use to him?

Mr. HEYBURN. We have never seen it. I never saw a copy of it until within the last two or three days, and we have never found ourselves in the necessity of inquiring as to its existence, because everything in it is done as well or better in the Revised

Statutes and the supplements to them.

Mr. CLARK of Wyoming. Mr. President, I understood the Senator from Idaho to accept the suggestion of the Senator from Montana. A word as to what it is proposed in the amendment the Judiciary Committee shall do. As one member of the committee, I am unwilling to assume the responsibility carried by the amendment. For a committee of this body—the Judiciary Committee or otherwise—to take charge of a division or a bureau that is in constant operation, it seems to me, is asking more than ought to be asked.

I make the suggestion to the Senator from Idaho that in place of the Judiciary Committees of the two bodies he substitute the joint committee of the two Houses that now have the subject of our laws under their consideration and who will not complete their work, as I understand, for some time yet. frankly say to the Senator and to the Senate that the Judiciary Committee will have absolutely no time to devote to this work, and the Senate could not expect good service in that particular under the conditions and circumstances,

Mr. HEYBURN. The Joint Committee on Revision of the Laws is doing this same work under the direction of Congress, and to give it the responsibility for inspecting the work of this lay committee would be simply requiring it to compare their work with its own. Their work is not even commenced yet. Our work will be finished, I sincerely hope, before they ever report their work.

Mr. President-Mr. BORAH.

The VICE-PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. With pleasure. Mr. BORAH. I want to ask the Senator from Idaho why, if this work is being performed by the committee of which he is chairman, this item should be left in the pending bill at all.

Mr. HEYBURN. If I were to go back to the original consideration of the wisdom of doing this work I would say it could and should be done best by the committee that is engaged in revising the laws, because all references to pages and titles would have to be changed to conform to the revision upon which we are now engaged. I did not want to go so far as to utterly condemn a piece of work that has been passed upon three times by Congress. I will leave it to some other Senator to do that if he sees fit.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Idaho.

Mr. BORAH. I should like to have the amendment reported. We did not hear it over here.

The VICE-PRESIDENT. The Secretary will again state the amendment, at the request of the Senator from Idaho.

The Secretary. On page 38, strike out lines 9, 10, 11, and 12, down to and including line 20, and insert:

To index the Statutes at Large of the United States from volume 1 to and including the current volume of such statutes: For 1 chief assistant, \$3,000; 1 assistant, \$2,400; 1 assistant, \$1,800; 1 assistant, \$1,200; 1 assistant, \$0,00; 2 assistants, at \$720 each; in all, \$10,740, or so much thereof as may be necessary to complete said work, the said work to be executed under the direction and control of the Judiciary Committees of the two Houses of Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN]. The amendment was agreed to.

I believe that completes the consideration Mr. WARREN. of the bill, except the salaries of certain judges; and as we are yet awaiting the information called for this morning from the Treasury Department, I will ask that the bill be laid aside now. I give notice that I will ask the Senate to take it up in the morning immediately after the routine morning business,

OMNIBUS CLAIMS BILL.

Mr. FULTON. Mr. President, I had hoped that we would be permitted to proceed a while this evening with the consideration of the omnibus claims bill, but it is so late that it is probably hardly worth while to commence it now, in view of the fact that the Senator from Illinois [Mr. Cullom] desires an executive session.

But I think I should say that immediately after the consideration of the appropriation bill in the morning shall have been concluded, I will call up this bill and urge its continuous consideration; and if it shall not be disposed of within the next few days, I am going to ask the Senate to hold an evening session, which we may devote entirely to its consideration. we do not adopt some such plan, the bill will fail, because it must get to the other House very shortly, or it can not become a law at this session.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the con-

sideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 21, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 20, 1909. SURVEYOR OF CUSTOMS.

Fenton W. Gibson, of Louisiana, to be surveyor of customs for the port of New Orleans, in the State of Louisiana. (Re-

PROMOTIONS IN THE NAVY.

Commander Charles F. Pond to be a captain in the navy from the 15th day of December, 1908, vice Capt. Arthur P. Nazro, pro-

Lieut. Commander Edward W. Eberle, to be a commander in the navy from the 15th day of December, 1908, vice Commander

Charles F. Pond, promoted.

Lieut. Col. George Richards, assistant paymaster, United States Marine Corps, to be a colonel, paymaster, in the United States Marine Corps from the 31st day of January, 1909, vice Col. Green C. Goodloe, paymaster, United States Marine Corps, who will be retired on that date.

Capt. Harold C. Reisinger, assistant paymaster, United States Marine Corps, to be a major, assistant paymaster, in the United States Marine Corps from the 31st day of January, 1909, vice Maj. William C. Dawson, assistant paymaster, United States

Marine Corps, to be promoted.

First Lieut. Russell B. Putnam, U. S. Marine Corps, to be a captain, assistant paymaster, in the United States Marine Corps from the 31st day of January, 1909, vice Captain, Assistant Paymaster Harold C. Reisinger, U. S. Marine Corps, to be promoted.

POSTMASTERS.

CALIFORNIA.

Frank H. Bangham to be postmaster at Susanville, Cal., in place of Frank H. Bangham. Incumbent's commission expires February 27, 1909.

Peter J. McFarlane to be postmaster at Tehachapi, Cal.

Office became presidential October 1, 1908.

COLORADO.

Ira L. Herron to be postmaster at Longmont, Colo., in place of Ira L. Herron. Incumbent's commission expires February 27, 1909.

CONNECTICUT.

George I. Allen to be postmaster at Middletown, Conn., in place of George I. Allen. Incumbent's commission expired June

FLORIDA.

James H. Lundy to be postmaster at Perry, Fla., in place of David P. Morgan, resigned.

GEORGIA.

John W. Saunders to be postmaster at Unadilla, Ga. Office became presidential October 1, 1908.

IDAHO.

F. Beckman to be postmaster at Troy, Idaho, in place of Olof Olson, resigned.

IOWA.

William M. Boylan to be postmaster at Hubbard, Iowa, in place of William W. Boylan, resigned.

John Q. Graham to be postmaster at Emerson, Iowa, in place of John Q. Graham. Incumbent's commission expires January

Joseph J. Marsh to be postmaster at Decorah, Iowa, in place of Joseph J. Marsh. Incumbent's commission expired November 17, 1907.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, Ky., in place of Homer B. Bryson. Incumbent's commission expired January

Robert L. Oelz to be postmaster at Cloverport, Ky., in place of John H. Rowland, removed.

MINNESOTA.

Aaron R. Butler to be postmaster at Bagley, Minn., in place of Aaron R. Butler. Incumbent's commission expires January 23, 1909.

Ole C. Requiam to be postmaster at Belgrade, Minn. Office

became presidential January 1, 1909.

Fred D. Vibert to be postmaster at Cloquet, Minn., in place of Frank L. Redfield. Incumbent's commission expired December 12, 1908.

NEBRASKA.

Wilfred C. Dorsey to be postmaster at Louisville, Nebr. Office became presidential January 1, 1909.

NEW YORK.

John N. Van Antwerp to be postmaster at Fultonville, N. Y., in place of John N. Van Antwerp. Incumbent's commission expires January 26, 1909.

NORTH CAROLINA.

Charles N. Bodenheimer to be postmaster at Elkin, N. C., in place of Jesse F. Walsh. Incumbent's commission expired January 11, 1909.

Robert T. Joyce to be postmaster at Mount Airy, N. C., in place of Eugene C. Kapp. Incumbent's commission expired January 11, 1909.

NORTH DAKOTA.

Thomas B. Hurly to be postmaster at Bowbells, N. Dak., in place of Thomas B. Hurly. Incumbent's commission expired December 18, 1907.

Albert E. Hurst to be postmaster at Rolette, N. Dak. Office became presidential January 1, 1909.

OKLAHOMA.

J. P. Becker to be postmaster at Medford, Okla., in place of Thomas J. Palmer. Incumbent's commission expired December 17, 1907.

G. L. Hamrick to be postmaster at Tuttle, Okla. Office became presidential January 1, 1909.

Edwin F. Korns to be postmaster at Newkirk, Okla., in place of Edwin F. Korns. Incumbent's commission expired December 12, 1908.

PENNSYLVANIA.

George W. de Coursey to be postmaster at Newtown, Pa., in place of George C. Worstall. Incumbent's commission expires February 3, 1909.

William Murray to be postmaster at Girard, Pa., in place of Harry H. Nichols. Incumbent's commission expires March 1,

Samuel B. Willard to be postmaster at Yardley, Pa. Office became presidential January 1, 1909.

SOUTH DAKOTA.

Alvah T. Bridgman to be postmaster at Springfield, S. Dak., in place of Alvah T. Bridgman. Incumbent's commission expired December 12, 1908.

TENNESSEE.

William E. Byers to be postmaster at Tracy City, Tenn., in place of William E. Byers. Incumbent's commission expired January 10, 1909.

Joe E. Dodson to be postmaster at Kenton, Tenn., in place of

Zada Wade (now Zada Beadles), resigned.

Susanah E. Farley to be postmaster at Whiteville, Tenn. Office became presidential April 1, 1908.

John Redd to be postmaster at Bolivar, Tenn., in place of John Redd. Incumbent's commission expired December 14, 1908.

U. S. Rose to be postmaster at Crossville, Tenn. Office became presidential January 1, 1908.

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn. Office became presidential January 1, 1909.

UTAH.

Charles A. Guiwits to be postmaster at Price, Utah, in place of Charles A. Guiwits. Incumbent's commission expires January 20, 1909.

George H. Richards to be postmaster at Sunnyside, Utah, in place of George H. Richards. Incumbent's commission expired December 14, 1908.

VERMONT.

Emeroy G. Page to be postmaster at Hyde Park, Vt., in place of Emeroy G. Page. Incumbent's commission expired March 2,

Edward C. Woodworth to be postmaster at Arlington, Vt. Office became presidential October 1, 1908.

WISCONSIN.

Charles S. Button to be postmaster at Milton Junction, Wis., in place of Charles S. Button. Incumbent's commission expires January 23, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 20, 1909.

UNITED STATES MARSHAL.

George F. White, of Georgia, to be United States marshal for the southern district of Georgia.

REGISTER OF LAND OFFICE.

Lester Bartlett, of Buffalo, Minn., to be register of the land office at Cass Lake, Minn.

RECEIVER OF PUBLIC MONEYS.

Elisha B. Wood, of Long Prairie, Minn., to be receiver of public moneys at Cass Lake, Minn.

PROMOTIONS IN THE NAVY.

TO BE PAYMASTER, WITH THE BANK OF LIEUTENANT-COMMANDER.

George G. Siebels, Edmund W. Bonnaffon, Joseph Fyffe, and John H. Merriam.

TO BE NAVAL CONSTRUCTORS, WITH THE RANK OF LIEUTENANT-COMMANDER.

Stuart F. Smith and William G. Groesbeck.

Col. Green C. Goodlee, paymaster, United States Marine Corps, an officer on the active list of the Marine Corps, to be a brigadier-general, paymaster, on the retired list of the Marine

The following-named midshipmen to be ensigns in the navy:

William O. Wallace, Frank R. King, Preston H. McCrary, David S. H. Howard, William S. Farber, Archibald D. Turnbull, Churchill Humphrey, Emil A. Lichtenstein, Albert M. Cohen, George M. Ravenscroft, Arie A. Corwin, Sloan Danenhower, Harry J. Abbett, George McC. Courts, Charles W. Crosse, Francis D. Pryor,

Roy P. Emrich, Jacob H. Klein, jr., John S. Barleon, John S. Barleon,
Herbert L. Spencer,
William T. Smith,
Jacob L. Hydrick,
Stephen B. McKinney,
Louis F. Thibault,
Henry R. Keller,
Clarence McC. McGill,
Walter F. Lafrenz,
John B. Earle,
Frederick P. Lilley

Frederick P. Lilley, Harold V. McKittrick, Charles T. Blackburn, George T. Swasey, jr.,

Ellis Lando, Ralph B. Horner,

Thomas A. Symington, and Frank W. Lagerquist.

POSTMASTERS.

CALIFORNIA.

Charles H. Anson to be postmaster at Monrovia, Cal. S. D. Barkley to be postmaster at Redondo Beach (late Redondo), Cal.

John J. Campbell to be postmaster at Galt, Cal. James T. Clayton to be postmaster at Elsinore, Cal. William S. Collins to be postmaster at Loyalton, Cal. Clyde L. De Armond to be postmaster at Orland, Cal. George A. Dills to be postmaster at Soldiers Home, Cal. Albert E. Dixon to be postmaster at Point Loma, Cal. Joseph J. Gallagher to be postmaster at Davis, Cal. Lena Gregory to be postmaster at Rocklin, Cal.

George A. Griffin to be postmaster at Tuolumne. Cal. H. H. Griswold to be postmaster at Calexico, Cal. James F. Forbes to be postmaster at Orcutt, Cal. Joseph Smith to be postmaster at Downey, Cal.

COLORADO.

Nimrod S. Walpole to be postmaster at Pueblo, Colo. CONNECTICUT.

William E. Gates to be postmaster at Glastonbury, Conn. Tudor Gowdy to be postmaster at Thompsonville, Conn.

LOUISIANA.

Edgar A. Barrios to be postmaster at Lockport, La. Philip P. Blanchard to be postmaster at White Castle, La. John Dominique to be postmaster at Bastrop, La. Joseph J. Lafargue to be postmaster at Donaldsonville, La. Francis S. Norfleet to be postmaster at Lecompte, La. Theodore W. Schmidt to be postmaster at Patterson, La.

MAINE.

Jacob F. Hersey to be postmaster at Patten, Me.

OHIO.

Harlow N. Aldrich to be postmaster at Elmore, Ohio. Samuel F. Rose to be postmaster at Clarington, Ohio.

OREGON.

Merritt A. Baker to be postmaster at Weston, Oreg. J. E. Beezley to be postmaster at Falls City, Oreg. William M. Brown to be postmaster at Lebanon, Oreg. Frank H. Lane to be postmaster at Newport, Oreg. Wilbur W. McEldowney to be postmaster at Forest Grove.

Charles W. Parks to be postmaster at Roseburg, Oreg. Ella V. Powers to be postmaster at Canyon City, Oreg.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 20, 1909.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania, in place of Fred W. Edwards, resigned.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following

An extradition convention between the United States and Honduras, signed at Washington on January 15, 1909. (Ex. S.

An arbitration convention between the United States and Austria-Hungary, signed at Washington on January 15, 1909. (Ex. R, 60th, 2d.)

An arbitration convention between the United States and the Republic of Costa Rica, signed at Washington on January 13, 1909. (Ex. Q, 60th, 2d.)

An arbitration convention between the United States and the Republic of Chile, signed at Washington on January 13, 1909. (Ex. P, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

Wednesday, January 20, 1909.

The House met at 12 o'clock noon.

Prayer by Rev. David G. Wylie, D. D., pastor of the Scotch Presbyterian Church, New York City. The Journal of the proceedings of yesterday was read and

approved.

GEORGE L. LILLEY.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I desire to call up a privileged resolution (H. Res. 500) and to make a report from that committee (Report 1882) on House resolution 488.

The SPEAKER. The gentleman from Wisconsin, by direction

of the Committe on the Judiciary, calls up the following privileged resolution.

Mr. JENKINS. I ask that the Clerk read the report.

The SPEAKER. The Clerk will read the resolution and the report.

The Clerk read as follows:

On the 16th day of January the Committee on the Judiciary received from the House of Representatives the following resolution:

"Whereas George L. Lilley, a citizen of the State of Connecticut, was duly elected and qualified a Member of the House of Representatives, Sixtieth Congress, from said State; and

"Whereas the said George L. Lilley was thereafter, in November,

1908, elected, and on January 6, 1909, duly qualified and entered upon his duties as governor of the said State: Therefore be it "Resolved, That his name be stricken from the roll and his seat in this House be, and is hereby, declared vacant."

By the direction of the House the resolution was referred to the committee for report within ten days.

Immediately upon the adoption of the resolution by the House the sommittee communicated with George L. Lilley, inclosing to him a copy of the resolution and informing him that he might communicate that the committee in writing or appear in person or by attorney.

In reply thereto the following letter from George L. Lilley, inclosing a copy of a letter of Governor Woodruff, was received January 19, 1909.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,

Hartferd, January 18, 1999.

My Dear Sir: I have the honor to acknowledge receipt of your favor of January 15, with inclosed copy of resolution introduced by John W. Gaines.

GAINES.

Replying to your letter, I beg to say that on December 11, 1908, I tendered my resignation as Congressman to Gov. Rollin S. Woodruff. The matter was referred by Governor Woodruff to the attorney-general, whose opinion it was that the statute was mandatory, and that if the resignation was accepted a special election to fill the vacancy must be held. It seemed to the governor and to the attorney-general that the large expense entailed was a conclusive reason why my resignation should not be accepted. The governor, therefore, declined to accept my resignation.

should not be accepted. The governor, the description my resignation.

I felt that the precedent laid down by my predecessor was obligatory upon me as governor, particularly in view of the fact that after deducting the time necessary for a special election there would be but about one month for a new Member to serve. I inclose a copy of Governor Woodruff's letter. My belief is that the people of Connecticut uphold Governor Woodruff's decision.

With sincere regards, I am, very truly, yours,

GEO. L. LILLEY.

Hon. John J. Jenkins, House of Representatives, Washington, D. C.

DECEMBER 21

My Dear Congressman: I am in receipt of your letter of December 11, tendering your resignation as Representative at large from the State of Connecticut in the Sixtleth Congress, to take effect January

11, tendering your resignation as Representative at large from the State of Connecticut in the Sixtieth Congress, to take effect January 5, 1909.

Since receiving your resignation I have given the matter much consideration. The day after I received it I asked Attorney-General Holcomb if there is any precedent in this State for such act as I then believed would be, and still believe is, proper for the governor to take in a situation such as this. My idea was then, and still is, that I ought not, in full justice to the State, to accept your resignation. If I do not accept it, there is no vacancy in the office of Representative at large, and it is not necessary to hold a special election. If I should accept the resignation, it would be necessary under the terms of the act to hold a special election that would require an expenditure of a number of thousands of dollars for a term only sixty days in length, and I do not think that any citizen of the State who has its best interests at heart would consider such an expenditure of money to fill an office for that length of time justifiable.

During the interval between receipt of your letter and this writing I have discussed this matter with several of the State's leading men, and in the main they take the same view that I do, viz, that it is inexpedient to accept the resignation, thereby creating a vacancy and the imperative necessity of holding a special election at large expense to the State and for a very short term of office.

I therefore find it necessary to decline to accept your resignation.

Very truly, yours,

ROLLIN S. WOODBUFF.

ROLLIN S. WOODRUFF.

Hon. George L. Lilley, Congressman at Large, Hartford, Conn.

The following letters were received from officers of the House in answer to request from the committee for information:

HOUSE OF REPRESENTATIVES,

CLERK'S OFFICE,

Washington, D. C., January 16, 1969.

My Dear Sir: In reply to your favor of January 16, inquiring as to when the Hon. George L. Lilley, Member of Congress from Connecticut, drew anything from my department, would say that on December 22, 1908, he drew check for his stationery in full; and on the 1st day of January, 1909, he drew his clerk-hire check in full for the month of December. December. Very truly, yours,

A. McDowell, Clerk House of Representatives,

Hon. John J. Jenkins,
Chairman of Committee on Judiciary,
House of Representatives.

House of Representatives, Office Sergeant-at-Arms, Washington, D. C., January 16, 1909.

Mashington, D. C., January 16, 1909.

My Dear Sir: I am in receipt of your communication of January 16, making inquiry as to the payment of salary to Representative George L. Lilley, of the State of Connecticut, and also as to whether he has drawn his mileage for the second session of the Sixtieth Congress.

In reply I beg to advise you that Representative Lilley has drawn his salary as a Member of the House of Representatives up to and including the 4th day of December, 1908, and that on the 4th day of January, 1909, one month's salary was credited up to him, which has not been drawn.

On the 22d day of December, 1908, My Lyryer male convention.

not been drawn.

On the 22d day of December, 1908, Mr. LILLEY made application, by letter, for a remittance of the mileage due him for the second session of the Sixtieth Congress. In answer to this communication he was advised by this office that mileage was payable only when the Member had attended a session of the House, conforming to the law which provides that this mileage shall be paid for attendance upon each session of Congress. There is therefore at this time to Mr. LILLEY'S credit his mileage and accrued salary from the 4th day of December, 1908.

Very respectfully,

HENRY CASSON, Sergeant-at-Arms, House of Representatives.

Hon. John J. Jenkins,

Chairman Committee on the Judiciary,

House of Representatives, Washington, D. C.

The committee find as facts that GEORGE L. LILLEY was elected a Member of this House from the State of Connecticut to the Sixtieth

Member of this House from the State of Connecticut to the Sixtleth Congress.

That the name of George L. Lilley was placed on the roll of Members-elect of the Sixtleth Congress.

That George L. Lilley performed more or less duties as a Member of this House during the first session of the Sixtleth Congress.

That George L. Lilley has not been in attendance at any time during the second session of the Sixtleth Congress.

That on the 11th day of December, 1908, George L. Lilley tendered his resignation as Member of this House to Rollin S. Woodruff, governor of the State of Connecticut, to take effect January 5, 1909, and that Governor Woodruff declined to accept the resignation as a Member of this House.

That George L. Lilley was elected governor of the State of Connecticut and took the oath of office as governor of that State on January 6, 1909, and that ever since he took the oath of office he has been performing the duties of the office of governor of the State of Connecticut and has remained at the executive office at Hartford, Conn.

That on December 22, 1908, he drew his check for his stationery in full.

full.

That on the 1st day of January, 1909, he drew his clerk hire in full for the month of December.

That George L. Lilley drew his salary as a Member of the House of Representatives up to and including the 4th day of December, 1908. That on the 22d day of December, 1908, George L. Lilley made application by letter for a remittance of the mileage for the second session of the Sixtleth Congress.

What effect did the tendering by Groupe L. Lilley of his resignation.

of the Sixtieth Congress.

What effect did the tendering by George L. Lilley of his resignation as Member of this House to the governor of the State of Connecticut have upon the membership of George L. Lilley in the Sixtieth Congress; and if his membership did not cease on the 5th day of January, 1909, what effect did the qualification of George L. Lilley as governor of the State of Connecticut have upon the membership of George L. Lilley in the Sixtieth Congress?

The Constitution is silent as to how a Member can dissever his membership. The Constitution anticipates that a vacancy may occur:

"When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. (Clause 4, sec. 2, art. 1.)"

The Constitution does not prohibit a Member from holding any state office.

The Constitution does not prohibit a Member from holding any state office.

The Constitution does provide—

"That no person holding any office under the United States shall be a Member of either House during his continuance in office. (Part of clause 2, sec. 6, art. 1.)

"Each House shall be the judge of the elections, returns, and qualifications of its own Members. (Part of sec. 5, art. 1.)

"Each House may * * punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member. (Subdivision 2, sec. 5, art. 1.)"

In voluntary withdrawals from membership in the House of Representatives, the practice has not been uniform. The retiring Member has resigned on the floor of the House. The retiring Member has notified the Speaker in writing and in turn the Speaker of the House has notified the governor of the State. Then again the retiring Member has resigned to his governor and the governor in turn has notified the Speaker, and then again the House was not informed of the vacancy until the new Member appeared with his credentials, but in all cases the act of the retiring Member has been positive to the extent of showing that he had ceased to be a Member of the House of Representatives as far as he was concerned.

By the statute of the State of Connecticut the governor may accept the resignation of any officer whose successor, in case of a vacancy in office, he has power to nominate or appoint; but there is no statute in the State of Connecticut authorizing the governor of that State to accept the resignation of a Member of Congress.

There is no question but what if a Member of the House of Representatives tenders his resignation, no matter whether it be to the governor of the State or to the Speaker of the House, he becomes ipso facto no longer a Member, and therefore it is impossible for a Member having tendered his resignation to withdraw same.

Unless the House of Representatives exercises its power and expels a Member, it rests entirely with the Member as to whether or not he

having tendered his resignation to withdraw same.

Unless the House of Representatives exercises its power and expels a Member, it rests entirely with the Member as to whether or not he continues his membership. After he has declared in no uncertain terms to the governor of his State or to the Speaker of the House that he has resigned, there is nothing that can be done by the Member or by the officer to whom the resignation was tendered that will tend to continue the membership. The presentation of the resignation is all sufficient. It is self-acting. No formal acceptance is necessary to make it effective. The refusal of a governor to accept a resignation of a Member of Congress can not possibly continue the membership, and certainly it is within the power of the House to declare what effect the presentation of the resignation had upon the membership.

It is extremely important in a case like this for the House of Representatives to know the status of its Members, the duties and power of the House. The person elected owes it to the people in general, and his constituents in particular, to be in his seat discharging his public duties.

duties.

The House has a right to know whether the name on the roll is that a Member, as bearing upon the question of a quorum. The State as a right of representation, denied by nonaction of the House. It the highest duty of the House to settle the status in a case of this

kind.

What question of law does the conceded facts present? It is a universally recognized principle of the common law that the same person should not undertake to perform inconsistent and incompatible duties, and that when a person while occupying one position accepts another incompatible with the first, ipso facto, absolutely vacates the first office and his title thereto is terminated without any further act or proceeding. This incompatibility operating to vacate the first office exists where the nature and duties of the second office are such as to render it improper, from considerations of public policy, for one person to retain both. There is an absolute inconsistency in the functions of the two offices, Member of Congress and governor of the State of Connecticut. necticut.

While what is here stated is a common-law doctrine, and it is also recognized that there can be no common law except by legislative adoption, yet it is a principle of law, and the House of Representatives can not well refuse to recognize and adopt it.

As said by the Supreme Court of the United States in Bucher v. Cheshire Railroad Company (125 U. S., 555, p. 583):

"There is no common law of the United States, and yet the main body of the rights of the people of this country rest upon and are governed by principles derived from the common law of England and established as the laws of the different States."

Assuming that the courts of the United States can not punish for a common-law crime or enforce a common-law right, yet there is nothing to prevent this House from being governed by a common-law doctrine. This feature of the case is very important, because it presents this important question:

This feature of the case is very important, because it presents this important question:

Is George L. Lilley a Member of this House? If he is a Member of this House, the power of the House to deal with him is absolutely anlimited; if he is not a Member of this House, then the House has nothing whatever to do with him.

If George L. Lilley is a Member of the House, the House has the ionstitutional right to compel his attendance in such manner and ander such penalties as the House may provide. (Sec. 5, art. 1.)

The House ought not to be placed in an uncertain condition, leaving it to the person to say whether or not, according to his interests, he shall play fast or loose. If the House needs his presence to help make a quorum and he does not want to attend, he can plead that he is not a Member. If he wants anything as a Member, he can insist that he is not out of Congress, but that he is a Member.

If he is not a Member by reason of resignation or accepting an office that is incompatible, it is not within the power of the Chair to recognize him.

There can be but little question but what George L. Lilley resigned

office that is incompatible, it is not within the power of the Chair to recognize him.

There can be but little question but what George L. Lilley resigned his membership in this House and that it became effective on the 5th day of January, 1909, and that being true, it logically follows that be cased to be a Member at that time; but inasmuch as it seems so clear that George L. Lilley ceased to be a Member of the House of Representatives upon his acceptance of the office of governor of the State of Connecticut, and the question of time is so very brief, that it may be well to hold that his seat was vacant January 6, 1909.

As there is an entire absence of precedents.

The committee finds that James S. Robinson, a Representative in the Forty-eighth Congress from the State of Ohio, was elected to the office of secretary of state of the State of Ohio; that Mr. Robinson did tender his resignation as a Member of Congress to the governor of Ohio, and his resignation was placed on file, and thereafter on the same day he was sworn in and duly qualified as secretary of state, and from that time on he did not assume to be a Member of Congress nor attempt to exercise any of the rights or privileges belonging to a Member of this body, but on the contrary resided at the seat of government in the State of Ohio, in the performance of his duties as secretary of state.

The committee simply recommended that the Clerk of the House be instructed to omit his name from the roll of Members, because they found that he did not chaim to be a Member of Congress. (House of Representatives, 48th Cong., 2d sess., Rept. No. 2679.)

In 9 South Carolina Reports, 156, appears the case of the State of South Carolina, and after being commissioned as solicitor he qualified on the 23d of January, 1877, as Representative in Congress from the State of South Carolina, and after being commissioned solicitor he qualified on the 23d of January, 1877, as Representative in Congress from the State of South Carolina.

The Supreme Court held that the offices

SEPARATE VIEWS OF RICHARD WAYNE PARKER.

I agree to the resolution. I think the House has the right to determine whether the resignation should take effect, and that the House should determine that it did take effect. It is unnecessary, therefore, to determine whether the office of governor is incompatible with that of Representative, and I reserve any conclusion on that suggestion.

RICHARD WAYNE PARKER.

JOHN A. STERLING.

Mr. JENKINS. Mr. Speaker, as every gentleman on the floor has a copy of this report, and I trust has carefully considered it, if there is no one who desires to ask any question, I will ask

for a vote on the substitute.

Mr. GAINES of Tennessee. Mr. Speaker, I have had no time to read the report, and want to ask, Is the effect of this reso-

lution to declare the seat vacant?
Mr. JENKINS. Yes.

Mr. GAINES of Tennessee. Well, that is all right.

The resolution was agreed to.

Mr. HIGGINS. May I submit a request for unanimous consent that I may insert in the RECORD the letter which I hold in my hand relative to this matter?

Mr. HENRY of Texas. We should like to hear the letter read.

Mr. WILLIAMS. Let us know what it is.
The SPEAKER. The gentleman from Connecticut [Mr. Hig-GINS] asks unanimous consent to insert in the RECORD the letter which he holds in his hand.

Mr. WILLIAMS. I object, in the absence of further infor-

The SPEAKER. Does the gentleman desire the letter read?

Mr. HIGGINS. I ask unanimous consent to be allowed to

have this letter read from the Clerk's desk.

Mr. WILLIAMS. Mr. Speaker, I shall object.

Mr. LIVINGSTON. After it is read we can not object to it, can we?

Mr. WILLIAMS. Mr. Speaker, I understand that the gentleman from Connecticut asks unanimous consent to have it read.

If it requires unanimous consent, I object.

The SPEAKER. In reply to the question of the gentleman from Georgia [Mr. Livingston], it is for the House to say whether it shall be printed in the Record or not. But objection is made by the gentleman from Mississippi to the reading of the letter.

Mr. WILLIAMS. If the gentleman will indicate the character of the communication, I may not object. What is it about? Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary

inquiry.

Mr. HIGGINS. I will say, Mr. Speaker, that this is a letter in response to a telegram which I sent to Mr. LILLEY. The gentleman will remember that I made some statements concerning whether or not Mr. Lilley had resigned. I gave my own personal opinion about it from having read certain newspaper items. This letter does not differ materially from the letter which Mr. Liller wrote to the gentleman from Wisconsin [Mr. Jenkins] in response to a copy of the resolution which was sent him, and simply bears out as a fact, it seems to me, what I stated to the House as my opinion.

Mr. WILLIAMS. Mr. Speaker, understanding that the letter merely explains the position that was taken by the gentleman from Connecticut the other day, I shall withdraw the objection.

Mr. MACON. I renew the objection.

Mr. CLAYTON. With the permission of the House, I would like to ask the gentleman from Connecticut a question. The gentleman is a member of the Committee on the Judiciary, having charge of this resolution. That is the fact, is it not?

Mr. HIGGINS. Oh, yes. Mr. CLAYTON. And the gentleman was at the session of that

committee this morning, was he not?

Mr. HIGGINS, Yes.
Mr. CLAYTON. Did the gentleman inform any member of the committee of this letter; did he disclose it?

Mr. HIGGINS. No; and I will tell you why, if you will give me an opportunity.

Mr. CLAYTON. Does the gentleman think that is a fair way

to treat the committee? Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut may proceed for five minutes

Mr. MACON. I object.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following report from the Committee on Accounts.

The Clerk read as follows:

House resolution 448.

Resolved. That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an assistant clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day during the present Congress.

The following amendment, recommended by the committee, was read :

In line 5, strike out the words "during the present Congress" and insert "from and including January 4, 1909, and during the remainder of the present session."

The amendment was agreed to.

The resolution as amended was agreed to.

RICHARD H. MESHAW AND OTHERS.

Mr. HUGHES of West Virginia. Mr. Speaker, I also present the following report from the Committee on Accounts.

The Clerk read as follows:

House resolution 501.

House resolution 501.

Resolved, That there shall be paid out of the contingent fund of the House to Richard H. Meshaw and John W. Meshaw, heirs of John Meshaw, deceased, late janitor of the Committee on Pensions, a sum equal to six months of his salary as such employee, and an additional amount not exceeding \$250 for payment of the funeral expenses of the said John Meshaw; to Clarence M. Hooker, Lena Hooker Daily, Della Hooker Johnson, Albert G. Hooker, and Hull M. Hooker, heirs of Leroy J. Hooker, deceased, late a messenger on the soldiers' roll of the House of Representatives, an amount equal to six months of his salary as such employee, to be divided equally among said heirs, and an additional amount not exceeding \$250 for the payment of the funeral expenses of said Leroy J. Hooker; and to Selina Field, widow of Norton J. Field, the sum of \$75.83, being the amount of salary due said Field as a private on the Capitol police force from September 1 to September 26, 1908, inclusive, the same to be in full payment of all claims of the estate of said Norton J. Field, and to be receipted for as such.

Mr. GARRETT. Mr. Speaker, I would like to ask the gen-

Mr. GARRETT. Mr. Speaker, I would like to ask the gentleman from West Virginia what this resolution is,

Mr. HUGHES of West Virginia. This is simply a resolution in the case of the death of an employee of the House of Representatives. In this case it was the janitor of the Committee on Pensions, and also a resolution for a deceased messenger on the old soldiers' roll. This is to pay the widow, and the last resolution is to pay Norton J. Field's widow the balance of the salary due him for services rendered up to the time of his death. He was on the Capitol police force.

Mr. GARRETT. Is there anything new in this resolution?

Mr. HUGHES of West Virginia. Nothing whatever.

Mr. HUGHES of West Virginia. Yes.

Mr. HUGHES of West Virginia. Yes. Mr. BARTLETT of Georgia. Mr. Speaker, I want to say to the gentleman from Tennessee and to the Members on this side of the House that these resolutions came from the Committee on Accounts and have been very carefully scanned by the minority Members, and that whatever may be said about the propriety of these resolutions, it has been for years and years the custom of these resolutions, it has been for years and years the custom of the House to pay this money when an employee dies. The other resolution has reference to the payment of salary to a member of the Capitol police force due him at the time of his death which had not been paid. There is nothing new in it. The last resolution is eminently just and proper.

Mr. GARRETT. Does the gentleman think the first ones eminently just and proper?

Mr. BARTLETT of Georgia. It has been the uniform rule and custom of the House for many years past. Whether as an orig-

custom of the House for many years past. Whether as an original proposition I would vote for such resolutions is not now to be decided. Ever since I have been a Member of the House, and long before I came to my legal majority, it was the custom of the House of Representatives.

Mr. GARRETT. The word of the gentleman from Georgia, particularly when reinforced by the word of the gentleman from West Virginia, is entirely satisfactory to me.

The resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

SPECIAL AGENTS, ETC., DEPARTMENT OF JUSTICE.

The SPEAKER. Pending that motion, the Chair will recog-

nize temporarily the gentleman from Wisconsin.

Mr. JENKINS. Mr. Speaker, I desire to call up a privileged report from the Committee on the Judiciary, House resolution 476, and make a brief statement. A resolution was adopted calling upon the Attorney-General for certain information, and calling upon the Attorney-General for certain information, and after it was reported by the committee the Attorney-General sent up a full statement, which has been submitted to Mr. Clark of Florida, who introduced it. He says that it is perfectly satisfactory to him, and I ask unanimous consent to print the communication of the Attorney-General in the Record and that House resolution 476 do lie on the table.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 476.

House resolution 476.

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to furnish the House of Representatives, at as early a day as may be convenient, with the following information, namely: First. The number of "special agents" in the employ of the Department of Justice.

Second. The duties of such "special agents."

Third. The salaries paid such "special agents," and from what fund such salaries are paid.

Fourth The law under and by virtue of which the Department of Justice has organized a "force of special agents."

Mr. JENKINS. Mr. Speaker, repeating what I said a moment ago, the Committee on the Judiciary reported this resolution to the House, and the Attorney-General, anticipating the matter, sent up a very full and complete report, which has been submitted to the gentleman from Florida [Mr. CLARK], who introduced the resolution. He says the answer of the Attorney-General is satisfactory, and I ask unanimous consent that the communication of the Attorney-General be printed in the RECORD and the resolution do lie on the table.

The SPEAKER. The gentleman from Wisconsin asks that the communication of the Attorney-General be printed in the RECORD and the resolution lie on the table. Is there objection?

Mr. CLARK of Florida. Mr. Speaker—
Mr. JENKINS. I will yield to the gentleman from Florida.
Mr. CLARK of Florida. I simply want to say that the gentleman from Wisconsin has stated all the facts, as I understand them fully, and that the procedure is entirely agreeable to me.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none, and it is so ordered.

The matter referred to is as follows:

OFFICE OF THE ATTORNEY-GENERAL, Washington, D. C., January 8, 1909.

Hon. John J. Jenkins, M. C., Chairman Committee on the Judiciary, House of Representatives.

Chairman Committee on the Judiciary,

House of Representatives.

My Dear Sir: I am duly in receipt of your letter of this date, inclosing a copy of resolution No. 476 of the House of Representatives, referred to your committee. I have the honor to inclose you herewith a memorandum prepared by the chief examiner of this department, to accompany my letter to the President of December 31, 1908, transmitting certain data mentioned in Senate resolution No. 233 of the present session. An examination of this memorandum will show that it contains all the information requested in resolution No. 476 of the House of Representatives first above mentioned. In view of the statement contained therein as to the comparative cost of the special-agent service of this department in 1907 and 1908, and to avoid any misleading inference which might be drawn from the facts therein stated, I call your attention to the following extract from my letter to the President of December 31, 1908, above mentioned:

"In connection with the question of cost, I call your attention to the fact that, according to the estimates of the chief examiner, the cost of our newly organized force of special agents under his charge has been appreciably less during the last six months of the calendar year 1908 than the amount paid out for similar services during the corresponding period of the calendar year 1907. It is, however, proper to note in this connection that in 1907 a considerable number of secret-service officers and other special employees were engaged in the investigation and prosecution of certain classes of land-fraud cases, with whose services it was found practicable to dispense early in the year 1908, so that the comparison may not be a strictly fair one with regard to normal periods."

Inasmuch as the memorandum inclosed, supplemented by the first mentioned extract, gives all the information requested by the first mentioned extract, gives all the information requested by the first mentioned extract, gives all the information requested by the f

periods."
Inasmuch as the memorandum inclosed, supplemented by the lastmentioned extract, gives all the information requested by the first-mentioned resolution, or possessed by this department with respect to its subject-matter, I trust it will serve all the purposes of your committee in the premises.

I remain, my dear sir,
Yours, very respectfully and truly,
CHARLES J. BONAPARTE,
Attorney-General.

MEMORANDUM REGARDING THE SPECIAL AGENTS OF THE DEPARTMENT OF JUSTICE EMPLOYED IN COLLECTING EVIDENCE IN UNITED STATES CASES IN FEDERAL COURTS DURING THE PERIOD SINCE JULY 1, 1908.

JUSTICE EMPLOYED IN COLLECTING EVIDENCE IN UNITED STATES CASES IN FEDERAL COURTS DURING THE PERIOD SINCE JULY 1, 1908.

DEPARTMENT OF JUSTICE,
December 31, 1908.

In connection with the attached tabulated list of special attorneys, special agents, etc., who were employed by this department during the fiscal year 1908, the following statements are respectively submitted:
From the above-mentioned lists it will be seen that during the last fiscal year a number of special agents and other persons acting in similar capacities were employed by this department for the purpose of collecting evidence and making investigations and examinations necessarily incident to the business of the federal courts. There were also employed from time to time during the said period and for similar purposes a considerable number of persons whose names were submitted by request to this department by the Chief of the Secret Service Division of the Treasury Department. The employment during the fiscal year 1909 by this department of persons so designated was prohibited by the following clause of the sundry civil appropriation act of May 27, 1908:

"No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

At the close of business on June 30, 1908, there were in the employ of this department seven special agents engaged in collecting evidence regarding violations of the timber laws, the compensations allowed the said agents being from \$3 to \$5 per day and actual traveling expenses, together from \$1 to \$3 per day allowance in lieu of subsistence, the said compensations being paid from the appropriation "Miscellaneous expenses, United States courts," which reads as follows:

"For payment of such miscellaneous expenses as may be authorized

lieu of subsistence, the said compensations being paid from the appropriation "Miscellaneous expenses, United States courts," which reads as follows:

"For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records."

It being apparent, at the close of the fiscal year 1908, that additional special agents would be needed for the purpose of collecting evidence for use in United States cases pending and about to be instituted in the federal courts, 10 additional agents were appointed under the provisions of the appropriation mentioned, with compensation as follows:

"One at \$2,000 per annum and actual expenses.

"One at \$5 per day, actual traveling expenses, and \$4 per day in lieu of subsistence."

Subsequently there was added to this force an additional special agent at \$5 per day, actual traveling expenses, and \$4 per day in lieu of subsistence.

On October 1, 1908, it being considered advisable that the allowance in lieu of subsistence be made uniform throughout the special agents force, the amount of such compensation was reduced to \$3 per day, and since that date none of the special agents employed under the appropriation "Miscellaneous expenses, United States courts," has been allowed more than that amount.

On December 14, 1908, one additional special agent was employed under this appropriation at \$5 per day, actual travelling expenses, and an allowance of \$3 per day in lieu of subsistence.

There have also been employed since July 1, 1908, as necessity required, in addition to the agents above mentioned, a number of temporary special agents, the period of employment in each of said cases being limited to thirty days, and the compensation in such cases being at the rate of \$3 per day, actual traveling expenses, and an allowance of \$3 per day in lieu of subsistence, there being 9 temporary special agents

tioned, including those in the employ of the department at the beginning of the present fiscal year, 34, as follows:
"One at \$2,000 per annum and actual expenses.
"Six at \$5 per day, actual traveling expenses, and an allowance of \$3 per day in lieu of subsistence.
"Fourteen at \$4 per day, actual traveling expenses, and \$3 per day in lieu of subsistence.
"Ten at \$3 per day, actual traveling expenses, and \$3 per day in lieu of subsistence.
"Two at \$3 per day, actual traveling expenses, and \$1 per day in lieu of subsistence.
"Two at \$3 per day, actual traveling expenses, and \$1 per day in lieu of subsistence.
"One at \$3 per day."

The new force of special agents was placed in charge of the chief examiner, who has general supervision of their work, and receives from them dally reports setting forth the nature and extent of the duties performed by them, the expenses incurred by them, etc. The reports received at the Department each day are summarized by the chief examiner and submitted to the Attorney-General, who, by this means, is kept fully informed, at all times, both as to the operations of the special agents, and also as to the daily cost of the service, the aggregate cost of similar investigations during the same period of the fiscal year, 1907.

From a recent report of the chief examiner it appears that the

1907.

From a recent report of the chief examiner it appears that the amount paid to special agents and other similar employees (including those employed under designation from the Chief of the Secret Service Division of the Treasury Department) from the appropriation "Miscellaneous expenses, United States courts, 1908," during the period from July 1 to December 26, 1907, was approximately \$53,743.25; whereas the total compensation and expenses of the special agents performing similar services during the period from July 1 to December 26, 1908, was \$40,149.98; a difference of \$13,593.27.

Respectfully submitted.

S. W. FINCH, Chief Examiner.

S. W. FINCH, Chief Examiner.

Mr. HENRY of Texas. Mr. Speaker, I wish to make a request for unanimous consent. Pending the motion of the gentleman from Illinois, I ask uannimous consent that the gentleman from Connecticut [Mr. Higgins] may be given five minutes to make a statement.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Connecticut may be given five

minutes to make a statement.

Mr. MACON. I do not know, Mr. Speaker, that there is any reason why the gentleman from Connecticut should make a statement at this time. He is not charged with anything; his skirts do not need to be cleared, and I object.

Mr. GAINES of Tennessee. Mr. Speaker, pending the motion of the gentleman from Illinois, I ask unanimous consent to make a statement on the Lilley matter.

The SPEAKER. Does the gentleman from Illinois withhold his motion?

Mr. FOSS. Mr. Speaker, I demanded the regular order. Mr. GAINES of Tennessee. Well, the gentleman is doing an

injustice to a Member of this House.

The SPEAKER. The gentleman demands the regular order. The question is on the motion of the gentleman from Illinois, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and the motion was agreed to. Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26394, the naval appropriation bill,

with Mr. MANN in the chair. The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Sterling having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16954) to provide for Thirteenth and subsequent decennial censuses,

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 653) to authorize commissions to issue in the case of officers of the army retired

with increased rank.

NAVAL APPROPRIATION BILL.

The committee resumed its session. The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers and receiving ships, and other vessels; 2 clerks to general inspectors of Pay Corps; 1 clerk to pay officer in charge of deserters' rolls; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, and also naval constructors and assistant naval constructors; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the

United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force, and men detailed for duty with Naval Militia, and for the Fish Commission, 42,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 2,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; prizes to be awarded to the engineer divisions of the ships in commission for general efficiency and for economy in coal consumption under such rules as the Secretary of the Navy may formulate, \$32,803,486.72.

Mr. STAFEORD. Mr. Chairman, L. wigh the receive a point.

Mr. STAFFORD. Mr. Chairman, I wish to reserve a point of order on that part of the paragraph beginning with the word "prizes," in line 25, on page 2, and ending with the word "formulate," on page 3. It provides for prizes to be awarded to the engineer divisions of the ships in commission. I reserve the point of order to ascertain whether this is a new project that is about to be launched in this branch of the naval service, by awarding prizes for efficiency and economy in case of coal consumption, and what was the justification for the committee inserting it in the bill?

Mr. FOSS. It is not a new project, Mr. Chairman. It was done last year, and authorization was given by the law of last

Mr. STAFFORD. The gentleman does not mean to say that this special language was carried in last year's appropriation bill?

Mr. FOSS. No; I am mistaken; it was not carried in last year's appropriation bill. In any event, I will say that Admiral Evans, who was in command of the Atlantic Fleet, established a system of competition on the part of the coal passers, and the result of it was that he saved 1,500 tons of coal in the cruise of the fleet from Hampton Roads to Magdalena Bay, and this competition is now already in operation in the navy. Admiral Sperry, who is in command of the Atlantic Fleet, cabled from Australia the other day that it had been so successful that he would need 8,000 tons of coal less delivered at Manila Bay in order to complete his cruise around the world.

Mr. STAFFORD. What is the character of the prizes

awarded to the firemen?

Mr. FOSS. They are small money prizes. It will be a great saving to the navy.

Mr. STAFFORD. Mr. Chairman, the explanation of the gentleman from Illinois is satisfactory, and I withdraw the point of order. I move now to strike out the last word for the purpose of making further inquiry as to the reasons for the increase of \$2,000,000 in the appropriation in this item over that of last year. That seems to be an inordinate increase, and in view of the fact that the chairman of the committee or no member of the committee explained these items yesterday, but decided to have them explained as they were reached in the bill, I wish the gentleman would accommodate the committee with an explanation.

Mr. FOSS. Mr. Chairman I would state that this has been carefully figured out, and I will place in my statement here the estimates showing just how it is figured out by the Navy Department. The pay of 3,250 officers on the active list now allowed by law amounts to \$9,222,443, and then the pay and allowances of the 42,000 petty officers and seamen amounts to nearly \$18,000,000. There is an increase over that of last year due to the increased number of officers and also due to the increase in longevity pay, and the gentleman will recall, also, that we increased the pay of officers last year and also the pay of the men.

Mr. STAFFORD. I recall there was a general increase in the pay of the personnel of the navy, and I would like to ask how much, if the gentleman can state, is ascribable to the promotions and salary increases provided by the act of last year, and how much is due to the increase of the service.

Mr. PADGETT. Mr. Chairman, if I may interrupt, if the

gentleman will turn to page 7 of the hearings he will get it.

Mr. FOSS. Mr. Chairman, on page 7 of the hearings is set out the difference between all being now paid, the difference being \$2,657,587.

Mr. STAFFORD. Can the gentleman give an estimate as to the proportion of this amount of increase that is due to the increased salaries which were paid pursuant to the bill passed last year?

Mr. FOSS. No; we have not got that. Mr. TAWNEY. I desire to ask the gentleman a question.

Mr. FOSS. Certainly.

Mr. TAWNEY. Will the appropriation for pay of the navy for the current gear be sufficient to meet the requirements of existing law?

Mr. FOSS. Yes.

Mr. TAWNEY. There will be no deficiency in that?

Mr. FOSS. No deficiency on this appropriation.

Mr. TAWNEY. Then why is this appropriation \$2,000,000 more than the current appropriation?

Mr. FOSS. That is due to the increase in the number of offi-

That increases the amount \$1,057,810.

Mr. TAWNEY. Is it an increase in the number of officers or

increase in the pay of officers?

Mr. FOSS. Increase in the pay of new officers. turning them out from the Naval Academy every year-a large number-and also increase due to the commutation of quarters for officers. Then there is an increase of officers on the retired list which makes quite a large increase. Then there is the pay of 42,000 men and enlisted men on the retired list. These are all set out in this table, which I will insert in the RECORD.

Mr. TAWNEY. To maintain the navy in its present status, taking in new officers every year, will that necessitate a corresponding increase of about \$2,000,000 every year to meet these

Mr. FOSS. There will be an increase, but I hardly think it

will be as much as that,

Mr. STAFFORD. Can the gentleman inform the committee whether the present personnel of the navy meets all the demands required in the organization of the navy?

Mr. FOSS. We do not ask for any new men this year; we

have 42,000.

Mr. STAFFORD. My question is whether the force as now organized would be sufficient in case of hostilities with another nation, or whether additional men would be required to constitute the fighting force?

Mr. FOSS. I have no doubt but what a large number of addi-

tional men would be required.

Mr. TAWNEY. Are they authorized?

Mr. FOSS. They are not authorized, but we would call upon the reserve of the country in case of a war.

Mr. TAWNEY. Is the personnel at the present up to the maximum authorized by law?

Mr. FOSS. It is up to the maximum authorized by law, 42,000 men.

Mr. PADGETT. Lacking about 2,500 of the authorized enlistment.

Mr. FOSS. It is practically up to it.

Mr. TAWNEY. So that there will be a corresponding increase under existing law every year in consequence of increasing retirements and new officers coming into the service, com-

mutation of quarters, and so forth.

Mr. FOSS. Yes; there will be an increase every year.

Mr. LOUDENSLAGER. But, I would like to say, that will be lessened by the number of deaths which occur every year.

Mr. STAFFORD. Will there be any increase by reason of enlarging the number of battle ships, colliers, and other adjuncts of the navy?

Mr. FOSS. If we have more colliers, they will be increased. We have authorized great battle ships now, and there will be an increase in the number of men to man those ships.

Mr. STAFFORD. What is the average pay roll of the personnel of one of our large battle ships?

Mr. FOSS. Well, I should say the cost of maintenance for one of our large ships may be a million dollars a year in round

The Clerk read as follows:

PAY, MISCELLANEOUS.

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mlleage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; for rent of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage; tolls; costs of suits, commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, in maintenance of students and attachés; information from abroad, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign

and domestic, and post-office box rentals; and other necessary and incidental expenses: Provided, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy-yards, naval stations, and purchasing pay offices for the fiscal year ending June 30, 1910, shall not exceed \$249,054.25: Provided further, That hereafter the rates of pay of the clerical, drafting, inspection, and messenger force at navy-yards and naval stations and other stations and offices under the Navy Department shall be paid from lump appropriations and shall be fixed by the Secretary of the Navy on a per annum or per diem basis, as he may elect; that the number may be increased or decreased at his option and shall be distributed at the various navy-yards and naval stations by the Secretary of the Navy to meet the needs of the naval service, and that such per diem employees may hereafter, in the discretion of the Secretary of the Navy, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of the Navy, not to exceed fifteen days additional in any one year; that the total amount expended annually for pay for such clerical, drafting, inspection, and messenger force shall not exceed the amounts specifically allowed by Congress under the several lump appropriations, and that the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each; that section 1545, Revised Statutes, is hereby repealed; in all, \$868,550.

Mr. MACON. Mr. Chairman—

Mr. MACON. Mr. Chairman— Mr. TAWNEY. Mr. Chairman— The CHAIRMAN. The gentleman from Arkansas [Mr. Macon] is recognized.

Mr. MACON. I reserve a point of order against the new matter contained in the paragraph just read.

Mr. TAWNEY. Mr. Chairman, I wish to offer, for the information of the committee, an amendment to the proviso beginning on page 4 and ending on page 5.

The CHAIRMAN. The Clerk will read it for information

The Clerk read as follows:

The Clerk read as follows:

Provided further, That it shall be the duty of the Secretary of the Navy to submit to Congress at its next session and for its consideration a schedule of rates of compensation, annual or per diem, that should in his judgment be permanently fixed by law for clerical, inspection, and messenger service in navy-yards, naval stations, and purchasing pay offices, and in fixing such rates of compensation he shall have due regard for the rates usually paid for like services, in the inspection localities, by employers other than the United States, and he shall not recommend any rate exceeding that being paid by the United States at any such yards, stations, or offices prior to January 1, 1909.

Mr. FOSS. Mr. Chairman, I understand that is simply read for information?

Mr. TAWNEY. For information only. Mr. MACON. Mr. Chairman, I reserve the point of order if the chairman of the committee desires to be heard.

I shall be glad to answer any question.

The CHAIRMAN. The Chair was going to ask the gentleman from Arkansas [Mr. Macon] to point out the items to

which he made the point of order.

Mr. MACON. Mr. Chairman, I reserved it upon the paragraph so far as that is concerned. It contains new matter all

through.

The CHAIRMAN. The Chair understands.

Mr. MACON. I notice here a new provision on page 3, line 14: For actual traveling expenses of female nurses

Mr. FOSS. What is the question? I did not hear, Mr. MACON. It says:

For actual traveling expenses of female nurses.

That is a new provision that was not carried in the last bill. Mr. FOSS. We established under separate law a corps of female nurses last year, and that was put on the appropriation bill by the Senate. It was a Senate amendment, which passed the last House and became a law. This simply provides for the actual traveling expenses of that corps. It is already law.

Mr. MACON. But this is not law.

Mr. FOSS. Yes; it is law. That was provided for in a sepa-

rate amendment.

Mr. MACON. It was not carried in the last bill, however?

Mr. FOSS. No. Mr. MACON. Now, another item. On page 4, beginning on line 12, there is a proviso:

That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy-yards, etc., for the fiscal year ending June 30, 1910, shall not exceed \$249,054.25.

Mr. FOSS. That part of the new language is simply a limitation on that appropriation. Heretofore the Secretary of the Navy could pay out that whole sum, if he wanted to, for clerical-inspection service, but in a spirit of reform and economy we are requiring now limitations as to all these lump appropriations, or working appropriations, of the different bureaus; and in connection with this bureau, the Bureau of Navigation, we recommend that there be a limitation upon the amount expended

Mr. MACON. We will pass, then, to the next proviso, which reads as follows:

Provided further, That hereafter the rates of pay of the clerical, drafting, inspection, and messenger force at navy-yards and naval stations and other stations and offices under the Navy Department shall be paid from lump appropriations and shall be fixed by the Secretary of the Navy on a per annum or a per diem basis as he may elect.

Mr. FOSS. Yes. Under our present system they heretofore provided for a civil establishment in the law. That is, all those clerks that are on a per annum basis were provided for specifically here in our bill, but by this provision we wipe that out, because we believe it will mean greater economy to leave it in the discretion of the Secretary of the Navy, so that he can not exceed that amount provided for under each appropriation, and at the same time he can appoint clerks on a per annum basis or on a per diem basis as he may see fit.

Mr. MACON. Right there I notice "that the number may be increased or decreased at his option, and shall be distributed to the various yards and naval stations by the Secretary of the Navy to meet the needs of the naval service." Now, in con-

nection with that-

Mr. FOSS. But that is a limitation on the amount, and the limitation placed upon that which we are now appropriating.

Mr. MACON. But, if the practice of making appropriations is to continue along the same lines that they have heretofore been made, I will insist that in my judgment if the Secretary of the Navy were to see fit to increase this force on the roll by 500 additional men, that when it came to the appropriations next time or in the urgent deficiency bill, he would make a recommendation therefor, and the appropriation would be made to pay all of the additional employees placed upon the roll.

Mr. FOSS. Let me say to my friend that that is what he can not do. In the first place, he has got to make a report to Congress every year of the number of men who are in the clerical and inspection services. That report comes before our committee; and we put a limitation upon this lump appropriation so that he can not expend this money, which he could hereto-fore do, by putting into the service a whole lot of clerks and inspectors, as he might see fit. We have it now absolutely under our control by this provision; far better than we had before.

Mr. MACON. I remember a few years ago Congress passed a

law specifically declaring that the heads of departments should not exceed the appropriations made for the maintenance of a particular bureau or department; and yet we know that they have continued to exceed the appropriations and entail indebtedness upon this Government, that has been met regularly by the next appropriation bill providing for the conduct of the affairs of the department or bureau, right in the teeth of the law. In my judgment, if we give the Secretary of the Navy the right to name and pay all the officers or employees that he sees fit to appoint and place upon the pay roll, it will be establishing a pretty loose precedent that may prove an evil instead of a

Mr. FOSS. But we go on and provide:

That the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. MACON. I understand.

Mr. FOSS. So that we have control over these funds.

Mr. MACON. I suggested a while ago-

Mr. FOSS. And you will find the limitation upon this fund

every year in our bill.

Mr. MACON. But when these 500 employees have been put on the roll, no matter whether the appropriation was sufficient to pay them or not, the Secretary will suggest to Congress that these parties performed valuable service and were entitled to their pay; and I apprehend that the appropriation will be made to pay them, no matter how far the Secretary of the Navy may have abused the privilege placed in his hands.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Arkan-

sas is through, I would like to address myself to him upon this

proposition.

Mr. MACON. I will be glad to hear the gentleman.

Mr. TAWNEY. I trust the gentleman from Arkansas will not make the point of order against this provision. The matter of the employment and compensation of clerks, inspectors, and draftsmen in the classified service employed in the various navy-yards has been a subject that has been considered carefully, and has troubled Congress more or less for a number of years. So far as I am concerned, I am satisfied that it is wholly impracticable for Congress to provide specifically for the compensation of each of these classified employees in the various navy-yards and other outside places. That was what we thought could be done when we commenced the consideration of this question several years ago. It was the aim, if pos-

sible, to bring the classified employees in the navy-yards and naval stations under the same rule in respect to appropriations for their compensation that governed the subject of compensation of clerks in the departments; namely, to have them classified and then appropriate for so many in each class. a careful investigation of all the facts surrounding this service, it is to my mind wholly impracticable to accomplish that. Now, that being so, there is only one of two other ways we can do, and that is to appropriate, as we have done heretofore, generally for the pay of these people to be paid out of a lump-sum appropriation. To-day they are being paid out of 27 specific lumpsum appropriations, and may be paid out of over 50 lump-sum appropriations, for all appropriations made for public works of the navy are available also for the payment of clerical services. There is absolutely no limitation on any one of the 27 appropriations from which they are now paid as to the amount the Secretary can pay for clerical services in the classified service. There is no limitation upon the appropriation for public works that may be used for this purpose. This provision limits the payment for clerical service in the navy-yards. This gives a lump-sum appropriation, and places the limit on the amount the Secretary of the Navy may spend for that service.

Mr. LOUDENSLAGER. And prohibits any other expenditure

for that purpose.

Mr. TAWNEY. It also prohibits the expenditure of any part of the appropriation for clerical services, except the amount spe-

cifically named for that purpose.

This matter has been gone over very carefully by Admiral Rogers, the Paymaster of the Navy, at the suggestion of the Committee on Naval Affairs and at the suggestion of the Committee on Appropriations, with a view of working out some practical plan whereby there may be a limitation placed upon the use of lump-sum appropriations; or, in the first place, whereby the number of appropriations from which clerical services can be paid would be reduced, and a limitation placed on the amount to be expended out of any lump-sum appropriation for clerical services, so that the amount can not be exceeded.

What is the practical legislative difficulty Mr. STAFFORD. in the way of following the same course as is pursued elsewhere, and limiting the appropriations from which these messengers and other men employed by the navy-yards are paid? In the bill of last year there were four or five pages given over to the designation of this character of employment, with stated salaries.

Now, as I understand the gentleman, there has been an abuse by the department availing themselves of the lump-sum appropriations in some 50 different items. From a practical legislative standpoint, which is objectionable from designating the salaries of these men and the maximum salaries to be paid to individual employees and forbidding their payment from lumpsum appropriations?

Mr. TAWNEY. One practical difficulty that is found by the Navy Department grows out of the character of the service to be performed. Another practical difficulty is the fact that the people in the classified service who are paid from lump sums and whose salaries are not specifically appropriated for are dovetailed in with those who are specifically appropriated for. Now, it is the judgment of the Paymaster-General of the Navy, who I believe is one of the most competent and one of the most conscientious officers that has ever filled that position, that this provision will effect a very material economy in the cost of the classified service in the navy-yards.

One of the principal advantages of this provision grows out of the fact that if we appropriate specifically for certain clerks for a designated navy-yard, it is impossible for the Navy Department to use those people in another navy-yard if the work becomes congested in one yard and there is not sufficient work to occupy all the people employed in another yard. This provision will enable the Secretary of the Navy to adjust his force in the different navy-yards at all times, so as to meet the congested condition in one yard and the lack of work in other yards. Therein the provision will undoubtedly work economy in the administration of the service in the various navy-yards.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. STAFFORD. I recognize the difficulty for the depart-

ment to forecast in advance the number of clerks who will be needed in each respective yard; but what is the practical diffi-culty in providing for all of these clerks in one item, and designating the number that may be available for the service in the fiscal year?

Mr. TAWNEY. If that was attempted, we would have to continue the practice that has heretofore obtained of specifically appropriating for so many clerks. If we pursued the policy in respect to all of the clerks, draftsmen, messengers, and inspectors employed in the navy-yards that we have heretofore pursued in respect to some of the clerks, we would then have to specifically appropriate for so many clerks at this navy-yard, so many clerks at that navy-yard, and it would be absolutely inflexible; the Secretary of the Navy would have no discretion whatever in transferring these men from one yard to another. There would be a specific appropriation for services in that particular navy-yard.

[The time of Mr. Tawney having expired, by unanimous consent, at the request of Mr. STAFFORD, it was extended five

minutes.]

Mr. MACON. I want to ask the gentleman a question at this point.

Mr. TAWNEY. Go ahead.

Mr. MACON. Why could not the head of a bureau be required in advance to estimate as to how many employees it might be necessary to have in connection with any particular bureau? Then we could appropriate for them just as we appropriate for so many clerks in the different branches of the Post-Office Department, in the Treasury Department, and in the other departments of the Government.

Mr. TAWNEY. I am very glad that the gentleman has asked me that question. The reason that it can not be done grows out of the difference in the character of the service. not estimate accurately at the beginning of this fiscal year, or six months before the beginning of the fiscal year for which they ask for appropriations, how many vessels will be sent to the Brooklyn Navy-Yard, for example, during that fiscal year for repair, or how many vessels will be sent to the Norfolk Navy-Yard, or the Mare Island Navy-Yard. The character of the work is such that it is impossible for the department to estimate accurately, and for that reason, Congress recognizing that fact, has never required it to be done, but has given the Secretary authority to employ such clerical services as are necessary, to be paid out of the general lump-sum appropriation.

And it was in that practice that abuses grew up in the administration and expenditures of these appropriations.

Now, it is for the purpose of minimizing as far as possible

abuses of that character in the future that the number of appropriations from which these clerical services can be paid hereafter is limited and reduced from 50 to 10, and the amount available for that service in each of the 10 classes by law can

not be exceeded.

I think the provision might have gone a little further. I think there ought to be some qualification as to compensation, just the same as there is in the army, and for that reason I have

Just the same as there is in the army, and for that reason I have offered this amendment as a paragraph:

Provided further, That it shall be the duty of the Secretary of the Navy to submit to Congress at its next session and for its consideration a schedule of rates of compensation, annual or per diem, that should, in his judgment, be permanently fixed by law for clerical, inspection, and messenger service in navy-yards, naval stations, and purchasing pay offices, and in fixing such rates of compensation he shall have due regard for the rates usually paid for like services, in the respective localities, by employers other than the United States, and he shall not recommend any rate exceeding that being paid by the United States at any such yards, stations, or offices prior to January 1, 1909.

Now, when we get that information, at the next session of Congress, or when we receive the report from the Secretary of the Navy classifying the compensation to be paid to the various employees, we can then fix by law the rate of compensation and also the amount that can be expended from the 10 lumpsum appropriations for the services of these classified employees. When we do this, I think we will have gone as far as it is possible to go by way of practical legislation to prevent the abuses for the payment of the classified service in the navy from the lump-sum appropriations, and I trust that the gentle-man from Arkansas will not make the point of order, for I regard this as very important. I have reason to know that the Paymaster-General, who has devoted a great deal of time to the study of this matter, has come to the conclusion that this is a practical and economical way of dealing with this question, and the report accompanying this shows conclusively that the sum to be spent for clerical service for the next fiscal year will be considerably less than the amount spent this year. it does not work out practically and satisfactorily, then we will adopt some other plan. I hope the gentleman from Arkansas will not make the point of order.

Mr. MACON. Mr. Chairman, I notice that this bill changes the policy of the Government heretofore prevailing in the matter of making appropriations for employees all through it. In the last appropriation bill for the support of the navy I find, under the head of "Bureau of Yards and Docks," several estimates—navy-yard at Portsmouth, N. H., clerk, at \$1,400; 1 mail messenger, \$2 per diem, including Sundays; 1 messenger, at \$600, and so forth. In this bill it is sought to strike out

these various provisions and allow the Secretary of the Navy

these various provisions and any the second respectively. The control of this particular navy-yard as he sees fit.

Mr. TAWNEY. No; if the gentleman will permit me, he is in error. He is limited by the amount which is segregated from the lump-sum appropriation and made available for clerical service. The amount is fixed on the basis of the number of service. clerks in the service and compensation paid at the present time. which are reported each year, and he has no power; he can not exceed the amount segregated from the lump-sum appropriation and devote it to the compensation of these clerks. He can not exceed that. So his power to employ clerical service is limited

to the amount of money that is given him.

Why would it not be safer for us to say that Mr. MACON. he shall have a clerk at the Portsmouth Navy-Yard at a certain fixed rate of pay, a messenger at a certain pay, and other officers there of a certain kind and a certain pay, as the necessities may require, and then appropriate a total amount and require the Secretary of the Navy to stay within that sum? Would not that be safer than to say that the sum shall be a certain amount, and then allow him to name all the officers he pleases, and then come in later with a deficiency for the payment of employees named by him who have performed services and have the House make the appropriation for that deficiency?

Mr. TAWNEY. If the gentleman will permit me, I will answer his question. The reason is very manifest. There is no one who can tell accurately how many clerks or how many messengers or how many draftsmen will be required in the

next fiscal year.

Mr. MACON. Then, how can you appropriate a lump sum and say that he can not go beyond that and know that a suffi-

cient number of employees have been provided for?

Mr. TAWNEY. If the gentleman will permit me, I will explain. If he has not the money to expend for any more clerks than he is employing in the Brooklyn Navy-Yard and needs more clerks, then under this provision he can transfer clerks from other navy-yards to the Brooklyn Navy-Yard.

Mr. MACON. I do not object to the transfer feature of the

provision.

Mr. TAWNEY. During that congested period.

Mr. MACON. I do not object to the transfer feature of this at all, and if the gentleman will frame his amendment so as to only provide for the transfer so he can use them at the Portsmouth or any other navy-yard, or at any other point he sees fit, whenever their services are required there, I would not raise a point of order against that kind of a proposition, I

do not care how new the legislation might be.

Mr. LOUDENSLAGER. Mr. Chairman, I think perhaps I can make it somewhat clear to the gentleman from Arkansas [Mr. Macon]. The amount here of the limit of the different appropriations under the different bureaus is the amount expended last year, which is as near the economic point of expenditure as was possible for the committee to arrive at; but under the law as it is now the Secretary of the Navy could have expended \$7,000,000 or \$8,000,000 more for these clerks and inspection hire, and pay it out from the lump sums for ordnance and armor and for construction and repair. The committee, now taking as the basis of what they believe is an economic administration of the employment of clerks, draftsmen, and inspectors, have taken some of the last year's expenditures and put them under the different bureaus, and also put a proviso under those general appropriations that not one dollar shall be expended by the Secretary of the Navy from those appropriations for clerk hire, inspection, draftsmen, and where heretofore he had the right-an unlimited rightwithout any statement as to the amount, to do this, we believe now we have come to a more economic position regarding the matter.

Mr. MACON. In reply to what the gentleman has said about the appropriations being as near the amount that was carried in the bill of twelve months ago as it is possible to get them, or words to that effect, I will say that I notice that the increase

on this very paragraph is \$145,550.

Mr. LOUDENSLAGER. I can reply to that, because that \$145,000 was taken out of the appropriation of what we call "O and O," ordnance, and out of the appropriation for construction and repair. We took that from them and say they can not spend any more money out of this appropriation and put it in here.

Mr. MACON. If you can so particularize as to the service that will be necessary to be performed at these different navyyards or places, whatever they may be, as to be able to name a lump sum of money to pay therefor, then why, in the name of reason, common sense, and every other good thing, could not the committee come to some idea as to how many employees would be needed, how much money it would take to pay them?

Mr. OLCOTT. We know how many men, but we do not know at which yard they are to be employed.

Mr. MACON. I do not object to the transfer feature, but I do think Congress should say how many clerks we are going to have and what their salaries shall be and not let the head of some bureau say it.

Mr. ROBERTS. Will the gentleman yield to me for a mo-

Mr. MACON. I yield to the gentleman from Massachusetts.

Mr. ROBERTS. I think I can give the gentleman from Arkansas some information on the present practices which this legislation is seeking to do away with. The gentleman read a moment ago the provision for clerks in a certain bureau in the navy-yard at Portsmouth, N. H. Doubtless he thinks, as most any person would think from reading the appropriation bill of last year, that the particular clerks named there were the only ones employed in that bureau in that yard.

Mr. MACON. They ought to have been.

Mr. ROBERTS. We will not dispute on that point, but as a matter of fact the naval appropriation bills for years have carried for each bureau in each yard what is called the "civil establishment," specifying a few clerks, messengers, and others doing clerical service. They were on a per annum basis.

The number specified in the bill, however, was in no instance anywhere near the number of men employed in that bureau in the yard. These extra ones were called "special laborers," and were on a per diem basis, and their pay came out of the appropriations for armor and armament, ordnance and ordnance stores, and so forth. Congress had no way whatever of knowing how many men in the various bureaus of the navy-yards were doing clerical work, and they did not know where their pay was coming from. When we appropriated a given number of millions for armor and armament—for instance, for the armor and guns that went on the battle ships—we naturally thought every dollar of that went toward the purchase of armor and guns. But we found out after a while that considerable sums, running perhaps into hundreds of thousands of dollars, were being taken out of the appropriations to pay for purely clerical services in the various bureaus of ordnance and in various other departments of this Government in the yards and stations throughout the country.

Mr. MACON. Why does not the gentleman take some steps to prevent that very thing?

Mr. ROBERTS. One moment, if the gentleman will pardon me. I will come to that, and I think he will appreciate it. Every time, since I have been a Member in this House, when there has been a proposition on a naval bill to put in an additional clerk in any of those bureaus, some person has risen to a point of order that this is new legislation, and it is immediately stricken out.

Mr. MACON. Just there, Mr. Chairman, I would like to suggest to the gentleman from Massachusetts that he is in error. As I understand it, under existing law the Appropriations Committee has the right to appropriate for additional clerks in every branch of the departments—as many clerks as it thinks is needed in any branch of the various departments of the Government—and the point of order will not lie against it; it only lies against an increase of their salaries.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. ROBERTS. If the gentleman will pardon me, the Appropriations Committee can provide for clerks in Washington, but not for clerks in the arsenals, gun factories, naval stations, and similar places outside of Washington. Those positions are provided for in the appropriation bills of the Naval Committee or Military Committee or some other committee.

Mr. FITZGERALD. If the gentleman from Arkansas will yield and permit, I think I can state the case. The law specifically prohibits—if the gentleman from Arkansas will listen to this—I will state the law specifically prohibits the employment in navy-yards and naval stations of per annum clerks except those that are specifically estimated and appropriated for, and it compels the employment of other clerks on a per diem basis, and they have been employing this large number of clerks. I desire to say to the gentleman in connection with this matter, here is the situation in the Brooklyn Navy-Yard. They are starting to build a battle ship and there is a permanent force of clerks, for instance, in the Bureau of Construction and Repair. It is necessary, in connection with the work on the battle ship, to employ a large number of clerks, inspectors, draftsmen, and other employees. The department, under the authority it possesses, has been employing them out of the general appropriation for the construction of this ship upon a per diem

Now, the Secretary of the Navy says:

If you will give me a lump sum and permit me to organize this force, put those there either on a per diem or per annum basis, as may be best, if you will give me power to increase the force within a reasonable limit or to decrease it, I can conduct the force there the same as the head of any great commercial establishment would. When clerks are unnecessary, drop them; when additional clerks are necessary, take them on and at the same time do more efficient work at a less expenditure. them on penditure.

The Paymaster of the Navy called upon me, and I went over it very carefully with him and other people, and I became convinced that this practice, which is now in force in the War Department, would work out beneficially and would really result in economy. This thing happened. There are to-day in a number of these navy-yards clerks doing identical work side by side, one on a per annum and the other on a per diem basis. them receiving less privileges than the other creates discord and dissatisfaction, and these men are actually permanent employees, although on a per diem basis; and it would result in much more thorough work, in my judgment, if the department were given the authority, with the restrictions the committee has wisely put on it, to utilize a lump sum instead of an unlimited sum for the purposes specified.

Mr. ROBERTS. Mr. Chairman, let me say a word, in conclusion, to the gentleman from Arkansas. I have been particularly interested in this very subject for a number of years, seeking, to the best of my ability, to get a better control in the way of correction over the clerical expenditures of the Navy Depart-

ment in the navy-yards and naval stations.

I became cognizant of the fact some time ago that no person outside of the Navy Department had the slightest idea how many people doing clerical work were really employed in all these navy-yards and stations, and upon investigation found that the number could be increased to the total amount of so great an appropriation as that for armor and armament, if necessary, without coming to Congress for any authorization. Now, the committee have been working on this question for several years and, in connection with the Paymaster-General of the Navy, have finally evolved this legislation as a practical solution of the question. The Secretary of the Navy can not employ in the department of steam engineering, for instance, in all the bureaus of steam engineering in all the yards and stations of the country, any more clerks, any more men doing clerical service, than the total amount of the limitation that we place on the appropriation for steam engineering.

Mr. MACON. I answered that inquiry a few moments ago, Mr. Chairman, by saying that the department has been exceeding appropriations that have been made for the maintenance or conduct of the affairs for the particular department.

Mr. ROBERTS. The gentleman can not put his finger on an appropriation for that purpose.

Mr. MACON. I will not say the navy particularly, but some

of the departments have.

Mr. ROBERTS. The navy have exceeded the appropriation for clerical service, but they have helped it out by taking the money out of another appropriation. That has been the condition that we are seeking to do away with, so that we will know just where the money comes from for clerical service, and how much in their opinion is necessary.

Mr. MACON. If you would name the employees and say they should receive so much per annum or so much per day, then you could get at a proper amount to appropriate for their services.

Mr. ROBERTS. Let me say just a word further to the gentleman. No great, successful, private business undertakes for a moment to fix irrevocably the compensation their employees shall receive, whether they be clerks or whether they be workingmen, and these navy-yards should be great business enterprises and within a reasonable limit have the same elasticity as to the number of clerks and their compensation that you would find in any private undertaking, and this is what we have done in this And let me say just one word further. The amount named as the limitation on every one of these bureaus is the result of computation based on the number of men now actually employed plus the number they think they would require for another year.
Mr. FITZGERALD. And not only that-

Mr. ROBERTS. And there is the limitation. The Secretary can not exceed it in this year.

Mr. FITZGERALD. The department has submitted in a

document to Congress a statement showing the clerks, and compensation per diem and per annum, employed at these various places and expecting to be employed, and it was upon this detailed information that the amounts here have been made. That detailed information is before Congress now. It House document 1224 of the second session of the Sixtieth Congress

Mr. MACON. I want to ask the chairman of the Committee on Appropriations if this is not a step in the direction of giving all of the departments of the United States the right to name the number of employees?

Mr. FITZGERALD. I think not. It does not apply at all to the civil establishment in Washington.

Mr. MACON. But it does apply to civil establishments elsewhere. If we have it elsewhere, why not have it here in

Washington? Mr. FITZGERALD. But the department has to-day the power to employ all the clerical, inspection, and drafting forces it needs in these various stations, out of lump appropriations, without any limitation except this one—that is, that the employees must be put upon a per diem instead of a per annum compensation. This provision will restrict to the amounts specified under the various heads the number that we can appro-

Mr. MACON. Mr. Chairman, this is a big question, and I have not the time, or have not had, to go into it as this committee has done. The members of the committee, as well as the members of the Appropriation Committee, whose duty it is to guard the expenditures of this Government, assure me that this is not a precedent looking to the giving to the heads of the various departments of the United States the right to select as many clerks as they desire and pay them such salary as they see fit.

That being the case, I am not going to put my judgment against the combined judgment of the Committee on Appropriations and the Committee on Naval Affairs in this particular

instance, and I will not insist upon the point of order.

Mr. TAWNEY. I want to say, Mr. Chairman, to the gentleman from Arkansas that there is no thought of using this as a precedent with respect to the classified service in the executive departments in the city of Washington. There is no thought of that kind whatever.

I now offer the amendment I sent to the Clerk's desk.

The Clerk read as follows:

The Clerk read as Ioliows:

After "each," line 15, page 5, insert:
"Provided further, That it shall be the duty of the Secretary of the Navy to submit to Congress at its next session and for its consideration a schedule of rates of compensation, annual or per diem, that should, in his judgment, be permanently fixed by law for clerical, inspection, and messenger service in navy-yards, naval stations, and purchasing pay offices, and in fixing such rates of compensation he shall have due regard for the rates usually paid for like services in the respective localities by employers other than the United States, and he shall not recommend any rate exceeding that being paid by the United States at any such yards, stations, or offices prior to January 1, 1909."

Mr. FOSS. I have no objection to that amendment, only I think it ought to be amended in this particular: Insert after the word "offices" the words "superintending constructor's office and inspection of engineering material."

The CHAIRMAN. The Clerk will report the amendment offered to the amendment.

The Clerk read as follows:

After the word "offices" insert "superintending constructor's office and inspection of engineering material."

Mr. FOSS. Now I accept the amendment.

Mr. TAWNEY. I accept the amendment to the amendment offered by the gentleman.

The CHAIRMAN. The Clerk will report the amendment as amended.

The Clerk read as follows:

The Clerk read as follows:

After "each," line 15, page 5, insert:

"Provided further, That it shall be the duty of the Secretary of the Navy to submit to Congress at its session and for its consideration a schedule of rates of compensation, annual or per diem, that should in his judgment be permanently fixed by law for clerical, inspection, and messenger service in navy-yards, naval stations, and purchasing pay offices, superintending constructors' offices, and inspectors of engineering material; and in fixing such rates of compensation he shall have due regard for the rates usually paid for like services, in the respective localities, by employers other than the United States, and he shall not recommend any rate exceeding that being paid by the United States at any such yards, stations, or offices prior to January 1, 1909."

The amendment as amended was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After the amendment just adopted insert the following: "Provided further, That persons employed in the clerical, drafting, and inspection forces at navy-yards or stations discharged for lack of work or insufficiency of funds shall thereafter be preferred in employment in such navy-yards and stations in the clerical, drafting, and inspection and messenger forces."

Mr. FOSS. I reserve the point of order to hear from the gentleman.

Mr. FITZGERALD. Well, the amendment was offered to new matter in the bill which was subject to the point of order, and it is germane to the provision.

The CHAIRMAN. The Chair thinks the amendment is not offered to new matter in the bill. An amendment was pending before the committee, and no suggestion was made of amendment; and that amendment has been disposed of.

Mr. FITZGERALD. It comes in this paragraph immediately after the new matter. But there may not be any difficulty about it, Mr. Chairman. Under the provisions in the bill, it will be possible for the Secretary of the Navy, at any time the needs of the service require, to dismiss men in the clerical, inspection, and messenger services. If these men be dismissed merely because of lack of work or insufficiency of funds, the effect of this amendment will be to give them preference in employment in the service. It does not cover the case where a man is dismissed for any cause except lack of funds or lack of work. It seems to me where a man has been employed as a clerk, or in the drafting service, and his work has been satisfactory, and he has been dismissed under this power simply because there is nothing for him to do, that he should be preferred when men are to be taken back in that particular service.

Mr. OLCOTT. Will the gentleman yield to me for a moment?

Mr. FITZGERALD. Certainly.

Mr. OLCOTT. I have no particular objection to the theory of the amendment, but I think there certainly should be some time limitation put upon it. You do not limit it as to time. There should be a limit of two years, or something of the kind.

Mr. FITZGERALD. I think one year would do.

Mr. PADGETT. I would like to ask the gentleman this question: Suppose, during the interim between his dismissal

and the time for further employment, the Government can employ one better qualified and more efficient; should the less efficient be given preference?

Mr. FITZGERALD. Mr. Chairman, if a man is discharged because of inefficiency that will settle it, and this will not apply: but just to show the effect of the suggestion of the gentleman, somebody will say he will not take back a man who was discharged simply because he had nothing to do, because somebody suggests that some one is a more efficient man. I wish to eliminate that question from consideration of the matter as far as I can.

Mr. BATES. Do you not think it limits the discretion now

lodged in the Secretary?

Mr. FITZGERALD. I am not going to put myself in the position of saying that. All this does is that when a man is dropped from the clerical force because there is a lack of work or an insufficiency of funds he is to be given preference in employment. Why should not clerks who are dropped simply because there is no work for them and no funds to pay them be given preference to be taken back in the service when there is employment?

Mr. DAWSON. If the gentleman will permit me. As he is well aware, all of these clerks and clerical employees go into the service through the Civil Service Commission. They are all classified employees, and it seems to me that there is ample provision in the general law relating to the classified service, giving such preference as they are entitled to in connection with reemployment.

Mr. FITZGERALD. If a man be dropped from the service, as I recall the provisions of the civil-service act, he can be

reinstated.

Mr. DAWSON. Within a year.

Mr. FITZGERALD. Within one year; and that, it seems to me, is a proper provision to insert here.

Mr. ROBERTS. He can be reinstated, but he does not have

Mr. FITZGERALD. I do not wish to be put in the attitude of going to the department and asking favors. I think if a man's services have been such that he was an efficient and competent man, he ought to go back on his merits within the proper time.

Mr. DAWSON. Does the gentleman contemplate to make this continuous, or does he intend to limit this preference to

one year?

Mr. FITZGERALD. In response to that suggestion I will say that I think a year would be a proper time. I do not say that it has occurred or that it will occur, but it might occur that there would be a reduction of force to-day, and next week the same number of men might be taken back, and a man who had been employed for years and was a competent man, because of the fact that he lacked certain backing would be unable to get back into the service. I think that is an injustice, I think a modification "within one year from the date of his separation from the service" would meet the objection.

Mr. OLCOTT. I move to amend the proposed amendment by inserting after the word "shall" the words "for one year," so that it will read, "shall for one year thereafter."

Mr. FITZGERALD. I am glad to modify the amendment in

The CHAIRMAN. If there be no objection, the amendment will be modified as suggested, and it will be reported by the Clerk as modified.

The Clerk read as follows:

Provided further, That persons employed in the clerical, drafting, and inspection force at navy-yards or stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy-yards or stations in the clerical, drafting, inspection, and messenger forces.

The CHAIRMAN. Is the point of order withdrawn?

Mr. FOSS. Mr. Chairman, I am rather opposed, as a general principle, to limiting the discretion of the Secretary of the Navy in a matter of this character, in the employment of men whom he shall take back after a number have been discharged; but in view of the amendment providing that it shall apply for one year, which, I understand, is practically the civil-service rule, I shall withdraw my point of order to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Contingent, navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$46,086: Provided, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1910.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question in regard to this appropriation. I notice in last year's bill the amount carried for this purpose was \$65,000, and this year it is \$46,086. Did the gentleman find that he had appropriated too much a year

Mr. FOSS. No; but in view of this provision which we have just passed, we have taken out the clerical service which was formerly paid for out of this appropriation, and reduced it by that amount.

Mr. ROBERTS. You will find in all these items a reduction where the clerical force came in under the old provision.

Mr. FOSS. It has been provided for in another way, and so has been taken out all along.

Mr. MACON. I withdraw the pro forma amendment. The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof, transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, \$818,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee concerning this appropriation. The last naval appropriation bill carried \$475,000 for this purpose. This one carries \$818,000, an increase of \$343,000. The chairman yesterday, in his remarks on the bill when he presented it to the House, stated that there had been no increase of men asked for this year. That being the case, I can hardly reconcile the increase of appropriation here unless he expects that there will be a great number of deserters and stragglers who will have to be apprehended and brought to account for their desertions and stragglings

Mr. FOSS. I want to say that there were two deficiencies under this appropriation, one of \$110,000 and one of \$135,000. Mr. MACON. Then they exceeded the appropriation of last

Mr. FOSS. Yes; the railroad rates are higher now, and the transportation of men since we passed the railroad rate law has cost more. The Government does not get as good rates as they did before that.

Mr. MACON. Does the gentleman feel certain that the appropriation which we will make this year will not be exceeded?

Mr. FOSS. Well, it is a very liberal appropriation, and I think it will not be exceeded.

Mr. MACON. I will withdraw the pro forma amendment, Mr. KELIHER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add provise, line 22, page 6:

"Provided, That the Secretary of the Navy is hereafter authorized to transport to their homes or places of enlistment, as he may designate, all discharged naval prisoners. The expense of such transportation shall be paid out of any money that may be to the credit of prisoners when discharged; where there is no such money, the expense shall be paid out of money received from fines and forfeitures imposed by naval courtsmartial."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to that amendment.

Mr. FOSS. I would like to ask the gentleman from Massachusetts if this is the same provision that he showed me some time ago, and which is recommended by the Navy Department?

Mr. KELIHER. I desire to state, in answer to the question of the chairman of the committee, that what this amendment will obviate has been sought for some time by the Secretary of the Navy and every official in the Navy Department who comes in contact with the handling of naval prisoners. We have about 1,200 naval prisoners, distributed at Boston, Portsmouth, Mare Island, and Puget Sound. We recruit the men from whom these prisoners come from all over the country. A man may be recruited in the city of Minneapolis, in the gentleman's [Mr. Stafford's] State of Minnesota, go into the navy, commit some breach of discipline, be court-martialed, and sentenced to the naval prison in Boston. When his sentence expires he is dis-charged upon the streets of Boston without one penny to his credit. The result has been, to an alarming extent, that the ranks of crime have been recruited from these unfortunates, that our state board of charity has had to send back innumerable men to all sections of the country, and it is a crying evil that should have been remedied long ago.

Now, if my amendment obtains, it will eliminate a disgraceful feature of naval conditions which exists to-day. It will insure a prisoner when discharged a railroad ticket to the place from whence he was recruited or enlisted or to his home, the discretion of the Secretary of the Navy to designate which.

Mr. Chairman, I have innumerable cases here to cite in proof that this is a crying evil. The authorities are troubled in Portsmouth, N. H., in Boston, at Puget Sound, and at Mare Island. We have had cases in great numbers in the city of Boston, where the charity bodies have had to provide for these poor devils who have been cast penniless from the naval prison without a penny in their pockets, and no way of obtaining the pressing necessities of life, not to speak of the means to reach home. When you stop to think that federal prisoners, when discharged from federal prisons where they were sent for committing offenses against federal laws, are provided transportation to the place of their conviction; that Congress annually appropriates money to send these men to their homes upon the completion of their sentences-men who have committed serious and often heinous crimes; that you appropriate money to meet them at the prison door to send them back home, it would seem that these poor devils of bluejackets should have at least equal treatment,

This matter has been thoroughly thrashed out at the department; it has been recommended by the Secretary of the Navy, and is in accord with the consensus of the best opinion of navy officials who have studied the method of the disposition of navy prisoners, who think that when this provision contained in my amendment is put into operation many of these incidents, so amendment is put into operation many of these incidents, so annoying to the communities in which naval prisons are located and this disgraceful phase of naval life, will be obviated. To show how Boston is called upon to care for men from all over the country who are discharged from the naval prison in that city, I submit the following list, showing names and home addresses of-

Prisoners discharged, United States naval prison, Boston, Mass., between July 1 and December 31, 1908.

Name.	Date.	Home address.	
Floyd Bramer	July	Cincinnati, Ohio.	
Frank W. CochranFrank B. Collins			
Peter Rittenhouse			
John L. Reczynski			
Harry Robinson	do	Toledo, Ohio,	
Harry M. Sams	do	Ripley, Ohio,	
Herman Tants			
John H. Webster			
Joseph Zeidman	do		
William A. Breen	Amonet	N. Y. Brooklyn, N. Y.	
William F. Chaltraw	do	Bay City, Mich.	
John A. Clifford			
William Du Bois	do	Rochester N V	
John A. Eckert	do	Detroit, Mich.	
Jack Hurley	do	Boulder, Colo.	

Prisoners discharged, United States naval prison, Boston, Mass., between July 1 and December 31, 1908—Continued.

Archibald I. Loughery Percy L. Makepiece Frank L. McDonald Lawrence J. O'Connor Harold Shannon John H. Taylor Richard P. Asselin Charles D. Bryant Joseph Corey William H. Darey Albert G. Densham Joseph Dwyer Adrian Fauteux Harry Gould Robert B. Hyatt Charles W. Johnson John A. Lane George E. Massie Alexander McKinnon John F. Obarski George W. Redmond Arthur B. Reardon James O. Brown Joseph Clancy John Cobn. George Davis Wilton P. Eddy Albert I. Grown Wilton P. Eddy Albert I. Gordon Cleveland Gordon Ceveland Gordon Ceveland Gordon Ceveland Gordon Ceveland Gordon College James F. Hyde James F. Hyde James F. Hyde George C. Jackson Adam H. Humbert James F. Hyde George O. Jackson Alvin Lee Frank P. McDonald		Mass. Washington, D. C. 212 North Second street, New- castle, Del. Boston, Mass. Philadelphia, Pa. Chesaning, Mich. Kansas City, Mo. Boston, Mass. Natick, R. I. Matteson, Ill. New York, N. Y. Pittsburg, Pa. Albany, N. Y. Boston, Mass. New York, N. Y. Boston, Mass. New York, N. Y. McKenzie (?) Gladwin, Mich. Chicago, Ill. 9606 Cherry street, Toledo, Ohio. Louisville, Ky. Philadelphia, Pa. Attleboro, Mass. Portland, Me. None. Do. Edgewood, R. I. Quincy, Mass. Oceanville, Me. Baltimore, Md. Tipton, Tenn. Kansas City, Mo. Wantagh, Long Island, N. Y. Bay City, Mich. 1012 East Third street, Ham- Riton, Ohio.
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Wilkie W. Collins	do	Des Moines, Iowa.
Arthur P. Diekson	do	Woburn, Mass.
William Dory	do	Chicago, Ill.
Albert Gaub	do	Plainfield, N. J.
Charles E. Hommerbocker	do	New York, N. Y.
George M. Leavey	do	Boston, Mass.
Walter R. Lincoln	do	2449 Wharton street, Finladel- phia. Baltimore, Md. Decatur, Ill. Wayne, Nebr. Boston, Mass. Kansas City, Mo. Toledo, Ohio. Portland, Oreg. Milwaukee, Wis. Des Moines, Iowa. Boston, Mass. Woburn, Mass. Chieago, Ill. Portage, Wis. Plainfield, N. J. New York, N. Y. Do. Boston, Mass. 541 Michigan street, Buffalo, N. Y. Columbus. Ohio.
Marble, alias John Marble.	do.	N. Y. Columbus, Ohio. Portland, Me. Portland, Oreg. Louisville, Ky. 556 West Fifty-fifth street Chicago, Ill.
Curl L. Orton.	do	Portland, Oreg.
William E. Owen	do	Louisville, Ky.
George W. Stansbury	do	1422 Poplar street, St. Louis.
William H. B. Taggart	do	Mo. Shenandoah, Pa.
Allen J. Webster	do	Boston, Mass.
Ralph M. Welch	December	Meriden, Conn.
Ludwig Abraham	December	New York, N. Y.
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Leslie M. Chew	do	Indianapolis, Ind.
Gordon Delks.	do	Martinsville, Ind.
Gordon District	do	Boston, Mass.
Thomas J. Esler	do	Argyle Sound, Nova Scotia.
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George Marshall	do	South Boston, Mass. Sunol, Cal.
William Miller	do	540 West Seventy-ninth street,
Earl D. Ramsey Peter Richards	do	Pueblo, Colo. Lowell, Mass.
John Stablenski	do	350 Brady street, Milwaukee, Wis.
Thomas H. Sullivan	do	Boston, Mass.
John F. Walsh Louis E. Woodson, alias Louis	do	Providence, R. I.
A. Woods.		Springfield, Ill.

Born in Philadelphia; enlisted in New York; says he has no home.

Mr. TAWNEY. What is the practice as to the discharge of prisoners from military prisons in the army?

Mr. KELIHER, I understand that they are transported

home, but I can not speak with authority.

Mr. FITZGERALD. They are transported to the place of enlistment, I think.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. STAFFORD. With the statement that this amendment has the approval of the Secretary of the Navy and the chairman of the Naval Committee, I will withdraw the point of order.

The amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the chairman of the committee a question. What railroads out West at this time carry the federal soldiers and our ammunition and muniments of war either at a reduced rate or free? The gentleman will remember that in chartering several of these western railroads the charter provided they should charge the Government, I think, less than they charge the public at large. What is the law now on that subject, or is there a law?

Mr. FOSS. I will state that this particular appropriation has necessarily been increased in view of the fact that in July of the present year the Central Pacific and the Western Pacific railroad companies completed the payment of their bonded indebtedness to the Government, and no further deduction was

made from bills of those companies.

Mr. GAINES of Tennessee. The gentleman will remember that the charters were granted with some such provision as that, that the Secretary of War should fix the rate at which they should carry the government supplies and the army and the members of the navy.

Mr. FOSS. Yes. Mr. GAINES of Tennessee. They should make certain con-cessions to the Government, because the Government had given them these rights of way. The gentleman does not know whether that has been abandoned or abrogated?

Mr. FOSS. I think it is still in force.

Mr. SIMS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I understood the chairman of the committee to state that rates had been advanced to the committee to state that rates had been advanced to the committee to state that the committee the committee that the committee the committee that the committee the committee that the commit since the rate-bill legislation had been passed. Am I correct about that?

Mr. FOSS. I understand that the military traffic is the same as that of the civilian.

Mr. SIMS. The gentleman said it had been increased after

the passage of that legislation.

Mr. FOSS. Yes; I think it has been.

Mr. SIMS. Since the rate legislation?

Mr. PADGETT. They were given special rates before.

Mr. FOSS. Before the railroad-rate legislation the Government obtained special rates.

Mr. SIMS. And now they do not? Mr. FOSS. Now, they do not.

Mr. SIMS. Does the gentleman understand that this increase in rate is retaliatory?

Mr. FOSS. I do not know that I consider it so. Mr. SIMS. Then it is a mere coincidence of the passing of the railroad-rate legislation that the railroads have put up rates on the Government,

Mr. FOSS. I shall have to let the gentleman judge of that for himself.

The chairman referred to that as a fact. Mr. SIMS.

Mr. STAFFORD. I wish to say in reply to the query propounded by the gentleman from Tennessee [Mr. Sims], that in the land-grant roads it is a matter of charter whereby the rates are fixed, and by which the Government is given a preferential rate for the transportation of troops and enlisted men and supplies, but as I understand the increased rates on other roads since the enactment of the interstate-commerce act, it has resulted by reason of the special provision of law itself that forbids the railroad making any preferential charge to the Government or to anybody else.

The practice heretofore has been for the Government to receive a preferential rate under a contract for the carriage of men and supplies, and to-day they are compelled because of the law to treat the Government on the same plane as they take individuals. It is the result of our own enactment by which the railroads are compelled to treat the Government on the same

terms as they treat individuals and all other users of railroads.

Mr. SIMS. Under the rate bill can a railroad not transport a regiment of soldiers for less money than it would the same number of private individuals the same distance?

Mr. STAFFORD. I say it can not. It must treat the Gov-

ernment in the same way that it treats individuals. It could, under the railroad rate law, make a rate for a larger number of men if it saw fit.

Mr. NORRIS. That would have to be open to everybody.

Mr. STAFFORD. That would have to be accorded to every body and all treated alike. The railroads can no longer under the rate law make preferential agreements with the Gov-

Mr. SIMS. In the transportation of soldiers, sailors, and marines, does not the Government pay out a very large sum of

Mr. STAFFORD. There is no question that the Government pays out large sums of money for that.

Mr. SIMS. And that comes out of the taxpayer?

Mr. STAFFORD. That does not need any reply. That is obvious.

Mr. SIMS. And why should we not, if the law is as the gentleman has stated, amend the law so as to permit the railroads in transporting the property of the Government, soldiers, sail-

ors, and marines to give a preferential rate?

Mr. STAFFORD. I am not here at the present time to argue the merits of the proposition whether the Government should receive a preferential rate over an individual. That is a matter of business, and I do not see any reason why the Government should be treated any differently from any private concerns, and under the interstate-commerce act the Government is accorded the same treatment as that accorded to a private individual.

Mr. SIMS. The gentleman from Illinois [Mr. Foss], the chairman of the committee, stated the facts merely, without giving any reason for the facts, and I made these inquiries to develop the facts; and if they have been developed, I feel my inquiry has not been entirely in vain.

Mr. DAWSON. Let me add just one word. Admiral Pillsbury, in his testimony before the committee, made this state-

We do not begin to get the favorable rates from the railroads that we once did.

Mr. SIMS. That leaves the idea that it is the railroads and not the law

Mr. DAWSON. Oh, no; it is by reason of the enactment of the law which puts the Government on the same footing with individuals and which opens the highways of transportation to one equal treatment of all alike, to the small shippers, as well as to the big shippers.

Mr. SIMS. But I would like to ask the gentleman who has knowledge, why should not the railroads be permitted to transport government material, soldiers, sailors, and supplies, which must be paid for by taxation, why should not they be permitted to do it at a lower rate?

Mr. NORRIS. Why should they?
Mr. SIMS. Simply because it comes by means of taxation, and if the railroads, having a large amount of shipments to be made by the Government, desire or are willing to take it at a lower rate than the same service to individuals or a corporation, in the interest of the taxpayers, why should not they be permitted to do so?

Mr. NORRIS. Yes; but the gentleman must remember the large shipper is placed on an equal basis with every other man.

Mr. SIMS. Yes; but the large private shipper is not shipping soldiers or sailors, for which the taxpayer must provide the money

Mr. NORRIS. There is no reason why, if the Government is large shipper, it should be treated any better than other shippers.

Mr. GAINES of Tennessee. Mr. Chairman, I renew the amendment because I want to inquire a little further on this. I want to ask the gentleman-

The CHAIRMAN. The gentleman will suspend until the Clerk reaches the point in the bill where it is in order.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$130,000: Provided, That no part of this appropriation shall be expended in recruiting seamen, ordinary seaman, or apprentice seamen, unless a certificate of birth or written evidence, other than his own statement or statement of another based thereon, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

Mr. GAINES of Tennessee. The gentleman from Wisconsin spoke about land-grant railroads. I wish you would tell us which those railroads are, and whether or not these land-grant railroads have raised the rates on the Government for transportation; and if so, to what extent.

Mr. STAFFORD. I do not profess to be an encyclopedia of information in regard to land-grant railroads, having only a meager knowledge

Mr. GAINES of Tennessee. I think the compliment is justified-

Mr. STAFFORD (continuing). Of railroad legislation. I have not stated in any remarks I have made so far that these land-grant railroads have violated in any way the conditions of the grants which directed them to carry at a less rate troops and supplies for the Government. As to what railroads are land-grant roads, I may say that the first land grant to a railroad was that granted to the Illinois Central Railroad Company about 1855, or somewhere in the fifties. This grant was the inauguration of that system.

Subsequently land grants were given to most, if not all, of the northwestern and western railroads and to all transcontinental lines west of the Mississippi, with the exception of the Great Northern and the road that is now building to the west,

the Chicago, Milwaukee and St. Paul.

Mr. GAINES of Tennessee. Does the gentleman understand the Hepburn railroad-rate law we passed here was so amended as to permit the railroads to abandon the limitations of the charters and permit them to charge the Government what they please?

Mr. STAFFORD. Oh, farthest from that. The land-grant condition is still obligatory upon the railroads, and the inter-state-commerce act in no wise affected it, but it did affect, as I tried to represent, the other railroads that were not subject to any contract or any obligation, and those railroads are not obliged to grant to the Government a preferential rate over that accorded to individuals.

Mr. GAINES of Tennessee. Do these land-grant railroads fail now to give the special rates to the Government in its transportation that it formerly gave because of the land-grant

requirements?

Mr. STAFFORD. I have no information one way or the other on the subject, but I do not believe that it is contended by anyone that any attempt has been made to violate the agreement under which they received their grants.

Mr. NORRIS. It would be a violation of law, would it not,

if it gave preferential rates?

Mr. GAINES of Tennessee. What was that?

Mr. NORRIS. I was just suggesting that if the land-grant railroads, or any other, make a different rate to the Government than it did to the public, it would be a violation of the law known as the "Hepburn Act."

Mr. GAINES of Tennessee. I am very glad this question has come up. I think the department could very well afford to look into it, and I think the railroads ought to be reminded that now

and then we dig up their charters. And I am very glad the gentleman from Wisconsin has stated what he has.

Mr. STAFFORD. I believe the chairman of the committee has stated that the increase in this appropriation and other appropriations for transportation has resulted from the payment to various transcontinental lines which, prior to this year, had a bonded indebtedness owing the Government. Prior to the past year the Government has been engaged in allotting the charges for this method of transportation to the fund which those railroads were obligated to pay; and now that this indebtedness has been entirely paid, the Government has to make the

appropriation. Mr. DAWSON. I will add just a word. Two of the railroads are in the situation which the gentleman from Wisconsin has just stated. As it appears in a report on the naval bill, it is stated in there that this appropriation for transportation has increased.

Mr. FOSS. I mentioned that.

Mr. DAWSON. It has increased further by the fact that in July of the present year the Central Pacific and Western Pacific Railroad companies completed the payment of their bonded indebtedness to the Government. Therefore no further deduction was made from the bills of those companies remaining unpaid.

Mr. COX of Indiana. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the following, beginning with the word "unless." line 4. page 7, and ending with the word "officer." in line 6, and insert the following: "unless a verified written statement by the parents, or either of them, or in case of their death, a verified written statement by the legal guardian, be first furnished to the recruiting officer," so as to read:

"Provided, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen, unless a verified written statement by the parents, or either of them, or in case

of their death, a verified written statement by the legal guardian be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment."

Mr. FOSS. Mr. Chairman, I reserve a point of order. Mr. COX of Indiana. Mr. Chairman, I want to compliment the committee for the language used in the limitation of its bill. The proviso found in the bill as reported by the committee is as follows:

Provided, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen, unless a certificate of birth or written evidence, other than his own statement or statement of another based thereon, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

To my mind, the committee evidently had some purpose in view when they placed this limitation in the bill. I do not know what was in the minds of the committee, but it strikes me that one thing that must evidently have been in their minds was the enormous, continued increase of men who leave the navy,

or, in other words, become deserters.

It strikes me that the proof ought to be specific, that it ought to be certain, that the boy seeking to enter the navy is of proper I do not believe there is an employer of labor in the United States that is able to take from the father the services of his boy without the father's consent except the Government of the United States; and I believe that if the evidence had to be furnished to the recruiting officer from the parent, the father or mother, or in the event they were both dead, by the legally constituted guardian, that the boy was of proper military age, that would obviate a large amount of desertion that we now find in the navy of the United States.

I find reported all through this bill different sums of money appropriated for the purpose of looking after desertions, sums of money appropriated for the purpose of paying the expenses of courts-martial, and I believe that if the parents were consulted in the first instance by the son when he is proposing to join the navy, and takes his parents' advice, it would obviate a large num-

ber of these desertions.

Mr. FOSS. I think they are consulted; and very often the young man comes with his parents, and the recruiting officer

very often goes out and talks with the parents.

Mr. COX of Indiana. It may be true, Mr. Chairman, that the parents are consulted very often in this matter, but what is the objection to requiring the parents to be consulted in the first instance, or what is the objection in permitting the parents themselves to furnish the written evidence, under their own oaths, that the son who is making an application to join the navy is of proper age?

Mr. EDWARDS of Georgia. Is there no such requirement in

the bill now?

Mr. COX of Indiana. None whatever. Mr. FOSS. It shows that the applicant must furnish a certificate of birth, or written statement other than his own statement, and it usually comes from the parent, or, in case the parents are not living, from his guardian.

Mr. COX of Indiana. Grant that is the usual way in which

it comes. What objection can there be to making it specific to come from the parents in the first instance? It strikes me that the amendment I have offered will obviate, certainly reduce within limits, the objection to the provision as reported by the committee.

Mr. FOSS.

Mr. FOSS. How would you change it? Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question?

Mr. COX of Indiana. Very well. Mr. LOUDENSLAGER. How would you prepare the way for a bright young man who desires to enter the navy, but who had

neither parent living, nor had he a guardian?

Mr. COX of Indiana. Under the common law in force in the United States—and I suppose the same law is in force in every State in the Union—at the age of 14 years a child is conclusively presumed to be able to choose his own guardian, and if he desires to enter the navy, he would have a perfect right to select the guardian and go into court and have the court appoint the person selected by him his guardian.

Mr. FOSS. At what cost?

Mr. COX of Indiana. I suppose at some trifling cost-not

over two or three dollars.

Mr. BENNET of New York. I move to strike out the last two words, for the purpose of agreeing very largely with the gentleman from Indiana [Mr. Cox] and of saying to the gentleman from New Jersey [Mr. LOUDENSLAGER] that, apparently, in the city of New York there is an industry of becoming guardians for boys who are under the legal age for the purpose of doing that which the law now provides, and getting boys

into the navy by getting a guardian's certificate. I hope the amendment will pass, not so much because of the desertions, not because they are so large as compared with the army, but to cover these cases of boys of 14 and 15 years when they go down there and swear falsely they are over 18, and go to some of these people and get them appointed as guardian on false papers and have the consents signed. We men who come from the seacoast districts have hundreds of cases of a most heartrending character where there does not seem to be any way of getting these young men out of the service, and when we present proof that the boy is not of legal age, then they prosecute him, or they have the right to prosecute him, for fraudulent enlistment. I do not believe it ought to be the purpose of the Government to put a premium on this class of offense.

Mr. EDWARDS of Georgia. Is it not true that the greater proportions of desertions are among the youngest members of the navy? That is, among this very class that are under age?
Mr. BENNET of New York. Not necessarily the youngest

men, but from the most recent recruits. I would not say as to age; but, of course; a boy of 14 or 15 years has not a great sense of responsibility as regards desertion.

Mr. DIXON. I will ask my colleague if it is not a fact that

he has had a number of instances—
The CHAIRMAN. The time of the gentleman from Indiana

has long since expired.

Mr. FOSS. Now, as to the point of order—

Mr. SHERLEY. I call for the regular order.

Mr. FOSS. I would ask the gentleman to explain one or two points in his amendment, if the gentleman from Kentucky will wait a minute.

Mr. SHERLEY. Well; but, Mr. Chairman, the "gentleman from Kentucky" is not willing to have an academic discussion when the point of order is still pending. Let us have it made and decided.

Mr. FOSS. If the gentleman will stay a moment, possibly we can come to some agreement by the insertion of words or changing them in the regular provision.

g them in the regular provision.

Mr. SHERLEY. I insist on the regular order.

Contlemen will suspend. The Chair will hear the gentleman from Illinois on the point of order.

Mr. FOSS. I think it is a change of existing law.

The CHAIRMAN. It will be noticed that the amendment offered by the gentleman from Indiana is to a provision in the bill offered in the way of a limitation to the appropriation. If it is merely a limitation to the appropriation, then the amendment is in order. If it be more than a limitation of the appropriation, then it is merely a limitation on a provision already in the bill, subject to the point of order, and the point of order not being made, the amendment of the gentleman from Indiana the Chair holds to be in order.

Mr. DIXON. I will ask my colleague, Is it not a fact that in a number of instances parents have requested you to secure the discharge of their sons from the navy-minors, enlisted without

their knowledge or consent?

Mr. COX of Indiana. Last winter I had two such instances coming up from my district. And I repeat, in my judgment, if the parents are consulted in the first instance, before their sons join, we will obviate a large amount of the desertions that are going on from the navy. The number of desertions from the navy is absolutely appalling. We have to-day 12,000 desertions from the navy out of a total of something like 40,000 enlisted men in the naval service.

To the average mind that indicates that there is something wrong, and that there should be some remedy brought about for wrong, and that there should be some remedy brought about for the present existing evil. I imagine that if a boy consults his parents before he enlists in the navy, and takes the advice which he will receive from his father, he will look well to the true condition before he enlists in the United States Navy. Again, as I said a moment ago, the United States is the only employer I know anything about that can take from a parent the assistance of the child before he reaches the age of 21 years. The age at which a boy can now enlist in the navy, if I am correctly informed, under the statutes of the United States, is 18; and when the Government of the United States undertakes to take from the parent three years' labor of the child and give it to the Government of the United States, I insist that the parent should be first consulted before that is done.

The parent should have the first claim upon the child for the child's work and labor, and when the Government takes the parent's right away before it reaches 21, strong evidence should be presented to the recruiting officer, showing that the boy was of proper age to join the navy. My amendment makes it plain, certain, and positive just what must be done before the boy enlists to serve in the navy. It requires the verified affidavit of

one of the parents, or, if both parents be dead, then the affidavit of the child's legal guardian. The fact that application must be accompanied by an affidavit, sworn to before some officer authorized to administer oaths, would, in my judgment, meet the objections now going on as to the way and manner boys are permitted to enter the naval service.

I hope it will obtain.

Mr. FOSS. Mr. Chairman, I call for the reading of the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. OLCOTT. Mr. Chairman, I offer an amendment to the gentleman's amendment.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

After the word "unless," insert "a certificate of birth or."

Mr. OLCOTT. Mr. Chairman, that would provide that if a certificate of birth was produced, the other statement need not be; because, if a certificate of birth was produced there could be no possible question of the boy enlisting in the navy before he reached the age of 18. So, under the circumstances, it seems to me there can be no reason for getting the affidavit of the parent or guardian. I think the amendment of the gentleman from Indiana, with my amendment, is proper.

The CHAIRMAN. What is the gentleman's amendment?

Mr. OLCOTT. The amendment provides that if a certificate of birth can be produced, it shall not be necessary to obtain an affidavit from the parents.

The CHAIRMAN. The gentleman has not yet indicated what

his amendment is.

Mr. OLCOTT. I beg the pardon of the Chairman. It is offered as an amendment to the amendment of the gentleman from Indiana, to insert after the word "unless" the words "a cer-tificate of birth or."

The CHAIRMAN. And leave the rest of the amendment as

it stands?

Mr. OLCOTT. And leave the rest of the amendment as it is. Mr. SHERLEY. May we have the amendment reported as it Mr. OLCOTT. will read if the two amendments are adopted?

The CHAIRMAN. If there be no objection, the Clerk will report the amendment as it would read with the amendment offered by the gentleman from New York.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing the applicant to be of age required by the naval regulations, which shall be presented with the application for enlistment.

Mr. KEIFER. Mr. Chairman, I was not giving close attention, but I think this amendment, if agreed to, would apply to every enlisted man in the navy, and would require the furnishing of these documents as to all of them before you could expend any of the money. It looks as though it applied generally; not to the future, but to all who have been enlisted, many of whom have been in the navy for years.

Mr. COX of Indiana. I did not catch the gentleman's ques-

Mr. KEIFER. Does not the amendment prohibit the use of the money appropriated unless it is first ascertained that there

has been a proper certificate as to every enlisted man?

Mr. COX of Indiana. No; the amendment which I propose is that the application to join the navy must be accompanied by a verified statement of his parents, or one of them, or if they be both dead, then the verified affidavit of the legal guardian.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from New York to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. OLCOTT) there were 35 ayes and 34 noes.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Indiana as amended by the gentleman from New York.

The question was taken, and the amendment as amended

was agreed to.

The Clerk read as follows:

Naval Home, Philadelphia, Pa.: One superintendent of grounds, at \$720; 1 steward, at \$720; 1 store laborer, at \$480; 1 matron, at \$420; 1 beneficiaries' attendant, at \$240; 1 chief cook, at \$480; 1 assistant cook, at \$360; 1 assistant cook, at \$240; 1 chief laundress, at \$192; 5 laundresses, at \$168 each; 4 scrubbers, at \$168 each; 1 head waitress, at \$192; 8 waitresses, at \$168 each; 1 kitchen servant, at \$240; 8 laborers, at \$240 each; 1 stable keeper and driver, at \$360; 1 master

at arms, at \$480; 2 house corporals, at \$300 each; 1 barber, at \$360; 1 carpenter, at \$845; 1 painter, at \$845: 1 engineer for elevator and machinery, \$720; 3 laborers, at \$360 each; 3 laborers, at \$300 each; total for employees, \$15,250.

Mr. MACON. Mr. Chairman, I reserve a point of order against the provision, page 11, line 8, "1 store laborer at \$480," and on page 12, lines 1 and 2, "1 engineer for elevator and machinery, \$720."

Mr. FOSS. I will take the last one first. This simply increases the salary of this man \$10 a month. They have heretofore had a master mechanic, and they have discontinued him.

fore had a master mechanic, and they have discontinued him, so to speak, and his duties are being performed by this engineer, and they desire to increase his pay \$10 a month.

Mr. MACON. I thought it was the policy of the committee in

this bill not to enumerate employees.

Mr. FOSS. This home is maintained and supported by the Mr. FOSS. This home is maintained and supported by the interest of the naval pension fund. It is made up of contributions from officers and men in the navy at 20 cents a month.

Mr. LOUDENSLAGER. It is the interest on prize money.

Mr. FOSS. Yes; interest on prize money goes into it, and every man in the navy has to contribute to it.

Mr. STAFFORD. Does the Government contribute anything

in case there is a discrepancy?

Mr. FOSS. No.

Mr. LOUDENSLAGER. It is a home provided by the men and paid for by the interest on the prize money that is obtained, and they sort of manage it by a board themselves.

Mr. MACON. Mr. Chairman, in view of the statement, I do

not insist on the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. KELIHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection. The Clerk read as follows:

In all, for Naval Home, \$78,151, which sum shall be paid out of the income from the naval pension fund: Provided, That for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and pald from the appropriation for the support of the home.

Mr. FOSTER of Vermont. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert on page 13, after line 4, the following:
"For badges and ribbons to be distributed by the Secretary of the Navy to officers and men now or formerly of the Volunteer and Regular Navy and Marine Corps who have participated in engagements and campaigns deemed worthy of such commemoration, \$2,500."

Mr. LOUDENSLAGER. Mr. Chairman, I make a point of order against that. It is not germane to this paragraph.

Mr. FOSTER of Vermont. I will ask the gentleman to re-

serve his point of order.

Mr. LOUDENSLAGER. For how long?

Mr. FOSTER of Vermont. One minute. This amendment was prepared by the gentleman from Massachusetts [Mr. WEEKS]. He was obliged to leave the House half an hour ago and requested me to present it and to make further request that it be passed without prejudice until to-morrow. I ask unanimous consent that the amendment may be passed without prejudice until Mr. WEEKS returns.

Mr. LOUDENSLAGER. I have no objection to allowing the

matter to stand without prejudice until to-morrow.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont? [After a pause.] The Chair hears

The Clerk read as follows:

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and powder factory, and for target practice, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy-yards, naval stations, and naval magazines: "Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy-yards, naval stations, and naval magazines for the fiscal year ending June 30, 1910, shall not exceed \$398,890.28." In all, \$5,278,171.99: Provided, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standard prescribed by the Secretary of the Navy.

Mr. COX of Indiana, Mr. Chairman, I offer the following.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding the following paragraph, after the word "Navy," line 6, page 14: "Provided, That no part of this appropriation shall be expended for the purchase of powder made, manufactured, or sold in violation of an act of Congress passed July 2, 1890, being an act entitled 'An act to protect trade and commerce against unlawful restraints of trade and monopolies,' and all amendments made thereto, which powder shall be purchased in accordance and with the conditions submitted by the Secretary of the Navy to all manufacturers, dealers, and sellers of powder, and upon bids received in accordance with the terms and requirements of such proposals as to carry into effect the limitations of this provision. All powder shall conform to the standard prescribed by the Secretary of the Navy: Provided, That the Secretary of the Navy shall receive no bid for the purchase of powder unless the bid is accompanied by an affidavit showing that the powder sought to be sold is not made, manufactured, or offered to be sold in violation of any law passed by Congress."

Mr. COX of Indiana. Mr. Chairman, the amendment which the clerk has just read is self-explanatory, and to my mind aims at a present existing evil, especially if the facts and information furnished us yesterday by the gentleman from Tennessee [Mr. Gaines] are true, and as appears in the Record of yesterday; and that these facts are true there is no doubt, in my mind, at least.

It is evident, from the information furnished, that the Government is paying by far too much for the powder it is now using. It is equally evident from that information that powder can be manufactured by the Government of the United States at a great deal cheaper price than it is being manufactured now United States. And if the Government can do it, why not private individuals? by other manufacturers and sold to the Government of the

It strikes me that when the Government of the United States is paying 70 cents a pound for its powder, and that this amount pays 40 per cent dividend on the investment, it is entirely too much-too large a profit to the men engaged in the manufacture In the statement contained in proposition 8, it is of powder. figured out that upon another basis it would pay an investment of 171 per cent dividend. That would be sufficient to satisfy any ordinary manufacturer of powder who sells it to the Government. The amendment which I have submitted for the consideration of the committee proposes that no amount of money appropriated in this paragraph shall be used in the purchase of powder made, manufactured, or sold by any powder trust in the United States. It further provides that all bids for government powder shall be accompanied by sworn affidavits of the maker, manufacturer, or proposed seller of powder that he or they have not violated any of the laws of the United States in the making, selling, or manufacture of this powder. I believe the time has come when Congress should put some limitation upon these trusts when the proof is clear that they are selling their products to the Government at such enormous profits.

We are now, and for a great many years in the past have been, held up by the powder trust in the United States in the purchase of powder by the Government. It is the experience and observation of all who have had an opportunity to examine the situation that the Government never gets work performed for it as cheaply as private individuals, and when it is admitted upon the floor of this House that the Government is now, and for several years past has been, buying all of the powder it uses and consumes, both in its army and navy, from one concern, this to me is self-evident that the Government is at the mercy of this one institution. We can not get away from that proposition. No amount of argument or reasoning will let us get away from it, that the Government can manufacture powder a great deal cheaper than it is being manufactured now by this one powder trust and sold to the Government. Some attempt has been made to explain this proposition away upon different grounds, but all explanation has fallen far short

of proof of this proposition.

Again, it is an historical fact, if not a political one, that the Government for quite a while past has waged a suit against this powder trust that is now manufacturing and selling all the powder to the Government which the Government uses and consumes. This presents an anomalous condition; the Government buying powder from a corporation which it now declares to be a trust in restraint of trade, and which it declares has entered into a combination and a conspiracy for the sole pur-pose of getting control of the powder factories in the United States, so that it may not only govern the law of supply and demand, but that it may be able to control the price of its product which it sells to the Government.

The Government has one powder factory of its own at Indianhead, Md., and this plant it has owned and operated for several years in the past. In a letter written from Indianhead, Md., August 2, 1902, Joseph Straus, lieutenant-commander, United

States Navy, inspector of ordnance in charge, makes this state-

The cost of manufacturing 1,000,000 pounds of powder at the Indianhead works during the fiscal year recently closed has been 47.7 cents per pound, exclusive of alcohol. Every item due to its manufacture is included in this cost; all raw materials, chemicals, laboratories, expenses, heat, light, power, care of grounds, buildings, etc., have been reckoned; also a charge for loss by fire, based upon the mean fire loss for the last six years.

Here is the statement of a positive fact coming from a man high up in naval circles who knows, or at least ought to know, what he is talking about. He makes the positive declaration that the Government is now manufacturing its powder at 47.7 cents per pound, exclusive of alcohol. The cost of the alcohol which enters into the manufacture of a pound of powder does not exceed 4 cents. This would make the complete total cost of manufacture of a pound of powder not to exceed 51.7 cents, and yet we find it to be a positive fact to-day that the Government is paying this trust not less than 67 cents a pound for every pound of powder which the Government buys from it. Upon this basis of the cost of manufacture of a pound of pow-der Lieutenant-Commander Straus makes this deduction. Upon the basis of 1,000,000 pounds of powder manufactured per annum, it will be seen that the price of 70 cents per pound yields a profit of \$264,000, and this considers every possible charge except the pay of the officers connected with the financial administration of the enterprise.

Again, the same officer draws the following deductions from the cost of manufacturing a pound of powder by the Government and makes a comparison as to the probable cost there is to a private manufacturer manufacturing powder and selling it to the Government at the price of 70 cents per pound.

savs:

The total investment at Indianhead will amount to about \$650,000. On this basis the stockholders should receive a dividend of over 40 per cent on the capital invested if the powder is sold at 70 cents per pound. If it were sold at 55 cents per pound, this would yield 17.5 per cent profit on capital invested; and in case the orders were cut down during any one year to one-half, the profit should still be satisfactory.

Up to the time the Government began the manufacture of its own powder it was paying as high as \$1 per pound for powder which it bought from this trust, but since the Government has begun the manufacture of powder the price, for some reason or other, has gradually dropped from \$1 per pound to about 70 cents per pound, and as low as 67 cents per pound. Will anyone believe for a moment that this drop in the price of powder has been due to anything other than the fact that the Government of the United States has gone into the manufacture of powder itself?

As late as January 19, 1909, N. E. Mason, Chief of the Bureau of Ordnance, wrote the following letter to Representative

GAINES of Tennessee:

I have to inform you that there are nine steps or links in the chain of manufacture of powder; some stronger than others—that is, capacity is greater; output, 1,000,000 pounds at weakest point. To double capacity—that is, to make output 2,000,000 pounds—\$250,000 would be required, the powder plant and drying plant being the large items. Cost of powder, labor, and material alone, 43 cents per pound, year ending July 1, 1908; somewhat higher now because of increase in cost of alcohol.

Here, again, is a statement made by a man who surely knows what he is talking about, and he says the total cost of making a pound of powder, including labor and materials, amounts to only 43 cents, and yet gentlemen insist that they are justified in not voting to curb and control this trust by limiting the money here appropriated to the extent of refusing to let any part of this appropriation be paid for the purchase of powder manufactured by trusts.

The Government erected its powder plant, if I mistake not, in 1898. There was appropriated in this year for the Governin 1898. There was appropriated in this year for the Government Powder Factory, \$93,700; in 1898, \$250,000; in 1899, \$1,000,000; in 1899, \$25,000; in 1899, \$1,500; in 1900, \$500,000; in 1901, \$500,000; in 1902, \$500,000; in 1903, \$500,000; in 1903, \$500,000; in 1904, \$500,000; in 1905, \$500,000; in 1906, \$500,000; in 1907, \$500,000.

The price of powder to the Government since the year 1897

has ranged as follows: 1897, 300,000 pounds, at \$1 per pound; 1898, 2,543,000 pounds, at 80 cents per pound; 1899, 350,000 pounds, at 80 cents per pound; 1900, 695,000 pounds, at 80 cents per pound; 1901, 1,401,000 pounds, at 74 cents per pound; 1902, per pound; 1301, 1,401,000 pounds, at 74 cents per pound; 1903, 2,268,000 pounds, at 74 cents per pound; 1904, 4,642,710 pounds, at 74 cents per pound; 1905, 4,492,000 pounds, at 74 cents per pound; 1906, 2,025,000 pounds at 69 to 74 cents per pound; 1907, 2,375,000 pounds, at 67 to 69 cents per pound.

It will be observed that the price dropped from 1897 to 1907

from \$1 per pound to as low as 67 cents per pound. It would

be useless and idle to ask the cause of this rapid decline in the cost of powder. It can be assigned to nothing other than the fact that the Government has gone into the manufacture of powder, and has, to a certain extent, forced the price of powder down. Gentlemen may talk as long and as loud as they please, but it is a notorious fact that the Government of the United States is to-day within the grasp of the worst trust that ever fastened itself upon the American people; and, if the Government, through its legal department, is unable to cope with this monster, it is time that we, the Representatives of America, should undertake to clip its wings by providing that no part of the money herein appropriated shall be expended for the purchase of powder made, manufactured, or sold by any trust engaged in unlawful restraint of trade in the United States.

The CHAIRMAN. Does the gentleman from Illinois insist

on his point of order?

Mr. FOSS. Mr. Chairman, I desire simply to state that the price fixed this year is 67 cents instead of 70 cents; that this price is fixed by the joint army and navy board, who investigated the cost to the Government of the manufacture of powder; and I may say here that I have what has been regarded as a confidential statement by the board, in which they make a statement of the actual cost at the navy powder factory per pound of powder for the year 1907, including depreciation of plant, one-seventh of the fire losses. The plant has been in operation for seven years. This price is made exclusive of alcohol and such administrative expenses as the salaries of the officers on duty at the plant and the salaries of higher officials and other clerical force.

It is figured at 45 cents. Then the alcohol which enters into the manufacture of the powder is nearly 4 cents and the administrative cost is figured at nearly 3 cents. Then there are the taxes and the interest on the capital and the rejections, which, altogether, make up a total of 63:48 cents. I want to say that figure of 45 cents is the average from year to year, it being slightly less in 1908, due to the efficiency of the acid plant at Indianhead. On the other hand, the price of alcohol has recently increased very materially, which about offsets the savings made by the acid plant. The figure of 45 cents is still about as close as can be arrived at for the purpose in hand. That is the basis upon which they figure, and to that they add these other things which I have already enumerated. But—and I wish the gentleman's attention on this—this 63.48 cents, as computed by them, does not include the following items, for which no satisfactory estimates can be obtained. First, there are the freight charges. The companies are required to deliver f. o. b. any point in the United States. Second, it does not cover experimental work. Third, it does not cover allowances for extra hazardous risks and pensions to old or disabled employees. Fourth, risk of expensive plant becoming obsolete by changes in composition of powder or in methods of manufacture. When the change to smokeless powder was made, in 1899, a large amount of machinery suitable only for manufacturing brown powder, and which had recently been installed at a considerable expense, was rendered useless. Fifth, of the four private plants, one-that at Santa Cruz, Cal.-is lying idle and the other three are working at one-third, or less, of their full Since the overhead charges are virtually the same capacity. when working at full capacity, the output of a plant working at a reduced capacity is very much more expensive under these conditions. Sixth. No estimate of profit in addition to the 6 per cent on the capital invested has been made.

Even if a plant is worked to its full capacity, it would appear that 67 cents per pound does not provide as large a profit as is usually made in the manufacture of ordinary commercial articles. Since there is no prospect in the increase of the orders, the price of 67 cents is probably too low than too high. manifestly to the interest of the Government to have maintained as large a powder-manufacturing capacity as possible as a reserve in the event of war, in which case we will undoubtedly need all the powder that we can get. The bureau therefore desires not to increase the present output of the factory at Indianhead, although it recommends that its capacity be increased.

And I wish to say to the gentleman that this has been regarded as a confidential report, but I have asked permission to

use it here to-day

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the

gentleman from Kentucky? [After a pause.] . The Chair hears

Mr. FOSS. The board, after full investigation into this subject of the powder manufactured by the Government, believe,

and Admiral Mason states in his hearing, that the Government is paying a low price for powder to-day; that the price is fixed not by the powder trust, but it is fixed by the board, and it was with great reluctance that the powder trust has complied

Mr. FITZGERALD. Why did not they refuse to do so if they

were losing money?

Mr. FOSS (continuing). And one of their plants to-day is not in use.

Mr. COX of Indiana. Will the gentleman yield for a ques-

Mr. FOSS. Yes.

Mr. COX of Indiana. Were the figures which the gentleman has just given based upon the cost of manufacturing a pound of powder at the government works?

Mr. FOSS. At the government works at Indianhead, given to me by the Chief of the Bureau of Ordnance, whose business and whose duty it is to know these things.

Mr. COX of Indiana. I believe the statement now is that it costs 63 cents. Is that correct, or 67? I did not quite catch that.

Mr. FOSS. Forty-five cents is the actual cost, but adding alcohol, administration, taxes, rejections, and interest on the

capital at 6 per cent, you get 63.48.

Mr. COX of Indiana. Can the gentleman explain or tell the House why the cost of the manufacture of a pound of powder at its government works has greatly increased in the last two years, conceding that statement which I read a moment ago, given out by the Naval Proving Board, August 2, 1906, is true, wherein it states that the actual cost of manufacturing a pound of powder at the Indianhead works was 47.7?

Mr. FOSS. It does not include those items which I have

mentioned.

Mr. SHERLEY. Now, will the gentleman answer this inquiry? A part of the letter which has been read states that the cost, counting in the material and labor, is about 45 cents.

Mr. FOSS. Yes. Mr. SHERLEY. Then an estimate is made, figuring in various other matters such as insurance, interest on investment, and so forth, that the cost would reach a total-

Mr. FOSS. And the cost of alcohol.

Mr. SHERLEY. I am not undertaking to enumerate the items-that it would total 631 cents. Now, what I desire to know is this: Is the cost of these additional items the result of the independent judgment of naval officers, or are those items based upon information given by the powder manufacturers as to what similar work costs there?

Mr. FOSS. It is based, I suppose, on what they regard to

be a fair estimate.

Mr. SHERLEY. Is it not a fact what they have done is to take from the powder-manufacturing people a percentage figured on what those very items would cost them, and on that they assume that by adding that to the naval price it would make 631

Mr. FOSS. No; let me give one of the items here. Here is alcohol, and that adds 4 cents to the 45. Now, that is something upon which they make the price in the open market, and during the last year the price has gone up.

Mr. SHERLEY. I understand you have got 49 cents; now

where do you get the other 141 cents?

Mr. FOSS. Then they figure interest on the capital invested in the Indianhead plant, which was \$1,500,000, and they figure that at 6 per cent, and that adds again to the cost 9 cents. Mr. HITCHCOCK. Mr. Chairman, I would like to ask the

gentleman a question— Mr. FOSS. Then, in addition to that, they figure on rejections on some of this powder which is not up to standard, which amounts, as they state here, to 5.23 per cent of the product. That is the average, and that adds 2½ cents per pound to the cost of powder. That is the average. Then add 21 cents to the cost per pound of the powder.

Mr. SHERLEY. That has not been anything like the average

of rejections in either the army or navy plants.

Mr. FOSS. Those objections are based on actual rejections. Mr. SHERLEY. I understand that, but that does not reach the proposition. The proposition, I suggest, is this-that the rejections in the government plants have not presented anything like the per cent presented by the powder people. Now, whether that is a justifiable item of cost at that rate is a question.

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Foss] has expired.

Mr. FOSS. These are the average rejections. They are figuring the cost of powder now on the cost of manufacture down at Indianhead.

Mr. SHERLEY. Of course the gentleman realizes that it is impossible for us to follow a detailed statement, out of which the gentleman has read only a portion. Now, I suggest, in order to handle this matter and not handicap the department or put a false price upon the powder, to let this letter, which the gentleman states is confidential, go into the Record, and allow these items to go over without prejudice until in the morning. Then, if the statement is as conclusive as the gentleman seems to think, I for one will not make any attempt to lower the price.

Mr. FOSS. I have not any objection to passing it over until morning.

Mr. GAINES of Tennessee. Here is the government board. Here is a letter that I put in the RECORD last evening, giving a long statement from Secretary Metcalf.

Mr. SHERLEY. I will say to the gentleman that all of this information, and even more, will be printed in a few days in the hearings on the fortification bill. We have not yet received it.

Mr. FOSS. If there be no objection, I will put it in the RECORD, and will suggest that this matter go over until to-

Mr. GAINES of Tennessee. Mr. Chairman, I want to read an

important letter on this subject. The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent to pass the amendment without prejudice and to print a report, from which he has read, in the

RECORD. Is there objection? There was no objection. The report is as follows:

NOTES ON ESTIMATES ON PRICE OF SMOKELESS POWDER.

The price on powder has for several years been fixed by the Govern-ent upon recommendations made by a board of army and naval

ment upon recommendations made by a board of army and navar officers.

In arriving at its recommendations the board has based its estimates principally upon data obtained from the Naval Powder Factory at Indianhead, Md., which plant has been in operation for seven or eight years, and has undoubtedly an economical output. The capital necessary for a plant of similar capacity, including site, plant, material on hand, which includes raw material and powder in dry houses, is \$1,500,000.

. 0385 . 0298 . 0012 Administrative cost___ Interest on capital (\$1,500,000, at 6 per cent) ____ Rejections (5.23 per cent of product) ____

Item 1 is made to parallel, as far as possible, the factory cost at a private plant working at full capacity twenty-four hours per day. The figure 45 cents has varied from year to year, being slightly less in 1908, due to the efficiency of the acid plant at Indianhead. On the other hand, the price of alcohol has recently increased very materially, which about offsets the saving made by the acid plant. The figure 45 cents is still about as close as can be arrived at for the purpose in hand.

Item 3 is the only figure given by the powder companies, and necessarily the similar cost to the Government is very much less than this. The 63.48 cents as computed above does not include the following items, for which no satisfactory estimates can be obtained:

"1. Freight charges. The companies are required to deliver f. o. b. any point in the United States.

"2. Experimental work.

"3. Allowance for extra hazardous risk and pensions to old or disabled employees.

"3. Allowance for extra hazardous risk and pensions to old or disabled employees.

"4. Risk of expensive plants becoming obsolete by changes in composition of powder or in methods of manufacture. (When the change to smokeless powder was made in 1899, a large amount of machinery suitable only for manufacturing brown powder, and which had recently been installed at considerable expense, was rendered useless.)

"5. Of the four private plants, one, that at Santa Cruz, Cal., is lying idle, and the other three are working at one-third or less of their full capacity. Since the overhead charges are virtually the same when working at full capacity, the output of a plant working at a reduced capacity is very much more expensive under those conditions. The Du Ponts are keeping the plant at Santa Cruz in condition for manufacturing powder at the request of the Government.

"6. No estimate of profit in addition to the 6 per cent on the capital invested has been made."

Even if a plant is worked to its full capacity it would appear that 67

invested has been made."

Even if a plant is worked to its full capacity it would appear that 67 cents per pound does not provide as large a profit as is usually made in the manufacture of ordinary commercial articles. Since there is no prospect of an increase in the orders, the price of 67 cents is probably too low than too high. It is manifestly to the interest of the Government to have maintained as large a powder manufacturing capacity as possible as a reserve in the event of war, in which case we will undoubtedly need all the powder that we can get. The bureau therefore desires not to increase the present output of the factory at Indianhead, although it recommends that its capacity be increased.

Mr. GAINES of Tennessee. I want to read this letter now, to go in the RECORD by the side of that one. I move to strike

out the last word for that purpose. This morning I telephoned down to Indianhead-

The CHAIRMAN. The gentleman can not move to strike out the last word on the motion that we pass the amendment until to-morrow.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I ask unanimous consent to read this letter.

The CHAIRMAN. Is there objection?

There was no objection. Mr. GAINES of Tennessee. I telephoned down to the officer in charge of the government powder factory at Indianhead. I do not know where that place is, but somewhere down the river. I wanted to go to the fountain head of the proposition. We have been for years getting a great deal from the Navy Department, and so forth, and it did not seem to satisfy everybody. So I telephoned to get a definite reply from the officer in charge. I made a memorandum of the substance of our which you will see on these sheets of paper conversation, which I hold in my hand. Later in the day I was called up by the Navy Department and was telephoned the letter which I am about to read, and was further informed that it would be sent to me by hand. It has been received, and reads as follows:

DEPARTMENT OF THE NAVY, BUREAU OF ORDNANCE, Washington, D. C., January 20, 1909.

Washington, D. C., January 20, 1909.

Sir: Referring to your telephone message to the inspector of ordnance in charge at Indianhead, Md., concerning the manufacture of powder, etc.—

1. I have to inform you that he has telephoned the following answer: "The powder factory is run at practically full capacity—about one and one-fourth million pounds a year.

"There are nine steps or links in the chain of manufacture; some links stronger than others; that is, capacity is greater; output, 1,009,000 pounds at weakest point. To double capacity—that is, to make output 2,000,000 pounds—\$250,000 would be required, the power plant and drying plant being the large items. Cost of powder, labor, and material alone, 43 cents per pound, year ending July 1, 1908; somewhat higher now because of increase in cost of alcohol."

2. The Navy Department's orders require that all communications of this nature should be forwarded through the department, and this is sent you with the authority of the Acting Secretary of the Navy and also telephoned you.

Respectfully,

N. E. Mason,

Chief of Bureau of Ordnance.

Hon. John Wesley Gaines, M. C., Chief of Bureau of Ordnance.

House of Representatives, Washington, D. C.

Now, here is a lotter the

Now, here is a letter the department sends me, telling me the capacity of this plant is 1,250,000 pounds, and \$250,000 appropriation would make it a 2,000,000-pounds, and \$250,000 appropriation would make it a 2,000,000-pound plant. Now, will any man here say that that is a war-capacity plant, when we are now buying 2,000,000 pounds and making 1,000,000 pounds and need it all in peace? Why not increase its "capacity" to the war standard, if we make no powder there, in peace? It will be ready in time of war. Two hundred and fifty thousand dol-

lars will double its capacity, this letter tells us.

Now, Mr. Chairman, here is what he says: The cost of the "labor and material" alone "is 43 cents for the year ending July 1, 1908," but "somewhat higher because of the higher cost of alco-Lieutenant Jackson also informed me that we send very highly paid powder inspectors, four or five, to these private concerns-one of which is the Powder trust-to examine the powder, and that they were each, as I understood, paid five or six thousand dollars, and that we had at the government powder plant but one inspector, a naval officer, and some subordinates to inspect. Furnishing these highly paid inspectors at private manufactories is a practice we pursue that we may get good powder, and we did not get it all the time during the Spanish war. Again, Secretary Long, in his report, November, 1897, savs:

The question of always having at hand a satisfactory source of supply for powder has received much consideration from the bureau, and it suggests that in view of the lack of sufficient competition among private manufacturers the Government should establish a powder factory of its own of moderate capacity.

[Report of Secretary of the Navy, 1898.]

SMOKELESS POWDER.

Smokeless powder is a necessity, not only on account of the absence of smoke, but because of the greater velocities obtained by its use and the freedom from residue, which facilitates rapid firing. While a satisfactory smokeless powder has been adopted and is manufactured in considerable quantities, it was, owing to lack of time and lack of facility for manufacturing on a large scale, impossible to introduce it generally into the navy during the recent war. Nevertheless, several vessels were given a complete outfit, and large quantities were distributed. Steps have been taken to give all vessels hereafter fitted out a complete supply, and it is proposed to accumulate a large amount. Congress at its last session appropriated a sum of money for the erection of a government factory for the manufacture of smokeless powder, and plans therefor have been prepared, land has been cleared at Indianhead, Md., and the work of construction is now in progress.

Immediately after the close of the war with Spain the purchase of brown powder was discontinued, and the manufacturers were directed to turn their attention exclusively to the manufacture of smokeless powder, so far as their orders for the navy were concerned. They

have made commendable progress, and are turning out a satisfactory product in considerable quantities. It is proposed to supply all new ships with smokeless powder, and the powder for the *Kearsage*, *Kentucky*, and *Alabama* is now ready for them. The older vessels will also be supplied as rapidly as possible.

[Reports of the Navy Department, 1899.]

The government powder factory at Indianhead is progressing favorably and will be completed in a few months. Unavoidable delays in obtaining materials have retarded its progress to some extent, and it is preferable to do good rather than-hasty work. It is neither expected nor desired to enter into competition at these works with private manufacturers, except as to quality, it being the policy of the department to foster the commercial industry, upon which the country must largely draw its sumply. draw its supply.

[Reports of the Navy Department, 1900.] SMOKELESS POWDER.

Manufacturers of smokeless powder are now experiencing little difficulty in supplying powder of excellent quality which meets the required climatic, physical, and ballistic tests. Three of the battle ships and one cruiser have already received an outfit of smokeless powder, and other vessels will be supplied as they are commissioned.

The manufacture of smokeless powder by the Government has been successfully carried on during the past year.

I have asked the librarian here to run through the statutes and see how much money we have appropriated for this factory, and he hands me the following tabulation:

1898,	30	Statutes.	page	372, factory	\$93, 700
				372, smokeless powder	250, 000
				1027, smokeless powder	
				1027, factory	25, 000
1899	20	Statutos	nage	1252, 401 investigations by chemist_	
				687, smokeless powder	
				688, factory	4, 400
				1111, smokeless powder	
				666, smokeless powder	
				1180, smokeless powder	
1903,	32	Statutes,	page	1180, enlarging factory	52,000
1904.	33	Statutes.	page	327. smokeless powder	500,000
				1095	500,000
1906	34	Statutes.	nage	464, erecting and equipment	165, 000
1906	24	Statutes	nage	558	500, 000
1907	24	Statutes,	pago	1180	500, 000
1001,	0.1				
10.25	1200		112522000000000000000000000000000000000		

I will here insert in the Record the letter from Secretary Metcalf and the appendices thereto that I obtained permission to insert in the RECORD yesterday:

NAVY DEPARTMENT, Washington, February 7, 1908.

Washington, February 7, 1998.

SIR: Referring to your letter of January 31, 1908, requesting certain information regarding the cost of powder purchased from private firms, etc.—

1. From 1893 until 1899, during which years practically all the brown powder ever supplied the navy was obtained, 5,953,118 pounds of brown powder were purchased from private manufacturers, which firms were either a part of the Du Pont Powder Company or probably had working agreements with this firm. The price of this powder fluctuated slightly, but the average price throughout these years was 32 cents per pound. The Government manufactured during these years no brown powder whatever.

firms were either a part of the Du Pont Powder Company or probably had working agreements with this firm. The price of this powder fluctuated slightly, but the average price throughout these years was 32 cents per pound. The Government manufactured during these years no brown powder whatever.

2. In December, 1898, all outstanding orders for brown powder were canceled, and since then only smokeless powder has been manufactured for cannon. The amounts purchased are as follows:

1897. 300,000 pounds, at \$1 per pound.

1898. 2,543,500 pounds, at \$0 cents per pound.

1899. 350,000 pounds, at 80 cents per pound.

1901. 1,401,000 pounds, at 80 cents per pound.

1902. 1,551,000 pounds, at 74 cents per pound.

1903. 2,268,000 pounds, at 74 cents per pound.

1904. 4,642,710 pounds, at 74 cents per pound.

1905. 4,492,000 pounds, at 74 cents per pound.

1906. 2,025,000 pounds, at 69 cents to 74 cents per pound.

1907. 2,375,000 pounds, at 67 cents to 69 cents per pound.

The above is obtained from the requisitions made in the Bureau of Ordanace during the calendar years given.

3. Up to date about 6,500,000 pounds of smokeless powder have been manufactured at the Government Powder Factory at Indianhead, Md. The accompanying correspondence gives in detail the cost of this powder during the latter years. Necessarily the cost was much higher in the early stages of manufacture.

4. The price paid for the first 200,000 pounds of smokeless powder, purchased in June, 1897, was \$1 per pound, plus the alcohol. In October, 1897, at the instance of the department, this price was reduced to 80 cents per pound, alcohol furnished by the Government, which meant an actual cost of about 74 cents per pound, eld until the beginning of the year 1901, when it was again reduced to 70 cents per pound, plus the alcohol. This reduction was made in view of estimates as to the cost of manufacture at the Government Powder Factory. This price of 70 cents per pound, alcohol furnished by the Government, which mean and navy board on smokeless powder, c

the powder companies.

5. There are being forwarded copies of certain correspondence upon this subject, which it is requested be returned to the Navy Department, Bureau of Ordnance, when you have no further use for them. Also, information can be obtained on pages 255 and 256 of the "Hearings" before the House Committee on Naval Appropriations of 1907; on pages 41 to 43, and page 81 (Appendix C) "Hearings" of 1908; and in the "Hearings" of 1909. Mr. J. A. Haskell, vice-president of the Du Pout Powder Companies, was before the subcommittee of the House

Committee on Appropriations on January 24, 1907, and his testimony can be found in the "Hearings" for that date.

6. Referring to the second paragraph: The establishment of the Government Powder Factory was recommended by the department in its Annual Report of 1898, and an appropriation for its establishment was made the same year. Since it has been completed it has run to the full extent of its capacity, working twenty-four hours a day, and has produced about 6,500,000 pounds of powder. In addition to this work the laboratory, which forms a part of the factory, has conducted all stability tests and chemical examinations of the samples selected from the lots of private manufacturers in the natural course of inspections.

spections.

7. Referring to the last paragraph in your letter, Congress passed, in the latter part of February, 1907, public resolution No. 15, directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees in certain cases. Full details of the information required under this resolution have been compiled and forwarded to the Department of Commerce and Labor. It is understood, however, that it has not yet been published, or at least not issued.

Respectfully,

V. H. METCALF, Secretary.

Hon. John W. Gaines,

House of Representatives, Washington, D. C.

WILMINGTON, DEL., August 27, 1906.

WILMINGTON, DEL., August 27, 1906.

AUSTIN M. KNIGHT, Commander, U. S. Navy.

President Joint Army and Navy Board on

Smokeless Powder Specifications, Washington, D. C.

Dear Sir: Complying with your request that we give you our reasons for opposing any reduction in the price now paid by the Government for smokeless powder, we submit the following discussion:

In opening this discussion we desire to say that, in our judgment, the price paid for the powder is far less important than its quality, and that at the present time, with the processes of manufacture and even the composition of the powder in a more or less experimental and uncertain condition, an effort to reduce the price is likely to be false economy. With the army and navy it should always be the aim to have the best possible powder regardless of the cost. The desire should be to give an adequate price and to expect a constant improvement in the article. In order to produce a superior article we must be allowed a reasonable and fair margin of profit so that we may be able to purchase the best materials, employ the best skilled labor, and be allowed to work and rework the material until the desired result is obtained. If we must stop short of that because of price, it is easy to determine what the natural result will be—either loss on our part or an inferior powder. We have spared no expense in our efforts to improve our product, and we should receive an adequate compensation.

At the beginning, when the price was fixed at \$1 per pound, the manufacturers had little knowledge of the subject and their plants were not suited to economical production. Before experience had shown us how to make a profit, the Government reduced the price to S0 cents a pound, and again to 70 cents, while we were making powder at a loss or with no profit. It is only within the last three years that a profit has been made. It would be a great injustice to the companies who have continued under these circumstances to produce a good powder, and who have spared no expense to impro

sell the general trade where we have active competition. We are paid by the Government for a superior powder to that used by the commercial trade only 70 cents per pound, while the trade is paying 80 to 85 cents.

The Government has a system of inspection that grows daily more rigid, to which inspection we do not object, but which tends to increase the cost of production. The bureaus have just adopted new specifications which are more exacting, and to which they have added new and untried tests, which will probably add to the number of rejections. These specifications undertake to control each step of the processes to be used, to specify raw materials, number of washings, their duration, etc., and in the end we are still held responsible for the results.

In arriving at the cost of powder manufactured by the Government its experts lose sight of many items of expense which the Government trags through other channels, as salaries of officers, technical men, book-keepers, clerks, traveling expenses, etc. The Government charges some of these items to other accounts and overlooks them in estimating the cost of manufacture of powder. Upon examination of our books we find that the following result would be obtained by taking what we are informed is the cost of powder at Indianhead on the manufacture of 1,002,000 pounds:

We find that during the past year of our operations the ratio of rejections to the amount of powder manufactured and delivered to the Government was 5.23 per cent. If from the manufacture of powder at Indianhead would produce 949,000 pounds of acceptable powder and the cost of prowder manufactured and cellvering 1,002,000 pounds of powder Indianhead would produce 949,000 pounds of acceptable powder and the cost per pound would be increased from 47.45 cents (their cost of powder manufactured exclusive of alcohol) to 49.98 cents, and their cost of 54.63 cents (including alcohol) would be increased to 57.93 cents. If to this there be added the amounts paid by our company which have not been taken into co

will in a large measure destroy the value of all the present smokeless-powder plants. When these facts are considered, it should be easy powder plants. When these facts are considered, it should be easy powder plants. When these facts are considered, it should be easy powder plants. When the work is a powder than the proper of the party of the plant of the plant of the smouth of the contracts of it the plants are to run on a single-shift basis, then it naturally costs more to make the powder. If the Government should again be in position to give orders for a sufficient amount of the property of the

This company has a record for the past one hundred years of always holding its best intellect, its money, and its plants wholly at the service of the Government in all times of need and of treating the Government fairly and honestly in all its dealings, and we do not deem it neces-

sary that we should give additional proof now of our willingness to do the same in the future.

Yours, very truly,

E. I. DU PONT COMPANY. E. I. DU PONT COMPANY, By E. G. BUCKNER.

Summary of expenditures for the production of powder for the past year at Indianhead, Md.

Amount actually expended during the year.

Machinery written off.

To the last item we should add, in order to bring the item of "Machinery depreciation" up to 10 per cent, as was done last year.

Fire losses, one-seventh of the total.

Various items, including a share of office and laboratory force, watchmen, rallroad, and other repairs not counted into the cost of powder in invoicing it.

5 per cent depreciation on buildings. 10, 991, 83 6, 952, 46 13, 812. 66 31, 180. 65

531, 557, 34 Total

. 5077 . 0694

Cost of the powder without alcohol per pound.

NAVAL PROVING GROUND, Indianhead, Md., August 2, 1306.

We grant 26.5 holidays more than private firms, and we work only eight hours to their ten, or perhaps eleven. But taking ten hours as their day, with the holidays, they save 28.5 per cent on labor. Depreciation on buildings and improvements, 5 per cent per annum

14,760 Deducting this from _____ 429, 315

the powder is sold at 70 cents. If it were sold at 55 cents per pound this would yield 17.5 per cent profit on the capital invested, and in case the orders were cut down during any one year to one-half, the profit should still be satisfactory.

Respectfully,

Jos. STRAUSS,

Respectfully,

Lieutenant-Commander, U. S. Navy,

Inspector of Ordnance in Charge.

Commander A. M. KNIGHT, U. S. Navy,

President Joint Army and Navy Board

on Smokeless Powder Specifications,

Bureau of Ordnance, Navy Department,

Washington, D. C.

Mr. HITCHCOCK. Before we proceed, I ask unanimous consent to ask the chairman of the committee whether he has any official warrant for the statement that this powder plant cost a million and a half?

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that he may propound a question to the gentleman from Illinois, or that he may have the floor. Is there objection? [After a pause.] The Chair hears none.

Mr. HITCHCOCK. I have the figures according to the report.

Mr. FOSS. I will say to the gentleman that I prefer that this matter go over until to-morrow. The figures I have are figures that come from the Bureau of Ordnance.

Mr. HITCHCOCK. I have the figures from the Bureau of Ordnance, and they show that it is less than \$850,000. I am speaking of the government plant at Indianhead.

Mr. FITZGERALD. Perhaps the gentleman is speaking of the Du Pont plant.

Mr. FOSS. No; I am speaking of the government plant. The Clerk read as follows:

Purchase and manufacture of smokeless powder, \$650,000.

Mr. SHERLEY. As to that paragraph, I ask that it go over. Mr. FOSS. I ask that this paragraph also may go over.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, \$150,000.

Mr. TAWNEY. I move to strike out the last word for the ourpose of asking the chairman of the committee a question. On what basis do you estimate for the new and improved machinery for existing shops in the Washington Gun Factory to be \$150,000?

Mr. FOSS. We have allowed that sum practically for a number of years. The chief of ordnance has told us that he can not get along with any less. Tools and machinery are wearing out. They are manufacturing heavy guns, and it is necessary for them to have this, what seemingly is a large sum.

Mr. TAWNEY. Is it the full amount of the estimate? Mr. FOSS. Yes; it is the full amount of the estimate. Mr. STAFFORD. Can the gentleman state how much is

used of this appropriation here?

Mr. FOSS. They use every part of it.
Mr. MACON. They use \$150,000 for this purpose each year?
Mr. TAWNEY. Are they increasing the machinery?
Mr. FOSS. They are not increasing the machinery, except

as appears in this bill.

Mr. TAWNEY. I rose to ask in what way?

Mr. FOSS. We are not increasing the plant at all; we are just keeping the machinery up to a high state of efficiency. That is all.

Mr. TAWNEY. The machinery is not of a character, surely, that has need to be replaced every year or every five years?

Mr. FOSS. Well, it is very expensive when anything gets at of order. We asked the Chief of Ordnance, as we wanted out of order. to inquire whether this was always needed or not:

Do you need all of that?

Admiral Mason answered:

Yes, sir; we have had that quite a number of years. That is for wear and tear on the machinery in the big shop.

The CHAIRMAN. Does it require that every year?

Admiral Mason. Yes, sir.

Mr. MACON. It is expended every year for that purpose under this appropriation?

The Clerk read as follows:

For continuing the relining and conversion of 12-inch Mark III guns to Mark IV guns, \$150,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word for the purpose of asking about this provision:

For continuing the relining and conversion of 12-inch Mark III guns to Mark IV guns, \$150,000.

When were those guns made? And what use have they been put to which necessitates their relining?

Mr. FOSS. Those are old guns which have been in use a

number of years.
Mr. TAWNEY. How were they used?

Mr. FOSS. In target practice.

Mr. TAWNEY. It is use in target practice that necessitates their relining?

Mr. FOSS.

Mr. TAWNEY. How long can a new gun be used merely in target practice without relining?

Mr. FOSS. The Chief of the Bureau of Ordnance said about 120 times

Mr. TAWNEY. About 120 times in target practice?

Mr. FOSS. Yes.

Mr. TOSS. 1cs.
Mr. TAWNEY. What does one of these guns cost?
Mr. PADGETT. A 12-inch gun costs about \$40,000.
Mr. FOSS. This relining will cost about \$12,000 each.

Mr. KEIFER. Some of them will not stand firing that often,

Mr. FOSS. These are all old guns.

Mr. TAWNEY. How many are there to be relined?

Mr. FOSS. Twelve.

Mr. NORRIS. Will what the gentleman has said apply to new guns as well as to old ones, about the necessity for relining?

Mr. FOSS. Yes; they will have to be relined after they have been used a while.

Mr. NORRIS. After they have been discharged 140 times? Mr. FOSS. After they have been discharged 140 times:
Mr. FOSS. After they have been fired 120 times they will
have to be relined. The erosion is such as to make it necessary.
Mr. BUTLER. Unless they use a different kind of powder.
Mr. NORRIS. Then, guns of this sort would not last through

one really heavy battle?

Mr. FOSS. The battle of the Sea of Japan was fought and won in forty minutes. Most of these modern battles are very

Mr. NORRIS. It may be that when Dewey stopped for breakfast he stopped to reline his guns.

Mr. TAWNEY. No; he stopped to reline the stomachs of his men. [Laughter.]

The Clerk read as follows:

Ammunition for ships: For procuring, producing, preserving, and handling ammunition for issue to ships, \$3,000,000: Provided, That the Secretary of the Navy is hereby authorized to utilize all ammunition and other supplies already on hand under the appropriations "Increase of the navy; Armor and armament," "Reserve ammunition," and "Reserve powder and shell," for general issue to ships in commission, as though purchased from this appropriation: Provided, That no part of this apprepriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standards prescribed by the Secretary of the Navy.

Mr. SHERLEY Mr. Chairman Leak requirements of such Mr. SHERLEY Mr. Chairman Leak requirements

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that this paragraph also go over without prejudice until tomorrow.

Mr. FOSS. Mr. Chairman, I think it ought to go over, in

connection with the other.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that this paragraph be passed without prejudice until to-morrow. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. I ask unanimous consent to print paper sent to me this morning by the Department of Justice, which I called for.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the RECORD a statement which he holds in his hand.

Mr. TAWNEY. What is the statement about? Mr. GAINES of Tennessee. It is in relation to the powder trust, a statement of certain facts that came to light in the suit against that trust.

Mr. TAWNEY. Does it pertain to the matters contained in this bill?

Mr. GAINES of Tennessee. Oh, yes. I would not want to put it in here if it did not. I put myself to a great deal of trouble to enlighten the House, as well as myself, on some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The document referred to is as follows:

The document referred to is as follows:

In the testimony taken in the case against the so-called "powder trust" an agreement was brought to light between the trust and European manufacturers, one portion of which is of considerable public interest. The parties to the agreement were the following:

Messrs. E. I. du Pont de Nemours & Co., of Wilmington, Del.; Laffin & Rand Powder Company, of New York City; Eastern Dynamite Company, of Wilmington, Del.; the Miami Powder Company, of Xenia, Ohio; the American Powder Millis, of Boston, Mass.; the Ætina Powder Company, of Cleveland, Ohio; the California Powder Works, of San Francisco, Cal.; the Grant Powder Company (Consolidated), of San Francisco, Cal.; the Judson Dynamite and Powder Company, of San Francisco, Cal.; the Vereinigte

Koln-Rottweller Pulverfabriken, of Cologne; and the Nobel Dynamite Trust Company (Limited), of London.

This agreement was to be in effect for a period of ten years, and is believed to have been substantially continued until the present time. The parties to the agreement being the chief manufacturers of explosives, and controlling numerous subsidiary concerns, agreed to file with each other a list of companies controlled by the combination entering into the agreement, and the specific statements of the things undertaken are contained in paragraphs 3 to 8, inclusive, of the agreement, which are as follows:

"Regarding detonators, it is agreed that the European factories shall

taken are contained in paragraphs 3 to 8, inclusive, of the agreement, which are as follows:

"Regarding detonators, it is agreed that the European factories shall abstain from erecting detonator works in the United States of North America. The works which are building at Jamesburg, N. J., are not to be completed, and the whole scheme as worked out by Mr. Muller is to be abandoned. In consideration of this scheme being abandoned and the erection of the works being stopped, the American factories undertake to bear all expenses hitherto incurred in connection therewith, and they will, moreover, discharge the obligations which Mr. Muller has undertaken in connection with the above-mentioned scheme, with regard to which obligations a special subsidiary agreement is to be made. And it is, moreover, agreed that the American factories shall order and take from the European factories, i. e., from the T. Rhenish Westphalian Sprengstoff A. G. every year 5,000,000 detonators at the following prices, viz., 11 marks for No. 3, 12 marks for No. 5 rim, 13 marks for No. 4, 15.50 marks for No. 5, 16.50 marks for No. 5 rim, 20 marks for No. 6, and 21 marks for No. 6 rim, all these prices to be understood per 1,000 ex. ship. New York without duty.

"As regards black powder, the American factories bind themselves not to erect factories in Europe, and the European factories bind themselves not to erect factories in the United States of America. Both parties, however, are to be free to import into the other party's territory.

"As regards smokeless sporting powder, the American factories un-

"As regards smokeless sporting powder, the American factories undertake not to erect factories in Europe, and the European factories undertake not to erect factories in the United States of America. Both parties, however, are to be free to import into the other party's

undertake not to erect factories in the United States of America. Both parties, however, are to be free to import into the other party's territory.

"With regard to smokeless military powder, it is hereby agreed that the European factories undertake not to erect any factories in the United States of America, and that the American factories undertake not to erect any factories in Europe.

"Whenever the American factories receive an inquiry for any government other than their own, either directly or indirectly, they are to communicate with the European factories through the chairman appointed, as hereinafter set forth, and by that means to ascertain the price at which the European factories are quoting or have fixed, and they shall be bound not to quote or sell at any lower figure than the price at which the European factories are quoting or have fixed. Should the European factories receive an inquiry from the Government of the United States of North America, or decide to quote for delivery for that Government, either directly or indirectly, they shall first in the like manner ascertain the price quoted or fixed by the American factories, and shall be bound not to quote or sell below that figure.

"With regard to high explosives (by which all explosives fired by means of detonators are to be understood), it is agreed that the United States of North America, with their present or future territories, possessions, colonies, or dependencies, the Republics of Mexico, Guatemala, Honduras, Nicaragua, and Costa Rica, as well as the Republics of the United States of Colombia and Venezuela, are to be deemed the exclusive territory of the American factories and are hereafter referred to as 'American territory.' All the countries in South America not above mentioned, as well as British Honduras and the islands in the Caribbean Sea, which are not Spanish possessions, are to be deemed common territory, hereinafter referred to as 'Syndicated territory,' the rest of the world is to be the exclusive territory of the European fact

there is to be carried on for joint account in the manner hereinafter defined."

This suit was filed July, 1907, in the federal circuit court for the district of Delaware, and is styled as follows: "United States of America v. E. I. du Pont; De Nemours & Co.; E. L. du Pont De Nemours Powder Company of New Jersey; du Pont International Powder Company; Delaware Investment Company; Delaware Securities Company; Laflin & Rand Powder Company; Eastern Powder Company; E. I. du Pont De Nemours Company; Eastern Powder Company; E. I. du Pont De Nemours Company of Delaware; E. I. du Pont De Nemours & Co., of Pennsylvania; The King Powder Company; Austin Powder Company; Of Cleveland; California Powder Company; Fairmount Powder Company; Conemaugh Powder Company; Fairmount Powder Company; Metropolitan Powder Company; International Smokeless Powder and Chemical Company; Judson Dynamite and Powder Company; Metropolitan Powder Company; Peyton Chemical Company; The Ætna Powder Company; E. C. & Schuetze Gunpowder Company (Limited); The American Powder Mills; The Anthony Powder Company (Limited); The Equitable Powder Manufacturing Company; The Miami Powder Company; Alexis I. du Pont; Alfred I. du Pont; Irenee du Pont; Eugene E. du Pont; Henry A. du Pont; Harry F. du Pont; Irenee du Pont; Francis I. du Pont; Pierre S. du Pont; Thomas C. du Pont; Victor du Pont, fr.; Johnathan A. Haskell; A. J. Moxham; H. H. Barksdale; H. F. Baldwin; E. G. Buckner, and F. L. Connable.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Longworth having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors; and

S. 8254. An act granting pensions and increase of pensions to

certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed

without amendment bill of the following title:
H. R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concur-

rence of the House of Representatives was requested:

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 23849. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Torpedoes and appliances: For the purchase and manufacture of torpedoes and appliances, \$625,000.

Mr. TAWNEY. Mr. Chairman, I observe that there is an increase of \$300,000 for the purchase and manufacture of torpedoes and appliances. I would like to have the chairman explain the necessity for this increase.

Mr. MACON. There is an increase of \$325,000.

Mr. FOSS. I want to say that we are very short on tor-pedoes. The Chief of the Bureau of Ordnance asked for twice this amount; we cut it in two. He said:

We are still behind in torpedoes.

"How much behind?" was asked of him.

What I mean by behind is that we are short, very short, in torpedoes compared with the number they have abroad.

And then he gives us a statement, which was rather a startling statement, as to the condition of our navy on the subject of torpedoes

Mr. TAWNEY. Are these reserve torpedoes; and if not re-

serve, how are they used now?

Mr. FOSS. They are used in practice shooting on board ships and also in reserve, wherever they want to use torpedoes of any kind.

Mr. OLCOTT. Will the gentleman yield?

Mr. FOSS. I will yield to the gentleman. Mr. OLCOTT. Is it not a fact that they stated that the English navy had 10,000 torpedoes and we had about 400?

Mr. FOSS. I did not care to mention the number, but we

have only about 445.

Mr. TAWNEY. I hope we are not determining our naval necessities entirely by what other nations have on hand or are doing.

Mr. OLCOTT. There ought to be some comparison between them.

Mr. FOSS. ·No; but we are very short, the supply at the present time is very small, and the committee has cut the appropriation down from the estimate one-half.

Mr. TAWNEY. I withdraw the pro forma amendment.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Longworth having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on January 20, 1909, approved and signedbills of the following titles:

H. R. 8615. An act to correct the naval record of Edward T. Lincoln;

H. R. 14343. An act to correct the naval record of Randolph W. Campbell; and

H. R. 23351. An act for the relief of the owners of the Mexican steamship Tabasqueno.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Clerk read as 1010ws:

For experimental work in the development of armor-piercing projectiles, fuses, powders and high explosives, in connection with problems of the attack of armor with direct and inclined fire at various ranges, including the purchase of armor, powder, projectiles, and fuses for the above purposes, and of all necessary material and labor in connection therewith; and for other experimental work under the cognizance of the Bureau of Ordnance in connection with the development of ordnance material for the navy, \$100,000.

Mr. TAWNEY. Mr. Chairman, this is a new provision. I move to strike out the last word.

Mr. FOSS. In the estimate they ask for \$200,000, and we cut it in two, allowed them \$100,000 for experiment, and they

regard it as very necessary.

Mr. TAWNEY. From what appropriation have these experiments been paid for heretofore? We have had experiments in

the development of armor piercing.

Mr. FOSS. They have got along as best they could under the ordnance and ordnance stores. What little they have expended has been very small and has been done with that appro-

Mr. TAWNEY. Could it be done under that appropriation

Mr. FOSS. I think it could legitimately, yes; but they have expended very little. Now they are very anxious about pro-

Mr. GAINES of Tennessee. Will not the gentleman from Illinois consent that this paragraph go over until to-morrow? It

involves the purchase of powder.

Mr. FOSS. Oh, this is simply for experimental work.

Mr. GAINES of Tennessee. We may want to make some change in it.

Mr. FOSS. There is no necessity for having this paragraph

Mr. GAINES of Tennessee. If we find out that there is, will the gentleman have any objection to our going back to it?

Mr. FOSS. Oh, no.

The Clerk read as follows:

Arming and equipping naval militia: For arms, accouterments, ammunition, signal and medical outfits, boats and their equipment and maintenance, fuel and clothing, and the printing or purchase of necessary books of instruction for the naval militin of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, \$100,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I observe that in this item there is some new phrase-ology. I would like to have the gentleman explain the scope

ology. I would like to have the gentleman explain the scope

of the work covered by this paragraph.

Mr. FOSS. We have only put in a few words, medical outfit, and so forth. We provide for the naval militia, but we have not increased the appropriation in any part whatever.

Mr. STAFFORD. I have not made any contraction in the scope of the state of th

Mr. STAFFORD. I have not made any question as to that; my query is directed to the scope of the work of the naval militia.

Mr. FOSS. They are doing excellent work; they are training and have maneuvers during the summer time on the lake, as the gentleman knows, and are fitting themselves for a reserve force in time of war. There is no body of men anywhere that is doing more excellent work than the naval reserve of our country to-day.

Mr. STAFFORD. Is any part of the expense being sustained

by the States themselves?

Mr. FOSS. Oh, yes. Mr. STAFFORD. T Then this is merely supplementary to the expense undertaken by the States?

Mr. FOSS. Yes.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

Coal and transportation: Purchase of coal and other fuel for steamers and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, \$5,000,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last The appropriation for coal for the current fiscal year was \$5,000,000. That was a considerable increase over the appropriation for the preceding year, made necessary, as we were then informed, on account of the fleet going on its trip around the world.

Mr. FOSS. Yes; but we had a deficiency of \$1,700,000. Mr. TAWNEY. The appropriation in the naval appropriation Mr. FOSS.

bill for the current fiscal year included the increase on account of the voyage of the fleet around the world. Now, I would like to ask the gentleman if it is necessary to appropriate the same amount this year, in view of the fact that so far as we know there is no trip of that kind contemplated during the year 1910?

Mr. FOSS. Why, no; but they depleted every coal pile they came in sight of. [Laughter.]
Mr. TAWNEY. Does the gentleman mean to say that our reserve, accumulated prior to the time this fleet started out, has

been exhausted? Mr. BUTLER.

Mr. LOUDENSLAGER. I would not say exhausted.

Mr. TAWNEY. It has been greatly depleted, then, so as to require this amount for the next fiscal year to resupply the various coaling stations?

Mr. FOSS. Yes. Mr. ADAIR. Can the gentleman tell us what the cost of that trip around the world was?

Mr. FOSS. They have not finished yet.

Mr. ADAIR. What was the appropriation for the fiscal year

Mr. PADGETT. About two and a half millions.

Mr. FOSS. The gentleman does not mean the appropriation under this paragraph—it was a good deal more than that.

Mr. PADGETT. No. If the gentleman will look in Mr. Pulsifer's book, he will see that the amount of coal purchased for 1908 was two and a half million dollars; for the last year, 1909, about five millions.

Mr. FOSS. For the coal item alone, the gentleman means,

as to the two millions and a half.

Mr. PADGETT. Yes.

Mr. FOSS. And this paragraph includes the transportation. Mr. PADGETT. I mean coal and transportation. In other words, there was an increase of two and a half millions on account of that trip around the world.

Mr. LOUDENSLAGER. Does the gentleman mean the act of

1907?

Mr. PADGETT. Yes.

Mr. LOUDENSLAGER. That was four millions and odd.

Mr. STAFFORD. If they required only two and a half million dollars two years ago, what is the need of having double the amount for the coming year unless it is contemplated to

have an annual pilgrimage around the world?

Mr. FOSS. If the gentleman will read this item, he will find that coal is one item and transportation another. He will find this covers transportation, storage, and handling of the same, and general maintenance of naval coaling stations and plants.

Mr. STAFFORD. After the stations have been supplied with coal, that have been depleted by the fleet in the trip around the world, will it be necessary, in the opinion of the committee, to have as large an appropriation as five millions to maintain the fleet each year?

Mr. FOSS. Well, I should say I think it would. Mr. STAFFORD. Will it require more if we go on providing for two large battle ships each year?

Mr. FOSS. Yes; if we go on building up the navy, we will

have to increase the appropriation.

Mr. STAFFORD. How much more if two battle ships a year are added?

I could not say. Mr. FOSS.

Mr. STAFFORD. Can the gentleman give any estimate based upon an increase of the navy of two large battle ships each year as to what would be the increased cost in the total bill.

Mr. FOSS. No; I could not give any estimate. I do not know how many tons of coal a battle ship burns. Some ships burn a hundred tons a day and some less. It depends entirely on what these ships are put to.

Mr. LOUDENSLAGER. And how fast they go.

Mr. FOSS. Yes; a good deal on the speed, and there are a great many elements that enter into a question of this kind, but this appropriation, in my judgment, will not be reduced.

Mr. STAFFORD. The committee might be able to furnish some general estimate as to what will be the increased cost if Congress should appropriate money for providing two additional war ships each year.

Mr. FOSS. I could not give that information to the gentle-

Mr. PADGETT. May I answer a question that was asked just a moment ago? Mr. Pulsifer states on page 645 with reference to coal that on a ton of coal a battle ship will go about 3.25 knots. The *Louisiana* bunkers hold 2,500 tons and could go twenty-eight days at 10 knots an hour, or 6,720 knots.

Mr. FOSS. The gentleman can figure it out from that. Mr. STAFFORD. Of course, but I thought probably the clerk of the committee could compute it and furnish us with the in-

formation. Mr. TAWNEY. I would like to ask the gentleman whether

the navy is using any coal now from the island of Luzon. Mr. LOUDENSLAGER. The gentleman means taken from

the island? Mr. FOSS. No; that coal which was so much talked about

at the time was found to be absolutely useless for the navy.

Mr. POLLARD. Mr. Chairman, I move to strike out next to the last word, in order to ask the chairman of the committee a question. I see that the wording of the paragraph here includes transportation. Does that also include the cost that the Government was put to in chartering the vessels to act

as couriers to accompany the fleet?

Mr. FOSS. Yes; but I would say most of that was taken care of by a special appropriation which came from the Appropriations Committee in the shape of a deficiency, amounting to \$1,700,000, but some of it did not. The cost of the fleet, we may say, so far as the coal proposition is concerned, was two and a half million dollars all told. A million dollars of it was for the cost of the coal, and about a million and a half for transportation.

Mr. POLLARD. Does that include the cost of chartering the

ships?

Mr. FOSS. Yes; that includes the cost of chartering the ships under the term of "transportation."

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I understood the chairman of the committee to say the transportation cost about a million and a half for coal during the past year

Mr. FOSS. No: I am speaking about the cruise of the

Atlantic Fleet.

Mr. FITZGERALD. I wish to inquire whether the gentleman can inform the committee how much was paid for transportation of coal for the fleet on this trip which has just been

Mr. FOSS. I will state to the gentleman that the statement appears on page 71 of the hearings, given by Admiral Cowles, Chief of the Bureau of Equipment, showing the approximate cost of coal and its transportation to supply the requirements of the Atlantic Fleet for its voyage around the world. The number of tons was 365,320 and the cost of the coal was \$1,078,994 and the cost of transportation was \$1,463,845; in all, substantially \$2,500,000.

Mr. FITZGERALD. How much was the coal per ton and the

cost per ton to transport it?

Mr. FOSS. The gentleman can figure that out. Mr. FITZGERALD. I can not figure it out.

Mr. FOSS. The number of tons was 365,000 and the cost was

\$1,078,000.

Mr. FITZGERALD. Well, if I were a lightning calculator, I would tell the gentleman how much that was a ton; but I am not. I wish to get information, for this reason: I was informed last summer that an offer was made to the department to supply coal for the fleet, I think at Sydney—I am not quite sure of the place-of the grade equal to the coal obtained in this country at a price per ton less than the cost of transporting it from the Atlantic seaboard; that the department declined the offer and bought coal here at a price in excess of what it was offered delivered at Sydney, and paid, moveover, the cost of transportation, which in itself was in excess of the price of the coal. I should like to know whether that happened, and the reason the department gives for the refusal to accept an offer of that character.

Mr. STAFFORD. I may say to the gentleman the average price on the figures given was \$2.94

Mr. OLCOTT. It approximates \$3 a ton. Mr. FITZGERALD. That is for the coal?

Mr. FITZGERALD. That is for the coal?
Mr. OLCOTT. Without considering the transportation—
Mr. FITZGERALD. But I want to know the cost of the transportation.

The transportation cost a little more than \$3. Mr. OLCOTT. Mr. FITZGERALD. Is that in American or foreign bottoms?
Mr. FOSS. You probably know most of the coal we sent with the fleet went in foreign bottoms. There were two or three American bottoms, but the rest of them were foreign

bottoms.

Mr. FITZGERALD. What was the difference in the cost between the foreign and American bottoms?

Mr. FOSS. The American bottoms wanted about twice as much for the transportation of the coal as in foreign bottoms, just about twice as much.

The Clerk read as follows:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel for the supply of steamships of war, \$450,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee about this appropriation. I see it is exactly the same as it was last year, \$450,000.

Mr. FOSS. Yes.

Mr. MACON. Were not the coaling stations appropriated for last year located?

Mr. FOSS. These are to finish up the plans at San Diego, Cal., and also California City Point.

Mr. MACON. How did you arrive at the conclusion that it would require the same amount this year that it did last year?
Mr. FOSS. Well, the estimates which were submitted to the

department stated that.

The Clerk read as follows:

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance of yards and docks: For general maintenance of yards and docks, namely: For books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; stationery; furniture for government houses and offices in navy-yards and naval stations; coal and other fuel; candles, oll, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy-yards; water tax, tolls, and ferriage; pay of waterhmen in navy-yards; awnings and packing boxes; and for rent of wharf and storehouse at Erie, Pa., for use of and accommodation of U. S. S. Wolverine, and for pay of employees on leave, \$1,500,000: Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, messenger, and other classified work in the navy-yards and naval stations for the fiscal year ending June 30, 1910, shall not exceed \$425,000.

Mr. TAWNEY. Mr. Chairman, I observe that the appropria-

Mr. TAWNEY. Mr. Chairman, I observe that the appropriation under this head is \$1,250,000 in excess of the appropriation for the same purposes for the current fiscal year.

Mr. FOSS. Not \$1,250,000; just \$250,000. Mr. MACON. Two hundred and fifty thousand dollars.

Mr. TAWNEY. I see that the increase is \$250,000. I want to inquire whether this estimated increase is made for the reason that there will be more repairing of ships in the navy-yards during the fiscal year than there was during the current fiscal year?

Mr. FOSS. No; this has nothing to do with that. Mr. TAWNEY. Then what is the occasion for this material increase?

Mr. FOSS. Hereafter this bureau, the Bureau of Yards and Docks, will purchase all the furniture for all the other bureaus of the Navy Department. That is one item which makes the increase.

Mr. TAWNEY. Has there been a consolidation?

Mr. FOSS. There has been a consolidation on that item, which is a large item, too. And then we have always allowed a little increase in this appropriation each year, and we have been appropriating for more buildings at the navy-yard and, of course, it requires a larger sum for maintenance.

The Clerk read as follows:

The Clerk read as follows:

Navy-yard, Washington, D. C.: Improvements to storehouse for guns and mounts, \$7,000: concrete roofs for foundry buildings, \$15,000; improvements to building 118, \$3,000; improvements to building 41, \$20,000: fireproof storehouse for fuses, acids, and oils, \$15,000; in all, \$60,000: Provided, That hereafter the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and required to maintain its track connection with the United States navy-yard in the city of Washington, D. C., by means of a single track on K street and Canal street SE, either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, and to continue the operation thereof, anything contained in any prior act or acts of Congress to the contrary notwithstanding.

Mr. Cheirman, I. make the point of order against.

Mr. SIMS. Mr. Chairman, I make the point of order against the entire provision, beginning in line 6 with the word "Provided" and going down to and including line 16.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS]

makes a point of order.

Mr. FOSS. Mr. Chairman, it is clearly subject to the point of order, but I wish to say—
The CHAIRMAN. Does the gentleman from Tennessee re-

serve his point of order?

Mr. SIMS. I will reserve it, of course, with the privilege of making a statement myself.

Mr. FOSS. Mr. Chairman, I do not care to say anything. I will just let it go.

The CHAIRMAN. The gentleman makes the point of order on page 23, commencing with the word "Provided," in line 6, to the end of the paragraph.

Mr. FITZGERALD. Mr. Chairman-

Mr. PADGETT. I call for the regular order.

Mr. SIMS. I make the point of order, then.
The CHAIRMAN. The Chair sustains the point of order.
Mr. FITZGERALD. I simply wish to say that it is information that ought to be in the RECORD, but I will act in the same way that the gentleman is acting.

The Clerk read as follows:

Naval station, Key West, Fla.: Latrines, \$5,000; concrete cistern, \$25,000; in all, \$30,000.

Mr. SPARKMAN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if this appropriation of \$30,000 and the items which go to make it up is the entire amount that was recommended by the department for Key West?

Mr. FOSS. I believe it was.

Mr. SPARKMAN. Was it the amount recommended by the department, or did the department cut down the commandant's recommendation?

Mr. FOSS. It was recommended by the department. The commandant, of course, recommended to the department, and whether the department cut out some of these estimates recommended to the department I do not know. But these were recommended by the department as they came to the committee.

Mr. SPARKMAN. Was there any recommendation for a

foundry at Key West?

Mr. FOSS. I do not think there was.

Mr. SPARKMAN. I think perhaps at the last session of

Congress there was.

Mr. FOSS. Yes; but none this year.

Mr. SPARKMAN. I would also like to ask the gentleman if he does not think it would be a good idea to appropriate for one there? I saw a recommendation a year or so old for \$60,000 for a foundry there.

Mr. FOSS. I do not think it was in the estimates this year.

I am sure it was not.

Mr. SIMS. Mr. Chairman, I move to strike out the last word, simply to ask the consent of the committee to put a couple of letters in the RECORD on the subject-matter of the point of order I made.

Mr. TAWNEY. Are both letters alike? They are from different parties. Mr. SIMS.

Mr. TAWNEY. Are they both alike? Mr. SIMS. They are not the same exactly.

Mr. Chairman, I ask for unanimous consent to print in the

RECORD the two letters that I referred to.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the Record the two letters to which he refers. Is there objection?

There was no objection. Following are the letters:

EAST WASHINGTON CITIZENS ASSOCIATION, Washington, D. C., January 18, 1909.

Washington, D. C., January 18, 1909.

Washington, D. C., January 18, 1909.

Sir: We are opposed to, and ask you to vote against, the provision in the naval appropriation bill requiring the "Philadelphia, Baltimore and Washington Railroad Company" (Pennsylvania), to maintain permanently its railroad connection with the Washington Navy-Yard by grade tracks on K and Canal streets SE., for the following reasons, namely:

namely:
Said railroad connection is the only grade track remaining in the city, and it has seven dangerous grade crossings, mostly unprotected by either gatekeepers or flagmen, and its removal is required by the acts of 1901 and 1903, providing for the elimination of grade crossings and the construction of the Union Station. It is dangerous to the citizens, depreciative of property values, and has long been known as "dead man's curve."

the construction of the Union Station. It is dangerous to the citizens, depreciative of property values, and has long been known as "dead man's curve."

By act approved May 27, 1908 (H. R. 20120, Public, No. 144), provision was made for a new railroad connection to the navy-yard by way of the north bank of the "Anacostia River," and the time limit for the removal of the present yard connection extended for two years, until 1910, and by a decree of the court in a suit by the United States against the railroad company said removal has been enjoined until said year. In the naval appropriation bill for fiscal year ending June 30, 1908, the sum of \$40,000 was appropriated to provide "necessary bridge and railroad tracks" to accommodate, within the yard inclosure, the new railroad connection contemplated by the next-above-mentioned act (H. R. 20120).

The adoption of the present provision in the naval bill now before Congress would be doing the very thing that the House refused to do on direct vote last April (vide Congressional Record, p. 5349, vol. 42, No. 104), when the House passed H. R. bill No. 20120 (the bill so passed was substituted for House bill 13844), which merely left down the present grade tracks without any new route provided for; this last-mentioned bill, which was rejected, was brought in by the District of Columbia Committee.

For the past twenty years the citizens of the District, particularly the members of the association, have, by public meetings, petitions, and memorials, earnestly urged the elimination of grade crossings within the city, and Congress, finally recognizing the necessity for such removal, has by the expenditure of about five and one-half million dollars (vide p. 8, Report of Commissioners of the District of Columbia for year 1908) afforded entire relief for the city except this one remnant of grade crossings. Why should it remain? The Navy Department does not ask for its maintenance permanently, but, on the contrary, has for the last three years asked for another route. We wonde

Yours, very respectfully,

W. Mosby Williams, For Steam Railroad Committee, Address, Columbian Building.

WASHINGTON, D. C., January 16, 1909.

Washington, D. C., January 16, 1909.

Hon. T. W. Sims, M. C.,

House of Representatives, United States Capitol, City.

My Dear Mr. Sims: Having written you in the past on behalf of the property owners whose interests are affected by the grade tracks in the southeast section of the city, near the navy-yard, I wish to call your attention to the proposition, as outlined in to-day's papers, of the Naval Appropriation Committee to make said grade tracks permanent. You are so well informed on this subject that it is unnecessary for me to go into the legislation had in this matter up to the present time, but I would like to call your attention to erroneous impressions of the Naval Committee in this regard, namely:

If your bill (H. R. 24334) is yassed, as it should be, there will be no necessity for further legislativa.

The present railroad is called by the Naval Committee "a small spur;" It is only a small spur from K to M streets, but it is part of the former main tracks of the Pennsylvania Railroad from New Jersey avenue to Fifth street, a distance of seven squares in all, and having, on the whole, seven dangerous grade crossings.

The present shipments of freight to the navy-yard will not have to be stopped because the courts have provided for the maintenance of the present tracks until May 27, 1910.

The committee report states that a subcommittee was appointed to investigate the purchase of land offered for the purpose of obtaining the new railroad connection and that it should not be purchased because it was held at an exorbitant figure. This objection it met by the terms of your bill providing for condemnation of a right of way by a jury, who will fix the value of the land taken.

The further statement is made by the committee that the section of the city through which the present tracks run is sparsely inhabited, which statement could not have been made had the committee traversed the line of the railroad tracks, for the reason that practically every building lot facing upon and in the immediate vicinity thereof is improved by small dwelling houses; in addition to this, the public reservation between K and L, Fifth and Sixth streets, traversed by the yard railroad connection, has been recently used as a public playgrounds reservation, and a high wire fence has been built on each side of the railroad track, in order to try to protect the lives of the children who use the public space.

The citizens generally are convinced that the interests back of keeping this railroad connection are first and above all the Pennsylvania Railroad Company, and with it is the Standard Oil trust and the Allegheny Coal Company, and with it is the Standard Oil trust and the Allegheny Coal Company in the present have year and tracks.

This is very apparent when you read the 1901 elimination of grade crossings act (Public No. 49, sec. 2). You

Mr. FOSS. Mr. Chairman, I ask unanimous consent to print in the Record a letter from the Secretary of the Treasury relating to the railroads to the navy-yard, Washington, D. C.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print in the RECORD the letter he referred to. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 9, 1908.

SIR: I have the honor to transmit herewith for the consideration of Congress copy of a communication from the Secretary of the Navy of the 5th instant, submitting an estimate of appropriation in the sum of \$303,683.33 for the purchase of land and change in railroad system, including new construction, for the navy-yard, Washington, D. C.

Respectfully,

GEO. B. CORTELYOU,

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

NAVY DEPARTMENT, Washington, December 5, 1908.

Sir: I have the honor to forward herewith for transmission to Congress an estimate prepared by the Bureau of Yards and Docks under the caption "Public works, Bureau of Yards and Docks," subhead "Navy-yard, Washington, D. C.," for the purchase of land and change in railroad system, including new construction, \$303,683.33. Attached to this estimate are copies of correspondence in explanation thereof.

Very respectfully,

Trunal H. Nawarana.

TRUMAN H. NEWBERRY

The SECRETARY OF THE TREASURY.

Supplemental estimates of appropriations required for the service of the fiscal year ending June 80, 1910, by the Bureau of Yards and Docks, Navy Department.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

estimates had been approved and forwarded.

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD CO.,
OFFICE OF THE SECOND VICE-PRESIDENT,
Philadelphia, October 5, 1993.

DEAR SIR: Referring to the question of the branch line, or siding, to connect the navy-yard at Washington with the tracks of the Philadelphia, Baltimore and Washington Railroad Company, at its recent session Congress passed an act "Public-No. 144, H. R. 20120," authorizing and directing the Philadelphia, Baltimore and Washington Railroad Company to construct same and prescribing the location, terms, and conditions governing the use thereof. The act provides that the entire cost of furnishing the right of way and building said siding

shall be borne by the railroad company; also that where the line approved by the District Commissioners lies within the bed of any public highway or through any public space, the railroad company is given the right to occupy same; further, that the construction of the track or siding shall be begun within six months and completed within two years from the date of the act, and that pending such construction the railroad company is authorized to maintain its present track connection with the navy-yard.

Investigation disclosed the following facts:

"1. That the volume of business during the year 1907 (when activities were great) to and from the navy-yard amounted, so far as the Pennsylvania system is concerned, to 62,384 tons, producing a gross revenue of \$102,593, and to and from the lines south of Washington and via the Baltimore and Ohlo Railroad to 5,170 tons, for the movement of which the Pennsylvania system received \$907, gross.

"2. That the estimated cost of the construction of the line as approved by the District Commissioners, exclusive of the right of way, amounts to \$93,480.

"3. That very little portion of the line would occupy any public highway or public space.

"4. That the cost of the right of way through private property is unestimable because of the value of the ground taken and the destruction or impairment of the riparian rights appurtenant thereto."

Because of the small gross earnings, the heavy cost of construction, and the probably large cost of the right of way this company can not see its way clear to build the tracks under the conditions prescribed in the act, and in view of the limited time fixed for maintaining the present track connection it seems proper to me that your department should be advised of our conclusions, in order that you may take such steps as you may deem necessary to protect yourself from track connection with the railroad.

Permit me to say that in my judgment the United States Government should build and own this track, which is, after all, as much a part of the n

Yours, truly,

CHAS. E. POUGH, Second Vice-President.

Hon. TRUMAN H. NEWBERRY,
Assistant Secretary of the Navy,
Washington, D. C.

[First indorsement.]

NAVY DEPARTMENT, October 9, 1908. Referred to the commandant, navy-yard, Washington, for remark.

V. H. METCALF, Secretary.

[Second Indorsement.]

[Second indorsement.]

**Washington, D. C., October 14, 1908.*

(1) Respectfully returned to the Secretary of the Navy.

(2) If the Philadelphia, Baltimore and Washington Raliroad Company can not be compelled, and I believe they can not be, to build the spur connecting this yard with their system, there are only two alternatives, one to get a bill through Congress to allow the tracks to remain where they are at present, or for the Government to build the spur at its expense.

(3) It is absolutely essential for the efficiency, and even existence, of this yard to have raliroad connection.

(4) If the last alternative is adopted, then the following sum should be obtained during the present session of Congress and the money made immediately available, so that the tracks can be finished before the expiration of the two years' grace which are allowed and which expire May 27, 1910:

Purchase of squares 955 and 979	\$161,	872.	00
Building railroad yard in above squares to accommodate 80 cars	17,	331.	33
Building spur to these squares (last estimate of railroad company) as approved by District Commissioners	93,	480.	00
Square No. 1067Square No. 1001		000.	
m.t.Y	202	000	20

(5) We are going ahead in this yard to change all the switches in the northwest corner of the yard in anticipation of the new connections, and the Bureau of Yards and Docks has opened bids for the railroad bridge across Slip No. 1.

E. H. C. LEUTZE,

Rear-Admiral, U. S. Navy,

Commandant and Superintendent Naval Gun Factory.

[Third indorsement.]

NAVY DEPARTMENT, October 31, 1908.

NAVY DEPARTMENT, October 31, 1908.

Referred to the Bureau of Yards and Docks.

In view of the decision of the railroad company, as within communicated, not to proceed with the construction of the siding to connect its tracks with the Washington Navy-Yard, the second of the alternative courses of action presented by the commandant of the yard in his indorsement (second) herewith, which contemplates the building of the spur by the Government, is approved.

The bureau will, accordingly, include in its estimates to be submitted to Congress at the coming session an item of \$303,683.33 to cover the cost of constructing such spur track, including the establishment of a freight yard and the purchase of the necessary land and rights of way, as indicated in paragraph 4 of the commandant's indorsement.

Newberry, Secretary.

NEWBERRY, Secretary.

Naval station, Pearl Harbor, Hawaii: Toward dredging an entrance channel of a depth of 35 feet, \$600,000; toward construction of dry dock, to cost \$2,000,000, \$200,000; toward yard development, \$100,000; in all, \$900,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last I desire to ask the chairman of the committee what progress has been made during the last year with respect to the construction of the naval station at Pearl Harbor, Hawaii, and whether the land for the site has been acquired?

Mr. FOSS. The land has been in the possession of the Government for a number of years, but no actual work has been

Mr. TAWNEY. Why is it there has been no work done? It

is a very important matter.

Mr. FOSS. They have had to get out their specifications and plans for the dry dock; and, as I understand, they have not yet received any bids, or not opened them, and they will open the bids next month. Of course, the most important thing is in connection with the dock,

Mr. TAWNEY. Is the dredging of this channel necessary for

the construction of the station and dock?

Mr. FOSS. It is necessary in order to get ships up there.

Mr. TAWNEY. I know it is necessary to the use of the station after it is built; but my question is as to the propriety of opening that channel so that war vessels may go in before we have constructed the station and have had it fortified.

Mr. FOSS. It ought to be done all at the same time. is the way we have made the appropriation here. The work ought to go on all at the same time. It will take some years to do it. This is a very large project, which will cost \$3,000,000, to dredge this channel up to the navy-yard, and there are a number of corners to be filed off, so to speak.

Mr. TAWNEY. Will it require all this money to dredge out

the harbor?

Mr. FOSS.

Mr. TAWNEY. What I am opposed to is to having this work done so that war vessels can go up the harbor years before we will have occasion for it and before the station is completed.

Mr. FOSS. It is a harbor of refuge if we should have any trouble in the years to come.

Mr. TAWNEY. It is also fortified at the present time.

Mr. FOSS. It is fortified against anybody getting up there and getting out, and fortified against us as a harbor of refuge.

Mr. KEIFER. I would like to ask the gentleman a question in reference to what was said by the gentleman from Minnesota. I do not think the harbor needs dredging-any large part of it. There is about a mile and a half in which the water is deep enough. The difficulty is that it needs straightening more than anything else. A great many of our battle ships can be taken in now, but not under their own steam. They can be drawn in, but they can not run in on their own steam. I have been there and looked over this channel with great care. That harbor itself has plenty of room for all the ships of the world after they pass through this channel.

Mr. TAWNEY. I would like to ask the gentleman another question. At the rate that the Navy Department has been moving toward the initiation of this naval station during the last year, how long will it be before the station will be completed?

Mr. FOSS. Well, I can not answer that question; but I think the Navy Department has moved with some expedition.

Mr. TAWNEY. During the last session of Congress we were led to believe that there was imminent necessity for this station to be constructed in the very near future. Now, since it has been authorized, the necessity seems to have passed away to a great extent.

great extent.

Mr. FITZGERALD. I will ask how much has been spent out of the million dollars appropriated last year?

Mr. FOSS. Not a dollar has been spent.

Mr. FITZGERALD. How will they use this \$900,000 if they have not spent any of the million yet?

Mr. FOSS. The plans have all been laid out, and they say they will need this additional sum during the coming year.

Mr. FITZGERALD. I know; but the gentleman says that they have just opened the bids for the dredging of the channel, that they have not even commenced the work. They have a that they have not even commenced the work. They have a million dollars toward it, and they have not spent a dollar so far. Now, what are they going to do with the additional \$900,000?

Mr. FOSS. They will spend it. They say that they need

every dollar of it during the coming year.

Mr. FITZGERALD. They will not spend it, in my judgment, not to be offensive; and it seems to me we are giving them an amount of money that they can not possibly require. Mr. LOUDENSLAGER. It can not be lost.

Mr. FITZGERALD. But it tends toward making a deficit, which is a very bad thing to do.

Mr. FOSS. They will spend it; the gentleman need not worry.

The Clerk read as follows:

PUBLIC WORKS UNDER THE SECRETARY OF THE NAVY.

Buildings and grounds, Naval Academy: For the purchase of land for the extension of the present rifle range near Annapolis for the use of the midshipmen at the Naval Academy, \$75,000.

Mr. MACON. Mr. Chairman, I reserve a point of order against that provision.

Mr. FOSS. Mr. Chairman, I hardly think this is subject to a point of order. It is for the purchase of an additional lot of land adjoining the present rifle range at Annapolis. If it was a separate tract of land, not adjoining the present range, then it would probably be subject to a point of order; but this being an extension of the present rifle range, it is not, in my judgment, subject to the point of order. There are a number of decisions on that point. I remember a number of years ago a point of order was raised against the purchase of additional land down here at the Washington Gun Factory, and the Chair at that time held that it was not subject to a point of order, inasmuch as the land sought to be purchased adjoined the land that was already government property.

Mr. MACON. The gentleman does not mean to say that we

could, under existing law, appropriate to buy all the land that adjoined everything that the Government possesses, does he?

Mr. FOSS. No; but this is a continuation of work in prog-

ress.

Mr. MACON. I want to ask the gentleman if this \$75,000 tract of land that is proposed to be purchased is contiguous to the present rifle range?

Mr. PADGETT. Yes.

Mr. MACON. Is it necessary that the Government should own it for the purpose indicated in the bill?

Mr. FOSS. Oh, very necessary.
Mr. MACON. What is the price per acre?
Mr. FOSS. The price is \$75,000, and I do not remember the exact number of acres.

Mr. PADGETT. Two hundred and seventy-three acres.

Mr. MACON. May I ask the gentleman the necessity for this? We have not increased the number of cadets that have

to practice at this range, have we?

Mr. FOSS. No; but this land which we seek to purchase is about to be used for villa sites in case the Government does not purchase it. Heretofore we have been firing over upon this land without any danger to human life. Now, a time has been reached when the land is valuable for residence purposes, and the owner says that unless we buy it he is going to sell it for that purpose, in which case our present rifle range will be destroyed. I may say that I took the matter up with the superintendent at Annapolis to see if we could not purchase this land for a good deal less than \$75,000; to see if we could not get it for \$60,000, but the owner has declined to reduce his price. I have here a statement from the officer at Annapolis who took the matter up with him.

Mr. FITZGERALD. How many acres are there? Mr. PADGETT. Two hundred and seventy-three. Mr. GAINES of Tennessee. Will the gentleman accept this amendment:

Or so much thereof as may be necessary.

Mr. FOSS. Oh, yes; I would be very glad indeed to accept that amendment, because the Navy Department will not spend a dollar more than is necessary.

Mr. GAINES of Tennessee. If that amendment is put in,

then it will not be mandatory to spend that amount.

Mr. MACON. I thought the price of the ground had been agreed upon?

Mr. FOSS. No; it has not been agreed upon; but we inquired to see whether the owner would accept \$60,000 for the land, and he declined to do so. We want to get it as cheaply as possible.

Mr. TAWNEY. What is the price per acre that you propose

to pay?

Mr. FOSS. We may get it for less than \$75,000, but there are 273 acres, and we are appropriating here \$75,000. There are instances of recent sales, of both small and large amounts of land along the Severn River, which have changed hands at from \$500 to \$1,200 an acre.

Mr. TAWNEY. Is this agricultural land? Mr. ROBERTS. No. It is contiguous to the present rifle range, and the shots go over the butts.

Mr. COX of Indiana. How much land does the Government own there for rifle-range purposes?

Mr. FOSS. I think about 40 acres.

Mr. TAWNEY. The range is 800 yards long at the present

Mr. BUTLER. What is included in the new area? Mr. FOSS. Two hundred and seventy-three acres.

Mr. COX of Indiana. Is this land within the corporation limits of the city of Annapolis?

Mr. FOSS. I do not think it is.

Mr. COX of Indiana. Has this proposition to sell the land to the Government ever been up before Congress previous to this session?

Mr. FOSS. It has never come in as an estimate from the department before, but there has been some talk of buying it here-

Mr. COX of Indiana. How far does it extend from the corporate limits?

Mr. FOSS. It is across the river; 2 or 3 miles.

Mr. COX of Indiana. Do I understand the gentleman to say that it is now used for farming purposes?

Mr. FOSS. No; it is not. Mr. LOUDENSLAGER. The Government leases it.

Mr. MACON. The Government now leases the whole tract? Mr. LOUDENSLAGER. Yes; and they will not lease it to

the Government any longer.

Mr. FOSS. The owner says that he will have to sell it out for building sites for homes unless the Government buys it. We are in the position where we will have to take it or he will sell it.

Mr. MACON. Do we need the entire tract?

Mr. OLCOTT. If we do not get the 275 acres, we will have to buy a brand new range somewhere else.

Mr. BUTLER. We will have to take it or move out?

Mr. FOSS. I want to say that the owner has been very good about this; he has never charged the Government a cent for the use of it.

Mr. MACON. It looks like an exorbitant price to me. lieve in calling the bluff of the owner and telling him he can sell out to some one else. I believe it is a bluff to get an exorbitant price from the Government, and I think we should tell him to dispose of it to somebody else. Nobody would pay that

price for that kind of land but the Government.

Mr. ROBERTS. We are told by the superintendent of the academy that in the use of the present range, which is an 800yard range, the shots go over the butts and land on this property which it is proposed to purchase. No complaint has been made as yet, because there is nobody residing there; there are no houses there. But when the owner of the land desires to mow it, he notifies the authorities at the academy, and during that period there is no firing. Now, then, it is proposed to cut that land up into villa sites or house lots, and as soon as houses are built there the Government loses the use of its present 800yard range.

Mr. MACON. Does the gentleman think that the city is going to extend across the river?

Mr. ROBERTS. They are beginning to build on that side of the river now.

Mr. MACON. Have they taken up everything on the other side—the city side of the river?

Mr. ROBERTS. No: but there is desirable land on this side upon which they are intending to build. That is the only information the committee has acted upon, and it seems to us that if we did not acquire it we should lose the benefit of the present range, and it was wise for the Government to purchase the land and retain the present range and also get a thousand-yard range

Mr. FITZGERALD. Does the gentleman think it is necessary to buy 273 acres of land in order to extend the range 200 yards? Mr. ROBERTS. This is necessary to cover the land where the shots on the present range go over this land. We get, in ad-

dition, a thousand-yard range. Mr. FITZGERALD. It is a small-arms range?

Mr. ROBERTS. It is a rifle range; it is not a pistol range. The shots go over the butts of the present range and make it

impossible for people to live there.

Mr. MACON. Mr. Chairman, I know the precedents that disclose provisions in appropriation bills are not subject to a point of order where the land sought to be purchased is contiguous to that already owned by the Government; where it is desired to extend a rifle range, as in this instance. For that reason I will not insist upon the point of order, knowing that the precedents are the other way.

It does strike me, however, that the Government is being held up bodily by the owner of this land when he demands that he be paid \$75,000 for 273 acres of land across the river from the city and in an out-of-the-way place; but we can not help it if the committee thinks it must be done, for the committee is stronger than individual Members of this House, and I am sure its will will prevail in this instance.

Mr. GAINES of Tennessee. Mr. Chairman, I want to rean amendment. I shall offer an amendment at the end of the word "dollars," in line 19, "or so much thereof as may be necessary."

Mr. FOSS. I will accept that amendment.

Mr. GAINES of Tennessee. Has there been any offer to take the property under the right of eminent domain?

Mr. ROBERTS. No; we had no authority for it.

Mr. GAINES of Tennessee. We have power to take it in that way.

Mr. ROBERTS. Not without legislative authority.

The CHAIRMAN. Does the gentleman from Tennessee offer an amendment?

Mr. GAINES of Tennessee. Yes.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

In line 19, after the word "dollars," insert "or so much thereof as

Mr. FOSS. I will accept that amendment. Mr. GAINES of Tennessee. My recollection is that recently we have paid a claim of some individual who was shot down there accidentally by one of these riflemen in their practice, clearly showing, if I am correct, the necessity of having this public improvement. I think that, while the price may be too much for the land, yet if we have to keep on paying damages, it may be cheaper to purchase it at \$75,000 in the end.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Naval training station, California, buildings: Roads, grounds, and planting of trees, \$2,000; oiling parade grounds and roads adjacent, \$2,050; shacks for the detention camp, \$4,370; salt-water flushing system, \$2,825.52; dredging the north side of island, \$7,200; in all, \$18,445.52.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the gentleman in charge of the bill to the language in the paragraph as to oiling the parade grounds. What is it proposed to do—oil the road or the grounds

Mr. LOUDENSLAGER. Both.
Mr. TAWNEY. What is the extent of the parade grounds?
Mr. FOSS. It will cost about \$2,000. This is simply to lay the dust in the summer time. Admiral Pillsbury says it is one of the most dusty places in the country, and it is very windy, and that the wind carries germs, and they want to oil the parade ground and road. That would cost \$2,000.

Mr. TAWNEY. I withdraw the pro forma amendment.

The Clerk read as follows:

Naval training station, Great Lakes, buildings: Roads, sidewalks, inner basin sea wall, entrance piers and dredging, arch bridge, wagon bridge to power house, walls and fences, garbage crematory, and grading, \$314,000; raliroad scales, scale house, and spur, \$9,200; electric fixtures, interior and exterior arcs, and incandescent lamps, \$33,500; cooking equipment, disinfecting equipment, and cold-storage installation, \$10,000; fire apparatus, \$4,150; elevators and dumb waiter, \$6,450; storage balconies and trolleys in boathouse, \$11,500; tower clock, electric clocks, and wiring, \$1,600; furniture, filing apparatus, shelving, cupboards, fittings, lockers, and interior equipment for buildings, \$23,000.

In all, to complete naval training station, Great Table 200.

In all, to complete naval training station, Great Lakes, \$413,400.

notice in the clause just read that the language is to complete the naval training station. Is that the total amount that will be needed to complete the station as planned?

Mr FOSS Voc. Mr. STAFFORD. I move to strike out the last word.

Mr. FOSS. Yes. Mr. STAFFORD. Can the gentleman give to the committee the total amount that has been appropriated in the improvement of this station so as to make it adaptable for the purposes intended?

Mr. FOSS. I have not figured out the amount; but over

\$3,000,000, I should say.

Mr. STAFFORD. The gentleman does not expect, then, that it will require any additional appropriation next year for construction purposes?

Mr. FOSS. No. This completes the station, as I under-

stand it.

Mr. STAFFORD. Can the gentleman furnish the committee with any idea as to when the station will be ready for occu-

Mr. FOSS. July 1, 1910. Mr. STAFFORD. When was the work originally started? Mr. FOSS. About three or four years ago.

Mr. LOUDENSLAGER. Nineteen hundred and six, I think. Mr. STAFFORD. How many will the quarters accommodate? Mr. FOSS. Fifteen hundred, I believe.

The Clerk read as follows:

Naval magazine, Lake Denmark, N. J.: One magazine, including necessary clearing, grading, rallroad track, water mains, electric lights, hose houses, and watchmen's clocks, \$12,500. One high-explosive house for storage of explosive "D," including necessary clearing, grading, rallroad track, water mains, electric lights, hose houses, and watchmen's clocks, \$12,500. Extension of administration building to provide office for general storekeeper, for dispensary, and laboratory for testing powder, \$3,000.

In all, \$28,000.

Mr. STAFFORD. I reserve the point of order for the purpose of ascertaining whether this is a new project. In the report of the committee I do not find any estimate having been made for this project a year ago.

Mr. FOSS. Oh, that is an old magazine. Sometimes we

appropriate one year for a magazine, and other times we let it

go over for a year.

Mr. STAFFORD. Can the gentleman give the committee any information as to the number of these magazines that are distributed throughout the country?

Mr. FOSS. I could, but I have not the information here at hand. Most of them are mentioned right here in the bill. There are only two or three besides these.

Mr. STAFFORD. What advantage comes from having them distributed at different places rather than having them condistributed at different places rather than having them con-solidated? Yesterday, in the committee, there was a strong effort made, based on the ground of economy, to discontinue the pension agencies. I would like to know whether there is any reason why they should be distributed at different places.

Mr. FOSS. I do not know of any particular reason. They have been authorized by Congress from time to time. They are not very desirable institutions, I will say to the gentleman.

Mr. STAFFORD. Could the work, without sacrifice to the

naval service, be carried on in one station in certain localities rather than having them at different localities?

Mr. ROBERTS. You do not want your powder all in one place. Mr. FOSS. It is desirable to have them scattered around; that is, to divide them up. It is not a good thing to have all your eggs in one basket.

Mr. STAFFORD. As I understand, there could be some consolidation of some stations.

Mr. FOSS. Not in the case of magazines.

Mr. STAFFORD. Then I misunderstood the answer the gen-

tleman made to a question a few moments ago.

Mr. FOSS. I do not think it would be desirable in the case of powder magazines. We would not want to put all our powder or ammunition in one magazine.

Mr. STAFFORD. My point was whether there are not now more stations than are needed for the best interests of the

Mr. FOSS. No; there are not.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Naval magazine, New England coast (Hingham, Mass.): Toward the erection of the necessary buildings on ground the purchase of which is now under negotiation, as authorized by the act approved April 27, 1904, for a new naval magazine on the New England coast, also toward inclosing said grounds, grading and filling in, building roads and walks, improvement on the water front, necessary wharves and cranes, railroad tracks and rolling stock for local service, fire and water service, and equipment of the establishment, \$100,000; in all, \$100,000.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. FOSS. On what?

Mr. FITZGERALD. On the paragraph just read. Mr. FOSS. On the naval magazine on the New England coast?

Mr. FITZGERALD. Yes.

Mr. FOSS. That is already authorized by law and we have already appropriated \$400,000 for it.

Mr. FITZGERALD. The paragraph itself says that the land has not been acquired, so that we have not any land on which to erect these buildings-no land to grade. I want some information about it and I shall reserve the point of order.

Mr. ROBERTS. Mr. Chairman, the gentleman from New York is too literal, and he is not familiar with the facts in this particular case. The land acquired for this particular magazine lies part of it on one side of the river and part on the other. The Government has already acquired enough land out of the total tract which they desire to acquire now to begin the con-struction of buildings, fences, and things like that. I believe there are some small tracts the title to which is still in the courts, but the greater proportion of the land desired has already been acquired.

Mr. FITZGERALD. I am not interested in that particularly. Mr. ROBERTS. It does away with the gentleman's point of

order, however.

Mr. FITZGERALD. What I wish to know is what it is proposed to expend on this naval magazine-

Mr. ROBERTS. Why——
Mr. FITZGERALD. One moment, I have the floor.
Mr. ROBERTS. I thought the gentleman asked for informa-

Mr. FITZGERALD. I want to know something about the character of the buildings, what it is intended they shall cost, and what, if any, limit has been in the mind of the committee.

Mr. ROBERTS. If the gentleman will read the act of 1904-April 27—he can get that information without inquiring about That act provides the land and buildings shall not exceed \$500,000. That is the fundamental act.

Mr. FOSS. And \$400,000 has been already appropriated, and

that completes it.

Mr. FITZGERALD. This completes it.

Mr. FOSS. Under the appropriation of 1904.
Mr. FITZGERALD. That is the information I desired in the RECORD. I withdraw the point of order.

The Clerk read as follows:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps:
To complete the marine garrison, navy-yard, Philadelphia, Pa., one marine barracks, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the paragraph, lines 19 to 21, page 32. I desire to inquire what authority there is for the proposed barracks to be erected here.

Mr. Chairman, this is a continuation of work Mr. FOSS. already in progress, and we are providing for an addition to barracks already at Philadelphia.

Mr. FITZGERALD. Under what authority?
Mr. LOUDENSLAGER. The naval station is already there.

Mr. FOSS. This is a regular government navy-yard.

Mr. FITZGERALD. But that is not in order on an appropriation bill.

Mr. ROBERTS. Will the gentleman again state that point?
Mr. FITZGERALD. There are two rulings on the subject—
that it is not in order to erect barracks in navy-yards on an appropriation bill.

The CHAIRMAN. Will the gentleman from Illinois point out to the Chair what provision there is in the law authorizing these

barracks?

Mr. FOSS. I do not know, Mr. Chairman, there is any provision authorizing these particular barracks. I do not think there is any, but it has been in order to provide barracks or buildings at navy-yards. We already have barracks there for the marines, which are necessary, and this is an extension of those barracks.

Mr. FITZGERALD. Before the gentleman proceeds, let me ask him a question. I notice under "Public works, Marine Corps," provision is made for additional barracks at several places, and later on in the bill is a provision that the marines shall be kept

at sea.

Mr. OLCOTT. Oh, no. Mr. FITZGERALD. I shall read it, Mr. FOSS. About 2,000 out of 10,000.

Mr. FITZGERALD. I can not put my hand on it at present, but the committee has reported a provision to compel these marines to do some sea duty; at the same time it is providing for very extensive additions to their accommodations on land. I have my own notion as to what should be done with the marines, but I should like to know just what the committee really wants done, whether it wants to keep them on land and provide these additional accommodations or whether it believes they should go to sea and stay there. I could understand the increase in accommodations on land if it were the intention not to have marines do sea duty; but it is difficult to understand why they should have these extensive land accommodations in addition to what they have already if it be the intention to compel all, or a large number of them, to do sea duty.

Mr. OLCOTT. Mr. Chairman, in response to the remarks of my colleague from New York, I will say the provision in regard to putting marines on ships or keeping them on ships applies only to a small percentage of them, perhaps 20 per cent or 25

per cent-

Mr. FITZGERALD. Then what is all this fuss about Mr. OLCOTT (continuing). As a matter of absolute fact, the marine barracks or marine quarters in Philadelphia were so inadequate that the marines had to be housed in tents.

Mr. FITZGERALD. It would be better to take them away

from Philadelphia.

Mr. OLCOTT. I am predicating my statement on the number of men that will remain providing things exist as they did before the order was made taking the marines off the ships. This is absolutely necessary for the proper habitation of the marines that are in the Philadelphia Navy-Yard.

Mr. FITZGERALD. It may be or it may not.
Mr. OLCOTT. I can only say when I make that assertion that that is what we learned in the hearings from the officers of the navy and officers of the marines who have appeared before us.

Mr. FITZGERALD. I suppose this will be followed up by the recommendation that the marine barracks at New York be the additional men.

abandoned, as has been suggested. After they have built up sufficiently at other places in the country it will be proposed either to abandon the barracks at New York entirely or to build barracks in the district of my colleague from New York [Mr. Cocks], where the zephyrs from Oyster Bay will cool and refresh the members of the Marine Corps.

Mr. OLCOTT. I will say that as long as I am on the Committee on Naval Affairs I think that the gentleman need have no fear that there will be an abandonment of the barracks in

his district and in the district of my other colleague.

Mr. FITZGERALD. I do not know what assurance my colleague from New York has, but I wish to say that I have no assurance that he will be on the Naval Committee after the 4th of March.

Mr. OLCOTT. Nor have I.

Mr. FITZGERALD. So his assumption of his ability to be of any particular help, unless it is based upon some information not in my possession, is really of not much value to me.

Mr. FOSS. Does the gentleman withdraw his point of order? Mr. FITZGERALD. I may withdraw the point of order, but I want sufficient information as to the necessity for these barracks to be given before I do withdraw it.

Mr. OLCOTT. The information is that the barracks are ab-

solutely insufficient for the members of the Marine Corps living

in Philadelphia, and they have to live in tents.

Mr. FITZGERALD. How many men will be housed in the building that is to be completed at the expense of \$150,000?

Mr. OLCOTT. Four hundred. I will say that these are only wings to the barracks. The building originally cost \$200,000 or \$250,000 to complete, and this sum is to add wings to the building that is already constructed and which was never completed. The center of the building has been built, and this provision is for the wings to the building.

Mr. TAWNEY. How many men will this accommodate? Mr. LOUDENSLAGER. Three hundred additional.

Mr. FITZGERALD. The gentleman said 400 to me.

Mr. PADGETT. Colonel Denny stated that it will accommo-

date 600.

Mr. FITZGERALD. There is a great variety of opinion. It was said in reply to my question that it would accommodate 400, and the reply to the question of the gentleman from Minnesota [Mr. TAWNEY] is 300, and now the gentleman from Tennessee [Mr. Padgett] says 600.
Mr. PADGETT. If the gentleman will permit, I will read

the answer of Colonel Denny, found on page 318 of the hearing:

We have outgrown the one barracks at the League Island yard, and it is suggested here that we build another much like the present one, which would permit about 600 men to be accommodated at the station.

Mr. FITZGERALD. At the station?

Mr. PADGETT. Yes. Mr. FITZGERALD. But it is not contemplated to abandon the present barracks?

Mr. PADGETT. No; this appropriation is for the purpose of adding wings to the present barracks.

Mr. FITZGERALD. How many men will be accommodated by this \$150,000?

Mr. PADGETT. About 300 are accommodated at the present time, so that the increase would be for 300 men. The hearings

The CHAIRMAN, How many will be accommodated there now? Colonel DENNY. About 300.

Mr. FITZGERALD. It seems to me that 300 marines are about all that we should accommodate or make accommodations for at Philadelphia.

Mr. STAFFORD. Will the gentleman permit? I think he should not have any qualms that Philadelphia intends to make an onslaught on New York and withdraw the barracks from that station.

Mr. FITZGERALD. The gentleman misconceives my position.

Mr. STAFFORD. He can not cite in the recent history of the country wherein Philadelphia has had any such design

Mr. FITZGERALD. There is no rivalry between Philadel-phia and New York. What I have in mind is the demoralization of the members of the Marine Corps by being stationed in large numbers at Philadelphia. The gentleman entirely mis-conceives what I have in mind. The mere fact that some officer thinks that his corps has outgrown accommodations at a particular place is not sufficient justification for me to authorize an addition to marine barracks.

These marine barracks are not complete when you put up the building. There are a number of accessories that will cost to complete the barracks, I suppose, from \$50,000 to \$75,000. If the department desires additional buildings, it should give some information as to what the total cost will be to accommodate

Mr. STAFFORD. I will read from page 318 of the hearings on the proposition of the gentleman from New York. To a question propounded by Mr. Butler, Colonel Denny said:

We have plenty of land there to build on.

Mr. FITZGERALD. That is the misfortune about this navy-yard at Philadelphia. There is so much land there that they have to come every year to get authority to put something on it—to occupy the vacant space. [Laughter.] It would be a benefit to the country if they did not have the land.

Mr. STAFFORD. I question if that condition existed in New York that the gentleman would attach the same objection to it that he does to the yard in Philadelphia. This is an entirely

different proposition.

Mr. FITZGERALD. The gentleman was never there; he is simply speaking from what he has heard of it.

Mr. STAFFORD. I lived in Philadelphia for some time, and

am quite well acquainted with the conditions there.

Mr. FITZGERALD. That accounts for some of the excellent things I have never understood about the gentleman from Wisonsin. [Laughter.]
Mr. STAFFORD. That also would account for a good many

things which the gentleman advocates or opposes in this naval bill, because it might infringe on the navy-yard at New York,

which he so ably represents, and which is located in his district.

Mr. FITZGERALD. I do not represent the New York NavyYard, Mr. Chairman. I am interested in having all the government plants utilized to the utmost capacity; but until this question of what we shall do with the marines is settled, it seems to me very unwise to be expending, as proposed here, \$150,000 at one place and \$150,000 at another place, and then to complete the marine garrison at Pearl Harbor, where not a spade has been turned, \$135,000, and \$50,000 for six officers' quarters. It is proposed to expend for public works in this bill for the Marine Corps close to \$500,000. Unless there can be found authority for this appropriation, it will not be made at this time, because I shall insist upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman from

Illinois on the point of order.

Mr. FOSS. Mr. Chairman, we have at the present time a marine barracks in the navy-yard at Philadelphia, and I understand that this provides for a wing upon the present barracks now in Philadelphia at this navy-yard. It seems to me, Mr. Chairman, that that is the continuation of a work already in progress

The CHAIRMAN. Whatever may be the ruling of the Chair upon the item for a wing for the barracks, the Chair can not see how the present item refers to a work previously con-

structed.

Mr. FOSS. It says to "complete the marine garrison," which

is done by the addition of a wing.

Mr. FITZGERALD. Why, "garrison" is the men. They constitute the garrison; the buildings do not constitute the garrison. It has never been held that putting wings on anything is a continuance of a public work in progress. [Laughter.]
Mr. FOSS. I say that the word "garrison" applies to the

whole business.

The CHAIRMAN. It seems to the Chair the term "garrison" is not restricted to one marine barracks as a thing now authorized by law, and hence the item is subject to the point of order. Therefore, the Chair sustains the point of order.

Mr. FOSS. Well, now, Mr. Chairman, I offer this provision:

To extend the marine barracks by the addition of a wing thereto, navy-yard, Philadelphia, Pa., \$150,000.

Mr. FITZGERALD. I will make the point of order on that. The CHAIRMAN. Wait until the Clerk has reported the amendment.

The Clerk read as follows:

Insert "To extend the marine barracks, by the addition of a wing, navy-yard, Philadelphia, Pa., \$150,000."

The CHAIRMAN. The gentleman from New York makes the point of order.

Mr. FITZGERALD. That is to complete a building and exceeds the limit of cost.

The CHAIRMAN. The Chair would like to ask the gentleman from New York and the gentleman from Illinois if there be a limit of cost upon the barracks?

Mr. FOSS. If there be a limit of cost?

The CHAIRMAN. That is, whether the limit was fixed by

No; this will be the total.

Mr. FOSS. No; this will be the total. The CHAIRMAN. Will the gentleman cite the law under which the barracks were built, so that we can tell?

Mr. FOSS. There was no limit of cost which provided for the marine barracks.

Mr. FITZGERALD. How does the gentleman know, if he has not the act at his hand? He has not seen it for years.

Mr. FOSS. We do not provide for barracks now.

Mr. FITZGERALD. You are here completing something built about thirty years ago.

Mr. FOSS. We have changed the word "complete" to the word "extend," which is a different thing.

The CHAIRMAN. The Chair understands the gentleman from Illinois to say that there was no limit of cost upon the barracks?

Mr. FOSS. There was no limit as to the cost.

Mr. FITZGERALD. Mr. Chairman, I do not like to have the Chair bound by a statement like that.

The CHAIRMAN. The Chair will be glad to obtain information from the gentleman from New York on the subject.

Mr. FITZGERALD. Of course it is not within the possibilities for the gentleman from New York to give information to the Chair, but this is not to be trifled with in that way. The law should be produced if the gentleman is to substantiate his argument.

The CHAIRMAN. But the gentleman says there is no law. Mr. FITZGERALD. Well, not to be unkind to the gentleman, I doubt whether his recollection is very acute on this matter, or he would state what the law was. These barracks, like other places, were built a great many years ago.

Mr. ROBERTS. No; these are quite recent. Mr. FITZGERALD. These are not quite recent.

Mr. ROBERTS. I beg to differ with the gentleman. Mr. FITZGERALD. There are two gentlemen here who come from very near that locality. One of them ought to know when these barracks were built.

Mr. BUTLER. Eight or ten years ago.

The CHAIRMAN. On the statement of the gentleman from Illinois [Mr. Foss], in charge of the bill, the chairman of the committee, that there is no limit of cost fixed in reference to the construction of these barracks, the Chair feels that an amendment proposing to construct an additional wing to the barracks is an item that is in order as a continuation of a public work. The Chair therefore overrules the point of order.

Mr. FITZGERALD. I wish to offer an amendment. The CHAIRMAN. The gentleman from New York offers an

amendment, which the Clerk will report.

Mr. FITZGERALD. After the word "thereto" add "at a cost not to exceed \$150,000." I think we ought to put some limitation upon the cost of these barracks.

Mr. FOSS. I accept that amendment. The Clerk read as follows:

Insert, after the word "thereto," the words "at a cost not to exceed \$150,000."

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. Foss] as amended by the gentleman from New York [Mr. FITZGERALD].

The amendment as amended was agreed to.

The Clerk read as follows:

To complete the quartermaster's depot, Philadelphia, Pa., and the purchase of ground adjoining such depot, \$25,000.

Mr. FITZGERALD. I reserve a point of order on this para-

Mr. GAINES of Tennessee. I should like some information about this.

Mr. BUTLER. This item in the bill is to complete the quartermaster's depot, Philadelphia, Pa., and the purchase of ground adjoining such depot, \$25,000. At the hearing before the committee the chairman said:

mittee the chairman said:

I thought we completed that last year.
Colonel Denny. No; the committee has been very generous with us about that. We have two buildings, two offices, storehouses, and workshops, and we are building a third additional one. When completed, we will have a splendid storehouse there, all we need, where we can make everything we require except arms, practically.

The Chairman. Will this complete it?
Colonel Denny. This will complete it.

Mr. Padgett. I would like to ask about the change of the language here—"Toward the completion of the quartermaster's depot" is simply a continuing proposition. "To complete" is the language that we have heretofore used. Why is it changed?
Colonel Denny. There was no purpose in adopting the language. There is no reason why it should not be "To" or "Toward," whichever the committee prefers, and I believe, as you have said, that the committee used the word "To" heretofore.

To explain to the gentleman from Tennessee, this is a small piece of ground which the department would like to purchase, alongside of its depot of supplies, for protection to its building, for the purpose of making a small addition to this building, and to get rid of some cheap buildings which crowd up close to it. Our ownership of this ground will protect the government buildings, and the committee feel that in view of the expenditure

which has already been made at that point this is a wise thing

Mr. GAINES of Tennessee. How many acres of land do we

now own there?

Mr. BUTLER. I do not know that it would amount to acres. It is on Broad street, Philadelphia, alongside of the old depot of the Philadelphia, Wilmington and Baltimore Railroad Company. It is a very valuable piece of ground, acquired there some years ago. It is where the Marine Corps has its depot from which it draws all its supplies.

Mr. GAINES of Tennessee. Can you tell us about how large

it is?

Mr. BUTLER. My colleague, General Bingham, may remember how many feet front on Broad street—perhaps two or three hundred.

Mr. BINGHAM. Over 200 feet.

Mr. BUTLER. It runs a considerable depth in the rear. It is one of the most valuable pieces of property the Government owns.

Mr. LOUDENSLAGER. Colonel Denny was asked-

What is the necessity of this additional ground?

He replied-

The way we are now, the north end of the second and third additions now abuts against a little settlement of Italians—very cheap houses that are not fireproof—and our fear was that unless there was a space of, say, 30 or 40 feet our building would not be free from any possible fire in these little shacks.

Mr. GAINES of Tennessee. But have you any testimony that

it is worth \$25,000?

Mr. BUTLER. No; except the location and the evidence here. There is no doubt in the minds of any of us who know the location.

Mr. GAINES of Tennessee. How much are you going to buy? Mr. BINGHAM. Let me state, for the benefit of the gentleman from Tennessee, that there has been expended in this quartermaster's establishment almost half a million dollars. It is one of the handsomest and most useful buildings in the entire service. Now, this small section of ground in the rear is absolutely necessary for the convenience of loading and un-They can build up to the present line and render the present building practically useless. We want to get possession of this small piece of ground on account of its great usefulness to the building.

Mr. GAINES of Tennessee. How large a piece of land is it? Mr. BUTLER. Between 30 and 40 feet front on the street,

and runs at right angles from Broad street.

Mr. GAINES of Tennessee. What evidence have you that it

is worth \$25,000?

Mr. BUTLER. It is not quite in the heart of the city, but within 10 or 15 squares of the Broad Street Station. Land is very valuable there, but the buildings adjoining the government building are poor.

Mr. GAINES of Tennessee. I will ask the chairman of the

committee if he has any information about it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. There seems to be no evidence of the value of the land. Of course, if it is worth \$25,000, that is one proposition; but if it is worth less than that, that is another. There is no evidence what it is worth. I ask unanimous consent that the gentleman's time be extended for five minutes, and that he confine himself to the evidence of the value.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman be extended five minutes. Is there

objection?

There was no objection.

Mr. BUTLER. The chairman of the committee said to Colonel Denny:

What does that \$25,000 go for?

Colonel Denny replied:

That is for the purpose of building the interior arrangements in the last addition authorized last year—elevators, electric machines for operatives, fire escapes, shelving for supplies, etc.

Mr. PADGETT. If the gentleman will turn to page 320, he will find that he says it was to purchase two small lots, at \$4,000 each, making \$8,000, and that the remainder goes for fixing up and improving the building.

Mr. GAINES of Tennessee. How much is to be used for the

fixing up?

Mr. BUTLER. About \$17,000.
Mr. GAINES of Tennessee. The balance is to go for land? Mr. BUTLER. Yes; \$8,000 for 30 or 40 feet on the street.

Two lots, \$4,000 each, covering 30 or 40 feet.

Mr. PADGETT. And about 200 feet long. Mr. GAINES of Tennessee. What do they say about the value?

Mr. LOUDENSLAGER. The value was fixed by three trust companies

Mr. GAINES of Tennessee. What do they say about it?

Mr. LOUDENSLAGER. They say that the lots were worth \$4,000 each. That is the estimate given to us by the real estate experts of three big trust companies in Philadelphia.

The CHAIRMAN. Does the gentleman from New York withdraw his point of order?

Mr. FITZGERALD. After the explanation that has been made I withdraw the point of order.

The Clerk read as follows:

To complete the marine garrison, navy-yard, Bremerton, Wash., one marine barracks, \$150,000; in all, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order to that paragraph.

Mr. FOSS. Mr. Chairman, I move that the committee do now

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Mann. Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26394, the naval appropriation bill, and had come to no resolution thereon. COMMISSIONS TO RETIRED ARMY OFFICERS WITH INCREASED RANK.

Mr. HULL of Iowa. Mr. Speaker, I submit a conference report on the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank. ask unanimous consent that we may dispose of it to-night instead of first printing it in the RECORD under the rule. There is only one little item in it. It is for commissions to officers on the retired list having increased rank. It does not give them any more pay or rank, but simply a commission. As it passed the House it applied to the army and the navy and the Marine Corps, and in the Senate they had the Revenue-Cutter Service put in to apply to those who retired under the provisions of the law a year ago, as referred to by the gentleman from Illinois [Mr. Mann]. I wish to say that he was exactly right at that time, and I was wrong. It now applies to the Revenue-Cutter Service so that those who retired a year ago get a commission for the increased rank.

Mr. WILLIAMS. What is the request for unanimous consent? Mr. HULL of Iowa. Simply that we agree to the report of the conference committee instead of printing it under the rules.

Mr. FITZGERALD. What is the necessity for this haste?
Mr. HULL of Iowa. There is no particular necessity, only it saves taking the time of the House to call it up and print it and go through the same performance.

Mr. CLARK of Missouri. Does it raise anybody's salary?

Mr. HULL of Iowa. It does not.

The SPEAKER. Is there objection? [After a pause.] Chair hears none. The question is on agreeing to the conference

The question was taken, and the conference report was agreed to.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the amendments of the House and agree to the same.

J. A. T. HULL, A. B. CAPRON, JAMES HAY. Managers on the part of the House. F. E. WARREN, N. B. SCOTT, JAS. P. TALIAFERRO, Managers on the part of the Senate.

DESERTERS FROM NAVAL SERVICE.

The SPEAKER laid before the House the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, with a House amendment thereto, disagreed to.

Mr. ROBERTS. Mr. Speaker, I move that the House insist

on its amendment to the Senate bill and agree to the conference asked for by the Senate.

The motion was agreed to.

The Chair announced the following conferees: Mr. Roberts, Mr. Dawson, and Mr. Padgett.

COMMITTEE APPOINTMENTS.

The Chair announced the following appointment on the Committee on Claims, vice Mr. Lilley: Mr. Wood.

The Chair laid before the House the following:

The Clerk read as follows

WILKESBORO, N. C., January 19, 1909.

Hon. Joseph G. Cannon,

Speaker House of Representatives,
Washington, D. C.

Dear Sir: I respectfully tender my resignation as a member of the Committee on Invalid Pensions, to take effect immediately.

Yours, very truly,

R. V. Hackett.

The SPEAKER. Without objection, Mr. HACKETT will be relieved from further service on the committee. Is there ob-

There was no objection.

The Chair announced the following committee appointment: Committee on Invalid Pensions, Mr. Russell of Missouri.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SAUNDERS, indefinitely on account of illness in his family.

FINAL REPORT JAMESTOWN TERCENTENNIAL COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Industrial Arts and Expositions and ordered printed. To the Senate and House of Representatives:

To the Senate and House of Representatives:

In compliance with the provisions of the acts of Congress approved March 3, 1965, and June 30, 1906, respectively, I submit herewith the final report of the Jamestown Tercentennial Commission, embodying the reports of various officers of the Jamestown Exposition, held at Norfolk, Va., in 1907.

It is recommended by the commission that if the report is published as a public document the illustrations be included. If it should be so published, I would recommend that a sufficient sum be authorized from the unexpended balance remaining in the appropriation of \$50,000 for expenses of the Jamestown Tercentennial Commission to cover the expense of printing 2,000 copies, 500 for the Senate, 1,000 for the House of Representatives, and 500 for distribution to public libraries throughout the country.

Theodore Roosevelt. THEODORE ROOSEVELT.

THE WHITE HOUSE, January 20, 1909.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. J. Res. 216. Joint resolution for a special Lincoln postage

stamp

H. R. 23863. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for the lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States; and

H.R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors-to the Committee on Invalid Pensions.

S. 8422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors-to the Committee on Invalid Pensions.

INTERNATIONAL TUBERCULOSIS CONGRESS.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 671), which

was read and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds and ordered printed. To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a communication from the Secretary of the Smithsonian Institution, together with reports from the superintendent of construction of the new National Museum building, the disbursing agent of the institution, and the secretary-general of the International Tuberculosis Congress, as to the details of the work done by the Smithsonian Institution in fitting up the building for the meeting of said congress and the results accomplished by the congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 20, 1909.

EXTENDING REMARKS IN THE RECORD.

Mr. COX of Indiana. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD which I made this afternoon while the House was in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

OUTWARD ALIEN MANIFESTS.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that the minority of the committee may have three days within which to file an adverse report on the bill (S. 7785) relative to outward alien manifests of certain vessels, which bill I am about to report.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the minority may have three days within which to submit their views on the bill referred to. Is there objection?

There was no objection.

ADJOURNMENT.

Then (at 5 o'clock and 17 minutes p. m.), on motion of Mr. Foss, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting recommendations of relief for Mrs. Leona Sugui (H. Doc. No. 1351)—to

the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for the Light-House Establishment (H. Doc. No. 1352)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report on the German iron and steel industry, by Special Agents Charles M. Pepper and A. M. Thackara (H. Doc. No. 1353)-to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24135), to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," reported the same with amendment, accompanied by a report (No. 1883), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 19655), providing for an additional judge for the southern district of New York, and for other purposes, reported the same without amendment, accompanied by a report (No. 1884), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWLAND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," reported the same without amendment, accompanied by a report (No. 1885), which said bill and report were referred to the Committee of the Whole House on the state of

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 226) authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909, reported the same without amendment, accompanied by a report (No. 1890), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENBY, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 7992) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, reported the same with amendment, accompanied by a report (No. 1892) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24835) authorizing the necessary resurvey of public lands, reported the same with amendment, accompanied by a report (No. 1886), which said bill and report were referred to the House Calendar.
Mr. STERLING, from the Committee on the Judiciary, to

which was referred the bill of the House (H. R. 3884) to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed, reported the same with amendment, accompanied by a report (No. 1889), which said bill and report were referred to the House Calendar.

Mr. GARDNER of Massachusetts, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 7785) relative to outward alien manifests on certain vessels, reported the same with amendment, accompanied by a report (No. 1893), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 26746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1891), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14698) granting a pension to Emma M. Heines— Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24531) granting a pension to Fred M. Jones—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20650) granting a pension to Fred Meyer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26651) granting a pension to Charles Dillon-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26687) granting a pension to Oscar S. Thornton-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26702) granting a pension to William L Zweiger-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26717) to remove the charge of desertion from the record of George Whitmore—Committee on Invalid Pensions discharged, and referred to the Committee on Military

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Texas: A bill (H. R. 26727) to provide for improving the navigable capacity of Sabine and Neches rivers and of the channel connecting Sabine and Neches rivers with the mouth of Taylors Bayou-to the Committee on Rivers and Harbors

By Mr. JENKINS: A bill (H. R. 26728) authorizing the President to classify assistant postmasters—to the Committee on the Post-Office and Post-Roads.

By Messrs. GREGG, COOPER of Texas, and MOORE of Texas: A bill (H. R. 26729) to provide for the selection of a site for the establishment of a navy-yard and dry dock on to the Committee on Military Affairs.

or near Sabine Pass, the Neches or Sabine River, Galveston Harbor or Galveston Bay, or San Jacinto Bay, or on Buffalo Bayou or Galveston-Houston Ship Channel, in the State of Texas—to the Committee on Naval Affairs.

By Mr. LINDBERGH: A bill (H. R. 26730) extending the time for the construction of a dam across the Mississippi River. State of Minnesota-to the Committee on Interstate and Foreign

By Mr. SMITH of California: A bill (H. R. 26731) to authorize the Chucawalla Development Company to build a dam across the Colorado River near Parker, Ariz .- to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: A bill (H. R. 26732) for the construction of an interstate inland waterway, and appropriating \$300,000 there-

for—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26733) authorizing a survey and estimate of an interstate inland waterway 9 feet in depth and 100 feet in width, from the Mississippi River, in Louisiana, to the Rio Grande River, in Texas—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 26734) to permit change of entry in case of mistake of the description of tracts intended to be entered-to the Committee on the Public Lands.

By Mr. MOORE of Texas: A bill (H. R. 26735) for the erection of a federal building for the post-office at Navasota, Tex .to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26736) to provide for a public building at Huntsville, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS: A bill (H. R. 26737) to cooperate with the States in encouraging instruction in farming and home making in agricultural secondary schools with branch experiment stations, instruction in the nonagricultural industries and in home making in city secondary schools, and in providing teachers for these vocational subjects in state normal schools, and to appropriate money therefor and to regulate its expenditure-to the Committee on Agriculture.

By Mr. SMITH of Michigan: A bill (H. R. 26738) to regulate the licensing of builders in the District of Columbia, and for other purposes-to the Committee on the District of Columbia.

By Mr. HALL: A bill (H. R. 26739) authorizing the creation of a land district in the State of South Dakota, to be known as the "Le Beau land district"—to the Committee on the Public Lands.

By Mr. WEISSE: A bill (H. R. 26740) for a resurvey and improvement of Port Washington Harbor, Wisconsin—to the Com-

mittee on Rivers and Harbors.

Also, a bill (H. R. 26741) to provide for the further improvement of the harbor of Sheboygan, Wis .- to the Committee on Rivers and Harbors.

By Mr. JENKINS: A bill (H. R. 26742) to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897-to the Committee on the Ju-

By Mr. KALANIANAOLE: A bill (H. R. 26743) for the establishment of a light-house on the island of Hawaii, Territory of Hawaii-to the Committee on Interstate and Foreign Com-

By Mr. ENGLEBRIGHT: A bill (H. R. 26744) requiring the Secretary of the Interior to submit estimates of proposed expenditures from the reclamation fund for the ensuing fiscal year to the Secretary of the Treasury, to be published in the Book of Estimates-to the Committee on Irrigation of Arid Lands.

By Mr. GILL (by request): A bill (H. R. 26745) requiring the branding of hermetically sealed oyster cans with the net weight of the oyster meat contained therein, and other provisions relating thereto—to the Committee on Interstate and Foreign Commerce

By Mr. BRODHEAD: A bill (H. R. 26747) to amend the Code of Law for the District of Columbia regarding corporations-to the Committee on the District of Columbia.

By Mr. CHANEY: A bill (H. R. 20748) to provide for two judicial districts in Indiana; to establish in each of said districts judicial divisions and designating the places for holding court in each of said divisions; authorizing the appointment of a judge, district attorney, marshal, and clerk for one of said districts, and for other purposes connected therewith-to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 26825) to extend a street from Nineteenth street NW., near U street, westward to Columbia road—to the Committee on the District of Columbia.

By Mr. FOSTER of Illinois: Joint resolution (H. J. Res. 241) to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.—

By Mr. WOOD: Joint resolution (H. J. Res. 242) for a survey of the Delaware River from Philadelphia to Ferry street, in the city of Trenton, N. J .- to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 26749) granting a pension to Ward L. Roach-to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 26750) granting an increase of pension to Levi C. Smith—to the Committee on Invalid

Also, a bill (H. R. 26751) granting an increase of pension to Lewis H. Fielding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26752) granting an increase of pension to

J. J. Babcock—to the Committee on Invalid Pensions. Also, a bill (H. R. 26753) granting an increase of pension to John Willford-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26754) granting an increase of pension to James W. Titus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26755) granting a pension to Jacob Bell-to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 26756) granting an increase of pension to John M. Mills—to the Committee on Invalid Pensions. Also, a bill (H. R. 26757) granting an increase of pension to Ezra W. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26758) granting an increase of pension to William H. Widaman—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 26759) granting an increase of pension to Andrew J. Roloson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 26760) granting an increase of pension to Hubbard D. Carr-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26761) granting an increase of pension to Thomas C. Bird-to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 26762) for the relief of Pedro Mangalindan, Basilio Baltazar, and Julio Lacsa--to the Committee on Insular Affairs.

By Mr. COX of Indiana: A bill (H. R. 26763) granting an increase of pension to James H. Watkin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26764) granting an increase of pension to Addison N. Thomas—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 26765) granting a pension to Susannah M. Magee-to the Committee on Invalid Pen-

By Mr. DWIGHT: A bill (H. R. 26766) granting an increase of pension to Marvin A. Smith-to the Committee on Invalid

By Mr. FASSETT: A bill (H. R. 26767) granting an increase of pension to Edward W. Hawley—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 26768) granting an increase of pension to John Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26769) to remove the charge of desertion from the military record of John Wassily-to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 26770) granting an increase of pension to Hector G. Daniel-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26771) granting an increase of pension to Henry Ginnett--to the Committee on Invalid Pensions.

Also, a bill (H. R. 26772) granting an increase of pension to Edmond W. Spear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26773) granting an increase of pension to James A. Ashmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26774) granting an increase of pension to David Bowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26775) granting a pension to J. L. Hull—to the Committee on Pensions.

Also, a bill (H. R. 26776) granting a pension to A. H. Petti-bone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26777) to remove charge of desertion from

the record of Jacob Morrison-to the Committee on Military

By Mr. FULLER: A bill (H. R. 26778) granting an increase of pension to George H. Merrill-to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 26779) granting a pension to Taylor Hyre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26780) granting an increase of pension to

Silas Hunley—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 26781) granting an increase of pension to Albert Perring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26782) granting an increase of pension to Alonzo Parmalee-to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 26783) granting a pension to Peter Kleser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26784) granting a pension to Francis S. Torback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26785) granting a pension to Mary Muller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26786) granting an increase of pension to Susan V. French-to the Committee on Invalid Pensions

Also, a bill (H. R. 26787) for the relief of Henry Ginst—to the Committee on Military Affairs.

By Mr. HAGGOTT: A bill (H. R. 26788) to remove the charge of desertion from the military record of Francis A. Land and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 26789) granting an increase of pension to James Thomas—to the Committee on Invalid Pen-

By Mr. HAWLEY: A bill (H. R. 26790) granting an increase of pension to Albert G. Rockfellow-to the Committee on Pensions

By Mr. HITCHCOCK: A bill (H. R. 26791) granting an increase of pension to John Gorman-to the Committee on Invalid Pensions

By Mr. HOWELL of Utah: A bill (H. R. 26792) granting an increase of pension to John F. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26793) granting an increase of pension to Sarah A. Robertson—to the Committee on Pensions.

Also, a bill (H. R. 26794) for the relief of William P. Alex-

ander-to the Committee on Claims.

Also, a bill (H. R. 26795) granting a pension to William Banks—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 26796)

granting an increase of pension to William Tucker-to the Committee on Invalid Pensions. By Mr. ADDISON D. JAMES: A bill (H. R. 26797) granting

a pension to Laura B. Adams-to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 26798) for the relief of F. H. McGehee—to the Committee on War Claims. By Mr. KENNEDY of Iowa: A bill (H. R. 26799) granting

an increase of pension to David A. Kerr-to the Committee on Invalid Pensions

By Mr. KINKAID: A bill (H. R. 26800) granting an increase of pension to John G. Richardson-to the Committee on Invalid

By Mr. KNOWLAND: A bill (H. R. 26801) granting an increase of pension to James P. Fraser, jr .- to the Committee on Invalid Pensions.

Also, a bill (H. R. 26802) granting an increase of pension to Augustus W. Schreiber-to the Committee on Pensions.

By Mr. LOWDEN: A bill (H. R. 26803) granting an increase of pension to James C. Goldthrop-to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 26804) granting an increase of pension to Mary Sheridan-to the Committee on Invalid Pen-

By Mr. McCREARY: A bill (H. R. 26805) granting an increase of pension to Thomas Neely-to the Committee on Invalid Pensions

By Mr. MACON: A bill (H. R. 26806) granting an increase of pension to John Tisdiel—to the Committee on Invalid Pensions. By Mr. MADISON: A bill (H. R. 26807) granting an increase of pension to James F. McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26808) granting an increase of pension to Milo P. Parker-to the Committee on Invalid Pensions

Also, a bill (H. R. 26809) for the relief of William Walters-

to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 26810) granting a pension

to Charles E. Stock-to the Committee on Pensions. By Mr. PRATT: A bill (H. R. 26811) granting a pension to William Garfield-to the Committee on Invalid Pensions,

By Mr. RICHARDSON: A bill (H. R. 26812) for the relief of Littleton McCloud and Bill Mull—to the Committee on War

By Mr. ROBINSON: A bill (H. R. 26813) for the relief of the heirs of G. W. Morris-to the Committee on War Claims.

Also, a bill (H. R. 26814) granting a pension to Phoebe A. Montgomery-to the Committee on Invalid Pensions,

By Mr. WANGER: A bill (H. R. 26815) granting an increase of pension to Charles P. Egbert-to the Committee on Invalid

Also, a bill (H. R. 26816) for the relief of H. J. Randolph Hemming--to the Committee on Claims.

By Mr. WILEY: A bill (H. R. 26817) to correct the military record of John Sanspree—to the Committee on Military Affairs By Mr. WILSON of Pennsylvania: A bill (H. R. 26818)

granting an increase of pension to Susan C. Long-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26819) granting an increase of pension to Jennie K. Noll—to the Committee on Invalid Pensions,

By Mr. WOOD: A bill (H. R. 26820) granting an increase of pension to James V. D. Ten Eyck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26821) granting an increase of pension to Gertrude E. Snook—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 26822) granting an in-

crease of pension to George P. Wassman—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 26823) granting an increase of pension to Charles M. Everett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26824) granting an increase of pension to John D. Oakley-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of G. W. Schwab and others, of Tuscarawas County, Ohio, against passage of Senate bill

3940—to the Committee on the District of Columbia.

By Mr. BELL of Georgia: Paper to accompany bill for relief of William A. Senkbeil—to the Committee on Pensions.

By Mr. BURKE: Petition of Anti-Saloon League of America,

against absolute prohibition in the District of Columbia and favoring S. 7305—to the Committee on the District of Columbia.

Also, petition of Lumbermen's Club of Memphis, Tenn., against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other material in various manufactures and report on same-to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of members of East Madison Grange, Maine, favoring Senate bills 5122 and 6484, for parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hartland, Palmyra, and Pittsfield, Me., against S. 3940 (Johnston Sunday law)-to the Committee on the District of Columbia.

By Mr. BURLESON: Petition of business men of Brenham, Tex., against parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Paper to accompany bill for relief of Sarah

A. Foley—to the Committee on Invalid Pensions.

Also, petition of K. Turpedo, of Brooklyn, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Federation of Jewish Organizations, for appointment of Jewish chaplains for the soldiers and sailors of Jewish faith in army and navy—to the Committee on Military

By Mr. CARLIN: Paper to accompany bill for relief of Emma M. Heins (previously referred to the Committee on Invalid Pensions)-to the Committee on Pensions.

By Mr. CHANEY: Petition of W. W. Claycomb and others, of Monroe City, Ind., against parcels post on rural free-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of George W. Duning (previously referred to the Committee on Invalid Pensions) to the Committee on Military Affairs.

By Mr. COCKRAN: Paper to accompany bill for relief of John

J. Friel-to the Committee on Pensions. Also, paper to accompany bill for relief of Philip Thompson-

Committee on Pensions. By Mr. COOK: Petition of Lumbermen's Club of Memphis, against reduction of the tariff on lumber—to the Committee on Ways and Means.

Also, petition of Courtland Sanders Post, Grand Army of the

Republic, against abolition of pension agencies throughout the country-to the Committee on Invalid Pensions.

Also, petition of board of directors of the New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other articles in various manufactures in the United States and a report thereon-to the Committee on Agriculture.

Also, petition of Retail Grocers' Association, favoring reduction of duty on olives—to the Committee on Ways and Means, By Mr. DAVENPORT: Paper to accompany bill for relief of Susannah M. Magee-to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of Adler & Vickstadt and other business men of Red Wing, Minn., against establishment of postal savings banks and a parcels post-to the Committee on the Post-Office and Post-Roads.

Also, petition of Warsaw Farmers' Institute, favoring the Davis agricultural high school bill-to the Committee on Agriculture.

Also, petition of Nicollet-Lesueur County Medical Society, favoring establishment of a department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Lumbermen's Club of Memphis, Tenn., against reduction of the tariff on lumber—to the Committee on Ways and Means.

Also, petition of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon-to the Committee on Agriculture.

By Mr. ELLIS of Missouri: Papers to accompany bills for re-lief of Charles Sells (H. R. 24522) and Henry Norris (H. R. 24520) (previously referred to the Committee on Invalid Pen--to the Committee on Pensions.

By Mr. ESCH: Petition of La Crosse Manufacturers and Jobbers' Union, against parcels post on rural delivery routes and establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Manufacturers Club of Buffalo, N. Y., favoring H. R. 22901, 22902, and 22903, all relative to authority of Interstate Commerce Commission touching changes in freight rates-to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Petition of Lock Grange, No. 1094, Patrons of Husbandry, favoring establishment of parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. FOELKER: Petition of Bar Association of New York City, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. FULLER: Paper to accompany bill for relief of

George H. Merrill—to the Committee on Invalid Pensions.

By Mr. GRAFF: Petition of Peoria Division, No. 79, Order of Railway Conductors, favoring educational test for immigrants and better sanitary conditions on transport ships-to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of coal operators of the Pittsburg district, favoring creation of a bureau of mines-to the

Committee on Mines and Mining.

Also, petition of New Orleans Cotton Exchange, for investigation by the Secretary of Agriculture into substitution and use of cotton for other materials in manufacturing and report on same—to the Committee on Agriculture.

By Mr. GRONNA: Petition of citizens of Rugby, Berwick, and Towner, N. Dak., against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. HINSHAW: Petition of business men of Shickley, Fairmont, Exeter, Valparaiso, Wahoo, Yutan, Dorchester, Geneva, and Davenport, Nebr., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Augustus W. Patterson (H. R. 26014)—to the Committee on Invalid Pensions.

By Mr. HOWLAND: Petition of citizens of Medina, Ohio, against a parcels-post law-to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Leroy, Lake County, Ohio, favoring postal savings banks and parcels-post laws-to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Margaret Miner (H. R. 26343)-to the Com-

mittee on Invalid Pensions.

Also, petition of Clarksburg (W. Va.) Board of Trade, against all legislation tending to continue agitation against corporate interests, etc.—to the Committee on Interestate and Foreign Commerce.

By Mr. LINDSAY: Petition of East Washington Citizens'

Association, against provision in the naval appropriation bill for railway connection with the Washington Navy-Yard-to the Committee on Naval Affairs.

Also, petition of New Orleans Cotton Exchange, for investigation by Secretary of Agriculture into use and substitution of other articles of manufacture for raw cotton and report thereon—to the Committee on Agriculture.

Also, petition of bar association of New York, favoring in-

crease of salaries of United States judges-to the Committee

on the Judiciary

By Mr. LOWDEN: Petition of National Business League of America, for appropriation for erection of buildings for consular service (H. R. 21491)—to the Committee on Foreign Affairs.

By Mr. McCALL: Petition of American Peace Society, of Boston, against further increase of the navy-to the Committee

on Naval Affairs.

By Mr. McDERMOTT: Petition of Chicago Typographical Union, against provision in census bill permitting government printing to be done outside of Government Printing Office-to the Committee on the Census.

By Mr. MACON: Paper to accompany bill for relief of John

Tistill—to the Committee on Invalid Pensions.

By Mr. MADISON: Petition of many citizens of Kansas against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia,

By Mr. MANN: Petition of Manufacturers' Club of Buffalo,
N. Y., favoring H. R. 22901, 22902, and 22903, relative to interstate-rate requirement—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Business League of America, for appropriation to erect buildings for consular service—to the Committee on Foreign Affairs.

By Mr. PRATT: Paper to accompany bill for relief of Wil-

liam Garfield—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of Elmer A. Rodkey (H. R. 25651)—to the Committee on Invalid

Also, petition of Union ex-prisoners of Beaver County, Pa., for enactment of bill to pension ex-prisoners of civil war—to the Committee on Invalid Pensions.

Also, petition of A. S. Kirsch and others, for the creation of a national highway commission and for an appropriation to aid in maintenance of public roads-to the Committee on Agri-

By Mr. ROBERTS: Petition of state school of agriculture at Morrisville, N. Y., favoring enlargement of authority of Department of Agriculture to the end of an adequate supply of intelligent farm labor—to the Committee on Agriculture.

Also, petition of Lumbermen's Club of Memphis, Tenn.,

against reduction of duty on lumber-to the Committee on

Ways and Means,

By Mr. SABATH: Petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago-Toledo-Cincinnati Deep Water Way Association, favoring construction of a canal between Toledo and Chicago—to the Committee on Railways and Canals.

By Mr. SPERRY: Resolutions of the directors of the Free

Public Library of New Haven, Conn., favoring the removal of all import duties on books and other printed matter-to the Committee on Ways and Means.

By Mr. SULZER: Petition of association of the bar of New York City, favoring S. 6973 (increasing salaries of United States

judges)-to the Committee on the Judiciary.

Also, petition of Washington Citizens' Association, against provision in naval appropriation bill requiring the Philadelphia, Baltimore and Washington Railway Company to maintain its railway connection with the Washington Navy-Yard by grade tracks on K and Canal streets SE.—to the Committee on Naval Affairs.

By Mr. TAYLOR of Ohio: Petition of citizens of Columbus and vicinity, against proposed increase of vessels of the United States Navy-to the Committee on Naval Affairs.

petition of F. M. Rank and others, citizens of Wester-

ville, Ohio, against a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. TOU VELLE: Petition of William Sterger, of Jennings Grange, No. 1320, for the creation of a national highways

commission (H. R. 15837)—to the Committee on Agriculture. By Mr. VREELAND: Petition of Portland Grange, No. 2, of Brocton, N. Y., for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Stockton Grange, No. 316, Patrons of Husbandry, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. WEISSE: Petition of members of faculties in uni-

versities and colleges and educators of New York, against further expenditures for armament—to the Committee on Military Affairs

By Mr. WILLETT: Petition of bar association of New York City, for increase of salaries of judges—to the Committee on the Judiciary.

By Mr. WOOD: Petition of Mercer County Central Labor Union, of Trenton, N. J., favoring enactment of certain additional labor legislation—to the Committee on Labor.

Also, petition of Washington Valley Grange, No. 171, Patrons of Husbandry, of Martinsville, N. J., against legislation to establish a parcels post and postal savings banks (S. 5122 and

6484) -to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, January 21, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Warren, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

LANDS OF THE CHOCTAWS AND CHICKASAWS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of April 29, 1908, certain information relative to the lands of the Choctaw and Chickasaw tribes of Indians (S. Doc. No. 675), which

was referred to the Committee on Indian Affairs and ordered

to be printed.

GERMAN IRON AND STEEL INDUSTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Charles M. Pepper on the German iron and steel industry, etc. (H. Doc. No. 1353), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for salaries, Library of Congress, \$240, etc. (S. Doc. No. 674), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of defi-ciency in the appropriation for printing and binding for the Court of Claims for the fiscal year ending June 30, 1909, \$5,000, etc. (S. Doc. No. 673), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CHARLES H. DICKSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6665) for the relief of Charles H. Dickson, which was, in line 6, to strike out "fifty-six" and insert "forty-six."

Mr. HEMENWAY. I move that the Senate concur in the

amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

The message also announced that the House insists upon its amendments to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERTS, Mr. DAWSON. and Mr. PADGETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:
H. R. 23863. An act for the exchange of certain lands situ-

ated in the Fort Douglas Military Reservation, State of Utah, for the lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States;

H. R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 216. Joint resolution for a special Lincoln postage

CREDENTIALS.

Mr. KNOX presented the credentials of Boies Penrose, chosen by the legislature of the State of Pennsylvania a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. SIMMONS presented the credentials of LEE S. OVERMAN, chosen by the legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial, in the nature of a telegram, of the legislative assembly of the Territory of New Mexico, praying for the admission into the Union of that Territory as a new State, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

[Telegram.]

Santa Fe, N. Mex., January 20, 1909. The honorable President of the Senate of the United States, Washington, D. C.

United States, Washington, D. C.

The thirty-eighth legislative assembly of New Mexico, now in session at Santa Fe, has to-day directed the secretary of New Mexico to transmit to the Congress of the United States the following joint memorial: "Your memorial is to call the attention of Congress to the action of the Republican and Democratic national conventions favoring immediate statehood for New Mexico and Arizona. This legislature urges and insists that such represents the wishes of the people of the United States; that New Mexico, having 500,000 inhabitants, ample resources, and sufficient intelligence to maintain and administer a state government has reached the proper time to be admitted as a State in the Union. We ask and demand immediate action that our people may have all the benefits and advantages of the most favored American citizens, with full right of self-government, limited only as other States are limited under the Constitution."

NATHAN JAFFA.

NATHAN JAFFA, Secretary of New Mexico.

The VICE-PRESIDENT presented a memorial of the Pope & Eckhardt Company, of Chicago, Ill., remonstrating against the enactment of legislation providing for the inspection of grain under federal control, which was ordered to lie on the table.

He also presented a petition of the Woman's Republican Club of New York City, N. Y., praying that an appropriation be made to continue the work in behalf of pure food under the supervision of Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented petitions of sundry citizens of South

Paris and Bridgeton, in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on

Post-Offices and Post-Roads.

Mr. GALLINGER presented resolutions adopted by the Chamber of Commerce of Washington, D. C., and resolutions adopted by members of the Bar Association of Washington, D. C., indorsing the recommendations made by the special commission appointed to investigate the penal system of the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., praying for the enactment of legislation separating the current maintenance items of the District of Columbia from the permanent improvement projects in the annual District of Columbia appropriation bill, which was referred to the

Committee on Appropriations.

Mr. SCOTT presented petitions of sundry citizens of Sistersville, Parsons, Pullman, and Terra Alta, all in the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BURKETT presented a memorial of the Young Men's

Christian Association of Omaha, Nebr., remonstrating against the total exclusion of Asiatics, and praying for the enactment of legislation to exclude the delinquents and defectives of all races, which was referred to the Committee on Immigration.

Mr. CURTIS presented a petition of the Farmers' Institute

of Olivet, Kans., praying for a reduction of the duty on all articles used by the farmers of the country, which was referred to the Committee on Finance.

He also presented a petition of the Grain Dealers' National

Association of the United States, praying for the appointment of a commission to investigate the grain trade of the country in respect to the first handling at terminal markets, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Commercial Club of Topeka, Kans., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the

Committee on Post-Offices and Post-Roads.

Mr. WARNER presented a petition of sundry citizens of Green County, Mo., praying for the enactment of legislation granting a pension to Thomas W. Watkins, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 5202) granting an increase of pension to Paris G. Strickland,

which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2534) granting an increase of pension to James M. Beal, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 8460) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels, reported it without amendment and submitted a report (No. 812) thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. Wetmore on the 18th instant, proposing to appropriate \$225,000 for the construction and equipment of a steam revenue cutter for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 13th instant, pro-posing to appropriate \$25,000 for the construction of a suitable vessel or launch for the customs service at Portland, Me., etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and. with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. HALE. I am directed by the Committee on Appropria-

tions, to whom was referred the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, to report it with amendments, and I submit a report (No. 813) thereon.

I shall ask the Senate to take up this bill after the passage

of the legislative appropriation bill.

VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10606) for the relief of Robert S. Dame, reported it without amendment and submitted a report (No. 814) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16015) for the relief of Lafayette L. McKnight, reported it with an amendment and submitted a report (No. 815)

thereon.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4090) to provide for the acquiring of additional ground and for the enlarg-

ing of the government building at Boise, Idaho, reported it with an amendment and submitted a report (No. 816) thereon.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 6199) to credit certain officers of the Medical Department, U. S. Army, with services rendered as acting assistant surgeons during the civil war, reported it without amendment and submitted a report (No. 817) thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation, reported it without amendment and submitted a report (No. 818) thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom

was referred the bill (S. 8067) authorizing the creation of a "Le Beau land district," reported it without amendment and submitted a report (No. 819) thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them each with an amend-

ment and submitted reports thereon:

A bill (S. 6986) for the relief of registers and former registers of the United States land offices (Report No. 820); and

A bill (S. 8252) for the relief of Elizabeth G. Martin (Report No. 821).

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 4119) to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails, reported it without amendment and submitted a report (No. 822) thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 20171) to correct the military record of George H. Tracy, reported it with an amendment and submitted a report (No. 823) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 8429) to refund certain tonnage taxes and light dues levied on the steamship Montara without register, reported it without amendment and submitted a report (No. 824) thereon.

IMPROVEMENT OF EAST BOOTHBAY HARBOR, MAINE,

Mr. FRYE. I report favorably from the Committee on Commerce concurrent resolution No. 70. These concurrent resolutions ought to be passed now, for the River and Harbor Committee in the other House are considering these very questions.

Concurrent resolution No. 70, submitted by Mr. Frye on the 18th instant, was considered by unanimous consent and agreed

to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of East Boothbay Harbor, Maine, with a view to extending the improvement contemplated in the report submitted in House Document No. 944, Sixtieth Congress, first session, to Hodgdon's wharf.

IMPROVEMENT OF SABINE PASS, TEXAS,

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred Senate concurrent resolution No. 69, submitted by the Senator from Texas [Mr. Culberson] on the 14th instant, to report it favorably with an amendment, and I ask for its adoption.

The Senate, by unanimous consent, proceeded to consider the

concurrent resolution.

The amendment was to add an additional section, as section 3. so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the jettles and channel of Sabine Pass, in the State of Texas, from the 30-foot contour beyond the bar at the entrance to said Sabine Pass to and including the turning basin at Port Arthur, with a view to widening the channel and the Port Arthur ship canal to 200 feet at bottom and increasing the depth thereof and of the turning basin to 30 feet at mean low Gulf tide, together with the extension of the walls of the existing jettles to the 30-foot contour, and to submit estimates for such improvements.

SEC. 2. That the Secretary of War be, and he is hereby, also authorized and directed to cause to be made an examination and survey of Taylors Bayou and the lumber slip adjacent thereto, with the view of Temoving the narrow strip of land separating Taylors Bayou and lumber slip and the deepening of said Taylors Bayou and lumber slip and the deepening of Said Taylors Bayou and lumber slip for a length of 2,500 feet to a depth of 30 feet.

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the Neches River from Beaumont to its mouth and of the Sabine River from Orange to its mouth and the canal extending from the mouths of the Sabine and Neches rivers to the mouth of Taylors Bayou, with a view to widening and deepening said canal to a width of 200 feet at the bottom of said canal and increasing the depth thereof to 30 feet, and with a further view of removing the obstructions in the said rivers and improving the same to a depth of 30 feet.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

IMPROVEMENT OF RYE HARBOR, NEW HAMPSHIRE.

Mr. CRANE, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 74, submitted by Mr. BURNHAM on the 19th instant, reported it without amendment.

Mr. GALLINGER. I ask unanimous consent that the concurrent resolution just reported be now considered.

The concurrent resolution was considered by unanimous con-

sent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Rye Harbor, in the State of New Hampshire, with a view to restoring navigation therein, and to submit estimates for the same.

PROMOTIONS IN MEDICAL CORPS OF THE ARMY.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8265) to regulate examinations for promotion in the Medical Corps of the Army, to report it favorably without amendment, and I submit a report (No. 809) thereon. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That any officer on the active list of the army as a major of the Medical Corps who at his first examination for promo-

tion to the grade of lieutenant-colonel in said corps has been or shall hereafter be found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank in said corps as are or may become eligible to promotion under existing law during the period of his suspension. Any officer suspended from promotion as hereinbefore provided shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereot; but if he is found disqualified by reason of physical disability incurred in line of duty, he shall be retired with the rank to which his seniority entities him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason, he shall be retired without promotion.

Mr. GALIJINGER. Mr. President, I wish to ask the Senator

Mr. GALLINGER. Mr. President, I wish to ask the Senator from Wyoming a question as to the bill. I have not had occasion to look at it. I will ask the Senator what change it makes in existing law so far as the examination and promotion of

medical officers is concerned?

Mr. WARREN. The existing law regarding examinations for promotion in the Medical Corps which passed two years ago, through a change made that did not seem to be fully understood at the time, provided that officers must be examined whenever they passed from one grade to another until they arrived at the position of lieutenant-colonel; but it left the majors in such position that, failing in an examination, they stood right where they were. They had no chance for a reexamination, could not be retired, and others went up over them to the grade of lieutenant-colonel, while these men, practically discredited, were left as majors and still kept in the service.

Of course the result of that is that no post or garrison feels quite contented to have sent to them a major discredited by

the department but still retained in the service.

This bill provides that these majors may have the same right as those in the line and in other departments, to take another examination, and failing in that they may be retired.

Mr. GALLINGER. The second examination takes place

twelve months after the first?

Mr. WARREN. As near as practicable after twelve months. Mr. GALLINGER. I can see no objection to the bill. I think it is a wise one.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Com-

mittee in the Whole. The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time and passed.

CENTENARY OF BIRTH OF ABRAHAM LINCOLN.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 117) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, to report it favorably with amendments. I call the attention of the Senator from Ohio [Mr. DICK] to the joint resolution.

Mr. DICK. I ask for the present consideration of the joint

resolution.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on the Library with amendments. The first amendment was, on page 2, line 3, to strike out the word "That."

The amendment was agreed to.

The next amendment was, on page 2, line 14, to strike out the words "that we recommend action" and insert the words "it is hereby recommended that action be taken," so as to read:

Be it further resolved, It is hereby recommended that action be taken looking to the erection in the city of Washington of a monument which shall be worthy his great fame, his service to humanity and to his country, and fittingly commemorate the grandeur of character, the nobility of life, and the epoch-making career of Abraham Lincoln:

Mr. CARTER. Mr. President, the joint resolution recommends the building of a suitable monument in the city of Washington to commemorate the memory of Abraham Lincoln. To that, of course, I do not take exception, but I believe that a fitting memorial commemorative of the great deeds and the memory of Abraham Lincoln should take form more pronounced than the erection of a monument in competition with the Washington Monument. It has been recently suggested that a monument somewhat inferior in appearance to the Washington Monument should be erected west thereof, or at some remote place in the park.

I do not wish to enter upon the subject at length at this time, but I do desire to express approval of the suggestion of

a commission which has recently reported through Mr. McCleary, of Minnesota, in favor of a great proposed Lincoln highway from the city of Washington to Gettysburg as a somewhat fitting memorial to the memory of this great man. I believe in due time that great highway will be extended south from the central to the city of Bishmand. from the capital to the city of Richmond.

I do not intend to move any amendment to the pending joint resolution. The propriety of its passage is manifest; the desire to have it passed promptly is universal; but I make the observations I now submit for the purpose of having it distinctly understood that the recommendation for a monument in the city of Washington is not to be taken in any sense as binding upon the Senate or Congress as to the manner in which expression shall be given in the form of a memorial to Lincoln.

Mr. SCOTT. The Senator had better move to strike out that clause

Mr. CARTER. It might be well to eliminate that portion which refers to a monument in Washington. No monument can be erected in Washington in competition with the Washington Monument that will at all respond to the desire of the American people to properly commemorate the memory of Abraham Lincoln. A statue on a corner or in a park such as we ordinarily erect to a man who happened to command in a successful engagement on the field or in the conduct of a series of campaigns in war will not be a memorial to Abraham Lincoln such as the American people desire to erect.

In order that there may be no mistake in the future as to the purpose of Congress in this behalf, and in order to leave the entire field open, on the suggestion of a Senator I move to amend the joint resolution by striking out that portion which proposes to recommend the building of a monument in Washington City to commemorate Abraham Lincoln.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Montana.

The SECRETARY. In line 15, page 2, strike out the words

"in the city of Washington of a monument" and insert in lieu thereof the words "of a memorial."

Mr. CARTER. I do not wish to confine the memorial to the city of Washington, but I think it would be well at this time to strike out the words so that Congress will in no sense be committed to any particular form of expression.

Mr. SMITH of Michigan. I should like to suggest to the Sen-

ator from Montana that the word "monument" be stricken out and the words "a suitable memorial" be substituted.

Mr. CARTER. I now have the text before me and I can make the amendment more specific. I suggest, in line 15, after the word "erection," to strike out the words "in the city of Washington of a monument".

Mr. DIXON. We are unable on this side to hear what the joint resolution is that is under consideration. What is the calendar number?

The VICE-PRESIDENT. It is a joint resolution just reported by the Committee on the Library.

Mr. SCOTT. It is impossible for us on this side to hear the junior Senator from Montana.

The VICE-PRESIDENT. The Secretary will again read the joint resolution by title.

The Secretary read the joint resolution by title.

Mr. CARTER. In order to perfect the amendment, I move to strike out all after the words "looking to the," in line 15, to and including the word "monument" in the same line, and to insert in lieu thereof "the construction of a suitable memo-

Mr. FORAKER. So that it will read how?

The VICE-PRESIDENT. The Secretary will state the

The SECRETARY. On page 2, line 15, strike out the words erection in the city of Washington of a monument" and in lieu insert "construction of a suitable memorial," so that, if amended, it will read:

Be it further resolved, It is hereby recommended that action be taken looking to the construction of a sultable memorial, which shall be worthy his great fame, his service to humanity and to his country, and fittingly commemorate his grandeur of character, the nobility of life, and the epoch-making career of Abraham Lincoln.

Mr. GALLINGER. I will ask the Senator from Montana why he proposes to strike out the "District of Columbia." Is not this the place for a monument to Abraham Lincoln?

Mr. BEVERIDGE. Of course it Mr. GALLINGER. Where else? Of course it is.

Mr. CARTER. Unquestionably the memorial to Abraham Lincoln will be connected with the city of Washington. I presume the Senator did not hear my previous observation to the effect that I believe we should not be bound by a recommendation which would preclude consideration of the proposed Lincoln highway from the White House door to the battlefield of

Gettysburg on the north.

Mr. GALLINGER. That is a dream, Mr. President.

Mr. CARTER. It may be realized in due time. I do not wish that any expression now indulged shall preclude consideration of that project.

Mr. GALLINGER. Would the Senator from Montana have a public highway as a monument to Abraham Lincoln?

Mr. CARTER. Mr. President, the public highways of the world are the most enduring monuments in the world. this Lincoln way 150 or 200 feet wide, and appropriating large additional spaces here and there, the States of this Union one after another would erect groups of statuary or monuments along that line, which would make it one of the most historic drives on the globe.

Mr. KNOX. Will the Senator yield for a question?

Mr. CARTER, Certainly.

Mr. KNOX. I wish to ask the Senator from Montana if it is not true that one of the most famous and enduring monuments of the world is the Appian Way, erected by the censor Appias and commemorating him, and if it is not true that one of the greatest monuments of Japan to one of her sovereigns

is a great highway?

Mr. CARTER. Most assuredly, Mr. President. I think, after our ordinary monuments shall have crumbled away, the memorial roadway proposed will remain to commemorate the immortal fame of this great President of the United States. One of the difficulties in the way of an appropriate monument rests in the fact that it is not desired to erect in this capital any monument in competition with the monument erected to George Washington. And to have a piece of statuary or a group of figures erected to commemorate the memory of Abraham Lincoln, as the memory of Lafayette is perpetuated or commemorated in Lafayette Square, would, I think, fall short of the just desires of the American people to commemorate the memory of Lincoln in the most pronounced, enduring, and emphatic way.

Mr. GALLINGER. Mr. President, I have no disposition to be technical about this matter at all. I have thought for a long time that it was discreditable to the Government of the United States that we did not have a suitable memorial to Lincoln, and I have believed that one ought to be constructed in the city of Washington. If there is a prospect of carrying out the project the Senator from Montana has alluded to-to have a great highway, covering 40 or 50 miles, between here and the battlefield of Gettysburg-and if there is any hope that the States of the Union will erect monuments along that proposed highway, I admit that that is a magnificent conception and its completion

would be a magnificent project.

I have a vague knowledge of the Appian Way. the old countries have built memorials of that kind, and yet I did not suppose until this morning that there was any very serious thought that that suggestion would be carried into effect. If it be true that it may become an accomplished fact, I would certainly join with other Senators in the belief that that would be a very suitable memorial to Lincoln, or to any other great

American, and yet I feel that Lincoln is entitled to a splendid monument of some kind in this great city.

I asked the question largely for the reason that heretofore when we have talked of erecting monuments to men who distinguished themselves in the military or the civil branches of the Government, outside of the city of Washington, we have been met with the objection that Congress ought not to appropriate money to build monuments anywhere except in the city of Washington. My attention was attracted by the suggestion that in this particular case we should eliminate the provision confining this matter to the city of Washington. I still think that when it becomes an accomplished fact, whether it comes in competition or not with the great monument to the memory of George Washington, we will have a suitable memorial in this city to the great emancipator.

Mr. BURKETT. Mr. President, it has been almost impossible for us on this side of the Chamber to find out just what is under consideration. I have sent to the Clerk's desk and I have a copy of Senate joint resolution 117. That is the one under consideration?

The VICE-PRESIDENT. That is the joint resolution under consideration.

Mr. BURKETT. We have been unable to find out what

amendment has been made to the proposed legislation.

The VICE-PRESIDENT. There have been two formal amendments from the committee agreed to. The Senator from Montana submitted an amendment, which will be read by the Secre-

Mr. BURKETT. Mr. President, I want to say just a word. This is not a matter that anybody wants to object to. As I understand, the joint resolution is not on the calendar, and it comes

up this morning by unanimous consent. I have glanced through the joint resolution and, with the exception of possibly the last section, it is, I am certain, entirely unobjectionable to every-body. But if it is to be undertaken in this way by unanimous consent upon a bill that is not printed, so far as having been printed since the report has come in, and if we are on a bill that is not on the calendar, to take up the question as to what kind of a memorial we are going to erect here or somewhere else to the memory of Abraham Lincoln, I think it ought to be objected to.

I am not opposed to erecting a suitable monument here; I am not prepared to say this morning that I am opposed to building a highway from here to Gettysburg; but I am opposed to committing the Senate and Congress to any particular thing, with no more opportunity for discussion or consideration than we will have here this morning on a bill considered by unanimous

consent.

It seems to me that it is unwise to take up a measure of this importance and of this significance by unanimous consent this morning, and upon a joint resolution that is only calculated to have reference to celebrating the birthday of Abraham Lincoln.

I have read the last section of the joint resolution, and I want to call the attention of Senators to it. The last section provides:

That we recommend action looking to the erection in the city of Washington of a monument which shall be worthy his great fame, his service to humanity and to his country, and fittingly commemorate the grandeur of character, the nobility of life, and the epoch-making career of Abra-

Recommend action by whom? Who are we recommending to take action in this matter? What are we going to do?

Mr. WETMORE. Mr. President, I will state that those words were amended so as to read "it is hereby recommended that action be taken," instead of saying "we recommend."

I may state that it was no idea of the committee or of the

Senator who introduced the joint resolution to commit Congress to any particular proposition. The object was simply to call the attention of Congress to the fact that it would be well to have a memorial erected to Lincoln. The committee so understood it and reported it that way, but not with a view to commit Congress to any particular proposition. The suggestion of the Senator from Montana is perfectly in accordance with

Mr. BURKETT. Mr. President, I have not any objection, I will say, to the passage of the joint resolution so far as expressing the opinion of the Senate is concerned, that we favor at some time, in some way, somehow, at some place a suitable memorial to Abraham Lincoln, and this matter shall at some time be put into action. I think that would be very appropriate.

But I do object, as I started out to say, to adopting some plan here in the confusion that is in the Chamber this morning, and when many of us over here have not been able to understand anything that has been going on, and commit the Government to any particular kind of a memorial at this time.

If the last clause is intended for anything more than the Senator from Rhode Island has suggested, I certainly think the joint resolution ought to be laid over until it comes up on the calendar regularly, and we can have time for the discussion of it.

Mr. FORAKER. Mr. President, the Senator from Pennsylvania [Mr. Knox] introduced in this Congress Senate bill 7665, which authorizes the construction of a great memorial highway from the city of Washington to the battlefield of Gettysburg. His bill has not yet been reported from the committee, but it brings the whole subject before us in connection with the joint resolution that was reported this morning.

I think well of the proposition to make an avenue from here to Gettysburg, as has been suggested, and I think it most appropriate that there should be some suitable memorial in honor of Lincoln here in the District of Columbia, but it occurs to me, and it does to others in this part of the Chamber, that the two

propositions might well go together.

Therefore I ask that the joint resolution may go over until to-morrow, in order that we may recast it and try to frame something that will enable us to make an appropriate memorial, including the highway.

Mr. KNOX. I ask the Senator from Ohio to withdraw his request that it may go over. I think the matter can be agreed upon in the form of an amendment which I propose to suggest to the joint resolution, if the Senator will withdraw the request.

Mr. FORAKER. Very well; I will withdraw the request with pleasure, if the Senator feels that we can save time by that means.

Mr. KNOX. I move to amend-

The VICE-PRESIDENT. Does the Senator from Ohio withdraw his request?

the Senator from Pennsylvania, who is about to offer an amendment.

Mr. KNOX. I move to amend the joint resolution by adding, in line 9, after the word "Lincoln," at the end of the joint resolution, the words "in the nature of a great national highway from the city of Washington to Gettysburg, Pa."

The VICE-PRESIDENT. The Senator from Pennsylvania

proposes an amendment, which will be stated.

The Secretary. At the end of the joint resolution insert: In the nature of a great national highway from the city of Washington to Gettysburg, Pa.

Mr. LODGE. Mr. President, I am thoroughly in favor of the proposition for a great highway. I think no nobler monu-ment could be devised than such a highway running from the capital to one of the greatest battlefields of the war. President, I do not think that the amendment ought to be framed so as to exclude some other memorial to Lincoln here, and I am afraid, if I caught the wording correctly, that it would exclude the memorial. It might be most appropriate to place at the beginning of the highway a great arch or other monument, and I do not want an amendment adopted that would exclude the erection of a memorial in the city of Washington. The building of a highway of itself would not exclude it, of course, I think it is very desirable that the bill should permit both to be done, though I shall vote personally for the amendment of the Senator from Pennsylvania.

Mr. SMITH of Michigan. Mr. President, I did not understand the Senator from Montana to say anything which could be construed into a discrimination against the city of Washington. He simply enlarges the scope of the resolution so that it may apply either to the city of Washington or the District of Columbia or adjoining territory. I understand it to be broad enough to cover not only the suggestion of the Senator from Rhode Island [Mr. Wetmore] but the suggestion of the Senator from Pennsylvania [Mr. Knox]. And I want to say that I would not be in favor of the construction under federal authority of a memorial to the memory of Abraham Lincoln that did not have its base and starting point in the city of Washington. I think the language is broad enough to cover the object in view,

which is a most worthy one.

If there is a Senator on this floor who is not interested in the beauty and the development of this city, I do not know who he is. Any plan of this character should start here, but if there is any disagreement among us as to the character of the memorial, there can be none upon the question of making Lincoln's birth-

day a legal holiday, and the resolution should pass.

Mr. DICK. Mr. President, the primary object of the resolution was to fittingly commemorate the one hundredth anniversary of the birth of Abraham Lincoln. The erection of a suitable memorial is a distinct proposition. As to the first, there seems to be no disagreement or difference of opinion. As to the second, there may be a great variety of views.

I have no objection to the language of the amendment offered by the Senator from Montana [Mr. Carter], which leaves it open, but I seriously object to committing Congress to any single proposition which may involve the real purpose of the joint resolution, namely, that on the 12th day of February we shall fittingly commemorate this great anniversary

Mr. SCOTT. I suggest to separate the joint resolution. Mr. DICK. I am willing that the joint resolution shall be

separated, as suggested by the Senator from West Virginia. All that the joint resolution seeks to do is to recommend that suitable action be taken looking to some fitting memorial that shall be erected here or elsewhere. I hope, however, that no action will be taken that will conflict with the real purpose of the resolution itself, to which universal attention has been invited by the press of the country, by resolutions from numerous organizations, and by a message from the President. To that end I invite the attention of the Senate and urge that no unusual or hurtful delay may be occasioned by adding amendments now which may in any way interfere with its speedy passage.

Mr. CARTER. Inasmuch as there does not seem to be any objection to the amendment I had the honor to offer, I ask that it be submitted to the Senate.

For information, I should like a state-Mr. NEWLANDS. ment as to the amendments that are pending to the joint resolution.

The VICE-PRESIDENT. The Secretary will report the pending amendment.

Mr. LODGE. Before the amendment— Mr. CULBERSON. Mr. President, I rise to a point of order. The VICE-PRESIDENT. The Senator from Texas will state his point of order.

Mr. CULBERSON. I desire to know if unanimous consent Mr FORAKER. I withdraw my request until I have heard has yet been given for the consideration of the joint resolution.

The VICE-PRESIDENT. Unanimous consent was given. Mr. CULBERSON. I understood the Senator from Nebraska [Mr. BURKETT] to object.

The VICE-PRESIDENT. Some time after the consent was given the Senator from Nebraska inquired if the joint resolution

was being considered by unanimous consent.

Mr. LODGE. I want to suggest a modification of the amendment of the Senator from Pennsylvania [Mr. Knox], and that is to use the words, "memorial of Lincoln, which shall include the building of a highway." I want to make it clear that we do not exclude by the highway the construction of a memorial in Washington.

Mr. KNOX. I accept that.
The VICE-PRESIDENT. The amendment proposed by the Senator from Montana is first in order, and that amendment will be stated for the information of the Senate.

Mr. LODGE. I beg pardon. Mr. BURKETT. I rise to a point of order.

The VICE-PRESIDENT. The Senator will state his point of

Mr. BURKETT. I rose a while ago; I was watching this matter; I understood unanimous consent had been asked. We could not hear over here how far along it had gotten. When I rose I asked if the joint resolution was pending by unanimous consent. I understood the Vice-President to say that it was. My observations were made with that understanding. I think those who heard me will bear me out that I had made the observation that if the consideration of this resolution was to be continued, and it was to be amended so as to become objectionable on the question of what kind of memorial we were going to have, I should want to object to it, and that objection ought to be made to it. I understood at the time that unanimous consent had not been given.

The VICE-PRESIDENT. The Chair put the request for

unanimous consent to the Senate, and announced that no objec-

tion was made.

Mr. BURKETT. I will say to the Chair that I was trying to hear; that I was listening very closely for that request to be made, and therefore I asked that question.

The VICE-PRESIDENT. The Chair thought he made the

statement distinctly.

Mr. BURKETT. I think it was the fault of the confusion in

the Chamber and not of the Chair.

The VICE-PRESIDENT. The Senator from Nebraska will please suspend. The Senate will be in order. Senators will cease audible conversation. The Senator from Nebraska will proceed.

Mr. BURKETT. In view of the fact, then, Mr. President, that unanimous consent has been given and that it is apparent that not only this joint resolution but a great many bills that are not before us properly are going to be brought up for consideration, I ask the Senator in charge of this joint resolution if he would not be willing that it should go over, for it is apparent, by the advantage this joint resolution has obtained, that some other legislation, to which a great many would object to giving unanimous consent, is going to be attached to it in the form of amendments. It seems to me but fair, therefore, that the joint resolution should go over.

The VICE-PRESIDENT. The Chair is inclined to think that in view of the circumstances under which unanimous consent was given, and in view of the obvious misunderstanding, it would be but fair that the Senator should have the right to object now, and that the joint resolution should go over.

Mr. DICK. Mr. President— Mr. SCOTT. Then let us understand that the Senator from Nebraska objects to the consideration of paying proper tribute to the memory of President Lincoln.

Mr. DICK. Mr. President—
Mr. BURKETT. Mr. President, let me say—
The VICE-PRESIDENT. The Senator from Ohio [Mr, Dick] has the floor. Does he yield to the Senator from Nebraska [Mr. BURKETT 1

Mr. DICK. Do I understand-

Mr. NEWLANDS. I thought I had the floor, Mr. President, and I yielded to the Senator from Massachusetts [Mr. Lodge].

The VICE-PRESIDENT. The Senator from Nevada is cor-

rect. Does he yield to the Senator from Ohio?

Mr. NEWLANDS. I do.

Mr. DICK. I addressed the Chair, Mr. President, for the purpose of inquiring if the Senator from Nebraska objected to the present consideration of the joint resolution?

Mr. BURKETT. Mr. President, I will answer the Senator. I think I ought to do so, in view of the gratuitous remark the Senator from West Virginia [Mr. Scorr] has thrown in here,

proper, for he has been here a good many more years than I have.

The "Senator from Nebraska" does not object to the consideration of this joint resolution, but the "Senator from Nebraska" does object to taking advantage of the right that this joint resolution may have and loading it up with other legisla-tion to which the "Senator from Nebraska" does object. The "Senator from Nebraska" does not object to paying this tribute and to passing this joint resolution; he thinks it is very proper; but he does object to having this joint resolution considered with a view of loading it up with other legislation that is objectionable.

There may be other Senators who favor the bill to construct a road to Gettysburg. A majority of the Senate will determine that. We shall have that opportunity when the bill shall come up for consideration. That is well and proper, and the "Senator from Nebraska" has nothing more to say as to that; but he does not think it is proper to take advantage of this joint resolution, popular as it is and appropriate as it is, and load it up with some other things that a good many Senators do have objection to, and which, to say the least, are questionable.

Mr. LODGE. On the point of order which has just been raised I desire to say that it is very clear that whenever this joint resolution comes up, it will be germane to it to add an amendment for a memorial. The Senator from Nebraska can not rule out amendments that he does not like. ments must come up in connection with the joint resolution if they are germane, and, of course, it will be open to the Senator from Rhode Island [Mr. WETMORE] to move to take the joint

resolution up to-morrow at any time.

Mr. TILLMAN. Mr. President—
Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina.

Mr. NEWLANDS. I yield to the Senator from South Caro-

Mr. TILLMAN. Mr. President, I rise simply for the purpose of suggesting that it would be a misfortune and it would be a reflection upon the Senate if we could not agree upon the general purpose of this joint resolution, which is to honor with appropriate ceremonial the memory of Lincoln; and surely this squabble as to whether it shall be a highway to Gettysburg or a memorial which we shall build, ought not to militate against the prompt passage by unanimous consent of the other part of the joint resolution. I hope those who have been the means of bringing in this moot question in regard to the highway will not press that feature if it is objectionable to some northern Senators here and they do not feel that they should commit themselves to the proposition.

Mr. CARTER. If the Senator from Nevada will permit

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly.

Mr. CARTER. Mr. President, I beg to state to the Senator from South Carolina [Mr. TILLMAN] and to the Senate that the amendment I proposed had for its object leaving the question of the form of the memorial open for future consideration. The language in the resolution in line 15 providing for the erection of a monument in the city of Washington, I ask to amend by inserting the words "the construction of a suitable memorial," leaving out the word "monument" and not incorporating the word "highway." Thus Congress would not be in any manner committed to the form of the memorial that might hereafter be considered.

There was no intention on my part to discriminate against the District of Columbia. My main purpose was to preserve to Congress the untrammeled right, without terms or recommendation outstanding to interfere, to pursue such course as might be deemed proper in reference to the construction of this memorial at some future time.

Mr. McLAURIN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. I yield to the Senator from Mississippi. Mr. McLAURIN. Mr. President, if there is to be built a public road from the city of Washington as a memorial to Mr. Lincoln, I suggest that, inasmuch as it is something like 50 miles, as I believe it is stated, to Gettysburg and only about 30 miles from here to Manassas, where the first great battle of the war was fought-a battle which I believe was attended by a great many Members of Congress, or those who were Members of Congress at the time—it would be a great deal more apwhich was very certainly uncalled for, and I will not say im- propriate to build a road from here to that place. It might have been a very valuable road had it been built at that time. I suggest that Manassas be substituted for Gettysburg.

Mr. WETMORE. Mr. President, the amendment proposed by the Senator from Montana [Mr. CARTER] is perfectly agreeable to the committee. That amendment does not commit Congress to any particular project. It seems to me that it would be most unfortunate if to-day we did commit ourselves to any project. This resolution simply calls the attention of the Congress of the United States to the suitability of a memorial to Lincoln without indicating what that memorial shall be or where it shall be

I would therefore suggest that all these different projects can be considered hereafter when the time comes, but that today we all harmonize and unite in merely stating that such a

memorial shall somewhere be erected to the memory of Lincoln.

Mr. NEWLANDS. Mr. President, I should like now the information for which I asked in the first instance, as to the amendments to this joint resolution which are now pending.

The VICE-PRESIDENT. The Secretary will state the amend-

ments; but, first, the Chair will ask, Is there objection to the present consideration of the resolution?

Mr. DIXON. Mr. President, as stated by the Senator from Nebraska [Mr. Burkett], no one in this part of the Chamber is aware of what the joint resolution under consideration may be, except from the general statements made on the floor. think there is certainly no one over here who is not in favor of something of this kind; but, at least, let the joint resolution be printed and let it go on the calendar until to-morrow, so that we may have some intelligent conception of what these various amendments may be and to what they may refer.

placed on the desks of Senators, so that we may at least know what is under consideration.

The VICE-PRESIDENT. Under the circumstances, Chair will decide that upon objection the joint resolution shall

think the joint resolution at least ought to be printed and

IMPROVEMENT OF COLUMBIA RIVER, WASHINGTON.

Mr. SIMMONS. I am directed by the Committee on Commerce, to whom was referred Senate concurrent resolution No. 73, to report it without amendment, and I call the attention of the Senator from Washington [Mr. Piles] to it.

Mr. PILES. I ask unanimous consent for the present consid-

eration of the concurrent resolution.

go to the calendar.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Columbia River between Wenatchee and the mouth of the Snake River in the State of Washington, with a view of making such improvements as may be deemed necessary, in order to provide for navigation between the upper and lower

IMPROVEMENT OF MATTAPONI RIVER, VIRGINIA.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred Senate concurrent resolution No. 75, to report it without amendment. I ask unanimous consent for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and submit estimates for the following improvements in the Mattaponi River, Virginia:

For a channel 200 feet wide and 14 feet deep from York River to the landing one-half mile above the bridge at Walkerton.

For a channel 100 feet wide and 7 feet deep from the above-mentioned landing to Aulette.

For a channel 100 feet wide and 7 feet deep from the above-mentioned landing to Ayletts.

For a channel 60 feet wide and 5 feet deep from Ayletts to Dunkirk.

For a channel 7 feet deep across the Middle Ground, connecting the Mattaponi and Pamunkey channels, just off West Point.

For a suitable turning basin at Ayletts.

For the straightening and cutting off certain bends and points of land projecting into the river at several points between Walkerton and Ayletts.

For a thorough snagging and removal of logs from the river between Walkerton and Dunkirk, and the clearing of the river banks of all trees, stumps, etc., which make navigation dangerous at times of extra high tides or freshets in the river.

JOHN H. LAYNE.

Mr. TALIAFERRO. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 15098) to correct the military record of John H. Layne, to report it favorably without amendment, and I submit a report (No. 810) I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of John H. Layne, late private in Company G, Nineteenth Regiment U. S. Infantry, war with Spain, who was injured at Ponce, P. R., while volunteering to help save government stores which were about to be washed away by a rapidly rising stream, and to have his discharge

read: "Discharged by reason of injuries incurred in line of duty," instead of "Discharged by favor."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISH-CULTURAL STATIONS ON PUGET SOUND.

Mr. BOURNF. I am directed by the Committee on Fisheries, to whom was referred the bill (H. R. 15452) to establish two or more fish-cultural stations on Puget Sound, to report it favorably with an amendment. I call the attention of the Senator from Washington [Mr. Piles] to this bill.

Mr. PILES. Mr. President, I ask unanimous consent for the present consideration of the bill. It was passed last winter by the House of Representatives, and there is grave necessity that it should be passed by the Senate. It is a very short bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Washington for the present consideration

of the bill?

Mr. WARREN. I do not want to object to the ordinary consideration of these matters, and I will not object to this bill, but I shall feel under the necessity of objecting to the consideration of any other bills this morning until we can get up the appropriation bill.

Mr. SMITH of Michigan. Mr. President, I hope the Senator from Wyoming will not make that statement now. I desire to report a very simple little joint resolution of interest to the Senator from Kansas [Mr. Curtis], which he may desire to have considered.

Mr. WARREN. Mr. President, I have myself refrained from asking for the consideration of bills that are very important for the reason that every Senator has some bill here in which he is especially interested, and I am afraid that the day may be consumed in their consideration. I will ask to what measure does the Senator from Michigan especially refer?

Mr. SMITH of Michigan. A joint resolution, local to Kansas, which I desire to report from the Committee on Commerce as

soon as I can get the opportunity.

Mr. WARREN. I will not object.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill reported by the Senator from Oregon [Mr. BOURNE]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15452) to establish two or more fish-cultural stations on Puget Sound.

The bill was reported from the Committee on Fisheries with an amendment on page 1, line 5, after the words "Puget Sound" to insert "or its tributaries in the," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on Puget Sound or its tributaries, in the State of Washington, for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce and Labor, and the number of such stations to be determined by him, and for said purpose the sum of \$50,000 is hereby authorized to be appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

HARBOR LINES IN THE KANSAS RIVER.

Mr. SMITH of Michigan. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 115) authorizing the Secretary of War to establish harbor lines in the Kansas River, at Kansas City, Kans., to report it favorably without amendment, and I submit a report (No. 811) thereon. I call the attention of the Senator from Kansas [Mr. CURTIS] to the joint resolution.

Mr. CURTIS. I ask unanimous consent for the present consideration of the joint resolution which has just been reported.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to fix and establish pierhead and bulkhead lines, either or both, in the Kansas River at Kansas City, Kans., beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as shall be prescribed from time to time by the Secretary of War.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF SWINOMISH SLOUGH, WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred Senate concurrent resolution No. 72, to report it favorably without amendment. I ask unanimous consent for its present consideration.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Swinomish Slough, Washington, with a view to such extensions and modifications of the project for the improvement of the same as may be necessary in the interests of particular to the same as may be necessary in the interests of

IMPROVEMENT OF SAMAMISH RIVER, WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred Senate concurrent resolution No. 71, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Samamish River, Washington, with a view of clearing and restoring said river to navigation.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8660) granting an increase of pension to Elbridge P. Wardwell, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 8661) to regulate the custody of orphan and abandoned children in the District of Columbia, which was read twice by its title and referred to the

Committee on the District of Columbia.

He also introduced a bill (8, 8662) to regulate the licensing of builders in the District of Columbia, and for other purposes, which was read twice by its title and, with the accompanying

papers, referred to the Committee on the District of Columbia. He also introduced a bill (S. 8663) granting an increase of pension to Thomas Entwistle, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8664) granting an increase of pension to Ellen R. B. Morrill, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8665) granting an increase of pension to Daniel M. White, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 8666) granting an increase of pension to Jessie A. Bruner, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8667) granting an increase of pension to William P. Lovejoy, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 8668) granting a pension to Elizabeth Estes, which was read twice by its title and, with the accompanying papers, referred to the Committee on

Mr. SMITH of Maryland introduced a bill (S. 8669) for the relief of Elizabeth Shutt, which was read twice by its title and referred to the Committee on Claims.

Mr. CRANE introduced a bill (S. 8670) granting an increase of pension to Almon N. Keeney, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 8671) for the relief of the curators of Central College, of Fayette, Mo., which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8672) granting a pension to Amelia C. Perry

A bill (S. 8673) granting an increase of pension to William T. Adkins

A bill (S. 8674) granting an increase of pension to Sophrona

A bill (S. 8675) granting an increase of pension to Prince Albert Loveland;

A bill (S. 8676) granting an increase of pension to Thomas R. Buxton;

A bill (S. 8677) granting a pension to Abner Welch;

A bill (S. 8678) granting an increase of pension to Frank H.

A bill (S. 8679) granting an increase of pension to William

N. Hyatt; A bill (S. 8680) granting an increase of pension to Marcus D. Warner; and

A bill (S. 8681) granting an increase of pension to Perry H.

of pension to Elisha W. Bullock, which was read twice by its

title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8683) granting an increase of pension to John W. McDaniels: and

A bill (S. 8684) granting an increase of pension to Roughin Brown.

Mr. LODGE introduced a bill (S. 8685) granting a pension to Ellen O. Lyon, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8686) granting an increase of pension to Caroline E, Whiton-Stone, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 8687) to remove the charge of desertion from the military record of Sylvester War-ren, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions

A bill (S. 8688) granting an increase of pension to Henry M. Lamb

A bill (S. 8689) granting an increase of pension to James H. Shutts

A bill (S. 8690) granting a pension to Mary M. Chalk; A bill (S. 8691) granting a pension to Sarah L. Craig; A bill (S. 8692) granting a pension to Emily J. Hormel;

A bill (S. 8693) granting an increase of pension to Simpson Watson; and

A bill (S. 8694) granting an increase of pension to William F. Atkinson.

Mr. PILES introduced a bill (S. 8695) extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington, which was read twice by its title and, with the accompanying papers, referred to the Committee on Commerce.

Mr. BAILEY (by request) introduced a bill (S. 8696) granting a pension to Albert G. Ancell, which was read twice by its title and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 8697) for the relief of the heirs of C. C. Starnes, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLARKE of Arkansas introduced a joint resolution (S. R. 118) to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, which was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to establish a medical reserve corps in the Medical Department of the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PERKINS submitted an amendment proposing to appropriate \$350,000 to continue the improvement of the channel at Mare Island Navy-Yard, Cal., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. DICK submitted an amendment proposing to use the crypt and window spaces of the United States Naval Academy chapel as memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. WARNER submitted an amendment proposing to appropriate \$25,000 to increase the limit of cost for the public building at Maryville, Mo., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$763,000 for improvements at the navy-yard, Puget Sound, Washington, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SCOTT (by request) submitted an amendment intended Mr. CURTIS introduced a bill (S. 8682) granting an increase to be proposed by him to the bill (S. 8629) granting pensions

and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS-CYPRIAN T. JENKINS.

On motion of Mr. Taliaferro it was

Ordered. That there may be withdrawn from the files of the Senate all the papers relative to the bill S. 1398, Sixtleth Congress, first session, for the relief of Cyprian T. Jenkins, there having been no adverse report thereon.

IMPROVEMENT OF APALACHICOLA RIVER AND ST. ANDREW BAY, FLORIDA.

Mr. MILTON submitted the following concurrent resolution (S. C. Res. 76) which was referred to the Committee on Com-

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement.

CLAIMS AGAINST CHOCTAWS AND CHICKASAWS.

Mr. TELLER submitted the following resolution (S. Res. 258), which was considered by unanimous consent and agreed to.

which was considered by unanimous consent and agreed to.

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the report of J. W. Howell, an assistant attorney in the office of the Assistant Attorney-General for the Department of the Interior, covering the investigation conducted by him by order of the President of the United States or the Secretary of the Interior during the months of November and December, 1908, of the claims of certain persons to share in the common property of the Choctaws and Chickasaws; and the said Secretary is further directed to transmit with said report all papers filed with the department which formed the basis of said investigation, as well as all data, memoranda, photographs, and all other evidence of every kind and description pertaining or appertaining to said investigation and secured by said J. W. Howell or any other officer or agent of the department connected with said investigation and of which any notation was made.

AMERICAN SUGAR REFINING COMPANY.

Mr. CULBERSON. I offer the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 259), as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to send to the Senate copies of all correspondence in the Department of Justice relating to an alleged violation of the act of July 2, 1890, by the American Sugar Refining Company in connection with an alleged loan by that company to one Segal, in which was pledged as security therefor a majority of the capital stock of the Pennsylvania Sugar Refining Company with voting power thereon, and under which it is alleged an agreement was entered into that the Pennsylvania Sugar Refining Company should not engage in business.

The VICE-PRESIDENT Let there objection to the property of the pennsylvania Sugar Refining Company should not engage in business.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. Let the resolution go over.

The VICE-PRESIDENT. Objection being made, the resolution will lie over.

JOSEPH F. RITCHERDSON.

I ask unanimous consent for the immedi-Mr. McCREARY. ate consideration of the bill (S. 4116) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge. will state that a precisely similar bill passed the Senate at the

Mr. WARREN. Mr. President, I am sorry to have to object, but I gave notice a little while ago that I should feel compelled to call up the legislative appropriation bill. Therefore I shall have to object.

Mr. McCREARY. I hope the Senator will not object to this bill. I did not hear him give the notice to which he refers.

The VICE-PRESIDENT. Objection is made.

USE OF CARRIAGES BY OFFICIALS,

The VICE-PRESIDENT laid before the Senate the following resolution (S. Res. 257), submitted by Mr. FLINT on the 20th

Resolved, That the Committee on Appropriations be, and they are hereby, directed to ascertain and report to the Senate whether any officers of the Government, including the army and navy, are devoting to their personal or private use any carriages, automobiles, or other vehicles which are the property of or are provided by the Government.

Mr. WARREN. I do not see the Senator from California in his seat at this moment, and I suggest that the resolution lie over without prejudice.

The VICE-PRESIDENT. Without objection, it will be so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 21:

S. 213. An act for the relief of S. R. Green;

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance;

S. 2253. An act for the relief of Theodore F. Northrop;

S. 3848. An act for the relief of James A. Russell; S. 5388. An act for the relief of Benjamin C. Welch;

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation;
S. 4632. An act for the relief of the Davison Chemical Com-

pany, of Baltimore, Md.; and S. 6136. An act authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the consideration of the legislative appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30,

1910, and for other purposes.

The VICE-PRESIDENT. The Secretary will report the

pending amendment.

Mr. WARREN. The pending amendments are on pages 167 and 168, commencing in line 13.

The VICE-PRESIDENT. There is pending an amendment to

the amendment, which the Secretary will state.

The Secretary. On page 167, line 13, it is proposed to strike out "ten" and insert "eight," so as to read:

Circuit courts: For 29 circuit judges, at \$8,000 each.

The VICE-PRESIDENT. That is the amendment proposed by the Senator from Idaho [Mr. Borah]. The question is on agreeing to the amendment to the amendment.

Mr. BORAH. I desire to ask the Senator in charge of the bill a question with reference to the expenses and the allow-

ances now made to take care of the expenses.

Mr. WARREN. I stated yesterday the law regarding the expenses, and I have in my hand, which has just come from the Treasury Department, a statement for the last fiscal year of the expenses paid by the Government for each and every one of the circuit and district judges.

The way the bill stands, it would leave the matter of expenses exactly as the present law provides. They would have the salary we may accord them, and it would simply reimburse them for what they have paid out, provided it did not exceed \$10 in any one day. It is impossible for them to get a penny legally except where they have paid it out in traveling expenses away from home, and it is impossible for them always to get as much as they pay out, because of the limit of \$10 per day. Perhaps the Senator would like to have the list read.

Mr. BORAH. I do not know that I care to have it read. The law now provides a means by which they have an expense account up to \$10 a day.

I believe there was a call for the yeas and nays on this question.

Mr. WARREN. Does the Senator wish to move nine thousand or eight thousand?

The VICE-PRESIDENT. The amendment to the amendment proposes to strike out "ten" and insert "eight."

Mr. WARREN. Very well. I hope the amendment will be

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment, on which the yeas and nays have been ordered.

Mr. SCOTT. The change is what? Will the Secretary again state the amendment?

The Secretary. On page 167, line 13, it is proposed to amend the committee amendment by striking out "ten" and inserting 'eight," so as to read:

For 29 circuit judges, at \$8,000 each.

Mr. WARREN. I suggest the absence of a quorum. The VICE-PRESIDENT. The Senator from Wyoming sug-

gests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon Bailey Bankhead Beveridge	Cullom Curtis Davis	Gary Guggenheim Hale	Overman Page Paynter	
Borah	Depew Dick	Hemenway Johnston	Penrose Perkins	
Bourne Brandegee	Dillingham Dixon	Kean Kittredge	Rayner	
Brown	du Pont	Knox	Simmons	
Bulkeley Burkett	Flint Foraker	La Follette Lodge	Smith, Md. Stephenson	
Burnham	Foster	Long	Tallaferro	
Burrows Carter	Frazier Frye	McCreary McEnery	Teller Tillman	
Clapp	Fulton	McLaurin	Warner	
Crane Culberson	Gallinger Gamble	Martin Milton	Warren Wetmore	

The VICE-PRESIDENT. Sixty-four Senators have answered

to their names. A quorum of the Senate is present.

Mr. WARREN. I ask that the question be stated.

The VICE-PRESIDENT. The Secretary will again state

the amendment to the amendment.

The Secretary. On page 167, line 13, the amendment of the committee proposes to strike out "seven" and insert "ten." It is now proposed to strike out "ten" and insert "eight;" so as to read:

For 29 circuit judges at \$8,000 each.

Mr. BACON. I understand-and I will ask the Senator from Wyoming if I am correct—that if the salary is fixed at \$8,000, the judges will in addition to that get the per diem of \$10 a day for expenses when away from their homes.

Mr. WARREN. As I have already stated, it does not interfere

with the present law. It is simply a vote upon the question of

the raise of salary.

Mr. BACON. Then I am correct in that statement?

Mr. WARREN. They get their reimbursement of expenses when away from home.

Mr. BACON. I understand.
Mr. WARREN. Not exceeding \$10 a day.
Mr. TELLER. They get no allowance when at home, but when away they get the expenses absolutely incurred, not exceeding \$10 a day.

Mr. BACON. I understand that.

The VICE-PRESIDENT. The Secretary will call the roll on the question of agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). am paired with the Senator from Rhode Island [Mr. Aldrich]. I do not know how he would vote, if present. I withhold my

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. Money], He is not present at this moment. I transfer the pair with the Senator from Mississippi [Mr. Money] to the Senator from New York [Mr. Platt], and I will vote. I vote "nay."

The roll call was concluded.

Mr. KEAN. My colleague [Mr. Briggs] is necessarily absent. If he were present, he would vote "nay." He is paired with the Senator from Tennessee [Mr. TAYLOR].

Mr. CLARK of Wyoming, I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer the pair for this vote and for the day to the Senator from Washington [Mr. ANKENY]. I vote "nay."

Mr. BAILEY (after having voted in the affirmative). I am paired with the Senator from West Virginia [Mr. Elkins]; and much as I should like to permit my vote to stand, I feel compelled, in his absence, to withdraw it.

Mr. GAMBLE. I desire to inquire if the Senator from Nevada [Mr. Newlands] has voted? I am paired with that Senator. The VICE-PRESIDENT. He has not voted.

Mr. GAMBLE. I transfer my pair to the junior Senator from

Nevada [Mr. Nixon] and will allow my vote to stand.

Mr. BAILEY. I am advised that the Senator from Oklahoma [Mr. Gore] is absent and without a pair. I transfer my pair with the Senator from West Virginia [Mr. Elkins] to the Sen ator from Oklahoma [Mr. Gore] and will let my vote stand.

The result was announced—yeas 31, nays 38, as follows:

VEAS 91

Bacon Bailey Bankhead Brown Burkett Clapp Clay Culberson	Curtis Davis Dixon Frazier Fulton Gamble Gary Johnston	La Follette McCreary McEnery McLaurin Martin Milton Nelson Overman	Page Paynter Simmons Smith, Md. Taliaferro Tillman Warner

100	N.	AYS-38.	
Bourne Brandegee Bulkeley Burnham Burrows Carter Clark, Wyo. Crane Cullom Depew	Dick Dillingham du Pont Flint Foraker Frye Gallinger Guggenheim Hale Hemenway	Heyburn Kean Kittredge knox Lodge Long Penrose Perkins Piles Rayner	Richardson Scott Smoot Stephenson Sutherland Teller Warren Wetmore
8 18 18 18	NOT	VOTING-23.	
Aldrich Ankeny Beveridge Borah Briggs Clarke, Ark.	Cummins Daniel Dolliver Elkins Foster Gore	Hansbrough Hopkins McCumber Money Newlands Nixon	Owen Platt Smith, Mich. Stone Taylor

So Mr. Borah's amendment to the amendment was rejected. The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The next passed-over amendment was, on page 167, line 23, to strike out "six" and insert "eight;" and in line 25, before the word "thousand," to strike out "five hundred and four" and insert "six hundred and seventy-two," so as to read:

District courts: For salaries of the 84 district judges of the United States, at \$8,000 each, \$672,000.

Mr. FORAKER. I move to strike out "eight" and insert "nine." I want to say a word in behalf of the amendment.

Every practitioner in the courts of the United States knows that the district judges do as much work as the circuit judges. They really do more. The district judges sit as circuit judges. The circuit judges never sit as district judges. The living The living expenses are the same. It seems to me there ought not to be any more than a nominal difference between them. I know that the district judge in the district in which I live is one of the hardest working judges on the bench anywhere in the country, and I think that is true throughout the country.

Mr. BACON. I should like to ask the Senator from Ohio a

question.

Mr. FORAKER. The difference at this time is but a thousand dollars, and I do not believe we ought to make it greater than that; and having determined that the salary of the circuit judges shall be \$10,000, the salary of the district judges should not be less than \$9,000.

Mr. BACON. I should like to ask the Senator a question. I am particular to ask him the question, because there is no harder working Member of the Senate, as I happen to know personally, than the Senator from Ohio. Does he think there is any district judge who does more labor than does the Sena-

Mr. FORAKER. I think not; but at the same time I have practically half the year that I can devote to my own private business, which the district judge does not have. The district judge and the circuit judge are of necessity denied our opportunity to pay attention to private affairs.

Mr. BACON. I want to say to the Senator from Ohio that in having half the year for his private business he has very much more than I have. I give my entire time, except a small time

devoted to vacation, to my official duties and to nothing else.

Mr. FORAKER. I am sure the Senator from Georgia does work all the time about his business as a Senator. I can return the compliment he has paid me. I do not know any Member in this body who works more steadily and industriously than does the Senator from Georgia. I have no doubt that, as he says, he devotes practically all of his time to his official duties. With me it is somewhat different. I have, as a matter of necessity, to devote part of my time to my own affairs.

Mr. BAILEY. I desire to suggest to the Senator from Ohio that, while there is a difference between him and the district judge, in that the Senator has a part of his time which he may devote to his personal affairs and the judge has not, there is also this other difference, that the judge does not need to do that because the Federal Government not only pays him his salary while he is at work, but it continues it after he has retired, and that salary follows him to the grave. The salary of a district judge amounts to a fixed and permanent annuity. Therefore he has no reason to be looking about his private affairs.

Mr. FORAKER. Will the Senator allow me to ask him a question?

Mr. BAILEY. Certainly.

Mr. FORAKER. Is there any more need for a circuit judge having \$10,000 than there is for a district judge having \$9,000? Mr. BAILEY. There is not, and I am not so sure that there is not more logic in the Senator's motion than there is in many

of these increases. I will ask the Senator from Ohio what his

State pays the judges of its highest court?

Mr. FORAKER. The salaries are less than \$10,000; I think \$6,000 or \$7,000, possibly \$8,000 in some of the large cities. I am not sure about it. I did know at one time, when I had the honor to sit on the bench. I knew what the salary was, but that was many years ago. We were then paid \$5,000 a year. The salary was immediately after that raised to \$6,000, and I am not sure but that there has been an increase of late years in the salaries of the judges in the large cities of the State. I am sorry I can not give the Senator better information.

Mr. BAILEY. The Senator has supplied sufficient informa-on. I simply asked the question for the purpose of calling attention to the fact that we sit here as the Senators from the various States, and we are voting to give the trial judges of the United States Government larger salaries than our States pay the appellate judges in the several States which we repre-

Mr. KEAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from New Jersey?

Mr. BAILEY. Certainly.

Mr. KEAN. I should like to say to the Senator from Texas

that that does not apply to the State of New Jersey.

Mr. BAILEY. I know it is not the universal rule, but, Mr. President, the fact is that the States which have the highest salaries frequently have the poorest judges.

Mr. KEAN. That is not the case in New Jersey. Mr. BAILEY. I do not say that it is true of New Jersey.

Mr. KEAN. It can not be said of New Jersey. Mr. BAILEY. I do not say it is true of New Jersey, but I do say that there was a time in the history of this Republic when the chancery reports of New Jersey compared favorably with any ever delivered from the bench.

Mr. KEAN. And I think they do to-day.

Mr. BAILEY. Yet those earlier chancellors did not receive the \$10,000 which their successors receive to-day. The greatest courts in this Union have not been those in which the judges have received the highest salaries; and it is a matter of common experience among lawyers that that State to-day which pays the highest salaries to its judges-I mean trial and appellate judges-furnishes reports upon which you can find something on both sides of almost every question which is raised. I do not think the size of the salary will determine the wisdom of a judge.

But, however that may be, I can not comprehend how we can feel as Senators that we ought to pay the trial judges of the Federal Government higher salaries than we pay the highest judges in our several States. Either we pay these too much or else we pay these too little. It will not do to say we pay them too little, because we have commanded in our several States men of the greatest ability and of the highest character who are glad to write their names imperishably in the jurisprudence of their States by serving as chief or supreme judges.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. I do.

Mr. LA FOLLETTE. If I may be permitted to make a suggestion to the Senator from Texas, I will state that the reason which underlies the difference in the legislation is that the men who make the salaries of the judges of our appellate courts in the various States of the Union are considerably nearer to the taxpayers than we are.

Mr. BAILEY. I am afraid, Mr. President, that is the full and perfect explanation. So much more is the pity. I do not think we ought to be so free with the people's money because we are so far from the people's power. I do not assert that Senators here would be afraid to vote this way if they were in the legislatures of their several States instead of the Senate of the United States, but in this atmosphere we become infected with the idea that salaries ought to be large because entertainments ought to be brilliant and numerous. That may be the explanation of all these increases.

Mr. WARREN. Does the Senator from Texas apply that to the district judges throughout the United States?

Mr. BAILEY. Oh, no; but having set the example of giving large salaries to important officials, of course it follows on down, and it will include everybody of importance except the House and the Senate. The House and the Senate are a little sensitive about doing anything for themselves. Consequently they are perfectly willing to leave themselves underpaid, if it be true that these judges are entitled to receive what they are given by this bill.

Mr. WARREN. If the Senator will permit me-

Mr. BAILEY. If the Senator will allow me, there is not a circuit judge of the United States who would not be glad to leave the bench to take a seat in the Senate.

Mr. WARREN. For the honor.
Mr. BAILEY. For the honor, yes; and for the honor of a position on the bench they ought to be satisfied when they have been given sufficient to live upon in decency.

Mr. WARREN. Will the Senator allow me to make a sug-

gestion right there?

Mr. BAILEY. Certainly. Mr. WARREN. I think the Senator has not considered, or, if he has, I should like to have his opinion on the fact, that the state supreme judges usually live at the capital. They have no traveling expenses. The district judges in many States have several hundred dollars, and sometimes more than a thousand dollars, of traveling expenses in a year, for which there is no reimbursement. So district judges in a State where the courts are held at points which are not near each other have large traveling and away-from-home expenses. Perhaps the Senator heard me say yesterday that we undertook last year to cover it, and we put a provision into the sundry civil appropriation bill allowing the district judges not exceeding \$6 a day for such expenses, but it went out in conference. While they now receive the pay if they go on circuit outside their district, they do not receive any reimbursement for any of their expenses for travel within their districts.

Mr. BAILEY. Certainly not.
Mr. WARREN. And there is where they differ from the state

I know of district judges in the State equal to the district judges of the federal bench who hold court eleven months in the year, having but one month's vacation, who are away from their homes eight-tenths of their time, and who pay every dollar of their expenses when away; and they never have the privilege of drawing \$10 when transferred to another district. That is true, I have no doubt, in Wyoming. I know that it is true in Texas; and without intending to make any invidious comparison, I may say that the federal judges in Texas are the equal of federal judges elsewhere; and yet they are in no wise superior, either in intellect or in character, to many of the men who serve us upon the district bench of our State. those district judges receive one-half of what the federal judges receive. They are away from home more than the federal judges, and work harder when they are at home than the federal judges do.

Now, I want to say to the Senator from Ohio, if it is true that the federal judges are overworked, the remedy is not an increase in pay.
Mr. MARTIN rose.

Mr. BAILEY. The remedy is a reduction in labor, and instead of increasing the pay let us appoint more judges, so that they can do less work and, therefore, better work. I yield to the Senator from Virginia. Mr. MARTIN. With the permission of the Senator from

Texas, I desire to say that in my State the supreme court judges are rarely at home. They have to hold court in three separate and distinct places, so that no one of them is ever at home any considerable part of the year; and the salary is \$4,500.

Mr. WARREN. Let me ask the Senator if the State does not

provide for their contingent expenses. Most States do.
Mr. MARTIN. They do not in my State.
Mr. WARREN. They provide nothing?

Mr. MARTIN. Nothing.

Mr. BAILEY. In many of the States what the Senator from Virginia says is true. It is true in Tennessee. In our State our supreme court is located at the seat of government, but it is not true that all the judges live there. They have retained their several residences and make their homes there only during their incumbency. But we are one of the few States in the Union which maintains a separate court of criminal appeals, and that court holds sessions at three places. No provision is made for their traveling or other expenses, and their salaries are not equal to the present salaries of the federal district judges.

Mr. President, I have detained the Senate on this question until, I take it, the sound of my voice is not very agreeable. I intend to consume no further time, but I protest in the name of your State and mine against the proposition to give a trial judge of the Federal Government a higher salary than the

judges of our highest state courts receive.

Mr. SCOTT. Mr. President, I want to detain the Senate only a moment. I have here a statement sent to me by a district judge. He makes an estimate of his expenses. He says that to one manservant he pays \$30 a month. I am sure all will admit that that is very reasonable. To a cook he pays \$20, and to one housemaid \$10. For horse keeping he pays \$10 a month. For rent of house he pays \$100 a month. Then for provisions, and so forth. He pays on \$20,000 of life insurance \$800, and on fire insurance for his library and other household fixtures he pays \$400. He says that for four months of the year he is out of his district holding court, from home, his expenses amounting to \$6 a day. He says there ought to be some new law, and certainly Senators here who are lawyers will not dispute that. He estimates a total of \$5,460, leaving about \$500 with which to educate his children.

Mr. BAILEY. He has left out his laundry bill, too. Mr. SCOTT. The Senator will notice that I quoted the fact that he had a maid at \$10 a month, who probably attends to that. If that statement is at all accurate, these judges certainly ought to have their salaries increased.

Mr. PILES. Mr. President, no district judge in my State has referred to an increase of his salary. The bar of the State have requested me to support this measure. The salary, as I now recall it, which they petitioned me to support is \$10,000 for the circuit judges and \$9,000 for the district judges.

The Chamber of Commerce of the City of Seattle, one of the greatest commercial cities of the State has passed resolutions favoring this increase. The Chamber of Commerce of the City of Spokane, which is situated in the eastern part of the State, in the great agricultural part of the State, has petitioned me to support the increase. They contend, as the lawyers have con-tended in different parts of the State, that the increase is nothing more than fair to the federal judges.

I may say that the legislature of the State of Washington two years ago increased the salary of the supreme judges of that State to \$6,000, and as we grow and increase in population and wealth it will in all probability increase the salary of the

supreme judges of the State.

I feel from the letters and resolutions which I have received that a large portion, at least, of the people of the State of Washington favors the increase now under consideration.

I may say with respect to the district judges in the State of Washington that there is no man on the federal bench there who could not earn from \$15,000 to \$25,000 a year if he were practicing law. I believe that if the district judge in the city of Seattle were to retire to-day from the bench he could, in view of his well-known ability and the present opportunities in that section of the country, earn the gross sum of \$50,000 a year in the practice of the law.

Mr. BORAH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Washing-

ton yield to the Senator from Idaho?

Mr. PILES. Certainly.

Mr. BORAH. I wish to ask the Senator from Washington if that is true why does not the judge retire from the bench and earn \$50,000, if it is simply a question of salary?

Mr. PILES. I said at the outset that no judge in my State

had requested me to support an increase of his salary.

Mr. BORAH. But that discloses the fact that we can not

compensate these men in dollars and cents.

Mr. PILES. I agree with the Senator there thoroughly. am not speaking on the question whether the judge should resign. Will the Senator say that he, himself, can not earn three times the salary he receives from the Government if he would resign from the Senate and resume the practice of the law?

Mr. BORAH. I am not resigning.

Mr. PILES. Is there any lawyer in this body who came from the Pacific coast (and I speak of that simply because it is a new country, and the practice of the law offers greater opportunities than in some sections) who could not earn from two to three times more than the salary he receives as a Member of this body?

Mr. BAILEY. Does the Senator want an answer to that? Mr. PILES. I asked the question. Does anyone deny it?

I say to the Senator that I utterly deny it. I say that Daniel Webster, in the height of his powers, could not have earned \$22,500 in many of the communities where great Senators live. It is not merely a man's ability which determines his income at the law, but it is determined almost en-tirely by the character of the practice where the lawyer resides.

Mr. PILES. I spoke of the Pacific coast. Mr. BAILEY. Let me say to the Senator from Washington, I am amazed that any man who can earn \$50,000 a year at the bar would accept the office of a district judge, not merely because of the difference in money between the income of the lawyer and the salary of the judge, but it must be a leader of the bar who can earn \$50,000 a year, and the leader of any bar occupies a more distinguished position than a district judge.

Mr. PILES. I may say to the Senator from Texas that the district judge in the city of Seattle always was a leader of the bar; and while I do not care to be personal, I may say that he is to-day one of the most distinguished lawyers in this country, and he would adorn the Supreme Bench of the United States.

Mr. BAILEY. That is probably what he is looking to. Mr. PILES. I should be very much gratified to see him ap-

pointed to the Supreme Bench.

In view of the resolutions which I have received from the lawyers and the commercial bodies of the State of Washington, I feel that the people of that State favor the increases provided for in this bill in so far as it relates to the judges of the circuit and district courts, and I shall give them my support.

Mr. RAYNER. Mr. President-

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. NELSON. I ask that the bill be temporarily laid aside. The VICE-PRESIDENT. The Senator from Minnesota asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Maryland will proceed.

Mr. RAYNER. Mr. President, I am in favor of this increase, and I am in favor of the increase along the whole line of judi cial appointments. Of course, we are getting to be more liberal in our expenditures; I will admit that; and it may be a lamentable condition that we have reached; but we must meet existing Things that were luxuries years ago are necessities now. My own opinion is that the judges upon the federal circuits and the judges on the state courts are about the worst underpaid men in any office, either in the State or in the Nation.

We are increasing things all along the line. It has only been a few weeks ago that the Smithsonian Institution appropriated \$25,000 to a great faunal naturalist who is about to proceed to the jungles and forests of a distant continent in search for animals that, so far as I have been able to discover, have never had any existence in all the periods of geologic time. This is not exactly germane to the subject-I will get to the subject in a minute.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER (Mr. Gallinger in the chair). Does the Senator from Maryland yield to the Senator from Idaho?

Mr. RAYNER. Yes; I will yield if it is a pertinent question. Mr. BORAH. I want to know if the Senator is a naturalist? Mr. RAYNER. I am not a game butcher; but I am a sort of zoologist and naturalist both. I know something about zoology, and I know that there never has been any such thing on the face of this earth as a white rhinoceros or an orang-outang with a nose 3 inches long, that the President proposes to en-counter, so far as my research of natural history extends,

Mr. BACON. Does not the Senator think it is very dangerous

to express an opinion as to natural history?

Mr. RAYNER. I will ask the Senator from Georgia why? Mr. BACON. I decline to say why. Mr. RAYNER. The Senator from Georgia is one of the directors of the Smithsonian Institution, and I should think the Senator would certainly not be afraid to express an opinion on natural history, even if I am.

Mr. BACON. I do not claim to be an expert. The Senator

Mr. RAYNER. I am an expert on this particular business. I will get to the judges in a minute when I finish this. I want to say that while there might be a doubt about the existence of these animals, there is no earthly doubt but that if they do exist they will be rapidly exterminated and annihilated at the hands of the great naturalist who is about to proceed to the African Continent. I want you to understand that I have no objection at all to his going. I think this donation of \$25,000 will be very conducive to the peace and welfare of the Nation, temporarily at least. I have no feeling about the money at all, and I hope that the President will achieve new triumphs in those distant fields of combat and of carnage. When he returns I believe that he will bring back to the museums and menageries of the world animals that have never yet crossed the track of any explorer and have never yet been mentioned among the classifications of zoology.

Mr. BACON. Mr. President-

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. RAYNER. If it is a pertinent question.

Mr. BACON. I only want to ask the Senator what \$25,000

appropriation he referred to?

Mr. RAYNER. I referred to an appropriation of \$25,000 from

the Smithsonian Institution.

Mr. BACON. I thought I understood the Senator correctly in that regard, and it is proper that I should correct the statement made by him. It is not true that the Smithsonian Institution devotes a dollar to that expedition. It is true that the expedition is, in compliance with the request of the President, to be under the auspices, as it were, of the institution, but the money is procured from private sources, and not one dollar is appropriated from the funds of the Smithsonian Institution or from any amount appropriated by Congress.

Mr. RAYNER. Of course the publication that we have read in the papers all along is that this money is being appropriated by the Smithsonian Institution. I suppose the Senator

Mr. BACON. I am glad of an opportunity to make correc-

tion, because the fact is as I have stated.

Mr. RAYNER. Now to the amendment. I would say this, Mr. President: I do not think, with due respect to the Senator from Texas, that there is a single judge, if he is honest and if he is capable, in any state court or upon any federal circuit or in any federal district who is not underpaid. That is my own

judgment, of course.

Mr. BAILEY. Will the Senator yield for a question?

Mr. RAYNER. Certainly.
Mr. BAILEY. I ask the Senator from Maryland whether he means, by saying that the judge is underpaid, that he is paid less than his services are worth or whether less than he

could earn as a practitioner?

Mr. RAYNER. I mean paid less than what his services are worth. There are men who go upon the bench who have very little practice. There are other men who go upon the bench who sacrifice a very lucrative practice, just as Senators here sacrifice a large practice for the honor of representing their States in the Senate.

Mr. BAILEY. I was about to observe, if the measure is the value of the service, then Senators are underpaid and they are entitled to the benefit of this argument. I take it for granted that the honor of the bench is as much an inducement for men to accept that position as the honor of the Senate is an inducement for us to accept position here; and when a lawyer will abandon a \$50,000 practice, as was true in the instance which the Senator from Washington [Mr. Piles] has just recited, then the honor, we must admit, is a great one indeed. And, begging the Senator's pardon, it comes back to my original proposition that the incumbents of these high offices ought to have a salary sufficient to support them in decency and comfort and take the balance of their pay in the honor of the station. We must do it, and all others ought to be willing to do it.

Mr. RAYNER. I regret that I can not agree with the argument of the Senator from Texas at all, that because we are underpaid we ought to underpay the judges. If we are underpaid, that is a question for consideration. Because we receive a salary-admitting it to be so-less than we ought to receive, why should a judge of a United States court, then, receive a

salary less than he ought to receive?

Mr. BAILEY. Will the Senator permit me?

Mr. RAYNER. Certainly.

Mr. BAILEY. I did not say we are underpaid.

Mr. BAYNER. Put accompany that

Mr. RAYNER. But assuming that we are?

Mr. BAILEY. I do not think we are underpaid. When Senators have a private fortune, I think it is their right and privilege to spend it; but every Senator here can live in decency and comfort on the salary; and seeing that we take it with no thought of making money out of the salary, it simply increases the honor of the position, and all value the honor infinitely more than we do the salary.

Mr. RAYNER. Honor, Mr. President, does not support large families. Honor is very well for the individual who accepts the honor, but it does not come to his relief when he is surrounded by a number of persons, perhaps outside of his family, who de-

pend upon him for support.

I am not prepared to say how many Senators are here who could make more than their salary or less than their salary. The Senator from Texas has often said on this floor, I have no doubt rightfully, that a position in this body should not preclude anyone from either attending to his proper vocation or following his profession. I know that, as far as I am concerned, I have been in the Senate now about three years, and I had a practice certainly in excess of the salary that is paid me I have not taken a dollar since I have entered this Chamber. I have not been in my office a half dozen times, and

I know very well if I had to depend upon the salary of \$7,500 here in Washington it would be a very difficult matter to live properly

Mr. BAILEY. It would not be difficult at all if the Senator would go to his office when Congress is not in session; but, having a fortune outside, it is not necessary for him to practice law

Mr. RAYNER. I made up my mind that I either had to go to my law office or go to the Senate, that I could not do both. So I made up my mind that my duty to my constituents was here, and I practically abandoned my practice. I have entirely abandoned it while I am here. That, however, does not touch the question. We raised our own salaries. I may be wrong, of course, and the Senator from Texas may be right. He has different views from what I have on the subject. I say the larger the salaries, as a rule, the better men you can get for the bench. You can not get proper men upon the bench by paying them the inadequate salaries that a good many States pay. It is all very well to talk about Daniel Webster in his day, and to ask what could Webster do now if Webster were living. What does the Senator from Texas suppose Webster could make now if he were practicing law?

Mr. BAILEY. If he were practicing law at Marshfield, Mass., he would probably make \$2,500 a year, but if he practiced law in the city of New York, he would probably make \$100,000 a

Mr. RAYNER. I say, therefore, what Webster would make now is an entirely different proposition from what he would have made then. We are talking about our present environ-ment. The Senator talks about the New Jersey decisions. The New Jersey decisions are excellent now, and I do not agree with him upon the New Jersey decisions. I think the New Jersey judges among the best in the country. I want to say that you can not get upon the bench a proper set of men unless you pay them proper salaries. There are very few lawyers who will give up a practice of \$25,000 or \$50,000 a year for the purpose of getting \$8,000 or \$9,000 as a salary for the honor of the position. We have not been able to do it in Maryland. We have as fine a bench in Maryland to-day as there is in the country, but it is composed of a class of men who have made sacrifices.

Mr. BAILEY. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. I do.
Mr. BAILEY. I think when the Senator from Maryland gets
the stenographer's transcript of his notes he will want to change what he has said in the last sentence or two. In one breath the Senator says it is impossible to get the right kind of men unless you pay them adequate salaries, and in the next breath he says they have some of the best men in the world on the bench in Maryland, even with inadequate salaries.

Mr. RAYNER. I do; and those two statements entirely com-

port with each other.

Mr. BAILEY. Those two statements are utterly irreconcilable.

Mr. RAYNER. I do not agree with the Senator.
Mr. BAILEY. If it is impossible—let me state it this

Mr. RAYNER. Let me state it first. I have not yet finished the sentence. I think I am entitled to make a statement, and then I will hear the Senator. I say these are men who make sacrifices. I do not say that every man in his profession is willing to make the sacrifice. I am stating an example. Men have made sacrifices, but it does not follow that every man who has a good practice is willing to abandon his practice for the purpose of getting on the bench. So the two statements which I have made are absolutely consistent, and I shall not correct them in the stenographer's transcript.

Mr. BAILEY. Mr. President, with the Senator's permission, I return to the question. He says you can not get the right

kind of men unless you pay them adequate salaries.

Mr. RAYNER. As a rule. Mr. BAILEY. The Senator adds that. But I will take it that way.

Mr. RAYNER. Of course, as a rule.

Mr. BAILEY. I will accept the qualification. The Senator from Maryland says the present salaries are inadequate. Then the Senator must mean, if both of those statements are true, that our present judges are not the right kind of men.

Mr. RAYNER. I do not mean that, and there is no logical connection between those two statements. I say there are plenty of men in the Senate of the United States who have made sacrifices, but the Senator from Texas-Mr. BAILEY rose.

Mr. RAYNER. One moment. I can not yield now. The Senator from Texas knows, and every lawyer upon this floor knows, that men have made these sacrifices. Plenty of them make such sacrifices by taking places upon the bench and leaving their practice. We all admit that. There is no question about that.

And for that reason I contend that you can Mr. BAILEY. get proper men for the present salaries, because we have been able to secure proper men at the present salaries, just as we secure proper men for the Senate, although the majority of the Senators here make a personal sacrifice to come here, so far as dollars and cents are concerned.

Mr. RAYNER. It is the exception to the rule.
Mr. BAILEY. The exceptions are so numerous that we have

no vacancies in the Senate. [Laughter.]

Mr. RAYNER. I am not talking about the Senate. I am talking about the judiciary. I do not see any connection between the Senate and the judiciary. We are not discussing, I respectfully submit to the Senator from Texas, the adequacy of our own salaries, and I see not the slightest connection between fixing the salaries of judges and taking up the question as to whether we are adequately paid. The only question here is as to whether the judiciary are adequately paid. I say there are exceptions to the rule where men make these sacrifices. I repeat it; and it has been said over and over again, without contradiction, that it is a difficult thing to get men to go on the bench, because you do not pay them a sufficient salary. I stand on that statement, inconsistent or not.

The difficulty exists in every State. Men say, "We can not

afford to go on the bench, because you do not pay us a sufficient If you raise the salaries, you will get a better class of men. Men are bound to support their families; they must look to that. I can not understand the argument that by increasing the salary it will not help us at least to get a better class of men than by lowering salaries or paying inadequate salaries.

I may be wrong about that, but that has been my experience. That has been the experience in every State, where lawyers have said, "I would like to go on the bench, but I can not take the salary; I can not support my family upon it, and I can not leave my practice. I would like to have the honor of being on the bench, but I can not afford it." I have known that to occur

over and over again. Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. RAYNER. I do. Mr. BORAH. Does the Senator from Maryland know of any State where the bench itself has decreased in standing or integrity or character by reason of that condition of affairs?

Mr. RAYNER. Oh, no; I do not. But that is a statistical observation that really does not affect this argument. The question that we are to decide is whether a district judge ought not to get \$9,000 a year, or at least \$8,000 a year, as provided for in this bill. I think it is a petty warfare upon the judiclary of the United States to cut the district judges down to six or seven thousand dollars a year.

I want to say one word to the Senate, and that is this: I have an idea about this that the day will come when we shall have a much better bench, perhaps, in certain localities than we now have, when all these appointments will be taken away from the President of the United States. I do not know that it is any discovery of mine. I think I spoke to the Senator from Texas about it some time ago; but I think we have a right to take away from the President of the United States the appointment of either circuit or district judges under the Constitution and place their appointments in some other hands, say, in the Supreme Court of the United States. I refer the Senate to Article II, section 2, and subsection 2 of the Constitution, which gives the President of the United States the right to appoint judges of the Supreme Court, and it stops there. It stops with the judges of the Supreme Court, and it says:

But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

I do not claim any particular credit for this discovery. thought, perhaps, at first that I was wrong, but I have spoken about it to two or three other lawyers and they seem to think I am right. I think we could take every one of these appointments away from the President. I do not think, as a rule, the President of the United States knows what sort of judges to appoint. I know the Senator from Texas will agree with me on that proposition. I think the judges that are appointed are not men, as a rule-

Mr. BAILEY. That is true of some Presidents. [Laughter.]

Mr. RAYNER. Some Presidents; yes. Does not the Senator agree that it is true of some of the present judges?

Mr. BAILEY. I responded to the Senator's suggestion that the President did not know what kind of a man ought to be made a judge, and I said that that statement was entirely true of some Presidents.

Mr. RAYNER. It is true of some, and it is true of a good many of them. I will tell you why I think it is true of a good many of them. When there is a vacancy on the bench, who comes here and asks the President for the appointment?

Suppose a man to-day, for instance, asked me to appoint a medical board here. To whom would I go to find out the principal surgeons and physicians in Washington? I would go to the medical society. I would go to the men high up in the medical profession. In selecting judges, does the President of the United States, as a rule, go to the bar associations of the different States or to the leading lawyers?

Mr. BAILEY. No; he goes altogether too frequently to the

corporations.

Mr. RAYNER. Well, then, that answers my question. as a rule, he goes to the corporations, then he goes to the wrong quarter to get proper judges on the bench.

Mr. TILLMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. RAYNER. Yes. Mr. TILLMAN. If the Senator from Maryland acknowledges-and I think he must acknowledge-that corporations have more influence in appointing judges than anybody else, why is he so anxious to increase their salaries when, possibly, they are already on the pay rolls of the corporations?

Mr. RAYNER. There are a great many judges on the bench who, I apprehend, have not been appointed under the influence

of corporations.

Mr. TILLMAN. Undoubtedly.
Mr. RAYNER. I suppose that there are a great many of We have in the State of Maryland a judge who is able, a man of the highest possible honor and integrity, whom no corporation appointed and whom no corporation could influence, and I know he will earn every dollar of \$9,000 a year. I know one federal judge after another—I do not want to make any invidious distinctions, however, but the statement of the Senator from South Carolina does not apply to all the judges of the circuit bench.

Mr. TILLMAN. I do not say it applies to all. Mr. RAYNER. If it applies to some of them, why give all of them an inadequate salary because some few of them ought not to have been appointed upon the bench?

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Yes. Mr. BEVERIDGE. I merely call to the attention of the Senator from Maryland the statement he made as being in approval of some portion of the statement made by the Senator from South Carolina, the latter part of which statement was that the judges may be on the pay rolls of corporations. I take it the Senator did not mean to agree with that.

Mr. RAYNER. Well, in discussions of this sort I do not desire to individualize. I have my opinion. I doubt very much whether any judge upon the federal bench is upon the pay roll of a corporation. He might be, but I doubt it, and I would hate

Mr. BAILEY. Inasmuch as I first suggested that the President did consult corporations in making judicial appointments, I want to say that I do not believe that any judges are on the pay roll of a corporation, and I think my friend from South Carolina ought to withdraw that statement.

Mr. TILLMAN. I did not assert it. I stated that I had such

a suspicion, and I will not withdraw it.
Mr. BAILEY. Well, Mr. President, the Senator from South Carolina is sometimes more suspicious than he ought to be. I think it is a bad statement to make; but I stand by the statement-and I think neither the Senator from Maryland nor the Senator from Indiana will controvert it-that the corporations have for twenty years been extremely and especially active about the appointments of federal judges.

Mr. RAYNER. I agree entirely with the Senator from Texas, and that is what I said just now when the Senator interrupted me. He said, as I understood him, that there have been few Presidents—there have been a little more than a few who did not consult the corporations in judicial appoint-

Mr. TILLMAN rose.

Mr. RAYNER. Does the Senator from South Carolina want to ask me a question?

Mr. TILLMAN. No; I was not undertaking to ask the Senator any questions. I simply want to make my own position clear.

Mr. RAYNER. It is perfectly clear, I think.

Mr. TILLMAN. I have known of instances, when I was governor of South Carolina, in which a federal court was apparently so much the tool of corporations with which I was battling for taxes that if the judges were not on their pay rolls they accepted special coaches in which they went about. To every intent and purpose they were as much the tools of the railroads as if they were still on their pay rolls.

Mr. RAYNER. Mr. President, I know and can give instances, when a federal judge was to be appointed, of corporations coming here-I will not say in person, because that is not properly applicable to a corporation-but through their attorneys, and using all the influence they could. The Senator from Texas knows that. I know it, and we know exactly how long it has

been going on.

There is one other thing that it is proper for me to state, and that is that I have known instances where lawyers who have been attorneys for corporations during the whole of their professional career have been put upon the bench, and they have turned out to be as just and honorable judges, without any regard or favor for corporation influence, as any men you could put upon the bench. I have known that to take place. You can give instances and I can give instances of attorneys for corporations who, the moment they were on the bench, whenever there was any doubt about a case would throw the case against the very corporations they had represented before they went on the bench. You can not individualize in these cases.

But let us get back to the question. Now, why not pay a fair salary to a district judge or any other judge who has devoted his whole life to his profession? He is a man of honor, of learning, and of capacity, who gives the whole of his time to his judicial duties regardless of what his practice has been before, regardless of whether he makes a sacrifice or not. Is he not worth \$9,000 a year to the Government of the United States?

I may be wrong, and the Senator from Texas may be right. We are, of course, all entitled to our judgment upon this ques-I am only speaking from my experience, but I believe that if you will give them better salaries you will have better judges. I believe it is the inadequacy of the salaries that keep a large number of the profession from accepting the honor that they would otherwise be willing to take.

I think, Mr. President, that it is the duty of the American bar to send to the bench the very best men there are in the profession in the United States. The time will come, then, when we can boast of good judges-not in sections, for we ought not to have good judges only in sections. There ought not to be a

good judge here and a bad judge there.

The Senator from Texas has stated frequentlywith him-that there are judges upon the federal bench who ought not to be there. I know that to be a fact. I hope the day will come when they will go off the bench, and I hope the day will come when we will give men a salary that they can do a little more than live on. Of course, I do not go into details, as the Senator from West Virginia did. But take this proposition: A man ought to be able to save a few thousand dollars, and if we pay the judge at the rate of \$9,000 a year, ought he not be able to save a few thousand dollars a year to insure his life for the benefit of his family? Is it asking too much of the Government of the United States to permit a federal judge to save \$2,000 a year to effect an insurance that would go to the benefit of his family after his death? He should not be compelled to receive a salary that he is merely able to live upon and not be able to save a dollar beyond the actual salary that is paid him.

Mr. TILLMAN. Mr. President-The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. RAYNER. Yes.

I was going to suggest to the Senator from Mr. TILLMAN. Maryland that if he can devise any scheme by which we can get high and incorruptible men on the bench, such as we ought to have there, I would gladly pay them \$100,000 a year, and I believe the people of the United States would save millions by

Mr. RAYNER. I can devise a scheme in one moment. When the President of the United States has the appointment of a judge, let him do what the Supreme Court perhaps would do under the section of the Constitution to which I have referred let him bring in, not corporation lawyers or lawyers who have an I we ought to have done.

interest in forwarding the appointment of a particular judge; but let him call upon the honor, the integrity, and the intelligence of the American bar to give him a judge, and he will get judges that will be an honor to the Nation and well qualified to sit in judgment upon all the great and complicated questions that now come before the federal judiciary in the performance of their duties. There is no trouble about that at all. The President of the United States can always appoint a good judge if he wants to do so. If he does not, it is simply because he does not want to do so.

There have been men appointed judges who knew nothing about the law. The Senator from Texas and I know what a difficult problem it is to argue questions of elementary and rudimentary law before a judge who never studied his profession before he got upon the bench and never studied it while on the bench. You want the highest and the best order of material that you can get. Make no mistake, Mr. President, you can

hardly put these salaries too high.

This is the result of my own experience. It may be an experience different from that of other Senators here upon the floor, but my belief is that the higher we make the salaries the better judges we will get upon the bench, provided we couple with that a requirement adverted to both by the Senator from Texas and the Senator from South Carolina, that when the President has the appointment of a judge, let him consult the bar associa-tions of the different States. When he has the appointment of a judge in Maryland, let him go to the bar association of Maryland, and I will guarantee that they will give him a judge who can not be influenced in the performance of his public functions.

Mr. McLAURIN. Mr. President-The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. RAYNER. I do. Mr. McLAURIN. Does the Senator know of any lawyers who have been tendered positions on the federal bench who have declined them?

Mr. RAYNER. Well, I will say to the Senator from Mississippi that I have not had a very large experience with the federal bench. Our federal practice in Maryland is rather limited; but I know man after man who has been tendered a position upon the state bench who has declined it because he was unable to accept it at the salary provided.

Mr. McLAURIN. My question was directed to the federal

Mr. RAYNER. I do not know enough about the federal bench, personally.

Mr. BAILEY. Mr. President-The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Yes. Mr. BAILEY. I am willing to take his State as a test, and I will ask the Senator from Maryland if, notwithstanding the declinations of some who could not afford the position, the State of Maryland was not still able to secure upright and excellent judges for her courts?

Mr. RAYNER. As good as any in the country. Mr. BAILEY. Mr. President, that illustrates that what might be a salary sufficient to induce one man may not be a salary sufficient to induce another man. That would be just as true if you doubled the salaries as if you left them where they are.

Mr. RAYNER. That illustrates the exception, and not the rule. I must insist upon the proposition that it does not illustrate the rule; it illustrates the exception. We have had men in Maryland who have sacrificed their private practice in the State for the honor of being on the bench. I know one of the greatest judges who ever sat in a Maryland court, who died and left his family in poverty, and I could name several others. I have always thought it a great shame and an outrage that such things should happen.

Mr. BAILEY. But he left his family the inheritance that an upright judge bequeaths, of an unsullied name. That is worth all the money that misers ever gathered in the history of the

world.

Mr. RAYNER. But families can not live upon honor. Mr. BAILEY. Mr. President, that is the curse of this day, that a man does not think he has done his duty unless he leaves his children a fortune. Now, that is precisely the tendency which I so much fear. It used to be that if we could educate our boys and give them a good name to start with in the world, we felt we had done our duty. But now, unless we can give our boys fortunes with which they may establish banks or organize factories, or unless we can give our girls a dower which may attract some brainless nobleman from the other side of the ocean, we feel that we have not done by them all that

I believe that American citizen who can educate his children and start them in the world with that advantage which so many great Americans were denied, and then can give them the name that a judge, however poor he may be, leaves them, or the name that a great Senator will leave them, has done more for them than if he left them a great fortune to tempt them into a thousand dissipations, destroying health, character, and standing. I am sure the Senator from Maryland does not disagree with me when I say that a judge who serves a lifetime on the bench, helping to form the jurisprudence of his State and immortalizing his name, has done more for his family than he could have hoped to do in the way of a bequest to be measured in dollars and cents. I do not think it a misfortune that the Maryland judge, of whom the Senator spoke, died poor if he left his family the inheritance of a great name.

Mr. RAYNER. It is very difficult though, I apprehend, Mr. President, with all the inherited honor that they may receive to feed and clothe themselves on honor. [Laughter.] That is to feed and clothe themselves on honor. [Laughter.] my trouble about it. I agree with every word the Senator from Texas has said, and while I should like to inherit the honor of my ancestors, I should like them to leave me a little money so that I could enjoy the honor. [Laughter.] I would take, perhaps, a little honor and a little more money.

I do not believe in the accumulation of large fortunes. The Senator from Texas and myself entirely agree upon that propo-No judge who gets \$9,000 a year, and has nothing else, could leave a large fortune to his family. I think it is a man's duty to leave something to those who survive him. I think a man's duty to his children is just as great as is the duty of the children to the father, and I think that a man ought to strain every purpose in life to accumulate a sufficient sum of money so as not to leave his family in abject poverty and destitution. Take a man who goes upon the federal bench without any means, without any resources, without any fortune, and gets \$9,000 a year. How much can he save? How much can he leave to his family? Why draw the line on him? Why not let him be comfortable while he is a judge and not be pressed from morning to night to pay the expenses of his family? That is my idea; and I think, Mr. President, that is the proper idea.
Mr. BAILEY. Mr. President, if the Senator from Maryland

will permit me-The VICE-PRESIDENT. Does the Senator from Maryland yield further to the Senator from Texas?

Mr. RAYNER. Yes. Mr. BAILEY. If a judge when appointed to the bench has saved nothing, then he does not make any great sacrifice to take the place at the present salary; and if he has been able to save something, all he needs to do is to invest it and let his children inherit that.

Mr. RAYNER. Let me say to the Senator that I know plenty of men who are making large fortunes out of their practice who are not only spending every dollar they earn, but going into debt besides. The profession, as a rule, knows very little about finance.

Mr. BAILEY. If the American Congress is to legislate for men who need guardians, then I confess I am not advised about what kind of a law we ought to pass.

Mr. RAYNER. A great many men, Mr. President, require financial guardians, but do not require legal guardians. I have known men of the highest ability in their profession to spend every dollar of money they made, but they did not require to

be put in the custody of a guardian by any means.

Mr. BAILEY. They had a right to do that if they earned it, though I do not really think they had a right to go into debt. I think that a man who is earning enough to support himself and family ought not to go into debt. But waiving that, I go back to the very kernel of the argument, which the Senator from Maryland has stated when he said he wanted less honor and more money. That is the curse of the American Nation to-day.

Mr. RAYNER. Mr. President, there is no one in this world who wants more honor than I do. I want all the honor that a man can have and give; but what I say is that a man's family would prefer that their ancestors should have less position and honor and bequeath them something to live on, than to have the highest positions of honor and be left in absolute starvation and destitution perhaps. That is my proposition. The Senator is mistaken, and has misconstrued the phrase that

Mr. BAILEY. Mr. President, I wonder, if he could choose, whether the Senator from Maryland would choose the honor of Jefferson's name, coupled with the insolvency of that great statesman, or would take the name of a Vanderbilt, coupled with the patrimony. The Senator from Maryland is mistaken. He does not himself really know what he does think about that

question. I do him the honor to say that he believes a good name worth more than all the riches of the world; and he has exemplified that both in public and in private life.

Mr. RAYNER. I was not speaking of a good name. speaking of honors, and not honor. I was speaking of the mere empty honor of a judge. Everybody, of course, wants to preserve a good name and leave a good name.

Mr. BAILEY. I will say "a great name."

Mr. RAYNER. There can be no difference of opinion, I apprehend, on that point between the Senator from Texas and myself.

Mr. BAILEY. I will say "a great name," for there is a difference between the two. I have known men never heard of beyond the corporate limits of the villages where they lived who left good names, but of course not great names. So I will change the word "good," to meet the argument, and say "great." I deny that the Senator from Maryland would prefer great riches as against a great name. I deny that he would give even a part of a great reputation to gain a great fortune; but if he would, then I can understand the temper of the American people as manifested in this body. I can understand why it is that men are no longer content with the honor, but they want more salary. But that reverses all of my opinions about the American people. I have always been taught to believe that when a man, at the end of a long public service, comes to lay down his office and is preparing to be gathered to his fathers, it was enough for him and that it was enough for his children and his children's children that he left them a stainless reputation, although he bequeathed to them no dollar of gold.

Perhaps we are to change all this now. Perhaps we have de-termined to pay men in dollars instead of in honor. If that be the measure, Mr. President, it ought to be twice nine or even three times that much, because, if we are to compensate in money instead of in honor and glory, then I believe the salary of Senators should be \$30,000 rather than \$7,500. But if men love money more than they do glory, then there is great danger that they will betray their country in order to line their pockets.

I refuse to believe that the American Republic has reached that point yet; I know it is not as it once was, wedded to glorious traditions and high ideals; I know it is not now as it was in the days of our fathers, when the honor was everything and the salary was nothing; but I had not believed that we had passed so far beyond those days that a man would stand up in the Senate and say he was willing to take less honor if he could have more money.

Mr. FORAKER. Will the Senator from Texas allow me to

ask him a question?

Mr. RAYNER. If the Senator from Ohio will excuse me for a moment, I do not want that to go to the RECORD. I never said that, and what I said can bear no such construction. If I said it, it does not at all bear the meaning the Senator from Texas has put upon it.

Mr. BAILEY. The Senator— Mr. RAYNER. I was speaking of the honors that a man held, which is quite different from the honor and integrity of his public or private life.

Mr. BAILEY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. I will yield in a moment.

The Senator from Maryland said exactly what I quoted him as saying, and I was commenting upon it as an evidence of the decay of what I believe to be a wholesome public sentiment. I did not indicate that the Senator from Maryland meant to say that he weighed the personal integrity of the man against the dollar, and I have not said anything susceptible of that construction. Now, I will hear the Senator from Ohio.

Mr. FORAKER. I do not imagine the Senator from Maryland lacks appreciation of honor more than the rest of us; but the question I want to ask the Senator from Texas is whether he thinks a judge will leave for his family any less honor work-

ing on a salary of \$9,000 than if working on a salary of \$9,000?

Mr. BAILEY. Yes, Mr. President. I believe the highest honor is with the man who serves his country most unselfishly and with the least regard for the salary he receives. [Applause.] And I believe that in just the same proportion that you increase his pay in money you decrease his pay in honor and in glory. That is my opinion, and I believe that events justify it. Year after year we have been increasing these salaries; and every time we hear the same argument, that men can not live upon the salary. There was made, only a year or so ago, an increase of the salary of all these judges, including the judges of the Supreme Court.

Mr. President, what salary was paid to the greatest judge

that ever adorned that bench, or any other, in the history of the world? I do not subscribe to the political doctrines of John Marshall; my opinion is that he did more to change the form and structure of this Government than any twenty men who ever lived under it, and yet, dissenting utterly from the political opinions of Marshall, I yet can pay him the just tribute of saying that he was the greatest legal mind that ever illustrated the jurisprudence of this country, or any other country, in the history of the world. Was it the salary that induced John Marshall to become the Chief Justice of the United States? No thought of the salary inspired him to take that exalted station. Historians say it was a political consideration. But I believe that, even though moved by a political consideration, John Marshall still believed that there, and perhaps there alone, he could render to his country the service for which his great intellect qualified him. Senators will recall that in the election of 1800 the Federalist party was driven from power in every department of the Government.

Jefferson or Burr was to be chosen President, because, having received the highest number of votes, the House of Representatives was required to choose between them. Whichever it might be, Jefferson or Burr, it could not be a Federalist. The election returned a majority, then called Republicans, now called Democrats, to the House of Representatives, and made it certain that the political complexion of the Senate was to change with the incoming Congress and administration. Thus, driven from every other department of the Government, the Federalist party took refuge in the judiciary, and John Adams appointed John Marshall to be the Chief Justice of that great

tribunal.

It is immaterial to me whether he sought it because he loved the work or whether he accepted it because he could do the work of a patriot and a Federalist. It is still certain that he

did not accept it for the sake of the salary.

Call the roll of that tribunal, Mr. President, and it will be found that no man ever accepted a commission to sit there who inquired about the size of its salary; and I do not believe any man who will ever be fit to sit there will care about the size of the salary, except only to know that it is enough to support him in decency and in comfort; and when Senators like the Senator from Maryland say we must pay our judges what they can earn at the bar, or approximating it, or whenever they make the salary a consideration for the acceptance of the office, they degrade the judiciary of this Republic.

Mr. President, I hope that time will never come; but if we persist in thrusting these increases on the judges they will fall into the habit of saving money, which is not the great lawyer's habit—as the Senator from Maryland has said—or else they will fall into the habit of spending it upon these gorgeous entertainments about which we hear so much, and when they do that what time will they have to study their cases or to write their opinions? But worse still, give them more money to spend, and it takes more of their time to spend it, and as you increase their scale of living you intensify the extravagance of all who watch them and who feel like following their example.

So it is that this deadly taint of extravagance and greed permeates every artery of our national life. That is what I protest against. I would prefer to see the men who hold the great commissions of the American people in executive, judicial, and legislative station unable to indulge extravagance, because, Mr. President, the simple life of a great man is a perpetual blessing to the people, while a life of extravagant indulgence is a perpetual curse to a Government like ours. We have nothing to do with individual extravagance and individual follies, provided they keep away from the criminal statutes of the country. I leave them to go their way, but I protest against the notion that men shall seek or accept the great offices of this Republic with any view either to the greed that wants more money or to the extravagance that needs more money.

Mr. TELLER. Mr. President, we seem to have drifted somewhat from this bill, and I want to say a few words about the salaries of judges. I shall not attempt to answer the Senator from Texas [Mr. Balley]. I agree with very much of what he said about the extravagance of the age. I think it can hardly be said, at least in the western country, where the price of living is somewhat higher than it is in the East, that we are encouraging any extravagance or tendency toward undue display.

The committee of which I happen to be a member received from the Judiciary Committee a list of amendments that they proposed to this bill, and, I believe, so far as the circuit judges are concerned we have accepted the proposition that the committee made to us.

Mr. BACON. Will the Senator permit me for a moment? Mr. TELLER. Certainly,

Mr. BACON. I wish, as a member of the Judiciary Committee, to say to the Senator from Colorado that that recommendation was accompanied by another which excluded from the enjoyment of the judges hereafter the right to payment of their expenses when away from their homes to the amount of \$10 a day.

I desire to say that, as far as I am concerned, my support of these amendments in the Judiciary Committee was based on that consideration and that alone. I thought that if we would cut off the \$10 per day we could afford to raise the salaries. Whether others were influenced by any such consideration, it is not for me to say; but it is due to myself, as a member of the Judiciary Committee, who agreed to that report, to say this much.

Mr. TELLER. I do not think it worth while to consider that proposition here, because we are now discussing the question of district judges and not circuit judges. We have already

passed on the circuit judges.

Mr. BACON. If the Senator will again pardon me, while it is true in a greater degree in the case of circuit judges than of district judges, the district judges also have the benefit of that provision when out of their districts; and the list which the Senator from Wyoming has been furnished by the Secretary of

the Treasury shows that it is generally availed of.

Mr. TELLER. I have no doubt the district judges when they perform duties which come within the statutory provision by which they can be specially compensated take advantage of that statute and get their pay. There is not much coming to the district judges under this provision of the law which has been mentioned. They are not called upon to go much out of the State. When they are, the Congress has in its wisdom provided that they shall be paid, and I suppose nobody will doubt the propriety of that course.

I will say one word about the federal judges in the West who have come within my knowledge. I have had the fortune to live in the eighth circuit for pretty nearly fifty years. I was there before the circuit was formed, and I have been familiar with the judges on that bench from the time we were incorporated into the eighth circuit, which is thirty-odd years ago now, until the present time. I think I can say without any question that it costs the judges west of the Mississippi River and in the eighth and ninth circuits at least 25 or 30 per cent more to live than it does the judges in other parts of the country; and in some

sections even more than that.

As a member of the legal profession I have been brought in contact for many years—nearly fifty years—with the occupants of the bench, and I want to enter my protest here against the suggestion that it is a possible thing that any federal judge is on a corporation roll. I am too well acquainted with the judges of my section of the country to believe that it is possible. I am too much impressed with the federal judiciary of this country to believe it possible in other sections of the country. I know there are individual cases where it has been said they have fallen under the domination of corporations, just as it has been said a hundred times that the Senate, as a body, has fallen under the control of corporations.

I have seen articles written about Members of this body, pub-

I have seen articles written about Members of this body, published in the public press, published in the magazines, that I knew were as false as they could possibly be, with reference to

their connection with corporations.

Mr. President, the Senator from Mississippi asked the Senator from Maryland, "Have you ever known anybody to decline a federal position because of the salary?" I have known more than one case where a federal judgeship has been refused, not the district judgeship alone, but the circuit judgeship in the eighth circuit, by men who were competent to fill the place and would have filled it with great credit. I do not mean to say that we did not get just as good a judge after the refusal as we would have got if the first offer had been accepted.

Mr. McLAURIN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. McLAURIN. The Senator from Maryland was making the argument—that is what I understood to be his argument—that because of the small salaries we were not getting as good judges as if the salaries were raised. Pertinent to that, as I thought and think now, I propounded the question to him whether he had known of any lawyer who had refused an appointment as federal judge on account of the salary. I think it is a very pertinent question, and I do not think it is overturned by the statement made by the Senator from Colorado.

Mr. TELLER. I will not have any controversy with the Senator from Mississippi on the subject. I simply state what I

know, and I know that in the West to-day you can not get on the bench of many of the States the best legal talent of the country

because of the paucity of pay.

Mr. McLAURIN. I did not mean to say that what the Senator from Colorado said was not true, but I say, taking that as true-and I know it is true, else he would not have made the statement-it does not overturn the argument that is drawn from the fact that lawyers, as a rule, do not refuse federal appointments because of the salary. I say it does not overturn it for the very reason that the Senator from Colorado has just stated, that in the instances to which he has referred, where he has known lawyers to refuse the office because of the inadequacy of the salary, he does not pretend that just as good lawyers and just as good jurists were not gotten in place of those who had refused to accept the appointments.

Mr. TELLER. Mr. President, I do say that in the West you can not get on either the federal or the state bench the most prominent lawyers in the section of country. Perhaps you could not do it if you raised the salary to the enormous sum of \$9,000 a year. I am not contending that we should put up the salary so that the leader of the bar in a State will want to go on the bench. A man who is offered a judgeship, who has due respect for the profession to which he belongs, might have to inquire whether he could live on the salary, and would act to inquire whether he could live on the salary, and would act according to his ideas of what he ought to do; whether he would leave for his family something at his death, if there should happen to be minor children and a widow. I think he has a right to consider those things. If the Government of the United States, wasting millions and millions of dollars a year in things of no value to us, should as a nation undertake to say it will not pay federal judges sufficient, at least, to give them a support such as they may think they are entitled to according support such as they may think they are entitled to, according to the way in which they have been brought up and educated, I think it is pretty small business.

Mr. President, the whole amount that we shall appropriate in this bill if we give them every dollar that the committee suggests that we do give them in this bill is a mere bagatelle compared to what we waste every month in the year on appropriations of money that are of no benefit, but an absolute injury to the country. A country that can spend a hundred and some odd million dollars on its navy and a hundred and some odd million dollars on its army and not go into bankruptcy, and put \$100,000,000, without winking, into the Philippine Islands thousand million dollars in ten years—ought not to haggle a great while about the salaries of the judges.

Mr. President, I shall support the report of the committee as it came from the Judiciary Committee. The Judiciary Committee put it at \$9,000. The Appropriations Committee put it down to \$8,000. The Senator from Ohio proposes to return it to what the Judiciary Committee reported it. If we can not get \$9,000, I shall be glad to get \$8,000; but I do think it unjust to say that the federal judges of this country shall serve for \$6,000 a year. In the West \$6,000 would not pay the cheapest kind of a lawyer who had any practice. We have had good federal judges in the West. I regard it as important to the public service that we should give them a compensation adequate to the service they render the country. I do not think we do that in this bill, not even now.

Mr. FULTON. Mr. President, I had hoped that the considera-tion of this measure would be concluded long before this, as I have been very anxious to have considered a bill of which I have charge, commonly known as the "omnibus claims bill." But I see we are not going to reach it to-night. I suppose I might as

well contribute my portion of the delay.

I think the discussion has not been without profit. I believe I have as high a respect and veneration for the courts of this country as any living man. I believe there has been no better judiciary in the history of the country than we have to-day. I believe it has never been presided over by men of higher character and stricter virtue than are they who compose our judiciary to-day. I have neither sympathy nor have I patience with the insinuations that are constantly being made in public speeches and in the public press against the character of our federal

I confess I was shocked and grieved to-day when the insinuation was made on this floor that there are members of the federal judiciary who are under the pay of corporations or of interests other than that of the public. I can not believe that the Senator who made that remark considered it well. I hope he did not. In any case, I denounce it as a base slander on the

judiciary of this Nation.

Mr. President, I deplore that such remarks should be made, and I am sure there is neither foundation nor justification for them. In no branch of the public service is there higher character than in the federal judiciary. At the same time, Mr.

President, I fully indorse the sentiment expressed by the Senator from Colorado-and it has been uttered by others-that we can not compensate these men in money or in dollars for the work they do. They do not expect to be compensated in The greatest compensation that they derive is from the consciousness of the honorable and efficient performance of duty. The value of the services the Government gets from an honest judge or an honest official is always greater than that which it pays in the salary.

We can not escape knowledge of the fact that the greatest inducement for men to enter into public life, to accept positions on the bench, in Congress, or elsewhere, is the distinction and the honor which a faithful discharge of the duties of office brings to him and to his family; and we all realize and know that he can give his family no greater inheritance than the knowledge that he has acquitted himself honestly, capably, and efficiently and has been a good, faithful public servant.

Mr. President, patriotism, fidelity to duty, can neither be compensated nor measured in dollars. Why do Senators talk of the value of the services of these officials? Is it a question of values? No. Honesty, efficiency, capability, and patriotism in the public service have their rewards, but they are not in riches, except in so far as a consciousness of duty faithfully performed on the one hand and a just appreciation of fidelity to a sacred trust on the other constitute riches. In my judgment these things constitute at once the greatest earning that one may accomplish for himself, and the most splendid heritage he may transmit to his posterity. The value of the service that Washington or Marshall or Lincoln rendered this Nation could not be computed in dollars, but who would not prefer to inherit the estate of one of them than to succeed to the wealth of the greatest Napoleon of finance that modern times have produced?

Nevertheless, Mr. President, I have believed that we are going too far in the increase of salaries all along the line. lieve that we went too far in the increase of the President's salary. I voted to insert the amendment reported by the committee, placing the salary at \$100,000 for the President. Unfortunately I was called out at the time when the vote was taken on the amendment reducing it to \$75,000, which was lost, and therefore I did not have an opportunity to vote as I would have voted, to substitute that sum for \$100,000. I felt that some increase was due, and rather than that there should be none I voted for \$100,000, while I believed it was too much.

I believe that the increase proposed for the judges is too great. I wish most frankly to confess that I do not agree with many of my colleagues in the statements they have made about the earning capacity of lawyers. I know something about what lawyers earn, and I know that two-thirds of the men who are now on the bench to-day are receiving more in salary than they ever actually cleared in their law practice before they went on

the bench.

I speak about what they cleared. They may have earned in fees considerably more than that, but out of that they had to pay their office expenses, their clerk hire, their assistants, and all that. I think most lawyers will agree with me that the average lawyer, and I mean the average good lawyer, is doing very well and has a very excellent practice when he is clearing above his office expenses, clerk hire, and all that sort of thing \$10,000 a year. Those gentlemen who are earning \$50,000 a year, or who could earn \$50,000 a year, have been mighty scarce in the parts of the country where I have lived.

Mr. PILES. The Senator lives in Astoria.

Mr. FULTON. My friend to the right says that I live in Astoria.

Mr. WARREN. Where is that? Mr. FULTON. It is not in Wyoming. [Laughter.] Mr. WARREN. Thank you.

Mr. FULITON. And I thank God for it. [Laughter.]
Mr. WARREN. I agree with the Senator.
Mr. FULITON. It is not in Seattle, although Seattle, as everybody knows, is the very center of the universe. one particular place, no doubt, Tom Marshall had in mind when he said that "the sky came down evenly all around;" hence it conclusively followed that it was the center of the universe. [Laughter.]

They have good lawyers in Seattle, and one of the most dis-tinguished of them is my good friend here on my right. Of course he does not pay me anything for saying that. I say it because I know it to be a fact. But I say, in Seattle the lawbecause I know it to be a fact. But I say, in Seattle the law-yers who are earning \$50,000 a year are very few. I know the gentlemen who are federal judges on the Pacific coast, and I know that none of them ever earned \$50,000, or anything ap-proaching \$50,000, before they went on the bench, and they would not be earning it to-day if they were off the bench, and yet they are the equal in ability, integrity, and all that goes to make a splendid judiciary of any like number in any district

in this country.

Mr. PILES. Fifty thousand dollars altogether?

Mr. FULTON. No; clear.

Mr. President, I was willing to make a reasonable advance, because I realize that the cost of living has advanced of late years. I was willing to make an advance to \$8,000. I think it is a reasonable one. I voted for it on the other proposition just submitted. I agree with the Senator from Ohio [Mr. Foraker], that there is no reason for any considerable distinction between the salary of the district judges and the salary of the circuit judges. I would make a slight difference, perhaps of \$500 a year, simply because of the position. I do think that the higher the position the greater the dignity, and it should be recognized by some difference in salary, but not much.

The district judge to-day does more work as a rule than the

He is doing all the nisi prius business, trying all the cases in the first instance. I do not suppose there is a circuit in which the circuit judge does any of that business to-day. Besides the district judge may be called to the

court of appeals.

I have been embarrassed to know just what vote I should cast on the amendment of the Senator from Ohio. I should like to see the salary of the circuit judges fixed at \$9,000. I think that would be nearer right. Then I would put the salary of the district judges at \$8,500. That would be my idea. I think we are really going further than we should go in the way

of increase of salary

Mr. President, I do not like to use the word here, but it does seem to me that there is abroad a spirit of extravagance in the way of increase of salaries. We are told to-day that we can not have a river and harbor bill because of the depleted condition of the Treasury; yet all over this country, in every commercial community, the cry is going up for appropriations for the improvement of our rivers and harbors and our highways. We can not accord them. Those who are in charge of the appropriation bills tell us we must not yield, because we have not the money with which to do it.

Then, Mr. President, if we must study economy in matters of so grave concern to the people as that I have mentioned, ought we not to apply a little of the doctrine of economy to the mat-ter of salaries? Let us make some increase, but let us make a

reasonable one.

Mr. SCOTT. Will the Senator yield to me for a minute? Mr. FULTON. Certainly.

I wish to ask the Senator from Oregon a ques-The salary of a district attorney is forty-five hundred dollars in my State. I do not know whether it differs in dif-

Mr. FULTON. I think that is what it is; at least it is in my

Mr. SCOTT. I understand that a district judge, of course, can not take any business in the court. Consequently we are paying the district attorney a great deal more in proportion than we are paying the judge, because he can go out and take other cases than those in the United States court.

Mr. FULTON. The Senator should take into consideration, in the first place, that United States district attorneys really do very little work outside of that office.

Mr. SCOTT. But they may do it.
Mr. FULTON. If they have time, yes; but as a matter of fact, they can do little else than attend to their official duties. But a district attorney is appointed for a term of four years only. He is not allowed to retire on a pension at the end of his A district judge and a circuit judge are appointed for life, and after reaching a certain age they are allowed to retire on pay for the remainder of their lives. That is a very great consideration, and there is very marked difference between their situation and the situation of district attorneys

Mr. FORAKER. Mr. President, the Senator from Oregon has made the remark I wanted to make; that is to say, I wanted to

call attention, and with that I am content-

Mr. FULTON. I hope the Senator will allow me to apologize to him. I wish he might have made the remarks, because he would have made them so much better.

Mr. FORAKER. That would have been impossible.

What I wanted to call attention to is simply this, that we have fixed the salary of the circuit judges at \$10,000. In addition to that, they are to be allowed the per diem when they are absent from home in the discharge of their duties. Every lawyer here and every Senator who is familiar with the business transacted in the courts knows that the district judges do quite as much work as the circuit judges do. There has always been a distinction in the salaries paid to the circuit and district

judges, respectively; largely, as the Senator suggested, because of the rank of the judges. That distinction heretofore has been, I believe, measured by \$1,000 per annum. We have increased the salary of the circuit judges from \$7,000 a year to \$10,000 a year, and have left to them the per diem.

Now, it is proposed to increase the salary of the district

judges only \$2,000, making the distinction \$2,000 in salary, and allowing the district judges, as the law stands to-day, no per diem and nothing on account of expenses when they are called away from home. That, I think, is unfair, and it is more because of the manifest unfairness of it that I have offered this amendment than with a view to fixing the salary at what will be

an adequate compensation.

It will be remembered that the district court has exclusive jurisdiction of all criminal cases, exclusive jurisdiction in admiralty, and exclusive jurisdiction in bankruptcy, and that the district judges constantly sit as circuit judges to transact all the nisi prius business of the circuit. The circuit judges sit almost exclusively in our part of the country in the court of appeals.

Mr. FULTON. They do everywhere. Mr. FORAKER. I think they do everywhere, as the Senator

from Oregon suggests.

If it be right for the circuit judges to have \$10,000 a year, taking that as a standard which we have already adopted, it seems to me we ought not to make this distinction, cutting the district judges down, or leaving the district judges at \$8,000 a year, as proposed by the Appropriations Committee. It is too much of a distinction, and it is because of the injustice manifest in it that I want to correct it if possible. We considered this very carefully in the Judiciary Committee, and when it was decided that the circuit judges should have \$10,000, I think every member of the committee felt that if the circuit judges should have \$10,000 the district judges should have \$9,000, the figure at which we finally fixed their salary.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER: Certainly.

Mr. FULTON. Before the Senator takes his seat, I wish to ask him if he agrees with me that the wiser plan would be to give the circuit judges \$9,000 and the district judges \$8,000, and if he would make a motion to reconsider the vote by which \$10,000 was given to the circuit judges?

Mr. FORAKER. I understand the committee felt that \$10,000 for circuit judges was none too much. I do not think \$9,000 is too much, and if the salary of the district judges be fixed at \$8,000, I will feel like it was an unjust discrimination against the district judges to fix the circuit judges' salaries at \$10,000.

Mr. FULTON. I call the attention of the Senator to the fact that when the question was agreed to in the Judiciary Committee the Senator, I think, took the position that \$10,000 was not too much. At that time the proposition was to cut off all other allowances. As it stands in the bill it is \$10,000 with allowances.

Mr. FORAKER. I understand. Mr. FULTON. Should we not reduce the salary to \$9,000 and leave the allowances?

Mr. FORAKER. In other words, here in the Senate, acting upon the report made by the Appropriations Committee, we are increasing the salary of the circuit judges beyond what the Judiciary Committee thought they ought to have by allowing them their per diem, which in some instances amounts, perhaps, to more than \$1,000 a year, and we are diminishing the salaries of the district judges. I think they ought to be practically the same. In other words, the distinction between the salaries ought to be only that which indicates the difference in the rank of the judges. I hope the day is not far distant when Congress will abolish one court or the other and give all jurisdiction to either a district court or to a circuit court. There is no necessity and no propriety in having two classes of judges. district judges and circuit judges.

Mr. CLAY. Mr. President, I want to occupy merely one min-

ute to explain my vote.

I have been voting in favor of these reductions, but I am now going to vote to sustain the Committee on Appropriations in fixing the salary in regard to the district judges. I believe we ought to reduce the salary of the circuit judges at least to \$9,000, and that motion can be made after the bill goes into the Senate. When the report came to us from the Judiciary Committee, that report, we understood, unanimously fixed the salary of the circuit judges at \$10,000 and of the district judges at \$9,000 per year. The Committee on Appropriations reduced the salary of the district judges to \$8,000 per year and let the

salary of the circuit judges stand.

Heretofore, as was said by the Senator from Ohio [Mr. Foraker], the district judges in this country have been drawing a salary of \$6,000 per annum and the circuit judges \$7,000 per annum. The difference between the two was only \$1,000. It is manifestly, to my judgment, wrong to fix the salary of the circuit judges at \$10,000 and then fix the district judges' salaries at \$7,000 or \$8,000. Heretofore the margin between the two has been only \$1,000 per annum. I find that in many of the States it is as in the State represented by my colleague and myself. Since I have been in the Senate we have provided for courts to be held at four or five different places in the northern district, causing the district judge to travel sometimes 100 miles or 150 miles for the purpose of holding court. I have been informed as to his expenses, but not by him. I have no letter from a judge to read on this occasion, and I am glad that he has not written me any to read. I have understood that his expenses amount to at least from \$1,700 to \$2,000 per annum.

What do you do? You simply fix the salary of the circuit judges at \$10,000 per annum and allow them railroad fare and traveling expenses, and you fix the salary of your district judges at \$8,000 and compel them in many instances to go over the different sections of their district and hold court without a single dollar appropriated for the purpose of paying their expenses.

I do not believe we can justify fixing the salary of the circuit judges at \$10,000 and of the district judges at \$7,000 or \$8,000. I hope that the Senate will vote to reduce the salaries of the circuit judges to \$9,000 and give the district judges at least \$8,000.

Mr. President, just a word further and I am through. I do not believe myself in insinuations. It is a most serious charge, if it be true, that any of the district judges or circuit judges are on the pay roll of any corporation while they are holding the office of judge. If a Senator or anybody else knows of any such judge, he ought to be specified and named, and the charges should be made against him and not made against the judiciary throughout the length and breadth of the country. I believe that the hope and future safety of this Nation to a large extent depends upon an upright, pure, honest, and fearless judiciary; and under no circumstances ought we to reflect upon our federal or state judiciary unless we specify the charge and name the judges, with the proof to sustain the charge.

Mr. HEYBURN. Mr. President, in considering my vote on this question I am not governed at all in any instance by the individual merit of any judge. I am not disposed to inquire as to the relative ability of the officer. The salary is directed to the office and not to the particular man occupying it. If we were to adopt a different rule, we would have a scale of salaries that would be based upon the record of the efficiency, real or otherwise, of each of these judges. We must bear that in mind

in approaching this subject.

Some comment has been made as what judges could earn if they were practicing at the bar. In my judgment, that is not a proper consideration in determining this question, because judges come and go, as other men in position, and it might be that there would be an incumbent upon the district bench who, in point of ability or of earning capacity, would rank far ahead of any other judge upon the bench in the United States. I think that emphasizes my suggestion that the consideration is the office and not the particular incumbent of the office.

The compensation paid to judges is not based upon the law of barter or exchange of position. We do not select men in appointing judges because of the extent of their practice as attornews or the extent of their income. We select them because of the fitness which they possess for the performance of those duties. It is the office itself that we are to consider in deter-mining the question of salaries.

It is a coordinate branch of the Government, comparatively few in numbers, and yet far from being the least important of the coordinate branches of the Government. They control the action of the President of the United States when occasion re-They stand between the people and the Constitution of the United States, against encroachment upon the rights of the people under the Constitution.

We have never in the history of this country treated the judiciary with the dignity and respect to which it was entitled. The Chief Justice of the United States is the single head of a coordinate branch of the Government, as the President is the single head of a coordinate branch of the Government. Compare the compensation which these offices command. The Chief Justice of the United States is his official title. He performs functions under the Constitution other than those of presiding

over the Supreme Court. In the presumption of law he is, by direct provision of the Constitution, the single head. Yet we compare his salary upon the basis of what duties he has to perform, how many hours a day he must work, what his expenses of living may be. That is not a fair basis of comparison. The dignity of the office and its relation to the Government are the only considerations that should guide us in determining the compensation that shall be commensurate with the rank and dignity of the head of one of the coordinate branches of

Mr. President, as to the district judges, I would not consider the amount of labor that they perform or the number of days they may be occupied in the performance of their duties. Neither would I do that with the circuit judges. Our circuit judges to-day in every part of the country sit almost exclusively in the circuit court of appeals, only occasionally sitting in the circuit and performing the functions which but a quarter of a century ago was their every-day performance of duty

I think I may say confidently that within the very near future the Congress of the United States will be called on to pass upon the question of the consolidation of the circuit and district courts. A commission that was appointed by Congress to report upon the revision of the laws has recommended that the duties now performed under the provisions regulating the circuit courts shall all be performed by the district courts; that there shall be but one court for the trial, consideration, and determination of all causes of a federal character primarily, and that it shall be called the "district court," carrying with it the jurisdiction that now rests in the district and circuit courts; that the circuit courts of appeal shall be abolished; that the circuit court shall be an appellate court from the district court, and that an appeal shall lie from the circuit court, within certain limitations, to the Supreme Court of the United States. I think I may safely say that there is a very strong sentiment in favor of this change. When that time comes we shall of necessity have more district judges than we have at the present time, because their duties will be largely increased. The circuit judges will be less in number, because they will constitute only an appellate court for each circuit.

Now, in view of this fact, in view of this position that it is the office and not the individual judge, why should we hesitate to make the compensation, if we may term it such, of these judges commensurate with the dignity of their office as well as with the duties which they perform?

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Idaho what exigency there is which forces this increase of salary upon us now. Certainly there is no constitutional barrier against increasing these salaries as these bills are reported from time to time. The same argument does not apply in this case that applies to the presidential office. Then why should we not wait until the income of the Government is sufficiently well assured to justify us in the expectation that we shall be dealing with a surplus and not with a deficit?

Mr. HEYBURN. Mr. President, the Senator from Michigan asks what exigency exists. It is the accumulated exigency of asks what eargency exists. It is the accumulated exigency of fair treatment of a coordinate branch of the Government. That is all. The fact that we have erred in the past, or failed in the performance of our duty, should not deter us from the performance of our duty at this hour. I have not taken into consideration the condition of the Treasury of the United States. There has not been, and there never will be, a time when we shall be justified There has not in failing to do justice because we can not afford to do it. The Government of the United States is not in danger of becoming insolvent any more than the farmer is in danger of becoming insolvent because one branch of his industry fails to be profitable and other branches become profitable. So I will drop out of consideration the question of the condition of the Treasury of the United States. We will attend to the condition of the Treasury of the United States when we come to provide for the revenues of the Government. That is the time to consider the Treasury of the United States.

I am not in favor of extravagance in government, but I am in favor of a fair and impartial recognition of the separate branches of this Government in determining the compensation that shall represent not what they could earn to-day, because there is no equality in the amount of duty which each per-

forms, but what the office should represent in the determina-tion of the question of the compensation going with the office.

There is not an officer of the Government that could not live on less than the salary which he gets. If we were to under-take to determine or to weigh the question in the balance of

absolute necessity, we would cut all salaries down, but we weigh them rather with reference to the question of a proper and dignified provision to those who, sacrificing personal in-

terest, give all their services to the country.

What class of officers gives so large a proportion of their time to the public service as do the judges of the courts? no holiday for them; their session does not begin or end, as ours does, with a long interval between. A judge is either sitting to hear the cause or sitting in judgment upon it. His mind is charged with the performance of his duty as judge as much when he is in vacation as when he is on the bench. Men who know how the mind of a competent lawyer is constituted know that he is trying his case from the time he wakes until he sleeps, so long as he lives; and if he has the instinct of the lawyer in him, with the judge, actuated by that sense of duty that controls him, it is the same.

Mr. President, I have felt humiliated when I have seen justices of the Supreme Court, from financial necessity, perhaps, walking from their homes to the place of their performance of duty-men who, as I say, stand for the Government itself, who can reach out their hands and stay our action or determine its scope and effect; men who are called upon to weigh the action of every other man who stands to represent the people in the functions of government. What higher duty is there? What

duty that carries with it more of the dignity of the Government?

Their mouths are closed by propriety; they can not appeal to our committees and present their ideas. They can not go out among the people and ask them what they think they are entitled to. They are sitting there waiting for our voluntary action to relieve them, and are not even permitted by the rules of propriety to suggest a reason or argument or an occasion for the consideration of their rights. They are separated like anchorites from the great body of their fellow-citizens by the rules of propriety; are withdrawn from public participation in public affairs, because, forsooth, they would be charged with violating the proprieties of their office. We set them off there upon the cold and silent throne of justice, where our rights as citizens of this country are adjudicated. So when, therefore, we stand here and quibble as to whether their pay should be \$7,000 or \$8,000 or \$9,000 or \$10,000 it is trivial and petty. It is the office for which we speak, the dignity of the Government, and behind it all the question of fairness in the consideration of the rights of these public officers.

Mr. DIXON. Mr. President, I sincerely dislike to weary the Senate with any observations of my own at this time; but, in view of the statement of the acting chairman of the subcommittee of the Committee on Appropriations that the governmental revenues would fall short \$150,000,000 for the present fiscal year, it seems to me it is at least inopportune to now propose the increase of salaries for the federal judiciary. For that reason, no matter what may be the argument for or against, this particular time, to say the least of it, is inopportune for increasing salaries, except in the case of the President.

I do not believe in this discrimination that the real yardstick of measurement of the federal judge's salary has really been used. In the first place, the salary is for life. I apprehend that the average federal judge when he goes on the bench is probably 55 years of age. I doubt whether the average federal judge serves over fifteen years, and when reaching the age of 70 he retires with a salary for life, which, I think, would average at least one-half the length of time he serves upon the bench.

If that be true, instead of a United States district judge at this time really receiving \$6,000 per annum, in actual results we give him \$6,000 a year for the net salary and 50 per cent in his retired pay; and I think it is not too much of an estimate to say that that would give him \$3,000 more, or \$9,000 a year. I think the average office expenses of the lawyer in practice, counting his rent, stenographer, and office expenses generally, would easily reach \$2,500 a year. If you take these figures the district judge, now receiving on the face of the law annually \$6,000 a year, is drawing a salary equivalent to \$11,500 as compared with the lawyer in average practice. Under the bill as reported by the committee, taking the basis of pay at \$8,000 a year, with this same yardstick of measurement it will make the federal district judge's salary \$14,500 a year for the actual time he serves. If you adopt the amendment offered by the Senator from Ohio [Mr. Foraker] to make the salary \$9,000 a year, using this same yardstick of comparison, in reality you will pay your district judges \$16,000 per annum.

A few minutes ago, while this debate was going on, I sent up to the library to get some tables which would show the highest salaries paid the chief justices of the different States in this Union; and, to my surprise, I find from the list that only six States in the United States at this time pay to the chief justices

of their highest appellate courts a salary equal to what the district federal judges receive under the present law, which was passed three years ago. Taking the amendment of the committee at \$8,000 per annum, only six States at this time pay their chief justices the same salary, and that does not take into consideration the fact that the federal judges draw their salaries for the entire period of their lives. Taking the amendment offered by the Senator from Ohio, only four States in the Union pay their chief justices the same salary as it is proposed to pay the eighty or ninety district judges of the United States. If you take the real scale of pay, represented by the salary earned while actually in office, plus the average pension paid after retirement from the bench, there is not a single State in the Union to-day that pays its chief justice a salary equal to the present salary of the federal district judges except the great Empire State of New York.

Let us call the roll of States and see. The great State of Alabama pays its chief justice a salary of \$5,000 a year. He is elected for a period of not over six years, I apprehend, has to pay campaign expenses, and retires at the end of his term with no pension for life. He receives, as I have said, a salary of \$5,000. California pays its chief justice \$8,000; Arkansas,

\$3,000; Colorado, \$5,000; Connecticut, \$4,500-Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the yield to the Senator from California? Does the Senator from Montana

Mr. DIXON. With pleasure.
Mr. FLINT. I want to call the attention of the Senator from Montana to the fact, which has been brought out in the discussion here to-day with reference to whether the people desire to be taxed to pay their judiciary, that in the State of California the question was determined by a constitutional amendment, fixing the salary of our chief justice at \$8,000 a

Mr. DIXON. That was fixed by a constitutional amendment? Mr. FLINT. Yes, sir. Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. DIXON. Certainly.
Mr. BULKELEY. The statement the Senator has read in regard to the salary of the chief justice of Connecticut puts the amount as it was fixed some years ago. It has been since changed and increased to \$6,000 or \$6,500, instead of \$4,500.

Mr. DIXON. I am reading from the December issue of

Law Notes. But even if Connecticut gives her chief justice a salary of \$6,500, we are paying the federal district judges in reality at this time 50 per cent—yes, 75 per cent—more than the State of Connecticut pays its chief justice.

Mr. WARREN. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. With pleasure.

Mr. WARREN. Perhaps I did not pay close attention at the time the Senator amplified his statement. If I remember correctly, he said that by using some kind of a yardstick the district judges would receive some fourteen or fifteen thousand Will he state how he makes that out? dollars.

Mr. DIXON. I make it out in this way: I said a while ago that I think the average federal judge does not serve over fifteen years in actual time on the bench. I took an arbitrary statement that the average federal judge is probably 55 years

Mr. WARREN. Right at that point, I think that might hold true as to the Supreme Court of the United States, but I hardly think it would hold true as to the district judges, because, so far as my observation has gone, they are usually under 55, the age the Senator named, when they enter upon their service.

Mr. DIXON. The statement I made was that if a district

judge served fifteen years on the bench and retired at an average period of life and lived on an average seven and a half age period of the and river on an average seven and a narryears after retirement, it would in reality make the present salary of \$6,000 a year equal to \$9,000 per annum while he was serving actually on the bench. To that I added \$2,500 as the general office expenses of a lawyer in active practice, who was fitted under ordinary conditions to be made a federal judge.

Mr. WARREN. The Senator can hardly add that to the

salary, because that provides simply what he pays out to others for doing his work. That would hardly be part of the salary.

Mr. DIXON. But the thing I wanted to bring out was that the present salary of \$6,000 per annum, now paid for life, was actually equivalent to a lawyer in actual practice earning under these conditions \$11,500 per year; that is, if the salary as fixed by the bill as reported is adopted it would be equal to an actual gross earning capacity for a lawyer in active practice

of \$14,500; and, if fixed under the amendment of the Senator

from Ohio, of \$16,000 per annum.

But, for the benefit of the Senate, I want to read the list But, for the benefit of the Senate, I want to read the list as to the salaries of the chief justices in some other States. The State of Delaware pays its chief justice \$3,000; Florida, \$3,000; Georgia, \$3,000; Idaho, \$3,000; Illinois, \$10,000; Indiana, \$6,000; Iowa, \$4,000; Kansas, \$3,000; Kentucky, \$5,000; Louisiana, \$5,000; Maine, \$5,000—

Mr. BACON. I want to say to the Senator, in order that he

may be correct, that while I can not now state the figure, I am quite sure the amount of salary paid to the chief justice in Georgia has been raised, though not to the figure that is now paid to the federal district judges. I have forgotten the amount, but I say it is not as much as we pay to the district

Mr. DIXON. It is still not so much as we pay United States

district judges.

Mr. BACON. I am quite sure it is below the salary of the United States district judge, but what the exact figure is I

Mr. DIXON. Maryland pays her chief justice \$4,500; Massachusetts, \$8,500; Michigan, \$8,000; Minnesota, \$5,000; Missouri, \$4,500; Montana, \$6,000; Nebraska, \$2,500—
Mr. BROWN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. DIXON. With pleasure.
Mr. BROWN. I desire to call the Senator's attention to the fact that the people of Nebraska, by constitutional amendment, have increased the salaries of the judges this year to \$4,500.

Mr. DIXON. But still that is 50 per cent less than the actual amount paid the federal district judges.

I have now a later number of the Law Notes, giving three or four corrections as stated by Senators during the reading. New Hampshire pays her chief justice \$3,500; New Jersey, \$10,000; North Carolina, \$3,000—

Mr. OVERMAN. I will say that we have increased the salary \$500, making it \$3,500.

Mr. DIXON. The great State of North Carolina, under the statement of the Senator from that State, now pays its chief justice \$3,500, only a little more than one-third of the actual figures that are in the bill, and, as a matter of fact and coldblooded financiering, not over 20 per cent of the real amount that a district judge of the United States draws at this time, taking into consideration his life pension.

To continue the list, North Dakota pays her chief justice \$4,000; the great State of Ohio pays her chief justice

\$6,500-

Mr. FORAKER. How much?

Mr. DIXON. Six thousand five hundred dollars.
Mr. FORAKER. That is correct. I want to say, if the
Senator will allow me, that when I was on the floor a few moments ago some one asked me that question. I was unable to answer; so I sent to the library, or had my clerk go there, and he reported to me that the salary was increased a year or two ago and the supreme court judges now get \$6,500.

Mr. DIXON. That is the amount the Law Notes give.

Mr. FORAKER. I think that is less than they ought to have. Mr. DIXON. Pennsylvania pays her chief justice \$8,500, only 50 per cent of what a federal district judge really will get under the proposed amendment now pending. Rhode Island pays her chief justice \$5,500; South Carolina, \$2,800—but the footnote says that that has been increased to \$3,000—South Dakota, Says that that has been increased to \$5,000—South Dakota, \$3,000; Tennessee, \$3,500; the great State of Texas, \$3,500—
Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana

yield to the Senator from Texas?

Mr. DIXON. Certainly.
Mr. CULBERSON. I am satisfied that the amount stated by the Senator from Montana as to the salary of the chief justice of Texas is incorrect. He is paid \$4,000 by the constitution which was adopted in 1876.

Mr. DIXON. All that I know is from the table printed in the Law Notes. Of course, I know nothing about it personally.

Mr. WARREN. I suggest to the Senator from Montana that the table seems to be very imperfect. Judging from the interruptions of various Senators, it does not seem to be reliable.

Mr. DIXON. Including all the corrections, still the salaries paid to the chief justices of the States are not within 60 per cent of the amount we are going to pay the federal district judges under the bill.

Vermont pays her chief justice \$3,000—
Mr. PAGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Vermont?

Mr. PAGE. Vermont raised the salaries of her judges this year to \$4,000.

Mr. DIXON. Four thousand dollars-about 331 per cent of the amount to be paid federal district judges, as provided in the bill.

Mr. DEPEW. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New York?

Mr. DIXON. With pleasure. Mr. DEPEW. I should like to ask the Senator from Montana, if he is reckoning that the federal district judge gets \$15,000, how much of that is available for his expenses, to pay his bills? As I understand, he now receives \$6,000 a year salary. By a computation, something like a life-insurance computation, the Senator figures out that, with his office rent, with the pension he will receive after his retirement, and other considerations, the judge is actually receiving \$15,000 a year. has got to support his family, and he actually gets \$6,000. How does he get the other \$9,000?

Mr. DIXON. I beg pardon of the Senator from New York. I did not say that the judge got that much money. I said that was the equivalent of what a lawyer made in actual practice. I had stated that the judge gets at least 50 per cent more than appears on the face of the salary itself, considering his life pension at full pay on retirement. I am merely reading from this list; but I believe that what I am now reading is as interesting as anything in the debate; and I will read the rest of it.

Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. With pleasure.

Mr. CLARK of Wyoming. I desire to ask for information as to the Senator's computation. For what length of time does he consider the pension?

Mr. DIXON. For half of the service on the bench. Mr. CLARK of Wyoming. Then, if a judge has served upon the bench for forty years and retires at the age of 70, the Senator considers the pension up to the age of ninety.

Mr. DIXON. Oh, no. No district judge in the United States, I think, in the whole record of our judicial history, has served that long.

Mr. CLARK of Wyoming. I am trying to get at the basis of

the Senator's calculation, not at a particular case.

Mr. DIXON. I say the "average." I think I stated that very fairly.

Mr. CLARK of Wyoming. Is the Senator prepared to say what the average age at retirement has been?

Mr. DIXON. I do not know.

Mr. CLARK of Wyoming. Or is the Senator prepared to say, having figured out this computation carefully, what has been the average length of service of the federal judges upon the bench?

Mr. DIXON. I will take, without knowing what the tables show, the expectancy tables of any of the great life insurance

A federal judge is not an unusual man. companies.

Mr. CLARK of Wyoming. I am simply asking for my own information. If the Senator has made a computation that is exceedingly accurate as to the mathematical part of it in figuring out percentages, I want to know if he is accurate as to the basis

of his percentages.

Mr. DIXON. I will say in reply that I know nothing whatever, individually, as to this matter, but I will take the tables of the life insurance companies for the kind of a life a judge lives, and, whatever it may be, submit that to the Senator from Wyoming for his information; but I think I have not missed it very far.

Virginia pays her chief justice \$4,200; Washington, \$4,000;

West Virginia, \$4,500; Wisconsin, \$5,000; and Wyoming, \$3,000. I think, Mr. President, applying a homely maxim, that charity ought to begin at home. If the legislatures of 46 States in this Union in their combined wisdom have fixed the salaries of their chief judicial officers 50 per cent less than that now paid the federal judges at this particular time, with \$150,000,000 deficit facing us for this year, we will agree that, at least, this proposed

increase is not opportune.

I have another table in my hand, and I think it might prove of interest. I will not weary the Senate. It is a list of salaries paid to the chief executive officers of 45 States of the Federal Union.

Mr. WARREN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. With pleasure.
Mr. WARREN. I am going to differ very seriously with the computation the Senator has made of the length of service of

the judges and the length of their retirement. In the first place, we have had judges on the Supreme Bench who have served thirty-five to forty years. I think one-third or one-half of the present members of the Supreme Bench are now beyond 70 years of age. They serve long after the age others usually tire of work or until they are incapacitated. So, taking those who commenced earlier than the age the Senator gives and those who served later, I believe he should divide it by about three, and that about one-third of the amount he has estimated for retirement would come nearer the true amount than the figures he has given us.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. DIXON. Certainly.
Mr. FULTON. I wish to ask the Senator if he read from the list on his desk the salary paid to the supreme judges of

I read it.

Mr. FULTON. I was out of the Chamber for just a moment. I saw the list the Senator has now, which quotes the salary at \$2,000, and if the Senator so read it, it is inaccurate. Probably it was compiled from the provision in the constitution of Oregon, which fixes the salary at \$2,000. But the legislature has since increased it. I am not quite certain myself whether the judges get \$4,500 or \$5,000, but it is either one or the other.

Mr. DIXON. The Senator from Oregon is correct. I find in

the January number of Law Notes a letter from W. A. Robbins,

of Portland, Oreg., who says:

In Volume No. XII of your Law Notes, I notice on page 168 thereof, under the title "Underpaid judiciary," you state that the chief justice of the State of Oregon gets a salary of \$2,000 per annum. I beg to call your attention to the fact that this is an error, as the chief justice of this State receives a salary of \$2,000, together with an additional salary of \$2,500 annually as a full compensation for the additional labor in holding court away from the capital, to wit, at Pendleton, Oreg. (See Session Laws, 1903, p. 182.)

W. A. Robbins.

W. A. ROBBINS.

Mr. FULTON. Yes.
Mr. RAYNER. What did you give as the salary of the appel-

late judges of Maryland?

Mr. DIXON. The Law Notes for December gives it at \$4,500. Mr. RAYNER. You will have to add \$1,300 to that. My colleague, who has definite information on the subject, says we pay them \$5,800 for salary and expenses.

Mr. SMITH of Maryland. Thirteen hundred dollars was

added last year for expenses.

Mr. DIXON. I wish the Senator from Maryland would re-

peat his statement.
Mr. SMITH of Maryland. The court of appeal judges of Maryland now get \$5,800. The compensation was raised at the last session of the legislature by \$1,300 for expenses. The associate judges of the State get \$3,600.

Mr. DIXON. The associate justices \$3,600?

Mr. SMITH of Maryland. The circuit judges, \$3,600.

Mr. DIXON. And the chief justice gets \$4,500, with \$1,300 for expenses; \$5,800 in all?

Mr. SMITH of Maryland. Yes.

Mr. RAYNER. All the appellate judges get \$5,800-every one

Mr. DIXON. That includes salary and expenses?

Mr. RAYNER. Salary and expenses.

Mr. DIXON. As against \$10 a day for a district judge when

holding court outside of his own district?

For the further information of the Senate I want to read what the 45 States of the Union pay their chief executive officers; and I find that only 7 of the 45 States pay their chief executive officers a salary equal to that now paid the federal district judges. Alabama pays her governor \$5,000. He is elected for four years, after a somewhat strenuous and ex-tensive campaign, and can not succeed himself. Arkansas pays tensive campaigh, and can not steeled misself. Arkansas pays her governor \$3,000 a year; California, \$6,000; Colorado, \$5,000; Connecticut, \$4,000; Delaware, \$2,000; Florida, \$5,000; Georgia, \$5,000; Idaho, \$5,000; Illinois, \$12,000; Indiana, \$8,000; Iowa, \$5,000; Kansas, \$5,000; Kentucky, \$6,500; Louisiana, \$5,000; Maine, \$3,000; Maryland, \$4,500; Massachusetts, \$8,000; Michi-

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. DIXON. Certainly.

Mr. SMITH of Michigan. Michigan has been a little more liberal toward her chief executive since that book was pub-It is \$5,000 now.

Mr. DIXON. Still a thousand dollars less than the federal judges get, and \$4,000 less than is proposed under this pending amendment.

Minnesota, \$7,000; Mississippi, \$4,500; Missouri, \$5,000; Montana, \$5,000; Nebraska, \$2,500; Nevada, \$4,000; New Hampshire, \$2,000; New Jersey, \$10,000—

Mr. GALLINGER. I will state that New Hampshire has

grown a little more liberal, and pays \$3,000 now.

Mr. DIXON. The latest return from New Hampshire is \$3,000 per annum.

Mr. GALLINGER. That is right.

Mr. DIXON. One-half of the present salary of a district judge and just one-third of the salary proposed by the pending amendment.

Mr. KEAN. Did the Senator read New Jersey?
Mr. DIXON. The great State of New Jersey stands within one of the top of the list—\$10,000 per annum.
Mr. KEAN. That is correct. I suppose the Senator, when he

finishes this comparison, will also compare the compensation of the members of the legislatures of the States with the compensation of the Members of the House of Representatives and the Senate.

Mr. DIXON. If Senators desire to hear it, I shall be pleased

to entertain them.

Mr. du PONT. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana

yield to the Senator from Delaware?

Mr. DIXON. Certainly.

Mr. du PONT. I should like to ask the Senator from Montana what salary he stated that the governor of Delaware receives?

Mr. DIXON. As given in the New York World Almanac for 1908, from which I read—
Mr. RAYNER. I should like to inform the Senator from

Montana-

Mr. DIXON. It is \$2,000. Mr. du PONT. I should like to say that the salary of the governor of Delaware is \$4,000.

Mr. DIXON. Two-thirds of the salary at present paid to district judges, and about 40 per cent of that proposed to be

paid to them annually under the pending amendment.

Mr. RAYNER. I suppose the Senator is going down the

line, and will presently get to justices of the peace and constables. We pay our members of the state assembly \$450 per He might cite that as a good reason-

Mr. DIXON. That is probably the measure of their worth Maryland. I know nothing about that. New York pays her in Maryland.

governor \$10,000.

Mr. RAYNER. I am glad to say that their work is very much better than the work of the general assembly in the Senator's State, from all the evidences we have had.

Mr. DIXON. I will say to the Senator from Maryland we have had some that I do not think we could get up an argu-

ment about.

Mr. RAYNER. We have had some of the best men in our State in the assembly. I myself was in the state assembly. [Laughter.] Let me finish the sentence. I was in the general assembly with two ex-Cabinet officers—Philip Francis Thomas, who was Secretary of the Treasury and was elected United States Senator, and Montgomery Blair, who was Postmaster-General in Lincoln's Cabinet—and a dozen other distinguished men in my State, and they came there for \$450 a year. So if you are citing those cases, I think you might go down the line.

Mr. DIXON. I am merely citing this to show the wisdom of the average representatives of the people in all of the States of

the Union with respect to the offices named.

North Carolina pays her governor \$4,000, and he can not succeed himself, as the junior Senator from North Carolina [Mr. Overman] remarks. North Dakota, \$3,000; Ohio, \$10,000; Oklahoma, \$4,500; Oregon, \$5,000; Pennsylvania, \$10,000; Rhode Island, \$3,000; South Carolina, \$3,000; South Dakota, \$3,000; Tennessee, \$4,000; Texas, \$4,000; Utah, \$4,000; Vermont, \$1,500—Mr. PAGE. I should like to say to the Senator that we have

raised the salary to \$2,500.

Mr. DIXON. Twenty-five hundred dollars, or about onequarter of that fixed for a federal district judge under this amendment.

Virginia, \$5,000; Washington, \$4,000; West Virginia, \$5,000; Wisconsin, \$5,000; Wyoming, \$2,500.

That is about all that I wanted to say. I have consistently voted against all of these raises except in the case of the President, whose salary can not be changed for the coming term unless it is done before the 4th of March. I really think that in his case, as the head of the Nation, with extraordinary ex-penses and extraordinary dignity, he should receive more sal-ary than that fixed by the present statute. In the case of the federal judges I think, in comparison with all the great officials of the Government, there are no men on the federal pay roll

paid as much annually for their services as the judges whose

salaries we are now considering.

Mr. BORAH. Mr. President, I suggested the amendment which brought up in the first place the question of the change in the salaries of the federal judges, and in view of the trend of the discussion which has taken place I want to add just a word.

In the first place, we need hardly vie with one another here in our regard and respect for our judiciary. We all have a very high regard and a profound respect for that tribunal and for the great men who have occupied positions upon that tribunal from the time of its organization to the present time. I do not believe the general character, standing, learning, and ability at the present time are by any means lower than at any other time in the history of the bench. There have been exceptional men upon the bench in times past to whom the historians have given a peculiar place in our history, and it may seem to some improper to compare them with the present occupants. But when the present history of the country comes to be written we will find that such men as Harlan and Fuller and their associates will compare in ability and integrity and in worth with the greatest jurists who have presided over that bench at any time in its history. So we may set aside for the present the question of the present status of the bench with reference to its integrity and character and our regard for it.

I believe in their integrity. I believe in the integrity and the ability of the federal bench as a whole. I do not believe that any just insinuation can be indulged in against that tribunal. There may be rare exceptions, and there have possibly been rare exceptions, which would give rise to a possible inference at different times in the history of the bench, but as a whole and in its complete history it is one of the greatest tribunals in the history of the world, and has been presided over by the most remarkable set of men who have ever presided over any tribunal. In my opinion that is just as true at the present hour as at any other time in the history of the country.

But, Mr. President, I also believe in the profession of which I am a very humble member. I do not believe the time will ever come in the history of that profession when it will not furnish sufficient brains and integrity, sufficient ability, and sufficient patriotism to fill the places upon that great tribunal, without considering to any great extent the question of salary or the sufficiency of the emoluments.

The emoluments would never secure to us the bench which has been secured, and the only way in which it will be secured is by reason of the fact that the great legal profession will always have in it men of sufficient ability and of sufficient loyalty to the Government and with sufficient desire and design to acquire a place in the history of the country to serve upon that bench regardless of the question of emoluments. So we need not fear so far as the question of salary is concerned as to keeping up the efficiency of the bench.

I desire to say in answer to the suggestion of the Senator from Washington that it does not necessarily follow that the man who is drawing fifty or one hundred thousand dollars a year as a lawyer is the most efficient and capable man to act as a jurist upon the bench. Some of the greatest men who have ever presided over our tribunals have been those who were failures, pronouncedly so, in the practice of law.

The man in the arena, in the conflict of the trial, is one individual, and he may be a powerful advocate, commanding great fees and controlling great interests, and yet in the dispensation of justice from the bench he may be to a great degree a failure. He may lack the judicial temperament. That has happened time and time again. So, Mr. President, there always have been and always will be men who will take these positions from another consideration entirely.

Mr. President, there are no judges at the present time resigning to any great extent. There is no difficulty in filling vacan-Whenever a position is vacant, there is no trouble to find

a party competent, efficient, properly trained, anxious to take it.
Will any member of this body contend that by reason of
modest emoluments which have been prevailing for some time
the standing of the judiciary of this country has been in any wise lowered? Has the fact that for the last twenty-five years we have not been paying salaries equal to the income of great lawyers lowered the standing or the capacity or the ability of the federal bench? It simply proves, as has been suggested here so ably by the Senator from Texas, that there is a motive impelling men to take positions other than that of salary.

A republic will never be able upon the ground of moneymaking to arrange its salaries in accordance with that principle. We can not establish in this great body a rule which will compensate men in the measure of dollars and cents for their services. It is an impossible rule for a republic to adopt.

Mr. President, we have organized here at some time or other in the history of this body what the scientists have never been able to discover, and that is, politically speaking, perpetual We raise one salary. motion. When we come to discuss the question whether another salary shall be raised, we do not take into consideration the actual necessity of the raise, but we stand here in our places and argue that because one salary has been raised it is unfair to keep some other man's salary down. The result is, when the entering wedge is once made and a salary is once raised, one position is played against another until there is a constant, perpetual motion for the raise of salaries. That is the real basis of the contention of the distinguished Senator from Ohio in this argument and this very motion-that we have now established a \$10,000 rate for one judge, and whether it is too high or too low, the point is that we must not discriminate, and therefore we must inquire not into the real worth of the service or the necessity of the raise, but whether some one else is drawing more than this particular individual. So we have this constant movement and perpetual motion with reference to these matters, based upon the proposition of playing one department against another, one officeholder against another, until we have always confronting us the question not what is the real amount that we should pay, but what some one else is drawing.

Mr. President, I have been opposed to the raise of these salaries from the beginning, for two reasons. In the first place, in my judgment, the raise of these salaries is in violation of the spirit of the Constitution, and it is, in my judgment, a violation of good faith on the part of the majority party in this Chamber toward the people of the United States. The Constitution provides that we shall not raise the President's salary during his term of office. We are hastening now with undue dispatch to avoid the violation of the letter of the Constitution, when we know we are violating the spirit of the Constitution in doing so. I submit that if the question of the raise of the salary of the President and of all the officers mentioned had been suggested in this Chamber last spring it would have died in the twinkling of an eye. I suggest, further, that if it had been suggested in the late campaign that we were going to raise the salary of the President, or raise the salary of the several different officers to the extent proposed, it would have been repudiated by all the candidates for President and by the chairmen of all the parties asking for the suffrages of the people. So we are not only violating the spirit of the Constitution, but we are violating what, in my judgment, is the spirit of good faith toward the people, whose approval the majority party in this Chamber asked within the last ninety days.

It is said the people are in favor of it. They have had no opportunity to pass upon it, and we are not giving them in this way an opportunity even to protect their rights, in my judgment, under the Constitution. It has been said here by the Senator from Colorado [Mr. Teller] that this is a mere bagatelle. So it is. And it has been said further, and very properly, by the Senator from Colorado, that it is nothing in comparison with some of the expenditures which are being made, and which ought to be ctopped. There is only one way in the world to stop, and that is to stop when time is called. If any other similar appropriations are being made and attention is called to them we will have the same opportunity to establish a precedent with reference to them as we have with reference to this. It is at least hardly proper to say because expenditures are being made that ought not to be made we should judge these expenditures by a comparison between the two. I do not myself believe that we should discriminate as between the circuit judges and the district judges in the sense which has been suggested, but I do believe that we ought to reconsider the question of the salaries of the circuit judges and fix it in accordance with what is proper, and fix this in accordance with what is proper, rather than to raise the circuit judges beyond a proper measure, and to measure this item in accordance with the salary we pay the circuit judges.

Mr. McLAURIN. Mr. President, I am loath at this late hour of the day to say anything on this question which has been so long and so ably and so exhaustively debated, and I would not do so but for some expressions which have been made not only here in this debate, but have been continuously made whenever the question of salaries has been discussed.

I will say, at the outset, that I am opposed to the increase of any of the salaries that are increased in this bill. I believe the salary of every officer of the Government ought to be that which will compensate him for the services which he renders the Government; so much and no more. I believe further that if the salaries of the circuit judges are to be \$10,000 or \$9,000, the salaries of the district judges ought to be as much.

not believe there ought to be any distinction between the salaries of the district judges and the circuit judges. I do not believe there is any difference between the work done by one set of

judges and that done by the other set of judges.

I do not take to the doctrine of paying occupants of offices for I do not think that what is termed the "dignity" of the office. dignity is a purchasable commodity; and if it is, I do not think the Government of the United States ought to be in the purchasing business, so far as that commodity is concerned. I think that dignity is found in the footman who walks the roads or streets just as well as in the occupant of a cushioned carriage drawn by a splendid team, driven by a coachman in livery, or the occupants of automobiles. The dignity is in the man, not in the office. Dignity is the state of being worthy. It is the elevation of the man or character. It is true worth, and that may be found in the man who follows the plow, or in the blacksmith who works in a shop, or in the man with overalls working in a shop, as well as in a man in a lawyer's office, or wearing judicial ermine, or in the man in the highest office within the gift of the American people—the President of the United States.

It is this that has impelled me to take the floor on this ques-tion. It is because I do not believe, and have never believed, in this talk that no dignity can be found except in the occupant of an office. I think those who are in the private walks of life are just as dignified, if they desire to be, as the man who occupies the highest official station in the Government of the country, and for that reason I have opposed all along the increases which are being made in the salaries of officers where the

salary is based upon the dignity of the office.

I wish it were in this country that those who have the administration of the Government in their hands could understand that they are the representatives of the people, who are really the governing power of the country, and that it is the duty of people in official position to teach the American people, so far as their conduct and their administration of official or executive office is concerned, that true dignity, true worth, true elevation of character and mind, ought to be in all the people of the country who elevate these officers to the positions they occupy and to the dignity, or the assumed dignity, that is contained in them.

It is all very well in monarchical countries, and especially in those where the people have very little or no voice in the administration of the government, to treat with utter contempt and utter disgust the thought of dignity anywhere except

in official position.

But it does not do and ought not to do in this country Every sovereign voter in this country ought to be taught and ought to understand that dignity is required of him as much as it is of the men who are elevated to high position in the ad-

ministration of the government of the country.

I was going to say something in reference to the point that was made by the Senator from Colorado [Mr. Teller], that we are expending hundreds of millions of dollars upon the army and upon the navy and upon the Philippines and other useless extravagances, and therefore those extravagant and useless expenditures are predicated as an argument for this expenditure,

whether the expenditure be right or wrong.

Now, let this stand upon its merits. If it is wrong to expend \$100,000,000 or \$150,000,000 upon the army of the country and \$100,000,000 upon the navy and a thousand million dollars upon the Philippine Islands, that is no argument whatever why this should be done if it is wrong. We ought to stop the extravagant expenditures in the army and the navy and the Philippines. We ought to lop off all the extravagances of this country and bring it down to a simple republican, democratic form of government, and not try to keep up with the crowned heads of Europe by our salaries or in any other particular except in the independence and the nobility and greatness of the country which we represent and of the people whom we represent.

I think that the expenditures for the army ought to be cut

down at least one-half, and I think if they were cut down two-thirds it would be better for the country, because we do not need any great standing army. I think the same is true as to the navy. We hear talk about a world power. We have been a world power ever since the treaty with Great Britain that recognized the independence of this country, and we will continue to be a world power whether we have a small army and a small navy or whether we have a great army and a great navy. It is not necessary for this country to have great armies and great navies in order to make itself respected abroad. The governments of the world do not desire to attack a powerful country any more than men in private life desire to attack a brave man who is capable and able to defend himself.

Mr. President, I did not intend to say anything with refer-

ence to these salaries, and I would not have said anything but for the fact that there is constant talk here about the dignity of these positions, and I wanted to express once for all my opinion that dignity does not depend upon official position, and it does not depend upon the holding of office, but dignity is in the real merit, the real worth of the individual, and may be found in the humblest walks of life as well as in the highest walks of life

I repeat what I started out to say and then I shall have done. If the salaries of the circuit judges ought to be \$10,000, the salaries of the district judges ought to be as much. While I intend to vote against the raising of the salaries of the district judges, as I have voted consistently against the raising of the salaries of the other judges, yet if, when the bill shall come into the Senate and the salaries shall be voted upon there, the salaries of the circuit judges shall be fixed at \$10,000, I shall be in favor of fixing the salaries of the district judges at an amount equally as much.

Mr. WARREN. Mr. President, I hope we may now have a

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. FORAKER] to the amendment of the committee.

Mr. HEYBURN. Let the amendment to the amendment be stated.

Mr. LA FOLLETTE. Mr. President, I feel obliged to sug-

gest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Johnston.	Piles
Bailey	Davis	Kean.	Rayner
Bankhead	Depew	Kittredge	Richardson
Borah	Dick	Knox	Scott
Bourne	Dillingham	La Follette	Simmons
Brandegee.	Dixon	Lodge	Smith, Md.
Brown	du Pont	Long	Smith, Mich.
Bulkeley	Flint	McEnery	Smoot
Burkett	Foraker	McLaurin	Stephenson
Burnham	Frazier	Martin	Sutherland
Burrows	Frye	Milton	Taliaferro
Carter	Fulton	Money	Teller
Clapp	Gallinger	Nelson	Warner
Clark, Wyo.	Gamble	Overman	Warren
Clay	Gary	Page	Wetmore
Crane	Guggenheim	Paynter	
Culberson	Hemenway	Penrose	
Cullom	Heyburn	Perkins	

The VICE-PRESIDENT. Sixty-nine Senators have responded to their names. A quorum of the Senate is present. The question is on agreeing to the amendment to the amendment, which will be stated.

The Secretary. On page 167, line 23, in the committee amendment, strike out "eight" and insert "nine," so that if amended it will read:

For salaries of the 84 district judges of the United States, at \$9,000

Mr. BORAH. I ask for the yeas and nays on the adoption of the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when the name of Mr. Clarke of Arkansas was called). My colleague [Mr. Clarke of Arkansas] is paired with the Senator from Rhode Island [Mr. Aldrich].

Mr. SCOTT (when the name of Mr. Elkins was called). My colleague [Mr. Elkins] is unavoidably absent from the city, and is paired with the Senator from Texas [Mr. BAILEY].

Mr. McLAURIN (when his name was called). The senior Senator from Maine [Mr. HALE] was unavoidably called from the Chamber, and I am paired with him. If he were present, I would vote "nay."

Mr. WARREN (when his name was called). I announce my pair with the Senator from Mississippi [Mr. Money].

The roll call was concluded.

Mr. KEAN. My colleague [Mr. Briggs] is unavoidably absent. He is paired with the Senator from Tennessee [Mr.

Mr. BAILEY (after having voted in the negative). nounced on the previous roll call that I have a general pair with the Senator from West Virginia [Mr. ELKINS], but I also announced at that time that I transferred my pair to the Senator from Oklahoma [Mr. Gore]. Consequently, I voted.

Mr. MARTIN. I desire to state that my colleague [Mr. DAN-IEL] is necessarily absent and is paired with the senior Senator

from North Dakota [Mr. HANSBROUGH].

The result was announced-yeas 30, nays 38.

	YE	AS-30.	
Bourne Brandegee Bulkeley Burnham Clark, Wyo. Crane Depew Dick	Dillingham du Pont Flint Foraker Gallinger Guggenheim Hemenway Heyburn	Kean Kittredge Knox Lodge Long Penrose Perkins Piles	Rayner Richardson Scott Sutherland Teller Wetmore
	NA	YS-38.	
Bacon Bailey Bankhead Borah Brown Burkett Burrows Carter Clapp Clay	Culberson Cullom Curtis Davis Dixon Frazier Frye Fulton Gamble Garry	Johnston La Follette McEnery Martin Milton Nelson Newlands Overman Page Paynter	Simmons Smith, Md. Smith, Mich. Smoot Stephenson Tallaferro Tillman Warner
	NOT V	OTING-24.	
Aldrich Ankeny Beveridge Briggs Clarke, Ark. Cummins	Daniel Dolliver Elkins Foster Gore Hale	Hansbrough Hopkins McCreary McCumber McLaurin Money	Nixon Owen Platt Stone Taylor Warren

So Mr. Foraker's amendment to the amendment of the com-

Money

mittee was rejected.

Mr. FULTON. I move to reconsider the vote whereby the amendment fixing the salaries of circuit judges at \$10,000 was agreed to.

Mr. WARREN. Did the Senator vote in the affirmative?
Mr. FULTON. I do not know whether I voted on the queson or not. I think it was a viva voce vote.
The VICE-PRESIDENT. The Senator from Oregon moves tion or not.

to reconsider the vote by which the amendment, which will be

stated by the Secretary, was agreed to.

The Secretary. Before the word "thousand," in line 13, page 167, "seven" was stricken out and "ten" inserted, so as to read :

For 29 circuit judges, at \$10,000 each.

Mr. FULTON. I wish simply to state that I expect to follow up the motion by moving that the salary be placed at \$9,000, and then, if somebody else does not, I will move that the salary of the district judges be made \$8,500. I think that will be something nearer what the increase should be.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon to reconsider the vote by which the amendment just stated was agreed to.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question is before the Senate on agreeing to the amendment of the committee.

Mr. FULTON. I move to amend the amendment by inserting "nine thousand" instead of "ten thousand."

The VICE-PRESIDENT. The Senator from Oregon proposes

an amendment to the amendment, which will be stated.

The Secretary. On page 167, line 13, strike out "ten" and insert "nine," so that if amended it will read:

For 29 circuit judges, at \$9,000 each.

Mr. DIXON. I move to amend the amendment by inserting "eight" in place of "nine" before the word "thousand."

Mr. WARREN. As the Senator knows, that would be an amendment in the third degree.

The VICE-PRESIDENT. It would be in the third degree. The question is on agreeing to the amendment of the Senator from Oregon to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is upon the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. FULTON. I submit a parliamentary inquiry as to the status of the amendment fixing the salary of the district judges.

The VICE-PRESIDENT. The committee amendment is now the question before the Senate. The question is on agreeing to the amendment of the committee.

Mr. FULTON. What is the amount?

Mr. CULLOM and Mr. WARREN. Eight thousand dollars.

Mr. FULTON. I move to increase that amount to \$8,500.

["No!" "No!"] Very well; I withdraw it.

The VICE-PRESIDENT. The Senator from Oregon with-

draws his amendment to the amendment. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

The Secretary. In line 24 strike out "five hundred and four" and insert "six hundred and seventy-two," so as to read "\$672,000.

Mr. CARTER. I move that the Senate proceed to the con-

sideration of executive business.

Mr. WARREN. I appeal to the Senator from Montana to permit us to finish the bill. I have been very patient about it. The Senator from Maine [Mr. Hale] has another appropriation bill awaiting the conclusion of this measure. I think it will take only a few minutes longer.

Mr. LODGE. All these are committee amendments, and there may be some other amendments to be offered by individual Senators. Those come subsequent to the committee amend-

ments. We are still on the committee amendments.

Mr. WARREN. I understand; but I think we are about through, and I should like to find out whether we are in a position to complete the bill.

Mr. CARTER. I withdraw the motion.

The VICE-PRESIDENT. The Senator from Montana withdraws the motion. The Secretary will again state the pending

amendment of the committee.

The Secretary. In line 24 strike out "five hundred and four" and insert "six hundred and seventy-two," changing the

total to \$672,000.

Mr. CULBERSON. I suggest that the amendment ought not to be adopted now, because some of the individual items above have been changed. The circuit-court amendment has been changed from \$10,000 to \$9,000.

The VICE-PRESIDENT. The total relates alone to the item

for the district courts.

Mr. CULBERSON. I see.

The amendment was agreed to.
Mr. WARREN. The next amendment, I think, occurs on page 168, line 13.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 168, line 13, the committee proposes to strike out "seven thousand five hundred" and insert

ten thousand." Mr. BORAH. I wish to propose an amendment to the amend-

Mr. WARREN. I have an amendment that the committee

wish to offer at this point.

The VICE-PRESIDENT. That is first in order.

Mr. WARREN. In view of the vote just taken, I think we should reduce the \$10,000 for the chief justice of the court of appeals of the District of Columbia to \$9,000, the same as the circuit judges. I move to strike out "ten" and insert "nine" before "thousand."

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment to the amendment of the committee, which will be stated.

The SECRETARY. On page 168, line 13, strike out "ten" in the committee amendment and insert "nine," so that, if amended, it will read:

For the chief justice of the court of appeals of the District of Columbia, \$9,000.

The amendment to the amendment was agreed to.

Mr. WARREN. I wish to make the same amendment in the following line as to the two associate justices. I move to strike out "ten" and insert "nine" before "thousand," so as to read:

And for two associate justices, at \$9,000 each.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BAILEY. Do I understand that it is proposed to fix the compensation of the associate justices of the District of Columbia court of appeals at \$9,000?

Mr. WARREN. It is.

Mr. BAILEY. I will only observe that that is giving the judge of a court whose jurisdiction is over 250,000 people double the average salary of those who hold similar offices in the States and whose jurisdiction covers the litigation of 3,000,000 people. If it is believed that a man who serves the Federal Government is entitled to double the pay of a man who does more work for the state government, then that kind of an amendment ought to be adopted.

I want to say that Senators here could not engage in legislation better calculated to exalt the Nation and to dwarf the State than the continued, unbroken assertion that the man who works for the Federal Government deserves a higher value

than the man who works for a sovereign Commonwealth.

Mr. BORAH. Mr. President, I call attention to the fact, also, that this is an increase of \$2,500 in the salary for this office at this particular time.

Mr. TILLMAN. What is the present salary?

Mr. BORAH. It is \$7,500. Mr. WARREN. I did not understand the Senator. Will he

make his statement again?

Mr. BORAH. The salary as it is put into this bill would be an increase of \$2,500, while the salary as proposed by the amendment would still be an increase of \$1,500.

Mr. WARREN. It would.

Mr. BORAH. It would be an increase of fifteen hundred dollars over the present salary?

Mr. WARREN. It would.

Mr. BAILEY. On that I demand the yeas and nays. Mr. WARREN. I only want to say, in this connection, that this court does more business than any of the other circuit courts in the United States, save three, and does equally as much as one of those three; and it is not the business of the District of Columbia alone, but it is business from the entire United States.

I would ask the Senator from Wyoming where Mr. BORAH. he gets the information that this court does more work than the circuit courts?

Mr. WARREN. We have the list here of the cases. Mr. BAILEY. Mr. President, without any special information, I say without a minute's hesitation that that court does not do as much work as three-fourths of the supreme courts of the various States. As a matter of fact, its jurisdiction over matters not arising in this District is extremely limited. know that.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming [Mr. WARREN] to the

amendment of the committee.

Mr. BORAH. The yeas and nays were called for, Mr. Presi-

Mr. BAILEY. I did not understand that this was a committee amendment reducing salaries from \$10,000 to \$9,000.

The VICE-PRESIDENT. That is correct.

Mr. BAILEY. I have no objection to that. That is not the

Mr. BAILEY. I have no objection to that. That is not the amendment on which I demand the yeas and nays.

Mr. FORAKER. Mr. President, I should like to say a word.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FORAKER. Mr. President, in answer to the remarks made by the Senator from Texas [Mr. Balley] a moment ago, I think somebody should state the matter. I shall have to state it from recollection, that there was a statement furnished to the Judiciary Committee-I think it must have come from the Department of Justice, though I am not certain about that, but I know such a statement was furnished, and I had a copy, which is on my desk at my residence, however-showing, very greatly to my surprise, that this court here does much more business than all the circuit courts of the United States except only the three which the Senator from Wyoming [Mr. WARREN] has stated, and the amount of business is practically the same in this court that it is in one of those three. I was greatly surprised to learn it.

Mr. CLARK of Wyoming. For the information of the Senator from Ohio, I will say that the court of appeals of the District of Columbia, having the same jurisdiction as the circuit courts of the United States since the circuit courts of appeals have been established, has been exceeded in the number of cases disposed of by only two circuits in the United States, to wit, the second and the eighth.

Mr. BORAH. The question of the number of cases disposed of does not settle the question of the amount of business which a court does. In determining a proposition they may dispose of twenty or thirty cases.

Mr. CLARK of Wyoming. This court relatively does more business, because every opinion and judgment of the court is

by law compelled to be in writing.

Mr. NELSON. Mr. President, I desire to call the attention of the chairman of the committee to line 10, on page 169, where I think the words "five hundred" before the word "dollars," ought to be stricken out in order to put it in harmony with the provision relative to the district judges.

Mr. WARREN. We have not arrived at that point, but when we do, the committee will offer an amendment to strike out

"five hundred."

The VICE-PRESIDENT. The amendment proposed by the

Senator from Idaho [Mr. Borah] will be stated.

The Secretary. On page 168, line 13, before the word "thousand," it is proposed to strike out "nine" and insert "eight," so as to read:

Court of appeals, District of Columbia: For the chief justice of court of appeals of the District of Columbia, \$8,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BORAH. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK of Wyoming. Mr. President, I desire to call the attention of the Senator from Idaho to the condition of affairs. The court of appeals of the District of Columbia through all our legislation, through all our appropriations for salaries, has stood on an exact par with the circuit courts of the United States, both as to jurisdiction and as to salaries, except that the salary of the chief justice of the court of appeals of the District of Columbia has been \$500 per annum more than the salary of the circuit judges of the United States; and there never has been an attempt in any of our legislation to separate these courts from the circuit courts of the United States as to the matter of dignity, as to the matter of jurisdiction, or as to the matter of salary.

Mr. President, attention also should be Mr. FORAKER. called to the fact that one-half of these salaries is paid by the District of Columbia, and but one-half is paid out of the Treasury of the United States. I have a statement here, which is not so complete as the one I referred to a moment ago, but which I think will give some information to the Senate, which it ought to have the benefit of, and I ask that it may be read at the

desk.

The VICE-PRESIDENT. Without objection, the Secretary will read the statement submitted by the Senator from Ohio.

The Secretary proceeded to read the paper.

Mr. FORAKER. Mr. President, I will not take the time of the Senate at this hour, unless some Senator insists upon it, to have all these details read.

Mr. BAILEY. I should like to have them go in the

Mr. FORAKER. I was going to ask that. Mr. BAILEY. Because I think it will demonstrate exactly what I said a moment ago, that none of these courts transact business comparable to the volume of business transacted in the supreme courts of the States.

Mr. FORAKER. I was going to suggest, in order to save time, that the paper be printed in the RECORD.

Mr. BAILEY. I have no objection to that.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The paper referred to is as follows:

By section 61 of the Code of the District of Columbia the supreme court of the District of Columbia "shall possess the same powers and exercise the same jurisdiction as the circuit and district courts of the United States, and shall be deemed a court of the United States."

By section 62 "the justices of said court, in addition to the powers and jurisdiction possessed and exercised by them as such, * * * shall severally possess the powers and exercise the jurisdiction possessed and exercised by the judges of the circuit and district courts of the United States."

of the United States."

This court transacts in the District of Columbia all the business, civil and criminal, that is transacted by both federal courts and the state courts of record throughout the several States. It is the only federal court which possesses jurisdiction to issue the original writ of mandamus, and is the only federal court of original jurisdiction of cases in mandamus and injunction against the various heads of the departments of the Federal Government and their bureaus. There is no other court of record of original jurisdiction in the District of Columbia

Columbia.

One-half the salary of the justices of the court is by law charged against the revenues of the District of Columbia. (Code, sec. 60.)

The last act of Congress fixing the salary of federal judges, including those of the court of appeals and the supreme court of the District of Columbia, is the act of February 12, 1903. (Stat. L., vol. 32, pt. 1, p. 825.)

The court of appeals is the intermediate court of review between the supreme court of the District of Columbia and the Supreme Court of

court of appeals is the intermediate court of review between the ne court of the District of Columbia and the Supreme Court of supreme court of the United States.

BUSINESS OF THE COURT.

From the report of the Attorney-General for the fiscal year July, 1907, to July, 1908, it appears that the number of cases brought in all the circuit and district courts of the United States west of the Mississippi River (excepting California), including Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, exclusive of bankruptcy cases, was bankruptcy cases, was

Criminal cases .

This business does not show the business of the supreme court of the District of Columbia. From the records of that court it appears that during the calendar year 1907 there were instituted in the different branches of the court, exclusive of bankruptcy cases, as follows:

Criminal (all grand-jury cases) ___

The total value of estates administered in the probate branch of this court alone, exclusive of the business done in the law and equity branches, was \$20,480,875.98.

Number of cases filed and disposed of by the supreme court of the District of Columbia during the years 1907 and 1908, exclusive of probate branch.

	1907.		1908.	
Nature of causes.	Filed.	Disposed of by court.	Filed.	Disposed of by court.
Law Equity Criminal District court Bankruptey Lunacy Naturalization Habeas corpus Requisitions	1,059 760 440 44 49 375 108 16 8	558 614 354 34 30 375 108 16 8	1,187 691 485 47 61 327 91 20	581 567 351 17 29 327 91 20 4
Total. Suits in mandamus against executive officers of the Government	2,859 23	2,095	2,913 41	1,927

The foregoing statement does not include the great number of mo-tions and hearings before the courts during this period, nor the cases settled in clerk's office.

Business of probate branch for the calendar years ending December 31, 1907 and 1508.

Number of—	1907.	1908.
Wills filed	562	575
Applications for letters testamentary or of administra- tion and of collection.	813	769
Applications for letters of guardianship.	157	134
Pages of typewriting	6,218	7,79
Pages recorded in the records by book typewriters Letters to fiduciaries notifying them to render accounts,	7,311	7,39
inventories, file vouchers, etc., about	4,200	4,50
Letters answered	800	1,12
Witnesses to wills examined and testimony reduced to writ- ing, about	900	873
Bonds taken and approved by court	957	947
Accounts stated	1,179	1,21

	,	
Value of—	1907.	1908.
Administration estates, about	\$20,049,571.86 481,304.12	\$18,964,478.18 368,119,44
Total	20,480,875.98	19,332,597.62

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Ohio whether or not the act just referred to would apply at all to the court of appeals of the District of Columbia? It mentions the supreme court. I have never been under the impression that the District of Columbia pays any part of the salaries of the judges of the court of appeals, but only those of the supreme court of the District.

Mr. FORAKER. I am not able to answer that question. was handed the statement which I asked to have read, and I thought the statement which was handed to me by the Senator in charge of the bill related only to the court of appeals. It relates to both; and it may be that the Senator from Idaho is correct in what he says. I do not know.

Mr. HEYBURN. I have not made a specific investigation; but I think I am correct.

Mr. BAILEY. The court of appeals here is a separate court

from the supreme court.

Mr. HEYBURN. The supreme court has a different character of jurisdiction within the District of Columbia from that belonging to the court of appeals of the District of Columbia.

Mr. FORAKER. The court of appeals corresponds to the circuit courts of the United States and intermediate courts, and I supposed the salaries were paid in both courts in the same way. I could not now answer the Senator's question, although I could do so in the morning.

Mr. HEYBURN. Unless there is some other legislation on the subject than that contained in the statement in reference to the bill just read at the Secretary's desk, it would not cover the circuit court.

Mr. GALLINGER. Mr. President, I desire, in order to have the Record correct, to say that the salaries of the judges of the court of appeals as well as of the supreme court of the District of Columbia are paid one-half from the revenues of the District and one-half from the Treasury of the United States. There was some controversy about that matter,

Mr. WARREN. Those salaries are paid one half by the District and the other half from the Treasury of the United States. The VICE-PRESIDENT. The Secretary will call the roll.

Mr. FORAKER. On what question, Mr. President? The VICE-PRESIDENT. On the amendment proposed by the Senator from Idaho [Mr. Borah] to strike out "nine" and insert "eight" in the clause providing for the salary of the chief justice of the court of appeals of the District of Columbia.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I rise to a parliamentary inquiry. I should like to know exactly what we are voting on. I think there is a good deal of misapprehension in the Chamber.

The VICE-PRESIDENT. On the amendment striking out "nine" and inserting "eight."

Mr. CLARK of Wyoming. I understood that that was already voted upon.

Mr. LODGE. We agreed to "nine," and now the motion is to strike out "nine" and insert "eight."

Mr. DAVIS (when the name of Mr. CLARKE of Arkansas was

called). My colleague [Mr. CLARKE of Arkansas] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. TALIAFERRO (when his name was called). general pair with the junior Senator from West Virginia [Mr. Scorr]. He is out of the Chamber. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. Money], but I transfer that pair so that that Senator will stand paired with the Senator from New York [Mr. Platt], and I will vote. I vote "nay."
The roll call was concluded.

Mr. McLAURIN (after having voted in the affirmative). I withdraw my vote. I forgot that I was paired with the Senator

from Maine [Mr. HALE]. Mr. GAMBLE (after having voted in the affirmative). I inquire if the senior Senator from Nevada [Mr. NEWLANDS] has

voted? The VICE-PRESIDENT. The Chair is informed that the Senator from Nevada has not voted.

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada, but I will transfer that pair to the junior Senator from Nevada [Mr. Nixon] and allow my vote to stand. The result was announced—yeas 27, nays 33, as follows:

> YEAS-27. Heyburn Johnston La Follette Paynter Piles Simmons Smith, Mich. Tillman Warner

> > Smoot

Stephenson Sutherland Teller Warren

Wetmore

Culberson Curtis Davis Dixon Frazier Gamble Gary Martin Milton Nelson Overman Clapp NAYS-33. Kean Kittredge Bourne Dillingham Brandegee du Pont Flint Foraker Frye Fulton Gallinger Knox Lodge Long Page Bulkeley Burnham Burrows Clark, Wyo. Crane Penrose Guggenheim Hemenway

Bailey Bankhead Borah

Brown

Cullom

Dick

Richardson NOT VOTING-32.

Perkins

Hopkins McCreary McCumber McEnery McLaurin Aldrich Daniel Owen Platt Ankeny Bacon Depew Delliver Elkins Rayner Scott Beveridge Smith, Md. Stone Taliaferro Foster Money Newlands Nixon Clarke, An Ark. Hansbrough Taylor

So Mr. Borah's amendment to the amendment of the committee was rejected.

Mr. WARREN. I desire to ask how the amendment in regard to the salary of the members of the district court of appeals now stands. It is my understanding that the amendment proposed by the committee to the amendment previously reported reducing the amount from \$10,000 to \$9,000 was agreed to, and that the Senate refused to reduce the amount further from nine thousand to eight thousand.

The VICE-PRESIDENT. That is correct as to the amendment in relation to the salary of the chief justice of the court of appeals. The question now is, Shall the amendment as amended be agreed to?

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The Secretary. On page 168, line 14, before the word "thousand," it is proposed to strike out the word "seven" and insert "ten." so as to read:

Court of appeals, District of Columbia.: For the chief justice of court of appeals of the District of Columbia, \$9,000; and for two associate justices, at \$10,000 each.

Mr. WARREN. Has not that amendment been acted on likewise?

The VICE-PRESIDENT. The amendments were not acted upon together.

Mr. GALLINGER. That amendment has not yet been acted

Mr. WARREN. I certainly moved to change that from "ten" to "nine," and I thought it was announced that it had been so changed.

The VICE-PRESIDENT. The Senator moved to amend the proposed two amendments at the same time. The Chair suggested that the amendments would have to be acted on separ-The second amendment is now in order.

ately. The second amendment is now in order.

Mr. GALLINGER. Mr. President, on that matter, as the law now stands, the chief justice of the district court of appeals is given \$500 more than the associate justices. The amendment now pending proposes to put them on an equality. Is that the purpose of the Senator?

Mr. WARREN. That is the way it is in the case of all cir-

cuit judges, and that was the purpose.

Mr. GALLINGER. It was not the purpose according to the text of the House bill at any rate. I move an amendment to

make the salary of the associate justices \$8,500.

Mr. WARREN. I should like to call the Senator's attention to the fact that the 29 circuit judges are all on a par, and it has been settled, I think, by the vote here and by expressions in the debate that the justices of the court of appeals should receive the same as the judges of the circuit courts. I should prefer that the Senator should undertake to raise the salary of the chief justice of the court of appeals of the District of Columbia rather than reduce the salaries of the associate justices, because it would throw it out of harmony with the remainder of the bill.

Mr. GALLINGER. I make the motion, Mr. President, for the reason that it seems to be the universal practice in our legislation to give the chief justice of a court a larger salary than

his associates.

Mr. WARREN. But it is not the practice in the circuit courts and never has been. There is not a single circuit court in the United States where one judge gets more than another. Mr. McLAURIN. He ought not to.

Mr. BAILEY. There is no chief justice of a circuit court.

Mr. GALLINGER. There is no chief justice.

Mr. BAILEY. I should like to know whether the chief justice does any more work than the associates,

Mr. GALLINGER. He does not.

Mr. KEAN. He presides.
Mr. BAILEY. Then, the \$500 is simply for the dignity.
Mr. GALLINGER. My motion simply follows the rule. But
if the Senator from Wyoming insists upon it, I will withdraw

my motion. I do not care anything about it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

Mr. BORAH. I desire to ask the Senator in charge of the bill how far he proposes to proceed with it to-night?

Mr. WARREN. I should like to get a vote of the Senate

upon the next two items. The committee has one other amendment. Then I shall ask that the bill go over, not asking that it may be reported to the Senate, but to be taken up as in Committee of the Whole.

Mr. BORAH. As I understand, when the bill is reported to the Senate it will be subject to amendment the same as in

Committee of the Whole.

Mr. WARREN. Certainly.

The VICE-PRESIDENT. It will be.

Mr. BORAH. In view of that fact, and in view of the lateness of the hour, I do not propose to offer any more amend-

ments at this time.

Mr. WARREN. In line 10, on page 169, the committee ask that the words "five hundred" may be stricken out.

The Secretary. On page 169, line 10, after the words "District of Columbia," the Committee on Appropriations report an amendment to insert "\$8,500;" in line 12, before the word "thousand," to strike out "six" and insert "eight," so as to make the clause read:

Supreme court, District of Columbia: For salaries of the chief justice of the supreme court of the District of Columbia, \$8,500, and of the 5 associate judges, at \$8,000 each.

It is now proposed to strike out "five hundred," in line 10, so as to read "eight thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment as amended was agreed to.

The next passed-over amendment was, on page 170, line 12, before the word "dollars," to strike out "six thousand five hundred" and insert "eight thousand;" in line 14, before the word "dollars," to strike out "six thousand" and insert "seven thousand five hundred;" and in line 24, before the word "hundred," to strike out "fifty-five thousand eight" and insert "sixty-three thousand three," so as to read:

Court of Claims: For the chief justice of the Court of Claims, \$8,000; 4 judges, at \$7,500 each; chief clerk, \$3,500; assistant clerk, \$2,500; balliff, \$1,500; 1 clerk, \$1,600; 2 clerks, at \$1,400 each; stengrapher, \$1,200; 3 clerks, at \$1,200 each; 1 chief messenger, \$1,000; 3 firemen; 3 watchmen; elevator conductor, \$720; 2 assistant messengers; 1 laborer; and 2 charwomen; in all, \$63,320.

The amendment was agreed to.

Mr. WARREN. There is another amendment to complete this subject-matter which I desire to offer. It is in the exact language proposed by the Committee on the Judiciary. I will ask that it be inserted on page 171, after line 22.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

The Secretary. On page 171, after line 22, it is proposed to

The salaries of the Chief Justice, associate justices, and circuit and district judges of the United States, of the chief justice and associate justices of the court of appeals of the District of Columbia, of the chief justice and associate judges of the supreme court, District of Columbia, and for the chief justice and judges of the Court of Claims are fixed at the sums herein provided and shall be paid to said justices and judges, respectively, unless otherwise provided by law.

The amendment was agreed to.

Mr. WARREN. I have here some information that was called for from the Treasury Department which I think ought to go in the RECORD, and will ask that it may be published in the RECORD, and that it also be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Senate Doc. No. 672, 60th Cong., 2d sess.]

TREASURY DEPARTMENT. OFFICE OF ASSISTANT SECRETARY, Washington, January 21, 1909.

My Dear Senator Warren: In compliance with your request of the 20th instant, I forward herewith statements showing the "amounts drawn by each circuit and district court judge for per diem under the \$10 per day allowance granted by law in the fiscal year 1908."

Very truly, yours,

L. A. COOLIDGE, Assistant Secretary.

Hon. Francis E. Warren, United States Senate.

Expenses of United States circuit judges for travel and attendance during the fiscal year 1908.

Name of judge.	Number of days of travel and attend- ance.	Amount.
E. B. Adams	9	\$80.00
F. E. Baker		1,090,00
Joseph Buffington		719.80
Le Baron B. Colt	184	1,289,00
A. C. Coxe		1,020,00
Wm. B. Gilbert		500.00
Nathan Goff		114.49
George Gray	74	147.00
P. S. Grosscup		399.00
W. C. Hook		1,725.60
E. Henry Lacombe		1,260.00
Horace H. Lurton		911.00
Andrew P. McCormick		1,540.00
W. C. Noyes.		1,250.00
Don A. Pardee		1,560.00
J. C. Pritchard		633.23
Wm. L. Putnam		1,086.30
John K. Richards		130.00
Erskine M. Ross		930.00
W. H. Sanborn		1,490.00
Wm. H. Seaman		1,490.00
Henry F. Severens		953.75
David D. ShelbyWillis Van Devanter	172	1,647.50

Expenses of United States district judges for travel and attendance during the Ascal year 1908.

Name of judge.	Number of days of travel and attend- ance.	Amount.
C. F. Amidon	85	\$754.55
Edgar Aldrich	117	1,164.00
A. B. Anderson	76	760.00
	34	251.88
R. W. Archbald	3	19.15
Aleck Boarman	130	1,300.00
Jas. E. Boyd	52	452.50
Edward G. Bradford	3	9.46
W. H. Brawley	18	180.00
Arthur L. Brown Walter T. Burns	45	357.75 331.04
Ralph E. Campbell.	3	21.30
Jno. E. Carland	75	667.75
A. M. J. Cochran	14	85.00
Joseph Cross	22	87.05
A. G. Dayton	81	720.02
Frank S. Dietrich	64	410.05
Frederic Dodge	1	5.80
David P. Dyer	4	39.70
Walter Evans	6	59.00
E. S. Farrington	67	630.00 503.50
Clarence Hale	10	88.00
C. H. Hanford	58	580,00
G. C. Holt	26	240.00
J. O. Humphrey	2	20.00
Oscar R. Hundley	20	162.45
W. H. Hunt	31	310.00
Loyal E. Knappen	41	290.30
K. M. Landis	31	275.40 57.00
Wm. M. Lanning	6 7	58.60
Robt. E. Lewis	70	488,00
Jno. E. McCall	16	103.40
Smith McPherson	151	1,361.00
J. L. Martin	65	650.00
Edward R. Meek	8	59.00
T. J. Morris	10	98.00
W. H. Munger	53	372.00
Wm. T. Newman	30	800.00
J. P. Platt	52	520.00
J. P. Platt	110 86	1,006.50 584.90
T. R. Purnell	64	594.00
J. V. Quarles	7	61.57
G. W. Ray	74	740.00
Jno. A. Riner	29	205.25
Jno. H. Rogers	9	65.50
A. L. Sanborn	64	624.00
Ino. E. Sater	17	116.69
W. B. Sheppard	69	419.51
Henry H. Swan	4	28.53
Jacob Trieber	18	160.00 126.00
Wm. O. Van Fleet	14	125.00
E. Waddill, jrEdward Whitson	98	801.60
T M Wright	15	147.50
F. M. WrightChas. E. Wolverton	4	35.00

T. J. Chatfield, at rate of \$300 a term under section 613, Revised Statutes, \$1,800.

Mr. LODGE. I desire to ask the Senator from Wyoming whether it is proposed that the bill shall be open to amendments to be offered by Senators before it is reported to the

Mr. WARREN. We have now completed the bill, so far as committee amendments are concerned, and with the consent of the Senate I will pause at this point and let the bill go over. I will ask the Senate to take it up to-morrow morning immediately after the routine morning business.

Mr. CULBERSON. I should like to ask whether under that arrangement the bill will be open to amendment?

Mr. LODGE. Yes. It will be as in Committee of the Whole, Mr. BEVERIDGE. I understand the process to be that the bill shall be considered as in Committee of the Whole to-morrow and then go into the Senate.

The VICE-PRESIDENT. That is correct.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business,

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 22, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1909.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. Orin B. Mitcham, Ordnance Department, to be colonel from January 21, 1909, vice Lyle, retired from active service.

Maj. John T. Thompson, Ordnance Department, to be lieuten-

ant-colonel from January 21, 1909, vice Mitcham, promoted.
Capt. Edwin D. Bricker, Ordnance Department, to be major from January 21, 1909, vice Thompson, promoted.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Edward Holman Skinner, of Missouri, to be first lieutenant, with rank from November 24, 1908.

Note.—The above-named person was nominated to the Senate on December 9, 1908, under the name of Herbert Holman Skinner, for appointment to the same office, and was confirmed on January 5, 1909. This message is submitted for the purpose of correcting a clerical error in the name of the nominee.

POSTMASTER.

GEORGIA.

Hattie F. Gilmer to be postmaster at Toccoa, Ga., in place of Hattie F. Gilmer. Incumbent's commission expired February 24, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1909.

CONSULS.

Fred D. Fisher, of Oregon, to be consul of the United States

of class 5 at Newchwang, China.

Roger S. Greene, of Massachusetts, to be consul of the United

States of class 5 at Harbin, Manchuria. George N. Ifft, of Idaho, to be consul of the United States

of class 5 at Nuremberg, Bavaria.
Stuart K. Lupton, of Tennessee, to be consul of the United States of class 9 at Messina, Italy.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel Black Winram to be captain in the Revenue-Cutter Service of the United States.

Second Lieut. Eben Barker to be first lieutenant in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE NAVY.

Lieut. Albert W. Marshall to be a lieutenant-commander in the navy

Lieut. Arthur MacArthur, jr., to be a lieutenant-commander

in the navy.

Lieut. Col. Charles A. Doyen to be a colonel in the United States Marine Corps.

Second Lieut. Howard C. Judson to be a first lieutenant in the United States Marine Corps.

POSTMASTERS.

NEW YORK.

Fred A. Green to be postmaster at Copenhagen, N. Y. John W. Hedges to be postmaster at Pine Plains, N. Y. George A. McKinnon to be postmaster at Sidney, N. Y.

OHIO.

Charles E. Ainger to be postmaster at Andover, Ohio. Louis G. Bidwell to be postmaster at Kinsman, Ohio. John C. Burrow to be postmaster at Cortland, Ohio. Edward H. Collins to be postmaster at Bedford, Ohio.

Henry H. Dibble to be postmaster at Canal Winchester.

John Ellis to be postmaster at Massillon, Ohio.

Herman C. Glander to be postmaster at West Alexandria, Ohio.

Thomas M. Irwin to be postmaster at Fairport Harbor, Ohio. Thomas L. Knauf to be postmaster at Calla, Ohio. David F. Owen to be postmaster at Burton, Ohio. William W. Reed to be postmaster at Kent, Ohio.

OKLAHOMA.

James M. Lusk to be postmaster at Dewey, Okla. Mary H. McBrian to be postmaster at Ryan, Okla. Philo R. Smith to be postmaster at Wakita, Okla.

REJECTION.

The following nomination was rejected by the Senate January 21, 1909.

George I. Allen to be postmaster at Middletown, Conn.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 21, 1909.

Charles Alfred Lee Reed, of Ohio, for appointment as first lieutenant in the Medical Reserve Corps, with rank from January 4, 1909, which was submitted to the Senate on January 6,

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following

A naturalization convention between the United States and Nicaragua, signed at Managua on December 7, 1908. (Ex. I, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

THURSDAY, January 21, 1909.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Thou eternal and ever living God, our heavenly Father, we bless Thy holy name that Thou hast not left us in this world alone to grope our way in the darkness, but that the light of Thy presence is round about us shining in and through us to illumine our minds, cleanse our hearts; upholding, sustaining, guiding us to right thinking and clean living. That for every tear there are a thousand smiles; for every sorrow a thousand joys; for every crime a thousand noble, generous deeds; for every low and selfish desire a thousand glorious aspirations. That the star of love is in the ascendency leading us onward and upward. Continue, we beseech Thee, Thy presence and help us to do Thy will, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and

approved.

CONSULATE AT CATANIA, ITALY.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 26709) to amend an act to provide for the reorganization of the consular service of the United States.

Be it enacted, etc., That the act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, as heretofore amended, is further amended as follows: By striking out, in class 9, consuls, the word "Messina," and by inserting after the word "Carlsbad," in class 7, consuls, the word "Catania."

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman. One feature of this is the substitution of Catania for Messina. Now, what

is the other proposition?

Mr. PERKINS. The other proposition is this: Messina was in the ninth class, and consuls in the ninth class receive \$2,000. As we all know, the consul at Messina not only incurred the labor of his position, but risk of life besides. At Catania it is hoped no such calamity may occur, but by reason of the earthquake and its results, a very large amount of work will be required; and the committee was of the opinion that for that position in that place with that amount of work, with the possibility of risk, to say no more, \$3,000 was not an excessive sum to pay. The pay of the consul at Catania will be \$3,000. The to pay. The pay of the consul at Catania will be \$3,000. The pay of the consul at Messina, which is now abolished, was \$2,000.

Mr. CLARK of Missouri. I have no doubt that for several years to come it will entail a great deal of extra work, and I have no objection to that. I see something in the bill here about Carlsbad.

Mr. PERKINS. No; the name of Catania is inserted immediately after Carlsbad in the bill.

Mr. CLARK of Missouri. That is all it refers to?

Mr. PERKINS. That is all.

By unanimous consent, the Committee of the Whole House was discharged from the further consideration of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion of Mr. Perkins to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

On motion of Mr. Foss, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26394, the naval appropriation bill, Mr. MANN in the chair.

The CHAIRMAN. When the committee rose on yesterday a

point of order was reserved on lines 1 to 4, page 33.

Mr. FOSS. Mr. Chairman, I suggest we go on with the

reading of the bill at this time.

The CHAIRMAN. Without objection, the item passed over yesterday will be passed over, and the Clerk will continue the reading of the bill-

Mr. FITZGERALD. Mr. Chairman, there was a paragraph read to which a point of order was made. It was not passed

over, but the committee rose.

The CHAIRMAN. The pending point of order reserved by the gentleman from New York was to the first four lines, page 33, and the Chair will hear the gentleman from Illinois upon the point of order.

Mr. FOSS. Mr. Chairman, I do not know that I care to discuss the point of order, but for the information of the Chair I will state that these barracks are not for the extension of any barracks there at the navy-yard. They are separate and are a new proposition.

The CHAIRMAN. Does the gentleman from New York insist

The CHAIRMAN. Does the gentleman from New fork missist upon his point of order?

Mr. FITZGERALD. Mr. Chairman, it seems to me when the naval bill carries \$135,000,000, more than any naval bill ever brought in, considering we are facing a deficit of \$150,000,000 this coming year, that no condition has necessitated provision at this particular place for marines that requires an appropriation larger than \$22,000, and that this is one item that may well be permitted to go over to another year, and I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Benner of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6665) for the relief of Charles H. Dickson.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House

of Representatives was requested:

S. 7675. An act to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak.

The message also announced that the Senate had passed without amendment bill and joint resolutions of the following titles:

H. R. 15098. An act to correct the military record of John H. Lavne:

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory; and

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi

River and adjacent territory.

The message also announced that the Senate had passed the

following concurrent resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 75.

Senate concurrent resolution 75.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and submit estimates for the following improvements in the Mattaponi River, Virginia:

For a channel 100 feet wide and 7 feet deep from the above-mentioned landing to Ayletts;

For a channel 60 feet wide and 5 feet deep from Ayletts to Dunkirk;

For a channel 7 feet deep across the Middle Ground connecting the Mattaponi and Pamunkey channels, just off West Point;

For a suitable turning basin at Ayletts;

For the straightening and cutting off certain bends and points of land projecting into the river at several points between Walkerton and Ayletts; and

For a thorough snagging and removal of logs from the river between Walkerton and Dunkirk, and the clearing of the river banks of all trees, stumps, and so forth, which make navigation dangerous at times of extra high tides or freshets in the river.

Senate concurrent resolution 74.

Senate concurrent resolution 74.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Rye Harbor, in the State of New Hampshire, with a view to restoring navigation therein, and to submit estimates for the same.

Senate concurrent resolution 73.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Columbia River between Wenatchee and the mouth of the Snake River, in the State of Washington, with a view to making such improvements as may be deemed necessary in order to provide for navigation between the upper and lower river.

Senate concurrent resolution 72.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Swinomish Slough, Washington, with a view to such extensions and modifications of the project for the Improvement of the same as may be necessary in the interests of navigation.

Senate concurrent resolution 71.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Samamish River, Washington, with a view to clearing and restoring said river to navigation.

Senate concurrent resolution 70.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of East Boothbay Harbor, Maine, with a view to extending the improvement contemplated in the report submitted in House Document No. 944, Sixtleth Congress, first session, to Hodgdon's wharf.

Senate concurrent resolution 69.

Senate concurrent resolution 69.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the jetties and channel of Sabine Pass, in the State of Texas, from the 30-foot contour beyond the bar at the entrance to said Sabine Pass to and including the turning basin at Port Arthur, with a view to widening the channel and the Port Arthur Ship Canal to 200 feet at bottom and increasing the depth thereof and of the turning basin to 30 feet amean low gulf tide, together with the extension of the walls of the existing jettles to the 30-foot contour, and to submit estimates for such improvements.

Sec. 2. That the Secretary of War be, and he is hereby, also authorized and directed to cause to be made an examination and survey of Taylors Bayou and the lumber slip adjacent thereto, with the view of removing the narrow strip of land separating Taylors Bayou and lumber slip and the deepening of said Taylors Bayou and lumber slip for a length of 2,500 feet to a depth of 30 feet.

Sec. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the Neches River from Beaumont to its mouth, and of the Sabine River from Orange to its mouth, and the canal extending from the mouths of the Sabine and Neches rivers to mouth of Taylors Bayou, with a view to widening and deepening said canal to a width of 200 feet at the bottom of said canal and increasing the depth thereof to 30 feet, and with a further view of removing the obstructions in the said rivers and improving the same to a depth of 30 feet.

NAVAL APPROPRIATION BILL,

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Toward the completion of the marine garrison, naval station, Pearl Harboz, Territory of Hawaii, 1 marine barracks, \$135,000; and to complete 6 officers' quarters, \$50,000; in all, \$185,000.

Mr. MACON. Mr. Chairman, I reserve the point of order against that paragraph.

The CHAIRMAN. The gentleman from Arkansas reserves

the point of order.

Mr. MACON. Mr. Chairman, I will say to the chairman of the committee I reserve the point of order against the paragraph providing for the completion of marine garrison, naval station, Pearl Harbor, Territory of Hawaii, 1 marine barracks, \$135,000; and to complete 6 officers' quarters, \$50,000; in all, \$185,000. I would like to ask the gentleman if there is existing law authorizing this work, and if it is in continuation of work already in progress?

Mr. FOSS. Now, I would state last year we passed through this House a bill for the establishment of a navy-yard at Pearl Harbor, and that provision was put on by a Senate amendment to the naval appropriation bill last year and became a law. Now, I will read to the gentleman what that provision is.

Upon this point I would like to have the attention of the Chair. Right here it will be recalled that a naval station was provided for Pearl Harbor, Hawaii, and the language under which it was established is this:

The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore acquired for that purpose, and to erect thereat all the necessary machine shops, warehouses, coal sheds, and other necessary buildings, and to build thereat one graving dry dock capable of receiving the largest war vessels of the navy, at a cost not to exceed \$2,000,000 for said dry dock.

Now, the question is whether or not, under that authorization, all necessary buildings in connection with the establishment of the navy-yard is not in order. I would say for the information of the Chair that it is a part of the duty of the Marine Corps to garrison our navy-yards, to perform police duty, and to protect them in every way. And it seemed to me that the language was broad enough to carry this provision.

The CHAIRMAN. Will the gentleman from Illinois inform the Chair whether as a matter of fact it is customary to have

marines stationed at naval stations?

Mr. FOSS. Yes; it is.

Mr. TAWNEY. At a naval station?

Mr. FOSS. Yes; always.

Mr. BUTLER. Yes.

Mr. FOSS. And there are barracks at every naval station. There are at the present time, Mr. Chairman, 300 marines at

this station without any cover whatever except tents.

Mr. FITZGERALD. The rulings have been consistent that unless the building is specifically authorized it can not be provided on an appropriation bill. The Chair is familiar with the rule of construction: General language following specific words can not be used to enlarge the authority given in a statute for

any purpose, even under a rule of the House.

Marines at a navy-yard are not a part of its equipment, and the language to which the gentleman refers shows that the purpose of the Congress was to provide a manufacturing or repairing establishment at this place. It seems to me, if it would be in order under that language to erect marine barracks, it would be in order to erect them at any navy-yard in the United States. It is not even in order on a bill of this character to erect any building at a navy-yard unless it is specifically authorized. The precedents are to that effect. It has been held that it is not in order to erect barracks for sailors at a navy-yard, and sailors are much more a part of the navy and the naval

service than marines are.

Mr. MACON. If the Chair please, upon the point of order
I will say that the authorization is general as carried in the appropriation bill of last year. I call the attention of the Chair to the following language of the act of last year that

gentlemen contend authorizes this appropriation:

And to erect thereat all the necessary machine shops, warehouses, coal sheds, and other necessary buildings, and to build thereat one graving dry dock capable of receiving the largest war vessels of the navy, etc.

That language gives authority in a general way to construct necessary buildings, but in the provision in this bill it provides for certain particular buildings namely:

To complete six officers' quarters, \$50,000.

Now, if we can legislate in that way upon an appropriation bill, there would be no limit to this matter whatever until we reached the limit of the authorization, which is \$2,000,000. There is nothing to show that these buildings are necessary, and I undertake to say that it is contrary to the policy of the legislation of the House to appropriate for the construction of particular buildings upon an authorization of a general character unless it can be shown that the buildings to be constructed are necessary buildings. I will not undertake to discuss the point made by the gentleman from New York [Mr. FITZGERALD], because he is better informed upon the precedents of the House than I am, but I do not understand that the appropriation carried in this bill is a proper one under the authorization carried in the appropriation bill of a year ago.

Mr. FITZGERALD. I desire to call the attention of the Chair to a precedent, which may have some influence with the Chair. I recollect an instance, which I think will be found in the fourth volume of the Parliamentary Precedents, where the gentleman now occupying the chair made a point of order on a provision for a set of officers' quarters, I believe at New Orleans, and the Chair sustained the point of order raised by the present occupant of the chair. I believe it will be found in section 3758 or 3759, or in that neighborhood. There is no doubt that it should be equally binding, because the language under which that station was established in circles. under which that station was established is similar to the language under which this station is established.

The CHAIRMAN. Can the gentleman from New York point out the language under which the naval station at New Orleans

was established?

If the Chair will give me time, I shall. Mr. FITZGERALD. The CHAIRMAN. The Chair is prepared to rule. The item

Toward the completion of the marine garrison, naval station, Pearl Harbor, Territory of Hawaii, one marine barracks, \$135,000; and to complete six officers' quarters, \$50,000; in all, \$185,000.

A point of order is made against the paragraph. The rule is that, unless the item is authorized by existing law, it is not in order on an appropriation bill. The last naval appropriation bill contained this item:

Naval station, Pearl Harbor, Hawali: The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawali, on the site heretofore acquired for that purpose; and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings, and to build thereat one graving dry dock capable of receiving the largest war vessels of the navy, at a cost not to exceed \$2,000,000 for said dry dock.

The act of Congress last year plainly authorized the naval station at Pearl Harbor, and enumerated certain buildings which might or might not be necessary at the naval station. It then authorized the erection of other necessary buildings. If the erection of a marine barracks is a necessary building at a naval station, it would seem that Congress had intended to and has authorized the construction of such a building, as a necessary building at a naval station. And, in the opinion of the Chair, on the statement of the gentleman from Illinois [Mr. Foss], that it is not only customary but necessary to have marine barracks at a naval station, the Chair will overrule the point of order.

The Clerk read as follows:

In all, public works, Marine Corps, \$510,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word for the purpose of calling attention of the Committee of the Whole to the matters referred to by the chairman of the committee in the letter from the Secretary of the Treasury which is printed in the RECORD this morning, bearing on the section of the bill which went out on a point of order yesterday, providing for the continuance of the present railway tracks to the navy-yard in Washington. This is a very important matter, and I anticipate, inasmuch as the Naval Committee of the House has brought in such a provision, that if the same committee in the other body and the Senate embodies a similar provision as an amendment, that in conference that amendment will certainly stand a very good chance to pass, because we act on conference reports as a whole.

Now, Mr. Chairman, a number of years ago-about eight, I -Congress passed a law to eliminate grade crossings in the District of Columbia, which first authorized the construction of two railway stations, and by subsequent legislation authorized the erection of the Union Station. One of the chief arguments made to the House and the Committee on the District of Columbia for abolishing grade crossings was to get this very line of road out of the middle of the streets of Washington; and it was represented to us that there was on this portion of the road what is known as the "dead angle," on which many fatal accidents had occurred. Congress has spent, through the Government and the District of Columbia, about five and a half millions of dollars in money and property, in order that this danger, with others due to grade crossings, might be removed from the city of Washington. The law required these grade crossings to be removed by last spring—I do not remember the precise date. There was a bill introduced and passed in the Senate authorizing the Pennsylvania Railroad Company in fact, though not in name, to build a road down the Eastern Branch of the Potomac River to, and connecting with, the navy-yard, appropriating \$25,000, and giving them the right of way in such of the public streets as might be used. In conference the \$25,000 was stricken out, and an amendment authorizing any other railroad that might build a track to a connection with the authorized track to use the same on such terms as might be agreed to; and on failure to agree on such terms, it might be decided by the supreme court of the District of Columbia. That is the law today, giving two years in which to build. That law has not been complied with by the Pennsylvania Railroad Company. Whether or not they can be forced, under the law, to do so, I am not prepared to say; but these grade crossings should be eliminated, and under the provisions of the committee proviso, which went out on a point of order, it would have stayed there indefinitely. In other words, there is no provision for the elimina-tion of this grade crossing by providing for the construction of

introduced a bill at the last session of Congress authorizing the Navy Department to build the line which we authorized the Pennsylvania Railroad Company to build. That bill passed this House by a unanimous vote by way of substitute for the very provision now in this bill, and every member of the Committee on Naval Affairs voted for that bill, who were present, as I now recall the vote, as the yeas and nays were ordered.

Another bill was introduced by myself at this session, containing identically the same provisions, authorizing and requiring the Navy Department to build this road. The gentleman from Illinois [Mr. Foss], chairman of the Naval Committee, has read a letter from the Secretary of the Treasury, which is, in fact, more a letter from the Secretary of the Navy, in which he estimates the cost at \$303,683.33; but that includes four whole squares of land. It is not necessary to have these entire squares. The track only requires 33 feet, and the District Committee in its hearings had a statement from the surveyor of the District of Columbia that every foot of this road could be built upon public property.

But suppose it is true that it would take \$303,000. It will

take more than that two years from now, with a friendly lawsuit in progress, which can better be characterized as a collusive lawsuit, and an injunction issued against the railroad restraining it from tearing up its tracks, which injunction has

been made permanent until May 27, 1910. Why not legislate now and let the Government build a track down to the navyyard and be done with it? Is the committee conniving at an effort to hold the tracks in the middle of K and Canal streets, where people may be slaughtered ruthlessly?

As I say, it will cost more two years from now. vice-president of the Pennsylvania Railroad says in his letter:

Permit me to say that, in my judgment, the United States Government should build and own this track, which is, after all, as much a part of the navy-yard plant as any other constituent portion of it. It is what would be required of a private enterprise under similar conditions.

That is what the second vice-president of the Pennsylvania Railroad says, and I indorse every word he says. Now, why try to get around this in this way, by having an amendment put in here and go out on point of order, and then have it go over to the Senate, and there amended again by inserting the same, and then go to conference, with no opportunity to vote on it separately in this House, but compel us to accept it or vote down the whole naval appropriation bill? If the gentleman wants to carry out the purpose for which the law was enacted, let the bill which I have introduced and which has passed this House be voted as an amendment on this bill, and by the time the injunction expires the railroad will be completed, the navyyard will have the use of it, and it will be done in conformity with the suggestion of the Pennsylvania Railroad itself.

Now, why put it off for two years? Are we going to put it Are we never going to reach the navy-yard except by a track running through K and Canal streets, right down through the center of the street, right through a public playground where the children have to be roped off to save their lives? This track is serving the garbage plant, which ought to be removed, which is a disgrace to Congress and the District of Columbia to keep it where it is; is serving the Standard Oil Company plant, as well as the navy-yard. Why not take this matter up? Offer an amendment, and I assure you there will be no point of order against it. Permit the Government to do it and have it removed. I hold that it is not necessary to expend the whole \$300,000; but even if it is necessary, will you take the chance of murdering women and children on this street, with this railroad not only crossing at grade, but absolutely down the middle of the street? Will you hesitate on account of the dollars and cents involved? I hope the committee will take a proper view of this matter and ask to return to this paragraph and offer the amendment themselves. To-day those very people are being assessed to pay for benefits under the elimination of grade crossings. Yet this dangerous track is proposed by this committee to stay there indefinitely. of justice is it to make these people along that line of road pay for eliminating grade crossings in other parts of the city and keep right at their own doors a railroad track which is a danger to their lives, which destroys the value of their property? I do certainly think the Naval Committee did not give this matter proper consideration. Of course the railroad company will be satisfied to keep it there forever, but they suggest that we build it, and that is a proper suggestion, and it ought to be done.

The bill I introduced provides for \$90,000 for construction. The estimate only shows \$93,000 for the construction, and the surveyor of the District of Columbia says that every inch of it can go on government property; but suppose it can not? We did not hestitate to build the House Office Building because property owners in that square asked too much for the land. We went ahead and condemned it and erected the building. We can condemn and take this property.

But we do not have to have whole squares. Even if we do, the property will be valuable to the navy-yard, because it is

right up against the navy-yard itself.

It will be valuable to the Government to own that property. We can never do it for less money than we can now. bills being reported for the acquiring of parks beyond the Eastern Branch of the Potomac, and yet here are \$13,000,000 worth of government property at the navy-yard, and the Naval Committee proposes only a temporary makeshift that involves the loss of life and property. I make this statement that the matter may be fully understood, and I hope the Naval Committee will ask to return it to the bill and amend by putting in proper legislation so as to get this track built in two years, as it ought to be done.

Mr. GAINES of Tennessee. Will the gentleman yield for a

question?

Mr. SIMS. I will. Mr. GAINES of Tennessee. Is this provision in the bill that went out yesterday, undertaking to repeal the statute passed on that subject?

Mr. SIMS. Absolutely repealing to that extent the law that was passed for the very purpose of eliminating these grade crossings

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8265. An act to regulate examinations for promotion in

the Medical Corps of the army; and

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City,

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15452. An act to establish two or more fish-cultural sta-

tions on Puget Sound.

NAVAL APPROPRIATION BILL.

The committee resumed its session. The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Medical Department: For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, museum of hygiene, and department of instruction, and Naval Academy,

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

After line 18, page 33, insert the following:

"That the Secretary of the Navy may direct, in writing, the Surgeon-General of the Public Health and Marine-Hospital Service to make special investigations into the prevalence of tuberculosis, typhoid fever, rabies, leprosy, and other similar diseases affecting man, the conditions influencing their propagation and spread, and methods necessary for their prevention and suppression. The investigation of rabies shall include the preparation and use of the virus or other substance made in the hygienic laboratory for its prevention in those exposed. The Surgeon-General, with the approval of the said Secretary, is authorized on request of the health authorities of the State, Territory, the District of Columbia, Porto Rico, or the Philippines, to detail officers to cooperate with said authorities in their measures for the protection of the public health.

"That the Secretary of the Navy may direct that the results of the investigations authorized shall be published, and also that there be disseminated by means of sanitary bulletins and exhibits prepared by the Public Health and Marine-Hospital Service practical information concerning the prevention or suppression of tuberculosis, typhoid fever, rabies, leprosy, and other similar diseases pertaining to man."

Mr. FOSS. Mr. Chairman, I make a point of order against

Mr. FOSS. Mr. Chairman, I make a point of order against that amendment. If I understand it correctly, it relates to the Marine-Hospital Service.

Mr. FOSTER of Illinois. Yes.

Mr. FOSS. It is not in order on this bill, I will say to the gentleman; the naval bill does not appropriate for Marine-Hospital Service. That is appropriated for in the sundry civil

Mr. FOSTER of Illinois. I understand that this Bureau of Medicine and Surgery is controlled by the Marine-Hospital Service, and for that reason I thought the amendment would be germane to this paragraph in the bill. The Secretary of the Navy would have charge of the expenditure of this money.

Mr. FOSS. The navy has nothing to do with the Marine-

Hospital Service.

Mr. FOSTER of Illinois. Mr. Chairman, my understanding of the matter is that under the Secretary of the Navy the Bureau of Medicine and Surgery would make the investigation of these diseases. If not a proper place for this amendment, of course I will offer it at another time.

Mr. FOSS. I understand, then, the gentleman withdraws his

amendment.

The CHAIRMAN. Does the gentleman from Illinois withdraw his amendment?

Mr. FOSTER of Illinois. No; Mr. Chairman, I will ask for

a ruling by the Chair.

The CHAIRMAN. The Public Health and Marine-Hospital Service has nothing to do with the Marine Corps; that service is a branch of the Treasury Department and is not under the Navy Department. Besides, the amendment is purely legislation, and for both reasons, or for a sufficient reason, the Chair

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. What was the last appropriation—

how much did it carry?

Mr. FOSS. Two hundred and seventy thousand dollars. This is an increase of \$30,000.

The Clerk read as follows:

In all, Bureau of Medicine and Surgery, \$424,700.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman what increase there is in the total appropriation. I see the total appropriation in this bill is \$424,700.

Mr. LOUDENSLAGER. The increase is \$39,000.

Mr. EDWARDS of Georgia. What is the increase in the

Mr. FOSS. About \$13,000,000 over last year. The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses and navy and marine corps general courtsmartial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: Provided, That the Secretary, of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval supply fund; and for the purchase of United States Army emergency rations, as required: Provided, That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy and Marine Corps, also to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the general storehouses and paymasters' offices of the

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to the first proviso in the paragraph just read. I would like to ask the chairman of the committee what is the purpose of making this provision for the commutation of rations of certain described prisoners?

Mr. FOSS. To save money. Under the present law the rations are commuted at 30 cents, and under this provision they will be 22 cents. It is only to save money to the Government.

Mr. STAFFORD. From the statement of the chairman that the purpose of the provision is simply in the interest of economy, and that it is a worthy one, I withdraw the point of order.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the navy in the line of construction and repair; inciphotographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, \$8,979,144: Provided, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: Provided further, ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: Provided further, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: Maine (in addition to the \$200,000 authorized by the naval appropriation act approved May 13, 1908), \$520,000; Missouri, \$540,000; Ohio, \$540,000; Wisconsin, \$380,000

navy-yards, naval stations, and offices of superintending naval con-structors for the fiscal year ending June 30, 1910, shall not exceed \$808,039.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining some information. I notice in the enumeration of battle ships for which repairs are provided in the item just read that there are many bearing the same amount, namely, that to the Chattanooga, the Cleveland, the Denver, the Des Moines, the Galveston, the Tacoma, each carrying an appropriation of \$210,000. I would like to ask the chairman of the committee whether there are any repairs of a Mr. FOSS. This comes to us all itemized, generally. I do

not know that there is any special significance in the fact that the same amount is carried for each one, unless it be that these vessels are in the same class, and about the same amount would

be necessary for their general overhauling.

Mr. STAFFORD. Is it intended to make alterations on them of a like kind that will involve the same amount of expense, or is it in the nature of repairs solely?

Mr. FOSS. In the nature of repairs, a general overhauling. Mr. STAFFORD. Can the gentleman describe what repairs are necessary to keep these battle ships in order so as to make them valuable as a fighting arm of the Government?

Mr. FOSS. Oh, well, take, for instance, the Ohio. There has to be a general overhauling of the Ohio, changes in the battery and the magazines, and so forth, to bring the ship up in accordance with the present practice, miscellaneous improvements, and alterations necessary for the safety of the ship. That is a ship which was built a number of years ago, and it is necessary in order to bring that up to the highest standard of efficiency that these alterations and repairs should be made from time to time.

Mr. STAFFORD. Has any data ever been presented to the committee as to what is the average cost for making repairs to provide for the usual wear and tear of a battle ship each year?
Mr. FOSS. No; I do not know that we have any data on that

that I can furnish the gentleman. It depends entirely on the new improvements that are taking place all the time.

Mr. BUTLER. And on the use that is given the ship. Mr. FOSS. Yes, on the use of the ship; how much she is in commission.

Mr. STAFFORD. There results naturally from the ship being used in the ordinary way during the year certain wear and tear that has to be repaired every so often?

Mr. FOSS. Ves Mr. STAFFORD. Can not the gentleman give any idea as to the amount yearly that would be required to meet the ordinary wear and tear?

Mr. FOSS. I could not.

Mr. STAFFORD. The committee has never received any information from the department as to what would be considered necessary to keep a battle ship in condition each year?

Mr. FOSS. No; it depends on so many circumstances, upon her use, that it is impossible to tell; but the department has sent us a special document here, Document No. 1152, and also a supplementary document, 1306, in which the department esti-

mates on the repairs for these ships specifically.

Mr. STAFFORD. Following the suggestion of the gentle-an's colleague, the gentleman from Pennsylvania [Mr. Bur-LER], that it varies with the use of the ship, I suppose that by reason of the tour around the world of our Atlantic Squadron the repairs to the fleet when it returns home will be much in excess of the ordinary and will require large sums of money to put the fleet again into commission.

Mr. FOSS. One can not tell anything about that until the

ships get home.

Mr. STAFFORD. The gentleman can not tell as to the

Mr. FOSS.

Mr. STAFFORD. But arguing from general principles, the ships being in continual use they will require much more repairs than they otherwise would. Mr. FOSS. Undoubtedly.

Mr. STAFFORD. And particularly having been away from navy-yards for the ordinary repairs during that period.

Mr. FOSS. Undoubtedly.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. This provision carries an appropriation of \$4,154,500 for the repairs of vessels. How much was carried last year for the same purpose—that is, for the purpose of repairing other

Mr. FOSS. I do not recall the amount.
Mr. TAWNEY. My recollection is that it is between four and five millions or about five millions.

Mr. FOSS. Here it is-\$5,788,000.

Mr. TAWNEY. So that in two years we will have appropriated about \$100,000,000 for the reconstruction of vessels?

Mr. FOSS. Well, I will not say "reconstruction."

Mr. TAWNEY. Well, repairs that are in excess of \$200,000

per vessel.

Mr. FOSS.

Mr. TAWNEY. I desire to call the attention of the committee to this fact. I have gone through this report, Document The supplementary document I did not receive, although I sent for it. The first vessel on which it is proposed to expend in excess of \$200,000 is the Maine. The amount to be expended in the reconstruction of the Maine is \$520,000. the Maine was commissioned December 22, 1902, only six years

Mr. PADGETT. Will the gentleman permit just one word

there?

Mr. TAWNEY. Yes, sir.

Mr. PADGETT. That \$520,000 is in addition to \$200,000 au-

thorized in the bill of last year.

Mr. TAWNEY. I was going to inquire whether or not we had appropriated about \$200,000 for the Maine last year. That makes \$720,000 we are appropriating for the repair or reconstruction of a vessel that has not been in commission to exceed six years.

Mr. SABATH. Will the gentleman permit a question? Mr. TAWNEY. Yes, sir. Mr. SABATH. Can the gentleman give us the information as to by whom the Maine was built?

Mr. TAWNEY. I can not tell the gentleman where the Maine was built or who built it.

Mr. BUTLER. It was built at Philadelphia by the Cramps. The new Maine, does the gentleman inquire about?

Mr. SABATH. Yes. Mr. BUTLER. The new Maine was built at the Cramps' shipyard, Philadelphia, nine or ten years ago.

Mr. SABATH. In 1902.

1902, seven years ago. Mr. BUTLER.

Mr. SABATH. So it has been in commission about six years. She was commissioned December 22, 1902, TAWNEY. just about six years ago. The next vessel is the Missouri. The amount estimated for the repair or reconstruction during the fiscal year 1910 of this vessel is \$540,000. I will ask the gentleman from Tennessee if there were any appropriations made at the last session of Congress for the repair of the Missouri?

Mr. PADGETT. No, sir. Mr. TAWNEY. The *Missouri* was commissioned December 1, The Missouri has been in commission only five years, and now in order to repair or reconstruct her we are asked to appropriate \$540,000, or over a half million dollars. The next vessel The amount estimated to be appropriated for the is the Ohio. Ohio is \$540,000, and the Ohio was originally commissioned October 4, 1904, only four years ago. The Wisconsin, \$380,000, and she was commissioned February 4, 1901. Then there are six vessels of the Chattanooga class which require overhauling durvessels of the Chattanooga class which require overhauling during the fiscal year 1910. They were commissioned on the following dates: The Chattanooga, October 11, 1904; the Cleveland, November 2, 1903; the Denver, May 17; 1904; the Des Moines, March 5, 1904; the Galveston, February 15, 1905, less than three years ago; and the Tacoma, January 30, 1904.

Mr. BATES. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. TAWNEY Vos

Mr. TAWNEY. Yes, Mr. BATES. The gentleman from Minnesota is aware that these vessels have been in active commission ever since then?

Mr. TAWNEY. These I last named; yes.

Mr. BATES. Is the gentleman aware that vessels in active use need to be repaired not only once in five years, but every year?

Mr. TAWNEY. They may need such repairs as they would ordinarily need if the vessels have been properly constructed in the first place. There is the ordinary wear and tear necessary on the vessel, and this provision was put in the naval appropriation two years ago for the purpose of bringing to Congress information as to the amount of money that was being expended annually in the reconstruction of our navy, and now it tran-

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman if these repairs are to the hulls or the machinery of the vessels?

Mr. LOUDENSLAGER. Both.

Mr. TAWNEY. I will read the memoranda in Document No. 1152.

Mr. DOUGLAS. Will not the gentleman finish about these

Mr. TAWNEY. I will answer the gentleman from Iowa first. I will read the memoranda in House Document 1152 contained in the letter of the Secretary of the Treasury:

Mainc.—General overhauling under all bureaus, including the installation of new boilers by the Bureau of Steam Engineering and the work in connection therewith under the other bureaus; modifications of the battery and magazines to bring them into accord with the present practice; general overhauling and renewal, where necessary, of the electric plant; installing ammunition hoists and other turret fittings to bring the vessel into accord with current practice; miscellaneous alterations and improvements absolutely necessary for the safety and efficiency of the vessel.

Much of the money appropriated for the repair of this vessel will not be expended for repair, but in new improvements made necessary by the change of policy in connection with the construction and operation of these vessels.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that his time be extended ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLCOTT. Will the gentleman yield for a minute? Mr. TAWNEY. I have answered the question of the gentleman from Iowa [Mr. HEPBURN], and I will now answer the question of the gentleman from New York.

Mr. OLCOTT. Is not some of the money expended because of the advance in the science of naval architecture?

Mr. TAWNEY. Yes, sir. Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman another question. Is it not true that a very large percentage of the repairs that are necessary, especially to machinery, results from the fact that there are no engineers in the navy, that there are no competent men in charge of the vast machinery of one of these great ships?

Mr. TAWNEY. I am informed, I will say to the gentleman from Iowa, that much of the deterioration in the machinery of our naval vessels is due to the inefficiency of the men who are in charge of that machinery. I can not, however, state it as a fact, but that is my information.

Mr. HEPBURN. Is it not true, as a matter of fact, that all of this vast machinery is in charge of warrant officers alone?

Mr. TAWNEY. I understand that is a fact.

Mr. HULL of Iowa. Are they not graduates of the academy

at Annapolis?

Mr. HEPBURN. Undoubtedly; but the gentleman will remember that a few years ago one-half of the cadets at the Naval Academy were educated as engineers, to be in charge of the machinery of these great vessels. A few years ago a change was made, and that part of the education of the cadets ceased to be given, and we now have no engineers of that

Mr. HULL of Iowa. I will say to my colleague that such is not my understanding. My understanding is simply to put in, first, line officers. All cadets are educated in engineering, and those that are especially adapted to the engineering course are

Mr. TAWNEY. I do not wish to be diverted here entirely from what I intended to call attention to. The item of over \$4,000,000 is for repair on vessels where the repair exceeds \$200,000. In addition to that, this same paragraph carries an appropriation for repairs of \$8,979,144.

Mr. FOSS. No; not in addition. The other is only a limita-

tion of that.

Mr. LOUDENSLAGER. It includes the \$4,000,000.

Mr. TAWNEY. I did not have time to read it. The total, then, for the reconstruction and repair of naval vessels is almost ten million, in addition to the new construction authorized, which amounts to \$15,000,000.

Mr. FOSS. That is not pertinent to the discussion.

Mr. TAWNEY, I understand, but it shows what we are paying for construction, both new construction and reconstruction. Until two years ago the reconstruction of these vessels was effected by the use of appropriations made generally to the various bureaus of the department, without Congress knowing what we were paying for reconstruction; and it was upon my motion two years ago, I think it was, that an amendment was placed on the naval appropriation bill requiring specific estimates where the expenditure for repairs exceeded \$200,000. And now we find that the reconstruction, aside from the ordinary repairs, is costing the Government of the United States at the rate of about \$5,000,000 a year, and on vessels, too, Mr. Chairman, not yet in commission to exceed an average of four and a half years. If we are going to continue our present policy in respect to a greater navy, where will we ultimately of all these battle ships. I think the gentleman has had some

land when the vessels now being authorized are commissioned and placed in service, when it will require anywhere from two million to four or five million dollars every few years to reconstruct them? I wanted to call attention to the enormous expenditure for the reconstruction of vessels outside of the ordinary repairs on vessels that have not been in commission to exceed four or five years.

It is a reconstruction, according to the statement of the Secretary of the Navy himself, of parts of the vessel, not a reconstruction of the entire vessel-a reconstruction made necessary by the advance in naval architecture, a science that has, it is claimed, advanced more rapidly in this country in the last few years than any other science; and it is only another argument, Mr. Chairman, why we should go a little slower in the matter of building up and extending our navy by the authorization of enormous battle ships.

Mr. KEIFER. Mr. Chairman-

Mr. COX of Indiana. What would the gentleman suggest to

remedy the evil?

Mr. TAWNEY. Stop building ships for a little while, and reconstruct those that we have, in accordance with the present views of advanced naval architecture.

Mr. COX of Indiana. I agree with the gentleman.
Mr. KEIFER. Mr. Chairman, only a word. I think there
was a misapprehension as to the nature of the authorization. In answer to a question by the gentleman from Michigan to the chairman of the committee, he stated that the sums were largely for repairs. That is hardly true. The repairs alone would amount to a comparatively small amount of money to be expended on the several ships. But the bill does provide exactly how and for what purpose these several appropriations to the several ships is to be applied. Reading from the provision:

And the Secretary of the Navy is hereby authorized to make expenditures from the appropriate funds of the various bureaus for repairs and changes on the vessels herein named in an amount not to exceed the amount specified for each vessel, respectively, as follows:

Then follow the names, mentioning the Maine, the Missouri, and so on. So these large sums are to be expended not for repairs alone, but very largely for changes.

Mr. TAWNEY. Reconstruction.
Mr. KEIFER. Changes to be made in these vessels. The gentleman from Minnesota says reconstruction. That may be the same thing as changes. The great advance in discoveries in the highest class of battle ships made in recent years makes it necessary that we should make changes in all these ships, and therefore it is necessary that large sums of money be appropriated for that purpose. Now, I am not able to tell when we are ever going to be through with inventions and discoveries to improve battle ships, in armor, and so forth, whatever it may be; but if we are going to keep abreast of the nations of the world that have navies, we will have to keep our ships that we built a few years ago up to the highest standard, or they will have to go out of commission, and I think these appropriations are wise.

Mr. TAWNEY. Will the gentleman permit an interruption?
Mr. KEIFER. Certainly.
Mr. TAWNEY. I want to call your attention, and the attention of Members of the House and members of the committee, to the way in which the estimates for these changes and the reconstruction of different parts of vessels are made. We appropriated for reconstruction and repair of one vessel in the last session of Congress. A board of survey condemned the boilers in that vessel and bids or proposals were invited for new boilers. When the proposals were received and the bids were opened, for some reason unknown to me, at least, the department concluded that it was not necessary to put in new boilers, and they refused or rejected all the bids. They determined that they would continue the use of these boilers for some time to come, showing that there had been no thorough investigation as to the condition of the boilers prior to the time the authorization for new boilers was asked, or else the proposal which was the lowest was not

satisfactory to the department.

Mr. KEIFER. That speech, which I am willing to adopt, supposing the gentleman was going to ask a question, is a criticism upon the way the money is expended and does not reach the question of the wisdom of the expenditure of money in the matter of repairs and changes of these battle ships.

I was going to suggest that I think the gentleman from Iowa [Mr. Hepburn] is mistaken when he says, without qualification, as I understood him, that there are no competent engineer officers in charge of the boilers and machinery of these great battle ships. I do not think there is any such condition on a single one of them. There may be certain warrant officers having special charge of certain parts or several of them, but misinformation on that subject. The midshipmen at the Naval Academy are all educated, and they are expected to be highly educated in engineering of that character. Their education is of the kind that specially qualifies them as competent engineers to take charge of the complicated machinery of our battle

Mr. BUTLER. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] has it in his mind that the machinery of these battle ships and cruisers is in the hands of men who are incompetent. I think that the gentleman from Iowa may, perhaps, draw his conclusion or his query may arise because in these days engineering is not taught as a specialty in the Naval Academy. Gentlemen will remember that prior to 1899 the profession of engineering was given great attention by the United States Government. The gentleman will remember that in the year 1899 Congress passed a law, known as the "personnel act," by which the line and the staff of the navy—the part of the staff including the Engineer Corps—were consolidated.

If the gentleman from Iowa will give me his attention a few minutes, I will state to him that since the passage of that law the curriculum at the Naval Academy has changed. All the young men appointed there now are taught mechanical engineer-

was one of the men who advocated the consolidation. am willing now, in the presence of my colleagues, to admit I believe I made a mistake. I believe this is the day of specialty, and I believe that the men who have charge of this machinery ought to have charge of it alone and not be taken from the engine room to stand watch on deck. I advocated, in 1899, that this consolidation might take place, and this is one of the effects of the consolidation. At the Naval Academy in these days the young men are taught engineering as well as seamanship. The same course of study is given to all the young men, while prior to 1899 they were taught engineering specially. They were specially educated for this service, their proficiency was reported to the department, and those who made the best marks at the academy were given preference, I understand, by assignment to the Engineer Corps—not civil, but mechanical engineering corps.

Now, I desire to say to my friend the best information we can obtain satisfies us that the machinery on the ships is still

in good condition.

I believe it to be the intention of the Committee on Naval Affairs to find out whether, after this long journey around the world has been concluded, the machinery is still in good con-We intend, further, to ascertain who has had charge of this machinery. From this we can learn much of the effect of the consolidation of 1899. It is true that a good deal of its operation is in the hands of the warrant machinist. He is a man without the technical education that the young men receive at Annapolis. In this day, when the specialist is in demand, when he is employed because of his skill specialized, I believe it is impossible to include in that list line officers of the United States Navy graduated since 1899. The study is too great, the curriculum too long. Too much time must be employed in covering all the different subjects, and the boy can not specialize. He leaves his books a combination of sailor and engineer.

These warrant machinists need no defense. While they do not have the technical education received at these schools, yet, in my judgment, they compose one of the most important classes of men in the United States Navy. They are practical men. They are employed by the Department after having been subjected to a severe test. They must show that they have had long experience in charge of machinery. Their's is what I might call a process of promotion and graduation. When a man enlists in the navy as a mechanic, he is given, I believe, the grade of machinist; and after years of service, if he can show his efficiency he is promoted and warranted and paid quite a respectable sum, perhaps \$1,500 or \$1,800 a year.

The control of the engine room is still in the hands of a

graduate of Annapolis; but the practical management of the machinery is, I am told, largely in the hands of the warrant The question is whether or not the officer who has machinist. control of the discipline of the engine room, and who has imposed on him the responsibility for the careful management of the machinery, has had sufficient education, sufficient time in his preparation to qualify himself, as he did heretofore. I doubt it. Does my friend from Iowa desire to ask me any

questions?

The CHAIRMAN. The time of the gentleman from Penn-

sylvania has expired.

Mr. HEPBURN. I simply want to ask the gentleman if it is not true that since 1899, since competent men were taken away from the charge of the engines, and the Navy Department concluded to do without competent engineers in the charge of

its vast machinery, the item for repairs of boilers and machinery in these vessels has very greatly increased?

The CHAIRMAN. If there be no objection, the time of the gentleman from Pennsylvania will be extended five minutes.

Mr. BUTLER. I can not answer the gentleman with the precision that I know he always demands in answer to his questions. We know that the expenditures on repairs on these ships have greatly increased in recent years. We believe, however, that is because of the greater service of the ships, and because there is more machinery and perhaps more delicate machinery, machinery that has been improved by skillful men, which is being tried by the department. More repairs are necessary, because there are more ships to repair. answer the gentleman's question definitely, but it will be the purpose of this committee to ascertain whether or not he is right in his belief.

I would not, however, want the gentleman to conclude that the machinery is in the hands of incompetent men. While their competency should be conceded, my friend and I will agree that the efficiency of a man may be increased by specializing.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BUTLER. Yes.
Mr. TAWNEY. Do you make any distinction between theo-

retical competency and practical competency?

I believe in a practical competency. I be-Mr. BUTLER. lieve that the ability of a man to manage machinery and to do all the technical work incident thereto may be acquired by practice. And it is the observation of the gentleman from Minnesota, as well as my own, that there are many men in important positions in life, where a technical knowledge is required to enable them to do their work well, who have never received a technical education at an institution where such education is offered. Men have done well on practical lines, and I know that it is the purpose of the department in procuring warrant machinists to procure the very highest possible skill. I do know that in this day, where engineers are employed to manage and care for machinery in great industrial establishments, they are usually asked for certificates showing from what institutions they graduated that the employers may know the amount and extent of the theoretical knowledge which the applicant is likely to possess.

Mr. MACON. In view of the views advanced by the gentleman from Tennessee [Mr. GAINES] the other day, when he stated that he had a dentist in his town, a born dentist, does not the gentleman think that we also have born machinists and

born engineers?

Mr. BUTLER. If I were going to have a tooth pulled, I would rather have it pulled by an unborn dentist than by one already born, because it would not hurt so much. [Laughter.]
Mr. MACON. But does not he think that engineers are

largely persons born with that kind of a taste for machinery?
Mr. BUTLER. I agree with the gentleman that men are naturally born to do special duties.

Mr. MACON. Born machinists? Mr. BUTLER. Yes; men that h Mr. BUTLER. Yes; men that have an inclination to handle machinery, and the Navy Department is in search for just such men; and before these machinists are warranted and given important duties they are required to take a technical examination and to show their exact fitness, and this much this whole House can prove.

Mr. COX of Indiana. Can the gentleman tell the House what was the original cost of these five vessels requiring \$210,000

each for repair?

Mr. BUTLER. The gentleman has asked me a question that will stump me. If the gentleman will permit the Clerk to turn to the records, he can perhaps give him the information. They were expensive ships; they were built at a time when we had perhaps to do more guessing than now; they were built six or eight years ago. The ships referred to are not armored ships, they are not armored cruisers, they are not scouting cruisers, but ships kept in motion most of the time, just as my friend would understand an all-day wagon run every day in the week and Sundays, and thus they require more repairs. I do not know whether the estimates for repairs are extravagant or not. It is impossible, much as we may desire to learn, for us civilians, who have no particular training along these lines, to raise a dispute with those better educated over the estimate for repairs upon the ships. We have set the amount beyond which the department can not exceed for the

Mr. COX of Indiana. Up to this time the gentleman under-

stands that I am not quarreling with him?

Mr. BUTLER. Oh, no.

Mr. COX of Indiana. I am simply trying to get the original cost of these ships for information.

Mr. GAINES of Tennessee. A war ship costs \$10,000,000.

Mr. BUTLER. These are not large war ships to which the gentleman calls attention.

Mr. TAWNEY. We can not get at the original cost, I will say to the gentleman. The original cost continues and is constantly changing.

Mr. SABATH. And increases from day to day.

Mr. BUTLER. As nearly as I can work out this list of figures, the *Galveston* originally cost \$1,736,774.23. The *Tacoma* cost \$1,398,781.75. These are what are known as "protected cruisers." They have no side armor, but they have a sort of protected deck, a deck which is covered with steel, as I am told by those who do know the purpose of which is a protection. told by those who do know, the purpose of which is a protection serving to keep the shells of the enemy out of the engine room.

Therefore they are called "protected cruisers."

Mr. HULL of Iowa. Mr. Chairman, the question of my colleague from Iowa indicates that the course at Annapolis is not now-developing officers of the navy competent to take charge of this complicated machinery, and the answers of the members of the Naval Committee I think fully justifies the conclusion of my colleague from Iowa. I confess, Mr. Chairman, that this somewhat startles me. I was under the impression that the course of instruction at the Naval Academy was thorough in this line of mechanical engineering, and that they graduated these cadets competent to take charge of all the machinery of a great war vessel.

Mr. BUTLER. The gentleman will recall the fact that at all technical schools—the Boston School of Technology, the school at Cornell and in Chicago, and in other institutions where mechanics are taught four years are required on this one branch alone, and I am told that it is the purpose of the institutions to increase it one year more and make the term five years in order to turn out what they understand is a first-class theoretical cadet, and that after they have been through another college.

Mr. HULL of Iowa. Mr. Chairman, the condition of affairs

in the war ships, before the consolidation of the staff and the line and its management, was substantially the same as now. They then had the so-called "warrant officers," who did the large amount of the practical work in the engine room, commissioned officers having charge. It has not been very long since an eminent naval officer—I think it was Admiral Melville in a magazine article stated that the battles of the future on the sea would be largely fought in the engineer room below the decks. I think probably that is true, and it seems to me—and all I desire now is to call the attention of the country to the fact, if it is a fact—that this great school at Annapolis training officers to take charge of our ships not only above the deck, but below the decks, should have its course so adjusted as to insure to the country the best service in the engine room as well as above it; and I believe from my knowledge of the officers that they are competent to do that, and for one Member of this House I am not willing to concede that the Naval Academy does not turn out trained officers who are competent from the bridge to the engine room to command every part of these great war vessels. I do not believe these repairs are made necessary because of a deterioration in the officers of the navy, but that they are necessary because of the great use that is made of the war ships. It may not be necessary to expend this amount. It is largely an estimate on the part of the officers of the Government as well as the Naval Committee. No one can figure absolutely and accurately what will be necessary to repair a ship until it is put upon the ways. You can make an estimate that will approximate it, and, as I understand it, the Naval Committee in this matter has simply gone to the point of putting in the bill what they believe is ample, and putting it as a limitation on the total cost for each vessel.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Does not the gentleman think it would be wise for Congress to require the Navy Department to report to Congress annually the expenditure of appropriations made on these vessels for the purpose of ascertaining the manner in which that expenditure was made, and the purpose for which it was made?

Mr. HULL of Iowa. Oh, yes; but that does not affect this bill. I rise in my place only to correct what I believe will go out to the country as a misapprehension of the real condition of affairs at our Naval Academy and in our navy. I believe as a man that knows no more about it than any other man here, except as I have been interested in these questions probably more than some, that our naval officers to-day are as competent, as able, and as faithful in the discharge of all their duties as they were before the personnel bill passed.

Mr. BUTLER. Let me ask the gentleman a question. The CHAIRMAN. Does the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. BUTLER. I understand the curriculum at West Point requires each student to study engineering.

Mr. HULL of Iowa. Yes.

Mr. BUTLER. Is it not a fact that before a student goes into the Engineer Corps he is given four years' additional technical instruction?

Mr. HULL of Iowa. No.

Mr. BUTLER. Is he given any additional instruction?

Mr. HULL of Iowa. The students graduating highest are put in the Engineer Corps-the men who graduate at the head of their class. The number that is taken is governed by the necessities of the corps the year the class graduates. It has been as low as one and it has been as high as seven. After they are assigned there they are commissioned in the Engineer Corps; they are given a thorough electrical course of two years' study, but they are engineer officers all the time, and my understanding is the authorities can take the same class of students at Annapolis, take the highest class, in whatever number is needed for the engineer work of the navy and assign them as engineers; that they then go on shipboard for two years more, and there they complete the course in engineering.

Mr. TALBOTT. We do not educate the boys in steam engineering at West Point.

Mr. HULL of Iowa. Of course not. The gentleman knows more about Annapolis than I do.

Mr. TALBOTT. We do not educate them in steam engineering. An engineer in the army is altogether different from an engineer in the navy.

Mr. HULL of Iowa. Altogether different; there is no par-

allel between them at all.

Mr. GAINES of Tennessee. I would like to ask the gentleman how the cost of these repairs in time of peace compare

with the repairs of ships that came out of the Spanish war?

Mr. HULL of Iowa. We did not have anything to do with anything but transports. They are entirely a different ship and no comparison can be instituted at all. We have rebuilt nearly all of our transports since we bought them.

Mr. GAINES of Tennessee. Did we use transports during the civil war?

Mr. HULL of Iowa. Oh, yes. We bought a whole lot of freighters in the Spanish war—old vessels—and converted them into transports.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois,

Mr. FOSS. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I do not think it is in the mind, certainly not in the mouth, of any of us to criticise these gentlemen who command these ships. They are good Americans and are well trained for their duties, and when put to the test, whatever that test may be, they will be equal to it. What I have endeavored to say to the committee was this, that I doubt whether or not in four years, having all the duties to perform that they have assigned them at Annapolis, they could qualify themselves as engineers as well as though they had spent four years in the pursuit of that one study alone. When a young man graduates at Annapolis and aspires to become a a young man graduates at Annapons and aspires to become a constructing engineer or a naval constructor, if designated by the department, he is sent to some school by the Government, so that he may have a chance in three or four years to especially equip himself. My idea is that those gentlemen, who graduate at Annapolis who desire to become engineers, ought to have the same opportunity afforded them, and we will ask Congress to listen to us some day along this line.

Mr. TAWNEY. Mr. Chairman, a moment ago when the gentleman from Ohio was addressing the committee on the subject of the repair of naval vessels I interrupted him and called attention to the carelessness with which estimates for these repairs are made. I cited from memory an instance which was brought to my attention when the present session of Congress began. Since then I have had handed to me the hearings before the Committee on Naval Affairs, which verify the statement that I made; not only verify my statement, but show the conditions to be even worse than I had supposed they were. I read from the hearings, on page 191:

Mr. PADGETT. In the last appropriation bill we authorized a large amount of money for repairs on certain named ships, and among them \$600,000 for the Alabama. Was that amount expended on the Ala-

\$600,000 for the Anadama.

bama?

Commander Griffin. I do not think a dollar has been expended yet.

Mr. Paddett. Why?

Commander Griffin. She has just returned from her trip around the world, and a general survey has just been held on the ship. In fact, the report has not yet been made to the department. The authorization

for work on her involves an estimated expenditure of \$175,000 under the Bureau of Steam Engineering, the remainder being under the other bureaus. No action has been taken on the survey.

Now, this appropriation was made and submitted a year ago to the Committee on Naval Affairs for \$600,000 to repair the Alabama, when there had been no survey made. I had supposed a survey had been made, but it seems there was no survey made.

r. PADGETT. Was a survey made before this estimate for \$600,000 submitted and the appropriation procured at the last session of trees ?

Mr. Padgett. Was a survey made before this estimate for \$000,000 was submitted and the appropriation procured at the last session of Congress?

Commander Griffin. No, sir; not to my knowledge. I should say that no general survey had been held, but the estimates were made up from expenditures for work of a similar character on other ships. For instance, we had a general survey on the Oregon and on the Massachusetts and Indiana, all battle ships, and I suppose the estimates—
Mr. Padgett (interrupting). Do I understand that you make a survey on the Oregon, and you ask then \$600,000 for the Alabama?

Commander Griffin. Not the same as the estimate for the Oregon necessarily, because the conditions differ materially in different ships, but they would be based largely on the character of work found necessary in another ship of that type.

Mr. Padgett. Do I understand that the department or the bureaus will ask Congress and this committee for an appropriation of \$600,000 for a specific ship without making an investigation or survey of that ship to know what is best and what is needed?

Commander Griffin. We know from the reports that come from the ship. For instance, in the Bureau of Steam Engineering we have quarterly reports that give the condition of the machinery and we keep a record showing the general wear and tear, so that we can tell at any time just what the condition of the machinery is.

Mr. Padgett. Just at that point: Were not bids advertised for for the new boilers for the Alabama?

Commander Griffin. Two.

Mr. Padgett. How many bids were received?

Commander Griffin. Two.

Mr. Padgett. As a matter of fact, have not both of those bids been rejected and the department determined not to put in new boilers for the present, because they said that the present boilers are good and sufficient?

Commander Griffin. So far as the Bureau of Steam Engineering has any knowledge of the matter, the department has not so decided,

Commander Griffin. So far as the Bureau of Steam Engineering has any knowledge of the matter, the department has not so decided, but I think, from conversation with members of the Board of Inspection and Survey, that that will be the decision of the department; at any rate, it will be the recommendation of the Board of Inspection and Survey.

The CHAIRMAN. The time of the gentleman has expired. Mr. TAWNEY. Just two minutes more. Mr. Chairman, I want to emphasize this fact that here we are appropriating money on estimates submitted by the department amounting, for the repair or reconstruction of vessels, to over \$9,000,000, when we have here the fact which conclusively proves that the estimates are not based on any tangible evidence of the necessity for the repairs. In this particular case, after we had given them the money to repair the Alabama and they had invited proposals for the placing of new boilers in that vessel, they found out they did not need any new boilers at all, and there-fore rejected both bids which were received for the purpose of putting in new boilers. How many more of these vessels we have appropriated for and are to-day appropriating for are to be repaired upon the same basis there is no evidence. not find from the hearings that the committee has made any investigation as to what the basis of these estimates was or whether a survey had been made in advance. Here is a vessel on a trip around the world when we were appropriating \$600,000 for her repair, and I hope that when these estimates for reconstruction and repairs are hereafter made that they will be based upon the condition of the vessel as found after a careful investigation or surveyed by a competent board.

Mr. FOSS. Mr. Chairman, I desire to say only a word or so about this subject of repairs. Reports are continually received here from the ships, wherever they are, as to their condition, and these estimates are made up from those reports. If we waited until the ships came into port and then had a survey and then sent an estimate to Congress, we might have to wait a whole year before we could begin any repairs upon these ships. Now, the chiefs of these bureaus, the Bureau of Construction and Repair and the Bureau of Steam Engineering, know, and it has been their experience, that every four or five years we have to have a general overhauling of our ships in order to bring them up to a high state of efficiency, and they know in round numbers how much it will cost to make that overhauling.

Gentlemen have objected to \$500,000 for a general overhauling of the battle ship Ohio, a ship that cost \$6,000,000. Is that too much? Is there a machine shop in the land anywhere upon which there has not been expended during the last four or five years at least 10 per cent of the cost of the machine shop? Any man who knows anything about manufacturing, and the gentle-man from Minnesota [Mr. Tawney] himself knows something about machinery, I understand—
Mr. TAWNEY. Will the gentleman permit?

Mr. FOSS (continuing). Knows that in every manufacturing plant and machine shop there is expended anywhere from 5 to 10 per cent every year upon machines, upon repairs, upon over-

hauling, and upon reconstruction, as the gentleman is pleased to call it

Mr. TAWNEY. Will the gentleman permit me to interrupt him there?

Mr. FOSS. Does the gentleman mean to say that these repairs are not necessary? Will he put his opinion against the naval experts in our navy?

Mr. TAWNEY. I will put my opinion against such a naval expert as made an estimate a year ago for the repairs of the Alabama; yes. I want to say further, in reply to the gentle-

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] yield? Mr. FOSS.

Mr. FOSS. I will yield for a question, that is all.
Mr. TAWNEY (continuing). That my objection was not to
the ordinary repairs to these vessels; but here is an item for
the repair of the Ohio, \$545,000, which means more than ordinary repairs. It means a reconstruction of a vessel that has been in commission less than four years. It is the time that the vessel has been in commission and the amount that is appropriated now for reconstruction that I object to.

Five hundred thousand dollars on a vessel that Mr. FOSS.

cost \$6,000,000?

Mr. TAWNEY. How much has been spent on her every year, in addition to the \$500,000?

Mr. FOSS. Very little.

Mr. TAWNEY. I would like to know.

Mr. FOSS. I have not got it; but this is a general overhauling of the ship, and every ship has to be generally overhauled every four or five years, and 10 per cent on the cost of the ship is a very small amount, in my judgment, for the overhauling

The gentleman speaks about reconstruction as though we were building the ship all over, as though the constructors down here will build her all over from top to bottom. I do not wish any such notion as that to enter the minds of gentlemen here. There is no reconstruction of the hull. There is no reconstruction of the great material part of the vessel. There are changes in the ammunition hoists, changes in the magazines, new boilers required, perhaps, and the internal fittings-those things which are made necessary because of the constant use of the ship, or made necessary by reason of new improvements. And, as has been stated, the science of naval architecture and naval construction has advanced perhaps more than any other science during the last ten or twenty years.

Now, I have not anything more to say about the subject of repairs. We have got to take the opinions of our naval experts, and not the opinions of gentlemen upon this floor, unless they have shown themselves specially qualified as naval experts

to inform and enlighten the House.

On the subject of engineers, I desire to state that I had something to do with the passage of the bill consolidating the Engineer Corps and the Line of the navy. I do not stand here to-day to confess my sins, as does the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Unless a mistake can be construed as a sin, I did not make any confession of sin, because I did not violate any moral, physical, or temporal law. I say I was misled by men like the gentleman from Illinois [Mr. Foss], who ought to have known better. [Laughter.]

Mr. FOSS. I simply say that by way of pleasantry. Mr. BUTLER. All right; I will so accept it.

Mr. FOSS. Simply by way of pleasantry to the gentleman. There is a difference of opinion on this question. I stand here and say to-day I believe that the consolidation between the Engineer and Line Corps was a good thing for the American Navy. I stand here to say that I believe the engines are well cared for and watched over by our naval officers to-day, and that our ships are performing their duties as well as they ever did before. I am not here to put my opinion against the opinion of any other gentleman on the floor of this House; but I want to say to you that it is the opinion of officers of the navy that this consolidation was a good thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Just one moment.

The CHAIRMAN. The gentleman asks unanimous consent

to proceed for one moment. The Chair hears no objection.

Mr. FOSS. What is the best evidence upon this subject, the best witness to call? We had Admiral Evans before our committee the other day, a man who has been in command of the Atlantic Fleet, that took it from Hampton Roads to Magdalena Bay; and the question came up there as to whether the consolidation which Congress authorized ten years ago was a good thing or not. My distinguished colleague upon the committee [Judge BUTLER] said to Admiral Evans:

I feel a mistake was made in the consolidation. Admiral Evans. You think the consolidation was not good?

Mr. Butler. I do; although I assisted in bringing it about.
Admiral Evans. I think it is the best thing that could have been done. When I got to California, without any engineers, my fleet was in better condition than when it started.

And it is the opinion of our naval officers, in command of our fleet and ships, that this consolidation has been a splendid thing for the navy, because it makes the man in command of the ship the master of the ship, a man who understands all the workings of the ship. Before, the command of the ship was in the hands of the engineer. We had to make a change in the curriculum of the Naval Academy, whereby the officer or midshipman there must acquire a knowledge of engineering, and by further adding to that the experience which he must obtain in the engine room as a watch officer. By reason of these facts, the entire ship is today under command of an engineer officer, a man who understands all the duties of engineering, and who is complete master of the ship.

Now, Mr. Chairman, I have not anything further to say; but I will call witnesses from the American Navy, the men who have sailed the ships and commanded them, upon this question as to whether or not this consolidation was not a good thing for the American Navy. Why, sir, the magnificent performance of our fleet, sailing around the world as it is to-day, is the pride of every American and the envy of every naval power on the face of the globe. Let me say to you that there have been no repairs upon those ships. They have not entered into any navy-yard, and what repairs have been made have been made by the men on the ships themselves, which is abundant testi-mony to the fact that our navy to-day in all its different parts, in the engineer department, as well as in every other department, is an efficient navy and doing its work splendidly and well.

Now, Mr. Chairman, I call for the reading of the bill. The Clerk read as follows:

NAVAL ACADEMY.

Pay of professors and others, Naval Academy: One professor as head of the department of physics, \$3,600.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word, simply for the purpose of getting information. I would like to ask the chairman of the committee in regard to these professors. What proportion of them are from civil life?

Mr. FOSS. Well, all of these we have here are from civil life. This professor is at the head of the department of physics. He has been there for thirty-five or forty years. That is Professor Terry

Mr. HULL of Iowa. In regard to the professors at the Naval Academy, is it the gentleman's opinion that it is as good administration to have professors from civil life teaching the cadets as it would be to have naval officers detailed, and receiving the title of professor, who are thoroughly familiar with the whole course of instruction to make a commander of our

Mr. FOSS. There is a desire in the Navy Department to have naval officers down there, but the committee has been more or less in favor of retaining the civil professors there. Some of them have been there a great many years and have shown their proficiency, and we are in favor of their retention.

Mr. HULL of Iowa. With the number of cadets graduated, it seems to me that we will soon have a very large number of naval officers, and unless they can be utilized in this line of work they will be put on the supernumerary list. We are graduwork they will be put on the superindictary list. We are grand-ating double classes at the Naval Academy each year, and will at least until 1911. Now, I will say to the gentleman that at the Military Academy the army prefers, and have always kept in all cases except the master of swords, the professors from the army, and hereafter when the master of the swords retires that officer is to be selected from officers of the army. teachers of French and Spanish they prefer from civil life. It is not an education in the line of the ordinary academy. It is for a specialized department of work, and it seems to me, both as a matter of economy and as a matter of better instruction, the naval officer graduated by thorough training as he reaches further along would be better qualified for this work than these professors from civil life.

Mr. LOUDENSLAGER. For French and Spanish and mathematics

Mr. HULL of Iowa. Mathematics altogether in the military classes. The teachers are graduates. I withdraw the motion. The Clerk read as follows:

The Clerk read as IOHOWS:

One sword master, at \$1,500; 1 assistant, at \$1,200, and 2 assistants, at \$1,000 each; 1 instructor in gymnastics, at \$1,200; 1 assistant librarian, at \$1,800; 1 cataloguer, at \$1,100; 2 shelf assistants, at \$900 each; one secretary of the Naval Academy, at \$1,800; 5 clerks, at \$1,200 each; 4 clerks, at \$1,000 each; 2 writers, at \$720 each; 1 clerk at \$1,440; 1 dentist, at \$1,600; 1 baker, at \$600; 1 mechanic in department of physics, at \$730; 1 mechanic in the department of ordnance, at \$951.52; 1 mechanic in the department of ordnance, at \$751.20; 1 messenger to the superintendent, at \$600; 1

armorer, at \$649.50; 1 chief gunner's mate, at \$529.50; 3 quarter gunners, at \$469.68 cents each; 1 coxswain, at \$469.50; 3 seamen in the department of seamanship, at \$337.50 each; 25 attendants at recitation rooms, library, store, chapel, armory, gymnasium, and offices, at \$300 each; 1 bandmaster, at \$1,200; 21 first-class musicians, at \$420 each; 7 second-class musicians, at \$360 each; services of organist at chapel, \$300; 1 assistant instructor in gymnastics, \$1,000; 4 clerks, \$900 each; 1 assistant baker, \$540; 1 mechanic in department of physics, \$720; 4 cooks, at \$600 each; 2 instructors in physical training, at \$1,500 each; 2 electrical machinists in department of physics, \$1,000 each; 1 chief cook, \$1,200; 1 steward, \$1,200; 1 assistant steward, \$600; 1 head waiter, \$720; 2 assistant head waiters, at \$480 each, \$960; 2 pantry men, at \$420 each, \$840; 1 assistant baker, \$420; 2 assistant cooks, at \$300 each, \$2,400; necessary waiters, at \$16 per month each, \$13,440; in all, \$154,702.76.

Mr. MACON. Mr. Chairman, I reserve a point of order on the new matter in this paragraph, for the purpose of asking an explanation from the Chairman. On page 45, line 3, I notice that you appropriate for 5 clerks, at \$1,200 each, whereas in the last bill only 2 were appropriated for.

Mr. FOSS. They were in different parts of the bill and we have put them together.

Mr. MACON. Is it not a fact that you have done this so as increase their salaries?

Mr. FOSS. No; I do not think their salaries are increased. Mr. MACON. I do not think you can find 5 clerks any-

where in the bill of last year.

Mr. FOSS. Perhaps there has been a little increase. the hearing so states there has been an increase in the Navy Department clerks of about 10 per cent.

Mr. PADGETT. Under executive order.

Mr. FOSS. And there is an increase of 2 clerks.

Mr. MACON. Has the committee authority to increase this force on an appropriation bill?

Mr. FOSS. The 2 were paid from another appropriation—

from the contingent fund.

Mr. PADGETT. I will read the note on page 75 of the bill. There you will see, under Note C:

The increase of 5 is caused by a transfer of 3 from another item, which is correspondingly reduced, and by an actual increase of 2 in the total number. The 2 additional are needed in the gymnasium and the sick quarters.

I will also read from the hearings:

I will also read from the hearings:

The CHAIRMAN. On page 142 I notice that you are asking for 5 clerks, at \$1,200 each, instead of 2; 4 clerks, at \$1,000, instead of 1; 2 writers, at \$720 each, instead of 1. Please explain those changes. Captain BADGER. I would like to have Professor Dodge answer that question.

The CHAIRMAN. All right
Professor DODGE. The current appropriation provides for a secretary and 9 clerks, at an expenditure of \$11,660. They are all paid on annual salary. In addition to that, there is now employed, and has been for several years, at the academy 7 clerks paid on a per diem basis from lump appropriations. There is a prohibition in the general deficiency act of last year against the further employment of any people in the classified service on a per diem basis to be paid from lump appropriations after this year unless they are expressly allowed by Congress. We have taken those 7 clerks and put them on a salary, with a total increase of \$585.36. There is an apparent increase in this appropriations. They are now brought to this one appropriation and put on an annual-salary basis.

Mr. FOSS. Then I was mistaken about that.

Mr. FOSS. Then I was mistaken about that.

Mr. MACON. You do increase the force.

Mr. PADGETT. There is an increase of 2, because the sick quarters and the new gymnasium require them.

Mr. MACON. Under existing law, has the committee the authority to increase the force on an appropriation bill?

Mr. PADGETT. Not strictly.
Mr. MACON. It was stated here yesterday that the Appropriations Committee was not authorized to do that anywhere except in the departments here in Washington, and I want to know if that is a fact.

Mr. FOSS. We have always added to the number of clerks on the appropriation bill, and the Naval Academy being a separate institution, we have kept that separate and apart from the other.

Mr. MACON. I notice, on page 46, line 5, that you approprite for 4 clerks, at a salary of \$900 each, when in the last bill you only appropriated for 1—an increase of 3. Why was that increase necessary?

Mr. PADGETT. It says the increase of 1 is necessary for instruction in the electrical machinery and ship appliances. Is that the one you refer to?

Mr. MACON. I refer to line 5, page 46, where you appropri-

ate for 4 clerks, at \$900.

Mr. PADGETT. There have been transfers. They have been consolidated. If you will look in the last bill, you will see that there are others appropriated for, and we have consolidated

Mr. MACON. I do not find any at that price.

Mr. LIVINGSTON. The President increased the salaries.

Mr. MACON. Now, I notice, further, in line 8, on the same page, 4 cooks, at \$600 each. A year ago you appropriated for

Mr. PADGETT. No; we appropriated for a number of cooks last year, scattered throughout the bill.

Mr. MACON. The bill says 1.

Mr. PADGETT. I know, but if you will read in other parts of the bill-

Mr. MACON. At different salaries. There are some at \$300, but here are 4 at \$600. Last year you only appropriated for 1

Mr. PADGETT. If the gentleman will look at note E, he will see that there is no increase in the total number. Two items, 1 cook at \$600 and 2 cooks at \$600, are combined. cook at \$325 is omitted and 1 cook at \$600 is added, so that there is an increase of \$274.50. The number of cooks is not increased, but there is an increase of 1 cook's salary from \$325 to \$600.

Mr. MACON. Referring again to page 45, line 22, I notice that you appropriate for 25 attendants at recitation rooms, store, chapel, armory, gymnasium, and offices, whereas you only appropriated for 20 for that purpose a year ago. What necessity is there for that increase?

Mr. ROBERTS. There is an actual increase of only 2.

Mr. MACON. The bill shows 5.

Mr. ROBERTS. The apparent increase of 5 is caused by a transfer of 3 from another item, which is correspondingly reduced, and by an actual increase of 2 in the total number. The 2 additional are needed in the new gymnasium and the

Mr. MACON. A moment ago the chairman of the committee stated that the salary of the clerks and other employees at the Naval Academy had been increased 10 per cent by executive order.

Mr. FOSS. Yes; by executive order.
Mr. MACON. Has the President the right to increase salaries under existing law?

Mr. FOSS. He has a right to increase the pay of per diem employees

Mr. MACON. These seem to be annual employees.
Mr. FOSS. They were formerly per diem, but are made annual here. I think my statement was right, that there has been no increase in the number of clerks. I think my colleague on the committee referred to some other matter.

Mr. MACON. Mr. Chairman, these increases are all small in amount. It seems that the total increase of appropriations is about \$8,794.50. It impresses me very clearly that the salaries have been increased in this paragraph, which is contrary to existing law. But I am not disposed, where the number of increases are small and the increase of salary is small, to interfere with the desire or judgment of the committee, and in this instance I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws

his point of order.

The Clerk read as follows:

The Clerk read as follows:

Pay of enlisted men, active list: Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, mess sergeants, cooks, messmen, signalmen, or holding good-conduct medals, plns, or bars, including interests on deposits by enlisted men, and the authorized travel allowance of discharged enlisted men and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, \$2.872.270: Provided, That hereafter officers and enlisted men of the Marine Corps shall serve as heretofore on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels.

Mr. KEIFER. Mr. Chairman, I rise for the purpose of making a point of order against the proviso just read.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. KEIFER. Mr. Chairman, I will not occupy much time-

I concede the point of order, Mr. Chairman. Mr. FOSS.

Mr. KEIFER. One moment. I want to say, Mr. Chairman, in support of my point of order that this is a class of legislation that we have never had before, and I think there was only one instance when it was attempted, and that was in the Forty-sixth Congress, when the majority undertook to regulate by law the powers of the Commander in Chief of the Army and Navy of the United States by statute, and then the attempt

part of the money was to be expended unless it was used as specified.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

In all, pay, Marine Corps, \$4,349,910.28.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. It has happened that I have been occupied elsewhere for a large part of the time since the consideration of this bill began, and I am not as familiar with it as I would like to be, nor have I been able to keep up with the discussion of it. I do not know whether there has been any discussion of the recent order of the President with reference to the employment of the Marine Corps. I do understand, however, the recom-mendation of the committee with reference to that corps, and in that decision of the committee I heartily concur as wise and patriotic. Since I have had the honor of serving in this House I have seen the Marine Corps grow from a comparatively insignificant body of men commanded by a colonel, to an important force commanded by a major-general. I have not indorsed that growth of the corps. I have opposed it consistently, year in and year out, because I did not believe it was necessary, because I did not think it was fair to the taxpayers of the country, nor could I be brought to believe that it was necessary for the defense of the integrity and honor of the country.

If I had been convinced that it was necessary for the protection of the country, I would have voted for every increase that has been suggested, and would have supported it indefinitely, in order to secure the integrity and protect the honor of the country. But now that we have the corps, I believe that they should be employed where the Constitution and the laws require that the marines should be used. I believe that it is entirely proper to have them continuously associated with the avy. The corps, as I understand it, was organized in 1775. The marines have done their duty fully and ably as patriotic

and brave men. My information is that they have been thanked by Congress on nineteen different occasions for distinguished and gallant service, and I believe that if we are to have the corps at all we ought to have them doing the duty for which they were created. They have been in a way spurned by the navy, and they are not wanted by the army.

Kipling exactly describes the status of the marine:

'E isn't one of the regular line, nor 'e isn't one of the crew, 'E's a kind of a giddy harumfrodite, a soldier and sailor, too!

They seem, according to the view of some people, whom it is not necessary to mention, a military misfit, but be it said to the honor of this corps that they have unfailingly done their duty, and I rejoice at the wisdom of the committee which puts them where they belong. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Total Marine Corps, exclusive of public works, \$7,048,310.28.

Mr. TAWNEY. Mr. Chairman, I desire to ask the chairman of the committee, in view of the recent order of the President in respect to the service of the Marine Corps, whether the appropriations carried in this bill will be available for the purposes for which they are made, with that service on land instead of on board ships?

Mr. FOSS. The order was not made until after these esti-

mates were made up and sent to the committee.

Mr. TAWNEY. But the order has been made before the appropriations? Mr. FOSS. Yes. We have provided in here for the Marine

Corps just as we did last year and the year before.

Mr. TAWNEY. The provisions in this bill are for the Marine Corps used in the navy as heretofore?

Mr. FOSS. Yes.

Mr. TAWNEY. If the Marine Corps does not serve as heretofore, as it will not if the order of the President is effective, are these appropriations available for the purposes for which they are made?

Mr. FOSS. Oh, yes; they will be available. There is no

question about that.

Mr. TAWNEY. Does the committee think that it is advisable to change the character of the service of the Marine Corps?

Mr. FOSS. The committee has almost unanimously reported the other way

Mr. LOUDENSLAGER. Unanimously reported the other

Mr. TAWNEY. Well, Mr. Chairman, I offer the following was abandoned and a provision in the law resorted to that no amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 3, page 59, the following:
"Provided, That no part of the appropriations herein made for the
Marine Corps shall be expended for the purposes for which said appropriations are made unless officers and enlisted men shall serve as heretofore on board all battle ships and armored cruisers, and also upon
such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men
of the navy on said vessels."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on that.

Mr. TAWNEY. Mr. Chairman, my purpose in offering this amendment is to continue the service of the Marine Corps as that service has heretofore been employed, and as the Committee on Naval Affairs has unanimously reported it should be. I, personally, do not favor making the Marine Corps an adjunct of the army, as I believe it will become if not continued as a part of the naval force as heretofore. I understand the Milfary Committee of this House is likewise opposed to the Marine Corps becoming a part of the army. Now, this is a limitation on the appropriations carried in this bill for the Marine Corps and, in my judgment, in order as a limitation. I do not use the word "hereafter." It applies only to these particular appropriations.

Mr. FITZGERALD. Mr. Chairman, the great objection that I have to it is that it changes the discretion that is lodged at present in the Executive, and it requires the service of marines on ships where they have not been serving up to this time. It never has been the practice to have marines on all of the ships of the class indicated. I call the attention of the committee to the report of Admiral Converse, then Chief of the Bureau of Navigation, for the year 1906, in which he says:

Many of our ships do not carry marines and it has been a matter of deep consideration to the bureau as to whether it would not add to the efficiency of the naval service if the marines were withdrawn from more or all of our vessels.

It may be advisable to carry some marines on some vessels, and inadvisable to carry marines on some other vessels. I do not know who originated this percentage, 8 per cent, but it got so near to being 16 to 1 that I am suspicious about the origin of this peculiar percentage that is required regarding marines and sailors.

Mr. OLCOTT. Will the gentleman yield for a moment?

Mr. FITZGERALD. Yes.

Mr. OLCOTT. That percentage was arrived at because that

is practically what is done now.

Mr. FITZGERALD. It might be, but not for the average of ships on which there are marines and on which there are no marines. I believe it unwise, however much it is advisable to have marines on some ships, to have a fixed rule requiring a certain fixed percentage of marines to other men on the vessels. I doubt if this be wise legislation.

Mr. TAWNEY. I ask that the amendment be again reported. The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. TAWNEY. If there is no objection, the word "all" might be stricken out. Mr. Chairman, I ask unanimous consent that the word "all" be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "all," so as to read "on battle ships."

Mr. FITZGERALD. I do not think that changes the effect of the amendment at all. I think it will be necessary to con-

Mr. TAWNEY. It is only a question of a mandatory com-

and. This leaves discretionary the percentage.

Mr. FITZGERALD. How would that be construed? At present there are no marines on ships.

Several Members. Oh, yes; there are.
Mr. FITZGERALD. I thought they had all been withdrawn.
Mr. KEIFER. Mr. Chairman, I desire to be heard on this
point of order. I was out at the time the motion was made to amend, and I understand the point of order has been made and reserved

Mr. TAWNEY. It has been reserved.
Mr. KEIFER. I understand this is an attempt to exercise the power of the legislative branch of the United States to control the Commander in Chief of the Army and the Navy. It is that old attempt of Congress to set up by its legislation a mode of directing the President of the United States in his control of the navy. He is the Commander in Chief of the Army and Navy, made so by express provision of the Constitution of the United States. The amendment would be new legislation. Of

course it ought to be treated as unconstitutional legislation. Section 2, Article II, reads:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into actual service of the United States.

Perhaps that does not affect the question of order now pend-The provision that it is proposed to have again reinserted would require the President to use the Marine Corps of the navy in a certain way. He would be required to have of ma-

navy in a certain way. He would be required to have of marrines at least 8 per cent of the number of sailors or enlisted men, I believe it is, upon a ship.

Mr. TAWNEY. Of enlisted men of the Marine Corps.

Mr. KEIFER. Enlisted men of the navy on each ship. That is a direction as to what the Commander in Chief could do with the Marine Corps. with the Marine Corps. Some gentlemen suggest that it is a limitation. It may be a limitation, in his judgment, if it required 99 per cent of the Marine Corps to serve on board ships, so that at last it would simply be a mode of substituting a legislative act of Congress for the powers of the Commander in Chief of the Navy. If we could make such a limitation, if that is the proper way to characterize it, with reference to the navy in this respect, we could make it in all respects. If we can do that with reference to the navy, we can direct by legis-lation how the army should be moved, where it should be kept on land, in what part of our possessions it should be kept, and how maneuvered and managed in time of peace and in time of war. It is wholly new legislation, in the sense that it is an attempt to legislate, though indirectly, by withholding an appropriation, the powers of the Commander in Chief of the Navy. In about the year 1878 the Forty-sixth Congress undertook to provide by law that the Army of the United States should not be used for the purpose of putting down riots or to keep peace and order on one day of each year, and that election day; and the attempt was then made in the same man-ner that is here attempted—to provide that on the day in the year when an election was being held there should be no money expended through the War Department toward maintaining it—and it grew to be so absurd by the time it was fully discussed that it was abandoned. That was the time when both branches of Congress were Democratic. I have not heard of that proposition since until it came up in this form here as applicable to a navy appropriation.

The point of order, to my mind, Mr. Chairman, should be sustained. There are about 40,000 enlisted men, as I understand it, in the navy, and about 10,000 marines. It is not wise always to intermingle them on the same ships and necessarily at times in the performance of the same duties, and there are many difficulties growing out of the combination of marines and enlisted men in the navy, and of the officers of the two corps of the navy, which I do not care to take the time to specify now.

Mr. FOSS. Mr. Chairman, I call for a decision on the point of order.

Mr. WALDO. Mr. Chairman-Mr. TAWNEY. Mr. Chairman

Mr. TAWNEY. Mr. Chairman—
The CHAIRMAN. The gentleman from New York [Mr.

WALDO] is recognized to discuss the point of order.

Mr. WALDO. Mr. Chairman, it seems to me the point of order is not well taken. The Marine Corps has always been a part of the navy; it has always been used in the navy, and has been a part of the floating or sea force of the United States. It is now proposed to change it to a part of the permanent land force of the army. That is the proposition. This limitation that has been offered in the amendment is to provide that the appropriation we are now making, and one that has been made for years for the navy, shall not be diverted to the land force or the army. That is what the limitation is, and nothing else. It is purely a limitation that this appropriation which we make for the navy shall not be diverted to the land force, and it is clearly in order.

Mr. TAWNEY. Mr. Chairman, this proposition was prepared and offered by myself, at the suggestion of the members of the Committee on Naval Affairs sitting about me, with the view of accomplishing two things-first, the consideration of the merits of this proposition, and, second, so far as I am con-cerned, with a view, if possible, of continuing the service of the Marine Corps as that service has been used for over a hundred years in our Government.

Mr. BUTLER. One hundred and thirty-three years, without interruption.

Mr. TAWNEY. Now, Mr. Chairman, so far as the point of order is concerned, I wish to say, before addressing myself to that, that I want to amend the amendment by striking out all the language after the words "as the President shall direct," so as not to provide for specific direction, but leaving in the

words as heretofore. I would like to have the Clerk report the

amendment as it will read with that amendment.

The CHAIRMAN. The gentleman from Minnesota TAWNEY] asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Provided, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made unless officers and enlisted men of the Marine Corps shall serve as heretofore, on board battle ships and revenue cruisers and also upon such other vessels of the navy as the President may direct.

Mr. TAWNEY. Now, Mr. Chairman, it occurs to me that that is clearly a limitation upon the appropriations that are made for this purpose, and, being a limitation, the point of order does not lie against it. I shall not attempt to discuss the matter further. I think the Chair is more familiar with the rule than I am.

The CHAIRMAN. The Chair will be glad to obtain any enlightenment on the subject. Otherwise, the Chair is prepared

The Constitution of the United States provides, in section 2 of Article II that-

The President shall be the Commander in Chief of the Army and Navy of the United States.

How far Congress itself, through any form of legislation, may interfere with the control of an army or navy created and take away from the President of the United States the power to command it, is not necessary for the Chair now to pass upon. But the rules of the House provide that there shall be no legislation upon appropriation bills. Also the rulings are to the effect that a limitation upon an appropriation bill is in order, and the question for the Chair to determine is whether the mo-tion of the gentleman from Minnesota is, in fact, a limitation upon the appropriation or legislation upon the appropriation

Mr. FITZGERALD. Mr. Chairman, before the Chair proceeds further, so far as I am concerned, I withdraw the point of order to this particular phase of the question.

Mr. Chairman, it will be renewed. Mr. KEIFER.

The CHAIRMAN. The gentleman from New York [Mr. Fitzgerald] withdraws the point of order, and the gentleman

from Ohio [Mr. Keiffer] renews it.

It seems to the Chair that while the House, under its rules, has authority to prescribe a limitation upon an appropriation, when Congress attempts by limitation to give positive direction to the Executive, it raises a question which has at times been determined in the House. A few years ago there was a question in regard to the form of spelling under an executive order, and upon an appropriation bill this amendment was offered:

No money appropriated in this act shall be used in connection with the printing of documents authorized by law or ordered by Congress, or either branch thereof, unless the same shall conform to the orthography recognized and used by generally accepted dictionaries of the

To that amendment a point of order was made and sustained. Another amendment somewhat similar in character was offered.

and the point of order sustained.

The present occupant of the chair at one time made a ruling to this effect. Under the rule, a limitation is in order. Under the rules, if the amendment in the form of a limitation on the appropriation does not limit the expenditures, but is an affirmative change of law, it is not in order. The Chair thinks this is not a limitation on the expenditure of money, change of law. The Chair therefore sustains the point of order, and the Chair is inclined to think that the present amendment positively directs where the marines shall be used, and whether constitutional or not, that is obnoxious to the rules of the House, and is not a mere limitation. The Chair sustains the point of order.

Mr. TAWNEY. Do I understand the Chair to hold that this

is a change of existing law?

The CHAIRMAN. The Chair thinks so.

Mr. TAWNEY. Does the Chair refer, then, to the provision in the Constitution?

The Chair thinks it would be a constitu-The CHAIRMAN.

tional question, probably.

Mr. TAWNEY. Because the Constitution clothes the President with the power exclusively of controlling the army and navy in time of peace?

The CHAIRMAN. The Chair does not undertake to say how far Congress may legislate creating an army or as to its disposition under the Constitution, because that question is not before the House.

FOSS. On that point, I desire to read from the Constitution of the United States, which gives Congress the power |

to make rules and regulations for the government of the land

Mr. BUTLER. But this says expressly where he may assign the troops.

The CHAIRMAN. The Chair understands that, and that that is legislation, which is not a subject to be indulged in through

the form of an appropriation bill.

Mr. WALDO. I desire to offer another amendment, follow-

ing line 3. Insert:

Provided. That no part of this appropriation shall be used for a marine corps no longer used as part of the naval force as heretofore.

Mr. KEIFER. I make the point of order.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 59, after line 3, insert: "Provided, That no part of this appropriation shall be used for a marine corps no longer used as part of the naval force as heretofore."

Mr. FOSS. I reserve the point of order.

Mr. KEIFER. I make the point of order. There is no limitation on the appropriation at all about it. It is a proposed amendment which does not prevent the expenditure of the money, but only provides for it being expended in a particular way, and for that particular way it is proposed to legislate, and that is legislation.

Mr. WALDO. It only limits the use of the money to the present purpose for which it has been used for the last hundred

years or more.

The CHAIRMAN. The amendment offered by the gentleman from New York is not similar to the amendment offered by the gentleman from Minnesota. The amendment offered by the gentleman from Minnesota contained positive directions, which were not a limitation upon the appropriation, but contained practically a change of existing law. The amendment of the gentleman from New York provides:

That no part of the appropriation shall be used for a marine corps no longer used as part of the naval force as heretofore.

It is quite within the power of Congress to make or refuse to make appropriations except upon some condition of this sort. The Chair therefore

Mr. KEIFER. Mr. Chairman, the point I make is that it is no limitation upon the appropriations made in the bill, which will be expended in any event; therefore it is not a limitation upon the appropriation. The money will be expended, but not for this prohibited purpose, and therefore it does not come within any rule of limiting which abridges the amount of the appropriation.

The CHAIRMAN. The Chair does not catch the point of

the gentleman from Ohio.

Mr. KEIFER. The point I make is that a certain sum of money is appropriated in this bill for the maintenance of a marine corps. Now, this proposed amendment is, in effect, to require that money to be expended for certain purposes, but not as provided in this provision; and that is not a limitation upon the appropriation at all, because that money is to be expended, but not for a particular prohibited purpose; and that is legis-The amendment does not reduce the amount of the appropriation, or prohibit any part of it from being expended. It is not a limitation upon the amount of the appropriation at all. I think the distinction is that if an appropriation is not to be used at all unless used in a particular way, it would be a limitation on the appropriation; but if it is to be used otherwise than that stated in the proviso, then it is not a limitation upon the appropriation at all, and subject to a point of order

because new legislation.

The CHAIRMAN. The amendment of the gentleman from

New York is:

Provided, That no part of this appropriation shall be used for a marine corps no longer a part of the naval force as heretofore.

The appropriation for the Marine Corps has not yet been made. It is only in process of being made, and in making an appropriation it is quite within the power of the House to provide a limitation as to its expenditure. The Chair thinks that this is a limitation, just as much as the provision would be that no appropriation shall be used for a marine corps over a certain size. The Chair overrules the point of order.

Mr. BUTLER. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. COCKRAN. Mr. Chairman, I wonder if the gentleman from New York quite understands the significance of that proposal as it strikes some of us here? It seems to leave the President of the United States discretionary power to disband the Marine Corps altogether. I should like to know if the gentleman from New York intended that to be the effect of his proposal?

Mr. WALDO. It does not change his power from what it is

at present. It does not give him any more power.

Mr. COCKRAN. Does the gentleman from New York contend that under existing law, after we have made provision for the Marine Corps and appropriated money for it, the President could disband it of his own motion?

Mr. WALDO. I understand that is the contention in the

Brownsville case,

Mr. COCKRAN. Does the gentleman admit that is settled law?

Mr. WALDO. I do not say that is law, but that is the contention.

Mr. COCKRAN. By this proposal you would empower the President to do that very thing.

Mr. WALDO. Not at all.

Mr. COCKRAN. It seems to me that under this provision the appropriation is made conditional upon the marines being employed as part of the actual naval establishment.

Mr. WALDO. Certainly. Mr. COCKRAN. If the President failed to employ them as such, then under this provision there would be no appropriation available and therefore no Marine Corps.

Mr. WALDO. They are a part of the army, then. Let the

army support them.

Mr. COCKRAN. I do not think there is any statutory provision now that makes them a part of the army. I merely wanted to get at the significance of this proposal. If it be a proposal to give the President discretionary power to abolish the entire Marine Corps, then we can vote upon it with that understanding; but if it be a provision to compel him to maintain the Marine Corps under its former organization, as part of the naval equipment, that is another thing. Whatever may be the intention of the gentleman who offers the proposition, I think it important that the question be placed before the committee so that we can vote on it without any doubt as to what will be accomplished if it be adopted.

Mr. WALDO. When the President uses the Marine Corps as a land force, he dispenses with it as a marine force. Now, if we do not have any Marine Corps, we will not pay for it; that

is all.

Mr. SLAYDEN. Will my friend from New York permit a question?

Mr. WALDO. Certainly.

Mr. SLAYDEN. I think my usually well-informed and always highly esteemed friend is mistaken in his idea of what was the position of the President with reference to the troops at Brownsville. He did not dismiss an organization. He dismissed units in that organization whom he thought guilty of a crime, and he happened to believe, and properly to believe, I think, that they were all either guilty or had guilty knowledge of it.

Mr. BENNET of New York. I should like to ask the gentleman from Texas [Mr. Slayden] if the President, in dismissing those units, did not succeed pretty effectively in dismissing an

entire battalion?

Mr. SLAYDEN. The general prevalence of crime in those com-

panies required that it be done.

Mr. WALDO. There was no pretense that there was any crime committed by any of that force except a small portion of it, and no proof of that.

Mr. SLAYDEN. I beg to say that I think there was abundant

proof.

Mr. WALDO. I have not seen any lawyer who has examined

that record who says so.

Mr. GARDNER of Massachusetts. Mr. Chairman, if the gentleman from New York [Mr. WALDO] will give me his attention for a minute, I should like to ask him a question.

Mr. WALDO. Certainly.

Mr. GARDNER of Massachusetts. There is a large part of the Marine Corps on land at present and serving on land. is this part or is it not a portion of the Navy of the United States? When I say "at present" I mean six months ago.

Mr. WALDO. My understanding is that the President's intention is to do away with the Marine Corps altogether as a marine corps and to make them a land force. Now, I am opposed to that, and I am opposed to appropriating for the navy and then having that navy made a land force. That is all that this limitation goes to. If we want a marine corps, let us have a marine

corps. If we want a larger land force, let us increase the army.

Mr. GARDNER of Massachusetts. Mr. Chairman, this amendment means nothing whatever. The Marine Corps has been serving ashore, a great part of it, and is yet a part of the navy of the United States, and this appropriation will be applicable to it. Also observe the word "heretofore," Here-

tofore means what is happening at the present day, just as well as what happened a year ago. If that amendment is adopted there is not one single change in the existing state of affairs.

Mr. COCKRAN. Mr. Chairman, I desire to express my concurrence in what has just been stated by the gentleman from

Massachusetts [Mr. GARDNER].

Holding the amendment in my hand, and with its text before me, it is perfectly clear that if it be adopted the House will do nothing except to declare that the law stand as it is. [Laughter.]

Mr. TAWNEY. And shall not be changed by the President

of the United States. [Laughter.]

Mr. COCKRAN. Precisely. It states that no part of the appropriation shall be used for the Marine Corps "not a part of the naval force as heretofore." That is to say, as the Marine Corps was before the adoption of this amendment; that is to say, as the Marine Corps is now, for the amendment is not yet adopted. In effect, we are invited to enact solemnly that "things are as they are, and the law is as it is written." [Laughter and applause.]

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WALDO].

The question was taken, and on a division (demanded by WALDO) there were 41 ayes and 41 noes.

The CHAIRMAN. On this question the ayes are 41 and the noes are 41, and the amendment is lost.

Several Members. "One more in the affirmative." "One more in the negative."

The CHAIRMAN. Gentlemen can not vote after the vote has been announced.

Mr. BENNET of New York. Tellers!

Mr. BUTLER. Mr. Chairman, may I make the humble request to know whether or not the amendment is adopted? The CHAIRMAN. The amendment was disagreed to.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to return to page 39 for the purpose of offering an amendment.

Mr. WALDO. Mr. Chairman, tellers were demanded. The CHAIRMAN. The Chair thinks that the demand for tellers was too late. The gentleman from Minnesota asks unanimous consent to return to page 39 for the purpose of offering an amendment which the Clerk will report for the information of the committee.

The Clerk read as follows:

After the word "vessels," line 24, page 39, insert: "Provided further, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof a detailed statement showing the amount expended of the appropriations for repair of every ship where said repairs exceed on any one ship the sum of \$200,000 in any one fiscal year."

The CHAIRMAN. Is there objection?

Mr. FOSS. I do not object.
The CHAIRMAN. No objection is heard. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to. Mr. FOSS. Mr. Chairman, we have now reached that por-tion of the bill known as the "increase of the navy," and we have passed over a few matters to which I desire to go back and take up. Therefore, I will ask that we return to page 13, Bureau of Ordnance and ordnance stores. To that paragraph there is now pending an amendment offered by the gentleman from Indiana [Mr. Cox], to which I made a point

The CHAIRMAN. The Chair will state that on yesterday several items and amendments were passed without prejudice, and the gentleman in charge of the bill asks to recur to these items, and the Clerk will report the first item, the amendment offered by the gentleman from Indiana, on page 13.

The Clerk read as follows:

The Clerk read as follows:

Amend by adding the following paragraph, after the word "Navy," line 6, page 14:

"Provided, That no part of this appropriation shall be expended for the purchase of powder made, manufactured, or sold in violation of an act of Congress passed July 2, 1890, being an act entitled 'An act to protect trade and commerce against unlawful restraints of trade and monopolies,' and all amendments made thereto, which powder shall be purchased in accordance and with the conditions submitted by the Secretary of the Navy to all manufacturers, dealers, and sellers of powder, and upon bids received in accordance with the terms and requirements of such proposals as to carry into effect the limitations of this provision. All powder shall conform to the standard prescribed by the Secretary of the Navy: Provided, That the Secretary of the Navy shall receive no bid for the purchase of powder unless the bid is accompanied by an affidavit showing that the powder sought to be sold is not made, manufactured, or offered to be sold in violation of any law passed by Congress."

Mr. FOSS. And to that I make a point of order, and the

Mr. FOSS. And to that I make a point of order, and the point of order is that it is new legislation under the guise of a limitation.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. FOSS. I make it.

The CHAIRMAN. Does the gentleman from Indiana desire

to be heard on the point of order?

Mr. COX of Indiana. I would like to be heard briefly. I call the Chair's attention to section 4003, in Hinds's Procedure, vol-

A provision that no part of any appropriation for an article should be paid to any trust was held in order as a limitation. On March 1, 1906, the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read a paragraph making appropriation for the purchase of powder.

Mr. OSCAR W. GILLESPIE, of Texas, offered an amendment:
"After the word 'dollars,' in line 22, page 43, insert: 'Provided, That no part of said \$629,000 shall be paid to any trust or combination in restraint of trade nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an emergency."

The Chair held in that case that that was a limitation and was not new legislation upon an appropriation bill. I am unable to see very much material difference, if any, between the amendment I offer and the limitation that was offered by the gentleman from Texas, which I have just read. The limitation offered by the gentleman from Texas provides that no part of the appropriation shall be paid to any trust or person who is doing business in restraint of trade or is engaged in a monopoly of the trade. The amendment which I propose undertakes to prohibit the use of any money sought to be appropriated in the appropriation bill or paid to any person in violation of an act of Congress passed on the 2d day of July, 1890. I do not believe that the amendment which I offer is new legislation, but I believe that it comes within the purview of the ruling of the Chair heretofore-that it is but a mere limitation directing where and how the money sought to be appropriated shall be expended.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Indiana is both in substance and in law positive legislation, and the Chair sus-

tains the point of order.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 14, after line 6, amend by adding as a new paragraph: "Provided, That no part of this appropriation shall be paid to any trust or combination in restraint of trade, nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an emergency.

Mr. FOSS. Mr. Chairman, I make the same point of orderthat it is new legislation.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FOSS. Mr. Chairman, I call for a vote.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. COX of Indiana. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. COX of Indiana. Mr. Chairman, it strikes me that this is an amendment which ought to obtain. I do not know that I desire to supplement what I said on yesterday evening by anything to-day; but it is evident, to my mind at least, that it has been and is conclusively established that the Government of the United States is paying too much for its powder. Why, I am not going to say; but the proof, to my mind, is conclusive, and, coming from the source which it does—the Naval Proving Board-this fact ought to be accepted by Congress. tablished, I believe, that the Government of the United States can manufacture its powder a great deal more cheaply than for what it is paying for its powder now to private manufac-Something must be wrong. To my mind, the evidence is conclusive that powder can be manufactured in the United States at not to exceed 51.7 cents per pound. If we can manufacture powder at this price-by the Government-it seems to me that private manufacturers likewise should do it, because our experience and observation teach us that the Government of the United States ordinarily does not get things done any cheaper than private manufacturers or private employers of labor, and in most of the government manufactories of different kinds the eight-hour law obtains. In addition to this, in most of the government manufactories of different kinds the employees get a larger number of days of absence each year than do employees working for private manufacturers, and in private establishments men work longer hours than they do while working for the Government and do not have so many holidays as are given to the employees of the Government. When the Government can make powder at a cost of not to exceed 51.7 cents a pound, it strikes me that when we are paying from 65 to 70 cents per pound for our powder there is something radi-As figured out by the reports or estimates made cally wrong. by the Naval Proving Board, when we pay 67 cents a pound for

powder that is equivalent to paying a dividend of 40 per cent on the stock owned by the private concerns upon an invest-ment. That is entirely too much profit. If we are paying too much for our powder, we certainly ought to be willing to set some kind of a precedent to bring the Government within reach of buying its powder at something near its cost.

To anyone who has given this question one moment's thought and study, the entire United States is now being held up by a great hydra-headed monster, known in ordinary parlance as a "powder trust." Shall we submit to its dictation, pay its exorbitant prices, and bow to its supreme dictates, or in the interest of our people, operating under the law of self-defense, shall we not seek to curb and control in some way by placing a limitation upon money appropriated in this bill, and say that no part of it shall be used in the purchase of powder made and manufactured by any powder trust? I hope the amendment will obtain.

Mr. GILLESPIE. Mr. Chairman, I desire to speak in favor of the adoption of this amendment. To my mind it is just a proposition as to whether the Government shall deal with a criminal concern as if he were an honest man. Buying this powder from this criminal trust is justified every time on the plea of necessity, and I grant that, if such a necessity could be shown, it would be a justification, because the law of necessity supersedes every other; but in the absence of such a compelling necessity, it is absolutely wrong, from a moral standpoint, to continue the Government in such a criminal copartnership. The course pursued by the Congress of the United States in dealing with this criminal conspiracy is very strange, when we think that we are at the same time spending millions of dollars every year—\$4,000,000 was the estimate in this \$29,000,000 Standard Oil fine case—trying to suppress these monster criminals.

We are pursuing in the courts of justice this very powder trust, and here we are giving it financial power to fight the Government. It is like arming a robber we are trying to subdue, because the profits of this trust are included in this 67 cents a pound for their powder. There is no necessity that justifies the Congress of the United States in dealing thus with this criminal conspiracy, not even from the standpoint of economy. Why, it is shown since we began appropriating for this Government Powder Factory we have reduced the price of powder from \$1 a pound until now we have it down to 67 cents. Why not appropriate enough money to manufacture the Government's own powder, especially in time of peace, and even for war, if necessary? Look at the millions we are spending each year for powder. The evidence shows that for \$250,000 we The evidence shows that for \$250,000 we can enlarge our factory and double the output. Let us free the Government from the grasp of this giant criminal in the control of the powder supply for the army and navy. Let us do this rather than bow down to this criminal conspiracy, which, like every tyrant, pleads necessity for its defense. [Ap-

Mr. GAINES of Tennessee. Mr. Chairman, I want to read in the hearings of the committee a couple of paragraphs from an official statement signed by "Joseph Strauss, Lieutenant-Commander, United States Navy, Inspector of Ordnance in Charge." This is an official letter on this powder subject, sent me last session of Congress, and it is in the morning RECORD, page 1196, at the bottom. Here is what he says:

1. I have to submit the following of the probable cost of smokeless powder at private works.

Now, I read paragraph 7:

On the basis of 1,000,000 pounds of powder manufactured per annum, it will be seen that the price of 70 cents per pound yields a profit of \$264,000, and this considers every possible charge except the pay of the officers connected with the financial administration of the enterprise.

8. Judging from the cost of the Indianhead plant the total investment will amount to about \$650,000. On this basis the stockholders should receive a dividend of over 40 per cent on the capital invested if the powder is sold at 70 cents. If it were sold at 55 cents per pound this would yield 17.5 per cent profit on the capital invested, and in case the orders were cut down during any year to one-half, the profits should still be satisfactory.

Now, that is official, from the man who has charge of this powder question, and is part of a letter which was sent me by Secretary Metcalf last session, and it is in the RECORD now on your desks. Mr. Chairman, just a moment and let us get at the profit. He says here the Indianhead plant total investment was \$650,000. Now, that makes a million pounds of powder and he says at the price of 70 cents the profit is \$264,000. Six hundred and fifty thousand dollars invested and the profit is \$264,000 in a year's work!

Mr. EDWARDS of Georgia. Net profit?
Mr. GAINES of Tennessee. Now, gentlemen, think of that!
On that basis the stockholders should receive a dividend of 40 per cent, he says. Now, gentlemen the Government, as Secre-

tary Long said in his report here, when the Spanish-American war began (to extricate itself from the combination and control of powder), built a powder plant. Now, that plant makes a million pounds a year. If a "private" concern made no more than that on its \$650,000 investment, that would make 40 per

cent, or \$264,000 a year, making 1,000,000 pounds per year.

Now, to try and check this "powder trust" the Government has gone a step further. It has authorized the creation of this powder board-that was read from by several here yesterday, and from which I have just read-to further control this octopus. To further control it the Government created that board, and yet we have only been able, with all these influences, to get the price reduced to 67 cents per pound, while we are making it at a cost of 43 cents at our government factory. A step further. The Government of the United States, through President Roosevelt, and through its great Department of Justice, Attorney-General Bonaparte, and possibly his predecessor, Mr. Moody, have gone further, Mr. Chairman, and have filed a great injunction bill in the district of Delaware in the federal court making this octopus and its allies all over the United States defendants, and they are now taking testimony in that great case. Here in my hand is a copy of that bill containing many pages, charging every violation of the Sherman antitrust law that it is possible for the English language to charge.

Here is this concern defying the antitrust laws of this country, holding up the Government in time of war, as it did during the Spanish-American war, when it charged us a dollar a pound for powder; and here our powder board in the navy, in effect, concede we are unable to control that octopus; and here is our factory; and, as the gentleman from Indiana, a great Democrat from that great State [applause] says, we, like patriots, ought to stand by the side of our President, by the side of the Department of Justice, stand by the laws we have sworn to uphold, stand by the flag, and "don't give up the ship," and say by your votes to-day that no octopus shall furnish powder to the American Government and deal with us in any such manner as I have just described and as the Government charges in its bill. We can do it—
The CHAIRMAN. The time of the gentleman from Ten-

nessee has expired.

Mr. GAINES of Tennessee. One minute more. It is our duty, Mr. Chairman; it is our solemn duty to see our antitrust law fully executed, and this amendment helps to do it. [Applause.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Indiana [Mr. Cox].

Mr. FOSS. Mr. Chairman, I desire to make a statement here. Of course, this particular powder company is the only company that furnishes powder in the United States. We consume a little over 3,000,000 pounds every year, and two-thirds of it we buy and one-third of it we manufacture down here at Indianhead. The price that we have for this periods. here at Indianhead. The price that we pay for this powder is 67 cents, and that price is fixed by the Joint Army and Navy Board, based upon the cost of production of powder by the Government at Indianhead.

Mr. COX of Indiana. Will the gentleman yield for a ques-

tion?

Mr. FOSS. Yes. Mr. COX of Indiana. Is this powder purchased by the Government under competitive bids?

Mr. FOSS. No; I do not understand that it is. There is only one concern that furnishes it.

Mr. AMES. Will the gentleman pardon an interruption?

Mr. FOSS. Yes.

Mr. AMES. I would like to call attention to the fact that the Government can get its alcohol, which is used to make this powder, free, while the manufacturer must pay the duty, and

that makes a difference of 6 or 7 cents.

Mr. FOSS. The difference in alcohol is a little over 3 cents a pound. Now, I have furnished a statement made by the Joint Army and Navy Board as to the cost of the manufacture of powder, and it is in the Record. The actual cost at the naval powder factory per pound for the year 1907 for powder was 45 cents. That was simply for labor and material, and gentlemen upon the other side here stand up and assert that we are getting our powder for 45 cents down at Indianhead. They do not take into consideration the other things which enter into the cost of a pound of powder which are enumerated

Mr. HITCHCOCK. Mr. Chairman—
The CHAIRMAN. Will the gentleman from Illinois yield?

Mr. FOSS. Not just now.

Mr. HITCHCOCK. I would like to correct the statement of the gentleman. He says the figures given include nothing but labor.

Mr. FOSS. Labor and material.

Mr. COX of Indiana. The figures as given in the official reports include depreciation of 10 per cent a year on machinery

and 5 per cent a year on plant—a very material difference.

Mr. FOSS. The gentleman is right. It includes a depreciation of the plant, one-seventh of the fire loss for the seven years the plant has been in operation, exclusive of alcohol and such administrative expenses as the salaries of officers on duty at the plant and the salaries of higher officials and their clerical force.

Mr. HITCHCOCK. So that in ten years the machinery will be completely paid for, and this plant has been in operation

seven years and cost originally less than \$700,000?

Mr. GAINES of Tennessee. Six hundred and fifty thousand dollars.

Mr. FOSS. I beg to differ with the gentleman on that point. Now, in addition to this 45 cents, the alcohol is figured at nearly 4 cents—3.85 cents. Administrative cost is figured at nearly 3 cents, and then the interest on the capital invested, which is figured here at a million and a half, at 6 per cent, adds 9 cents more, and the actual rejections amount to 2½ cents more, making a total cost of 63.48 cents. Even that 63.48 cents as computed does not include the following items, for which no satisfactory estimates can be obtained:

Freight charges. The companies are required to deliver f. o. b. any point in the United States.
 Experimental work.
 Allowance for extra hazardous risk and pensions to old or disabled

enployees.

4. Risk of expensive plants becoming obsolete by changes in composition of powder or in methods of manufacture. (When the change to smokeless powder was made in 1899, a large amount of machinery suitable only for manufacturing brown powder, and which had recently been installed at considerable expense, was rendered useless.)

5. Of the four private plants, one, that at Santa Cruz, Cal., is lying idle, and the other three are working at one-third or less of their full capacity. Since the overhead charges are virtually the same when working at full capacity, the output of a plant working at a reduced capacity is very much more expensive under those conditions. The Du Ponts are keeping the plant at Santa Cruz in condition for manufacturing powder at the request of the Government.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired. Mr. FOSS. Mr. Chairman, I ask unanimous consent for five

minutes more

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks for five minutes more. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. What private plant is that in California?

Mr. FOSS. One of the Du Pont plants. I will read:

6. No estimate of profit in addition to the 6 per cent on the capital invested has been made.

Now, the Chief of the Bureau of Ordnance has been before our committee and has stated repeatedly that he considers this a low price. The Du Pont Company have been furnishing powder to our Government at 67 cents, but have done it with a great deal of reluctance. Mr. Chairman, I have not anything further to say. In my judgment, if you adopt this provision, we will not have any powder for the navy for the coming year. We will go on and manufacture down here at Indianhead one-third of the powder we need, but two-thirds of that which we need we will not get.

We have made this appropriation here in this bill upon the estimate submitted by the Chief of the Bureau of Ordnance. We have not cut down his estimate one single dollar. The Chief of the Bureau of Ordnance is not asking for an increased appropriation for the extension of this plant. I think it is a wise thing for us to have in this country a private concern that is manufacturing powder, because when war comes, and it is necessary, the Government will not be able to manufacture all its powder. Inasmuch as we are fixing the price ourselves. and doing it upon a fair and reasonable basis, it seems to me that this committee ought to stand by the recommendation of the Naval Committee in this bill.

Mr. BARTLETT of Georgia. Will the gentleman permit me

to ask him a question? Mr. FOSS. Certainly.

Mr. BARTLETT of Georgia. The gentleman says that if we pass this amendment we will not get two-thirds of the powder we need. This amendment provides that we shall not buy powder manufactured by a trust, and this trust, if it sells the powder, will sell it in violation of law. Then the gentleman must take that as a virtual admission on his part—getting his information, I apprehend, correctly from the powder plant we buy from-that they are a trust and are violating the law.

Mr. FOSS. Of course that point has to be established by the

court.

Mr. BARTLETT of Georgia. But the gentleman stated as a fact why we should oppose this amendment, that if it passed we would not get two-thirds of the powder we would need.

Mr. FOSS. I think it is a very unwise amendment, and I

hope it will be voted down.

Mr. BARTLETT of Georgia. The gentleman has not answered my question. The gentleman, then, concedes that the powder people, from whom we are purchasing two-thirds of our powder, and from whom, without this amendment, we would continue to purchase two-thirds of our powder-we will not be able to buy it from these people, because they are a trust and violating the laws of the land.

Mr. FOSS. "The gentleman" concedes nothing.

Mr. COX of Indiana. Will the gentleman yield to me for a question, for the purpose of eliciting information?

Mr. FOSS. Yes.

Mr. COX of Indiana. You make the statement now that the Government of the United States fixes the price of this powder. That is correct, I understand?

Mr. FOSS. The joint army and navy board fix the price.

Mr. COX of Indiana. Now, as I understand from informa-tion obtained during the progress of this debate, we are purchasing all our powder from one concern?
Mr. FOSS. The only one that makes it.

Mr. COX of Indiana. Now, I will ask the gentleman whether or not it is a case where the Government fixes a price for the powder—that the Government simply fixes a certain definite figure—and says to the seller, "We will give you so much," and the seller accepts it?

Mr. LOUDENSLAGER. That is the way they do. Mr. FOSS. That is all. This board fixes the price, based upon the figures obtained from the manufacturer of the powder, and says to the Du Pont Company, "You must furnish it at

Mr. COX of Indiana. Then, as I understand, the Government simply puts this proposition up to the manufacturer, and it is up to the manufacturer either to accept it on the terms and conditions fixed in the contract by the Government or turn it down?

That is it.

Mr. HITCHCOCK. Will the gentleman answer a question? The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HITCHCOCK. I ask unanimous consent that the time of

the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the time of the gentleman from Illinois be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HITCHCOCK. In view of the deplorable condition which the gentleman says exists-that if Congress shall fix the price of powder at a reasonable figure above what it costs the manufacturer, the Navy of the United States may be deprived of all supply of the trust-controlled article; that the powder trust will, as he says, refuse to sell at such a price-will he not accept an amendment to this bill providing for an enlargement of the powder plant at a cost of \$250,000, when such expenditure will double the capacity of the present plant and enable the Government of the United States to make at 45 cents per pound powder for which it is now paying the powder trust 67 cents a pound? Mr. FOSS. I want to say to the gentleman that I do not admit all these premises.

Mr. HITCHCOCK. Which one does the gentleman deny? I would like to ask the gentleman, is there any doubt of the existence of a powder trust? Or what other premise is ques-

Mr. FOSS. That an expenditure of \$250,000 would increase

the capacity to the extent the gentleman states.

There is in the RECORD to-day a letter Mr. HITCHCOCK. from the Bureau of Ordnance, by authority of the Secretary of the Navy, stating that an appropriation of \$250,000 will double the capacity of the Indianhead plant. That appears to be an official statement.

Mr. ROBERTS. That only gives us two-thirds of what we We are still one-third shy, even if they double their

capacity down there.

Mr. HITCHCOCK. If that is the premise that the gentleman from Illinois denies, he evidently stands on uncertain ground. He can not deny that there is in existence a powder trust, which the Government is now prosecuting; a powder trust which has made an international agreement with other powder companies in other countries, under which they have promised not to erect powder factories in the United States. I hold in my hand a synopsis of that agreement. What premise is it, then, that the gentleman denies?

Mr. FOSS. As I heard the gentleman's question it was considerably involved. There were a number of propositions which he made, and I would have to ask the official reporter to repeat it.

Mr. HITCHCOCK. I will simplify the question, if the gentleman from Illinois will permit. Will he accept an amendment to this naval appropriation bill allowing \$250,000 for

the enlargement of the Indianhead powder plant?

Mr. FOSS. No; I should be opposed to that, in view of the fact that the department has not recommended it, have not submitted it in their estimates, and do not, as I understand,

care to enlarge their plant at the present time.

Mr. HITCHCOCK. But the department has stated the fact that by the expenditure of \$250,000 we can manufacture a million pounds more of powder a year at a saving of over \$250,000 a year. Now, it seems to me that a committee bringing in a bill in these times, when the Treasury is threatened with a constantly increasing deficit, even if the department does not propose such a recommendation, ought itself to propose to enlarge this plant; not only for measures of economy but also for the additional reason, which the gentleman himself has stated, that the Government is practically in the hands of the powder trust as to price.

Mr. FOSS. I do not concede that the Government is in the hands of the powder trust at all. Admiral Mason says it is in

the Government's hands.

Mr. HITCHCOCK. Suppose the powder trust refuses to sell at the price fixed by the board? Where else shall the Gov-

The tariff prevents buying abroad. ernment buy?

mment buy? The tariff prevents buying abroad.

Mr. FOSS. Then we will enlarge the plant; but as long as we get powder at a reasonably fair price as fixed by this board. I do not see any necessity for it, and it is a good thing for the Government to keep a private manufacturer making powder, because in time of war it may be necessary for us to call upon some outside concern to do it.

Mr. HITCHCOCK. Will it not be too late to enlarge the plant, after the Government has been for a whole year with-

out two-thirds of the powder it may need? Mr. FOSS. Yes; it would be too late.

Mr. HITCHCOCK. It then is in the power of this trust practically to starve the Government at the present time, and the Government has no weapon of defense, and the gentleman declines to give a weapon to the Government by agreeing to an appropriation of only \$250,000.

Mr. FOSS. I do not believe it will accomplish the purpose.

Mr. Chairman. I call for a vote.

The CHAIRMAN. The time of the gentleman from Illinois

has again expired.

Mr. GAINES of Tennessee. I move to strike out the last I want to ask the gentleman a question or two. The gentleman says, If the Du Ponts do not furnish us powder, where are we to get it? Here, gentlemen, is a list of independents named in this injunction bill by the Department of Justice and filed in the Delaware courts, stating that this Du Pont concern is trying to squelch them and grind them

Mr. EDWARDS of Kentucky. Into powder.

Mr. BEDE. And not smokeless powder, either. [Laughter.] Mr. GAINES of Tennessee. And any one of them would be glad to get a contract to furnish powder. They are at least entitled to a chance—an open chance. They have none, as things showed.

Mr. FOSS. Any one of them can have a contract if they will

furnish the navy powder, but they do not.

Mr. GAINES of Tennessee. They came here last year and brought such an amount of moral coercion to bear that the President and the Department of Justice proceeded upon their statement and other facts and filed this injunction bill. gentleman knows-he has admitted it ever since he has been in Congress-that the Du Ponts have gotten these contracts. They have gotten them for nearly a century. They have grown so rich that they have belted the world with their monopolistic contracts, and the Department of Justice has just succeeded in dragging the fact out of the mouths of their witnesses. Only a few days ago the Government obtained evidence of one of their agreements, which I put into the RECORD last night for your reading. It is now on your desks. The Government has dragged it out of the mouths of their witnesses that there is an international combination to control every bit of powder that the world makes, except 25 or 30 so-called "independent concerns" in this country which are begging the Department of Justice to bridle this lion. Yet the chairman of this committee stands here defending that trust, when he has time and again voted to enforce the law that has not been enforced against them until this recent suit. [Applause on the Democratic side.]

I say, gentlemen, and I say it seriously and dispassionately [laughter]—oh, I am in dead earnest and cool as a cucumber [laughter]—we are particeps criminis by the careless manner in which we have so far proceeded, and I beg you to face about. Can we stand here with a big stick which we could put into the bill, that will not only control them but give these little powder manufacturers a square deal, a fair chance to live without being outraged, coerced, and thrown into bankruptcy, as the bill which was prepared by the Department of Justice says? We owe it to ourselves to uphold the law. We are bound to uphold the President in his effort to break up this trust, for he must see the law "faithfully executed," and at the same time aid him to enforce the Sherman antitrust law, which you are sworn to enforce, and which you will not do unless you pass this amendment.

This is where I stand, and that is my record for twelve years. I was among the first ones to call for a powder factory. I want to read you a word from the speech of the gentleman from Illinois, the chairman of the committee [Mr. Foss], on yester-

day. He said:

It is manifestly to the interest of the Government to have maintained as large a powder-manufacturing capacity as possible as a reserve in the event of war, in which case we will undoubtedly need all the powder that we can get. The bureau therefore desires not to increase the present output of the factory at Indianhead, although it recommends that its capacity be increased.

"Capacity be increased." Now, that is in the gentleman's own speech yesterday, that the "capacity" of the Indianhead factory "be increased." I have thus quoted from his own speech, which he gave yesterday and which is in the RECORD to-day.

Mr. FOSS. I think the gentleman from Tennessee is mis-

taken.

Mr. GAINES of Tennessee. I will read it to you again. I am reading from page 1193 of the RECORD, at the foot of the page.

Mr. FOSS. I read from the paper which I hold in my hand: The bureau therefore desires not to increase the present output of the factory at Indianhead-

Mr. GAINES of Tennessee. Well, read on.

Mr. FOSS (continuing)

although it recommends that its capacity be increased.

Mr. GAINES of Tennessee. That is what you stated, and you are against it now. [Laughter and applause.] That is in the gentleman's own speech in to-day's Record. The genin the gentleman's own speech in to-day's Record. tleman should stand here for the Department of Justice, and with the President and with the law and order and the Sherman antitrust law.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Indiana.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will report the next paragraph. Mr. HITCHCOCK. Mr. Chairman, I have an amendment that Mr. Chairman, I have an amendment that I would like to offer on page 13.

The CHAIRMAN. We have passed page 13.
Mr. HITCHCOCK. I trust the Chair will not shut me out. The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 13, line 10, after the word "and," insert "maintenance and enlargement of."

The CHAIRMAN. That can only be done by unanimous consent.

Mr. FOSS. I object, Mr. Chairman.
Mr. HITCHCOCK. If the gentleman will reserve his objection. This amendment is offered, and I intend to follow it with additional amendments further down on the page, so as to enable the department to expend \$250,000 in the enlargement of the Government Indianhead powder plant.

The CHAIRMAN. The Chair will call the attention of the

gentleman from Nebraska to the recollection of the Chair; that the paragraph ending with line 6, page 14, was read and no

amendment was offered to it.

Mr. FITZGERALD. Oh, yes, Mr. Chairman; there was an

amendment pending.

The CHAIRMAN. If the gentleman from New York will permit the Chair to continue-and thereupon the gentleman from Indiana offered an amendment, which was a separate paragraph, It was not an amendment to the paragraph; he did not offer it as an amendment to the paragraph, but to come in as a separate paragraph at the end of line 6, page 14.

Mr. HITCHCOCK. I was on my feet and demanding recogni-

tion, but the Chair gave preference to the gentleman from

Indiana.

The CHAIRMAN. If the gentleman from Nebraska had stated to the Chair that he desired to offer an amendment to

the paragraph, the gentleman would have been entitled to recog-

Mr. HITCHCOCK. The whole paragraph on page 13 went over until to-day. Inasmuch as I subsided at that time because the Chair had recognized another Member, I ought not to be precluded from presenting the amendment, particularly when

the whole paragraph went over until to-day for consideration.

The CHAIRMAN. The Chair hardly thinks the gentleman from Nebraska can find fault with the Chair if the gentleman

himself did not endeavor to preserve his rights.

Mr. HITCHCOCK. I did make repeated efforts to get the

attention of the Chair.

The CHAIRMAN. The gentleman from Nebraska and the gentleman from Indiana and other gentlemen rose, and the gentleman from Indiana offered an amendment as a separate paragraph at the end of line 6. The gentleman from Nebraska, had he made it known to the Chair, would have been entitled to offer an amendment to the paragraph.

Mr. HITCHCOCK. Mr. Chairman, I did not suppose it was

necessary for me to raise a riot.

The CHAIRMAN. It was not necessary for the gentleman to raise a riot, but it was necessary for the gentleman to state the purpose for which he rose.

Mr. HITCHCOCK. I endeavored to state it, but the Chair recognized the gentleman from Indiana, and as we passed the paragraph temporarily, I supposed the whole matter went over

until to-day.

Mr. SHERLEY. If the Chair will permit, allow me to make this suggestion. While the Chair is accurate in its statement of what occurred on yesterday, it was the plain understanding that all of these matters should be passed over until to-day, the chairman of the Committee on Naval Affairs then having personal knowledge of the fact that there were several gentlemen desiring to offer amendments, and it was not considered that having gone over informally any of us would be shut out by virtue of the gentleman from Indiana [Mr. Cox] offering instead of an amendment to the paragraph what he chose to call a new paragraph. While, perhaps, strict parliamentary law sustains the Chair, I submit to both the Chair and the gentleman from Illinois [Mr. Foss], in charge of the bill, that in good faith with the agreement had yesterday we ought to have to-day opportunity to present these various matters.

Mr. FITZGERALD. Mr. Chairman, not only that, but the amendment itself was an amendment to the pending paragraph. Although the gentleman stated that it was offered as a separate paragraph, in effect it was an amendment to the pending paragraph, because it provides that no part of the appropriation in the paragraph then read should be available in certain ways, and the language of the gentleman that the amendment should be by adding a separate paragraph doés not change the character or effect of the amendment. It was a limitation upon the language in the paragraph that had just been completed.

The CHAIRMAN. If the point of order had been made that

it was not in order as a separate paragraph, the Chair would

have passed upon that.

Mr. GAINES of Tennessee. I desire to state to the Chair that the gentleman from Indiana stated yesterday, and the RECORD states, that he offered his proposition as an amendment. "I offer the following amendment," and he states to me privately, furthermore, that the proposition which he offered was a proviso to the pending proposition.

The CHAIRMAN. Of course the gentleman from Indiana [Mr. Cox] offered an amendment. No one disputes that.

Mr. GAINES of Tennessee. Not as a separate section.

Mr. HITCHCOCK. In view of the misunderstanding and the disposition of the Chair, then, I will ask unanimous consent, Mr.

Chairman, to return.

The Chair will state that, of course, the The CHAIRMAN. Chair has no desire to take advantage of the gentleman from Nebraska [Mr. Hitchcock] or anyone else, and the Chair will take advantage of no one. The gentleman from Indiana [Mr. Cox] offered an amendment as a separate paragraph. It was so stated. The Chair was not endeavoring to determine whether it was an amendment that belonged to the paragraph that had just been read or not. A request was made to pass the amendment offered by the gentleman from Indiana. The strict construction might have been that that amendment being ruled out of order no other amendment was in order in that place. The Chair would not make such a construction as that, because the Chair thought, that having passed that amendment, it meant the committee meant to pass that subject.

Mr. HITCHCOCK. Do I understand the Chair to rule that

it is necessary for me to ask for unanimous consent?

The CHAIRMAN. The Chair is endeavoring to ascertain the exact facts.

Mr. HARDY. Will the Chair permit me to make a suggestion?

Mr. FITZGERALD. At the top of the second column on page 1193 of the Record yesterday the Chair will find that the request is made that the various items be passed.

The CHAIRMAN. The Chair will be glad to have his attention called to where the Record speaks of various items.

Mr. FITZGERALD. On page 1193, in the remarks of the gentleman from Kentucky [Mr. Sherley], the Chair will find

Mr. Sherley. Of course the gentleman realizes that it is impossible for us to follow a detailed statement out of which the gentleman has read only a portion. Now, I suggest, in order to handle this matter and not handleap the department or put a false price upon the powder, to let this letter, which the gentleman states is confidential, go into the RECORD, and allow these items to go over without prejudice until in the morning. in the morning.

I will say that the gentleman from Kentucky [Mr. Sherley] the gentleman from Nebraska [Mr. HITCHCOCK], and myself had amendments to be offered to that paragraph putting a limitation upon the price of powder, and, in view of the record, it seems to me that all of those interested were justified in assuming that this paragraph, as well as the other paragraphs afterwards reached and mentioned, went over without prejudice.

The CHAIRMAN. Would the gentleman from New York [Mr. Fitzgerald] contend that if the amendment of the gentleman from Indiana [Mr. Cox] had been agreed to yesterday as a separate paragraph, it would then be in order to offer an amendment to a preceding paragraph?

Mr. FITZGERALD. While the gentleman from Indiana stated in his amendment that it was a separate paragraph, it

was, in effect, a part of the paragraph which had just been read. It was a proviso putting a limitation upon the use to be made of the money appropriated in that particular paragraph, and he can not by designating it is a separate paragraph shut out further amendments to the paragraph then under consideration.

The CHAIRMAN. The Chair will state that not only the amendment offered by the gentleman from Indiana on yesterday was offered as a new paragraph, but the amendment adopted by the House to-day offered by the gentleman was offered as a new paragraph in the gentleman's own handwriting. On yesterday there were several items which were passed without prejudice subsequent to the item referred to, and the Chair thinks that the Chair can only rule that the paragraph having been passed, it is not now subject to other amendments. The Chair will submit the request of the gentleman from Nebraska for unanimous consent to return to the paragraph. Is there

Mr. HARDY. Mr. Chairman, before that-

The CHAIRMAN. The Chair hears no objection.

Mr. HARDY. Before that, I desire to make a parliamentary

Mr. FOSS. Mr. Chairman, I would like to know what the request was.

The CHAIRMAN. For what purpose did the gentleman from Texas rise?

Mr. HARDY. Before the request for unanimous consent is made, I have just one suggestion to make.

The CHAIRMAN. It has already been agreed to.

Mr. HARDY. Then, I have no further suggestion.
Mr. FOSS. What was the request?
The CHAIRMAN. The request of the gentleman from Nebraska was to return to the paragraph ending on line 6, page 14, for amendment. The Chair put the request and no objection was made.

Mr. FOSS. Mr. Chairman, I did not hear the request, or I would have objected to it.

Mr. HITCHCOCK. Mr. Chairman, the amendment which I

have sent to the Clerk's desk—
The CHAIRMAN. The gentleman will suspend until the Clerk can report the amendment.

The Clerk read as follows:

On page 13, line 10, after the word "and," insert "maintenance and enlargement of," so it will read "for maintenance of the proving grounds and maintenance and enlargement of powder factory."

Mr. HITCHCOCK. Mr. Chairman, this amendment, to be followed later by another amendment in the paragraph, will increase the item from \$5,278,000 to \$5,528,000, and will thus allow the necessary \$250,000 for the enlargement of the Indianhead powder plant, in accordance with the estimate of the Bureau of Ordnance sent here under authority of the Secretary of the Navy. That estimate, as it appears in the RECORD to-day, shows that the appropriation of this quarter of a million dollars will double the capacity of the Indianhead plant, which,

instead of giving us 1,200,000 pounds of powder a year at a cost of 45 cents a pound——
Mr. FOSS. Where is that stated, may I ask?

Mr. HITCHCOCK. It is in the Record this morning, included in the remarks of Mr. Gaines of Tennessee. Thus, for the expenditure of \$250,000 for the enlargement of this government plant, we will be able to manufacture 2,400,000 pounds of powder a year at 45 cents per pound, in place of 1,200,000 pounds, at a saving of over 20 cents a pound. In other words, we will be able to manufacture double the quantity of powder we now manufacture, and in place of manufacturing one-third of the present needs of the navy we will be able to manufacture two-thirds of the needs. Now, it seems to me, Mr. Chairman, that the gentleman in charge of this bill ought to accept this amendment. He himself has stated that only one concern in the United States can manufacture smokeless powder for the United States; he himself has stated that it can and may refuse to accept the figures offered by the government board. case the United States will be unable to procure two-thirds of the supply it needs, and his statement is true.

First, because the Du Pont concern is the trust which monopolizes the whole American manufacture of powder; and secondly, because the tariff on powder prevents the United States from buying at a reasonable price from other countries. I may say, in passing, Mr. Chairman, that it is in the Record now that this Du Pont concern, which is in fact the trust, has in existence an agreement with the powder manufacturers in other parts of the world not to sell their powder in the United States and not to erect powder factories in the United States, the evident purpose being to starve the American market and compel the payment of trust prices for powder. It seems to me, therefore, Mr. Chairman, in view of the fact that our navy is constantly using an increased quantity of powder, in view of the statement made by the chairman himself that we have only one concern with which we can deal, and which can choke us off at any time, and in view of the further fact that we can manufacture powder 20 cents a pound cheaper than we can buy it, we certainly ought to appropriate the quarter of a million dollars to enlarge the plant, and the money will come back to us in the first year of operation. I hope the chairman will see fit to accept the amendment to his bill. [Applause.]

Mr. FOSS. Mr. Chairman, what I object to is when the Chief of the Bureau of Ordnance came before the committee he stated that he did not desire to have this plant enlarged the coming year. He made an estimate and we allowed it to him. Then afterwards, as I learn, of which I was not aware, a letter has been sent by the Chief of the Bureau of Ordnance to the gentleman from Tennessee [Mr. Gaines], stating that by the expenditure of \$250,000 the capacity of the plant can be doubled, and rather indicating that the department would like to enlarge it. It does not seem to me that the Bureau of Ordnance treated the committee fairly upon this proposition, but so long as the House seems to be favorable to the proposition which has just been passed I shall make no objection to the amendment offered by the gentleman from Nebraska.

plause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. HITCHCOCK].

The question was taken, and the amendment was agreed to. Mr. HITCHCOCK. Mr. Chairman, I desire to offer an amendment to perfect the amendment which has just been agreed to.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 21, page 13, strike out all after the word "million" down to the end of line 22, page 13, and insert instead "\$528,171."

Mr. FOSS. May I ask the gentleman how much he adds?

Mr. HITCHCOCK. That is \$250,000.

Mr. FOSS. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. HITCHCOCK]. The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] offers an amendment, which the Clerk will report. The Clerk read as follows:

Page 14, line 4, after the word "proposals," insert: "Provided, That no part of this appropriation shall be expended for powder, other than small-arms powder, at a price in excess of 64 cents a pound."

Mr. FOSS. Mr. Chairman, I make a point of order. I re-

serve it. Mr. SHERLEY. I did not desire it to be reserved.

Mr. FOSS. What is the purpose of the gentleman's amendment?

Mr. SHERLEY. It is purely a limitation on the price which

shall be paid for powder.

Mr. FOSS. Will the Clerk please read the amendment again? The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The Chair will hear the gentleman from

Kentucky [Mr. Sherley] on the point of order.

Mr. SHERLEY. The gentleman has not stated his point of order except to make it. I think the gentleman from Illinois [Mr. Foss] should suggest—
The CHAIRMAN. The Chair will ask the gentleman from

Illinois to state his point of order.

Mr. Chairman, it is new legislation.

Mr. FITZGERALD. Mr. Chairman, on page 373 of the Digest there is a ruling limiting the price of armor to a certain amount per ton.

The CHAIRMAN. The Chair is prepared to rule. tleman from New York [Mr. FITZGERALD] calls attention to a former ruling of the Chair in reference to the price of armor plate, where an amendment was offered providing-

That no part of this sum shall be expended except in procuring armor of the best obtainable quality at an average cost not to exceed \$545 per ton of 2,240 pounds, including royalty.

To that a point of order was made and overruled. Not only the precedent, but the usage, the Chair thinks, will cause the

Chair to overrule the point of order.

Mr. SHERLEY. Now, Mr. Chairman, I have offered an amendment that limits the power of the Government to purchase powder at a price in excess of 64 cents. The present price paid is 67 cents. I shall not detain the committee by going over again the figures that have been recited here so frequently to-day, and that were published in the RECORD of yesterday, but I want to predicate my proposition upon this fact: It is the common knowledge of every man that the Government never does anything as cheaply as private individuals can do it. Now, by the Government's statement, putting in all of the items of supervision, pay of officers, interest upon a million and a half of investments, they figure the cost at something over 63 cents. And as an illustration that my premise is very true, I desire to state this in regard to alcohol: The Government found it cost them 6 cents per pound of powder for alcohol, but it cost the powder companies only a little over 3 cents. Why? Mr. OLCOTT. No. It is:

Alcohol (seven-tenths of a pound of alcohol per pound of powder), .0385 cents.

Mr. SHERLEY. If the gentleman will permit me, I think that the statement shows the additional cost is 3.8 cents a pound for the alcohol.

Mr. OLCOTT. Seven-tenths of a pound is what it is.

Mr. SHERLEY. The statement made here, Mr. Chairman, is that the private manufacturers were expending for alcohol only 3.85 cents per pound of powder. That is my statement, verified by a reference to the RECORD. Now, the Government has spent nearly twice that, because it has no means for recovering any of the ether and the alcohol used in the manufacture of the powder, and that is an illustration of how it always costs the Government more to make anything than it does a private industry.

Mr. HULL of Iowa. Will the gentleman yield for just one question? I assume it must cost the private consumer more for his first investment in alcohol than it costs the Government, because the Government gets it free of duty and the private manufacturer has to pay duty, and that adds to the price of

Mr. SHERLEY. I understand that; but disregarding the question of duty, the statement is that it costs the Government 6 cents in place of 3.8 cents to the private manufacturer. I simply speak of this as an illustration of the fact that it always costs the Government more to do something than it does an individual.

Mr. OLCOTT.

Mr. OLCOTT. Now, Mr. Chairman— Mr. SHERLEY. If the gentleman will permit, I would like to make a connected statement. Now, if the Government can manufacture powder, counting all the items that are necessary, at 63 cents and a fraction over, it is apparent that the private individual can manufacture it at 64 cents and have a fair profit; and it was for that reason I introduced this amendment.

I want to say that the statistics furnished by the Government. both those of the Army and Navy Department, are meager. I wanted a statement to be made by General Crozier that would

go into the details. Instead of that, I find his statement is practically a copy of that of the naval officers, in which they stated conclusions without giving detailed figures by which we could verify the cost. But it does appear as a conclusive statement that a fair price would be a fraction over 63 cents. That being true, I fail to see why we should pay 67 cents. Now, a difference of 4 cents is quite an important matter, because the amount we buy is very large. The amount of powder annually procured for the army is approximately 670,000 pounds of cannon powder, of which the price is now 67 cents a pound, and 365,000 pounds of small-arms powder, the present price for which is 841 cents a pound. The Navy Department at present has to procure from three to three and a half million pounds of cannon powder, of which a little over a million pounds are being manufactured by the Naval Powder Factory, leaving about two and one-half million pounds to be purchased. So that a difference of 4 cents in quantities which are so large makes a considerable item of expense to the Government.

I have no desire to embarrass the Government in this mat-I doubt very much whether the Government could get its supply of powder without purchasing from the Du Pont powder people; and while I deplore the existence of that trust as much as any man does, I should like to see the Department of Justice deal with that feature of the case rather than Congress. In this connection the Department of Justice would have very much more to its credit if it had instituted this proceeding just eight or ten years prior to the time that it did institute it. For more than seven years this House has heard annually charges made as to the existence of this combination, and now the proof comes out that an international agreement has been in existence for ten years; and yet the Department of Justice at the expiration of nearly ten years moves the wheels of justice. In very truth they, like the mills of the gods, grind slowly, whether they grind exceeding small or not. But I repeat that that is a matter that we ought not now to deal with here, but on the question of price Congress ought to so legislate as to prevent the

Government paying 4 cents more than it needs to.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS. Mr. Chairman, I think it is very unwise to fix the

price of powder here upon the expert opinion of the gentleman from Kentucky. I think it far better to leave it as it is and leave it to the joint army and navy board to fix the price, because they are experts on the subject. While the gentleman from Kentucky may be an expert on an infinite variety of other subjects, yet I am sure nobody will accuse him of being an expert on the price of powder.

Mr. OLLIE M. JAMES. He fixes it on the expert knowledge supplied by you from government sources.

Mr. FOSS. I am not standing here to defend the Powder trust or anything of the sort. I submit the views of the Navy Department. I desire very much that the navy should get enough powder this year for target practice and for the purposes for which it uses powder; but the chances are, with the other limitation that has already been inserted in the provision passed, the navy will not secure its powder this year, and I trust there will not be any more limitations placed upon the Secretary of the Navy.

Mr. SHERLEY. Before the gentleman takes his seat, just a suggestion or two. In the first place, the limitation already adopted has in it a loophole which the Navy Department would very quickly take advantage of whenever an emergency arisesand it can determine when the emergency arises-and then the limitation offered by the gentleman from Indiana ceases to be

operative.

Now, I want to ask the gentleman what answer he has to give to this question: Is it not a fact, as shown by this board and demonstrated by the tests of the Government's own making of powder, counting all the items which reasonably ought to be counted, that the cost is only a little over 63 cents?

Mr. FOSS. I do not think it is.

Mr. SHERLEY. Well, then, if the gentleman does not think, will read-

Mr. FOSS. It does not include all these other items, including freight.

Mr. SHERLEY. What are the items?

Mr. FOSS. I enumerated them, and the larger of the items

was freight.

Mr. SHERLEY. Now, one thing that impressed me, with reference to these additional expenses, was that the army and the navy people were apparently endeavoring to justify a previous opinion not now warranted by the facts by suggesting various additional equities, the only one of which that has any real value being the freight item. Now, if you will take and subtract that one item of freight from among the others and against it put the one of overvaluation of the real investment.

\$917,000

541,000

which does not amount to a million and a half, and will figure out the difference of cost to the Government and the private manufacturer, due to the difference in the hours of labor and wages paid for the work, you will find more than enough to justify a reduction of 4 cents a pound in price.

Mr. FOSS. We have a valuation which has been sent in here by the Chief of the Bureau of Ordnance, which I will put in the RECORD, which the gentleman can see if he desires:

DEPARTMENT OF THE NAVY, BUREAU OF ORDNANCE,

Washington, D. C., January 21, 1909.

Memorandum for Mr. Foss concerning the notes on estimates for basing price on smokeless powder which were supplied you yesterday, and which appear on page 1193 of the Congressional Record:

The capital necessary for a plant of similar capacity to that at Indianhead is given as \$1,500,000. This amount is made up as follows:

Cost of land with improvements, including railway, steam, air, electric, and water mains, sewer lines, and standplpes; buildings and charges for machinery installation; machinery, including engines, pumps, presses, machine tools, and rolling stock used at the factory.

Stock on hand, including material for manufacture and finished product, based mainly on nitrating cotton, sodium nitrate, acids, alcohol, and powder in process of manufacture.

_ 1, 458, 000 Total____

N. E. MASON, Chief of Bureau of Ordnance.

Mr. SHERLEY. I will be very glad to see it, though we would like to see it a day ahead instead of a day after we vote on these matters.

Mr. FOSS. I do not think, when you take everything into consideration, that the Government can manufacture powder

Mr. SHERLEY. To quote the gentleman himself, I prefer to accept the opinion of the experts of the department, rather than the expert opinion of the gentleman from Illinois. However much of an expert he may be on various other matters, I submit that he is not an expert on the subject of making

powder.

Mr. FOSS. I am speaking generally of the Government, Mr. Chairman. I do not know of anything that the Government enters into the manufacture of that it produces much cheaper, in the long run, than a private concern. You may start in and show a reduction, but as the thing continues, as appropriations after appropriations are made, year after year, when you come to sum them all up you will find, in the end, that it has cost the Government as much to manufacture as it has the private concern.

Mr. SHERLEY. Costing more. Mr. FOSS. And we already have an instance of it in the building of ships for the American Navy. It has been stated here on the floor time and again that the Government could build its ships cheaper than they could be constructed by private concerns. And what has been the result? Why, last year we put in the appropriation bill a provision that one of the col-liers should be built in the Mare Island Navy-Yard, on the Pacific coast, and the estimate that was made for the building of that collier was \$1,800,000; and yet bids have been submitted by the Secretary of the Navy showing that he can purchase by private contracts two colliers for that \$1,800,000.

[The time of Mr. Foss having expired, by unanimous consent

it was extended five minutes.]

Mr. FOSS. I say to you that upon the general proposition of government manufacture you will find, in the long run, that it costs more for the Government to manufacture than it does to buy of a private concern.

Mr. SHERLEY. Unquestionably, it costs more; and when it is shown that the Government can actually manufacture at 63 cents, we have a right to assume that the private manufacturer, by your own argument, can do it for much less. [Applause on the Democratic side.]

Mr. FOSS. But that does not take into consideration a number of things. Mr. Chairman, I call for a vote.

The question being taken on the amendment of Mr. Sherley,

the Chairman announced that the noes appeared to have it.

Mr. SHERLEY. Division!

The committee divided; and there were—ayes 68, noes 62.

Mr. FOSS. Tellers!

Tellers were ordered, and the Chairman appointed Mr. Foss and Mr. SHERLEY.

The committee again divided; and the tellers reported-ayes 75, noes 69.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next paragraph which was passed over.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, \$650,000.

Mr. SHERLEY. Mr. Chairman, I desire to offer the same amendment after the word "dollars," in line 8, page 14.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, line 8, after the word "dollars," insert: "Provided, That no part of this appropriation shall be expended for powder other than small-arms powder at a price in excess of 64 cents a pound."

The question being taken, on a division (demanded by Mr. Foss) there were—ayes 67, noes 48.
Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next paragraph in the bill which was passed over.

The Clerk read as follows:

Ammunition for ships. For procuring, producing, preserving, and handling ammunition for issue to ships, \$3,000,000: Provided, That the Secretary of the Navy is hereby authorized to utilize all ammunition and other supplies already on hand under the appropriations "Increase of the navy; armor and armament," "Reserve ammunition," and "Beserve powder and shell," for general issue to ships in commission, as though purchased from this appropriation: Provided, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standards prescribed by the Secretary of the Navy.

Mr. SHERLEY Mr. Chairman T. S.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 16, line 3, after the word "proposal," insert: "Provided, No part of this appropriation shall be expended for powder other than small-arms powder at a price in excess of 64 cents a pound."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Kentucky. The question was taken, and the amendment was agreed to. Mr. FOSS. Mr. Chairman, I think that covers all of the

provisions except the one offered by the gentleman from Vermont [Mr. FOSTER]. Mr. LOUDENSLAGER. I would like to say to the Chair that

reserved a point of order upon that, which I will withdraw.

Mr. FITZGERALD. We will reserve it until we know what the amendment is. Let the amendment be reported.

Mr. FOSS. Upon second consideration, Mr. Chairman, I will ask that that go over until to-morrow.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Vermont [Mr. Foster] will be passed over until to-morrow. The Chair hears no objection.

Mr. DAWSON. Mr. Chairman, a private letter which I re-

ceived a short time ago from a distinguished naval officer contained the significant sentence—" Congress has been so generous in giving us a new navy that we indulge the hope that it will go one step further and give us a new Navy Department."

In that sentence my friend expressed a widespread sentiment, not only among the fighting men of the navy, but a general sentiment among the people of the whole country.

The greatest need which confronts the navy to-day is a better system of naval administration. The system now in force may have been adequate in 1842, when it was created by law, but it is only natural that nearly seventy years of naval expansion and development should make the system outworn and obsolete.

Congress has been generous in providing for the new navy. During the past twenty-six years, which have been required to place this navy in being, there has been appropriated for ships alone the enormous sum of \$344,000,000. The country has approved the building of this new navy, and there is a healthy public sentiment in favor of a rational building programme that will maintain the present high standard of efficiency. Congress may not have gone quite as fast as some would like, but we have maintained the United States in its relative position as the second naval power in the world.

This building policy has brought into being a fleet of fighting ships which has won the admiration of the world by its cruise around the globe. That voyage justified in full measure the pride which the American people feel in their navy, as well as demonstrated that the character and efficiency of the officers and enlisted men is equal, if not superior, to any other service

in the world.

But what is the purpose of this navy? This magnificent navy was not created as a plaything, or to satisfy our vanity for military display. The people of the United States appre-ciate that our national defense depends in a large measure upon the navy, and if that defense in times of stress is to be effective that navy must be efficient.

While Congress has been liberal in making appropriations not only for new ships, but in improving the conditions of the officers of the navy, and in uplifting the conditions of the enlisted men to a point where it is now attracting recruits from a high class of young American manhood, it has omitted to provide a system of administration to conform to these new conditions.

The question of naval administration is vital to the highest efficiency of the navy. Of what use is it to spend millions in providing a modern weapon for our national safety and defense, if at the same time we do not also provide a system by which the weapon can be effectively used in time of need?

The present system of naval administration was created by law in 1842, when the war vessels of the world consisted of sailing ships. Since that time the sailing ship has given way to the steam frigate with its smooth-bore guns, and it in turn to the armor-clad, with its high-power rapid-fire guns.

Successive revolutions have occurred in those seventy years, not only in the ships themselves but in their armament, and to-day the modern battle ship is a floating fortress filled with intricate electrical and mechanical apparatus.

Equally as great changes have occurred in the conditions under which sea battles are fought. With all the vast changes in naval architecture and naval warfare, the United States to-day finds itself still trying to administer its navy under a system created nearly seventy years ago, the defects of which must be apparent to all.

A sound system of naval administration naturally embraces two general divisions—the personnel, comprising the officers and men; and the matériel, comprising the ships and their equipment. That is the natural division of the military and the civil. The military phase of the navy is fundamental and paramount. From the military standpoint, that administration should not only provide the nation with an effective fighting force, but should have the machinery to successfully use that force in time of need. It must look to keeping the navy in readiness as a weapon, and in devising plans of campaign in advance of hostilities. In short, it should be able to solve all the problems of war, and to suggest the means necessary to accomplish success. That is really the object for which the navy is created.

It seems almost past belief, and yet it is true, that there is no man or body of men provided by law, below the Secretary of the Navy himself, whose duty it is to decide the purely military questions of the naval service.

Under our system of government the Secretary of the Navy very properly is a civilian, and upon him rests the responsibility of the proper administration of the navy in time of peace, and its successful and effective employment in time of war.

It is not fair to impose this tremendous responsibility upon a civilian secretary, without providing him by law with the means of obtaining competent advice in solving the purely military problems for which he is responsible, and any system which fails to make such provision is faulty and incomplete.

Secretaries in the past have convened special boards without number in attempts to settle vexatious questions of this character which arise from time to time. Without going into the question of conditions which have arisen in these boards, it is clear that this method is unsatisfactory, and Congress and the public are left largely in the dark as to where responsibility in disputed matters rightfully belongs. If the Secretary were provided by law with that expert military advice so necessary for the successful conduct of the department, responsibility for defects and blunders could be definitely fixed.

BUREAU SYSTEM.

Another inherent defect in the present system of naval administration is the bureau system as it stands under existing law. President Roosevelt in his last annual message stated it tersely when he said that "there is literally no excuse whatever for continuing the present bureau organization of the navy."

This organization consists of eight separate and distinct bureaus, each independent and supreme in itself. It is proper that there should be a natural division of the work of this great department, but I can see no defense of a law which provides that—

The orders of the chief of bureau shall be construed as emanating from the Secretary of the Navy, and shall have full force and effect as such.

The clause practically sets up eight independent secretaries of the navy, each supreme in his division of naval duties. The tendency of the system is to place the interest of the bureau above the interest of the navy as a whole. Furthermore, this independence has deprived the Government of the benefit of the

inventive genius of the country not found within the bureaus themselves.

I do not criticise these chiefs of bureaus as men and officers. Human nature would have to be amended if we expected them to do anything else but strive to magnify the importance of the duties of their respective bureaus.

It needs no explanation to point out that under this system the work of the bureaus is not and can not be properly coordinated. There is but one way under the law whereby they may be coordinated, and that by the Secretary himself. This would be a physical impossibility with the many questions arising, but we devolve this duty upon him without providing any advisers by law to assist him in his impossible task.

The baneful defects of the existing system have shown themselves in many directions. In the question of the design of ships, we have recently witnessed the entire navy engaged in a fierce discussion of the armor-belt line. Without attempting to say which side was correct in its contentions, it must be apparent that the efficiency of the navy, its discipline, and its fighting spirit is in no way promoted by these unseemly internal strifes.

The general public regarded this as a controversy between the bureau advocates on one side defending their actions, and on the other side the line officers of the navy—the men who must be the ones to use these weapons in the national defense.

We see it in the movement of ships. A recent issue of the Literary Digest relates that not long ago the captain of a battle ship received orders from one bureau to sail from a navy-yard at once, while at the same time he was threatened with courtmartial by another bureau if he did so.

In the equipment of ships we find many examples of conflicts of authority; unnatural and unbusinesslike division of duties and functions, with the consequent delays and extravagances which inevitably follow.

Can anyone defend a system where the installation of the fire-control apparatus on a war ship is divided up among three separate and distinct bureaus?

Is it businesslike to have the engines and pumps of a ship under the jurisdiction of one bureau, while the steam pipes leading to them, and necessarily an integral part of them, are under the control of another bureau?

Many instances could be cited to show that the lines of authority between different bureaus within a single battle ship are mixed in bewildering confusion and cross and recross each other at many points.

We have seen the wastefulness of the system best exemplified in the repair of ships as conducted at navy-yards. With each bureau not only independent by law, but separately provided by Congress with its own appropriation, there grew up at each navy-yard not a single well-developed plant, but in reality each bureau was building up at the several yards its own independent plant, with separate buildings, machinery, and workmen.

At these navy-yards were three or four carpenter shops, as many pattern shops, paint shops, blacksmith shops, and so forth. No business man would tolerate such a condition for a moment, as its wastefulness and extravagance is plain.

To the credit of Secretary Newberry be it said that he has taken steps to modernize the business side of the repair of ships at navy-yards through the consolidation of similar shops. That this has worked well is shown by the last report of the Bureau of Steam Engineering, which says:

During the past year all pattern, copper, and foundry work at the larger eastern yards has been consolidated under this bureau, and the system has now been in operation long enough to show that it will result in increased efficiency and in economy of operation to the Government, and that after the various shops have been thoroughly arranged to meet the new conditions there will be still further improvement in this direction.

I understand that the Secretary has further plans for consolidation and the elimination of the bureau system at navy-yards, which are to be put in force in the near future.

These examples only emphasize the anomalous condition of naval administration. With eight separate bureaus of equal authority, all independent of one another, the essential element of corelation and coordination is dependent entirely upon the pleasure of the bureau chief.

These eight bureaus have to do with the construction and the maintenance of the entire navy. The responsibility is divided, scattered, and many times entirely lost in the intricacies of the present system.

From the standpoint of economy there is great need of reform in the manner of making the naval estimates to Congress. There can not be proper supervision and scrutiny of appropriations by Congress so long as they are made as at present under this system of eight independent bureaus. The naval bill for the coming fiscal year contains separate appropriations for five

different bureaus for public works, and separate appropriations for three different bureaus for machinery and tools. Economy demands that expenditures for public works, machinery, and tools, and other similar items of purely industrial character should be centered in one control.

The need of reform in this important branch of the public service is not of recent origin. It was pointed out as far back as the days of Secretary Whitney in 1885, and from that time down to the present it has been repeatedly recommended by successive Secretaries of the Navy.

SECRETARY WHITNEY'S VIEWS.

Secretary William C. Whitney was at the head of the Navy Department long enough to learn the inherent defects of the system, and in his annual report for 1885 he says:

It must be evident that there is something radically wrong with the department. The universal dissatisfaction is the conclusive proof of this. It is expressed to me by influential members of both political parties, and quite universally by naval officers. It forces itself daily upon me for consideration.

He pointed out the difficulties encountered under the present form of administration, and said:

The natural division of the work of the department is into three

The natural division of the work of the department is into three branches:
First. The department having to do with the personnel and the fleet. This covers the enrollment, service, detail, uniform, organization, and discipline of the personnel: of the movements and command of fleets and vessels when commissioned; and this is properly the military branch of the department.

Second. The Department of Material and Construction. This covers the construction, repair, and care of vessels before commissioned; their armament and equipment, including military stores (but not provisions and clothing), as well as the management and maintenance of dockyards, their buildings, machinery, and their civil establishment.

Third. The Department of Finance and Accounts; this covering contracts and purchases of all naval stores, flags, coal, stationery, and care of storehouses, etc.

of storehouses, etc.

He saw with great clearness the disadvantages which come to us by not availing ourselves of the inventive genius of the country in naval construction and architecture:

try in naval construction and architecture:

All the great naval powers appear to have found it to be to their advantage to avail themselves largely of private enterprise in the creation of implements of war. No designing engineer of the English Admiralty has designed an engine for many years. In their stead the private marine-engine builders of the nation, who can produce evidence of adequate responsibility, are invited to compete with each other to produce, for example, an engine that shall be able to accomplish certain defined results, such as a certain amount of power with the greatest amount of power with the greatest amount of power with the greatest economy of weight and space consistent with strength and durability.

With us, on the contrary, the head of the Bureau of Steam Engineering, upon whom we depend for designs, is selected from a corps which is at present given by the Government only an elementary training in the science of engineering. He is at once loaded down with the distracting executive work of construction. Having the charge of a multitude of shops in the various yards, he must look after a great variety of contracts, purchases, and so on. In addition to all this, for which of itself few men are equal, he is expected to design the most complicated machinery and give his country the benefit of the daily improvements in his art. It is needless to say that to such a task no man is equal.

The policy of enlisting private enterprise in the work tends to the creation and development of important branches of industry within the country. The resources of our country, its ingenuity and enterprise in any line of human endeavor, when called out, are unexcelled by any nation or people on earth.

Our Government has placed itself in no relation to the inventive genius of the country, and is without the rich fruits which such a course would bring to it.

On the question of the broad general policy of the department,

On the question of the broad general policy of the department, Secretary Whitney said:

Another distinction to which attention may properly be called between our system and that in general use elsewhere is as to the manner in which the general policy of the department is shaped and directed. At the top of the system there should be wise general direction. It is of first importance that the system should center in a wise and judicious and capable directing power, for there is necessarily the daily decision to be made of what shall be done in any particular line.

The naval powers of the Old World provide a permanent council or board, whose duty it is to consult with and advise the minister of marine. They are largely freed of executive duties and functions, so that they may have time for investigation and study, and to be thus enabled to take a large view generally of the questions which are involved in directing the course and general policy of the department.

When the bureau system was devised it was supposed that the bureau chiefs would be able to sit in consultation with the Secretary, and that the department would not lack intelligent guidance. But the inevitable result of throwing large executive duties upon any man is to disqualify him for council. At the present time this function is not performed at all.

My experience of the manner in which important decisions are neces.

at all.

My experience of the manner in which important decisions are necessarily made by the Secretary, without opportunity for proper deliberation and intelligent advice, leads me to say without hesitation that the follies of the department are largely attributable to this.

As in the English service, and notably in the French and German, the Secretary should be provided with a board or boards for consultation, consisting of naval officers and experts, most of them comparatively free from executive duties, whose duty it should be to assist him in solving the technical problems of the department.

He same up his recommendations in the following language.

He sums up his recommendations in the following language:

The system of organization indicated herein begins with the Secretary (who occupies a position at the confluence of all the powers confided to the department) and supports him with some aids or advisers in such number and of such character as shall seem judicious. Then places one person at the head of each of the three natural divisions of the

functions of the department, which may be stated to be finance, construction, and personnel; then subdivides the business of each division according to the subject-matter with which each deals. Thus the division of material and construction would necessarily have a subdivision or bureau for engineering, one for construction, one for equipment, and one for ordnance.

one for ordnance.

At present the four heads of these bureaus, instead of cooperating, work independently of each other and not always in harmony in producing their respective parts of a completed ship.

If such an organization should commend itself to the lawmaking power and be once tried, I feel confident it would be of great benefit to the country.

It calls for no additional expenditures.

SECRETARY LONG'S RECOMMENDATIONS.

Hon. John D. Long, who for five years was Secretary of the Navy, made the following recommendation for the consolidation of bureaus in his annual report for 1899:

Navy, made the following recommendation for the consolidation of bureaus in his annual report for 1899:

In the opinion of the department it would be in the interest of good business organization and economy to consolidate the three bureaus of Construction and Repair, Steam Engineering, and Equipment under one head—the Bureau of Ships. These bureaus have to do with the construction and fitting out of vessels; in one word, the material of the ship. It is an integral work. When a contract is made for the construction of a ship, it is made with one builder. It is not given part to a constructor of hulls, part to a steam-engine manufacturer, and part to an outfitting firm. Whatever various trades enter into the work are all under one head. This is the method of private shipyards which build the largest ships and which are not left to the administration of three heads between whom delicate questions of respective authority and responsibility are liable to arise, resulting in delays and too often in friction and lack of harmony of cooperation.

Each of the above bureaus has now, during the construction of naval vessels, its separate inspectors at each yard. A consolidated bureau could, of course, be run much cheaper than three bureaus, and a great saving made by a reduction of the now three separate working forces, both clerical and mechanical, especially in our navy-yards. Fewer naval officers would be needed, as there would be but one staff instead of three, so that more officers would be available for other duty. Under the present system one bureau brings its work to the point of readiness for the work of another, which is not always ready for it. There is necessarily a lack of that adaptation and harmony of movement which one head would secure.

If this consolidation were effected, the matter of furnishing coal and other current supplies, which is now under the direction of the Bureau of Equipment, could be easily transferred to the Bureau of Supplies and Accounts, and such other incidental changes made as became

It is most interesting, in the consideration of the workings of the present system, to note what he has to say in his annual report for the year 1900 when he renewed that recommendation. Here is what he said:

Here is what he said:

The recommendation heretofore made that the organization of the Navy Department be simplified by the consolidation of the three bureaus of Construction and Repair, Steam Engineering, and Equipment is renewed. Under the present system, from the inception of its design until completed and placed in commission, the plans and specifications of a naval vessel are in the hands of three bureaus, each with a distinct organization, each having exclusive jurisdiction within certain lines, and all charged with the duty of carrying on work within, but not beyond, their respective provinces, as nearly as may be at the same time.

Such a system is, in practical administration, cumbrous and expensive, and from its very nature tends to develop controversies respecting the scope of each bureau's duties and to occasion friction, delay, and want of harmony in doing whatever approaches border lines of jurisdiction. It is to the credit of the officers in charge of the bureaus concerned that work upon ships now under construction has been carried on without more friction; but the system itself is none the less objectionable, and is a source of inconvenience, delay, largely increased cost, and occasional confusion.

a source of inconvenience, delay, largely increased cost, and occasional confusion.

The present divided organization is the outgrowth of conditions which no longer exist. The hull, the propelling machinery, and the articles of equipment of a modern steamship no longer constitute simple, distinct, and separable elements in construction, but, on the contrary, in their multiplicity of details are so interwoven as to render embarrassing their supervision by three sets of independent administrative officials.

The union of these three bureaus, the chief function of which is to deal with the material of the ship, into one bureau, which might appropriately be called the "Bureau of Ships;" the consolidation of their several corps of assistants and inspectors, and the conduct of the really integral work of building and equipping vessels, under the management of one responsible chief instead of three chiefs, would promote the efficient and economical administration of this important part of the business of the Navy Department.

nomical administration of this important part of the business of the Navy Department.

A chief of bureau is practically an assistant secretary. The proposed consolidation would not only reduce three of these assistants to one, but in like manner reduce the supervising, mechanical, and clerical forces in every navy-yard, and thus save great and unnecessary expense. At present each of these bureaus in question has at each yard its separate shops, inspectors, foremen, and workmen, all often doing the same kind of work. No private business is run on such a wasteful and inharmonious plan. I renew the recommendation in this respect of my last annual report.

SECRETARY MOODY'S VIEWS.

Hon. William H. Moody, while Secretary of the Navy, made a careful study of this subject, and his views are contained in his annual report for 1903, from which the following extracts are made:

As the naval establishment grows in importance and the amount of public money devoted to its maintenance is increased, its proper administration justly becomes an object of solicitude. It is asserted by many, both within and without the naval service, that alterations in the or-

1,000,000

ganic law governing the administration of naval affairs would result in an increased efficiency and economy. It has been pointed out with truth that in the civil war, and, in a very much less degree, in the war with Spain, the organization proved inadequate.

The business of the department is distributed among eight bureaus, at the head of each of which is a naval officer appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The distribution of business among the several bureaus is within the discretion of the Secretary, but this discretion ought not to be exercised in such a manner as to abolish in effect any bureau, nor can he terminate the tenure of office of the bureau chiefs.

The distribution of business among bureaus independent of and unrelated to each other, except through the action of the Secretary, unquestionably creates a condition out of which grow conflicts of jurisdiction between the bureaus rather than the interests of the navy. The division of business in the bureaus exists not only in the department, but extends to the navy-yards, and even to some extent to the ships in commission. This leads sometimes to excessive and cumbersome organization and lack of harmony of effort, resulting from the fact that there is no coordination of work, except by the voluntary action of bureau chiefs, short of the Secretary's office itself.

It is vitally important that there should be available to the civilian head of the department the most accurate military information and the best military advice. Without both he would be sure to commit grave errors, which might lead to disastrous results. It clearly follows that there should be some military man or men charged with the duty of collecting and collating information and the giving of responsible advice on military affairs. The organization which lacks this feature is defective in a vital part. The statutory organization of the department includes no agency which is charged with this most important function.

T

Second. The consolidation of the bureaus in the department.

Third. The creation of a general staff, which shall be responsible for the efficiency of the vessels affoat and the personnel of the navy, collect and digest military information upon which plans for active operations may be formulated, and act as the military adviser of the Secretary.

I venture to express the hope that Congress may give to the whole subject of the organization of our naval establishment its best thought and attention. The cost of our naval establishment, as well as the importance of the efficiency of our navy, would amply warrant all the study which can be given.

And so it goes. Those responsible for the efficiency of the and so it goes. Those responsible for the emickey of the service as a whole have shown clearly the necessity for modification of the existing system; and yet the system itself, with its shortcomings and defects revealed, has been able to perpetuate itself.

This magnificent navy of ours is entitled to a modern system of administration. To bring about that wise general direction at the top, the Secretary should be provided with such aids or advisers as may be wise and judicious; and in making such provision, executive and administrative duties should be divorced from the duties of counsel and advice.

The proper coordination and corelation of the bureaus should be secured by making them subordinate to the Secretary, and not independent and equal. This can be accomplished by re--pealing that clause of existing law—the source of many of the defects of the present system-which provides that

The orders of a chief of bureau shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such.

Then divide the navy into two grand divisions-personnel and materiel, military and civil—and consolidate those bureaus which have to do with the integral work of constructing and equipping the ships.

Such an organization, if properly worked out in detail, will put an end to the constantly recurring controversies, which are the best evidence that the present system is faulty and defective. It will put the purely industrial side of the navy on a business basis, and thus result in a saving of millions of dollars to the people. But, above all, it will provide proper consideration for the broad problems of the navy as a whole, and make certain the highest possible standard of efficiency in every branch of the service.

Mr. GAINES of Tennessee. Mr. Chairman, I want to insert in the Record the bill which I alluded to to-day in making my speech.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert in the Record the matter referred to by him. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF JUSTICE, OFFICE OF THE CHIEF CLERK, Washington, January 20, 1909.

Washington, January 20, 1909.

Hon. J. W. Gaines, M. C.,

House of Representatives, Washington, D. C.

Dear Sir: As directed by the Attorney General, I enclose herewith two copies of the bill in the "Powder Trust" case, in response to your telegram of this afternoon. There is no expense in connection with this matter.

Very truly, yours,

O. J. Field.

Chief Clerk

O. J. FIELD, Chief Clerk.

No. 280.

IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF

United States of America, Petitioner, v. E. I. du Pont de Nemours and Company and Others, Defendants.

Company and Others, Defendants.

To the honorable the judges of the Circuit Court of the United States for the District of Delaware, sitting in equity:

The United States of America, by John P. Nields, its United States attorney for the District of Delaware, setting under direction of the Attorney-General, brings this proceeding in equity against E. I. du Pont de Nemours and Company; E. I. du Pont de Nemours Powder Company (of New Jersey); du Pont International Powder Company; Delaware Securities Company; California Investment Company; Delaware Investment Company; The Hazard Powder Company; E. I. du Pont de Nemours Powder Company; Eastern Dynamite Company; E. I. du Pont de Nemours Powder Company; Eastern Dynamite Company; E. I. du Pont de Nemours Powder Company of Pennsylvania; The King Powder Company; Austin Powder Company of Pennsylvania; The King Powder Company; Austin Powder Company; Fairmont Powder Company; International Smokeless Powder and Chemical Company; Judson Dynamite and Powder Company of California; Metropolitan Powder Company; Peyton Chemical Company; The American E. C. & Schultze Gunpowder Company, Limited; The American E. C. & Schultze Gunpowder Company, Limited; The American F. C. & Schultze Gunpowder Company, Limited; The American E. C. & Schultze Gunpowder Company, Limited; The Equitable Powder Manufacturing Company; The Miami Powder Company; Alexis I. du Pont; Harry F. du Pont; Eugene du Pont; Eugene E. du Pont; Henry A. du Pont; Harry F. du Pont; Ireneé du Pont; Francis I. du Pont; Pierre S. du Pont; Thomas Coleman du Pont; Victor du Pont, F.; Jonathan A. Haskell; Arthur J. Moxham; Hamilton M. Barksdale; Henry F. Baldwin; Edmond G. Buckner, and Frank L. Connable.

And thereupon your petitioner, upon information and belief, complains and alleges as follows:

THE PARTIES DEFENDANT.

E. I. du Pont de Nemours and Company is a corporation organized under the laws of the State of Delaware and carrying on business in said State, with its principal offices at the city of Wilmington, Del., where its president, Thomas Coleman du Pont, may be found.

Its authorized capital stock is______ Its issued capital stock is______ Bonded indebtedness_____ \$20, 000, 000 12, 300, 000 10, 000, 000

E. I. du Pont de Nemours Powder Company (of New Jersey) is a corporation organized under the laws of the State of New Jersey, and carrying on business in the State of Delaware, with its principal offices at the said city of Wilmington, and that the said Thomas Coleman du Pont is the president of said company.

Its authorized capital stock is_____ Its issued capital stock is_____ Preferred \$19, 897, 450 Common __

Du Pont International Powder Company is a corporation organized under the laws of the State of Delaware and carrying on business in said State, with its principal offices at the city of Wilmington, and that the said Thomas Coleman du Pont is the president of said company.

Its authorized and issued capital stock is \$10,000,000 Preferred \$1,000,000 Common 9,000,000

Delaware Securities Company is a corporation organized under the laws of the State of Delaware and carrying on its business in said State, with its principal offices in the city of Wilmington, where its president, Arthur J. Moxham, may be found.

 Its authorized capital stock is
 \$8,000,000

 Its issued capital stock is
 4,200,000

 Bonded indebtedness
 3,988,400

California Investment Company is a corporation organized under the laws of the State of Delaware and carrying on its business in said State, with its principal offices in the city of Wilmington, and its president is the said Thomas Coleman du Pont.

Its authorized and issued capital stock is_____Bonded indebtedness_____

Delaware Investment Company is a corporation organized under the laws of the State of Delaware and carrying on its business in said State, with its principal offices in the city of Wilmington, and its presi-dent is the said Arthur J. Moxham.

Its authorized and issued capital stock is \$2,500,000 Bonded indebtedness 2,500,000

The Hazard Powder Company is a corporation organized under the laws of the State of Connecticut and carrying on its business in the State of Delaware, with its principal offices at the said city of Wilmington, and that the president of said company is the said Thomas Coleman du Pont.

Its authorized and issued capital stock is

Lafiln & Rand Powder Company is a corporation organized under the laws of the State of New York and carrying on its business in the said State of Delaware, with its principal offices at the city of Wil-mington, where its president, Joanthan A. Haskell, may be found.

Its authorized and issued capital stock is_____

Eastern Dynamite Company is a corporation organized under the laws of the State of New Jersey and carrying on business in the State of Delaware, with its principal offices at the city of Wilmington, and its president is the said Jonathan A. Haskell.

Its authorized and issued capital stock is_

E. I. du Pont de Nemours Powder Company (of Delaware) is a corporation organized under the laws of the State of Delaware and carrying on its business in said State, with its principal offices at the city of Wilmington, and that the said Thomas Coleman du Pont is its president. president. Its authorized and issued capital stock is_____

E. I. du Pont de Nemours and Company of Pennsylvania, is a corporation organized under the laws of the State of Pennsylvania and carrying on its business in said State, with its principal offices at the city of Scranton, Pa.

Its authorized and issued capital stock is_ \$2,000,000 Preferred Common

The King Powder Company is a corporation organized under the laws of the State of Ohio, with offices at Cincinnati, Ohio. \$325,000

Its authorized and issued capital stock is_ Austin Powder Company, of Cleveland, is a corporation organized under the laws of the State of Ohio, with offices at Cleveland, Ohio.

Its authorized and issued capital stock is ____. \$400,000 California Powder Works is a corporation organized under the laws of the State of California, with offices at San Francisco, Cal.

Its authorized and issued capital stock is ___ \$3,000,000 Conemaugh Powder Company is a corporation organized under the laws of the State of Pennsylvania, with offices at Johnstown, Pa. Its authorized and issued capital stock is. Bonded indebtedness. \$80, 000 35, 000

Fairmont Powder Company is a corporation organized under the laws of the State of West Virginia, with offices at Christiana Hundred, in the State of Delaware. Its authorized and issued capital stock is__

International Smokeless Powder and Chemical Company is a corpora-tion organized under the laws of the State of New Jersey, with offices at Wilmington, Del., where its president, the said E. G. Buckner, may be

Its authorized capital stock is______
Its issued capital stock is______
Preferred_____
Common_____ \$10,000,000 9,600,000 *4, 800, 000 4, 800, 000

Judson Dynamite and Powder Company of California is a corporation organized under the laws of the State of California, with offices at San Francisco.

Its authorized and issued capital stock is __ \$2,000,000 Metropolitan Powder Company is a corporation organized under the laws of the State of California, with offices at Hercules, Cal.

Its authorized and issued capital stock is__ \$200,000 Peyton Chemical Company is a corporation organized under the laws of the State of California, with offices at San Francisco.

Its authorized and issued capital stock is ... \$635,000 The Ætna Powder Company is a corporation organized under the laws of the State of Indiana, with offices at Chicago, Ill.

Its authorized and issued capital stock is

The American E. C. & Schultze Gunpowder Company, Limited, is a corporation organized under the laws of Great Britain and Ireland, with offices at London, England. _____pounds sterling__ 100, 000 ____pounds-sterling__ 75, 000 Its authorized capital stock is... Its issued capital stock is.....

The American Powder Mills is a corporation organized under the laws of the State of Massachusetts, with offices at Boston, Mass.

Its authorized and issued capital stock is_ \$300,000 The Anthony Powder Company, Limited, is a partnership association organized under the laws of the State of Michigan, with offices at Ishpeming, Mich.

Its authorized and issued capital stock is_ The Equitable Powder Manufacturing Company is a corporation organized under the laws of the State of New Jersey, with offices at Wann, Ill.

Its authorized and issued capital stock is \$100,000 The Miami Powder Company is a corporation organized under the laws of New Jersey, with offices at Xenia, Ohio.

Its authorized and issued capital stock is \$300,000

participated in the direction and management of its business and was responsible therefor; that at the time of the filing of this petition the said Henry A. du Pont was one of the principal stockholders in said company, and during all of the times herein mentioned has been and now is exercising a dominant influence over the management and business of said company and is responsible therefor.

That each and all of said individual defendants are citizens and residents of said State of Delaware and may be found therein.

That the aforesaid defendants and each of them are engaged in interstate trade and commerce in the shipment and sale of gunpowder or other high explosives among the various States and Territories of the United States and the District of Columbia in violation of the provisions of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce," and the amendments thereto. That this proceeding is instituted by the United States of America under direction of its Attorney-General to prevent and restrain the hereinafter particularly described agreements, contracts, combinations, and conspiracies in restraint of trade in such commodities among the several States and Territories of the United States and the District of Columbia; and to prevent and restrain the attempts to monopolize, and the existing monopolies of such trade and commerce among the several States and Territories in such commodities, and the agreements, contracts, combinations, and conspiracies to monopolize, and the existing monopolies of such trade and commerce among the several States and Territories in such commodities, and the agreements, contracts, combinations, and conspiracies by and between said defendants and others engaged in shipping and selling gunpowder and other high explosives among the various States and Territories of the United States intended to operate in restraint of lawful and proper competition in such trade and commerce therein and to increase and maintain the price at which such commodities sha

ORIGIN OF THE CONSPIRACY AND THE VARIOUS FORMS WHICH IT ASSUMED.

tain the price at which such commodities shall be sold among the various States.

II.

ORIGIN OF THE CONSPIRACY AND THE VARIOUS FORMS WHICH IT ASSUMED. That some time in the year 1872 there was organized an association composed of practically all of the manufacturers of gunpowder and other high explosives in the United States, the members of which said association were as follows: E. I. du Pont de Nemours & Co., The Hazard Powder Company, Laffin & Rand Powder Company, Oriental Powder Mills, American Powder Company, The Miami Powder Company, and Austin Powder Company of Cleveland, all of which or their successors are defendants herein; that the object and purpose of said association was the elimination of all competition between the members thereof in the shipment and sale of gunpowder and other high explosives which did not join such association at the time of its organization were which all on the sasociation at the time of its organization were which did not join such association at the time of its organization were and The Lake Superior Powder Company, but your peting company, and The Lake Superior Powder Company, but your peting company that each of said three last-named companies thereafter became parties to the combination and conspiracy in restraint of trade and commerce herein described in the manner hereinafter more particularly set forth; that said corporations, parties to said association, as aforesaid, together with certain individuals and other corporations specifically named hereinafter, which having thereafter from time to time joined said association for the purposes aforesaid, have ever since the year 1872 been engaged in a combination and conspiracy to suppress competition in and restrain the trade and commerce in the shipment and said association for the purposes aforesaid, diffront time to time thereafter assume various forms and resort to various devices, means, and practices in furtherance of the purpose of suppress and restrain trade in the shipment and sale of gunpowder and other high ex

And your petitioner alleges that during all of said first period all competition between the members of said association in the shipment and sale of gunpowder and other high explosives among the various States and Territories of the United States was suppressed and eliminated, and that the members of said association were during all of said time in a combination and conspiracy with each other to exclude all other persons, partnerships, and corporations which were not members of said association from the shipment and sale of gunpowder and other high explosives among the several States and Territories of the United States.

That during the period from 1881 to 1886, known as the second period, the said "Gunpowder Trade Association of the United States"

and the various members thereof continued in existence and in active operation in substantially the same manner as they had continued and operated during the time of the first period herein described.

That in the year 1886 the various parties to the said "Gunpowder Trade Association of the United States" and others hereinafter more specifically named, who in the meantime had become members of said association in furtherance of said combination and conspiracy, entered into a certain other agreement, in writing, commonly known as the "Fundamental agreement," wherein it was provided among other things that the prices at which gunppowder and other high explosives should be shipped and sold to the trade among the various States of the Union should be from time to time fixed and maintained by the various parties to said "Fundamental agreement," and that all competition in such trade and commerce between the parties thereto should be suppressed and eliminated, and in order to enforce an observance of the prices by the parties thereto when so fixed, it was provided that certain fines and penalties should be imposed upon and collected from the parties to said agreement who should from time to time violate the terms thereof; and your petitioner alleges that a further object of the said "Fundamental agreement" was to force out of and eliminate from such trade and commerce by the concerted action of the members of said "Fundamental agreement" any and all persons, partnerships, or corporations which were not members thereof; that during said third period the parties to said "Fundamental agreement" any and all persons, partnerships, or corporations which were not members thereof; that during said third period the parties to said "Fundamental agreement" did from year to year act and conduct their respective businesses in strict observance of the terms thereof, as hereinafter more particularly alleged.

That in the year 1891 the various parties to the said "Fundamental

alleged.

That in the year 1891 the various parties to the said "Fundamental agreement," hereinbefore described, entered into a certain other agreement, in writing, known as the "Presidents' agreement," in furtherance of the combination and conspiracy herein charged, and for the express purpose of more effectually eliminating competition between the various parties thereto in the trade and commerce in the shipment and sale of gunpowder and other high explosives among the several States and Territories of the United States and for the purpose of restraining and monopolizing said trade and commerce, as hereinafter more particularly alleged.

sale of gunpowder and other high explosives among the several States and Territories of the United States and for the purpose of restraining and monopolizing said trade and commerce, as hereinafter more particularly alleged.

That in the year 1896 the various parties to the said "Presidents' agreement," hereinbefore described, and others hereinafter more specifically named, who in the meantime had from time to time become members of said "Presidents' agreement," and in furtherance of the combination and conspiracy as herein alleged, entered into that certain other agreement, in writing, known and described as "The pool agreement of 1896," the sole object and purpose of which was to suppress competition between the parties thereto in the shipment and sale of gunpowder and other high explosives among the various States and Territories of the United States, and to restrain and monopolize such trade, as hereinafter more specifically alleged.

That during the sixth period of said combination and conspiracy, and for the purpose of more effectually perfecting the same and in order that the members thereof might continue to monopolize and restrain said trade and commerce in substantially the same manner as they had done during the first, second, third, fourth, and fifth periods, hereinbefore referred to, certain of the individual and corporate defendants hereinafter named caused to be organized under the laws of the States of New Jersey and Delaware certain corporations as stockholding companies and as instrumentalities to be thereafter used in furtherance of the combination and conspiracy herein described, and thereupon from time to time conveyed, or caused to be conveyed, to such holding companies in some instances a large part of and in many cases a majority of the capital stocks of corporations engaged in the manufacture of gunpowder and other high explosives and shipping and selling the same among the various States of the United States, and when the control of such corporations was acquired by such stockholding c III.

ORGANIZATION OF THE "GUNPOWDER TRADE ASSOCIATION OF THE UNITED STATES" AND OPERATIONS THEREUNDER DURING FIRST PERIOD, 1872

Your petitioner alleges that in the year 1872 there was formed an association known as the "Gunpowder Trade Association of the United States," which was composed of practically all of the firms, copartnerships, and corporations which were at that time engaged in the manufacture and the shipment and sale of gunpowder and other high explosives among the various States and Territories of the United States and the District of Columbia, and that the several members of said association and the number of votes which each controlled therein were as

V	otes.
E. I. du Pont de Nemours & Co	10
The Hazard Powder Company	10
Laffin & Rand Powder Company	10
Oriental Powder Mills	6
American Powder Company	4
The Miami Powder Company	4
Austin Powder Company of Cleveland	4

That the sole purpose of said association was to secure to the members thereof from time to time uniformity in the prices at which gunpowder and other high explosives should be shipped and sold by them to the trade in and between the various States and Territories of the United States, to eliminate and suppress all competition in said trade and commerce between the members of said association, and to prevent all other persons, firms, and corporations, which were not members of said association, from competing with them in such trade and commerce.

merce.

That during the next several years said association and the several members thereof fixed and maintained among themselves the prices at which gunpowder and other high explosives should be and were by them sold to the trade among the several States, and for the purpose of preventing other firms and corporations which were not members of said association from competing in such trade and commerce, said

RECORD—HOUSE.

JANUARY 21,

sesociation and the members thereof slid from time to time do and perform the various acts and things in the manner as follows, to vit:

That in the year 1875, and for a long time prior thereto, that certain corporation, known as the California Powder Works, was engaged in the manufacture of gunpowder and other high explosives and among various States and are said of the same in said State and and among various States and are said of the same in said State and active competition with the various parties to the said "Gunpowder Trade Association of the United States;" that in the year 1875 the various parties composing said Gunpowder Trade Association inau-weight of the purpose of eliminating said company as a competitive factor in the shipment and saie of sunpowder and other and said company as a competitive factor in the shipment and saie of sunpowder and other States and In an one the various States and Territories of the United States and in an exploration of the United States and a said rainous competitive warfare was confined to the States of the United States and in an exploration of the United States and the said rainous competitive warfare was confined to the States of the United States and in an exploration of the United States and the said rainous competitive warfare, was confined to the States of the United States was also said association; that in certain petition with the members of said association; that in certain petition with the members of said association and conducting said ferce and ruinous competitive warfare, as aforesaid, the members of said association agreed between themselves to and conducting said ferce and ruinous competitive warfare, as aforesaid, the members of said association and the same to the said callifornia Powder Works was sunable to continue longer therefore, and the said callifornia Powder Works was unable to continue longer the result of the said Callifornia Powder Works was sunable to continue longer therefore, and the said callifornia Powder

scribed and set aside as the exclusive territory of the respective parties thereto.

And your petitioner alleges that the said ruinous and destructive competition inaugurated and carried on by the members of said Gunpowder Trade Association against the said California Powder Works, as aforesaid, and the said agreement which was subsequently entered into as aforesaid, were all in furtherance of the combination and conspiracy on the part of the members of said association to monopolize and restrain the trade and commerce in the shipment and sale of ganpowder and other high explosives among the several States and Territories of the United States, and for the purpose of suppressing all competition between the said California Powder Works and the members of the said association in said trade and commerce.

That for many years prior to the year 1876 The Sycamore Manufacturing Company, with powder mills located near Nashville, Tenn., was engaged in the manufacture of blasting powder in the State of Tennessee and the shipment and sale of said blasting powder in said State and among various States and Territories of the United States in competition with the various members of the said gunpowder Trade Association; that about the year 1874 the members of said association inaugurated and thereafter carried on a fierce and ruinous competitive warfare against the said Sycamore Manufacturing Company for the sole purpose of eliminating and destroying said company as a competitive factor in the shipment and sale of blasting powder into and among various of the States and Territories of the United States, during which said fierce competitive warfare the members of said association sold blasting powder in competition with the said Sycamore Manufacturing Company as a competitive factor in the shipment and sale of said association sold blasting powder in competition with the said Sycamore Manufacturing Company as a competitive factor in the shipment and sale of said association sold blasting powder in competition with the said Syca

facturing Company at prices less than the cost of production of the same to themselves; that as a result of said competitive warfare the said Sycamore Manufacturing Company was compelled to and did, on or about the 3d day of May, 1876, enter into a contract with the said Gunpowder Trade Association or its members whereby the said Sycamore Manufacturing Company became a party to and a member of said association respecting the shipment and sale of blasting powder among the various States and Territories of the United States; that thereafter, to wit, in the year 1877, the said E. I. du Pont de Nemours & Co. purchased substantially all of the capital stock of the said Sycamore Manufacturing Company at a price far above the real value of the entire assets of the said Sycamore Manufacturing Company, and the corporate existence of the said Sycamore Manufacturing Company was thereupon dissolved, but its corporate name was retained for many years after its dissolution in order to subserve the purposes of its purchaser.

And your petitioner alleges that the engaging in the said ruinous

purchaser.

And your petitioner alleges that the engaging in the said ruinous and destructive competition which was carried on against the said Sycamore Manufacturing Company, as aforesaid, and the making of the agreement whereby said company became a member of said association, as aforesaid, and the purchasing of the capital stock of said company by the said E. I. du Pont de Nemours & Co., as aforesaid, were all done in pursuance of the combination and conspiracy on the part of the members of said Gunpowder Trade Association to further monopolize and restrain the trade and commerce in the shipment and sale of gunpowder and other high explosives among the various States of the United States, and for the purpose of suppressing such competition between the said Sycamore Manufacturing Company and the members of said association.

That in order to further restrain, suppress, and eliminate competi-

sale of gunpowder and other high explosives among the various States of the United States, and for the purpose of suppressing such competition between the said Sycamore Manufacturing Company and the members of said association.

That in order to further restrain, suppress, and eliminate competition in the trade and commerce in gunpowder and other high explosives among the various States, and in order to monopolize and control such trade and commerce, the said "Gunpowder Trade Association of the United States," and the aforesaid members thereof, in the year 1877 inaugurated and carried on a fierce and destructive competition against The Lake Superior Powder Company, which said last-named company was at that time an independent company and engaged in the manufacture of gunpowder and other high explosives in the State of Michigan, and the shipment and sale of the same in the said State and among various of the States of the Union in competition with the various members of said Gunpowder Trade Association; that said ruinous and destructive competition was inaugurated and carried on as aforesaid for the sole purpose of eliminating and destroying the competition of gunpowder and Super or light well of the same in the said State and for the purpose of monopolizing said trade and commerce and placing the same under the absolute control of the said Gunpowder Trade Association and the several members thereof; that as a result of said ruinous and destructive competition the said Lake Superior Powder Company, on or about the Sth day of February, 1878, was compelled and forced to and did enter into a certain agreement with the said Gunpowder Trade Association and the members thereof whereby it was agreed, among other things, that the said Lake Superior Powder Company, on or about the States of the United States except those States included in the so-called "Lake Superior Powder Company and the members of refectively controlling and suppressing said trade and commerce, and in order to destroy and eliminate all further compet

THE "GUNPOWDER TRADE ASSOCIATION OF THE UNITED STATES" DURING THE SECOND PERIOD, 1881 TO 1886.

The Second Period, 1881 to 1886.

That on the 1st day of June, 1881, the said Gunpowder Trade Association and the several members thereof hereinbefore specifically named, renewed the original agreement of 1872, hereinbefore described, for a further period of five years, for the purpose of continuing the restraint and monopolization in the shipment and in the sale of gunpowder and other high explosives among the several States and Territories of the United States; and your petitioner further alleges that said association did thereafter, from the year 1881 to the year 1886, exercise control over the business and operations of its several members in the shipment and sale of gunpowder and other high explosives among the several States and Territories of the United States, in substantially the same manner and with the same purposes and designs, and with the same effect upon the trade and commerce, in the shipment and sale of high explosives among the various States as it had done during the period of nine years prior to the 1st day of June, 1881, and that the vote and voice of each of said members in said association during the second period was precisely the same as under the original agreement of 1872.

That during the period from 1881 to 1886 the business of the said California Powder Works and the said Lake Superior Powder Company,

and each of them in the shipment and sale of high explosives among the various States was controlled by said association in substantially the same manner as hereinbefore alleged, and that all competition between each of said companies and the members of said association was during said time suppressed and eliminated to the extent hereinbefore alleged, and that the business of the said Sycamore Manufacturing Company in the manufacture of blasting powder in Tennessee and the shipment and sale of the same among the various States was operated by the said E. I. du Pont de Nemours & Co. in complete harmony with the rules and regulations of said association as hereinbefore set forth and without competition.

the rules and regulations of said association as hereinbefore set forth and without competition.

That by reason of the acts, transactions, and doings hereinbefore alleged of the members of said association and of the acts, transactions, and doings hereinbefore alleged of the said Gunpowder Trade Association, the said association and its members did control during the period from 1881 to 1886 eighty-five (85) per cent of the trade and commerce in the shipment and sale of gunpowder and other high explosives among the various States and Territories of the United States, and did during said time constitute a combination in restraint of trade and commerce among the various States; that during said period there were but two independent manufacturing concerns engaged in producing gunpowder and other high explosives, and shipping and selling the same among the States in competition with the members of said Gunpowder Trade Association, which said manufacturing concerns were as follows: King's Great Western Powder Company (of Ohio), and the D. C. Rand Powder Company (of Pittsford, N. Y.); that said first-named company, or its successor, The King Powder Company, subsequently became a party to the combination and conspiracy in the manner hereinafter alleged.

OPERATIONS AGAINST INDEPENDENT COMPANIES DURING SECOND PERIOD, 1881 TO 1886.

That on the Sth day of August, 1878, there was organized under the law of the State of Ohio the King's Great Western Powder Company, which said corporation at about the same time built a powder mill near the city of Cincinnati, and for eight years thereafter manufactured thereat gunpowder and other high explosives and shipped and sold the same in the said State of Ohio and among the several States of the Union in active competition with the several members of the said Gunpowder Trade Association.

That on the 18th day of May, 1881, there was organized under the laws of the State of New York the Marcellus Powder Company, which said corporation at about the same time built a powder mill at Marcellus, in said State, and for five years thereafter manufactured thereat blasting powder and other high explosives and shipped and sold the same in the State of New York and among various States of the Union in active competition with the several members of the said Gunpowder Trade Association.

That on the 15th day of December, 1881, there was organized under the laws of the State of Ohio a corporation known as The Ohio Powder Company, which at about the same time constructed a powder mill near the city of Youngstown, Ohio, and for five years thereafter manufactured thereat blasting powder and other high explosives and shipped and sold the same in the said State of Ohio and among various States of the United States in active competition with the several members of the said Gunpowder Trade Association.

That during the next few years the active competition of the said King's Great Western Powder Company, the said Marcellus Powder Company, and the said Ohio Powder Company, described as aforesaid, proved a disturbing element and operated to seriously affect the combination in restraint of trade and the monopolization in the shipment and sale of gunpowder and other high explosives which the several members of the said Gunpowder Trade Association of a ruinous and destructive competition against the said King's Great Western Pow

ing said companies out of business and suppressing the competition which said companies and each of them had created and were then carrying on in opposition to the members of the said Gunpowder Trade Association.

That as a result of said destructive and ruinous competition inaugurated and carried on by the members of said association against King's Great Western Powder Company, the Marcellus Powder Company, and The Ohio Powder Company, as aforesaid, the price of blasting powder as sold in the territory which was operated in by the said three independent powder companies was reduced by the members of the said Gunpowder Trade Association from the price of two dollars and forty (\$2.40) cents per keg delivered at the mines in carload lots, while in noncompetitive territories the price of blasting powder was maintained by the members of the said Gunpowder Trade Association at two dollars and forty (\$2.40) cents per keg when delivered at the mines in carload lots; that such reduction in the price of powder in competitive territory made by the members of the said Gunpowder Trade Association, as aforesaid, was for the sole purpose and with the one object of driving out and eliminating the said three independent competitive powder companies from the trade and commerce in the shipment and sale of blasting powder among the various States; and complainant alleges and states the fact to be that the price of eighty cents (80) per keg for blasting powder, between the years of 1883 and 1886, was less than the cost of the manufacture of said powder to the members of said Gunpowder Trade Association, and was a price below that at which said independent powder companies, or any other powder company, could profitably manufacture and ship and sell blasting powder to the said trade, and that the action of the members of the said Gunpowder Trade Association who were actively engaged in conducting such ruinous and competitive warfare resulted in great financial loss not only to said independent powder companies but to the members of

tained the price of gunpowder at New York and all eastern, southern, and western points where no competition existed at five dollars (\$5) per keg; and your complainant alleges that the members of the said Gunpowder Trade Association during said time, to wit, from 1883 to 1886, reduced the price of gunpowder, as hereinbefore alleged, in the competitive markets in the State of Ohlo and in adjacent States in which the King's Great Western Powder Company was competitor, for the purpose of destroying and eliminating the competition of said company and for the purpose of preventing said company from selling its powder except at great financial loss, and that said reduction in the price of powder, as aforesaid, was made by the members of the said Gunpowder Trade Association in furtherance of the combination and conspiracy which then existed and which ever since said time has existed between the members of the said Gunpowder Trade Association of the United States to monopolize and restrain the trade and commerce in the sale of gunpowder and other high explosives among the several States of the United States.

That as a result of such fierce and ruinous competitive warfare

which then existed and which ever since said time has existed between the members of the said Gunpowder Trade Association of the United States to monopolize and restrain the trade and commerce in the said for the content of the said o

OPERATIONS OF THE COMBINATION AND CONSPIRACY DURING THIRD PERIOD, 1891.

That on the 1st day of July, 1886, the various members of the said "Gunpowder Trade Association of the United States," to wit, E. I. du Pont de Nemours & Co., The Hazard Powder Company, the Lafin & Rand Powder Company, the Oriental Powder Mills, The American Powder Mills (successor to American Powder Company), the Miami Powder Company, the Austin Powder Company of Cleveland, The Sycamore Manufacturing Company, The Lake Superior Powder Company, the California Powder Works, the Schaghticoke Powder Company, the King's Great Western Powder Company, the Marcellus Powder Company, and The Ohio Powder Company were members of the combination and conspiracy herein described, and were confederated together in an attempt to monopolize the trade and commerce in the shipment and sale of gunpowder and other high explosives among the Several States and Territories of the United States and the District of Columbia, as hereinbefore alleged.

That in order to more effectually eliminate competition in and in order to more completely restrain and monopolize, the trade and commerce in the shipment and sale of gunpowder and other high explosives

among the various States and Territories of the United States, and in furtherance of the same combination and conspiracy which had theretofore existed, the several corporations and copartnerships above named in this subdivision did, on or about the 1st day of July, 1886, enter into an agreement in the form of a pool, which was commonly known and described as the "Fundamental agreement." that said "Fundamental agreement" made and entered into as aforesaid contained numerous provisions, among which were the following:

That each member thereof was thereafter permitted to ship and sell in the State of its domicile and among the several States and Territories of the United States and the District of Columbia without penalty paid to the said association only a certain per centum of the total amount of gunpowder and other high explosives shipped and sold by all of the parties to said "Fundamental agreement" in the States of their domicile and among the several States and Territories of the United States and the District of Columbia, which per centum was the same per centum which each member's shipments and sales during the two years next preceding the 1st day of July, 1886, was of the total amount of the shipments and sales during the two years next preceding the 1st day of July, 1886, was of the total amount of the shipments and sales during the same per cotal of time of all of the parties to said "Fundamental agreement:" that it was further provided by said "Fundamental agreement" by any or all of the members which were parties to said agreement which sold more gunpowder and other high explosives than their allotted share, and that compensation would be paid by said treasurer to any or all of the members which were parties to said agreement which sold less gunpowder and other high explosives than their allotted share, and that compensation were to be imposed and paid as follows: In the amount of one and four-tenths (14) cents per pound or thirty-five (35) cents per keg for all blasting powder oversold or undersold

THE COMBINATION AND CONSPIRACY UNDER THE "PRESIDENTS' AGREEMENT."

[Fourth period, 1891 to 1896.]

[Fourth period, 1891 to 1896.]

That in the month of July, 1891, in order to continue the conspiracy and combination in restraint of trade and commerce hereinbefore described and for the purpose of more completely and effectually monopolizing such trade and commerce, he several corporations and coparinerships parties to said "Fundamental agreement," as aforesaid, entered into another agreement known as the "Presidents' agreement," which was in substance the same as the said "Fundamental agreement" so far as its object and purpose was concerned, but differed with respect to the manner in which such object and purpose was to be effected; that one of the provisions of the said "Presidents' agreement" entered into as aforesaid, required the several copartnerships and corporations parties thereto, to select each for itself a representative which representatives when so chosen and selected constituted a "Board of Trade" so-called; that such "Board of Trade" was vested by the terms of said "Presidents' agreement" with full power to control the operations and business of the several parties to said agreement and to fix the prices at which gunpowder and other high explosives should thereafter from time to time be sold among the various States and Territories of the United States; and your petitioner alleges that thereafter during the said fourth period, the several copartnerships and corporations selected representatives on such "Board of Trade," and that said board from time to time, from the year 1891 to the year 1896, fixed the prices at which gunpowder and other high explosives should be shipped and sold among the various States by the several corporations and copartnerships parties to said "Presidents' agreement;" the said "Board of Trade" also from time to time during said period imposed fines and penalities upon the several corporations and copartnerships whenever they shipped and sold gunpowder or other high explosives at prices different from those prices which had been established by said "Board of Trade."

OP

OPERATIONS OF THE CONSPIRACY AND COMBINATION AGAINST INDEPENDENT COMPANIES DURING THE FOURTH PERIOD, 1891 TO 1896.

OPERATIONS OF THE CONSPIRACY AND COMBINATION AGAINST INDEPENDENT COMPANIES DURING THE FOURTH PERIOD, 1891 TO 1896.

That on the 11th day of July, 1890, there was organized, under the laws of the State of Tennessee, The Chattanooga Powder Company, which said company shortly thereafter constructed a powder mill at Coltewah Junction, in said State, and thereafter manufactured thereat, in large quantities, blasting powder and other high explosives and shipped and sold the same to the trade in the State of Tennessee and in various other States of the Union in active competition with the various copartnerships and corporations which were parties to the said "Fundamental agreement" and the said "Presidents' agreement."

That thereafter, to wit, on the 6th day of July, 1891, there was organized, under the laws of West Virginia, The Phoenix Powder Manufacturing Company, which said company immediately thereafter constructed three powder mills, located as follows: One in the State of New Jersey, one at Kellogg, in the State of West Virginia, and one at Phoenix, in the State of Illinois, and the said Phoenix Powder Manufacturing Company thereafter manufactured gunpowder and other high explosives in the States and at the places aforesaid, and shipped and sold the same in large quantities to the trade in the said States and in various other States of the Union in active competition with the copartnerships and corporations which were members of and parties to the "Presidents' agreement," as hereinbefore alleged.

That on the 28th day of January, 1892, there was organized under the laws of the State of New Jersey The Equitable Powder Manufacturing Company, which said company a short time thereafter constructed a powder mill at Wann, in the State of Illinois, and has ever since said time manufactured gunpowder and other high explosives at said powder mill and shipped and sold the same to the trade in the State of Illinois and various other States and Territories of the United States; that at the time of the organization of said

to its successor, E. I. du Pont de Nemours and Company, another corportation of Delaware, and subsequently to the New Jersey holding company as hereinafter alleged; that ever since the organization of the said Equitable Powder Manufacturing Company all council of the said Equitable Powder Manufacturing Company all council of the said Equitable Powder Manufacturing Company all council of the said Equitable Powder Manufacturing Company all council of the said Equitable Powder Manufacturing Company all council of the said Company has ever since said time shipped and sold its manufactured product among the various States at the prices which have from time to time been fixed by the parties of said combination and conspiracy; and your petitioner alleges that the said E. I. du Pont de Nemours & Co., a copartnership of Delaware, and its successors were enabled to dominate and control and ever since said time have dominated and to the said Equitable Powder Manufacturing Company ever since said time have dominated and conspiracy.

That the said Equitable Powder Manufacturing Company ever since said time has been and now is a party to said combination and conspiracy.

That thereafter, to wit, on the 3d day of September, 1894, there was organized under the laws of the State of Georgia a corporation known as the Southern Powder Company, which company thereupon constructed powder milis at Tailapoosa, in the State of Georgia, and manufactured gunpowde and the State of Georgia accorporation known as the Southern Powder Company, which company thereupon constructed powder milis at Tailapoosa, in the State of Georgia, and manufactured gunpowde and parties to the said "Presidents' agreement," as hereinbefore described.

That at the time of the organization of the said Chattanooga Powder Company he said Power Company, and for several years thereafter, each of said companies conducted its business of my sars thereafter, each of said companies conducted as said companies and each of them operated to interfer with the combination in r

herein described.

That the said Chattanooga Powder Company continued to ship and sell blasting powder and other high explosives in competition with the members of the said "Presidents' agreement," notwithstanding said fierce and rulnous competitive warfare waged against it as aforesaid, until the early part of the year 1896, at which time fifty-five and forty-one one-hundredths (55.41) per cent of its capital stock was purchased and acquired by the said E. I. du Pont de Nemours & Co. and the said Lafiin & Rand Powder Company, and that ever since said time, and until the purchasers of its capital stock as above alleged or their successors caused its corporate existence to be dissolved, the business of the said company was operated and controlled by the members of the said "Presidents' agreement" and in harmony therewith under the management of one F. L. Connable, one of the defendants herein.

That in the early part of the year 1896 the capital stock of the said Phenix Powder Manufacturing Company was purchased and acquired by E. I. du Pont de Nemours & Co., the Laffin & Rand Powder Company, The American Powder Mills, and The Miami Powder Company in the same proportion as each of the said companies were entitled to make shipments and sales without penalty or compensation under the said "Presidents' agreement;" and your petitioner further alleges that the capital stock of the said Phenix Powder Manufacturing Company was acquired by the members of the "Presidents' agreement," as aforesaid, for the express purpose and with the effect of suppressing and eliminating the competition which had theretofore existed between the said Phenix Powder Manufacturing Company and the members of the said "Presidents' agreement" in the shipment and sale of gunpowder and other high explosives among the various States and Territories of the United States and the District of Columbia.

VII. THE CONTROL OF THE DYNAMITE TRADE.

THE CONTROL OF THE DYNAMITE TRADE.

Your petitioner further alleges that at various times, to wit, from 1872 until June 30, 1895, during the existence of the combination and conspiracy in restraint of trade among the various States hereinbefore described, there were organized under the laws of various of the several States of the Union various corporations having for their object the manufacture and shipment and sale of a high explosive commonly known as dynamite, which said explosive is commonly used for the same purposes as those for which blasting powder is used; that the sale of dynamite, therefore, came into active competition with the sale of blasting powder, and it became necessary in order to effectually monopolize the shipment and sale of such high explosives that the members of the combination and conspiracy herein described should control the trade and commerce in dynamite among the several States

and Territories of the United States and the District of Columbia; that in order to carry their purpose and intention of monopolizing such trade and commerce in such high explosives into effect the said E. I. du Pont de Nemours & Co., the said Hazard Powder Company, and the said Laflin & Rand Powder Company, and their officers and agents, organized, on or about the 30th day of June, 1895, under the laws of the State of New Jersey, a corporation known as the Eastern Dynamite Company, for the express purpose of acquiring the ownership and control of all those copartnerships, firms, and corporations which were at that time engaged in the business of manufacturing dynamite at their respective manufactories and shipping and selling the same among the various States; and your petitioner alleges that thereafter the said Eastern Dynamite Company did, at various times between the 30th day of June, 1895, and the time of the filing of this petition, acquire, by purchase, exchange of capital stocks, and by various other manipulations and transactions to your petitioner unknown, the ownership or control of the properties or capital stocks of the following-named companies, each and all of which were at the time when so acquired by the said Eastern Dynamite Company engaged in the manufacture of dynamite at their respective manufactories and in the shipment and sale of the same throughout the various States of the United States in competition with each other and in competition with the members of said "Presidents' agreement" in their manufacture and shipment and sale of blasting powder;

Acme Powder Company, a corporation under the laws of Pennsylvania;

American Forcite Powder Manufacturing Company, a corporation unspection unspective and shipment and sale of blasting powder.

Acme Fowder Company, a corporation under the laws of Pennsylvania;
American Forcite Powder Manufacturing Company, a corporation under the laws of New York;
The Anthony Powder Company (Limited), a partnership association under the laws of Michigan;
Atlantic Manufacturing Company, a corporation under the laws of Wisconsin;

Atlantic Manufacturing Company, a corporation under the laws of isconsin;
Atlantic Dynamite Company of New Jersey, a corporation under the ws of New Jersey;
Atlantic Dynamite Company, a corporation under the laws of New

Atlantic Dynamite Company, a corporation under the laws of New York;
Brooklyn Glycerine Manufacturing and Refining Company, a corporation under the laws of New York;
Blue Ridge Powder Company, a corporation under the laws of Pennsylvania;
Clinton Dynamite Company, a corporation under the laws of New York.

Columbian Powder Manufacturing Company, a corporation under the laws of Pennsylvania; Columbian Powder Company, a corporation under the laws of Pennsylvania;

Ivania; Dittmar Powder and Chemical Company, a corporation under the ws of New Jersey; Electric Exploder Company, a corporation under the laws of New

Jersey; Enterprise High Explosives Company, a corporation under the laws

of Pennsylvania;
Explosives Supply Company, a corporation under the laws of New Forcite Powder Company, a corporation under the laws of New

rsey; Forcite Powder Company, a corporation under the laws of New

Giant Powder Manufacturing Company, a corporation under the laws New Jersey; Hercules Powder Company, a corporation under the laws of Dela-

Hercules Powder Company, a corporation under the laws of New Yo Hecla Dynamite Company, a corporation under the laws of New

Hecla Powder Company, a corporation under the laws of New York; Hudson River Powder Company, a corporation under the laws of Hecla Powder Company, a corporation under the laws of New York;
Hudson River Wood Pulp Company, a corporation under the laws of New York;
Joplin Powder Company, a corporation under the laws of Missouri;
Mount Wolf Dynamite Company, a corporation under the laws of Pennsylvania;
James MacBeth & Co., a corporation under the laws of New Jersey;
New York Powder Company, a corporation under the laws of New Jersey;

rsey; New York Powder Company, a corporation under the laws of New York; Oliver Dynamite Company, a corporation under the laws of Penn-

sylvania;
Pennsylvania Torpedo Company, a corporation under the laws of ew Jersey; Producers' Powder Company, a corporation under the laws of New

Repauno Chemical Company, a corporation under the laws of Dela-

Repauno Chemical Company, a corporation under the laws of New

Repauno Manufacturing Company, a corporation under the laws of New Jersey; Standard Explosives Company, a corporation under the laws of

New Jersey; Sterling Dynamite Company, a corporation under the laws of New Jersey: Thompson Torpedo Company, a corporation under the laws of

Pennsylvania;
United States Dynamite Company, a corporation under the laws of

New Jersey;
Weldy Dynamite Company, a corporation under the laws of Pennsylvania;
Western Torpedo Company, a corporation under the laws of New

Western Torpedo Company, a corporation under the laws of New Jersey; and
York Powder Company, a corporation under the laws of Pennsylvania.

And your petitioner alleges that at the time of the filing of this petition the said Eastern Dynamite Company, by and through the acquisition of the properties and the capital stocks of the abovenamed companies, as aforesaid, was and now is in complete control of said companies and each of them, or the properties thereof, both real and personal, and has secured and effected a substantial monopoly of the trade and commerce in the manufacture and shipment and sale of

dynamite among the various States and Territories of the United States and the District of Columbia, and that the said Eastern Dynamite Company ever since its organization has been and now is a member of the combination and conspiracy hereinbefore described, having for its object the suppression of all competition in the shipment and sale of high explosives throughout the United States and the monopolization of such commerce.

That the said Eastern Dynamite Company, after having acquired the control of said companies, as aforesaid, did from time to time during the two years next preceding the time of the filing of this petition dissolve the corporate existence of practically each and every one of said corporations and take over to itself the physical properties of such corporations when so dissolved, and thereupon continued to and now does operate the various plants and properties taken over as aforesaid as the plants and properties of the said Eastern Dynamite Company, all of which was done for the purpose of more effectually and completely monopolizing the trade and commerce in the shipment and sale of dynamite among the various States.

That at the time of the organization of the Eastern Dynamite Company, as aforesaid, and since said time the said E. I. du Pont de Nemours & Co. (or its successors), the said Hazard Powder Company, and the said Laffin and Rand Powder Company, being then and there the largest manufacturers, shippers, and sellers of gunpowder and other high explosives in the United States and parties to said combination and conspiracy, as aforesaid, together acquired a majority of the total issue of twenty thousand (20,000) shares of the capital stock of said Eastern Dynamite Company, and at the time of the filing of this petition the following-named companies are the owners of capital stock of said Eastern Dynamite Company, as follows:

E. I. du Pont de Nemours Powder Company (of New Jersey)—1, 200

E. I. du Pont de Nemours Powder Company (of New Jersey) 1, 900
The Hazard Powder Company 5, 165
Laflin & Rand Powder Company 5, 807

And your petitioner alleges that the three said companies caused the said Eastern Dynamite Company to be organized, as aforesaid, and acquired a majority of its capital stock, as aforesaid, in furtherance of said combination and in restraint of said trade and commerce, and in order to monopolize and attempt to monopolize the same, and that said corporations have ever since owned and controlled, and do now own or control together, a majority of the capital stock of the said Eastern Dynamite Company, as above alleged.

VIII.

OPERATIONS OF THE COMBINATION AND CONSPIRACY DURING THE FIFTH PERIOD, 1896 TO 1902.

Your petitioner further alleges that for the purpose of continuing said combination and conspiracy in restraint of trade in the shipment and sale of gunpowder and other high explosives among the various States, and in order to more completely monopolize the same, the various members, hereinbefore specifically named, of the said "Presidents' agreement," and other corporations which between the 1st day of July, 1891, and the 1st day of July, 1896, had been forced into said "Presidents' agreement," as aforesaid, on or about the 1st day of July, 1896, entered into a certain other agreement in the nature of a pool, thereafter known as the "Pool agreement in 1896;" that the following table contains the names of the members of said pool agreement, together with the percentages of all of the blasting and sporting powders sold by all of the members thereof which each member thereof was permitted under said pool agreement to sell to the trade among the various States without receiving compensation from the pool on account of undersales and without paying a penalty to the pool on account of oversales:

Company.	Blasting.	Sporting.
E. I. du Pont de Nemours & Co		65.7346 7.3129 9.5852 3.4573 4.7021 5.4342
Southern Powder Co	2.1950	.7547
	100.0000	100.0000

And your petitioner alleges that the following-named persons from time to time during said period represented said companies, respectively, in the enforcement and in the practical operation of the said so-called "Pool agreement of 1896," to wit: Henry A. du Pont, Thomas Coleman du Pont, Pierre S. du Pont, and each of them, as the representatives of E. I. du Pont de Nemours & Co. or its successors; Arthur J. Moxham as the representative of the Laflin & Rand Powder Company; J. B. Coleman as the representative of the Oriental Powder Mills; Murray Ballou as the representative of the Oriental Powder Mills; Addison G. Fay and E. L. Lawrence, and each of them, as the representative of The Miami Powder Company; Almon Lent as the representative of the Austin Powder Company; Almon Lent as the representative of the Austin Powder Company; Almon Lent as the representative of the Austin Powder Company; G. M. Peters as the representative of The King Powder Company; J. Craig Smith and Walter A. Beecher, and each of them, as the representatives of The Ohio Powder Company; Frank L. Connable as the representative of The Chattanooga Powder Company, and F. W. Olin as the representative of The Chattanooga Powder Company; that the purpose of the said pool agreement made and entered into as aforesaid was to maintain and fix the prices at which gunpowder and other high explosives should thereafter be shipped and sold to the trade among the several States and Territories of the United States and the Dis-

trict of Columbia, and to suppress and eliminate all competition in such trade and commerce between and among the members of the said pool agreement and to prevent all other firms, corporations, and persons from entering into competition with the members of the said pool agreement, or any of them, in the shipment and sale of gunpowder and other high explosives among the various States.

That said pool agreement was thereafter continued in full force and effect by the various corporations and copartnerships who were parties thereto, and their respective representatives, as aforesaid, from the 1st of July, 1896, to and including the early part of the year 1902, during all of which time the trade and commerce in the shipment and sale of gunpowder and other high explosives among the various States was monopolized by the members of the said pool agreement and all competition in said trade and commerce between and among the members was suppressed and destroyed, and the prices at which gunpowder and other high explosives should be and were by them and each of them shipped and sold to the trade among the various States and Territories of the United States were from time to time fixed and established by the representatives hereinbefore named for and in behalf of the members of the said pool agreement.

That in the month of October, 1899, there was organized under the laws of the State of Delaware a composition known as E. I. due Poeter and the state of Delaware a composition known as E. I. due Poeter and the said pool agreement.

of the members of the said pool agreement.

That in the month of October, 1899, there was organized under the laws of the State of Delaware a corporation known as E. I. du Pont de Nemours and Company, which said last mentioned company immediately after the date of its organization took over all the business, together with all the real and personal property which at that time belonged to the said E. I. du Pont de Nemours & Co., which had theretofore been and then was a copartnership as hereinbefore alleged; that whenever E. I. du Pont de Nemours and Company is referred to as a party to any act or transaction done subsequently to the month of October, 1899, your petitioner refers to said corporation, or another corporation formed under the same name, as its successor, as hereinafter more particularly alleged, and not to said E. I. du Pont de Nemours & Co., a firm.

That in furtherance of the combination and consulvacy herein

October, 1899, your petitioner refers to said corporation, or another corporation formed under the same name, as its successor, as hereinafter more particularly alleged, and not to said E. I. du Pont de Nemours & Co., a firm.

That in furtherance of the combination and conspiracy herein described the said E. I. du Pont de Nemours and Company and the said Lafiin & Rand Powder Company, and their officers and agents, did, on the 19th day of April, 1901, organize and cause to be organized under the laws of the State of New Jersey a corporation known as the King Mercantile Company, with a capital stock of lifty thousand (850,000) dollars, divided into five hundred (500) shares of the parvalue of one hundred (\$100) dollars each; that at the time of the organization of said company the said E. I. du Pont de Nemours and Company and the said Lafiin & Rand Powder Company acquired one hundred and eighty-eight (188) and one hundred and twenty-one (121) shares, respectively, of the capital stock of the said King Mercantile Company, being a majority thereof, and have ever since said time, and until the time when the corporate existence of said company was disand by Barca, 1907) owned or controlled said company through that the said King Mercantile Company, and the said King Mercantile Company, and their officers and agents, as an instrumentality for controlling and marketing the entire output of blasting powder of The King Powder Company, of Cincinnati, Ohio, and for the purpose of eliminating the said King Powder Company as a competitive factor in the shipment and sale of said blasting powder among the various States and Territories of the Union in competition with the said E. I. du Pont de Nemours and Company and the said Lafiin & Rand Powder Company in the month of April, 1901, to enter into a contract in writing, to run for a period of twenty-five (25) years from its date, with the said King Powder Company and the said Laffiin & Rand Powder Company would, during said time, purchase all the blasting powder with was agreed

OPERATIONS AGAINST INDEPENDENT COMPANIES DURING FIFTH PERIOD, 1896 TO 1902.

That on or about the 24th day of April, 1897, there was organized, under the laws of the State of Indiana, the Indiana Powder Company, which said corporation a short time thereafter constructed a powder mill at Fontanet, Ind., for the manufacture of blasting powder, and for several years thereafter continued to manufacture blasting powder at said mill and ship and sell the same to the trade in the said State of Indiana and among various States of the Union in active competition with the various members of said pool agreement, all of which during that time were parties to the combination and conspiracy herein described.

Scribed.

That on or about the 30th day of April, 1898, there was organized, under the laws of the State of Alabama, the Birmingham Powder Company, which, at about the same time, constructed a powder mill near the city of Birmingham, Ala., for the manufacture of blasting powder, and for many years thereafter continued to manufacture blasting powder thereat and ship and sell the same in the State of Alabama and among various States of the Union in active competition with the mem-

bers of said pool agreement, all of which were during that time parties to the compiracy and cool of the property of the compiracy and cool of the property of the compiracy and cool of the property of the p

by the members of said pool agreement against the Birmingham Powder Company, the owners of the capital stock of said company were forced to and did sell a majority of the capital stock of the said Birmingham Powder Company to E. I. du Pont de Nemours and Company, the Lafin & Rand Powder Company, the Austin Powder Company of Cleveland, The American Powder Mills, The Miami Powder Company, and The Equitable Powder Manufacturing Company, and said companies acquired said capital stock and afterwards held the same in the proportion of the percentages of sales which each of said companies were allowed to make under said "Pool agreement of 1896." And your petitioner further alleges that said companies mentioned in the preceding paragraph purchased and acquired a majority of the capital stock of the said Birmingham Powder Company in the proportion alleged, for the purpose of suppressing competition, and for the sole object of eliminating the said Birmingham Powder Company as a competitive factor in the shipment and sale of blasting powder among the various States and Territories of the United States, and that ever since the time of the acquirement and purchase of said capital stock, as aforesaid, the said Birmingham Powder Company has not competed in the trade and commerce of the United States in the shipment and sale of blasting powder.

IX.

OPERATIONS OF THE COMBINATION AND CONSPIRACY DURING THE EARLY PART OF THE SIXTH PERIOD THROUGH THE INSTRUMENTALITY OF E. I. DU PONT DE NEMOURS AND COMPANY.

PART OF THE SIXTH PERIOD THROUGH THE INSTRUMENTALITY OF E. I. DU PONT DE NEMOURS AND COMPANY.

Your petitioner alleges that in the month of February, 1902, the following-named individual defendants, to wit, Alexis I. du Pont, Alfred I. du Pont, Henry A. du Pont, Pierre S. du Pont, and Thomas Coleman du Pont, and their associates organized under the laws of Delaware that certain corporation known as E. I. du Pont de Nemours Company (the name of this company was, on May 10, 1902, changed to E. I. du Pont de Nemours and Company), with an authorized capital stock of twenty million (\$20,000,000) dollars, which said corporation was organized, as aforesaid, for the purpose of acquiring the capital stock, or a majority thereof, and thereby the control of E. I. du Pont de Nemours and Company, which had theretofore, in the year 1899, been organized under the laws of Delaware, as aforesaid; that thereafter said individual defendants and their associates did transfer and cause to be transferred and conveyed a majority of the capital stock of the said E. I. du Pont de Nemours and Company, organized in the year 1899, to the said E. I. du Pont de Nemours and Company, organized in the year 1899, to the said E. I. du Pont de Nemours and Company organized in the month of February, 1902, as aforesaid, and immediately thereafter caused the corporate existence of the said E. I. du Pont de Nemours and Company organized as aforesaid in 1899 to be dissolved; that at the time of the organization of the said E. I. du Pont de Nemours and Company organized as aforesaid, twelve million three hundred thousand (\$12,300,000) dollars of its capital stock was issued to said individual defendants, and others to your petitioner unknown; and your petitioner alleges that ever since the organization of said followed the said individual defendants and others to your petitioner alleges that ever since the month of February, 1902, been and now is operated, dominanted, and controlled by said individual defendants stockholders and used by them during all

hereinafter mentioned as an instrumentality and a device for effecting the objects and purposes of the combination and conspiracy herein charged and in furtherance thereof, as hereinafter more specifically alleged.

And your petitioner further alleges that after the E. I. du Pont de Nemours Company (the name of which was subsequently changed, as aforesaid), had succeeded to the business of E. I. du Pont de Nemours and Company, as aforesaid about eighty-five (85) per cent of the gunpowder and other high explosives shipped and sold to the trade among the various States and Territories of the United States was manufactured and so shipped and sold by the said E. I. du Pont de Nemours and Company, the said Laffin & Rand Powder Company, and the various corporations named in the first column of Exhibit A, which is hereto attached and hereby made a part of this petition; that at that time the said E. I. du Pont de Nemours and Company, the said Hazard Powder Company, the said Laffin & Rand Powder Company, and the said Eastern Dynamite Company, respectively, owned and controlled the capital stocks of the various corporations mentioned in the first column of said Exhibit A in the amount as indicated in the third, fourth, fifth, and sixth columns of said Exhibit A; and your petitioner charges that at said time, to wit, in the early part of the year 1902. E. I. du Pont de Nemours and Company, The Hazard Powder Company, the Laffin & Rand Powder Company, and the Eastern Dynamite Company, each of which said companies were at that time members of the combination and conspiracy in restraint of trade and commerce as in this petition and conspiracy in restraint of trade and commerce as in this petition and company and the early system of the paragraph specifically named and each of them was thereby completely stifled and eliminated.

That in order to further suppress and eliminate such competition and to monopolize such trade and commerce the said E. I. du Pont do Nemours and Company, the said Hazard Powder Company, the said Hazar

the several corporations as indicated and shown in the fourth column of said Exhibit A.

the several corporations as indicated and shown in the fourth column of said Exhibit A.

That thereafter, to wit, on the 1st day of October, 1902, the said E. I. du Pont de Nemours and Company, and the said Lafiln & Rand Powder Company, and their officers and agents, in furtherance of said scheme, organized and caused to be organized under the laws of the State of Delaware a corporation known as the Delaware Securities Company, with a capital stock of four million (\$4,000,000) dollars, divided into forty thousand (40,000) shares of the par value of one hundred (\$100) dollars each, and thereupon caused the said Delaware Securities Company to issue its bonds for three million nine hundred and eighty-eight thousand four hundred (\$3,988,400) dollars, and caused said bonds and a part of the said capital stock, the exact amount of such capital stock being to your petitioner unknown, to be exchanged for substantially all of the capital stock of the said Lafiln & Rand Powder Company, whereby there was conveyed to the said Delaware Securities Company the absolute control of all the properties, belaware Securities Company the absolute control of all the properties, belaware Securities Company as shown in the fifth column of said Exhibit A; and your petitioner alleges that at the time of the formation of the said Delaware Securities Company, on the 1st day of October, 1902, as aforesaid, the said E. I. du Pont de Nemours and Company acquired twenty-eight thousand four hundred and seventy-two (28,472) shares, which was more than a majority of the capital stock of the Delaware Securities Company; wherefor your petitioner charges that at said time, to wit, in the month of October, 1902, the said E. I. du Pont de Nemours and Company acquired through the said Lafiln & Rand Powder Company, and through the said Lafiln & Rand Powder Company to control of the said Lafiln & Rand Powder Company to company, as shown by Exhibit A; and that thereafter the said E. I. du Pont de Nemours and Company by reason of its control of the said Ha

ACTS OF E. I. DU PONT DE NEMOURS AND COMPANY AND THE VARIOUS COR-PORATIONS WHICH IT CONTROLLED BETWEEN THE 1ST DAY OF OCTOBER, 1902, AND THE 1ST DAY OF AUGUST, 1903, IN FURTHERANCE OF SAID CONSPIRACY.

Porations which it controlled between the 18th and of october, 1902, and the 1st day of acquer, 1903, in full there are companied to the month of August, 1903, The Consumer's Powder Company and The Enterprise Powder Manufacturing Company, each with powder mills located at oir near Scranton, Pa., and The Oliver Powder Company, with powder mills located at Oir Mills (Inter Mills, Pa., had been engaged in the manufacture of blasting powder at their respective mills and shipping and selling the same among various of the States and Territories of the United States in active competition with E. I. du Pont de Nemours and Company and the various subsidiary companies owned and controlled by said company as aforesaid; that in order to suppress and eliminate such competition in said trade and commerce a scheme was devised by the said E. I. du Pont de Nemours and Company, its officers and stockholders, some time in the fall of 1902, whereby it was proposed that the said E. I. du Pont de Nemours and Company, should obtain control of the said Consumers' Powder Company, the said Enterprise Powder Manufacturing Company, and the said Oilver Powder Company, by merging said companies into E. I. du Pont de Nemours and Company of Pennsylvania, the entire capital stock of which said instranmed company was then and there owned by E. I. du Pont de Nemours and Company and thereity entire factors in was many, its officers and agents, and its individual defendant stockholders hereinbefore named, organized under the laws of the State of Delaware a corporation known as the Delaware Investment Company, with a capital stock of two million five hundred thousand (\$2,500,000) dollars, and caused to be issued to the said E. I. du Pont de Nemours and Company one million seven hundred and fifty-three thousand three hundred (\$2,500,000) dollars of such capital stock of the said Delaware Investment Company; that in the said month of October, 1902, the said E. I. du Pont de Nemours and Company and the said Lafin and Rand Powder Company.

And the powe

That thereafter the said E. I. du Pont de Nemours and Company and Its officers and agents, acting through the said E. I. du Pont de Nemerger in the following manner, to wit: The company and and inhety-three thousand eight hundred and thirty-five (\$393,\$35) dollars of the capital stock of E. I. du Pont de Nemours and Company entire assets of the said Consumers' Powder Company; one hundred and twenty-dight thousand and eight (\$125,008) dollars of the capital varial, to be exchanged for the entire assets of the said E. I. du Pont de Nemours and Company; and entire assets of the said E. I. du Pont de Nemours and Company of Pennsylvania, to be exchanged for the entire assets of the said Consumers' Powder Manufacturing Company; and one hundred and ninety thousand the said E. I. du Pont de Nemours and Company of Pennsylvania, to the exchanged for the entire assets of the said Oliver Powder Company; the exchanged for the entire assets of the said Oliver Powder Company; and Company of Pennsylvania, in furtherance of said scheme, to exchange for the entire assets of the said Oliver Powder Company; and Company of Pennsylvania, in furtherance of said scheme, to exchange the said of the powder Company; and at the said E. I. du Pont de Nemours and Company before the capital stock of the Pennsylvania company had been increased as aforesaid, and to issue in the company of Pennsylvania to cancel the Said Powder Company; and at the same time did cause the said E. I. du Pont de Nemours and Company before the capital stock of the Pennsylvania company had been increased as aforesaid, and to issue in the powder of the powder company by the said Pennsylvania company had been increased as aforesaid, and to issue in the powder of the

to all the properties, both real and personal, of the said E. I. du Pont de Nemours and Company with the exception of the capital stocks owned by the said E. I. du Pont de Nemours and Company, which capital stocks were not sold and conveyed; and your petitioner alleges that the said E. I. du Pont de Nemours and Company from the month of May, 1903, and until said company subsequently, to wit, on the 1st day of August, 1903, exchanged such capital stocks in its subsidiary companies for a controlling interest in the E. I. du Pont de Nemours Powder Company (of New Jersey), as hereinafter more particularly alleged, continued in existence for the sole purpose of controlling such subsidiary corporations in furtherance of the combination and conspiracy herein alleged.

That all of said acts, transactions, and things were done and performed by the said E. I. du Pont de Nemours and Company and its officers and agents and its individual stockholders herein named, and in the manner herein described, in furtherance of said combination and conspiracy in restraint of the said trade and commerce among the various States of the Union, and for the purpose of suppressing and eliminating all competition in such trade and commerce and in order to monopolize and to attempt to monopolize the same.

X.

X.

ORGANIZATION OF THE NEW JERSEY HOLDING COMPANY AND OPERATIONS OF THE COMBINATION AND CONSPIRACY THEREUNDER DURING THE REMAINING YEARS OF THE SIXTH PERIOD.

OF THE COMBINATION AND CONSPIRACY THEREUNDER DURING THE REMAINING YEARS OF THE SIXTH PERIOD.

Your petitioner alleges that as a part of the said scheme and in furtherance of the combination and conspiracy herein charged the said E. I. du Pont de Nemours and Company, and its officers and agents, did on or about the 19th day of May, 1903, organize and cause to be organized, under the laws of the State of New Jersey, that certain other corporation, known as the E. I. du Pont de Nemours Powder Company, with an authorized capital stock of fifty million (\$50,000,000) dollars, divided into two hundred and fifty thousand (250,000) shares of preferred and two hundred and fifty thousand (250,000) shares of preferred and two hundred and fifty thousand (250,000) shares of common capital stock of the par value of one hundred (\$100) dollars each; that one of the purposes for which the said E. I. du Pont de Nemours Powder Company was organized, as aforesaid, was to acquire, take over, and hold the capital stocks of all of the various corporations which were at that time dominated by, under the control of, and owned by the said E. I. du Pont de Nemours and Company, as hereinbefore alleged.

That thereafter, to wit, on the 1st day of August, 1903, the said E. I. du Pont de Nemours Powder Company (of New Jersey), all of the capital stocks of all of the various corporations which the said E. I. du Pont de Nemours and company (of Delaware) at that time controlled and owned, as hereinbefore charged, and that in return therefor and in consideration thereof the said Delaware corporation received from the said New Jersey corporation thirty million two hundred thousand (\$30,200,000) dollars of the capital stock of the said New Jersey corporation, thereby giving to the said Delaware corporation dominated and controlled, through and by means of the instrumentality of the said New Jersey corporation, all of the various corporation hereinbefore specifically named which it had theretofore controlled, as hereinbefore alleged, just as effectu

THE VARIOUS ACTS OF THE E. I. DU PONT DE NEMOURS POWDER COMPANY (OF NEW JERSEY) IN FURTHERANCE OF THE COMBINATION AND CONSPIRACY.

(OF NEW JERSEY) IN FUETHERANCE OF THE COMBINATION AND CONSPIRACY.

That since the 1st day of August, 1903, the said E. I. du Pont de Nemours and Company, its officers and agents and the individual defendants named herein, from time to time, through the instrumentality of the said New Jersey corporation and otherwise, have done and performed in furtherance of said unlawful combination and conspiracy the acts and things hereinafter specifically set forth.

1. That on the 7th day of April, 1903, E. I. du Pont de Nemours and Company and its officers and agents organized and caused to be organized under the laws of the State of Delaware that certain corporation known as the California Investment Company, with a capital stock of one hundred thousand (\$100,000) dollars (afterwards on a date unknown to your petitioner, increased to four hundred thousand (\$400,000) dollars), for the express purpose of acquiring the control of that corporation known as the Judson Dynamite and Powder Company of California, a corporation of California, which said last-named corporation at that time was and for a long time prior thereto had been engaged in manufacturing blasting powder and other high explosives at its plant near the city of San Francisco, Cal, and shipping and selling the same among the various States and Territories of the United States in competition with the said E. I. du Pont de Nemours and Company and the various members of the combination and conspiracy herein charged.

That thereafter, to wit, in the month of August, 1903, the said E. I. du Pont de Nemours and Company and its officers and agents did cause the said California Investment Company, organized as aforesaid, to issue its bonds for an amount to your petitioner unknown, and to exchange the same for practically all of the capital stock of the said Judson Dynamite and Powder Company of California, whereby the said last-named company and its officers and agents, who had organized the California Investment Company as foresaid, caused the said last-named company,

And your petitioner further alleges that all the foregoing acts and the relieve to orbining the control of the said Jadoson Dynamits and Dongsteiners to orbining the control of the said Jadoson Dynamits and Dongsteiners of said combination and conspiracy in restraint of trade, and with the intent and purpose on the part of the various defendants with the intent and purpose on the part of the various defendants and with the intent and purpose on the part of the various defendants and the propose of the part of the various defendants and the part of the various states and Territories of the United States in active competition with the said E. I. die Pont de Nemours and Company and its subspiracy herein charged; that in order to eliminate the said American E. C. & Schultze Gunpowder Company, Lulistick, as a competitive factor the various States, and for the purpose of suppressing such competition in said trade and commerce as had up to that time existed, as aforesaid, and in furthermore of said combination and conspiracy, the said E. I. due to the various States, and for the purpose of suppressing such competition in said trade and commerce as had up to that time existed, as aforesaid, and in furthermore of said combination and conspiracy, the said E. I. due Pont citical self-defants herein named, did, through the instrumentality of the said New Jersey holding corporation, cause the said E. I. due Pont citical self-defants herein named, did, through the instrumentality of the said New Jersey holding corporation, cause the said E. I. due Pont citical self-defants herein named, did, through the instrumentality of the said New Jersey holding corporation, cause the said E. I. due Pont citical self-defants herein and agreement of the said American E. C. & Schultze Gunpowder and other high

said New Jersey corporation on the 12th day of October, 1903, passed a resolution by which it was provided that the shares of capital stock of the said California Powder Works might be exchanged at a certain ratio named in said resolution for the shares of capital stock of the said New Jersey holding corporation; and your petitioner alleges that thereafter from time to time from the 12th day of October, 1903, to the date of the filing of this petition the various stockholders of the said California Powder Works have exchanged their capital stocks in said company for the capital stocks of the said New Jersey holding company in accordance with the ratio mentioned in said resolution until to-day the said New Jersey holding company owns and controls more than twenty-nine thousand (29,000) out of the total issue of thirty thousand (30,000) shares of the capital stock of the said California Powder Works. Wherefore your petitioner charges that all competition in the shipment and sale of gunpowder and other high explosives among the various States of the United States by the said California Powder Works with the various corporations parties to the said combination and conspiracy, as herein charged, has been suppressed and eliminated, and that said monopoly in said trade and commerce has been made more complete and effectual; and your petitioner further charges that the said California Powder Works has been for three years prior to the time of the filling of this petition and now is a party to the combination and conspiracy in restraint of trade and commerce herein charged.

5. That for many years prior to the 7th day of January, 1904, the California Vigorit Powder Company, a corporation of California Circuit Powder Company, a corporation of California Circuit Powder Company, a corporation of California Circuit Powder Company, a corporation of California Powder California Powder Company, a corporation of California Powder Company, a corporation of California Powder California Powder Company, a corporation of California

pressed and eliminated, and that said monopoly in said trade and commerce has been made more complete and effectual; and your petitioner further charges that the said Canina Torder Wirks has been is a party to the combination and conspiracy in restraint of trade and commerce herein charged.

5. That for many years company, a corporation of California, maintained and operated a powder factory at Hercules, in the State of California, at which blasting powder and other high explosives were manufactured and produced in large quantities, and shipped and soles in the State of California, at which blasting powder and other high explosives were manufactured and produced in large quantities, and shipped and soles in the State of California and among other States and Territories of the United States in active competition with the said E. I. du Pont de Nemours and Company and its several subsidiary corporations, all of which were parties to the combination and conspiracy. Powder Company as a competitive factor in the shipment and sale of blasting powder and other high explosives among the various States and for the purpose of suppressing such competition in said trade and cancer of said combination and conspiracy, the board of directors of the said E. I. du Pont de Nemours Powder Company (of New Jersey) ild, on the 7th day of January, 1904, pass a resolution by which it was provided that the shares of capital stock of the said E. I. du Pont de Nemours Powder Company (of New Jersey) it and the said E. I. du Pont de Nemours Powder Company (of New Jersey); it is not that the shares of capital stock of the said E. I. du Pont de Nemours Powder Company (of New Jersey); it is the said E. I. du Pont de Nemours Powder of said california Vigorit Pont (of Powder Company) (of New Jersey); in accordance with said resolution, until finally, in the month of January, 1907, the said C. I. du Pont de Nemours Powder of company and the held more than sixty-six (66) per cent of the capital stock of the said California Vigorit Powder Company (

that ever since the year 1904 all competition in the shipment and sale of blasting powder among the various States by the said ofho Fowder Company with the various corporations parties to said combination of the spiracy as herein charged has been suppressed and eliminated, and that said monopoly of said trade and commerce has been made more complete and effectual; and that all of the acts and transactions herein alleged with reference to obtaining control of the said Ohio Powder Company by the said New Jersey holding company, as aforesaid, were defended in the therance of the combination and conspiracy corporate defendants herein named to monopolize and attempt to monopolize such trade and commerce.

That for many years prior to the month of May, 1904, The Monarch Powder Company maintained and operated a powder factory at Union Furnace, Pa., at which blasting powder was manufactured and produced in large quantities, and sold and shipped said blasting powder during said years in the State of Pennsylvania, and from the State of Pennsylvania into other States and Territories of the United States in pany and its several substituted by the parties to the combination and conspiracy herein alleged; that for large the said Monarch Powder Company as a competitive factorium time trade and commerce the board of directors of the said New Jersey holding company on the 4th day of May, 1904, passed a resolution by which it was provided that the shares of capital stock of the said Monarch Powder Company might be exchange at a certain ratio named in said resolution for shares of capital stock in the said New Jersey holding company and your petitioner alleges that thereafter and beard of the parties of the said Monarch Powder Company in the said New Jersey holding company; 1905, the various stockholders of the said Monarch Powder Company in the said New Jersey holding company; 1905, the various stockholders of the said Monarch Powder Company; 1905, the various stockholders of the said Monarch Powder Company; 1905, the various st

therefore existed, as aloresaid, and in intrherance of said combination and conspiracy, E. I. du Pont de Nemours and Company, and its officers and agents, devised and carried out the following scheme and plan.

On the 1st day of December, 1903, E. I. du Pont de Nemours and Company, its officers and agents and the individual defendants herein named, organized under the laws of Delaware that certain other corporation known as the du Pont International Powder Company, with a total capital stock of ten million (\$10,000,000) dollars, and caused said last-named company to thereafter issue its bonds in the amount of one million (\$1,000,000) dollars, and thereupon did cause the said du Pont International Powder Company to exchange said bonds, together with a certain amount of its preferred capital stock and a certain amount of its common capital stock, the exact amounts being to your petitioner unknown, for ninety-three and eight-tenths (93.8) per cent of the preferred and eighty-four and four-tenths (84.4) per cent of the common capital stock of the said International Smokeless Powder and Chemical Company, whereby the control of the said last-named company was conveyed to the said du Pont International Powder Company; that thereafter, to wit, on the 17th day of November, 1904, the board of directors of the E. I. du Pont de Nemours Powder Company (of New Jersey) passed a resolution by which it was provided that the shares of capital stock of the said du Pont International Powder Company of Wilmington, Del., might be exchanged at a certain ratio named it said resolution for shares of capital stock in the said New Jersey holding company; and your petitioner alleges that thereafter and before the Sth day of June, 1906, the stockholders of the said du Pont International Powder Company exchanged eighty (80) per cent of their stocks in said company for stocks in the said New Jersey holding company at the ratio mentioned in said resolution; and that thereupon the said dust-named company the control of the said International S

tional Smokeless Powder and Chemical Company by the said New Jersey holding company, as aforesaid, were done and performed in furtherance of the combination and conspiracy herein described and with the intent on the part of the several corporate and individual defendants herein named to monopolize and to attempt to monopolize such trade and commerce.

THE PRACTICE OF DISSOLVING THE SUBSIDIARY CORPORATIONS.

wite-thance the the part of the sweet Corporate descindividual defendants herein named to monopolize and to attempt to monopolize such trade and commerce.

THE PRACTICE OF DISSOLVING THE SUBSIDIARY CORPORATIONS.

Your petitioner alleges that ever since the organization of the E. I. du Font de Nemours Fowder Company (of New Jersey) as a holding corporation and its acquirement of the control of the various corporations as aforesaid, said company and its officers and agents, to wit, Thomas Coleman du Pont, Pierre S. du Pont, Ireneé du Pont, Alexis I. du Pont, Victor du Pont, Fr. Alfred I. du Pont, Dugene E. du Pont, Alexis I. du Pont, Victor du Pont, Fr. Alfred I. du Pont, Dugene E. du Pont, Herne E. du Pont de Nemours Powder Company (Horne E. du Pont, Herne E. du Pont de Nemours Powder Company (Horne E. du Pont, Herne E. du Pont de Nemours Powder Company (Horne E. du Pont, Herne E. du Pont de Nemours Powder Company (Horne E. du Pont, Herne E. du Pont de Nemours Powder (Horne E. du Pont de Nemours Powder (Ho

That all the acts, transactions, and doings herein charged as having been done during the past four years by the said New Jersey holding company were done and performed for the purpose of suppressing competition in said trade and commerce and with the intent to monopolize and in an attempt to monopolize the same, and that the said E. I. du Pont de Nemours and Company and its officers and agents during all of said time were parties to the various acts which were done and performed by the said New Jersey holding company, as herein alleged.

OPERATIONS AGAINST INDEPENDENT POWDER COMPANIES

OPERATIONS AGAINST INDEPENDENT POWDER COMPANIES.

Your petitioner alleges that at the time of the filing of this petition, and for a long time prior thereto, there existed the following named corporations, each of which owned powder mills and were engaged in manufacturing blasting powder and other high explosives at such powder mills and shipping and selling the same to the trade among the various States and Territories of the United States in competition with one another and with the various corporations parties to said combination and conspiracy as aforesaid:

Ajax Dynamite Works, Bay City, Mich.

Allentown Non-Freezing Powder Company, near Allentown, Pa.

Buckeye Powder Company, near Peoria, Ill.

Burton Powder Company, Quaker Falls, Pa.

Cressona Powder Company, North Manheim, Pa.
The Eldred Powder Company, State Line Mills, Pa.
Emperium Powder Manufacturing Company, Holmes Park, Mo.
The Rummel Chemical Company, near Toledo, Ohlo.
Independent Powder Company of Missouri, near Jopiln, Mo.
John Manufacturing Company, Holmes Park, Mo.
The Rummel Chemical Company, of Missouri, near Jopiln, Mo.
John Manufacturing Company, Holmes Park, Mo.
The Rummel Chemical Company, of Missouri, near Jopiln, Mo.
John Manufacturing Company, Emporium, Pa.
Locust Mountain Powder and Oll Company, Emporium, Pa.
Locust Mountain Powder and Oll Company, Tunnelton, Pa.
Masurite Explosives Company, Masury, Ohlo.
The Rummel Company, Lotty, Pa.
G. R. McAbee Powder Company, Masury, Ohlo.
The Rummel Powder Company, Morow, Ohlo.
The Rummel Powder Company, Hortsford, N. Y.
Rockdale Powder Company, Horfmanville, Md.
Senior Powder Company, Horfmanville, Md.
Senior Powder Company, Morrow, Ohlo.
Shenandonh Dynamite Company, Shenandonh, Pa.
Simamahoning Powder Manufacturing Company, Emporium, Pa.
Simamahoning Powder Manufacturing Company, Emporium, Pa.
Simamahoning Powder Manufacturing Company, Emporium, Pa.
Sinth Texas Dynamite Company, near Beaumont, Tex.
United States Powder Company, Coalmont, Ind.
That for the purpose of suppressing and eliminating said competition and with intent to force said independent corporations and each of them out of said trade and commerce, E. I. du Pont de Nemours and Company and its officers and agent, acting though and by means and company and its officers and agent, acting though and by means and company and its various subsidiary corporations, have been during all of said time and now are conducting and carrying on against the said independent powder companies and carrying on against the said independent powder companies and each of them a flerce and ruinous competitive warrare, as aforesaid, the various parties to said combination and conspiracy maintained to be sold from time to time, and are now selling, in the various localities in which said inde

other high explosives among the various States and Territories of the United States.

The understanding and agreement for eliminating the competition of the Entha Powder Company, and the American Powder Mills.

Your petitioner alleges that at the time of the filing of this petition and for several years prior thereto The Ætna Powder Company, of Indiana; The Miami Powder Company, of Xenia, Ohio, and The American Powder Mills, of Boston, Mass., and each of them, have been engaged in manufacturing gunpowder or other high explosives at their respective powder mills, and shipping and selling the same to the trade among the various States and Territories of the United States, and that said companies together have manufactured and so shipped and sold from year to year about ten (10) per cent of the total output of all of the powder factories of the United States; that at the time of the filing of this petition and for many years prior thereto, all competition between said powder companies and the various corporations parties to said combination and conspiracy has been suppressed and eliminated in the following manner, to wit:

That The Ætna Powder Company, in the year 1880, built a powder factory at or near Shererville, Ind., and for fifteen (15) years thereafter manufactured dynamite and other high explosives at said factory and shipped and sold the same among various States and Territories of the United States in active competition with the various parties to the combination and conspiracy herein charged; that for the purpose of eliminating the said Ætna Powder Company and the Eastern Dynamite Company, one of the defendants herein, whereby it was mutually agreed that the said Ætna Powder Company should thereafter ship and sell its dynamite and other high explosives among the various States and Territories of the United States at prices which should from time to time thereafter be fixed by the said Eastern Dynamite Company; that said contract also contained other provisions for the maintenance of prices between the p

among the various States between the said Ætna Powder Company and the said Eastern Dynamite Company and the various corporations under nation and conspiracy herein charged part and parties to the combination and conspiracy herein charged the parties to the combination and conspiracy herein charged that the said Ætna Powder Company has been, ever since the year 1895, and now is a party to the combination and conspiracy in the shipment and said of gunpowder and other high explosives among the various States and Territories of the United States, as hereinbefore alleged, and that The American Powder Mills, of Bossaid combination and conspiracy in the shipment and said of gunpowder and other high explosives among the various States and Territories of the United States, as hereinbefore alleged, and that The American Powder Mills, of Bossaid combination and constitution and constitution and conspiracy in the shipment and said party to the said combination and constitution and constitu

PRAYER.

PRAYER.

(1) In consideration whereof and inasmuch as adequate remedy in the premises can only be obtained in equity, the United States of America prays your honors to order, adjudge, and decree that the combination and conspiracy hereinbefore described is unlawful and that all acts done or to be done in furtherance of the same are in derogation of the common rights of all the people of the United States and in violation of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that the defendants, and each and every one of them, and their officers, directors, stockholders, agents, and servants, and each and every one of them, be perpetually enjoined and restrained from doing any act in pursuance of or for the purpose of carrying out the same.

doing any act in pursuance of or for the purpose of carrying out the same.

(2) That this honorable court adjudge and decree that the individual defendants herein named, and each of them, have, in violation of the provisions of sections 1 and 2, respectively, of said act of Congress of July 2, 1890, entered into and are now parties to an agreement, combination, and conspiracy with one another and with other persons and corporations to restrain trade and commerce among the several States and Territories of the United States in the shipment and sale of gunpowder and other high explosives and to control, regulate, and monopolize said trade and commerce, as more particularly alleged in this bill of complaint; that, in pursuance of such agreement, combination, and conspiracy to restrain and monopolize such trade and commerce, certain of said individual defendants did organize and cause to be organized the E. I. du Pont de Nemours Powder Company (of New Jersey), E. I. du Pont de Nemours and Company (of Delaware), the California Investment Company, the Delaware Securities Company, and the du Pont International Powder Company, and each of them, as stockholding companies, to be used as instrumentalities in furtherance of said combination and conspiracy; and that said individual defendants did, in the manner as in this petition charged, cause the Laflin & Rand Powder Company, and each of them, to be used as holding companies and as instrumentalities and devices in further-

ance of said combination and conspiracy in restraint of trade and com-

ance of said combination and conspiracy in restraint of trade and commerce.

(3) And your petitioner prays that such holding, ownership, and control of the capital stocks of the various defendant corporations by and through the various holding companies and those companies used as holding companies, in the manner and for the purposes herein alleged, be adjudged and decreed to be in violation of said act of Congress and unlawful and void, as in restraint of such trade and commerce among the various States and Territories of the United States and the District of Columbia, and as an attempt to monopolize such trade and commerce.

(4) And your petitioner prays for the following specific relief:

(a) That E. I. du Pont de Nemours and Company (of Delaware) be enjoined, restrained, and prohibited from exercising any control over the E. I. du Pont de Nemours Powder Company (of New Jersey), by the election or appointment of directors, officers, agents, or servants, or in any other manner, and that the E. I. du Pont de Nemours Powder Company (of New Jersey), its board of directors, officers, and agents, and each of them, be enjoined and prohibited from paying any dividends to the said E. I. du Pont de Nemours and Company (of Delaware), or any of its officers or agents, or to any other person or corporation acting for or in behalf of the said Delaware corporation.

(b) That the E. I. du Pont de Nemours Powder Company (of New Jersey) and its officers and agents and board of directors, and each of them, be enjoined, restrained, and prohibited from exercising any control over its various subsidiary companies or any of them, by the election or appointment of directors, officers, agents, or servants in such subsidiary companies on any of the election or appointment of directors, officers, agents, or servants in such subsidiary companies or near of the election of the said the transpart of the said company (of New Jersey).

(c) That the California Investment Company (of Delaware) and its officers or agents, or any person or cor

vestment Company or any of its officers or agents, or any persons or corporations acting for or in behalf of the said California Investment Company.

(d) That the Delaware Investment Company (of Delaware) and its officers and agents and board of directors, and each of them, be enjoined, restrained, and prohibited from exercising any control over E. I. du Pont de Nemours and Company of Pennsylvania, by the election or appointment of directors, officers, agents, or servants in said company, and that the said E. I. du Pont de Nemours and Company of Pennsylvania, and its officers and directors be enjoined and prohibited from paying any dividends to the said Delaware Investment Company or any of its officers or agents, or any persons or corporations acting for it or in its behalf.

(e) That the Delaware Securities Company (of Delaware), and its officers and agents and board of directors, and each of them, be enjoined, restrained, and prohibited from exercising any control over the Laflin & Rand Powder Company by the election or appointment of directors, officers, agents, or servants in said company, and that the said Laflin & Rand Powder Company, and its officers and directors be enjoined and prohibited from paying any dividends to the said Delaware Securities Company or any of its officers or agents, or any persons or corporations acting for them or in their behalf.

(f) That the du Pont International Powder Company (of Delaware) be in like manner enjoined and restrained from exercising any control over the International Smokeless Powder and Chemical Company (of New Jersey), by the election or appointment of directors, officers, or agents in said company, and that the said International Smokeless Powder and Chemical Company (of Delaware), or any of its officers or agents, or any persons or corporations acting for them or in their behalf.

(g) That the Laflin & Rand Powder Company (of New York) the Hazard Powder Company (of Connecticut) and the Eastern Dynamite

International Powder Company (of Delaware), or any of its officers or agents, or any persons or corporations acting for them or in their behalf.

(g) That the Laflin & Rand Powder Company (of New York) the Hazard Powder Company (of Connecticut) and the Eastern Dynamite Company (of New Jersey), and each of them, and their respective officers and agents, be enjoined, restrained, and prohibited from exercising any control over the various subsidiary companies of each of said corporations, respectively, by the election or appointment of directors, officers, agents, or servants, or in any other manner, and that the subsidiary companies owned and controlled by the said Laflin & Rand Powder Company, the said Hazard Powder Company, and the said Eastern Dynamite Company, respectively, and the officers and directors of such subsidiary companies, and each and all of them, be enjoined and prohibited frem paying any dividends to the said Laflin & Rand Powder Company, the said Hazard Powder Company, and the said Eastern Dynamite Company, or either of them, or to any of their officers or agents, or to any persons or corporations acting for them or in their behalf for the purpose of receiving such dividends.

(5) That this honorable court further adjudge and decree that the E. I. du Pont de Nemours Powder Company (of Delaware), the Laflin & Rand Powder Company, and the Eastern Dynamite Company is each a combination in restraint of interstate trade and commerce; that each has attempted and is attempting to monopolize and is in a combination and conspiracy with other persons and corporations to monopolize and has monopolized the trade and commerce in the shipment and saie of gunpowder and other high explosives among the several States; that each one of said corporations be enjoined and restrained from engaging in, carrying on, or conducting such interstate trade and commerce, or, if the court should be of the opinion that the public interests will be better subserved thereby, that receivers be appointed to take possession of all

herein, and each of them, be enjoined, restrained, and prohibited from carrying out the agreement and understanding with The Etna Powder Company, The Miami Powder Company, and The American Powder Mills, or any other contract, understanding, or agreement whereby competition between said companies with the other defendants herein may be suppressed and eliminated.

(7) And your petitioner prays that said defendants, and each of them, and all and each of their respective directors, officers, agents, servants, and employees, and all persons acting under or through them, or either of them, or in their behalf, or claiming so to act, be enjoined, restrained, and prohibited from restraining such trade and commerce and from monopolizing the same and from attempting so to do by any other means, instrumentalities, devices, contracts, agreements, or conspiracies similar to or in the nature of those which are hereinbefore in this petition specifically set forth and described.

(8) And your petitioner, the United States of America, also prays for such other and further relief as the nature of the case may require and as the court may deem just and proper in the premises.

To the end therefore that the United States of America may obtain the relief to which it is justly entitled in the premises, may it please your honors to grant to it writs of subpean directed to the said defendants, E. I. du Pont de Nemours and Company; E. I. du Pont de Nemours Powder Company (of New Jersey); du Pont International Powder Company; Delaware Investment Company; The Hazard Powder Company; Lailin & Rand Powder Company; Eastern Dynamite Company; E. I. du Pont de Nemours and Company of Pensylvania; The King Powder Company; Austin Powder Company; Fairmont Powder Company; International Smokeless Powder and Chemical Company; The American E. C. & Schultz Gunpowder Company; Limited; The American Powder Mills; The Anthony Powder Company, Limited; The American Powder Manufacturing Company; The American Powder Company, Limited; The Equitable Powder Manufac

pany; The Miami Powder Company; Alexis I. du Pont; Alfred I. du Pont; Eugene du Pont; Eugene E. du Pont; Henry A. du Pont; Harry F. du Pont; Ireneé du Pont; Francis I. du Pont; Pierre S. du Pont; Thomas Coleman du Pont; Victor du Pont, jr.; Jonathan A. Haskell; Arthur J. Moxham; Hamilton M. Barksdale; Henry F. Baldwin; Edmond G. Buckner, and Frank L. Connable, and each and every one of them, commanding them, and each of them, to appear herein and answer, but not under oath (answer under oath being hereby expressly waived), the allegations contained in the foregoing petition and abide by and perform such order and decree as the court may make in the premises.

United States District Attorney for the District of Delaware.

UNITED STATES OF AMERICA, DISTRICT OF DELAWARE, 88:

UNITED STATES OF AMERICA, DISTRICT OF DELAWARE, 88:

Be it remembered, that on this thirtieth day of July, in the year of our Lord one thousand nine hundred and seven, personally appeared before me, William G. Mahaffy, United States Commissioner for said district, John P. Nields, United States District Attorney for the District of Delaware, acting under the direction of the Attorney-General of the United States, who, being by me duly sworn upon the Holy Evangels of Almighty God, deposes and says; that what is contained in the foregoing petition so far as concerns the petitioner's act and deed is true of his own knowledge, and that what relates to the act and deed of any other person he believes to be true, and that the facts set forth in the foregoing petition so far as stated, of his own knowledge, are true and correct, and so far as stated from information, he believes to be true and correct.

Sworn and subscribed to before me the day and year last aforesaid.

United States Commissioner.

		Number of shares of the capital stock of the company named in column 1, opposite each designation, owned on July 1, 1902, by the corporation named below.			
Names of corporations of which the corporations named at the head of the next columns were stockholders on July 1, 1902.	of the corpora- tion named in column 1, op- posite each designation, issued and out- standing on July 1, 1902.	E. I. du Pont de Nemours & Co. (1902, Delaware eorpora- tion).	The Hazard Powder Co.	Laffin & Rand Pow- der Co.	Eastern Dynamite Co.
Acme Powder Co. (Pennsylvania), dissolved July 9, 1904	400				400
American Forcite Powder Manufacturing Co. (New York), dissolved Dec. 31, 1904	9,000		125	125	9,000
The Anthony Powder Co. (Limited) (Michigan).	10,000			120	4,850
thantie Ammunition Co (New York), dissolved, date not known	283		283		
Atlantic Dynamite Co. of New Jersey (New Jersey), dissolved Apr. 21, 1904	6,000				5,500
Atlantic Manufacturing Co. (Wisconsin), dissolved Nov. 8, 1909	1,000				1,000
Austin Powder Co. of Cleveland (Ohio)	800 625	265 203		140	
Blue Ridge Powder Co. (Pennsylvania), dissolved June 6, 1904.	220	203		149	290
Brooklyn Glycerine Manufacturing and Reining Co. (New York); dissolved May 6, 1905.	200			50	100
Oalifornia Powder Works (California)	30,000	13,000 8211		514	
Clinton Dynamite Co. (New York), dissolved Sept. 30, 1904.	100	Cara		511	100
The Climax Powder Manufacturing Co. (Pennsylvania), dissolved, date not known	300			50	100
Columbian Powder Co. (Pennsylvania), dissolved, date not known	200 20,000	1,900	5,165	5,807	200
Enterprise High Explosives Co. (Pennsylvania), dissolved, date not known	240				240
E. I. du Pont de Nemours & Co. of Pennsylvania (Pennsylvania)	1,000	200 298		100	
Fairmont Powder Co. (West Virginia)	750	450		192	
Globe Powder Co. (Pennsylvania), dissolved Nov. 21, 1904.	. 800	259		191	
Phe Hazard Powder Co. (Connecticut)	10,000	10,000			50
Hecia Powder Co. (New York), dissolved Jan. 23, 1903. Hercules Powder Co. (New York), dissolved Sept. 23, 1904.	102		52		50
Hercules Powder Co. (New York), dissolved Sept. 23, 1904	30				30
Hudson River Powder Co. (New York), dissolved Sept. 9, 1904	2 000	411	237	476	150
Judson Dynamite and Powder Co., of California (California)	20,000	7,800			
King Mercantile Co. (New Jersey), dissolved Mar. 7, 1997	500	188		121 313	
Laffin Powder Manufacturing Co. (Pennsylvania), dissolved, date not known	6,000	2,091		2,091	
Laffin & Rand Powder Co. (New York)	10,000	25			
The Lake Superior Powder Co. (New Jersey), dissolved Apr. 7, 1905	4,000	908	609	826	120
Waltering Downley Co (Denneylyania) discolved data not known	1,000	500		500	
Marcellus Powder Co. (New York), dissolved Sept. 23, 1904. The Monarch Powder Co. (Pennsylvania), dissolved Nov. 10, 1904. The Moosic Powder Co. (Pennsylvania), merged into E. I. du Pont de Nemours &	600	179	167	179 43	
The Moosic Powder Co. (Pennsylvania), merged into E. I. du Pont de Nemours &	100			40	
Co., of Pennsylvania, Aug. 1, 1903. New York Powder Co. (New Jersey), dissolved, date not known. New York Powder Co. (New York), dissolved Feb. 26, 1906.	8,000			1,530	
New York Powder Co. (New Jersey), dissolved, date not known	500				500
Northwestern Powder Co. (Indiana), dissolved Apr. 12, 1905	600	136	. 58	143	
The Ohio Powder Co. (Ohio), dissolved Apr. 19, 1905	1,500	230 1,255	116 1,222	224 1,223	
Peyton Chemical Co. (California)	6,350	3,000	1,444	I, and	
The Phoenix Powder Manufacturing Co. (West Virginia), dissolved Apr. 7, 1906	8,000	2,314	1,104	2,099	
Repauno Chemical Co. (New York), dissolved Sept. 23, 1904. Rock Glycerine Co. (Pennsylvania), dissolved, date not known.	50 250			250	50
The Schaghticoke Powder Co. (New York), dissolved Feb. 13, 1907	1,000			779	
Shenandoah Powder Co. (Pennsylvania), dissolved, date not known	600	300		800 29	
Standard Explosives Co. (Limited) (New Jersey), dissolved Oct. 14, 1905	1,000			29	1,000
United States Dynamite Co. (New Jersey), dissolved, date not known	120				120
Utah Powder Co. (California), dissolved, date not known	2,431 2,000	1,533 1,333	898		
H. A. Weldy Powder Co. (Delaware), dissolved, date not known					

The Clerk read as follows:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed 2 first-class battle ships, to cost, exclusive of armor and armament, not exceeding \$6,000,000 each, similar in all essential characteristics to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. FOSS. Mr. Chairman, I suggested that the Clerk be permitted to read the whole paragraph, in order that it may go into the RECORD. I shall not ask for consideration this evening.

Mr. TAWNEY. I understood the Clerk had read the paragraph.

Mr. FOSS. I mean the whole subject of the naval programme. It goes down to "Construction of machinery," page 62.

The CHAIRMAN. The gentleman asks unanimous consent that the entire "Increase of the navy," down to page 62, may be read, with the understanding that the amendments may be offered to any particular paragraph.

Mr. FITZGERALD. I object.

Mr. FOSS. I simply ask that the paragraphs may be read,

and then I will move that the committee rise

Mr. FITZGERALD. But I call the attention of the gentleman to the fact that this consists of a number of paragraphs, and one motion to shut off debate would cut off debate on a number of items.

Mr. FINLEY. Mr. Chairman, I have an amendment I wish

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 59, line 7, after the word "constructed," strike out the remainder of the paragraph down to and including line 12.

Mr. FOSS. Mr. Chairman, I would like to ask unanimous

consent that all the paragraphs relating to increase of the navy be put in the RECORD for the information of the House.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent that all the matter in the bill relating to the increase of the navy may be printed in the RECORD. Is there objection?

There was no objection.

The provisions are as follows:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed two first-class battle ships to cost, exclusive of armor and armament, not exceeding \$6,000,000 each, similar in all essential characteristics to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Five torpedo-boat destroyers, to have the highest practicable speed, and to cost, exclusive of armament, not to exceed \$800,000 each.

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer whose vitals are located below the normal-load water line, such vessel to cost not to exceed \$400,000 and to have a speed not less than 22 knots; also two small vessels of similar construction having a speed of not less than 16 knots and to cost not to exceed \$22,500 each: Provided, That before any vessel provided for in this paragraph shall be purchased or contracted for a vessel of similar construction shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for such a vessel.

One fleet collier, of 14 knots trial speed, when carrying not less than to the contract of the carrying not less than to the contract of the carrying not less than the contract of the carrying not less than a contract of the carrying not less than the contract of the carrying not less than the carrying not less than the carrying not less than the contract of the carrying not less than the contract of the carrying not less than the contract of the carry

cretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for such a vessel.

One fleet collier, of 14 knots trial speed, when carrying not less than 12.500 tons of cargo and bunker coal, to cost not exceeding \$1,000,000. The Secretary of the Navy is hereby authorized to build four fleet colliers of 14 knots trial speed when carrying not less than 12.500 tons of cargo and bunker coal in lieu of the two fleet colliers having the same characteristics authorized to be built by the act making appropriations for the naval service for the fiscal year ending June 30, 1909: Provided, That the cost of all four colliers shall not exceed the total limit of cost of \$3,600,000 authorized in said act for the two colliers: And provided further, That all of said colliers, in the discretion of the Secretary of the Navy, may be built by contract.

And the contract for the construction of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boliers, and machinery, the contracts under which they are built, the notice of any proposals for the same; the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture, and of the equality and characteristic best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

For four submarine torpedo boats, in an amount not exceeding in the aggregate \$2,000,000, and the sum of \$3,000,000 is hereby appropriated toward sai

bination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore authorized, \$22,766,823.

\$22,766,823.

Armor and armament: Toward the armor and armament of domestic manufacture for vessels authorized, \$12,452,772: Provided, That no part of this appropriation shall be expended for armor for vessels except upon contracts for such armor when awarded by the Secretary of the Navy to the lowest responsible bidders, having in view the best results and most expeditious delivery.

Increase of the navy, equipment: Toward the completion of the equipment outfit of the new vessels authorized, \$600,000.

Increase of the navy, torpedo boats: On account of submarine torpedo boats, heretofore and herein authorized, \$3,000,000.

Total increase of the navy, \$38,819,595.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Mann, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26394, the naval appropriation bill, and had come to no resolution thereon. ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23863. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States:

H. R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 216. Joint resolution for a special Lincoln postage

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 7675. An act to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak.—to the Committee on Public Buildings and Grounds.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 653. An act to authorize commissions to issue in the cases of officers of the army, navy, and Marine Corps and of the Revenue-Cutter Service retired with increased rank.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa, chairman of the Committee on Military Affairs, by the direction of that committee, reported the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, which was read and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD reserved all points of order.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now ad-

The motion was agreed to.

Accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for implements and other equipment for Indians at Fort Belknap Reservation (H. Doc. No. 1354)-to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for additional stacks for Patent Office library (H. Doc. No. 1355)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a statement of the expenditures of the Coast and Geodetic Survey for the fiscal year ended June 30, 1908 (H. Doc. No. 1356)—to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the issue of patents for land to Makah Indians (H. Doc. No. 1357)-to the Committee

on Indian Affairs and ordered to be printed,

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for continuing the sanitation of Colon and Panama (H. Doc. No. 1358)-to the Committee on Appropriations and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 26070) to provide for the deduction of hatchways and waterballast space from the gross tonnage of vessels, reported the same without amendment, accompanied by a report (No. 1894), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

bill (H. R. 23381) granting a pension to Mary A. Enright-Committee on Pensions discharged, and referred to the

Committee on Invalid Pensions.

A bill (H. R. 9539) granting a pension to Ben F. Herring—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. WALLACE: A bill (H. R. 26826) to provide for survey of Saline River, in the State of Arkansas-to the Committee

on Rivers and Harbors.

By Mr. GRIGGS: A bill (H. R. 26827) requiring the destruction of whisky, brandy, wines, beers, and other illicitly distilled liquors when seized by the officers of the United States-to the Committee on Ways and Means.

By Mr. COX of Indiana: A bill (H. R. 26828) for the construction of a lock and dam in the Ohio River-to the Commit-

tee on Rivers and Harbors.

By Mr. COOPER of Pennsylvania: A bill (H. R. 26829) to amend an act entitled "An act to amend an act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved March 7, 1908—to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Indiana: A bill (H. R. 26830) to survey and purchase a site for lock and dam at Leavenworth, Ind.—to

the Committee on Rivers and Harbors.

By Mr. TOWNSEND: A bill (H. R. 26831) providing for the erection of a monument in Arlington Cemetery to the memory of Charles Vernon Gridley, late captain, United States Navy to the Committee on Naval Affairs.

By Mr. PRAY: A bill (H. R. 26832) to provide an additional district judge for the district of Montana-to the Committee on

By Mr. COUSINS: A bill (H. R. 26833) authorizing a survey of the Cedar River, and for other purposes-to the Committee on Rivers and Harbors

By Mr. HAYES: A bill (H. R. 26834) to provide for payment of the claims of certain religious orders in the Philippine Is-

lands—to the Committee on War Claims.

By Mr. MARTIN: A bill (H. R. 26835) for the erection of a public building at Rapid City, S. Dak.—to the Committee on

Public Buildings and Grounds,
By Mr. WILEY: A bill (H. R. 26836) to extend the scope of
the operations of the Office of Public Roads, in the Department of Agriculture, so as to embrace national aid in the improvement of the public roads-to the Committee on Agriculture.

By Mr. HAYES: A bill (H. R. 26837) to provide for payment of the claims of the Roman Catholic Church in Porto Rico-to the Committee on War Claims.

By Mr. LARRINAGA: A bill (H. R. 26838) to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico-to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: A bill (H. R. 26839) providing for an increase of salary for the United States marshal for the eastern district of Louisiana-to the Committee on the Judiciary.

By Mr. BURKE: A bill (H. R. 26914) donating a condemned cannon to the joint committee for monument for Arsenal Park. at Pittsburg, Pa.—to the Committee on Military Affairs.

By Mr. FOSS: Resolution (H. Res. 502) providing for consideration of certain provisions of the naval appropriation bill—

to the Committee on Rules.

By Mr. FOSTER of Vermont: Joint resolution (H. J. Res. 243) to authorize the Secretary of State to invite France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain—to the Committee on Foreign Affairs.

By Mr. CRUMPACKER: Joint resolution (H. J. Res. 244) authorizing the Director of the Census to secure names and addresses of blind and deaf-to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 26840) to remove the charge of desertion from the military record of William Shaffer and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 26841) for the relief of the estate of Jesse Page, deceased—to the Committee on War

Claims

By Mr. BARTLETT of Georgia: A bill (H. R. 26842) granting a pension to John G. Patton—to the Committee on Pensions. By Mr. CAPRON: A bill (H. R. 26843) granting an increase of pension to Timothy W. Tracy—to the Committee on Invalid

Pensions.

Also, a bill (H. R. 26844) granting an increase of pension to Joseph J. Butcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26845) granting an increase of pension to to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 26846) granting an increase of pension to Charles A. Tyler—to the Committee on Invalid

Also, a bill (H. R. 26847) granting an increase of pension to Charles Aldrich-to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 26848) granting an increase of pension to Edgar Chyle-to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 26849) granting a pension to Anna M. Landon-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26850) granting a pension to Emma Rebecca Campbell—to the Committee on Invalid Pensions,

By Mr. DENVER: A bill (H. R. 26851) granting an increase of pension to John N. McCollough-to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 26852) granting a pension to John W. Fann-to the Committee on Invalid Pen-

By Mr. ESTOPINAL: A bill (H. R. 26853) for the relief of the estate of Fredrick Arbour, deceased—to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 26854) granting a pension to Sarah E. Hood—to the Committee on Invalid Pensions. By Mr. FOSTER of Illinois: A bill (H. R. 26855) granting

pension to Ferdinand Schmadel-to the Committee on Invalid

By Mr. FOSS: A bill (H. R. 26856) granting an increase of pension to James J. Furlong-to the Committee on Invalid Pen-

By Mr. FOWLER: A bill (H. R. 26857) granting a pension to Oliver L. Kerkendall-to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 26858) to remove the charge of desertion from the military record of Francis E. Hale-to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 26859) for the relief of the legal representatives of William C. Blalock, deceased-to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 26860) granting a pension to J. R. Landes-to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 26861) granting a pension to Lizzie Stotsbury—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 26862) for the relief of the heirs of Robert A. Wilborn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 26863) for the relief of the heirs of Samuel Hunt, deceased—to the Committee on War Claims.

Also, a bill (H. R. 26864) for the relief of the estate of William I. Longacre—to the Committee on War Claims.

Also, a bill (H. R. 26865) granting an increase of pension to Robert Morris-to the Committee on Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 26866) to correct the military record of Lee Thompson-to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 26867) granting an increase of pension to Jefferson Worster-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26868) granting an increase of pension to Samuel Minnich—to the Committee on Invalid Pensions,
By Mr. KINKAID: A bill (H. R. 26869) granting an increase

of pension to Isaac Emmerson-to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 26870) granting a pension to Mayme E. Lacourciere—to the Committee on Pensions. By Mr. LANING: A bill (H. R. 26871) to pay to Harrison

Wagner the sum of \$231.99to the Committee on Accounts.

By Mr. LAMB: A bill (H. R. 26872) granting a pension to Monroe T. Houchens-to the Committee on Pensions,

By Mr. LAW: A bill (H. B. 26873) granting an honorable discharge to August Merkle—to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 26874) granting an increase of pension to Jacob Weingartner-to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 26875) granting an increase of pension to Beatrice Paul Marmion-to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 26876) granting an increase of pension to Emma J. Winward-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26877) granting an increase of pension to Mary Jones—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 26878) granting

a pension to Mabel Jewell—to the Committee on Pensions. By Mr. McLACHLAN of California: A bill (H. R. 26879)

granting an increase of pension to Tilman P. Edgerton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26880) granting an increase of pension to Richard Burge-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26881) granting an increase of pension to Henry F. Vallett-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26882) granting an increase of pension to Robert W. Rogers-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26883) granting an increase of pension to Dennis P. Greeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26884) granting an increase of pension to James H. Pope-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26885) granting an increase of pension to Alphonso L. Stacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26886) granting an increase of pension to Albert McMaster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26887) granting an increase of pension to Martin Markeson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26888) granting an increase of pension to

James A. Mead-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26889) granting an increase of pension to Irwin Metcalfe-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26890) granting an increase of pension to Seth B. R. Tubbs-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26891) granting an increase of pension to Nelson Wallace-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26892) granting an increase of pension to David Murphy-to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 26893) granting a pension to Charles Windolph-to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 26894) for the relief of the estate of John W. Neely—to the Committee on War Claims. By Mr. PEARRE: A bill (H. R. 26895) for the relief of the heirs or legal representatives of Frederick Wyand, deceased-

to the Committee on War Claims.

Also, a bill (H. R. 26896) for the relief of the trustees and consistory of Mount Vernon Reformed Church, of Keedysville,

Md.—to the Committee on War Claims.

Also, a bill (H. R. 26897) granting an increase of pension to Josephine B. Macfeely-to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 26898) granting an increase of pension to Humphrey Sett-to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 26899) granting an increase of pension to Jacob Confer—to the Committee on Invalid Pensions.

By Mr. SIMS; A bill (H. R. 26900) granting an increase of pension to Jesse H. Patterson-to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 26901) granting an increase of pension to James T. Rollf-to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 26902) granting a pension to Charles H. Butcher-to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 26903) granting an increase of pension to James McDonough-to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 26904) granting an increase of pension to Andrew P. Webber-to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 20905) for the relief of the heirs of John H. McCutchen, deceased-to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 26906) granting an increase of pension to Morris McGlasson-to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 26907) for the relief of Lemuel J. Ward-to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 26908) for the relief of Clarence Carrigan-to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 26909) granting a pension to S. F. Kennamer-to the Committee on Invalid Pensions-

Also, a bill (H. R. 26910) granting a pension to William Fuller--to the Committee on Pensions. Also, a bill (H. R. 26911) granting an increase of pension to

Jonathan B. Hall—to the Committee on Invalid Pensions. Also, a bill (H. R. 26912) for the relief of Mary Tullis-

the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 26913) granting an increase of

pension to William S. Shoupe-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of legislative assembly of New Mexico, praying for statehood—to the Committee on the Territories

By Mr. AIKEN: Papers to accompany bills for relief of W. F. Parker and Ellen F. Carter-to the Committee on War Claims. By Mr. ALLEN. Petition of Crooked River Grange, of Harrison, Me., for a national highways commission—to the Committee on Agriculture.

Also, petition of Rev. George W. Barber and 25 other members of the Highland Grange, of Bridgton, Me., favoring parcelspost and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of John G. Patton-to the Committee on Pensions.

Also, petition of Board of Trade of City of Atlanta, favoring increase of judges' salaries—to the Committee on the Judiciary. Also, petitions of Central Labor Union of Macon, Ga., and

Chamber of Commerce of Macon, Ga., against creation of an additional judicial district in Georgia-to the Committee on the Judiciary.

By Mr. BURKE: Petition of Pittsburg Board of Trade, favoring S. 6484, for saving depositories in all post-offices authorized to issue money orders-to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of judges—to the Committee on the Judiciary.

Also, petition of headquarters of the Grand Army of the

Republic, against abolition of pension agencies in the United States—to the Committee on Invalid Pensions.

Also, petition of National Lumber Manufacturers' Association, against reduction of tariff on lumber—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of business men of Somersville, against parcels post on rural delivery routes and establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, favoring legislation to secure adequate revenue to the railroads-to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert Carmichael, favoring repeal of duty on raw and refined sugars-to the Committee on Ways and

Means. By Mr. CAPRON: Petition of Charles R. Aldrich and other citizens of Rhode Island, favoring parcels post on rural freedelivery routes and postal savings banks (S. 5122 and 6484)-to the Committee on the Post-Office and Post-Roads.

Also, letter of Dr. J. E. Power, of Providence; resolutions of the Northeastern Dental Association; and statement of Dr. Emory A. Bryant, for passage of the bill creating a corps of dental surgeons for the army-to the Committee on Military Affairs.

Also, petition of Charles R. Aldrich and other citizens of Rhode Island, favoring a national highways commission—to the

Committee on Agriculture.

Also, papers to accompany bills for relief of Timothy W. Tracy, Joseph J. Butcher, and Henry Dyer—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Froedtert Brothers, of Milwaukee, Wis., against reduction of duty on barley, wheat, and other

rains—to the Committee on Ways and Means. By Mr. CHANEY: Petition of Trades League of Philadelphia, for increase of salaries of United States judges (S. 6973)-to

the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of Trades League of Philadelphia, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of citizens of Marshalltown, Iowa, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. DAWSON: Petition of Commercial Club of Daven-

port, Iowa, against postal savings banks and parcels-post laws to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of National Lumber Manufacturers' Association, against any reduction in tariff on lumber to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of Charles Sells (H. R. 24522)-to the Committee on Pen-

By Mr. ELLIS of Oregon: Petitions of Louis J. Gates and 48 others, of Kent, Oreg., and F. L. Hulery and 29 others, of Sherman County, Oreg., favoring removal of duty from jute grain barbar and burlap cloth from which the same is made—to the Committee on Ways and Means.

By Mr. ESCH: Petition of New Orleans Cotton Exchange, for investigation by Secretary of Agriculture into use and substitution of other articles of manufacture for raw cotton and report thereon-to the Committee on Agriculture.

By Mr. FOSS: Petition of citizens of Illinois, against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. FOSTER of Illinois: Petition of George McGahey, Joseph Neiler, Barney A. Iaum, William Elliott, and O. D. Holmes, of Olney, Ill., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Richford (Vt.) Grange, favoring establishment of parcels post and postal savings banks-to the Committee on the Post-Office and Post-

By Mr. FOWLER: Petition of New Jersey Chapter of American Institute of Architects, against placing the Lincoln monument near the Union Station—to the Committee on the Library.

Also, petitions of Madison Civic Association, of Madison, N. J., and Florence and Mary E. Tweedy, of Plainfield, N. J., favoring H. R. 24148, for a national bureau for the care of children—to the Committee on Expenditures in the Interior Department.

Also, petition of residents of Elizabeth, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia) -to the Committee on the District of Columbia.

By Mr. FRENCH: Petition of citizens of Idaho, favoring a parcels-post and postal savings bank law-to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of T. A. Pottinger, of Lasalle County, Ill., relative to the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Chamber of Commerce, favoring increase of salaries of government employees—to the Committee on Appropriations.

By Mr. GRAHAM: Petition of Headquarters Department of Pennsylvania, Grand Army of the Republic, against abolition of pension agencies in the United States—to the Committee on Invalid Pensions.

Also, petition of National Lumber Manufacturing Company, against reduction of tariff on lumber—to the Committee on

Ways and Means.

ways and Means.

By Mr. HARDWICK: Petitions of the T. Y. McCarty Shoe Company and others, of Saundersville, N. Y., and of the Florsheim Shoe Company, of Augusta, Ga., favoring removal of duty on hides—to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of Campbell, Cal., favor-

ing parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of various public bodies of California, asking that the Interstate Commerce Commission be given greater power in the matter of rate making-to the Committee on Interstate and Foreign Commerce.

Also, petition of National Lumber Manufacturers' Association, favoring retention of the tariff on lumber-to the Commit-

tee on Ways and Means.

By Mr. HEPBURN: Petitions of Charlton Post and T. J. Potter Post, Grand Army of the Republic, of Creston, Iowa, against volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HILL of Connecticut: Petition of business men of Canaan, Conn., against legislation to establish a parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Women's Club of Bridgeport, favoring Senator Beveridge's bill regarding child labor-to the Committee

on Labor.

By Mr. HUFF: Petition of Department of Pennsylvania, Grand Army of the Republic, against consolidation of pension agencies at Washington—to the Committee on Invalid Pensions.

Also, petition of National Lumber Manufacturers' Association urging present tariff duty on lumber, lath, and shingles-to the Committee on Ways and Means.

Also, petition of New Orleans Cotton Exchange, for investigation by the Secretary of Agriculture into substitution and use of cotton for other materials in manufacturing and report on -to the Committee on Agriculture.

By Mr. KENNEDY of Iowa: Papers to accompany bills for relief of Samuel Minnich and Jefferson Worster-to the Committee on Invalid Pensions.

By Mr. LAMB: Paper to accompany bill for relief of Munroe T. Houchens—to the Committee on Pensions

By Mr. LANING: Paper to accompany bill for relief of Har-

rison Wagner-to the Committee on Accounts.

Also, petition of North Fairfield Grange and C. E. Buckingham and 22 other residents of Ashland County, Ohio, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of Trades League of Philadel-

phia, favoring increase of salaries of United States judges (S.

6973)-to the Committee on the Judiciary

Also, petition of the National Lumber Manufacturers' Association, against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Public Schools Athletic League, favoring bill referred to in message of President regarding rifle practice in the public schools—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Papers to accompany bills for relief of Raymond O. Fatheree (H. R. 5878) and Abraham F. Williams—to the Committee on Pensions.

By Mr. McHENRY: Petition of George S. Welch and others,

favoring establishment of parcels post and postal savings banks (S. 5122 and 6484)-to the Committee on the Post-Office and Post-Roads

By Mr. McMILLAN: Petition of Grange No. 905, of Jackson Corner, N. Y., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon-to the Committee on Agriculture.

Also, petition of Illinois State Horticultural Society, favoring federal control of insecticides and fungicides—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Trades League of Philadelphia, favoring increase of salaries of United States judgesto the Committee on the Judiciary.

Also, petition of National Lumber Manufacturers' Association, against reduction of tariff on lumber-to the Committee on Ways and Means.

Also, petition of M. O'Connor & Co., favoring repeal of duty on

raw and refined sugars—to the Committee on Ways and Means.
Also, petition of East Washington Citizens' Association, against provision in naval appropriation bill requiring the Philadelphia, Baltimore and Washington Railway Company to maintain its railway connection with the Washington Navy-Yard by grade tracks on K and Canal streets SE .- to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of estate of John W. Neely—to the Committee on War Claims.

By Mr. PEARRE: Paper to accompany bill for relief of

Mount Vernon Reformed Church, of Keedysville, Md .- to the Committee on War Claims.

By Mr. PORTER: Petition of Stafford Grange, No. 418, of Genesee County, N. Y., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Paper to accompany bill for relief of

Mary Tullis—to the Committee on War Claims.

Also, papers to accompany bills for relief of Jonathan B. Hall and S. F. Kennamer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Fuller—to

the Committee on Pensions.

By Mr. SLEMP: Paper to accompany bill for relief of William M. Shoupe—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Petition of business firms and citizens of Columbus, Ohio, against a parcels-post and postal savings banks bill-to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Petition of National Lumber Manufacturers' Association, against decrease of tariff on lumber-to the Committee on Ways and Means.

Also, papers to accompany bills for relief of John Wise, heirs of Nancy Barfield, and heir of Mary Everitt-to the Committee on War Claims.

By Mr. WEBB: Paper to accompany bill for relief of L. Z.

Hoffman-to the Committee on Pensions.

By Mr. WILLIAMS: Petition of citizens of Corinth, Miss. for appropriation to extend limits of Shiloh National Park (H. R. 39)—to the Committee on Military Affairs.
Also, paper to accompany bill for relief of heirs of John H.

McCutchen-to the Committee on War Claims.

SENATE.

FRIDAY, January 22, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Burrows, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

POST-OFFICE BUILDING IN DETROIT, MICH.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (S. 7951) to provide for the erection of temporary annex to the post-office building in Detroit, Mich.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause to be erected a temporary annex on the west side of the federal building in Detroit, Mich., to meet the necessities of the business of the post-office, at a total cost not to exceed \$7,500, or so much thereof as may be necessary; the temporary annex to take the place of the annex to be removed from the north side of the building during the erection of the permanent addition now under construction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTORAL VOTE OF NEBRASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Nebraska, which, with the accompanying paper, was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 26709) to amend an act to provide for the reorganization of the consular service of the United States, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 653. An act to authorize commissions to issue in the cases

of officers of the Army, Navy, and Marine Corps and of the Revenue-Cutter Service retired with increased rank;

S. 6665. An act for the relief of Charles H. Dickson;

H. R. 15098. An act to correct the military record of John H. Layne;

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory; and

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

CREDENTIALS.

Mr. DEPEW presented the credentials of Elihu Root, chosen by the legislature of the State of New York a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a memorial, in the nature of a telegram, of the legislature of the State of California, remonstrating against the repeal of the duty on grapes imported from Spain, which was ordered to lie on the table.

Mr. PLATT presented a petition of Farmington Grange, No. 431, Patrons of Husbandry, of Ontario County, N. Y., and a petition of sundry citizens of the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of directors of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to increase the salaries of the United States circuit and district court judges, which was ordered to lie on the table.

He also presented a memorial of sundry members of the Fortysecond Annual Encampment of the Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the

Committee on Pensions.

Mr. SCOTT presented the petition of Daniel S. Bush, of Harrisville, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DILLINGHAM presented a petition of sundry citizens of the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a petition of the Commercial Club, of Broken Bow, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX presented a memorial of Courtland Saunders Post, No. 21, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, Pa., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pen-

He also presented a petition of the National Board of Trade of Philadelphia, Pa., and a petition of the Chamber of Commerce of Pittsburg, Pa., praying that an appropriation be made for the improvement of the rivers and harbors of the country, which were referred to the Committee on Commerce

which were referred to the Committee on Commerce.

He also presented petitions of Grange No. 91, of Russellville;
Grange No. 875, of Columbus; Grange No. 503, of Oliveburg;
Grange No. 1200, of Dalton; Grange No. 947, of Edinboro;
Grange No. 1124, of Patton; Grange No. 365, of Dushore;
Grange No. 806, of Elk Lake; Grange No. 1079, of Erie; Grange
No. 304, of Crawford County; Grange No. 625, of Lawsonham; Grange No. 1308, of Washington County; Grange No. 1261, of Nicholson; Grange No. 1351, of Fairview; Grange No. 1088, of Westfield; Grange No. 910, of Venango; and Grange No. 1293, of Parma, all Patrons of Husbandry, in the State of Pennsylvania, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Dr. Alpheus McKibben, of Pitts-Pittsburg; Dr. E. E. Wible, of Pittsburg; Dr. Thomas T. Kirk, of Pittsburg; Dr. W. Herschel, of Pittsburg; Dr. William H. Mercur, of Pittsburg; Dr. A. J. Hesser, of Pittsburg; Allegheny County Medical Society, of Pittsburg; Dr. William C. Wallace, of Ingram; W. T. Hall, of Tarentum; and of the Center County Medical Society, of Bellefonte, all in the State of Pennsylvania,

praying for the enactment of legislation to create a national department of public health, which were referred to the Com-

mittee on Public Health and National Quarantine.

He also presented petitions of Piscataqua Harbor, No. 83, American Association of Masters, Mates, and Pilots, of Portsmouth, N. H.; Casco Harbor, No. 75, American Association of Masters, Mates, and Pilots, of Portland, Me.; Pittsburg Harbor, No. 25, American Association of Masters, Mates, and Pilots, of Pittsburg, Pa.; Forest City Harbor, No. 36, American Association of Masters, Mates, and Pilots, of Savannah, Ga.; Crescent City Harbor, No. 18, American Association of Masters, Mates, and Pilots, of New Orleans, La.; Progressive Harbor, No. 9, American Association of Masters, Mates, and Pilots, of Norfolk, Va.; Volunteer Harbor, No. 4, American Association of Masters, Mates, and Pilots, of Boston, Mass.; Mariners' Harbor, No. 3, American Association of Masters, Mates, and Pilots, of Rondout, N. Y.; and of Enterprise Harbor, No. 2, American Association of Masters, Mates, and Pilots, of Camden, N. J., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which were referred to the Committee on Commerce.

Mr. KEAN presented a memorial of the New Jersey Chapter, American Institute of Architects, of Jersey City, N. J., remonstrating against the enactment of legislation proposing to place the Lincoln monument near the Union Station in the District of Columbia, and praying that the monument be erected on the site selected by the park commission, which was referred to the

Committee on the Library.

Mr. LODGE presented a memorial of the National Board of Trade of the United States, remonstrating against the enactment of legislation providing for the inspection of grain under federal control, which was ordered to lie on the table.

Mr. WARNER presented sundry affidavits to accompany the

bill (S. 2540) granting an increase of pension to Charles Muhlbach, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 7938) for the relief of John H. Cole, which were referred to the Committee on Claims.

He also presented sundry affidavits to accompany the bill (S. 7984) granting an increase of pension to Elisha H. Wicker, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2072) granting an increase of pension to George W. Wade, which were referred to the Committee on Pensions.

He also presented the petition of Emma Schutte, of Oak Ridge, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of John Pennington, of Cass County, Mo., praying that he be granted a pension, which was

referred to the Committee on Pensions.

He also presented the petition of Emerson Hemmerback, of Pemiscot County, Mo., praying that his claim for relief be referred to the Court of Claims, which was referred to the Committee on Claims.

Mr. GUGGENHEIM presented a petition of sundry citizens of the State of Colorado, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 1668, United Mine Workers of America, of Louisville, Colo., praying that an investigation be made into the conditions of mines operated by the Treadwell Mining Company, on Douglas Island, Alaska, which

was referred to the Committee on Mines and Mining.

Mr. DEPEW presented a memorial of members of the Fortysecond Annual Encampment, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Talcottville, Valois, Farmington, Wolcott, and Skaneateles, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York Board of Trade and Transportation, of New York City, N. Y., praying for the enactment of legislation providing official and domestic domiciles for the diplomatic and other permanent representatives of the United States at the capitals of the principal European countries, which was referred to the Committee on Foreign Relations.

He also presented a petition of members of the Bar Associa-tion of New York City, N. Y., praying for the enactment of legis-lation to increase the salaries of the United States circuit and district court judges, which was ordered to lie on the table.

He also presented a memorial of the New York Produce Ex-

change and of the National Board of Trade of the United States, remonstrating against the enactment of legislation providing for the inspection and grading of grain under federal control, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15448) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, reported it with-out amendment and submitted a report (No. 825) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports

A bill (H. R. 12899) to provide for a disbursing officer for the Government Hospital for the Insane (Report No. 826); and A bill (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Colum-(Report No. 827)

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 6160) to amend section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," reported it with amendments and submitted a report

(No. 828) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 113) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District, reported it without amendment and submitted a report (No. 829) thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom

were referred the following bills, reported them severally with-

out amendment and submitted reports thereon:

A bill (S. 8443) to authorize the Secretary of the Interior to permit the quarrying and sale of tufa stone from the San Carlos Indian Reservation in Arizona, and for other purposes (Report No. 830); and A bill (S. 7185) authorizing the Secretary of the Interior to

issue patent in fee to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America for the use of the Protestant Episcopal Church of Idaho (Report No. 831).

Mr. FLINT, from the Committee on Public Lands, to whom

was referred the bill (S. 8048) to withdraw from settlement and entry certain lands in the State of California, reported it without amendment and submitted a report 832) thereon.

He also, from the same committee, to whom was referred the bill (S. 7876) to withdraw from settlement and entry certain lands in the State of California, submitted an adverse report (No. 833) thereon, which was agreed to, and the bill was post-

poned indefinitely.

Mr. BANKHEAD, from the Committee on Indian Affairs, to whom were referred the following bills, reported them each with

an amendment and submitted reports thereon:

A bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho (Report No. 834); and A bill (S. 8442) to authorize cancellation of Indian allotments

covering unsuitable lands and allotment of lands in lieu thereof.

and for other purposes (Report No. 835).

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes, reported it with amendments and submitted a report (No. 836) thereon.

LAND OFFICE REGISTERS.

Mr. WARREN. On the 21st instant the Senator from Minnesota [Mr. CLAPP] reported, with an amendment, the bill (S. 6986) for the relief of registers and former registers of the United States land offices and submitted a report thereon, the bill being now on the calendar. I move that that bill be recommitted to the Committee on Claims.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 8698) for the purchase of a portrait of the late President Abraham Lincoln, which was read twice by its title and referred to the Committee on the Library.

He also introduced a bill (S. 8699) to amend existing laws and equalize pay for mail service on railroad lines, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. PAGE introduced a bill (S. 8700) granting an increase of pension to Nathan Dodge, which was read twice by its title and

referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 8701) for the relief of the heirs or estate of Mrs. Ellen Morrissey and of James Morrissey, deceased, and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims

Mr. FRYE introduced a bill (S. 8702) for the relief of Gen. John R. McGinness, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 8703) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds, which was read twice by its title and referred to the Committee on the Judiciary

Mr. DILLINGHAM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8704) granting an increase of pension to Greenleaf

D. Farnum; and

A bill (S. 8705) granting an increase of pension to John H. Rublee.

Mr. STEPHENSON introduced a bill (S. 8706) granting a pension to Maria Sinclair Russell, which was read twice by its title and referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Com-

mittee on Military Affairs

A bill (S. 8707) authorizing the Secretary of War to furnish condemned fieldpiece or cannon to United Daughters of the Confederacy, North Carolina Division; and A bill (S. 8708) authorizing the Secretary of War to furnish

two condemned cannon to Moores Creek Battle Ground Asso-

ciation.

Mr. GALLINGER introduced a bill (S. 8709) for the extension or Franklin street NE., from its present eastern terminus east of Twenty-fourth street to the Bladensburg road, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. KNOX introduced a bill (S. 8710) granting an increase of pension to Emma C. Swift, which was read twice by its title

and referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 8711) for the relief of the estate of John Gibson, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 8712) to authorize the Secretary of the Interior to issue patents for town lots in the village of Neah Bay, Wash., which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. FLINT introduced a bill (S. 8713) for the relief of the legal heirs of A. G. Strain, which was read twice by its title

and referred to the Committee on Public Lands.

Mr. HALE introduced a bill (S. 8714) granting a pension to Rebecca W. Carroll, which was read twice by its title and, with

the accompanying papers, referred to the Committee on Pensions, Mr. PENROSE introduced a bill (S. 8715) to amend the in-ternal-revenue laws and to prevent the double taxation of certain distilled spirits, which was read twice by its title and referred to the Committee on Finance.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8716) for the relief of Mary Cairney

A bill (S. 8717) for the relief of the estate of Richard W. Meade, deceased;

A bill (S. 8718) providing for the payment to the Pittsburg Brewing Company of moneys unlawfully collected by the Internal Revenue Bureau of the Treasury Department; and A bill (S. 8719) for the relief of John G. Stauffer & Son.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8720) granting a pension to Rosana Wavell; A bill (S. 8721) granting an increase of pension to Annie M. Allen

A bill (S. 8722) granting an increase of pension to James J. Hasson:

A bill (S. 8723) granting an increase of pension to Eliza L. Cake:

A bill (S, 8724) granting an increase of pension to William H. Kough;

A bill (S. 8725) granting a pension to Emma C. Homer;

A bill (S. 8726) granting a pension to Caroline King; and A bill (S. 8727) granting an increase of pension to Alexander G. Wilkins.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8728) granting an increase of pension to Peter F.

Reeser

A bill (S. 8729) granting an increase of pension to Thomas McCann:

A bill (S. 8730) granting an increase of pension to Samuel S. Jordan

A bill (S. 8731) granting an increase of pension to James A. Swaney

A bill (S. 8732) granting an increase of pension to William B. Drake;

A bill (S. 8733) granting a pension to Bridget Petrie; and A bill (S. 8734) granting an increase of pension to John Mc-Gaughey.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8735) granting a pension to Martha L. Brown; A bill (S. 8736) granting an increase of pension to Vernum H. Dawley;

A bill (S. 8737) granting an increase of pension to George L. Rockwell

A bill (S. 8738) granting an increase of pension to Arlon T. Follett

A bill (S. 8739) granting an increase of pension to Michael White:

A bill (S. 8740) granting an increase of pension to Francis S. Shove:

A bill (S. 8741) granting an increase of pension to William C. Aldrich;

A bill (S. 8742) granting an increase of pension to James Watson;

A bill (S. 8743) granting an increase of pension to Albert F. Arnold:

A bill (S. 8744) granting an increase of pension to William Potter; and

A bill (S. 8745) granting an increase of pension to Edwin A. Briggs.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8746) granting an increase of pension to Henry Bucklin;

A bill (S. 8747) granting an increase of pension to James Buchanan: and

A bill (S. 8748) granting a pension to Julia Walke.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8749) for the relief of John H. Hickey;

A bill (S. 8750) for the relief of the heirs of A. O. Hall; and A bill (S. 8751) for the relief of John R. Adams,

Mr. WARNER introduced a bill (S. 8752) removing disabilities from the military record of Newman Tennison and granting him an honorable discharge, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8753) granting a pension to Caroline McKee; A bill (S. 8754) granting an increase of pension to David C.

Hardy

A bill (S. 8755) granting an increase of pension to Thomas Farrell;

A bill (S. 8756) granting an increase of pension to John G. Bowers:

A bill (S. 8757) granting an increase of pension to James H. Cowan; and

A bill (S. 8758) granting a pension to Uriah Fosberg

Mr. WARNER (by request) introduced a bill (S. 8759) granting pensions to the teamsters who served the Government of the United States in the war with Mexico, and for other purposes, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8760) granting a pension to Anne Olive Erwin, which was read twice by its title

and referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 8761) for the relief of Lemuel J. Ward, which was read twice by its title and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 8762) providing for the purchase of a painting of Abraham Lincoln, which was read twice by its title and referred to the Committee on the Library.

Mr. DEPEW introduced a bill (S. 8763) granting an increase of pension to William H. Tucker, which was read twice by its title and, with the accompanying paper, referred to the Com-

mittee on Pensions.

Mr. MARTIN introduced a bill (S. 8764) to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment proposing to appropriate \$15,000 for improving compressed-air lines at the New York Navy-Yard, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the improvement of the water front at the New York Navy-Yard from \$50,000, to \$76,330, intended to be

proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be

Mr. PENROSE submitted an amendment proposing to increase the appropriation for rent of building in the District of Columbia for the accommodation of the Bureau of Education from \$4,000 to \$6,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

IMPROVEMENT OF SOUTH BAY CHANNEL, CALIFORNIA.

Mr. FLINT submitted the following concurrent resolution (S. C. Res. 77), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing.

USE OF CARRIAGES BY OFFICIALS.

Mr. CULBERSON. I call up the resolution I submitted yes-

terday.

The VICE-PRESIDENT. If there is no further morning business, the morning business is closed, and the Chair lays before the Senate a resolution coming over from yesterday. Two resolutions have come over. The first is the resolution submitted by the Senator from California [Mr. FLINT]. The resolution will be read.

The Secretary read Senate resolution 257, submitted on the 20th instant by Mr. FLINT, as follows:

Resolved, That the Committee on Appropriations be, and they are hereby, directed to ascertain and report to the Senate whether any officers of the Government, including the army and navy, are devoting to their personal or private use any carriages, automobiles, or other vehicles which are the property of or are provided by the Government.

Mr. FLINT. I ask for the adoption of the resolution. The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

AMERICAN SUGAR REFINING COMPANY.

The VICE-PRESIDENT laid before the Senate Senate resolution 259, submitted yesterday by Mr. Culberson, which was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to send to the Senate copies of all correspondence in the Department of Justice relating to an alleged violation of the act of July 2, 1890, by the American Sugar Refining Company in connection with an alleged loan by that company to one Segal, in which was pledged as security therefor a majority of the capital stock of the Pennsylvania Sugar Refining Company with voting power thereon, and under which it is alleged an agreement was entered into that the Pennsylvania Sugar Refining Company, should not engage in business.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. KEAN. I move to lay the resolution on the table.

The VICE-PRESIDENT. The Senator from New Jersey moves to lay the resolution on the table.

The motion was not agreed to.

Mr. HEYBURN. I should like to have the resolution stated

The Secretary again read the resolution.

Mr. KEAN. May I ask the Senator from Texas if this is not a case that is already in court?

Mr. CULBERSON. This case is not in court by the United tates. The United States has taken no action in the matter.

Mr. KEAN. But it is in court at the present time? Mr. CULBERSON. I think that there is some private litigation pending in the court with reference to the matter, it having been decided on appeal by the United States circuit court for the second circuit that the act of Congress had been violated in this particular case, under the facts stated in the petition.

We want this information, Mr. President, that is in the possession of the Attorney-General, I understand, on a formal complaint by a citizen of Pennsylvania. I ask for the passage of the resolution. I will not take the time of the Senate to explain it, but formal complaint was made quite a while ago to the Attorney-General that the act of Congress had been violated in this case. We want the correspondence, as I am informed it will disclose the position taken by the Department of Justice in the matter.

The VICE-PRESIDENT. The question is on agreeing to the

resolution.

The resolution was agreed to.

HOUSE BILL REFERRED.

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States was read twice by its title, and referred to the Committee on Foreign Relations.

NATIONAL CONSERVATION COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 676), which was read, ordered to be printed, and with the accompanying papers, referred to the Committee on Printing: To the Senate and House of Representatives:

I transmit herewith a report of the National Conservation Commission, together with the accompanying papers. This report, which is the outgrowth of the conference of governors last , was unanimously approved by the recent joint conference held in this city between the National Conservation Commission and governors of States, state conservation commissions, and conservation committees of great organizations of citizens. It is therefore in a peculiar sense representative of the whole Nation and all its parts.

With the statements and conclusions of this report I heartily concur, and I commend it to the thoughtful consideration both of the Congress and of our people generally. It is one of the most fundamentally important documents ever laid before the American people. It contains the first inventory of its natural resources ever made by any nation. In condensed form it presents a statement of our available capital in material resources, which are the means of progress, and calls attention to the essential conditions upon which the perpetuity, safety, and welfare of this Nation now rest and must always continue to rest. It deserves, and should have, the widest possible distribution among the people.

The facts set forth in this report constitute an imperative call to action. The situation they disclose demands that we, neglecting for a time, if need be, smaller and less vital questions, shall concentrate an effective part of our attention upon the great material foundations of national existence, progress, and

prosperity. This first inventory of natural resources prepared by the National Conservation Commission is undoubtedly but the beginning of a series which will be indispensable for dealing intelligently with what we have. It supples as close an approximation to the actual facts as it was possible to prepare with the knowledge and time available. The progress of our knowledge of this country will continually lead to more accurate information and better use of the sources of national strength. But we can not defer action until complete accuracy in the estimates can be reached, because before that time many of our resources will be practically gone. It is not necessary that this inventory should be exact in every minute detail. It is essential that it should correctly describe the general situation; and that the present inventory does. As it stands it is an irrefutable proof that the conservation of our resources is the fundamental question before this Nation, and that our first and greatest task is to set our house in order and begin to live within our means.

The first of all considerations is the permanent welfare of our people; and true moral welfare, the highest form of welfare, can not permanently exist save on a firm and lasting foundation of material well-being. In this respect our situation is far from satisfactory. After every possible allowance has been made, and when every hopeful indication has been given its full weight, the facts still give reason for grave concern. It would be unworthy of our history and our intelligence, and disastrous to our future, to shut our eyes to these facts or attempt to laugh them out of court. The people should and will rightly demand that the great fundamental questions shall be given attention by their representatives. I do not advise hasty or ill-considered action on disputed points, but I do urge, where the facts are known, where the public interest is clear, that neither indifference and inertia, nor adverse private interests, shall be allowed to stand in the way of the public good.

The great basic facts are already well known. We know that our population is now adding about one-fifth to its numbers in ten years, and that by the middle of the present century perhaps one hundred and fifty million Americans, and by its end very many millions more, must be fed and clothed from the products of our soil. With the steady growth in population and the still more rapid increase in consumption our people will hereafter make greater and not less demands per capita upon all the natural resources for their livelihood, comfort, and convenience. It is high time to realize that our responsibility to the coming millions is like that of parents to their children, and that in wasting our resources we are wronging our descendants.

We know now that our rivers can and should be made to serve our people effectively in transportation, but that the vast expenditures for our waterways have not resulted in maintaining, much less in promoting, inland navigation. Therefore, let us take immediate steps to ascertain the reasons and to prepare and adopt a comprehensive plan for inland-waterway navigation that will result in giving the people the benefits for which they have paid but which they have not yet received. We know now that our forests are fast disappearing, that less than one-fifth of them are being conserved, and that no good purpose can be met by failing to provide the relatively small sums needed for the protection, use, and improvement of all forests still owned by the Government, and to enact laws to check the wasteful destruction of the forests in private hands. There are differences of opinion as to many public questions; but the American people stand nearly as a unit for waterway development and for forest protection.

We know now that our mineral resources once exhausted are gone forever, and that the needless waste of them costs us hundreds of human lives and nearly \$300,000,000 a year. Therefore, let us undertake without delay the investigations necessary before our people will be in position, through state action or otherwise, to put an end to this huge loss and waste, and conserve both our mineral resources and the lives of the men who take them from the earth.

I desire to make grateful acknowledgment to the men, both in and out of the government service, who have prepared the first inventory of our natural resources. They have made it possible for this nation to take a great step forward. Their work is helping us to see that the greatest questions before us are not partisan questions, but questions upon which men of all parties and all shades of opinion may be united for the common good. Among such questions, on the material side, the conservation of natural resources stands first. It is the bottom round of the ladder on our upward progress toward a condition in which the nation as a whole, and its citizens as individuals, will set national efficiency and the public welfare before personal profit.

The policy of conservation is perhaps the most typical example of the general policies which this Government has made peculiarly its own during the opening years of the present century. The function of our Government is to insure to all its citizens, now and hereafter, their rights to life, liberty, and the pursuit of happiness. If we of this generation destroy the resources from which our children would otherwise derive their livelihood, we reduce the capacity of our land to support a population, and so either degrade the standard of living or deprive the coming generations of their right to life on this continent. If we allow great industrial organizations to exercise unregulated control of the means of production and the necessaries of life, we deprive the Americans of to-day and of the future of industrial liberty, a right no less precious and vital than political freedom. Industrial liberty was a fruit of political liberty, and in turn has become one of its chief supports, and exactly as we stand for political democracy so we must stand for industrial democracy.

The rights to life and liberty are fundamental, and like other fundamental necessities, when once acquired, they are little dwelt upon. The right to the pursuit of happiness is the right whose presence or absence is most likely to be felt in daily life. In whatever it has accomplished, or failed to accomplish, the administration which is just drawing to a close has at least seen clearly the fundamental need of freedom of opportunity for every citizen. We have realized that the right of every man to live his own life, provide for his family, and endeavor, according to his abilities, to secure for himself and for them a fair share of the good things of existence, should be subject to one limitation and to no other. The freedom of the individual should be limited only by the present and future rights, interests, and needs of the other individuals who make up the community. We should do all in our power to develop and protect individual liberty, individual initiative, but subject always to the need of preserving and promoting the general good. When necessary, the private right must yield, under due process of law and with proper compensation, to the welfare of the commonwealth. The man who serves the community greatly should be greatly rewarded by the community; as there is great inequality of service so there must be great inequality of reward; but no man and no set of men should be allowed to play the game of competition with loaded dice.

All this is simply good common sense. The underlying principle of conservation has been described as the application of common sense to common problems for the common good. If the description is correct, then conservation is the great fundamental basis for national efficiency. In this stage of the world's history to be fearless, to be just, and to be efficient are the three great requirements of national life. National efficiency is the result of natural resources well handled, of freedom of opportunity for every man, and of the inherent capacity, trained ability, knowledge and will, collectively and individually to use that opportunity.

that opportunity.

This administration has achieved some things; it has sought, but has not been able, to achieve others; it has doubtless made mistakes; but all it has done or attempted has been in the single, consistent effort to secure and enlarge the rights and opportunities of the men and women of the United States. We are trying to conserve what is good in our social system, and we are striving toward this end when we endeavor to do away with what is bad. Success may be made too hard for some if it is made too easy for others. The rewards of common industry and thrift may be too small if the rewards for other, and on the whole less valuable, qualities, are made too large, and especially if the rewards for qualities which are really, from the public standpoint, undesirable, are permitted to become too large. Our aim is so far as possible to provide such conditions that there shall be equality of opportunity where there is equality of energy, fidelity, and intelligence; when there is a reasonable equality of opportunity the distribution of rewards will take care of itself.

The unchecked existence of monopoly is incompatible with equality of opportunity. The reason for the exercise of government control over great monopolies is to equalize opportunity. We are fighting against privilege. It was made unlawful for corporations to contribute money for election expenses in order to abridge the power of special privilege at the polls. Railroad-rate control is an attempt to secure an equality of opportunity for all men affected by rail transportation; and that means all of us. The great anthracite coal strike was settled, and the pressing danger of a coal famine averted, because we recognized that the control of a public necessity involves a duty to the people, and that public intervention in the affairs of a public-service corporation is neither to be resented as usurpation nor permitted as a privilege by the corporations, but on the contrary to be accepted as a duty and exercised as a right by the Government in the interest of all the people. The efficiency of the army and the navy has been increased so that our people may follow in peace the great work of making this country a better place for Americans to live in, and our navy was sent round the world for the same ultimate purpose. All the acts taken by the Government during the last seven years, and all the policies now being pursued by the Government, fit in as parts of a consistent whole.

Our public-land policy has for its aim the use of the public land so that it will promote local development by the settlement of home makers; the policy we champion is to serve all the people legitimately and openly, instead of permitting the lands to be converted, illegitimately and under cover, to the private benefit of a few. Our forest policy was established so that we might use the public forests for the permanent public good, instead of merely for temporary private gain. The reclamation act, under which the desert parts of the public domain are converted to

higher uses for the general benefit, was passed so that more

Americans might have homes on the land.

These policies were enacted into law and have justified their enactment. Others have failed, so far, to reach the point of action. Among such is the attempt to secure public control of the open range and thus to convert its benefits to the use of the small man, who is the home maker, instead of allowing it to be controlled by a few great cattle and sheep owners.

The enactment of a pure food law was a recognition of the fact that the public welfare outweighs the right to private gain, and that no man may poison the people for his private profit. The employers' liability bill recognized the controlling fact that while the employer usually has at stake no more than his profit, the stake of the employee is a living for himself and his family.

We are building the Panama Canal; and this means that we are engaged in the giant engineering feat of all time. We are striving to add in all ways to the habitability and beauty of our country. We are striving to hold in the public hands the remaining supply of unappropriated coal, for the protection and benefit of all the people. We have taken the first steps toward the conservation of our natural resources, and the betterment of country life, and the improvement of our waterways. We stand for the right of every child to a childhood free from grinding toil, and to an education; for the civic responsibility and decency of every citizen; for prudent foresight in public matters, and for fair play in every relation of our national and economic life. In international matters we apply a system of diplomacy which puts the obligations of international morality on a level with those that govern the actions of an honest gen-tleman in dealing with his fellow-men. Within our own border we stand for truth and honesty in public and in private life; and we war sternly against wrongdoers of every grade. All these efforts are integral parts of the same attempt, the attempt to enthrone justice and righteousness, to secure freedom of opportunity to all of our citizens, now and hereafter, and to set the ultimate interest of all of us above the temporary interest of any individual, class, or group.

The nation, its government, and its resources exist, first of all, for the American citizen, whatever his creed, race, or birthplace, whether he be rich or poor, educated or ignorant, provided only that he is a good citizen, recognizing his obligations to the nation for the rights and opportunities which he owes to the

The obligations, and not the rights, of citizenship increase in proportion to the increase of a man's wealth or power. time is coming when a man will be judged, not by what he has succeeded in getting for himself from the common store, but by how well he has done his duty as a citizen, and by what the ordinary citizen has gained in freedom of opportunity because of his service for the common good. The highest value we know is that of the individual citizen, and the highest justice is to give him fair play in the effort to realize the best there is in him.

The tasks this nation has to do are great tasks. They can only be done at all by our citizens acting together, and they can be done best of all by the direct and simple application of homely common sense. The application of common sense to homely common sense. common problems for the common good, under the guidance of the principles upon which this republic was based, and by virtue of which it exists, spells perpetuity for the nation, civil and industrial liberty for its citizens, and freedom of oppor-tunity in the pursuit of happiness for the plain American, for whom this nation was founded, by whom it was preserved, and through whom alone it can be perpetuated. Upon this platform—larger than party differences, higher than class prejudice, broader than any question of profit and loss—there is room for every American who realizes that the common good stands

The National Conservation Commission wisely confined its report to the statement of facts and principles, leaving the Executive to recommend the specific steps to which these facts and principles inevitably lead. Accordingly, I call your attention to some of the larger features of the situation disclosed by the report, and to the action thereby clearly demanded for the general good.

WATERS.

The report says:

Within recent months it has been recognized and demanded by the people, through many thousand delegates from all States assembled in convention in different sections of the country, that the waterways should and must be improved promptly and effectively as a means of maintaining national prosperity.

"The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is

development of terminals and connections in such manner as to regulate commerce."

Accordingly, I urge that the broad plan for the development of our waterways, recommended by the Inland Waterways Commission, be put in effect without delay. It provides for a comprehensive system of waterway improvement extending to all the uses of the waters and benefits to be derived from their control, including navigation, the development of power, the extension of irrigation, the drainage of swamp and overflow lands, the prevention of soil wash, and the purification of streams for water supply. It proposes to carry out the work by coordinating agencies in the federal departments through the medium of an administrative commission or board, acting in cooperation with the States and other organizations and individual citizens.

The work of waterway development should be undertaken ithout delay. Meritorious projects in known conformity with without delay. Meritorious projects in known conformity with the general outlines of any comprehensive plan should proceed The cost of the whole work should be met by direct appropriation if possible, but if necessary by the issue of bonds

in small denominations.

It is especially important that the development of water power should be guarded with the utmost care both by the National Government and by the States in order to protect the people against the upgrowth of monopoly and to insure to them a fair share in the benefits which will follow the development of this great asset which belongs to the people and should be controlled by them.

FORESTS.

I urge that provision be made for both protection and more rapid development of the national forests. Otherwise, either the increasing use of these forests by the people must be checked or their protection against fire must be dangerously weakened. If we compare the actual fire damage on similar areas on private and national forest lands during the past year, the government fire patrol saved commercial timber worth as much as the total cost of caring for all national forests at the present rate for about ten years.

I especially commend to the Congress the facts presented by the commission as to the relation between forests and stream flow in its bearing upon the importance of the forest lands in national ownership. Without an understanding of this inti-mate relation the conservation of both these natural resources

must largely fail.

The time has fully arrived for recognizing in the law the responsibility to the community, the State, and the nation which rests upon the private owners of private lands. The ownership of forest land is a public trust. The man who would so handle his forest as to cause erosion and to injure stream flow must be not only educated, but he must be controlled.

The report of the National Conservation Commission says:

"Forests in private ownership can not be conserved unless they are protected from fire. We need good fire laws, well enforced. Fire control is impossible without an adequate force of men whose sole duty is fire patrol during the dangerous season.

I hold as first among the tasks before the States and the nation in their respective shares in forest conservation the organization of efficient fire patrols and the enactment of good fire laws on the part of the States.

The report says further:

Present tax laws prevent reforestation of cut-over land and the perpetuation of existing forests by use. An annual tax upon the land itself, exclusive of the timber, and a tax upon the timber when cut is well adapted to actual conditions of forest investment and is practicable and certain. It is far better that forest land should pay a moderate tax permanently than that it should pay an excessive revenue temporarily and then cease to yield at all."

Second only in importance to good fire laws well enforced is the enactment of tax laws which will permit the perpetuation

of existing forests by use.

With our increasing population the time is not far distant when the problem of supplying our people with food will become pressing. The possible additions to our arable area are not great, and it will become necessary to obtain much larger crops from the land, as is now done in more densely settled countries. To do this, we need better farm practice and better strains of wheat, corn, and other crop plants, with a reduction in losses from soil erosion and from insects, animals, and other enemies of agriculture. The United States Department of Agriculture is doing excellent work in these directions and it should be liberally supported.

The remaining public lands should be classified and the arable lands disposed of to home makers. In their interest the timber and stone act and the commutation clause of the homestead act should be repealed, and the desert-land law should be modified in accordance with the recommendations of the Public Lands Commission.

The use of the public grazing lands should be regulated in such ways as to improve and conserve their value.

Rights to the surface of the public land should be separated from rights to forests upon it and to minerals beneath it, and these should be subject to separate disposal.

The coal, oil, gas, and phosphate rights still remaining with the Government should be withdrawn from entry and leased under conditions favorable for economic development.

MINERALS.

The accompanying reports show that the consumption of nearly all of our mineral products is increasing more rapidly than our population. Our mineral waste is about one-sixth of our product, or nearly \$1,000,000 for each working day in the year. The loss of structural materials through fire is about another million a day. The loss of life in the mines is appalling. The larger part of these losses of life and property can be avoided.

Our mineral resources are limited in quantity and can not be increased or reproduced. With the rapidly increasing rate of consumption the supply will be exhausted while yet the nation is in its infancy, unless better methods are devised or substi-tutes are found. Further investigation is urgently needed in order to improve methods and to develop and apply substitutes. It is of the utmost importance that a Bureau of Mines be

established in accordance with the pending bill to reduce the loss of life in mines and the waste of mineral resources and to investigate the methods and substitutes for prolonging the dura-tion of our mineral supplies. Both the need and the public demand for such a bureau are rapidly becoming more urgent. It should cooperate with the States in supplying data to serve as a basis for state mine regulations. The establishment of this bureau will mean merely the transfer from other bureaus of work which it is agreed should be transferred and slightly enlarged and reorganized for these purposes.

CONCLUSIONS.

The joint conference already mentioned adopted two resolu-tions to which I call your special attention. The first was intended to promote cooperation between the States and the nation upon all of the great questions here discussed. It is as

"Resolved, That a joint committee be appointed by the chairman, to consist of six members of state conservation commis-sions and three members of the National Conservation Commission, whose duty it shall be to prepare and present to the state and national commissions, and through them to the governors and the President, a plan for united action by all organizations concerned with the consequent of present the consequent of the state of the concerned with the conservation of natural resources. (On motion of Governor Noel, of Mississippi, the chairman and secre-tary of the conference were added to and constituted a part of this committee.)"

The second resolution of the joint conference to which I refer calls upon the Congress to provide the means for such cooperation. The principle of the community of interest among all our people in the great natural resources runs through the report of the National Conservation Commission and the proceedings of the joint conference. These resources, which form the common basis of our welfare, can be wisely developed, rightly used, and prudently conserved only by the common action of all the people, acting through their representatives in State and nation. Hence the fundamental necessity for cooperation. Without it we shall accomplish but little, and that little badly. The resolution

"We also especially urge on the Congress of the United States the high desirability of maintaining a national commission on the conservation of the resources of the country, empowered to cooperate with state commissions to the end that every sovereign commonwealth and every section of the country may attain the high degree of prosperity and the sureness of perpetuity naturally arising in the abundant resources and the vigor, intelligence, and patriotism of our people."

In this recommendation I most heartily concur, and I urge that an appropriation of at least \$50,000 be made to cover the expenses of the National Conservation Commission for necessary rent, assistance, and traveling expenses. This is a very small sum. I know of no other way in which the appropriation of so small a sum would result in so large a benefit to the whole

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 22, 1909.

National Conservation Commission, Washington, January 11, 1999.

NATIONAL CONSERVATION COMMISSION,
Washington, January 11, 1909.

Sir: Herewith I have the honor to place in your hands the report of the National Conservation Commission, created by you June 8, 1908, to inquire into and advise you as to the condition of our natural resources, and to cooperate with other bodies created for similar purposes by the States.

The executive committee designated in your letter creating the commission organized on June 19 and outlined a plan for making an inventory of the natural resources of the United States. On July 1 work was undertaken, accordingly, with the cooperation of the bureaus of the federal departments, authorities of the different States, and representative bodies of the national industries. The results of this cooperative work are herewith submitted as appendices of the commission's report.

The mass of material which constitutes the inventory has been summarized under the direction of the secretaries of the respective sections of the commission so as to assemble the most salient points of the inventory. At the first general meeting of the commission, on December 1, 1908, the summaries of the four sections of the commission were presented and were supplemented by personal statements of the experts in the several bureaus in the executive departments who had immediate charge of the inventory along their special lines of work. After the discussion of the summaries and statements the commission united in the report which is hewith submitted.

In view of the peculiarly valuable contributions and services rendered by the experts of the several departments, the commission at is closing session unanimously adopted the following resolutions:

"Whereas the commission, in the discharge of the duties committed to it, has been greatly aided by the patient labors and the ability and zeal of its secretary and the secretary of each of its four sections, and of the experts in the government service who lent their assistance in the collection of statistical and other data necessary to th

"Resolved, That the commission hereby makes cordial acknowledgment of its obligation to the gentlemen referred to and tenders them its thanks.

"Resolved further, That the secretary of the commission be directed to transmit to each of those who prepared papers and who appeared before the commission a copy of these resolutions."

In addition, I desire to call your special attention to the spirit and devotion of the gentlemen without whose services the making of the national inventory would have been impossible. Through their great interest in the task intrusted by you to the commission and to them a great part of their work in connection with the inventory was performed outside the official hours. Furthermore, the material which they have prepared presents valuable information in connection with the work of the several executive departments, which otherwise would not have been collected at this time. The assembling of this vast amount of material is largely due to Mr. Henry Gannett, whom you designated for this work, and to whose expert knowledge and power of generalization the commission owes more than it can repay.

In its cooperation "with other bodies created for similar purposes by the States," the National Conservation Commission has had most valuable assistance. Within the first month after the creation of the commissions, and an equal number of organizations of national scope had named conservation committees. At the time of the recent joint conservation conference 33 States and Territories had formed conservation commissions, and an equal number has now increased to 36, with indications that nearly all of the remaining States will soon take similar action. The number of national organizations which have appointed conservation committees is 41.

The report herewith submitted was unanimously approved by the joint conservation commission commissions and 3 members of the National Conservation Commission of national resources. By this action the conservation movement enters the field of definite constructive

The PRESIDENT, The White House.

REPORT OF THE NATIONAL CONSERVATION COMMISSION.

The duty of man to man, on which the integrity of nations must rest, is no higher than the duty of each generation to the next; and the obligation of the Nation to each actual citizen is no more sacred than the obligation to the citizen to be, who, in turn, must bear the Nation's duties and responsibilities.

In this country, blessed with natural resources in unsurpassed profusion, the sense of responsibility to the future has been slow to awaken. Beginning without appreciation of the measure or the value of natural resources other than land with water for commercial uses, our forefathers pushed into the wilderness and, through a spirit of enterprise which is the glory of the Nation, developed other great resources. Forests were cleared away as obstacles to the use of the land; iron and coal were discovered and developed, though for years their presence added nothing to the price of the land; and through the use of native woods and metals and fuels, manufacturing grew beyond all precedent, and the country became a power among the nations of the world.

Gradually the timber growing on the ground, and the iron and coal within the ground, came to have a market value and were bought and sold as sources of wealth. Meanwhile, vast holdings of these resources were acquired by those of greater foresight than their neighbors before it was generally realized that they possessed value in themselves; and in this way large interests, assuming monopolistic proportions, grew up, with greater enrichment to their holders than the world had seen before, and with the motive of immediate profit, with no concern for the future or thought of the permanent benefit of country and people, a wasteful and profligate use of the resources began and has continued. The waters, at first recognized only as aids to commerce in supplying transportation routes, were largely neglected. In time this neglect began to be noticed, and along with it the destruction and approaching exhaustion of the fores

sources, men began to realize that the permanent welfare of the country as well as the prosperity of their offspring were at stake.

The newly awakened sense of duty found expression in a call by the President upon the governors of the States to meet him in conference, and in the declaration of this conference at its sessions in the White House in May, 1908. The action of the conference led to the appointment of the National Conservation Commission, with authority to collect information and cooperate with similar commissions appointed by the States in the great work of conserving the natural resources of the country.

the States in the great work of conserving the natural resources of the country.

In the growth of the country and gradual development of the natural resources there have been three noteworthy stages. The first stage was that of individual enterprise for personal and family benefit. It led to the conquest of the wilderness.

The next stage was that of collective enterprise, either for the benefit of communities or for the profit of individuals forming the communities. It led to the development of cities and States, and too often to the growth of great monopolies.

The third stage is the one we are now entering. Within it the enterprise is collective and largely cooperative, and should be directed toward the larger benefit of communities, States, and the people generally.

In the first stage the resources received little thought. In the second they were wastefully used. In the stage which we are entering wise and beneficial uses are essential, and the checking of waste is absolutely demanded.

Although the natural resources are interrelated they are unlike, and

demanded.

Although the natural resources are interrelated they are unlike, and each class requires distinct treatment. The land is a fixed quantity which can not be materially increased, though its productivity and availability for the uses of man may be greatly augmented; the forests are variable in quantity and may be destroyed by fire, waste, and improvident use, or protected and improved in such way as to meet human necessities. Together the lands and the forests are improvable resources. The minerals are limited in quantity and can not be increased or improved by anything which man may do. They are expendable resources.

Sources.

The fresh waters are limited in quantity, though the supply is permanent. They form a naturally renewable resource which man may do nothing to increase, but may do much in the way of conservation and better utilization.

The treatment applied to each class should be adapted to its own fullest development and best utilization and to those of the other classes of resources.

and better utilization.

The treatment applied to each class should be adapted to its own fullest development and best utilization and to those of the other classes of resources.

The waste which most urgently requires checking varies widely in character and amount. The most reprehensible waste is that of destruction, as in forest fires, uncontrolled flow of gas and oil, soil wash, and abandonment of coal in the mines. This is attributable, for the most part, to ignorance, indifference, or false notions of economy, to rectify which is the business of the people collectively.

Nearly as reprehensible is the waste arising from misuse, as in the consumption of fuel in furnaces and engines of low efficiency, the loss of water in floods, the employment of ill-adapted structural materials, the growing of ill-chosen crops, and the perpetuation of inferior stocks of plants and animals, all of which may be remedied.

Reprehensible in less degree is the waste arising from nonuse. Since the utilization of any one resource is necessarily progressive and dependent on social and industrial conditions and the concurrent development of other resources, nonuse is sometimes unavoidable. It becomes reprehensible when it affects the common welfare and entails future injury. Then, it should be rectified in the general interest.

For the prevention of waste the most effective means will be found in the increase and diffusion of knowledge, from which is sure to result an aroused public sentiment demanding prevention. The people have the matter in their own hands. They may prevent or limit the destruction of resources and restrain misuse through the enactment and enforcement of appropriate state and federal laws.

At every stage in the growth of our country, strong men grew stronger through the exercise of nation building, and their intelligence and patriotism grew with their strength. The spirit and vigor of our people are the chief glory of the Republic. Yet even as we have neglected our natural resources, so have we been thoughtles

MINERALS

The mineral production of the United States for 1907 exceeded \$2,000,000,000, and contributed 65 per cent of the total frieght traffic of the country. The waste in the extraction and treatment of mineral products during the same year was equivalent to more than \$300,000,000.

The production for 1907 included 395,000,000 tons of bituminous and \$5,000,000 tons of anthractice coal, 166,000,000 tons of bituminous and \$5,000,000 tons of nhosphate rock, and \$69,000,000 pounds of copper. The values of other mineral products during the same year included clay products, \$162,000,000; stone, \$71,000,000; cement, \$56,000,000; natural gas, \$50,000,000; stone, \$71,000,000; silver, \$37,000,000; lead, \$39,000,000; and zinc, \$26,000,000.

The available and easily accessible supplies of coal in the United States aggregate approximately 1,400,000,000,000 tons. At the present increasing rate of production this supply will be so depleted as to approach exhaustion before the middle of the next century.

The known supply of high-grade iron ores in the United States approximates 3,840,000,000 tons, which at the present increasing rate of consumption can not be expected to last beyond the middle of the present century. In addition to this, there are assumed to be 59,000,000,000 tons of lower grade iron ores which are not available for use under existing conditions.

The supply of stone, clay, cement, lime, sand, and salt is ample, while the stock of the precious metals and of copper, lead, zinc,

sulphur, asphalt, graphite, quicksilver, mica, and the rare metals can not well be estimated, but is clearly exhaustible within one to three centuries unless unexpected deposits be found.

The known supply of petroleum is estimated at 15,000,000,000 to 20,000,000,000 barrels, distributed through six separate fields having an aggregate area of 8,900 square miles. The production is rapidly increasing, while the wastes and the loss through misuse are enormous. The supply can not be expected to last beyond the middle of the present century.

Increasing, while the wastes and the loss through misuse are enormous. The supply can not be expected to last beyond the middle of the present century.

The known natural-gas fields aggregate an area of 9,000 square miles, distributed through 22 States. Of the total yield from these fields during 1907, 400,000,000,000 cubic feet, valued at \$62,000,000, were utilized, while an equal quantity was allowed to escape into the air. The daily waste of natural gas—the most perfect known fuel—is over 1,000,000,000,000 cubic feet, or enough to supply every city in the United States of over 100,000 population.

Phosphate rock, used for fertilizer, represents the slow accumulation of organic matter during past ages. In most countries it is scrupulously preserved; in this country it is extensively exported, and largely for this reason its production is increasing rapidly. The original supply can not long withstand the increasing demand.

The consumption of nearly all our mineral products is increasing far more rapidly than our population. In many cases the waste is increasing more rapidly than the number of our people. In 1776 but a few dozen pounds of iron were in use by the average family; now our annual consumption is over 1,200 pounds per capita. In 1812 no coal was used; now the consumption is over 5 tons and the waste nearly 3 tons per capita.

While the production of coal is increasing enormously, the waste and loss in mining are diminishing. At the beginning of our mineral development the coal abandoned in the mine was two or three times the amount taken out and used. Now the mine waste averages little more than half the amount saved. The chief waste is in imperfect combustion in furnaces and fire boxes. Steam engines utilize on the average about 8 per cent of the thermal energy of the coal, Internal-combustion engines utilize less than 20 per cent, and in electric lighting far less than 1 per cent of the thermal energy is rendered available.

With increasing industries new mineral resources become available from ti

With increasing industries new mineral resources become available from time to time. Some lignites and other low-grade coals are readily gasified and, through the development of internal-combustion engines, check the consumption of high-grade coals. Peat is becoming important; it is estimated that 14,000,000,000 tons are available in the United States. Its value is enhanced because of distribution through States generally remote from the fields of coal, oil, and natural gas.

The uses of all our mineral resources are interdependent. This is especially true of coal and iron, of which neither can be produced or used without aid from the other, and in the production or reduction of all other minerals both coal and iron are employed. The same standard minerals are necessary to the development of power, of which the use is increasing more rapidly than that of any other commodity.

The building operations of the country now aggregate about \$1,000,000,000 per year. The direct and indirect losses from fire in the United States during 1907 approximated \$450,000,000, or one-half the cost of construction. Of this loss four-fifths, or an average of \$1,000,000 per day, could be prevented, as shown by comparison with the standards of construction and fire losses in the larger European countries.

So far as the ores are taken from the mines and reduced to metals,

countries.

So far as the ores are taken from the mines and reduced to metals, these resources are capitalized; but after thus being changed to a more valuable form they should be so used as to reduce to a minimum the loss by rust, electrolytic action, and other waste.

There is urgent need for greater safety to the miner. The loss of life through mine accidents is appalling, and preventive measures can not be taken too soon.

The National Government should exercise such control of the mineral fuels and phosphate rocks now in its possession as to check waste and prolong our supply.

While the distribution and quantity of most of our important mineral substances are known in a general way, there is imperative need for further surveys and investigations and for researches concerning the less-known minerals.

LANDS.

The total land area of continental United States is 1,900,000,000 acres. Of this but little more than two-fifths is in farms, and less than one-half of the farm area is improved and made a source of crop production. We have nearly 6,000,000 farms. They average 146 acres each. The value of the farms is nearly one-fourth the wealth of the United States. There are more than 300,000,000 acres of public grazing land. The number of persons engaged in agricultural pursuits is more than 10,000,000.

States. There are more than 300,000 acres of public grazing land. The number of persons engaged in agricultural pursuits is more than 10,000,000.

We grow one-fifth of the world's wheat crop, three-fifths of its cotton crop, and four-fifths of its corn crop. We plant nearly 50,000,000 acres of wheat annually, with an average yield of about 14 bushels per acre; 100,000,000 acres of corton, yielding an average of 25 bushels. per acre; and 30,000,000 acres of cotton, yielding about 12,000,000 bales.

We had on January 1, 1908, 71,000,000 cattle, worth \$1,250,000,000; 54,000,000 sheep, worth \$211,000,000; and 56,000,000 swine, worth \$339,000,000. The census of 1900 showed \$137,000,000 worth of poultry in this country, which produced in 1899 293,000,000 dozen eggs.

There has been a slight increase in the average yield of our great staple farm products, but neither the increase in acreage nor the yield per acre has kept pace with our increase in population. Within a century we shall probably have to feed three times as many people as now; and the main bulk of our food supply must be grown on our own soil.

The area of cultivated land may possibly be doubled. In addition to the land awaiting the plow, 75,000,000 acres of swamp land can be reclaimed, 40,000,000 acres of desert land irrigated, and millions of acres of brush and wooded land cleared. Our population will increase continuously, but there is a definite limit to the increase of our cultivated acreage. Hence we must greatly increase the yield per acre. The average yield of wheat in the United States is less than 14 bushels per acre, in Germany 28 bushels, and in England 32 bushels. We get 30 bushels of oats per acre, England nearly 45, and Germany more than 47. Our soils are fertile, but our mode of farming neither conserves the soil nor secures full crop returns. Soil fertility need not be diminished, but may be increased. The large yields now obtained from farms in Europe which have been cultivated for a thousand years prove this conclusively, Proper manage

The greatest unnecessary loss of our soil is preventable erosion. Second only to this is the waste, nonuse, and misuse of fertilizer derived from animals and men.

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The losses to farm products due to injurious mammals is estimated at \$130,000,000 annually; the loss through plant diseases reaches several hundred million dollars; and the loss through insects is reckoned at \$659,000,000. The damage by birds is balanced by their beneficent work in destroying noxious insects. Losses due to the elements are large, but no estimate has been made of them. Losses to live stock from these causes are diminishing because of protection and feeding during winter. The annual losses from disease among domestic animals are: Horses, 1.8 per cent; cattle, 2 per cent; sheep, 2.2 per cent; and swine, 5.1 per cent. Most of these farm losses are preventable.

There is a tendency toward consolidation of farm lands. The estimated area of abandoned farms is 16,000 square miles, or about 3 per cent of the improved land. The causes of abandonment differ in different parts of the country. Where most prevalent, it is caused principally by erosion and exhaustion of the soil.

The product of the fisheries of the United States has an annual value of \$57,000,000. Fish culture is carried on by the Nation and the States on an enormous scale. Most of the more important food species are propagated, and several species are maintained in that way. Fish from forest waters furnish \$21,000,000 worth of food yearly, a supply dependent on the preservation of the forests.

Our wild game and fur-bearing animals have been largely exterminated. To prevent their complete extinction, the States and the United States have taken in hand their protection, and their numbers are now increasing. Forest game yields over \$10,000,000 worth of food each year.

With game birds the story is much the same—wanton destruction

With game birds the story is much the same—wanton destruction until the number has been greatly reduced, followed in recent years by wise protection, which in some cases allows the remnant to survive and increase

wise protection, which in some cases allows the remnant to survive and even to increase.

Each citizen of the United States owns an equal undivided interest in about 375,000,000 acres of public lands, exclusive of Alaska and the insular possessions. Besides this there are about 235,000,000 acres of national forests, national parks, and other lands devoted to public use. Good business sense demands that a definite land policy be formulated. The National Conservation Commission believes that the following will serve as a basis therefor:

1. Every part of the public lands should be devoted to the use which will best subserve the interests of the whole people.

2. The classification of all public lands is necessary for their administration in the interests of the people.

3. The timber, the minerals, and the surface of the public lands should be disposed of separately.

4. Public lands more valuable for conserving water supply, timber, and natural beauties or wonders than for agriculture should be held for the use of the people from all except mineral entry.

5. Title to the surface of the remaining nonmineral public lands should be granted only to actual home makers.

6. Pending the transfer of title to the remaining public lands they should be administered by the Government and their use should be allowed in a way to prevent or control waste and monopoly.

The present public land laws as a whole do not subserve the best interests of the nation. They should be modified so far as may be required to bring them into conformity with the foregoing outline of policy.

FORESTS.

FORESTS.

Next to our need of food and water comes our need of timber.
Our industries which subsist wholly or mainly upon wood pay the wages of more than 1,500,000 men and women.
Forests not only grow timber, but they hold the soil and they conserve the streams. They abate the wind and give protection from excessive heat and cold. Woodlands make for the fiber, health, and happiness of the citizen and the nation.
Our forests now cover 550,000,000 acres, or about one-fourth of the United States. The original forests covered not less than 850,000,000

United States. The original forests covered not less than \$50,000,000 acres.

Forests publicly owned cover one-fourth of the total forest area and contain one-fifth of all our standing timber. Forests privately owned cover three-fourths of the area and contain four-fifths of the standing timber. The timber privately owned is not only four times that publicly owned, but is generally more valuable.

Forestry is now practiced on 70 per cent of the forests publicly owned and on less than 1 per cent of the forests privately owned, or on only 18 per cent of the total area of forests.

The yearly growth of wood in our forests does not average more than 12 cubic feet per acre. This gives a total yearly growth of less than 7,000,000,000 cubic feet.

We have 200,000,000 acres of mature forests, in which yearly growth is balanced by decay: 250,000,000 acres partly cut over or burned over, but restocking naturally with enough young growth to produce a merchantable crop, and 100,000,000 acres cut over and burned over, by the total from our forests yearly including weste in leaving and including the leaving

which young growth is lacking or too scanty to make merchantable timber.

We take from our forests yearly, including waste in logging and in manufacture, 23,000,000,000 cubic feet of wood. We use each year 100,000,000,000 posts, poles, and fence rails; 118,000,000 hewn ties; 1,500,000,000 staves; over 133,000,000 sets of heading; nearly 500,000,000 barrel hoops; 3,000,000 cords of native pulp wood; 165,000,000 cubic feet of round mine timbers, and 1,250,000 cords of wood for distillation.

Since 1870 forest fires have destroyed a yearly average of 50 lives and \$50,000,000 worth of timber. Not less than 50,000,000 acres of forest is burned over yearly. The woung growth destroyed by fire is worth far more than the merchantable timber burned.

One-fourth of the standing timber is lost in logging. The boxing of long-leaf pine for turpentine has destroyed one-fifth of the forests worked. The loss in the mill is from one-third to two-thirds of the timber sawed. The loss of mill product in seasoning and fitting for use is from one-seventh to one-fourth.

Of each 1,000 feet which stood in the forest, an average of only 320 feet of lumber is used.

We take from our forests each year, not counting the loss by fire, three and a half times their yearly growth. We take 40 cubic feet per acre for each 12 cubic feet grown; we take 260 cubic feet per capita, while Germany uses 37 and France 25 cubic feet.

We tax our forests under the general property tax, a method abandoned long ago by every other great nation. Present tax laws prevent reforestation of cut-over land and the perpetuation of existing forests by use.

Great damage is done to standing timber by injurious forest insects. Much of this damage can be prevented at small expense.

To protect our farms from wind and to reforest land best suited for forest growth will require tree planting on an area larger than Pennsylvania, Ohio, and West Virginia combined. Lands so far successfully planted make a total area smaller than Rhode Island; and year by year, through careless cutting and fires, we lower the capacity of existing forests to produce their like again, or else totally desiroy them.

In spite of substitutes we shall always need much wood. So far our use of it has steadily increased. The condition of the world's supply of timber makes us already dependent upon what we produce. We send out of our country one and a half three as much timber as we bring in. Except for finishing woods, relatively small in amount, we must grow our own supply or go without. Until we pay for our lumber what it costs to grow it, as well as what it costs to log and saw, the price will continue to rise.

The preservation by use, under the methods of practical forestry, of all public forest lands, either in state or federal ownership, is essential to the permanent public welfare. In many forest States the acquirement of additional forest lands as state forests is necessary to the best interests of the States themselves.

The conservation of our mountain forests, as in the Appalachian system, is a national necessity. These forests are required to aid in the regulation of streams used for navigation and other purposes. The conservation of these forests is impracticable through private enterprise alone, by any State alone, or by the Federal Government alone. Effective and immediate cooperation between these three agencies is essential. Federal ownership of limited protective areas upon important watersheds, effective state fire patrol, and the cooperation of private forest owners are all required.

The true remedy for unwise tax laws lies not in laxity in their application nor in special exem

tial. Federal ownership of limited protective areas upon important watersheds, effective state fire patrol, and the cooperation of private forest owners are all required.

The true remedy for unwise tax laws lies not in laxity in their application nor in special exemption, but in a change in the method of taxation. An annual tax upon the land itself, exclusive of the value of the timber, and a tax upon the timber when cut, is well adapted to actual conditions of forest investment, and is practicable and certain. It is far better that forest land should pay a moderate tax permanently than that it should pay an excessive revenue temporarily and then cease to pay at all.

Forests in private ownership can not be conserved unless they are protected from fire. We need good fire laws, well enforced. Fire control is impossible without an adequate force of men whose sole duty is fire patrol during the dangerous season.

The conservative use of the forest and of timber by American citizens will not be general until they learn how to practice forestry. Through a vigorous national campaign in education, forestry has taken root in the great body of American citizenship. The basis already exists upon which to build a structure of forest conservation which will endure. This needs the definite commitment of state governments and the Federal Government to their inherent duty of teaching the people how to care for their forests. The final responsibility both for investigative work in forestry and for making its results known rests upon the States and upon the Nation.

By reasonable thrift, we can produce a constant timber supply beyond our present need, and with it conserve the usefulness of our streams for irrigation, water supply, navigation, and power. Under right management, our forests will yield over four times as much as now. We can reduce waste in the woods and in the mill at least one-third, with present as well as future profit. We can perpetuate the naval stores industry. Preservative treatment will reduce by one-fift

WATERS.

WATERS.

The sole source of our fresh water is rainfall, including snow. From this source all running, standing, and ground waters are derived. The habitability of the country depends on these waters. Our mean annual rainfall is about 30 Inches; the quantity about 215,000,000,000,000 cubic feet per year, equivalent to ten Mississippi rivers.

Of the total rainfall, over half is evaporated; about a third flows into the sea; the remaining sixth is either consumed or absorbed. These portions are sometimes called, respectively, the "fly-off," the "run-off," and the "cut-off." They are partly interchangeable. About a third of the run-off, or a tenth of the entire rainfall, passes through the Mississippi. The run-off is increasing with deforestation and cultivation.

Of the 70,000,000,000,000 cubic feet annually flowing into the sea, less than 1 per cent is restrained and utilized for municipal and community supply; less than 2 per cent (or some 10 per cent of that in the arid and semiarid regions) is used for irrigation; perhaps 5 per cent is used for navigation, and less than 5 per cent for power.

For municipal and community water supply there are protected catchment areas aggregating over 600,000 acres, and over \$250,000,000 are invested in waterworks, with nearly as much more in the appurtenant catchment areas and other lands. The population so supplied approaches 10,000,000, and the annual consumption is about 37,500,000,000 cubic feet. The better managed systems protect the catchment areas by forests and grass; the water is controlled and the storm product used, but there is large waste after the water enters the mains.

For irrigation it is estimated that there are \$200,000,000 invested in

For irrigation it is estimated that there are \$200,000,000 invested in dams, ditches, reservoirs, and other works for the partial control of the waters: and that 1.500,000,000,000 cubic feet are annually diverted to irrigable lands, aggregating some 20,000 square miles. Except in some cases through forestry, few catchment areas are controlled, and few reservoirs are large enough to hold the storm waters. The waste in the public and private projects exceeds 60 per cent, while no more than 25 per cent of the water actually available for irrigation of the arid lands is restrained and diverted.

There are in continental United States 282 streams navigated for an aggregate of 26,115 miles, and as much more navigable if improved. There are also 45 canals, aggregating 2.189 miles, besides numerous abandoned canals. Except through forestry in recent years, together with a few reservoirs and canal locks and movable dams, there has been little effort to control headwaters or catchment areas in the interests of navigation, and none of our rivers are navigated to more than a small fraction even of their effective low-water capacity.

The water power now in use is 5,250,000 horsepower; the amount running over government dams and not used is about 1,400,000 horsepower; the amount reasonably available equals or exceeds the entire mechanical power now in use, or enough to operate every mill, drive every spindle, propel every train and boat, and light every city. For irrigation it is estimated that there are \$200,000,000 invested in

town, and village in the country. While the utilization of water power ranks among our most recent and most rapid industrial developments, and the country was a propose, though most plants effect local control through reservoirs and other works. Nearly all the freshet and flood water runs to waste, and the low waters which limit the efficiency of power plants are increasing in frequency and duration with the increasing the recent of the country of the

It has recently been declared by a majority of our leading statesmen that it is an imperative duty to enter upon a systematic improvement, on a large and comprehensive plan, just to all portions of the country, of the waterways and harbors and great lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of a benign Providence, while the minority indorsed the movement for control of the waterways still more specifically and in equally emphatic terms.

of a beingn Frowleence, while the minority industred the movement for control of the waterways still more specifically and in equally emphatic terms.

Within recent months it has been recognized and demanded by the people, through many thousand delegates from all States assembled in convention in different sections of the country, that the waterways should and must be improved promptly and effectively as a means of maintaining national prosperity.

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

In considering the uses and benefits to be derived from the waters, the paramount use should be water supply; next should follow navigation in humid regions and irrigation in arid regions. The development of power on the navigable and source streams should be coordinated with the primary and secondary uses of the waters. Other things equal, the development of power should be encouraged, not only to reduce the drain on other resources, but because properly designed reservoirs and power plants retard the run-off and so aid in the control of the streams for navigation and other bess.

Broad plans should be adopted providing for a system of waterway improvement extending to all uses of the waters and benefits to be derived from their control, including the clarification of the water and

abatement of floods for the benefit of navigation; the extension of irrigation; the development and application of power; the prevention of soil wash; the purification of streams for water supply; and the drainage and utilization of the waters of swamp and overflow lands.

To promote and perfect these plans, scientific investigations, surveys, and measurements should be continued and extended, especially the more accurate determination of rainfall and evaporation, the investigation and measurement of ground water, the gauging of streams and determination of sediment, and topographic surveys of catchment areas and sites available for control of the waters for navigation and related purposes.

NATIONAL EFFICIENCY.

Since the greatest of our national assets is the health and vigor of the American people, our efficiency must depend on national vitality even more than on the resources of the minerals, lands, forests, and

Since the greatest of our national assets is the health and vigor of the American people, our efficiency must depend on national vitality even more than on the resources of the minerals, lands, forests, and waters.

The average length of human life in different countries varies from less than twenty-five to more than fifty years. This span of life is increase that the property of the loss of life from this cause, and from typhoid and other prevalent and preventable diseases, would increase our average length of life over fifteen years.

There are constantly about 3,000,000 persons seriously ill in the this of the property of the p

GIFFORD PINCHOT, Chairman.
W. J. McGee,
Secretary, Section of Waters.
OVERTOR W. PRICE,
Secretary, Section of Forests.
GEORGE W. WOODRUFF,
Secretary, Section of Lands.
J. A. HOLMES,
Secretary, Section of Minerals. Secretary, Section of Minerals.

THOMAS B. SHIPP, Secretary to the Commission. DECEMBER 7, 1908.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. I submit a conference report and ask that it be printed in the RECORD and also as a document without reading.

The VICE-PRESIDENT. 'The Senator from Indiana submits a conference report and asks that it be printed in the RECORD and also as a document without reading. Without objection, it is so ordered. (S. Doc. No. 677.)

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) entitled "A bill relating to affairs in the Territories," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 28, 29, 30, and 46, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"Sec. 11. That no person shall receive a license to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska until he or she shall have, first, submitted a diploma issued by some legally chartered medical school authorizing the holder thereof to practice medicine or surgery, the requirements for graduation of which medical school shall have been at the time of granting said diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or, second, submitted proof of having practiced medicine or surgery, or both, for a period of not less than three successive years continuously prior to the passage of this act and within the jurisdiction of one of the judicial districts of Alaska.'

And that the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of

the matter stricken out insert the following:

Sec. 13. That any applicant for license to practice medicine or surgery within the Territory of Alaska not in possession of the credentials specified in section 3 of this act, may obtain a license at the discretion of the clerk of the district court to whom he applies upon furnishing a properly attested statement, to wit: That he or she is a bona fide resident of Alaska, and has been engaged in the practice of medicine exclusively within the Territory of Alaska for a period of not less than three successive years immediately prior to the passage of this act. The application shall be accompanied by the written recommendation of three bona fide residents of the judicial district wherein the applicant desires to practice, one of whom must be a physician holding a license under section 3 of this act, and shall state in a general way applicant's character and professional ability."

And that the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu

of the matter stricken out insert the following

That the act of the legislature of the Territory of Hawaii, entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii, passed by the legislature of the Territory of Hawaii on the twenty-fourth and twenty-fifth days of April, anno Domini nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed as follows, to wit:

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, together with their associates, hereafter called 'The Company,' and their respective successors and assigns, be, and hereby are, vested with the right, authority, and privileges, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power, in the district of Wailuku, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, and subject to the approval and supervision of the boards or officials having charge of said streets or roads, to

construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Wailuku, on the island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"Sec. 2. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires, and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"SEC. 3. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, or operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"SEC. 4. That the entire plant, lines, poles, and other apparatus and equipments shall at all times be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that pur-

pose.

"Sec. 5. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the

privileges herein granted.

"Sec. 6. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act, or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

"Sec. 7. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: Provided, however, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate is unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"SEC. 8. It is hereby expressly provided that nothing herein contained shall be construed as to grant the company an exclu-

sive right to furnish, sell, or supply electric light and power.
"Sec. 9. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

SEC. 10. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of

the United States.

SEC. 11. That Congress, or the legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

"We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all the elective members of senate of the Territory of Hawaii this twenty-fourth day of April, anno Domini nineteen hundred and seven.

"E. F. BISHOP, "President of the Senate.
"WILLIAM SAVIDGE, "Clerk of the Senate. "We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the house of representatives of the Territory of Hawaii this twenty-fifth day of April, anno Domini nineteen hundred and seven.

"H. L. Holstein, "Speaker."

John H. Wise, "Clerk."

That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii," approved by the governor of the Territory of Hawaii on the first of May, anno Domini nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed as follows, to wit:

"Act 130.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That the Lahaina Ice Company (Limited), as a body corporate, its successors and assigns, hereinafter called "The Company," be, and hereby are, vested with the right, authority, and privilege, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Lahaina, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, subject to the approval and supervision of the officials or boards having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Lahaina, on said island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"SEC. 2. The company shall at all times during the existence of said franchise promptly and efficiently supply such electric light and power in said district of Lahaina as may from time to time be required by persons desiring the same, at any point or points: Provided, That it shall not be required to build, extend, or maintain any line or branch line for the transmission of such electric light or power beyond a distance of three hundred feet from such extension or major fraction thereof, unless the number of lights or amount of power agreed to be taken for not less than one year shall be reasonably sufficient to warrant the construction of such line or branch line or extension: Provided further, That if the company shall be unable to furnish power or light applied for by reason of lack of capacity of the plant or apparatus for producing and transmitting electric current, the company shall be allowed a reasonable time, not exceeding one year from the date of any application, to procure such additional improvements or apparatus as may be necessary to furnish such applicant or applicants.

"SEC. 3. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"Sec. 4. That all poles, lines, wires, cables, lamps, lampposts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, and operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"Sec. 5. That the entire plant, lines, poles, and all other apparatus and equipments shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for

that purpose.

"Sec. 6. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: Provided, however, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate or rates is or are unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"Sec. 7. Said company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the company's nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other materials, and labor necessary to be used in making such connections: Provided, however, That the company shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the company a sum of money, sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the

period of one month.

"Sec. 8. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, and mixed, as may be necessary or incidental to the proper conduct of its business; but said company shall not have the right or power to purchase franchises and property of any other company of like nature in said district of Lahaina.

"Sec. 9. Said company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of any or all of its property, franchises, and privileges granted or obtained by virtue of this act, or, if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per centum of the actual value thereof, with all future acquired property, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as the company shall deem advisable: Provided, That nothing in this section contained shall operate to prevent said company from obtaining the usual business credits and to make promissory notes without security.

"Sec. 10. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privi-

leges herein granted.

"Sec. 11. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

"Sec. 12. It is hereby expressly provided that nothing herein contained shall be so construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power. "Sec. 13. The said company shall, within one month after

"Sec. 13. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"Sec. 14. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval to be secured within five years from the date of this act becoming law.

"Sec. 15. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, nend, or repeal said act.
"Approved this 1st day of May, A. D. 1907.
"G. R. CARTER, amend, or repeal said act.

"Governor of the Territory of Hawaii."

And that the Senate agree to the same.

ALBERT J. BEVERIDGE, KNUTE NELSON, JAMES P. CLARKE, Managers on the part of the Senate. E. L. HAMILTON, A. B. CAPRON, JAMES T. LLOYD, Managers on the part of the House.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. WETMORE. I ask unanimous consent to call up the joint resolution (S. R. 117) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday.

There being no objection, the Senate, as in Committee of the

Whole, resumed the consideration of the joint resolution.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Montana [Mr. Carter]. The Secretary will read it again for the information of

The Secretary. On page 2, lines 15 and 16, strike out the words "the erection in the city of Washington of a monument" and insert in lieu thereof the words "the construction of a suitable memorial," so that if amended the paragraph will read:

Be it further resolved, It is hereby recommended that action be taken looking to the construction of a suitable memorial which shall be worthy his great fame, his service to humanity and to his country, and fittingly commemorate the grandeur of character, the nobility of life, and the epoch-making career of Abraham Lincoln.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.
Mr. KNOX. Mr. President, I withdraw the amendment I offered yesterday and move to strike out the last paragraph of the joint resolution beginning with line 14, page 2, and to sub-

stitute in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The Senator from Pennsylvania withdraws his amendment proposed yesterday and offers in lieu thereof an amendment which will be read by the Secretary.

The Secretary. Strike out all of the last paragraph of the

joint resolution, beginning in line 14, and in lieu thereof insert:

Be it further resolved, That with a view to the construction of a suitable memorial to commemorate the public services and character of Abraham Lincoln, which memorial shall include a great national highway, to be called "The Lincoln Way," from Washington to the battle-field of Gettysburg, in the State of Pennsylvania, the sum of \$50,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey for said highway.

Mr. KNOX. Mr. President, I have no apology to make for seeking to add this provision to the joint resolution before the Senate. I want to make whatever measure is passed here mean something and amount to something.

The joint resolution as it was reported from the committee recommends that the 12th day of next February shall be observed as a general holiday. It recommends that public meetings be held and eulogistic speeches uttered commemorative of the life, the character, and the services of the martyred President. But, Mr. President, that is what we have been doing for the memory of Lincoln for the past forty-four years, and I think if the American people ever intend to do anything more than talk about him, there is no more fit occasion than the centennial celebration of his birth to at least take the first step toward doing something more substantial than talk.

Mr. President, I do not regard that the adoption of the amendment I have proposed necessarily commits the people of the United States or the Congress of the United States to any particular form of a memorial to Mr. Lincoln, but I ask simply that the sum of \$50,000, or so much thereof as might be necessary for that purpose, be expended, under the direction of the Secretary of War, to make a survey for a great national highway to be known as the "Lincoln way," which shall be a part of such memorial as Congress shall ultimately adopt for his

It would be perfectly useless for me to undertake to say why this thing should be done. The mere announcement, I think, of the proposition that we should now do something substantial

is as strong an argument as one could put up in its favor. I seriously hope that to the extent at least of this appropriation the Senate will be willing to vote something substantial for the memory of Abraham Lincoln.

Mr. WETMORE. Mr. President, I have but a word to say in

regard to this matter.

It seems to me that the joint resolution looking toward the celebration of the one hundredth anniversary of Lincoln's birth this year should pass without delay. The Senator from Montana yesterday offered an amendment which was agreed to to-day which does not commit the Senate or the Congress, if it should be passed, to any particular plan. I should be very sorry to have any complication come up on account of trying to do anything toward a committal.

I may say that there are several propositions in regard to the location of a Lincoln memorial. There is first, and the oldest, the Park Commission plan, which would locate it somewhere on the Potomac River. There is a bill from the House which looks toward a possible location, if proper expert authorities should say that it is a suitable place, between the Capitol and the Union Station. Then there is also a bill introduced by the Senator from Pennsylvania looking toward a great highroad from here to Gettysburg.

I trust that the question of site may not be brought in here to-day, and that the joint resolution may be passed as amended by the amendment of the Senator from Montana, which commits Congress to nothing, but does suggest that the matter be

Mr. TELLER. Mr. President, the joint resolution as it comes from the committee I believe will meet the approbation of all the Members of this body. I regret myself that the Senator from Pennsylvania has seen fit to complicate it with what may be a doubtful proposition as to the method of recognizing the great abilities of the dead President. He proposes to strike out the resolves, which I understand, as it has been amended, reads-

It is hereby recommended that action be taken looking to the construction of a suitable memorial.

I should think that that is enough to add to the joint resolution. It would be better if we added nothing to a measure of this character and simply made the birthday a holiday in this District and in the Territories, as was contemplated.

For myself I do not believe a public highway between here and Gettysburg would be a proper and suitable recognition of the services of that great man. I am not going to discuss it. It is true the Senator said it does not commit us to it, but if we spend \$50,000 in making an examination, it will be an indication to the people that we propose some such memorial.

Mr. President, I should think, after making Lincoln's birthday a holiday, it would be well to wait for some expression of the people of the country generally as to what is a suitable memorial. For myself, Mr. President, when Senators talk about the old Appian Way, which was built by a tyrant, I do not think it is well for us to make that a precedent for building a road.

Mr. BACON. I desire to state, with the permission of the Senator, that the Appian Way was not built as a memorial to anyone.

Mr. TELLER. No; but it was built by an old tyrant to commemorate his public services, I understand.

Mr. BACON. No. Mr. TILLMAN. It was built by a censor.

Mr. BACON. I took the liberty of making the suggestion to the Senator, because it was stated on the floor that the Appian Way had been built as a memorial to Appius Claudius. The truth is that Appius Claudius was the man who constructed it, and that is the way it got the name.

Mr. TILLMAN. He began it.

Mr. BACON. He began it, of course, and it was a great

highway for military purposes.

Mr. TELLER. It is not of much matter whether it was one way or the other. It is a notable highway and has been for many thousands of years. I do not myself consider the building of a highway to Gettysburg or any other point on the American continent a proper method of recognizing the distinguished services of Abraham Lincoln. I am not prepared to-day to vote for it, and I do not believe any other Member of the Senate except the mover is.

Mr. BURKETT. Mr. President, I think the remarks of the Senator from Colorado [Mr. Teller] have justified at least a temporary stopping of the attempt to add to the joint resolution what the Senator from Colorado objects to. There is not anyone here who objects to setting aside and commemorating the 12th of February as a special holiday, as the original resolution contemplated. I think the Senator has summed it all up in the statement he made, that no Senator is yet ready to vote on

what is the best sort of a memorial to the memory of Abraham Lincoln.

I think, also, that the chairman of the Committee on the Library [Mr. Wetmore], in the statement that he made a moment ago calling attention to the fact that there have been pending before Congress a good many different propositions for a suitable memorial to the memory of Mr. Lincoln, proved conclusively that we ought not to consider the question here in the morning hour, at a time when Senators can not and ought not to take the necessary time to discuss the relative merits of the different propositions.

Therefore, as I took occasion to state yesterday, I object to attaching to a resolution necessarily sentimental, and one that the entire Senate and Congress is anxious to pass, a proposition that involves at least something of real-estate speculation to a greater or less extent. I think it is unfair to the people whose ideas are different as to an appropriate memorial for us at this time to so far preclude the possibility of any other proposition being presented, so far, even, as the amendment this morning suggests, of appropriating money to begin this particular

kind of memorial.

Now, I am very frank to say that I do not know what sort of a memorial we ought to erect to Abraham Lincoln. It has never appealed to me that a road is a very proper thing as a memorial to Mr. Lincoln. It has occurred to me that we could better erect some great public building, peculiarly public and open to the public, containing at all times such things and devoted to such uses as all the people are interested in, and that the great mass of people who are constantly passing through our Capital City would like to visit, where every man when he comes to Washington, and every woman, can see the memorial that Congress has erected to Mr. Lincoln.

It has not occurred to me that the memorial should be a road going from here out to that great battlefield. It is a place to which comparatively few people will travel, and the road will not be greatly used aside from the people who live locally between here and that point. It is not a road even that might be as much used as between here and New York City, as it occurs to me. A very small portion of the people coming to Wash-

ington would travel over that road.

Therefore, it seems to me, when we are erecting a memorial to the memory of Abraham Lincoln, we want to get something that will be so big, and perhaps so much in one place, that the American people shall be able to see it when they come. It would be a good deal of an effort and a good deal of expense for the people of this country to see the memorial to Abraham Lincoln if we made it in the form of a road between here and Gettysburg. It would be proper to consider the road proposition, we were discussing this morning as to what was a suitable memorial and the different propositions were before us. laid on our desks this morning a report gotten out by a distinguished man, long in public life, calling attention to the different kinds of such memorials that have been erected in other countries. If all those propositions were before the Senate and could be discussed pro and con and the question of this road brought up for the opinion of the Senate, it would at least be opportune; but to commit ourselves, which this amendment certainly does, here in the morning hour in an ex parte hearing, with only the one proposition before us, it seems to me is unwise. It also seems to me that those who are advocating and are favorable to this proposition ought not to take advantage of the sentiment that surrounds this joint resolution to pass through a proposition which, at the best we can say of it, is doubtful as to whether or not it could receive favorable action if standing alone.

Yesterday morning when I undertook to say a few words in opposition to the precipitate action that was about to be made, I was criticised, perhaps unintentionally, I think, by a Senator for objecting to the consideration of this road to the memory of Abraham Lincoln. As I said then, it was not an objection to the original resolution. No Senator would object to it; but I did object to the Senators who were favoring this particular kind of a memorial taking advantage of just the thing that the Senator called my attention to, the sentiment that surrounds the joint resolution, for the purpose of securing favorable action upon this road plan. My position was that it tended to keep Senators from objecting, from even debating, from opposing a very doubtful proposition by combining it

with this very popular resolution.

It appears to me that it is inappropriate for those advocating that proposition, or any particular proposition, to undertake to hitch it onto this joint resolution. We ought to be able to pass this joint resolution to the memory of Lincoln as a tribute to him and his life work, and not have attached to it some proposition for the creating of a great highway that means something

to property owners, that means dollars and cents to people in this city, a thing mixed more or less, if we can believe the newspaper reports, with real-estate transactions, mercenary matters. It seems to me we ought to entirely divorce, I say with all candor, this joint resolution that we are passing for the observance and celebration of this great day from any ulterior object, and we ought not to hook it up with anything that looks to a real-estate transaction. Therefore I hope that the Senate will vote down the amendment.

When I made some objection to the amendment yesterday morning I realized, of course, that a Senator in objecting to that kind of amendment might be misunderstood. I will say to the Senator from Massachusetts [Mr. Lodge], who called my attention to the fact that I could not object to amendments being offered, that I made the statement I did in the hope that the friends of this joint resolution (and I am sure the Senators who are offering this proposed amendment are friends of the joint resolution) might see the propriety of withholding

such an amendment.

Mr. SCOTT. Mr. President, it became my very pleasant privilege a few years ago to visit Japan with a party of gentlemen headed by the President-elect, Mr. Taft. In our visit there our attention was called to a road leading from Nikko at one time to Tokyo, about 65 miles. It is now in good preservation for about 45 miles, with immense rows of trees on each side.

The building of the road was brought about in this way: Years ago one of the noted Shogans of that country died, and his different subjects wanted to show their appreciation of this noted and good man. They contributed gold and silver, brass, bronze, marble, and stone of different kinds to erect to him a suitable monument as a mark of their respect and love. One of the princes was unable to contribute his portion to the erection of the monument, and he, to show his appreciation, set out a row of small trees along the road for the length of 65 miles. Now, hundreds of years afterwards, it is one of the greatest roads in the country. It is one of the show places of Japan, is this great highway bordered on each side with magnificent trees, so large that three of us catching hands could not reach around the trunk of one of them. No visitor is supposed to have properly seen Japan unless he has traveled over this magnificent road. When monuments of marble, brass, stone, and other materials contributed by the wealthy crumble and disappear, this modest contribution of this poor Japanese prince stands and becomes more beautiful each year.

It strikes me, Mr. President, that a road on something of this same line, leading from here to Gettysburg, where Lincoln delivered perhaps the greatest speech he ever made, would certainly be an appropriate memorial to that great man, and would, as does the memorial of the Japanese prince, grow more beautiful each year. If necessary we can here in the District of Columbia, where the highway would commence, build beautiful arches, such as some of us have seen in other countries, where they have been erected to the memory of their great men.

I certainly approve of the amendment which has been offered

by the Senator from Pennsylvania.

Mr. CARTER. Mr. President, yesterday morning I offered an amendment to the joint resolution having for its purpose the clearing of the way for free action in the future with reference to a fitting memorial to President Lincoln. It is not my purpose at length this morning to speak of the highway, which I then suggested, as one of the probable forms of expression appropriate to the purpose in view; but since the matter has been discussed this morning it seems proper enough now to say that. notwithstanding what has been said, I adhere to the belief that this great highway, which would be some 46 miles in length, extending from the front door of the White House to the battlefield of Gettysburg, would be a most fitting memorial.

The Senator from Pennsylvania suggested the enduring fame of the Appian Way as illustrating the enduring quality of this kind of monument. The fact that it would possess utility would insure its perpetual existence. The Appian Way, to which the Senator referred, extends across the Pontine Marshes and through the Albano Mountain, in Italy. For the first few miles along that great highway the tombs of the renowned men of Rome were erected long, long ago, including the tombs of the Scipios. Those tombs have crumbled to decay; they constitute but ruins now, with slight marks on the surface here and there to indicate the sites where they stood. Those tombs were undoubtedly constructed in a substantial manner; and, as the people of the day builded, in an enduring way; but the tombs have crumbled with the earth upon which they were built. road, however, continues to be the wonder and admiration of men. The road, like the river, remains forever, while these monuments, made of marble and granite, will crumble and decay, as the tombs of the great Romans have crumbled and decayed. This highway, extending from the homes of the Presidents to the historic spot, will grow more interesting as the years go by, because, as I suggested yesterday, the forty-odd States of the Union will be permitted to erect suitable monuments along the route. Not a single mile of that road would in twenty-five years from now be without a monument of some kind erected by one or all of the States.

Mr. President, such a memorial can not be regarded as constituting what the Senator from Nebraska [Mr. Burkett] states, a real-estate speculation, any more than can the erection of a granite monument be regarded as a speculation in granite or granite cutting. That cheap and puerile way of disposing of a great subject does not meet with any sympathy from me.

The suggestion of a fitting memorial was made in the resolution as presented to the Senate in the form of a recommendation that a monument be erected in this Capital City. It seemed but proper at the time to suggest that no monument can be erected in this city of granite and of marble which will not compete with the monument of Washington that can at all measure up to the desire of the American people to fittingly commemorate the distinguished services of Abraham Lincoln.

I do not wish to be understood as pressing at this moment the determination of a question which the Senate is not prepared to decide, but it is not inopportune to decide the question now.

I shall vote for the substitute presented by the Senator from Pennsylvania [Mr. Knox] as an amendment in the form of a substitute for that particular section or portion of the joint resolution. If that is not adopted, I shall then insist upon the amendment which I have proposed.

Mr. BACON. Mr. President, as I shall vote against the amendment offered by the Senator from Pennsylvania [Mr. KNox], I desire to state for myself, in order that my vote may not be misunderstood or misconstrued in any way, that I will very cheerfully vote for the joint resolution as favored by the junior Senator from Rhode Island [Mr. Wetmore].

I do not think this is a proper time to determine what shall be the particular memorial or to forestall in any way, by even a partial determination, what may be the ultimate conclusion in regard thereto. I am ready to cooperate with other Senators in the erection of any suitable memorial that Congress may deem to be the proper memorial; but I think at this time it is sufficient to go as far as the resolution goes which is favored by the Senator from Rhode Island.

I thought it was due to myself, Mr. President, in view of the fact that I shall vote in the negative, that I should state this much.

Mr. NEWLANDS. Mr. President, there is much that is captivating in the suggestion of the Senator from Pennsylvania [Mr. Knox], backed up by the Senator from Montana [Mr. Carer], regarding the construction of a great highway between Washington and Gettysburg, particularly if that will include, as I have no doubt it will, great monumental structures at each end and monumental structures along the line. The Appian Way has certainly been a most enduring work, and the road in Japan, to which the Senator from West Virginia [Mr. Scott] referred, is one of the most attractive things of the kind that I have ever seen, and very fitly memorializes a great event.

It seems to me, however, that we ought not to consider questions of this kind in connection with this resolution. Various propositions are now pending before Congress relating to the form which the Lincoln memorial shall take. There is a suggestion of the park commission regarding the utilization of a part of the Mall for that purpose, and they have presented the outline of a most noble and attractive design. There is a suggestion regarding the erection of a Lincoln memorial between the Capital and the great railway station that has been recently constructed; and there are other suggestions.

I imagine that Congress, under the inspiration of this moment—the centennial of Mr. Lincoln's birth—will proceed actively upon this subject; will appoint a commission of eminent men, of eminent artists, of eminent sculptors, who will make a study of all the various projects and present them to Congress for its consideration. It seems to me that that will be the appropriate time for the consideration of the exact form which this memorial shall take.

It is true that the Senator from Pennsylvania insists that his amendment does not commit Congress to this great highway as a memorial; but it seems to me that it does, for it declares that this memorial shall include this great highway and makes an appropriation of \$50,000 for its survey. It seems to me that the whole movement, by reason of the action which the Senator from Pennsylvania proposes, will have such headway as to make it irresistible in the legislation of the future. I am strongly of the opinion that we ought to in-

trust this great matter, this matter of the highest importance, to the judgment of a commission of distinguished men acting in cooperation with the great artists of the country, and that Congress will not be prepared to act until their plans are formulated and presented.

Mr. DICK. Mr. President, as to the proposition that we shall appropriately celebrate the one hundredth anniversary of the birth of Abraham Lincoln, there seems to be no difference of opinion; but a half hour's debate discloses the fact that there are many views as to the most suitable manner of fixing upon some material memorial in honor of Lincoln. Ample time remains for the discussion of such a memorial; only twenty days remain for the passage of this resolution in the Senate and in the House of Representatives for the issuance of a proclamation by the President, by the governors of the States, and for those arrangements which the people must make in order that appropriate and fitting ceremonies may be held on the 12th day of February.

I do not know whether I would support a roadway proposition or a great memorial building or a monument. I am unprepared as to my action in that matter, and this discussion indicates other Senators are equally uncertain; but as to the other question, which is the real purpose of the resolution, there is universal agreement; and I again urge and repeat that no amendment should be forced into this resolution which will retard its passage here or in the other House, or which will in any way delay the action we must speedily take if the ceremonies which we propose and invite are to be adequate and appropriate on the hundredth anniversary of Lincoln's birth and truly expressive of the high estimate of him and his work by the American people.

Mr. LODGE. Mr. President, the statement of the Senator from Ohio [Mr. Dick] that there are differing views about the memorial to Lincoln is one of the very reasons why I am anxious to have decisive action taken in connection with this joint resolution, which we are sure to pass, and to pass promptly. I do not desire to refuse debate on any of its provisions, but it seems to me now is the time to take some distinct step toward a memorial; to make it clear that we are to have a memorial, and not waste years and years, as we probably should, in deciding what the memorial shall be and making preparations to carry it out. It took something like, I think, a hundred years to complete the Washington Monument. That monument stood there for fifty or sixty years an unfinished shaft, unsightly, discreditable; and it is only very recently that that great monument was finished, nearly—not quite, but nearly—one hundred years after Washington's death.

It seems to me that we are to-day as able as we shall be any other day to decide that among the memorials to Lincoln—I am far from limiting it to a highway—that among the memorials to Lincoln this great highway from the capital city, where his great work was done and where his life was offered up, to the field of Gettysburg, one of the great battlefields of the war, where he delivered his famous speech—one of the noblest utterances that the language can show—it seems to me that we ought now to make provision to include that road among the memorials to Lincoln.

I do not know to what mercenary considerations the Senator from Nebraska [Mr. Burkett] may have referred. To my mind it is simply a question of taking a substantive step, so that we may be assured that Congress is committed, not only to the building of a road, but to the erection of a suitable monument to the great President here in the city, or also at points on the road or on the Gettysburg battlefield; and I should be very sorry if we should allow this opportunity to pass with a mere general expression in favor of a memorial to Lincoln and the creation of a special holiday.

It is not necessary for me to enlarge on the value and stability of a great highway as a monument, because the Roman roads, not only the Appian Way, which has been referred to, but the Roman roads which stretch all over Europe and which can still be seen in the Alpine passes, are amongst the most enduring monuments to the power and greatness of the Empire of Rome that were ever devised.

The idea of the "Lincoln Way" seems to be a very fine and a very beautiful one; and I am very anxious to have something done now so that we shall not allow our zeal to escape in words. I should like to see the work on the memorial begun, and I do not think there could be a more appropriate time to begin the work and to commit Congress to the policy of Lincoln memorials—not only the road, but a proper monument to Lincoln—than this very year, which is the centennial of his birth.

Mr. HEYBURN. Mr. President, I rise to suggest a necessary amendment to this joint resolution in whatever form it has been presented. There should be inserted in line 14, on page 2, after the word "action," the words "by Congress." That is

made peculiarly necessary by some things which have trans-

pired within the last few days.

This is a joint resolution, but it will have the same effect as legislation by bill. It has been suggested that this does not bind any person. I have before me here the report of the proceedings of a meeting, which was published in the papers yesterday in connection with the appointment of the Commission on Arts, and so forth, which indicates an interpretation of just this class of legislation by the executive department that would make it dangerous, in my judgment, to enact this joint resolu-tion in the language in which it appears. It says:

Be it further resolved, That we-

That is, Congressrecommend action-

Recommend action by whom?

Mr. LODGE. Is the Senator reading from the original joint

resolution?

Mr. HEYBURN. Yes; and the language in the amendment which I have before me does not change that. That language becomes of special importance in connection with the interpretation of the executive power of the Government as given to us or suggested to us—with what responsibility I am unable to sayby the newspapers of this city yesterday. It is suggested—it is more than suggested, it is asserted—that if Congress recommends action, the executive department of the Government is already clothed with the power to act on the recommendation; they have not the money to spend for the construction of the highway until we appropriate it, but they have some kind of a way of doing things that compels us to appropriate money in order to save the face of the Government.

It is not my purpose to indulge in any severe criticism, or any criticism at all, of anyone; but when a condition confronts us such as that presented by the appointment, said to be official, of a great committee that is to take the place of Congress in fixing the location or the character of public buildings, we would lose sight of our duty were we not to take it into consideration in

framing the language of a resolution such as this.

I was not willing to credit or act upon my first impression when I read the language of this resolution and remembered the statement contained in the newspaper as to the interpretation placed upon it, but it kept coming back to me that there was a connection between the two things; that if we, in the language of this resolution, recommend action, it will be inter-preted to mean action by the executive department of the Government, unless we limit it.

Mr. KNOX. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

Mr. KNOX. I want to call the attention of the Senator from Idaho to the fact that under the amendment I proposed there is no direction at all that action shall be taken.

Mr. HEYBURN. I noted that. It is a limitation,

Mr. KNOX. I carefully avoided the word "direction."

Mr. HEYBURN. I took notice of that. The amendment offered by the Senator from Pennsylvania is to some extent a limitation upon this great committee, whose names I have before me, and the prophecy of their work contained in the newspaper statement. But I would call the attention of the Senator from Pennsylvania to the language of his amendment, providing that-

This memorial shall be in the nature of a great national highway from the city of Washington to Gettysburg, Pa.

Suppose that under this new doctrine-and I have no hesitation in stating it to be a new doctrine—the Executive can, upon his own motion, take his own method of making effective the recommendation of Congress, he might, without waiting for further legislation, enter upon this great work to the extent of making plans.

Mr. KNOX. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. I very carefully sought to avoid the objection the Senator from Idaho is now urging to the language of the resolution in its original form, because I had the benefit yesterday afternoon of privately hearing his views upon that subject. It is not possible, I think, to read the amendment that I propose and get anything out of it more than this: With this viewgress having in contemplation the advisability and desirability of constructing a suitable memorial to Mr. Lincoln which should contain as a part of its plan a highway, to be called the "Lincoln way "-the sum of \$50,000 is appropriated, to be expended under the direction of the Secretary of War-for what? For the mere purpose of making a survey.

Mr. HEYBURN. May I interrupt the Senator a moment? Mr. KNOX. Just permit me to close what I was saying. It will take me only a moment.

Mr. HEYBURN. Yes.

Mr. KNOX. It is obvious that, if the ultimate judgment of Congress is that this work is to be consummated, this peculiar form of memorial would require a very great deal of preliminary work in the way of a survey, and it is only for that purpose that the appropriation is sought to be made.

Mr. HEYBURN. Before the Senator takes his seat, Mr. President, I wish to say that I do not find in the Congressional RECORD the amendment to which the Senator has just referred, but I do find the other amendment of the Senator stated at the

bottom of page 1224.

Mr. KNOX. I withdrew that and offered this new amendment.

Mr. HEYBURN. Then, it should have been also in the RECORD.

Mr. KNOX. It was only offered this morning.
Mr. HEYBURN. Then, Mr. President, I will only say that
while I approve of the proposition suggested by the amendment offered by the Senator from Pennsylvania, still the necessity for the amendment I have suggested to the resolution is not obviated, because I insist that the recommendation here should be to Congress in terms which would limit it so that it could not be construed as a recommendation to the Executive.

Mr. KNOX. This amendment of mine does not contain the "recommendation" at all. It simply appropriates the

sum of \$50,000 for the purpose of making a survey.

Is it intended as a substitute for the last Mr. HEYBURN. paragraph of the joint resolution?

Yes, sir; a complete and entire substitute.

Mr. HEYBURN. I thought the Senator intended yesterday to cover the same ground, and I was surprised not to find it in the Record. It may have been our personal conversation that I confused with the Senator's remarks on the floor.

Mr. KNOX. If the Senator will permit me, I will put him exactly right. This morning I offered an amendment to the joint resolution as it was reported to the Senate from the committee, which amendment consisted in striking out from the original resolution all beginning on line 14 down to the end and substituting in its place what I handed the Senator. So the Senator will see that all that part of the joint resolution has gone out.

Mr. HEYBURN. Then that overcomes my objection to the Senator's amendment, and I shall cheerfully support it; but unless that limitation is in the resolution when it finally is adopted, it will be readily seen that our recommendation would be to the executive department, and not to Congress. I think that is important.

Mr. NEWLANDS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Mr. President, I understand the Senator from Idaho objects to the form of this resolution as reported by the committee, and also to the amendment of the Senator

from Pennsylvania, upon the ground——
Mr. HEYBURN. No; I withdrew my objection to the form
of the amendment offered by the Senator from Pennsylvania since my attention has been directed to it as formulated.

Mr. NEWLANDS. Very well. Then I understand that the Senator objects to the language of the resolution upon the ground that the recommendation as to the action may be regarded by the President as an authority to him to take action, with the aid of the council of arts, which he recently appointed.

Mr. HEYBURN. Yes; that I clearly stated.
Mr. NEWLANDS. Now, let me suggest to the Senator from Idaho that that can be easily met by inserting after the words "action be taken" the words "by the proper committee of Congress," for that is doubtless the intention of this joint resolution. This is a mere joint resolution expressing the sense of Congress that legislative action should be taken.

Mr. HEYBURN. I would not be inclined to differ with the Senator from Nevada in regard to that, because it would accomplish just the purpose I had in view in objecting to the existing language. But the motion will first recur on the amendment of the Senator from Pennsylvana, and that question may not arise if we adopt the amendment. If we do not, then it will

Mr. NEWLANDS. I wish to say one word further regarding the suggestion of the Senator from Idaho, to wit, that the President of the United States would regard this as an authorization to take action. My understanding of the order made by

the President of the United States is that the council of arts, which he recently created, is simply advisory to the various departments of the Government in matters relating to art. I do not apprehend for a moment that the President of the United States would take upon himself to act in contravention of an act of Congress, and wherever an act of Congress did give to a particular bureau or a particular board or a particular commission power to make and perfect plans, I imagine that this council of arts would have no function.

Mr. HEYBURN. Mr. President, I should like at that point to interrupt the Senator, although he is speaking in my time. I should not like to have it understood that I thought that the President was likely to disregard the expressed will of Congress at any time. I think my language would not justify such a construction. I was referring to this particular joint resolution, and I was speaking of the published statement as to the views of the executive department of the Government in regard to how it might be carried into effect. Of course I would not for a moment suggest that the President or any other executive officer would disregard the express wish of Congress.

Mr. NEWLANDS. I did not misunderstand the Senator from Idaho, nor do I wish to enter into a discussion about the council of arts that is now engaging so much attention in the newspapers. I simply wish to say one word, without any personal knowledge of the President's views. I assume that this council of arts is simply an advisory one to the executive departments. The President is charged with the execution of the laws, and it is within his province to call in the aid of experts in architecture, sculpture, and painting to advise regarding the execution of important matters involving these arts.

tion of important matters involving these arts.

There seems to be very general misconstruction of his action upon this subject. I imagine that wherever the Congress itself prescribes that the duty shall be performed by some board or commission, that method of action will be taken.

I wish to say that I am in absolute harmony with the view of the American Institute of Architects upon this subject, an institution that embraces almost all the distinguished artists in the country; not simply architects, but sculptors and painters. I am entirely in sympathy with their view that great public works which relate in any degree to art should be subject to the careful inspection and criticism and suggestions of this great body of experts. I am very sorry that any contrary impression may have been produced in the country regarding the action of the President, for I fear that it may affect the action of Congress itself upon this most important question. It is very desirable that Congress should act, and should act in the near future, and I assume that the President's action is simply an outline or suggestion, within the limits of his executive powers, of what he thinks ought to be the action of Congress in a broader and more enduring form.

Mr. HEYBURN. Mr. President, I was proceeding to say that I did not intend to express an opinion upon the question of the President's action in appointing this committee, because Congress at all times has it within its power to specify the manner in which its purposes shall be carried out, and I do not know whether or not the President should have appointed this commission. I am willing to accept his wisdom as an answer. It will be time enough for Congress to question it when the question of appropriating money to compensate them comes before it. The President is entitled to call into his councils any or all of the citizens of the country who are willing to come upon his invitation to advise with him upon any question. He is the executive officer of the Government. He had no power, until Congress gave it to him, except as it was expressed in the Constitution of the United States. He is the designated officer to execute the will of the people as it is enacted by Congress. That is all.

I do not want to be subject to being quoted as having made an attack upon the President for calling to his assistance in council a number of gentlemen whom he deems qualified to advise him. But I mentioned it merely because it was a part of and coupled with the expressions purporting to have come from the President himself as to when his power commenced under circumstances such as will arise out of the passage of this joint resolution; and inasmuch as the amendment before the Senate excludes the necessity of further consideration of the limitations I propose, I will wait until that is passed upon.

Mr. BEVERIDGE. Mr. President, so far as my own vote is concerned, the amendment of the Senator from Pennsylvania [Mr. Knox] presents a conjunction both of duty and the hour. Within a few days will occur the one hundredth anniversary of the birth of one of the most exalted patriots and wisest statesmen of all time, and altogether the greatest humanist that ever lived, except the divine figure whose life and teachings the character of Abraham Lincoln so well illustrated.

Within a few days one hundred years shall have passed away since that man who, save one, the American people are proudest of, was born. It appears to be the very article of fate that a proposition should now be made to act definitely for some memorial which shall be as enduring as his fame.

The amendment of the committee does nothing. It is as vague as words can make it. It merely declares our intention some time or other to do something or other; but the time is not designated, the purpose is not stated, the object itself is not described. It might as well have said: "Let us postpone this large design to a more convenient season"—a season that never will arrive. What more appropriate season than the present hour? The proposition that it shall be referred to a commission of eminent gentlemen throws no light upon the situation.

This country and the world have been erecting memorials to their great and their loved ones from the beginning of time. All the devices are exhausted. We have the Grant memorial in New York. We have, to the Father of his Country, that noble shaft rising by the Potomac's waters. No possible monument we could erect to Lincoln would be anything more than a duplication in some form of what already has been done many times in this Republic for other patriots and statesmen. The whole field has been canvassed and exhausted. But the amendment of the Senator from Pennsylvania proposes a memorial unique, peculiarly American, and as everlasting as the continent itself.

So, Mr. President, it appears to me that if we are to act, now is the time designated by events themselves. The amendment of the Senator from Pennsylvania appears to me to be the decree written by the wisdom of history and dates. I can conceive of nothing nobler for a perpetual memorial to Abraham Lincoln than to build this highway from the city where his greatest hours were lived to the spot where his noblest words were spoken—an utterance, Mr. President, which stands alone in the history of human speech as the tenderest and loftiest expression of merely human wisdom and heart; for the speech of Lincoln at Gettysburg, concluding the most meaningful epoch of this country's history, is with one exception only the loftiest utterance that ever fell from purely human lips. Here in this city his life and services culminated. At Gettysburg, because of the mighty struggle there, his eloquence, his wisdom, and his prophetic foresight had in those immortal words that there fell from his lips their ripest fruit.

If we are going to do anything, now is the time. If we are going to do anything that shall be anything more than a duplication of what has been done all over this country for other men, this is the largest and the noblest project. So far as my vote is concerned, I shall cast it not only gladly, but with a sense of duty, for the amendment of the Senator from Pennsylvania.

I know it has been said-

Mr. BURKETT. I should like to ask the Senator from Indiana a question.

Mr. BEVERIDGE. Certainly.

Mr. BURKETT. The Senator takes the position that there should be some action. I have prepared a proposed amendment, or a substitute, providing that the Committee on the Library be directed at the next regular session of Congress to report some appropriate legislation for a suitable memorial, or memorials, following out the words of the joint resolution. In short, leaving the matter open to the committee for further consideration. Different forms of memorials may come up. This, as I understand, commits us to this one single proposition, without any consideration of any other proposition. I will ask the Senator if, in his judgment, the amendment I have suggested would not be better?

I am in favor of the proposition the Senator suggests, that action should be taken. I think we all want a memorial. I do not think there is any doubt about that. But I think it is unwise to commit ourselves to any particular proposition without any consideration of the others and precluding all others.

out any consideration of the others and precluding all others.

Mr. BEVERIDGE. The suggestion of the Senator from Nabraska is fraught with a kind of cautious wisdem, which I freely admit; but for myself, I shall vote for the amendment of the Senator from Pennsylvania, for the precise reason pointed out by the Senator from Nebraska why we should not adopt it, to wit, that it does commit us to something definite. It commits us to something splendid and to something that has no example from ocean to ocean.

I was about to say, when the Senator made his fruitful suggestion, the wisdom of which I admit—

Mr. BURKETT. May I ask the Senator another question? This commits us to one particular proposition. We do not know how much it will cost.

Mr. BEVERIDGE. Personally, I want to be committed, so far as my vote is concerned. I am merely explaining my vote.

Mr. BURKETT. We are committing ourselves to a proposition that has not been investigated. We do not know how much it will cost. We do not know what is the engineering proposition involved. We do not know the practicability of it in a good many ways. We do not know in advance of undertaking to get titles what advantages may be taken by private parties. In short, the preliminaries have not been attended to before we commit ourselves to the proposition. Does not the Senator think it would be a little better-

Mr. CARTER. Mr. President-

Mr. BEVERIDGE. I want to answer that, if the Senator

from Montana does not mind.

Mr. CARTER. I desire to make a suggestion, based upon the wording of the amendment of the Senator from Pennsylvania. It will be observed by examining the amendment that it does not contemplate embracing the entire Lincoln memorial or monument in a road, but it does provide that this memorial shall include a national highway, to be called the "Lincoln highway," from this city to the Gettysburg battlefield. I think it would be well to consider that.

Mr. BEVERIDGE. No. For my own vote I admit the technical parliamentary wisdom of what the Senator from Nebraska has said; but, on a question like this, the Senator's point does not influence my mind. I do not think this is a question for the splitting of hairs about dollars. I regard the amendment of the Senator from Pennsylvania not as the Senator himself does. I regard it as a committal. It is a time to act.

Further answering the Senator from Nebraska, I concede that we do not know how much it will cost. But this is a matter of sentiment, and while we live in a day in which sentiment is undervalued, yet, on second thought, we all know it was sentiment-something that you could not measure by the yardstick, that you could not weigh, see, feel, touch, hear, or discern by any of the physical senses—that brought Lincoln to the exalted position he occupied and sent a million men singing and happy to battle and to death.

As I understand the American people-and I think I fairly well understand them—sentiment, which is the thing that after all makes our individual lives worth living, which is the only thing for which men are willing to die, for which the Nation is willing to go to war, is not a thing with respect to which the American people are going to count the cost.

So in this movement, which is to enshrine not only the memory of Lincoln so much as the feeling of the American people upon a great and eternal national question as well as the character of the American people he best typified, the question of dollars

can not be intruded.

Also I have thought myself of what the Senator from Nebraska prudently called attention to. Real estate dealers might take possible advantage of any proposed legislation. course that has occurred to every intelligent man. But, Mr. President, "it must needs be that offenses come." It is possible there shall be a man base enough to speculate and prostitute this great enterprise, so far as he is concerned, to low commercial purposes. But we, legislating for the American Republic, can not let that halt us, if the other be our duty. It has been suggested to me in private conversation what I think is in the minds of many Senators who are opposing this joint resolution, that we are building into another State, at the national expense, a great and historic highway, which shall be forever thronged by travelers from all over the Republic. That is quite But this subject is so high that you can not, when you stand upon it, see state lines. This is a national project. If you erect a memorial in any place but in the District of Columbia it would have to be erected in a State. So, with all deference for the gentlemen who hold these views, I think this proposition is so majestic that the objections of the advantage of a State or the possible speculations of real estate dealers, can not be discerned upon its mighty surface.

So far as I am concerned, Mr. President, I shall vote for this I would have been glad to think that it was an inspiration of the Senator from Pennsylvania. Things like this instantly struck from the brain of a man who is in earnest constitute greatness. But that is not true. An even greater thing is true of the Senator's proposition. He is here volcing in this resolution the thought which has been growing in the minds of the people for decades. And to sense and utter a people's purpose is, as Emerson declares, the highest test of statesmanship. And now, let us hope, as the hundredth anniversary of Lincoln approaches, the people's purpose will find in the amendment of the Senator from Pennsylvania its fruition.

Mr. RAYNER. Mr. President, I hope that the suggestion of the Senator from Pennsylvania [Mr. KNox] will be adopted. I believe in the construction of this great memorial from Washington to Gettysburg. Here in Washington this remarkable

man, whose services it is to commemorate, dedicated his life to his country. At Gettysburg he delivered that imperishable address, which will speak to the undying ages when the orations of antiquity and the contributions to the classic oratory of Great Britain are forgotten. The few words he spoke at Gettysburg are still ringing through the land, and they will reecho at the fireside of future generations so long as the Republic lasts. This oration may have been crude and unadorned, but it will outlive the orations of Pitt and of Burke and of Erskine, and every pilgrim and traveler upon this road will be thrilled with a memory of that immortal production.

I did not accept his political views when living. I honor him dead. He occupies an isolated spot high up in the temple of his country's glory. He was never properly appreciated when he was living. Now his resurrected spirit hovers over the institutions of this country as an inspiration to every patriot who can

emulate him.

Therefore, Mr. President, if we want in a practical way, in a way that will survive when monuments shall crumble to the earth, to stamp the memory of this great character upon the very face of this Republic so that it never shall be forgotten, as it never ought to be, in my judgment, this is the manner and the method of its execution.

Mr. ALDRICH. Mr. President, there can be no difference of opinion in the Senate, I think, as to the desirability of erecting a memorial or memorials to Mr. Lincoln suitable to the character of the man, which I think is the grandest in American history, and worthy of this great Nation. But what form the memorial or memorials shall take is a question which should be

entered upon with deliberation.

I suggest to the Senator from Pennsylvania that he modify his amendment so as to include memorials and an inquiry into suitable memorials, and to modify it by striking out the word "shall" and inserting the word "may," so that the whole question of suitable memorials shall be before Congress, and that the appropriation of \$50,000 shall be made for the survey of the highway, which may become, in the judgment of Congress, a part of the memorials to be constructed in honor of President Lincoln. I think, if the Senator will accept the amendments, there can be no objection to the adoption of the joint resolution.

Mr. KNOX. Mr. President, to the substitution of the plural for the singular in the amendment, making it "memorials" instead of "memorial," I see no objection, because it is contemplated that the memorial may take a different form. If I thought there was any danger of the resolution not passing with the word "shall" in it, I should, of course, be very glad to have the word "may" inserted; and voting as I intend to vote, with the idea that it is time for Congress to make an expression as to some form, and believing that it will meet the approval of the American people to have an expression now, I am willing to accept the suggestion made by the Senator from Rhode Island.

The VICE-PRESIDENT. The Senator from Pennsylvania modifies his amendment, as will be stated.

The Secretary. It is proposed to strike out "memorial" and insert "memorials."

Mr. GALLINGER. So as to read-

The SECRETARY. So as to read:

That with a view to the construction of sultable memorials to commemorate the public services and character of Abraham Lincoln, which memorials shall include a great national highway, to be called "The Lincoln Way"—

Mr. GALLINGER. "May."

Mr. BURKETT. May we have the amendment read as it will read if amended, Mr. President?

The VICE-PRESIDENT. The amendment will be read as it will read if amended.

The Secretary read as follows:

The Secretary read as Ioliows:

Be it further resolved, That with a view to the construction of suitable memorials to commemorate the public services and character of Abraham Lincoln, which memorials may include a great national highway, to be called "The Lincoln Way," from Washington to the battle-field of Gettysburg, in the State of Pennsylvania, the sum of \$50,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey for said highway.

Mr. BEVERIDGE. Mr. President, I was hoping that the Senator from Pennsylvania would not accept the amendment. As an ardent supporter of his amendment, I sincerely hope he will not agree to change "shall" to "may."

Mr. KNOX. Mr. President, I was going to say to the Senator

from Indiana that I do not feel I ought to take the responsibility of accepting the amendment, under the peculiar circumstances which surround the joint resolution, and particularly having reference to the time when the joint resolution is presented to us. I therefore will withdraw my consent to have the word "may" substituted for the word "shall," leaving it to the Senate to determine.

Mr. ALDRICH. Then I move that the word "shall" be stricken out and the word "may" inserted.

The VICE-PRESIDENT. The Senator from Rhode Island proposes an amendment to the amendment, which will be stated. The SECRETARY. In the amendment of the Senator from Pennsylvania strike out the word "shall" and insert the word

Mr. ALDRICH. There is no information before the Senate as to how much this road will cost and there has been no consideration of it, so far as I know, by any committee of the Senate. To my knowledge there has been no consideration of it. It seems to me that Congress ought not to be irrevocably bound to a proposition of this kind without some consideration or some

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BURKETT. I desire to perfect further the amendment offered by the Senator from Pennsylvania by adding what I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. It is proposed to add at the end of the amendment the following proviso:

Provided, That the States of Maryland and Pennsylvania shall do-nate to the Government of the United States the right of way for said "Lincoln Way" within their respective States.

Mr. RAYNER. Mr. President, I do not object to that at all, but it comes in in a very crude way. I think the resolution now reads "may." The resolution does not direct the Government, and it might not do it at all. It says the Government may do it. I do not think the amendment to the amendment, therefore, has a proper place in the resolution.

Mr. BURKETT. I have not any objections as to the place where it goes in. In fact, I did not suggest that it should go in at the end. If the Senator can suggest a better place, very well.

Mr. RAYNER. I want to say to the Senator from Nebraska that the cost of this road, I think, has been vastly exaggerated. We know the distance from here to Gettysburg, and it is not such an enormous sum of money that I think we need to couple with the resolution a provision of this sort. I shall not object to it, but I think it is entirely out of place.

Mr. KNOX. I do object to it, Mr. President. I object to putting the Senate of the United States in the position of saying that we are willing to build a memorial to Abraham Lincoln if the States of Maryland and Pennsylvania shall pay for it.

Mr. RAYNER. The people bordering on the road, I assure

the Senator, will be very glad to give the land.

Mr. TILLMAN. I suggest to the Senator from Nebraska that until we take some substantive action in the way of the making of an appropriation and ordering this highway, it is not worth while to limit this action by any proviso of that description. It will come in appropriately later on. For the survey of a road 46 miles it looks to me like a pretty exorbitant price; and while we are not counting money here, I suggest that we might appropriate a part of this sum to plans and specifications for monuments and other things in the way of the beautification of the highway after it has been built.

Mr. ALDRICH. The Senator probably has not examined the

terms of the resolution.

Mr. TILLMAN. It has been amended so often here it is a little confusing, unless I had the words before me. It proposes to appropriate \$50,000.

Mr. ALDRICH. "Or so much thereof as may be necessary."
Mr. TILLMAN. That phraseology is always used in making appropriations.

Mr. SMITH of Maryland. Mr. President, I differ with the senior Senator from Maryland. As the junior Senator, I do object that the States of Maryland and Pennsylvania shall donate a right of way. It either has to be done by individuals or by the States of Maryland and Pennsylvania. To ask the individuals to donate this property may be a very serious inconvenience and a great loss to them. On the other hand, you can do nothing until you get an appropriation from the State of Pennsylvania and the State of Maryland. As the Senator from Pennsylvania said, this is a matter for the General Government, and I think the General Government ought to stand the expense, and there will be no objection to it.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Montana?

Mr. SMITH of Maryland. I do. Mr. CARTER. I think I may with fair certainty suggest the prediction that the inclination of every farmer between here and Gettysburg will be to have that road go through his farm. It would certainly add materially to the value of the holdings on either side to have this very desirable highway constructed, and donations would follow freely.

Mr. SMITH of Maryland. That may be true, and it may be

that it would not cost anything. It is more than likely that it would not cost anything. At the same time, if this is a memorial to be erected by the United States Government, I think the United States Government ought to make the arrangements

in that particular

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. Burkerr] to the amendment of the Senator from Pennsylvania [Mr. KNox].

Mr. CULBERSON. What is the question?
The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The Secretary. Add at the end of the amendment the following proviso:

Provided, That the States of Maryland and Pennsylvania shall donate to the Government of the United States the right of way for said Lincoln Way within their respective States.

The amendment to the amendment was rejected, there being on a division-ayes 6, noes 42.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Pennsylvania [Mr. Knox].

Mr. KNOX. On that I ask for a yea-and-nay vote.

The yeas and nays were ordered.

Mr. McLAURIN. Mr. President, I wish to ask a question on a point of order. If the amendment of the Senator from Pennsylvania shall be adopted will the amendment itself then be amendable after its adoption?

The VICE-PRESIDENT. It will not be. The amendment must be perfected before it is voted upon.

Mr. McLAURIN. I should like to ask some Senator (I suppose the Senator from Pennsylvania is as familiar with it as anybody else) what is the exact distance from the city of Washington to Gettysburg?

Mr. KNOX. I have traveled over the road between here and

Gettysburg frequently, and the route I have taken is about 72 miles; but I understand that the direct route is somewhat shorter. It is about 46 miles, the Representative from that district tells me.

Mr. McLAURIN. Mr. President, it seems to me that an appropriation of \$50,000 to survey a route of 46 miles is rather extravagant. I know the amendment proposes to appropriate \$50,000 or so much thereof as is necessary. It is not going to be necessary to appropriate \$50,000. It is not going to be necessary to use that much of the money to survey the route from here to Gettysburg. It does not seem to me reasonable that we should appropriate \$50,000 or any more than it is probable will be used in making the survey. The sum proposed is more than \$1,000 a mile for the survey alone.

Mr. President-Mr. KNOX.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. McLAURIN. Certainly.
Mr. KNOX. In preparing the amendment I inserted the words "fifty thousand dollars" because I had absolutely no knowledge and no experience as to the cost of surveying the route. If any Senator will make a statement that he believes the survey ought to be made for a definite sum below that, I will be perfectly willing to have it substituted instead of the words "fifty thousand dollars."

Mr. KEAN and Mr. SCOTT (to Mr. McLaurin). Make it

\$25,000.

Mr. McLAURIN. I do not think it ought to be made \$25,000, nor half that sum. I do not think that it ought to cost more than \$100 a mile to survey the route. That would be \$4,600. I think \$5,000 would be an abundance.

Mr. KNOX. Mr. President—
The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Pennsylvania?

Mr. McLAURIN. I do.

Mr. KNOX. It is not contemplated that this shall be an ordinary highway. The scope and the scale upon which it should be constructed would make the engineering problems, I

should imagine, rather more difficult than ordinarily.

Of course the appropriation is amply protected by the words
"or so much thereof as may be necessary." I think under the

circumstances it ought to stand practically where it is unless somebody who pretends to know will indicate what would be a more proper sum.

Mr. DIXON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. McLAURIN. I do.

Mr. DIXON. In connection with a survey of this kind I remember a case in the Yellowstone National Park, where \$1,000 was appropriated to survey a mountain road about 30 miles long. It took about \$800 of the thousand to make the survey. I do not know how much of a road they surveyed, but I know

that that was the cost.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. I do; for a question.
Mr. HEYBURN. I suggest that the word "survey" may be more comprehensive as used here than ordinarily. A survey of this line should bring to us the information of what was found on the line. It is not merely a question of running a line to determine a distance, but the return should show every form of location of every house and building and, where it passed through villages and towns, the area of the streets and the buildings necessary to be taken. Without being personal, I will say I have had some experience in having such lines run, and it is not merely the question of running a line. The maps that accompany the report of the engineers should give us all the information that we will need as to what will be included within the plan. I would not think \$50,000 too much at all for the pur-

Mr. McLAURIN. Mr. President, who is to judge as to "so much as is necessary?" If that is the direction, then there is no necessity for limiting the maximum amount; we might just as well say that there is a sum appropriated sufficient to make the survey. Congress ought always in making an appropriation to judge itself of the amount that is probably necessary for the

work to be done. Mr. du PONT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. McLAURIN. I do. Mr. du PONT. I think that the joint resolution prescribes in terms that the survey proposed shall be made under the direction of the Secretary of War. He will be the judge of how

much is required for such a survey.

Mr. McLAURIN. That being so, Mr. President, it is itself an objection. Congress, as I have just said, ought to be the judge of that matter. In the instance suggested by the Senator from Montana, a survey of 30 miles was made at an expense of \$800, a little less than \$30 a mile. Now, here is proposed an appropriation of more than a thousand dollars a mile to make this survey. I have said that I believe a hundred dollars a mile would be sufficient, but certainly \$200 a mile would be sufficient for the survey

Mr. President, there is a proposition here for erecting some suitable memorial to one of the great men of this country to commemorate his life and his services to the country.

The VICE-PRESIDENT. The Senator from Mississippi will suspend while the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purpose

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Mississippi will proceed.

Mr. McLAURIN. Here is a proposition to build a road from here to the battle ground of Gettysburg, Pa. That road will be worth a great deal to a great many people along the route. It will be worth a great deal to the people of Gettysburg. It will be worth a great deal to some property owners in this city.

I do not believe that a testimonial to one of the great men of

the country should be made the occasion for commercial adventure, but at the outset, is Congress going into the extravagance of appropriating \$50,000 for the purpose of surveying a road that ought to be surveyed for much less than half and for less than one-fourth of that sum? Is that the spirit in which the enterprise is to be started? I do not think it ought to be. It is true this may be denominated niggardly. Let it be denominated what you please. We are voting away the money of the people of the country and not our own money, and that money ought to be protected by the Congress of the United States, instead of being extravagantly squandered for any purpose.

I am not making the point that Congress should not erect a suitable memorial, but I think it ought to be something in which there is no semblance of an effort at commercialism or an effort at making merchandise of this matter of sentiment. That is my idea about it.

I shall move to strike out "fifty thousand," and I am going to put four times as much in the amount I shall suggest that I think ought to be put in. I am doing that in deference to the suggestion which was made to me a while ago by the senior Senator from New Jersey [Mr. KEAN]. I shall ask to insert in its place \$20,000.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment to the amendment, which will be read.

The Secretary. It is proposed to strike out "fifty thousand" and insert "twenty thousand," so that if amended it will read:

"The sum of \$20,000."
Mr. HALE. Mr. President, let me ask the Senator from Pennsylvania [Mr. Knox] what he has in contemplation about the survey. If it is to be done by engineer officers employed by the Government, it will cost in the way of appropriation very much less than otherwise. But unless that is in contemplation by the Senator, and is so fixed in his amendment, and if the survey is to be made outside of the engineer officers of the department by civil engineers employed by the Government, I am safe in predicting that instead of its costing \$50,000 it will cost \$150,000. It is a distance of anywhere from 60 to 70 miles-

Mr. KNOX. Mr. President—
The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Pennsylvania?

Mr. HALE. Certainly.
Mr. KNOX. I may as well relieve the Senator's mind on the subject now as at any other time. It may save some trouble. Of course, there is no contemplation that this work shall be done by anybody except the officials connected with the War Department. It is directed to be done under the Secretary of War, and only such an appropriation should be made as will clearly enable him to do the work that is contemplated. The Senator from Montana [Mr. Carter] has just informed me that he proposes to offer an amendment. Will the Senator please

state it?
Mr. CARTER. It is to insert, after the word "survey," the words "plans for construction and estimates of cost," so as to read:

Hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey, plans for construction, and estimate of cost for said highway.

Mr. HALE. Why not, after the word "survey" insert "by army engineers?"

Mr. KNOX. I am perfectly willing to accept that.

Mr. CARTER. After the word "cost?"

Mr. HALE. That would make all the difference about the expense. You can not get a survey by a civil engineer outside of government employment. First, they have to select the place to locate the road. They have got to spend months in deciding where it shall be made. Then we will get some idea of the cost. Now, let the amendment that I have suggested be read.

Mr. CARTER. The amendment as suggested by the Senator should cause the text to read:

Hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey, plans for construction, and estimates of cost by engineers of the United States Army for said highway.

Mr. HALE. That is right. Mr. KNOX. I accept it.

Mr. CARTER. In order that the debate may proceed with this amendment included, if it is the pleasure of the Senate to include it, I now offer the amendment.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The Secretary. In the last line of the proposed amendment, after the word "survey," insert "plans for construction, and estimates of cost by engineers of the United States Army

The VICE-PRESIDENT. The Senator from Pennsylvania accepts the amendment to his amendment.

Mr. CULBERSON. I ask that the amendment as now proposed may be read.

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

The SECRETARY. On page 2 of the joint resolution strike out all of line 14 and the lines that follow and insert:

Be it further resolved, That with a view to the construction of suitable memorials to commemorate the public services and character of Abraham Lincoln, which memorial may include a great national highway to be called "The Lincoln Way," from Washington to the battlefield of Gettysburg, in the State of Pennsylvania, the sum of \$50,000, or so much thereof as may be necessary, to be expended under the direc-

tion of the Secretary of War, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey, plaus for construction, and estimates of cost by engineers of the United States Army for said highway.

The VICE-PRESIDENT. The question is first on the amendment of the Senator from Mississippi to the amendment of the Senator from Pennsylvania, striking out "fifty" and inserting "twenty" before "thousand."

Mr. CULBERSON. I desire to make an inquiry of the Senator from Pennsylvania. Not having been able to hear all of the discussion, I should like to know from the Senator if he considers this resolution as binding upon Congress or the Senate to adopt as a memorial the construction of this road.

Mr. KNOX. Mr. President, as I have already stated, I will say in terser form, the resolution does not bind Congress to the highway

Mr. CULBERSON. Do I understand, then, the Senator by his amendment simply to mean that this is merely an inquiry on the part of Congress to determine the cost, and so forth, connected with a project of this kind, to be hereafter determined by Congress upon a full consideration of the matter?

Mr. KNOX. I do not think that any doubt will arise in the mind of anyone who reads or listens to the amendment now in its present form. If it is any satisfaction to the Senator from Texas to state my own personal views about it, I regard it that the Senate is practically saying to-day that the time has come when there should be some declaration upon the subject of a suitable memorial to Lincoln, and that is as far as the Senate is concerned. It feels that the subject of a great national high-way commends itself to the Senate to be inquired into, and therefore we must know something about the location and the cost, the general features of it, and a sum of money that is being appropriated to gather that information. Of course when it comes to the Senate, the Senate may go on with it or it may reject it.

Mr. HALE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Maine?

Mr. KNOX. Certainly.
Mr. HALE. I thought the Senator would be willing to assure us that neither he nor any successor of his nor any Senator from Pennsylvania will hereafter claim that by this joint resolution Congress was committed to this highway.

Mr. KNOX. I do not see how I can add anything to the words I have already said, and I do not care to bind myself or my successors in office.

Mr. HALE. I hoped the Senator might be able to go a little further than that, because I fancy that hereafter we shall be told that we have got to build this highway.

Mr. KNOX. If it can be arranged so that I can decide who my successor would be, I think I could better inform the Senator. Mr. HALE. I think we all would be entirely willing the

Senator should do that,

Mr. BACON. I desire to ask the Senator from Pennsylvania a question. If I understand him correctly, the Senator would recognize, if at any subsequent time it should be the sense of Congress, that it would be equally proper for the Senate to make an inquiry as to any other particular route that might be desired to be inquired into.

Mr. KNOX. I certainly think there would be no limitation on the power of Congress to make such an inquiry as has been

suggested by the Senator from Georgia.

Mr. BACON. And that the inquiry would be as much in order, within proper limitations, of course, as this one, if any suggestions in the future should be made.

Mr. KNOX. That matter is entirely within the discretion of Congress

Mr. WETMORE. I should like to ask a question of the Senator from Pennsylvania. I ask him whether his amendment as it now stands contemplates any other memorial besides a road?

Mr. KNOX. Oh, yes; I am quite sure of it.

Mr. WETMORE. In other words, it does not commit us to the Gettysburg road?

Mr. KNOX. Absolutely it does not, as I understand it. Mr. BACON. I want to say that my inquiry was suggested by the thought that a road from here to Richmond would be very much more appropriate road than a road from here to Gettysburg. Whereas the road to Gettysburg would lead to one battlefield, the road to Richmond would lead through the

battlefields of four years.

Mr. NEWLANDS. I wish to inquire of the Senator from Pennsylvania whether the sum which is appropriated would apply only to plans and estimates regarding the road to Gettysburg or whether it would cover also plans and estimates for

other suggested memorials?

Mr. KNOX. I think it is perfectly clear from the language of the joint resolution that the appropriation is made exclusively for the purpose of inquiring into the highway project

and not any other project.

Mr. NEWLANDS. Let me suggest, then, to the Senator from Pennsylvania that if we act now in this way and make an appropriation of \$50,000 or a less sum simply for a survey of this road and for plans and estimates of the cost, we practically give this form of memorial the right of way. It is not fair when we are considering the question as to what shall be the form of memorial to confine our appropriation and our investigation to only one form of memorial.

The joint resolution as now amended provides for the consideration of memorials hereafter—one, two, three, four alternative projects-and yet we present the machinery by which only one memorial can be presented to the consideration of

Congress.

I do not believe that that is the intention, and I would suggest that the amendment of the Senator from Pennsylvania be enlarged so as to make the expenditure of \$50,000 apply to the study generally of this question, so that alternative projects can be considered when the matter comes before Congress.

I would also suggest to the Senator that his amendment would be improved by the addition of a provision, as follows:

That in connection with such memorials the President is authorized to appoint, by and with the consent of the Senate, an advisory council, to be known as "the council of the arts," composed of eminent architects, painters, sculptors, landscape architects, and laymen, such body to be selected from names submitted to the President by the directors of the American Institute of Architects.

Mr. President, we are just entering upon a great era of architectural development in this country, and thus far we have made no such provision for it as has been made in other civilized countries by the creation of a bureau of arts, or by the creation of a ministry of arts, and by the creation in every instance of a council of arts, composed of architects, painters, and sculptors of distinction. This work will involve the expenditure of many millions of dollars, and yet in it, so far as this amendment goes, the talents only of the Engineering Department of the Government are enlisted, and that, too, in face of the fact that the Engineer Corps of the Army is composed of only 180-odd officers, that it is overburdened with work, and that recom-mendations are now pending for doubling the force, which, of course, will take many years to accomplish through the slow process of turning out educated engineers from West Point. With already an overburdened corps engaged in the work of the Panama Canal, engaged in the work of improvement of our rivers and harbors, a work which will be expanded indefinitely in the future, involving appropriations of from forty to fifty million dollars annually, the only provision we make for experts in this work is the employment of engineers belonging to the Engineer Corps of the Army.

I ask the Senator from Pennsylvania whether he will assent to the addition of this amendment. I will read it to him again.

Mr. KNOX. I paid close attention to the amendment as the

Senator from Nevada read it, and I can not agree to it for the reason that if we were to insert that in the joint resolution, we would be just where we were before, and that is nowhere, on this proposition.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi [Mr. McLaurin].

Mr. NEWLANDS. Mr. President, I will move the amendment I read.

The VICE-PRESIDENT. The first question is on the amendment proposed by the Senator from Mississippi [Mr. Mc-LAURIN] to the amendment of the Senator from Pennsylvania [Mr. Knox].

The amendment to the amendment was rejected.

Mr. NEWLANDS. I offer the amendment which I send to the desk, to be added to the amendment proposed by the Senator from Pennsylvania [Mr. Knox].

The VICE-PRESIDENT. The amendment proposed by the

Senator from Nevada will be stated.

The Secretary. It is proposed to add at the end of the amendment submitted by Mr. Knox, the following:

That in connection with such memorials the President is authorized to appoint, by and with the consent of the Senate, an advisory council, to be known as the council of the arts, composed of eminent architects, painters, sculptors, landscape architects, and laymen, such body to be selected from names submitted to the President by the directors of the American Institute of Architects.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS] to the amendment of the Senator from Pennsylvania [Mr. KNox]. The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. Knox]

Mr. BACON. Mr. President, I desire that the original resolution as proposed, upon which the vote will recur, be read in order that we may see what we shall vote upon in case the amendment of the Senator from Pennsylvania [Mr. Knox] is

Mr. WARREN. Then, I suppose, the Senator calls for the reading of the last paragraph only, which contains the amendment proposed by the Senator from Pennsylvania.

Mr. BACON. I only want so much of it read as will show what we shall have the opportunity to vote upon if the amendment of the Senator from Pennsylvania is defected. ment of the Senator from Pennsylvania is defeated.

The VICE-PRESIDENT. The Secretary will read as re-

quested.

The Secretary. It is proposed to strike out the following paragraph:

Be it further resolved, That it is hereby recommended-

Mr. BACON. Mr. President, I do not ask for the reading of any amendment. I want to know the proposition as it will be before the Senate if the amendment of the Senator from Penn-

sylvania should not be adopted.

The VICE-PRESIDENT. The Secretary will state the original paragraph as heretofore amended by the Senate and as it would stand if the amendment proposed by the Senator from

Pennsylvania should be rejected.

Mr. WETMORE. Mr. President, that would be the pending amendment offered by the Senator from Montana [Mr. CARTER], as I understand.

Mr. BACON.

The VICE-PRESIDENT. The amendment of the Senator from Montana was accepted by the Senator from Pennsylvania. The Secretary will read as requested.

The Secretary. The provision as it stands reads as follows:

Be it further resolved, It is hereby recommended that action be taken looking to the construction of a suitable memorial which shall be worthy his great fame, his service to humanity and to his country, and fittingly commemorate the grandeur of character, the nobility of life, and the epoch-making career of Abraham Lincoln.

It is proposed to substitute for those words the following:

Be it further resolved, That with a view to the construction of suitable memorials to commemorate the public services and character of Abraham Lincoln, which memorials may include a great national highway, to be called "The Lincoln Way," from Washington to the battle-field of Gettysburg, in the State of Pennsylvania, the sum of \$50,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey, plans for construction, and estimates of cost by engineers of the United States Army for said highway.

Mr. WETMORE. Mr. President, I am sorry to say that I consider this amendment a committal to the Gettysburg project, and therefore I trust that it will be voted down.

The VICE-PRESIDENT. Upon the question of the adoption of the amendment of the Senator from Pennsylvania [Mr. Knox] the yeas and nays have been ordered.

Mr. BEVERIDGE. Mr. President, I desire to make a parliamentary inquiry. We are now voting directly upon the amendment of the Senator from Pennsylvania [Mr. Knox] as amended, so that the vote will be "yea" in favor of it and "nay" against it?

The VICE-PRESIDENT. That is correct. The Secretary will

call the roll.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. Elkins], who is absent. I suppose, of course, that this is not a question upon which he would have any concern; but, at any rate, I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I desire the attention of the Senator from Texas [Mr. Balley] for a moment. I made an arrangement with the Senator from Texas for a transfer of pairs for to-day. I ask if he desires that to stand on this vote?

Mr. BAILEY. That fact had escaped my attention for the moment. I am glad that the Senator has called my attention to it. He can vote now, and after the roll call is concluded I shall vote.

Mr. CLARK of Wyoming. I vote "nay."

Mr. TAYLOR (when his name was called). I am paired with the Senator from New Jersey [Mr. Briggs] and therefore withhold my vote.

Mr. WARREN (when his name was called). I ann pair with the Senator from Mississippi [Mr. Money.] I announce my

The roll call having been concluded, the result was announcedyeas 46, nays 24, as follows: VEAS.

1		11	A5-40.				
	Aldrich Reveridge Borah Bourne Brandegee Brown Bulkeley Burrows Carter Clapp Crane Curtis	Depew Dillingham Dixon du Pont Filnt Frye Fulton Gamble Gary Guggenheim Hemenway Heyburn	Johnston Kean Kittredge Knox La Follette Lodge Milton Nelson Page Penrose Perkins Piles	Platt Rayner Richardson Scott Smith, Md. Smith, Mich. Smoot Stephenson Sutherland Warner			
	NAYS—24.						
	Bacon Burkett Burnham Clark, Wyo. Clarke, Ark. Clay	Culberson Cullom Davis Dick Gallinger Hale	Long McCreary McLaurin Martin Newlands Overman	Paynter Simmons Taliaferro Teller Tillman Wetmore			
		NOT Y	OTING-22.				
	Ankeny Bailey Bankhead Briggs	Dolliver Elkins Foraker Foster Frazier	Hansbrough Hopkins McCumber McEnery Money	Owen Stone Taylor Warren			

Gore

So Mr. Knox's amendment was agreed to. The VICE-PRESIDENT. The question is on the amendment as amended.

Nixon

The amendment as amended was agreed to.

Mr. McLAURIN. I offer the amendment which I send to the desk, to be added at the end of the joint resolution.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. At the end of the joint resolution it is proposed to add the following:

And may include a highway from Washington to Manassas, Va., which shall be surveyed as the one heretofore named herein to Gettysburg.

Mr. BACON. I move and insert "Richmond." I move to strike out the word "Manassas"

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment to the amendment, which will be stated.

The Secretary. It is proposed to strike out "Manassas" and insert in lieu thereof "Richmond."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. BAILEY. Mr. President, I should like to hear the joint resolution read as it has been amended.

The VICE-PRESIDENT. The Senator from Texas asks that the joint resolution as amended be read. Without objection, Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

Resolved, etc., That the 12th day of February, 1909, the same being the centennial anniversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories. Be it further

Resolved, That it is hereby recommended that the American people at home and abroad, the States and Territories, and the District of Columbia, all municipalities and towns, all organized bodies of citizens, all associations, and all people generally, set apart the centennial of the birth of Abraham Lincoln to do reverent honor to his memory. Be it further

Resolved, It is hereby recommended that at all places where people gather for public purposes, and in schools, colleges, and all seats of learning, addresses be made in eulogy of Lincoln, and other special and appropriate exercises be held. Be it further

Resolved, That the President be authorized to issue a proclamation, in accordance with the foregoing, inviting governors of States and Territories and mayors of cities to participate in the public recognition of the centennial anniversary of the birth of Abraham Lincoln, recommending that said day be observed as a special holiday. Be it further

recommending that said day be observed as a special holiday. Be it further.

*Resolved**, That, with a view to the construction of suitable memorials to commemorate the public services and character of Abraham Lincoln, which memorials may include a great national highway, to be called the "Lincoln Way," from Washington to the battlefield of Gettysburg, in the State of Pennsylvania, the sum of \$50,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey, plans for construction, and estimates of cost by engineers of the United States Army for said highway.

Mr. BAILEY. Mr. President, I understand the latter part of the joint resolution was the amendment proposed by the Senator from Pennsylvania. I purposely refrained from voting on the question of its adoption because I did not understand it. I desire to vote on the joint resolution, but before voting on it I want to ask the Senator from Pennsylvania if it is in contemplation that the Federal Government shall exercise the power to condemn the land necessary for the construction of this highway in the event that the owners of it decline to sell?

Mr. KNOX. It seems to me, Mr. President, that that is a matter that will have to be determined when Congress decides whether or not it will go on with this work. We are not in a position now to commit ourselves as to what method should be employed to acquire title to the lands over which that road might be built.

Mr. BAILEY. Mr. President, I would have said two or three years ago without the slightest hesitation that the Federal Government could not authorize the condemnation of land for the purpose of constructing a highway like this within a State. am still of that opinion, though I am aware that the Supreme Court of the United States sustained the condemnation proceeding for the purpose, I believe, of acquiring an electric or other kind of railway in the Gettysburg Park. Just exactly how that was within the power of the Federal Government I have never yet been able to work out to my satisfaction; but the learned justice who delivered the opinion in that case, as I remember, said that the establishment of that park was calculated to cultivate the patriotism of the people, and therefore within the power of the Federal Government.

If we are to accept that broad doctrine, unquestionably, then, the construction and maintenance of this great highway is within the power of the Federal Government. But I am myself unable to subscribe to a doctrine of that kind. I regret very much that I am not permitted to vote for so much of the bill as proposes to do honor to the memory of Mr. Lincoln without asserting what I believe to be a dangerous power in the Federal Government. If the Federal Government can go into a State of this Union and condemn a private citizen's property for the purpose of building one highway-not a highway for the purpose of regulating commerce, but a highway wholly disconnected with the commerce and other powers of the Government-then there seems to be no limitation on it.

Mr. RAYNER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Maryland?

Mr. BAILEY. I yield to the Senator from Maryland.

Mr. RAYNER. I agree entirely with what the Senator from Texas has said, but I want to ask him whether the two decisions, the one to which he refers in the case of the Gettysburg Railway Company, and particularly the Kobly case from Wisconsin, with which he is familiar, do not cover this proposition?

Mr. BAILEY. They cover it, but not to my satisfaction.
Mr. ALDRICH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do. Mr. ALDRICH. Does the Senator doubt that the Congress of the United States may authorize the Secretary of War to

survey a route for a road?

Mr. BAILEY. Not at all, provided he surveys it in pursuance of some power possessed by the Federal Government. For instance, he would have the right to survey a route for a military highway if it were essential to the defense of the United States; and I do not doubt now—I never doubted even before the court so decided—that, under the power to regulate commerce, Congress might authorize the construction of a highway, either rail or dirt, along which the commerce of the country might move. But it seems that, while this is a fitting tribute to pay the memory of a great man, you could pay it without raising any question as to power.

Mr. ALDRICH. The Congress is constantly making appro-

priations for investigation, surveys, and estimates for the improvement of streams, although in many cases it is very doubtful whether they are navigable and very doubtful whether their improvement is within the jurisdiction of the United States. I think that the question involved in this amendment is simply a question of examination. I do not in any sense agree with my colleague [Mr. Wetmore] that this is a committal on the part of the Senate to the building of any road anywhere. By its express terms it is simply making an inquiry, and all the questions which may arise when Congress undertakes to order this work, if they ever should, would be considered then. It seems to me that the Senator from Texas is crossing a bridge which is certainly not immediately in front of us when he is suggesting that there may be constitutional

objections to the construction of this road.

Mr. BAILEY. We are just as certain to come to that bridge as we live. The Senator from Rhode Island can take my word for it. I believe, Mr. President, that it is very unfortunate that

we have coupled with the general proposition an amendment of this kind.

I want to disclaim here and now any thought of objecting to Gettysburg. That is a battlefield consecrated by the richest blood of men on both sides in the war between the States. It was there that the soldiers from my own State, though fighting on the side that lost, and losing that day they lost that war, yet won a glory as imperishable as the victorious army did. have no prejudice growing out of the war, and certainly I have none against Gettysburg. If we are to build a highway would as soon it be built to that battlefield as to any other; but I do not believe in the doctrine that because it will cultivate the patriotism of our people for the Government to exercise the great right of eminent domain in a given case that the exercise of such a power can be justified, and for that reason I asked the Senator from Pennsylvania whether or not it was contemplated that the Government would exercise the right of eminent domain. I freely say that if I believed it was intended to compel any citizen of the United States to sell his property against his will in order to construct this highway I would vote against it, whatever sentiment might move me the other way. On the other hand, if it has been arranged, or if it is understood that no power of condemnation is to be exercised on that right of way, if it can be acquired without resort to the courts, then I would have no objection to it.

Mr. RAYNER. I should like to hear read that part of the resolution which gives the right to condemn.

Mr. WARREN. Are we ready to proceed with a vote?
Mr. RAYNER. I desire to say one word.
The VICE-PRESIDENT. The Senator from Maryland has the floor. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. WARREN. I do not wish the Senator to yield, but I hope he will speak so that we may hear him. I did not know what his intention was.

Mr. RAYNER. I merely want to say a word about this matter.

There may be some question here about the right to con-I have not the volume here. I have sent for it. But this identical question, I think, has been settled in the Gettysburg case. The court there held that the Government had the right to condemn. I did not think they would ever decide that way, but there is no doubt about the decision. While I did not oppose the provision of the Senator from Nebraska, I had this decision in mind when I said that I would not object on the part of Maryland to ceding a right of way, because I thought this difficulty might occur, and I knew there would be no difficulty about ceding the right of way, because everybody in Maryland, I am sure, would be willing to give the right of way. But I had the difficulty in mind, and I sent for the case, and I find that the United States has the absolute right to condemn. I agree with the Senator from Texas it is wrong, but demn. I agree with the Senator from Texas it is wrong, but there it is. It has the right to condemn the highway, accord-ing to this decision.

Mr. WARREN. It seems to me that question is far away.

The Senate is now in full attendance, and Senators are waiting

to finish the short portion of the legislative appropriation bill remaining. It seems to me we might defer further discussion

upon a point which is not at issue now.

Mr. BACON. Mr. President, it never occurred to me until the matter was suggested by what has fallen from the lips of the Senator from Texas that possibly my suggestion of Richmond in place of Gettysburg might be construed into an objection to having that particular honor fall to the battle of Gettysburg. I had no such thought in my mind. I quite agree with him that neither side to the battle of Gettysburg has any reason to be ashamed of anything that occurred there in that Titanic combat and that the deeds of the men who were there engaged constitute an imperishable monument to the valor of the whole American people.

I do not depreciate Gettysburg in any manner, and have no objection to it on that ground. My thought in suggesting Richmond was that, if the road was to be built to a battlefield, a road which would lead through the great battlefields of Virginia, where the tide of battle ebbed and flowed for four long years, would be a very much more appropriate tribute than a road leading simply to one battlefield. That was the sole thought in my mind.

Mr. BAILEY. And one connecting the two capitals.

Mr. BACON. And one connecting the capital of the United

States with the capital of the confederacy.

Mr. NELSON. Mr. President, I wish to add one remark on the question of constitutional scruples. We have a great national cemetery at Gettysburg, owned and controlled by the Federal Government, and I do not see what constitutional objection there can possibly be to the Federal Government constructing a highway from its reservation here in the District of Columbia to another reservation in the State of Pennsylvania to open communication between two distinct pieces of government property. It seems to me that is a sufficient answer to all constitutional objections that may possibly be urged.

The joint resolution was reported to the Senate as amended,

and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third

reading, read the third time, and passed. On motion of Mr. Carter, the title was amended so as to read:

"A joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes."

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the considera-

tion of the legislative appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. WARREN. As a committee amendment, I move, on page 3, line 5, to strike out "four hundred" and insert "seven hun-

dred and fifty."

The amendment was agreed to.

Mr. WARREN. In line 6, on the same page, I move to strike out "two hundred and twenty" and insert "five hundred."

The amendment was agreed to.
Mr. WARREN. That, I believe, completes the committee amendments to the bill.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. If there is no objection, the amendments made as in Committee of the Whole will be considered as concurred in.

Mr. BAILEY. Did I understand the Chair to announce that the amendments made as in Committee of the Whole would be considered as concurred in?

The VICE-PRESIDENT. "If there is no objection." The Chair will again put the question. Without objection, the amendments made as in Committee of the Whole will be considered as concurred in. Is there objection?

Mr. BAILEY. I object to that.

The VICE-PRESIDENT. The Senator can reserve a vote on

any particular amendment he desires.

Mr. BAILEY. I was going to say as to all the amendments, outside of those relating to increases of salaries, I am perfectly willing for the vote to be taken in gross. amendments which increase the present salaries of various officers of the United States I want separate votes.

Mr. WARREN. To what salaries does the Senator allude-

the judicial and executive?

Mr. BAILEY. I want a vote on every one of those amendments. I think, however, in order to save the time of the Senate, if we can have one vote which appears to be decisive it will be sufficient.

Mr. WARREN. Then, first vote on the question of the Presi-

dent's salary

Mr. BAILEY. Well, I am content to have it taken that way. The Senator from Idaho [Mr. Borah] is now in his seat. That

is one thing I wanted to do-to wait until he came in.

The VICE-PRESIDENT. Without objection; although it is an unusual course perhaps, the Senate will reserve action upon the amendments reported to the Senate from the Committee of the Whole until after there have been separate votes upon such amendments as the Senator indicates. After there have been such votes, then the other amendments will be considered

Mr. BORAH. I desire to reserve the amendment on page 41,

lines 14, 15, 16, and 17.

Mr. BAILEY. I have not the bill before me, and I will inquire of the Senator to what that relates?

Mr. BORAH. The Executive.
Mr. WARREN. The President's salary.
Mr. BAILEY. The President's salary.
Mr. WARREN. There is no objection to a vote being taken on that now, if the Senator desires it. As I understand, the bill is now in the Senate.

The VICE-PRESIDENT. The bill is now in the Senate.

Mr. BAILEY. I will ask to reserve—
Mr. WARREN. The Senator need not reserve it. He can move his amendment now. The bill is in the Senate and open

of the committee. I merely desire to reserve a separate vote upon the amendments increasing the salaries of judicial officers.
Mr. BORAH. We are now in the Senate.
The VICE-PRESIDENT. The bill is now in the Senate.

Mr. BORAH. And open to amendment?
The VICE-PRESIDENT. And open to amendment.

Mr. ALDRICH. Have the other amendments been concurred

The VICE-PRESIDENT. They have not been. The Chair suggested that the amendments on which Senators desired to have separate votes be first acted upon.

Mr. ALDRICH. I suppose the question is whether the amendments made as in the Committee of the Whole shall be con-

curred in in the Senate.

The VICE-PRESIDENT. That is the question, and Senators desire a separate vote upon some of the amendments. The Senator from Idaho proposes an amendment, which will be

Mr. BORAH. On page 41, line 14, I move to strike out "one hundred" and insert "seventy-five," making it read "\$75,000." The VICE-PRESIDENT. The Senator from Idaho proposes

an amendment, which will be stated.

The Secretary. On page 41, line 14, in the committee amendment agreed to as in Committee of the Whole, it is proposed to strike out "one hundred" and insert in lieu thereof "seventy-five," so as to read:

For compensation of the President of the United States, \$75,000.

Mr. WARREN. Just a word, Mr. President. The Senator should know that when we are through with the bill here it must go to conference, where none of the salaries can be increased, but where we are almost sure to have to compromise with the House. In other words, in conference we often have to do as they say in horse trading, "split the difference."

It seems to me Senators could now fairly take the chance of allowing this bill to go to conference as it stands, because we are almost sure to meet resistance and reduction there. the Senator would withdraw his motion. If not, I hope it may be voted down, for, in the first place, to pass it as offered would be to reduce it practically to the present pay of the President, and would not practically raise the salary at all. I think the salary ought to be raised. Mr. President, I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. McLAURIN. I should like to ask the Senator from

Wyoming what is the present pay?
Mr. WARREN. The President's pay proper is now \$50,000, and \$25,000 a year we have been appropriating for traveling and other similar expenses.

Mr. McLAURIN. That makes it \$75,000?

Mr. WARREN. Seventy-five thousand dollars.
Mr. McLAURIN. That is the present pay of the President?
Mr. WARREN. That is.
Mr. McLAURIN. I should like to know when that got to

Mr. WARREN. We have appropriated the \$25,000 each year for three years

Mr. McLAURIN. Then within the last four years we have raised the salary of the President \$25,000?

Mr. WARREN. We have not raised the salary of the President as such, but it amounts to practically the same, because in the sundry civil bill we have allowed \$25,000 a year.

Mr. McLAURIN. That has been the effect of it? Mr. WARREN. Yes. Mr. McLAURIN. That raised the salary \$25,000?

Mr. LODGE. No; not quite that.

Mr. WARREN. I may say it raised his possible compensation, altogether.

Mr. McLAURIN. Compensation.

Mr. LODGE. But the provision in the sundry civil bill was

limited exclusively to transportation.

Mr. McLAURIN. I understood that the Senator from Wyoming just a little while ago stated that if we now fix the salary at \$75,000 it will not be any raise in the salary of the President of the United States. The thing that troubled me about that expression was that the compensation of the President of the United States, to use the term of the Constitution, must now be \$75,000 a year. When the present President of the United States came into office it was only \$50,000, as I understand, and the Constitution says it shall not be increased during his term of office; and the thing that worried me was to know how, if

move his amendment now. The bill is in the Senate and open to amendment.

Mr. BAILEY. I understand that perfectly. I do not myself propose any amendment. I am simply resisting the amendment the Constitution, voted. That is one of the reasons why we

want to put it in better shape and fix a salary for the President which shall be definite and which will cover all expenses.

Mr. McLAURIN. Then it was of questionable constitutionality, and it is desired-

Mr. WARREN. Yes; it was questioned. I am not asserting what it may be on my part. When the Senator speaks of total amount of salary he must have heard me qualify it by saying it was practically that.

Mr. McLAURIN. It is the same thing, and "things which are equal to the same thing or equal things are equal to each

other.

Mr. TELLER. Mr. President, I was a member of the committee that recommended to the Senate the increase of salary, and I was a member of the committee that reported the bill to the Senate. Without violating the rules of the Senate by stating what occurred in committee, I desire to say that I am one of those who believe we have no authority to increase the emoluments of the President in any shape after he has taken his office. I voted on both occasions against the \$25,000 appropriation, not because I was not willing that the President should have it, but because I did not believe we had the authority to vote it. I do not believe so now.

Mr. President, when the opportunity was presented I objected to the \$100,000 salary. I made a suggestion then, and I made it subsequently in another place, that I was willing to give the President of the United States a salary of \$75,000. Then I was willing to give him, in addition to that—which we now have the authority to do, because it applies only to the next President and not to the present President, and there is no constitutional objection to giving the President whatever we choose—\$25,000 as a contingent fund, to be used in his own discretion for any purpose that he saw fit. I stated that I would not consent to the President of the United States being asked to report to

Congress how he had spent the \$25,000.

Mr. President, I know very well-I have had some opportunities to know-that the President of the United States is called upon at all times for contributions for various purposes in charity and in various other ways and a multitude of expenses attach to that office which can not be provided for by law. I was willing that the President should have a hundred thousand dollars provided I knew certainly that there would be no further sum added, as there has been added before, contrary, as I believe, to the Constitution, after he shall have taken his office. I voted to make the salary \$75,000. I stated then I was quite willing to vote, in addition thereto, \$25,000, as, if I may so say, a contingent fund for his general use.

I do not think a hundred thousand dollars for the President's salary is an extravagant sum, everything considered. It was stated here the other day that the President of France gets \$125,000, and I thought perhaps there would be some suggestion that we should make it \$125,000 in this case.

Mr. President, in this discussion it has been agreed that the \$100,000 is to be final; that there is to be no additional sum allowed. I know we can not bind future Congresses, but I believe the policy of the party in power may be fairly determined by the declarations that have been made here.

I am not going to insist upon the President receiving a salary of \$75,000 after the Senate has carefully considered the question and voted \$100,000. I am going to accept that as the action of the Senate, so far as I am personally concerned. I do not believe the people of the United States will particularly complain of that. I think, as to some of the other salaries, they may make complaint; but I doubt very much whether the salary of the President will cause any complaint.

Mr. President, I would rather myself vote for a hundred thousand dollars straight at any time than to vote for \$25,000, as we

have been giving him for the last few years in absolute viola-tion, as I believe, of the Constitution of the United States; and if a hundred thousand dollars will be accepted by the party in

power as the proper amount, I shall have no special complaint.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho [Mr. Borah], on which the yeas and nays have been ordered.

The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. Elkins]. I transfer the pair to the Senator from Missouri [Mr. STONE] and will vote. I vote "yea."

Mr. CURTIS (when his name was called). I announce my

Senator from Oklahoma [Mr. Gore] and will vote. I vote

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. Money]. I do not see him in the Chamber. I will ask that he may be paired with the senior Senator from Washington [Mr. ANKENY] and I will vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I desire to inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DILLINGHAM. I have a general pair with that Senator, and for that reason withdraw the vote I gave.

Mr. McLAURIN. I wish to state that my colleague [Mr. Money] is unavoidably detained from the Chamber by illness. Mr. SCOTT. I desire to state that my colleague [Mr. Elkins] is detained from the city. If he were here he would vote "nay."

The result was announced—yeas 28, nays 41, as follows: WELD OO

	1	EAS-28.	
Bacon Bailey Banknead Beveridge Borah Brown Burkett	Clapp Clay Culberson Davis Dixon Frazier Gary	Johnston La Follette McLaurin Martin Milton Nelson Overman	Paynter Rayner Simmons Smith, Mich. Taliaferro Taylor Teller
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Aldrich Bourne Brandegee Bulkeley Burnham Burrows Carter Clark, Wyo. Crane Cullom Depew	Dick du Pont Filnt Frye Fulton Gallinger Gamble Guggenheim Haie Hemenway Heyburn	Kern Kittredge Knox Lodge Long McEnery Newlands Page Penrose Perkins Platt	Richardson Scott Smoot Stephenson Sutherland Warner Warren Wetmore
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Ankeny Briggs Clarke, Ark. Cummins Curtis Daniel	Dillingham Dolliver Elkins Foraker Foster Gore	Hansbrough Hopkins McCreary McCumber Money Nixon	Owen Piles Smith, Md. Stone Tillman

So Mr. Borah's amendment was rejected.

The amendment was concurred in.

Mr. BORAH. On page 11, line 21, I move to strike out the words "one thousand two hundred dollars each," and to insert the words "one thousand four hundred and forty dollars each," so as to read:

Eight conductors of elevators at \$1,440 each.

Mr. WARREN. I hope that amendment will not prevail. That is invading the right of a class of employees who ought to be treated together, and it will be taken care of in due season. I do not think the amendment ought to pass at this time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. Borah].

The amendment was rejected.

Mr. NELSON. On page 11, line 21, I move to strike out the word "two" before "hundred," and to insert the word "four," so that the pay of elevator conductors will be \$1,400, instead of \$1,200, as now.

Mr. WARREN. That is the same amendment that was offered by the Senator from Idaho except a change of \$40.

Mr. NELSON. No; it is not the same amendment.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The Secretary. On page 11, line 21, before the word "hundred," strike out "two" and insert "four," so as to read:

Eight conductors of elevators, at \$1,400 each.

Mr. WARREN. That is exactly the same that we just passed upon.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON]

Mr. WARREN. Is it in order after voting upon an amendment to have another Senator offer immediately the same amendment?

The VICE-LANGUAGE.
is different language.
VICE-LANGUAGE.
VICE-LANGUAGE. The VICE-PRESIDENT. It is not in the same language. It

The VICE-PRESIDENT. It is a different amendment.

mr. Collis (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. Briggs] to the large was called). I transfer my pair with the Senator from New Jersey [Mr. Briggs] to the

be at their posts at certain hours and, under some circumstances, to be on duty seven days in the week, showing that they are performing very laborious service.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from Minnesota.

The Secretary read as follows:

The Secretary read as follows:

Elevator conductors will report at the office of the chief engineer at S o'clock a. m., and not leave the building, without permission, until the elevators are closed.

During week days, elevator conductors will operate the cars from 8.30 o'clock a. m. until 5 o'clock p. m., or later if a Senator desires.

On Sundays, the east public elevator, known as "elevator No. 2," must be operated from 9 o'clock a. m. until 4 o'clock p. m., or later if a Senator desires.

Elevator conductors must observe the following rules:

Bring the floor of the car to the level of the outside floor before opening the grille doors, and see that all doors are closed before starting the car.

Maintain a standing position while operating the elevator, and not leave the car, under any circumstances, until relieved by another conductor or until the elevator is closed.

Keep the elevator machinery in a neat and tidy condition, and notify the engineer in charge when the elevator is closed.

When relieved, remain in their respective rooms or in the office of the chief engineer, where they can be called for immediate service.

Carry freight (wood, documents, etc.) before 9.30 a. m. or after adjournment of the Senate, but not let the hauling of freight at any time interfere with the passenger service.

Limit the passengers to the capacity of the cars, which is—No. 1, 12 persons, exclusive of conductor.

No. 2, 14 persons, exclusive of conductor.

No. 3, 10 persons, exclusive of conductor.

No. 4, 8 persons, exclusive of conductor.

No. 4, 8 persons, exclusive of conductor.

And only thirty days' leave during the year.

Mr. TELLER. I should like the Senator who offered this amendment to explain what evil he is trying to cure. This is a question that I understand is under the control of the Committee on Rules of this body. We have had no complaint, so far as I know as a member of the Committee on Appropriations, concerning the elevator people. I do not know, nor can any other Senator tell, how much change it is proposed to make in the regulations as to the elevators.

Mr. LA FOLLETTE. I will say to the Senator from Colorado that my purpose in sending the memorandum to the desk to have it read was to call attention to the exacting duties required of the men who run the elevators and who receive \$1,200 a year under the present law. This does not seem to me to be a sufficient amount for these men to properly support their

families and maintain themselves.

It seems to me that with the extreme liberality which the Senate has shown in the raising of the salaries of judges, the Speaker, the Vice-President, and the President, it might well lift the salaries of the elderly men employed as elevator op-erators in the Senate end of the Capitol. They sometimes work seven days a week, performing service from early in the morning until late at night. It seems to me to be a reasonable request to make the little increase in salary provided in the amendment.

Mr. TELLER. I should like to ask the Senator if those reg-

ulations represent the present rules.

Mr. LA FOLLETTE. I understand that they do, sir.

Mr. TELLER. Then the Senator does not desire to change the rules?

Mr. LA FOLLETTE. Oh, no. I simply had these rules read to inform the Senate of the time which these men are required to put in daily in their employment.

Mr. TELLER. I sympathize with the Senator as to the question of the salaries of these people. If the Senator wants to make a motion to raise their salaries, I will support it.

Mr. LA FOLLETTE. There is an amendment pending. The Senator from Minnesota offered the amendment. I simply sent the memorandum to the desk to have it read in support of the

Mr. TELLER. I did not understand what the motion of the

Senator from Minnesota was.

Mr. NELSON. If the Senator from Colorado will allow me, I will state that I moved an amendment to increase the salary of the elevator boys-I believe there are eight of them-from \$1,200 to \$1,400 a year. We have a lot of messengers here who get \$1,440 a year, and when Congress adjourns they go home and do nothing at all and draw their salaries. These elevator boys are kept here all the summer and get only thirty days' vacation. In view of the great raise that we have made in salaries in other directions, it seems to me it is picayunish and lilliputian to refuse this increase in the pay of these hard-working elevator boys.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr.

The amendment was agreed to.

Mr. PENROSE. I ask unanimous consent to have an amendment made on page 78, line 6, by striking out the words 'thousand five hundred" and inserting "five thousand." would place the salary of the assistant treasurer at Philadelphia on an equality with the salary paid the assistant treasurer at Boston.

Mr. HALE. It ought to be more.

Mr. PENROSE. It ought to be more, because there is double the business

Mr. WARREN. Let me ask the Senator from Pennsylvania. that salary already in the statute?

Mr. PENROSE. That is the salary, the sum of \$5,000, authorized by section 3596 of the Revised Statutes, page 710 of the second edition of the Revised Statutes, 1878.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 78, line 6, strike out the words "four thousand five hundred" and insert "five thousand," so as to read:

Office of assistant treasurer at Philadelphia: For assistant treasurer, \$5,000.

The amendment was agreed to.

Mr. DICK. In lines 17 and 18, page 9, I move to strike out the words "four hundred and forty" and to insert "eight hundred," so as to read:

Forty-six messengers, at \$1,800 each.

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The Secretary. On page 9, lines 17 and 18, strike out "four hundred and forty" and insert "eight hundred," so that it will

Forty-six messengers, at \$1,800 each.

Mr. WARREN. These matters have never been before the Committee on Appropriations for consideration. I shall be compelled to make a point of order against the amendment. We must consider the subject-matter at some other time. There is no estimate for the increase. It has not been recommended by any committee.

The VICE-PRESIDENT. What is the point of order?

Mr. WARREN. The point of order is, first, it is not estimated for; and, second, it has not been recommended by any standing committee.

The VICE-PRESIDENT. The Chair thinks the point of order is well taken.

Mr. BAILEY. Mr. President, I reserved a separate vote on the amendments made when the Senate, as in Committee of the Whole, raised the salary of the judges, but in view of the very decisive vote of the Senate on the increase of the President's salary, I hardly think it worth while to occupy its time by a separate vote, and I shall not demand it, nor shall I occupy the time of the Senate further than to say—and it is the last word I shall have to say on it—that it is an amazing spectacle to me to see the legislative department of this Government assert its inferiority to the executive and judicial departments.

In the early days of the Republic it was believed that the legislative department of the Government would be the most important and the most potential. But there seems to have been a gradual but a distinct change of sentiment in that regard, and we have now reached a point when we vote that all executive officers of importance are entitled to higher salaries than Senators and Representatives; and then we follow that by voting that all the judicial officers of the Governmentthe Chief Justice, associate justices, circuit judges, and district judges—are all worth more to the people of the United States than Senators and Representatives. If I were disposed to be vicious in disposition, I would say I am inclined to think they are.

The VICE-PRESIDENT. Without objection, the amendments made as in Committee of the Whole, aside from those that have been amended in the Senate, will be considered in gross

and, without objection, they are concurred in.

Mr. BAILEY. I want the right to vote on them. Mr. WARREN. What is the motion of the Se What is the motion of the Senator from Texas?

Mr. BAILEY. No motion is required. The motion is that these amendments be concurred in in the Senate, I understand. I am perfectly willing that the Chair shall put the vote on them

in gross, so that I can get a chance to vote "no."

Mr. WARREN. That is all right.

The VICE-PRESIDENT. That is the question. The question is on concurring in the amendments made in Committee of the Whole, aside from those that have been amended in the Senate. The Senator from Texas is willing that the question be taken in gross.
Mr. BAILEY. In gross.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADJOURNMENT TO MONDAY.

Mr. HALE. Mr. President, the Senate has been in prolonged session for the entire week, coming here early and staying late. In response to the request of many Senators who desire a day to attend to departmental and other outside business, I move that when the Senate adjourns to-day it be to meet on Monday next. I will then ask that the Senate take up the urgent deficiency appropriation bill after the routine morning business on Monday.
The VICE-PRESIDENT. The Senator from Maine moves

that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. SCOTT. Mr. President, I understand that the House of Representatives will not consider any more pension bills after next week. I therefore desire to ask unanimous consent for the present consideration of two or three bills which are now on the Pension Calendar. The first bill for which I ask con-

sideration is Senate bill No. 8628.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a bill,

the title of which will be stated.

The Secretary. A bill (S. 8628) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

Mr. CULBERSON. I ask the Senator from West Virginia, before the unanimous consent for which he asks is given, if this bill is reported unanimously from the Committee on Pensions.

Mr. SCOTT. It is a unanimous report, as I understand it. All of these reports are unanimous. on the calendar.

Mr. McLAURIN. I ask the Senator from West Virginia how many pensioners are carried in this bill?

Mr. SCOTT. I do not know the exact number. Mr. McLAURIN. About how many? Has the Senator any idea?

Mr. SCOTT. About 100, I will say to the Senator. The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

whole, proceeded to consider the bill. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

Joshua Long, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$24.

Joseph A. Espy, late of Company K, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Andrew J. Welker, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension of \$30.

Abraham A. Croy, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension of \$12.

Walter Kelley, late of Company B, First Regiment, Company A, Twenty-first Regiment, and Company A, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension of \$30.

John Lynch, late of Company M, Sixteenth Regiment New York Volunteer Cavalry, and Company G, Third Regiment New York Provisional Volunteer Cavalry, and pay him a pension of \$30.

Patrick J, Morgan, late of Company K, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension of \$30.

William H, Barnes, late of the Thirty-fourth Battery New York Volunteer Light Artillery, and pay him a pension of \$24.

Charles W. Carter, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$24.

Warner P. Price, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$24.

Harvey B. Ames, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$24.

John H. Day, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension of \$24.

John H. Day, late of Company G, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$24.

John H. Day, late of Company G, Ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Timothy Donovan, late of Company G, Ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of \$30.

Clinistopher C. Shockley, late o

Travilla A. Russell, late of Company B. First Regiment West Virginia Volunteer Infantry, and Company D. Second Regiment West Virginia Volunteer Infantry, and pay him a pension of \$24.

Mila P. Deisz, widow of Frank I. Deisz, late of Company K. Fortfeth Regiment Wisconsin Volunteer Infantry, and pay her a pension of \$20.

Rebecca L. Price, late nurse, Medical Department, U. S. Volunteers, and pay her a pension of \$12.

Henry A. Chadbourne, fact of Company C. Twenty-seventh Regiment Misconsin Volunteer Infantry, and pay him a pension of \$24.

Mila P. A. Chadbourne, fact of Company C. Twenty-seventh Regiment Misconsin Volunteer Infantry, and pay him a pension of \$24.

Michael Fitzpatrick, late of Company E. Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension of \$24.

John P. D. Stevens, late of Company G. Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension of \$24.

Frank M. Montague, late of Company G. Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

Henry H. Klock, late first Heutenant and adjutant Ninth Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Regiment Illinois Volunteer Infantry, and pay him a pension of \$30.

Anthony Coleman, late of Company C. Elepth Regiment West Virginia Volunteer Infantry, and pay him a pension of \$30.

Anthony Coleman, late of Company B, Fifty-first Regiment United States Colored Volunteer Infantry, and pay him a pension of \$30.

Anthony Coleman, late of Company B, Second Regiment United States Colored Volunteer Infantry, and pay him a pension of \$30.

Second Regiment New Hampshire Volunteer Infantry, and pay her a pension of \$24.

Jacob M. Revis, late of Company B, Second Regiment Tennesse Volunteer Infantry, and pay him a pension of \$24.

Janes A. Bowden, late of Company B, Second Regiment Tennessee Volunteer Infantry, and pay him a pension of \$24.

Janes A. Bowden, late of Company B, Second Regiment Rode Island Volunteer Infantry, and pay him a pension of \$24.

Janes Ross, late of Company B, Second Reg

Ralph S. Jordan, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension of \$12, the same to be paid him without deduction or rebate on account of former alleged overpayment or erroneous payment of pension.

William McCarren, late of U. S. S. Springfield and Great Western, United States Navy, and pay him a pension of \$30.

Henry Ipock, late of Company G. First Regiment North Carolina Volunteer Infantry, and pay him a pension of \$20.

Judson A. Potter, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension of \$24.

James M. Thomas, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension of \$24.

Iphigenia E. Crane, widow of Gilbert R. Crane, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension of \$20.

William A. Petty, late of Battery B. First Regiment Ohio Volunteer

Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension of \$20.

William A. Petty, late of Battery B, First Regiment Ohio Volunteer Light Artillery, and pay him a pension of \$24.

John Giles, late of Company A, First Battalion, Fourteenth Regiment U. S. Infantry, and pay him a pension of \$30.

Frederic S. Hill, late acting volunteer lieutenant, United States Navy, and pay him a pension of \$30.

Lucy McKusick, widow of Marshall N, McKusick, late second lieutenant Sixth Battery, First Battalion Maine Volunteer Light Artillery, and pay her a pension of \$15.

Henry L, Harris, late commissary-sergeant Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$24.

George W. Peck, late of Company H, Third Regiment California Volunteer Infantry, and pay him a pension of \$30.

William Thome, late of Company I, Thirty-fifth Regiment, and Company I, Twenty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension of \$30.

Daniel Loftis, late of Company K, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$24.

Thomas D. Stevenson, late of Company C, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension of \$24.

Margaret L. Harden, widow of Henman Harden, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay her a pension of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Henrietta Harden, helpless and dependent child of said Henman Harden, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of henrietta Harden, helpless and dependent child of said Henman Harden, the name of the said Henrietta Harden shall be placed on the pension roll at \$12 per month from and after the date of death of said Margaret L. Harden.

George A. Kogle, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension of \$30. Frederick M. Hart, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension of \$30. Dana Fish, late of Company K, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension of \$30. Charles A. Slocum, late captain company G, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension of \$30. William H. Bettinger, late of Company C, Fourteenth Regiment New York Volunteer Infantry, and pay him a pension of \$24. William T. Collins, late of Company H, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension of \$24. Gilbert L. Holmes, late of Company E, First Regiment West Virginia Volunteer Infantry, and first lieutenant Company I, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension of \$24.

Gilbert L. Holmes, late of Company E, Frist Regiment West Virginia Volunteer Infantry, and first lieutenant Company I, Second Regiment of \$24.

James E. Herbert, late of Company A, Fourth Regiment Michigan Volunteer Infantry, and pay bim a pension of \$30.

James S. Swinehart, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, and pay bim a pension of \$30.

Elbridge F, Green, late of Company L, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension of \$30.

Elbridge F, Green, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension of \$30.

Hamilton H, McLain, late of Company E, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension of \$24.

Bradford H. Tripp, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$24.

Edward Taubert, late of Company K, One hundred and forty-ninth Regiment Fennsylvania Volunteer Infantry, and pay him a pension of \$24.

Edward Taubert, late of Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension of \$24.

George E. Currier, late of Company E, Thirty-sixth Regiment Hilnois Volunteer Infantry, and pay him a pension of \$24.

William McClarey, late of Company F, Thirty-sixth Regiment Hilnois Volunteer Infantry, and pay him a pension of \$24.

Charles F, Smith, late of Company F, Thirty-sixth Regiment Tennessee Volunteer Lorantry, and pay him a pension of \$30.

Charles F, Smith, late of Company F, Thirtieth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30.

Charles F, Smith, late of Company F, Thirtieth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30.

Earl M, Rogers, late first lieutenant Company J, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

Earl M, Rogers, late first lieutenant Company J, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

Levi Judd, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$30.

Levi

\$24. Charles W. Kimball, late of Company F, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30. William P. Worthing, late of Company G, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension of \$30.

James R. Bruner, late captain Company D, Forty-seventh Regiment Indiana Volunteer Infantry, and lieutenant-colonel One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension of \$30.

thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension of \$36.
Oscar C. Stevens, late of Company I, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension of \$24.
Edwin H. Nash, late of Company H, First Regiment New York Volunteer Engineers, and pay him a pension of \$24.
Thomas Tirrell, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension of \$12.
Catharine H. Baker, widow of William A. Baker, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension of \$20.
George G. Adams, alias Godfrey Adams, late of Company B, Sixtysixth Regiment New York Volunteer Infantry, and pay him a pension of \$24.

of \$24.
Charles F. Richards, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension of \$30.
Blackburn B. Dovener, late captain Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension of \$72.
Lucius Fuller, late of Company I, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension of \$24.

Mr. SCOTT. On behalf of the committee I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.
The Secretary. On page 15, line 2, after the words "rate of," it is proposed to strike out "twenty-four" and insert "thirty," so as to read:

The name of Gilbert L. Holmes, late of Company E, First Regiment West Virginia Volunteer Infantry, and first lieutenant Company I, Second Regiment West Virginia Veteran Volunteer Infantry, and pay

him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of House bill 25409.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a bill,

the title of which will be stated.

The Secretary. A bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULBERSON. I ask the Senator from West Virginia if this is simply another bill with additional names of a char-

acter similar to the preceding bill?

Mr. SCOTT. I will say to the Senator from Texas that the Committee on Pensions in making pension reports distribute the bills, and one Senator reports one portion of the bills and another Senator reports another portion of the bills. The bill for which I have asked consideration was reported by the Senator from Utah [Mr. Smoot], after a unanimous agreement by the full committee that the report should be favorable.

Mr. CULBERSON. In other words, instead of having a great number of individual bills, the names of pensioners are put into two or three bills.

Mr. SCOTT. And the President has to sign but one bill, instead of having to sign 100 or 200 bills. That was the object of the consolidation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the consideration of one more pension bill, which was reported from the Committee on Pensions by the Senator from Washington [Mr. Piles]. It is Senate bill 8629.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8629) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

place upon the pension roll, at the rate per month therein specified, the following-named persons:

Betsy Anderson, widow of Peter Anderson, late of Company H, Fifteenth Regiment U. S. Infantry, and pay him a pension of \$12.

Morton R. Perry, late of Company L, Sixteenth Regiment U. S. Infantry, and pay him a pension of \$12.

James G. Hannard, late of Company E, Seventeenth Regiment U. S. Infantry, and pay him a pension of \$20.

John L. Johnson, late of Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension of \$12.

Harry W. Bershon, late of Company G, Twelfth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension of \$12.

Franklin Presley, late of Company G, Twelfth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension of \$16.

George A. Sorrels, late of Company C, Second Regiment U. S. Artillery, and pay him a pension of \$24.

Helen L. Seymour, widow of Isaac Knight Seymour, late lieutenant-commander, United States Navy, and pay her a pension of \$40.

Jesse Tyre, late of Capt. Joseph J. Knight's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension of \$16.

Harry H. Short, late of Company B, Two hundred and second Regiment New York Volunteer Infantry, war with Spain, and pay him a pension of \$30.

James Brown, late of Capt. W. S. Buckley's Company K, Ninth Regiment Oregon Militia, Oregon and Washington Territory Indian war, and pay him a pension of \$16.

Joseph Andrew, late of Capt. Robert Mickler's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension of \$16.

Joseph Andrew, late of Capt. Robert Mickler's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension of \$16.

Eugene Wessinger, late of Company B, Eleventh Regiment U. S. Infantry, and pay him a pension of \$12.

Barnard Klein, late of Company I, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension of \$30.

Emilie Le Barbier Crofton, widow of

Mr. SCOTT. Mr. President, on page 4, line 8, after the words "rate of," I move to strike out "twenty-five" and to insert

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The Secretary. On page 4, line 8, after the words "rate of," it is proposed to strike out "twenty-five" and to insert "thirty," so as to read:

The name of Emilie Le Barbier Crofton, widow of William M. Crofton, late first lieutenant and captain First Regiment U. S. Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said William M. Crofton until he reaches the age of 16

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLEFOURCHE LAND DISTRICT.

Mr. GAMBLE. Mr. President, I ask unanimous consent for the present consideration-

Mr. KEAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. GAMBLE. I do not. I ask unanimous consent for the present consideration of Senate bill No. 7377.

Mr. KEAN. I move that the Senate proceed to the considera-tion of executive business.

The VICE-PRESIDENT. The Chair will present the request of the Senator from South Dakota. The Senator from South Dakota asks unanimous consent for the present consideration of a bill the title of which will be stated.

The Secretary. A bill (8, 7377) authorizing the creation of a land district in the State of South Dakota, to be known as the

Bellefourche land district."

The VICE-PRESIDENT. Is there objection to the request? Mr. KEAN. Of course, I have no objection to the bill, Mr. President. I know nothing about it. It is a local matter.

Mr. GAMBLE. I am very anxious the bill should be now taken up and considered. It will take but a moment.

Mr. KITTREDGE. There are some amendments to be presented to that bill, which will take some little time. I think

it had better go over.

Mr. GAMBLE. Mr. President, I do not understand there are any amendments proposed. The bill was unanimously reported from the Committee on Public Lands without amendment, and no amendments were suggested or proposed. The measure is entirely satisfactory to the people of the region affected by the proposed measure, and they are anxious for its enactment. Its passage is recommended by the Interior Department. It affects a large number of people in the western part of the State, and is a matter of great importance to them and for their convenience and accommodation.

I have spoken with the Member of the House from that section of the State and, as I understand it, there are no substantial differences in connection with the measure. Should there be, I am satisfied a solution can be had later. Considering the importance of the matter to the people interested, and that the time of this session is rapidly passing, I should be glad to have the bill taken up and considered at this time.

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?
Mr. KITTREDGE. I object.

The VICE-PRESIDENT. Objection is made by the junior Senator from South Dakota. The bill will go over without prejudice.

KANSAS RIVER BRIDGE, KANSAS CITY, KANS.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. CURTIS. Mr. President, I hope the Senator will withhold that motion until I can have a bridge bill considered.

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. KEAN. I yield if it will give rise to no discussion. Mr. CURTIS. I think it will not. I ask unanimous consent for the present consideration of the bill (S. 8333) to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. KEAN. Mr. President, it is very important that we should have an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

LIGHT AND FOG SIGNAL AT ARMY POINT, CAL.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 8259) providing for the construction of a light and fog signal at Army Point, Suisun Bay, California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to construct a light and fog signal at Army

Point, Suisun Bay, California, at a cost not to exceed \$10,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WALTER W. KEEFE.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 8733) for the relief of Walter W. Keefe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay \$427.75 to Walter W. Keefe, late civil plumber in the Quartermaster's Department at Fort Egbert, Alaska, for property destroyed by fire at Arlington dock, Seattle, Wash., on May 6, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADVERSE LAND CLAIMS IN ALASKA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 8587) to amend sections 2325 and 2326 of the Revised Statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Public Lands, with amendments.

Mr. KEAN. I will ask if there is a report accompanying that

bill?

The VICE-PRESIDENT. The Chair is informed that there

is a report.

Mr. NELSON. There is a report with the bill; but I will say, Mr. President, that this bill was recommended by the General Land Office and sent in by them. It only relates to matters in Alaska.

Mr. KEAN. If the Senator from Minnesota says it is all right, I know it must be.

The VICE-PRESIDENT. There is a committee amendment, which the Secretary will state.

Mr. BURKETT. I should like to ask the Senator from Min-

nesota to explain what the bill does. I do not even know what

the sections are which it is proposed to amend.

Mr. NELSON. The bill relates to cases where it is sought to acquire a patent to mineral lands under an adverse claim. In such cases the claimant must advertise for sixty days and post a notice for sixty days, and then anybody who has objection must file it in the sixty days. The distances in Alaska are so immense and the means of travel so poor that the time now allowed is found to be too short. This bill gives eight months, instead of sixty days, to file objections. So with reference to proving up. The bill is simply to meet conditions in Alaska. It was prepared by the General Land Office, sent to me, and I introduced it. It affects only Alaska.

Mr. CULBERSON. From what committee does the bill come? Mr. NELSON. From the Committee on Public Lands. The committee were unanimous,

The VICE-PRESIDENT. The first amendment reported by the committee will be stated.

The Secretary. In section 1, page 1, line 11, before the word "months," it is proposed to strike out "six" and insert "eight," so as to make the section read:

That section 2325 of the Revised Statutes of the United States p. 426) is hereby amended by adding to the end of said section the fol-

(p. 426) is hereby amended by adding to the end of said section the following words:

"Provided, That in the district of Alaska any person or association of persons having or asserting any adverse interest or claim to the tract of land or any portion thereof sought to be patented shall, during said period of posting and publication, or within eight months thereafter, file in the land office where such application is pending, under oath, such adverse claim and shall, within sixty days after the filing thereof, begin an action to quiet title in a court of competent jurisdiction within the district of Alaska."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 10, before the word "months," to strike out "six" and insert "eight," so as to make the section read:

the word "months," to strike out "six" and insert "eight," so as to make the section read:

Szc. 2. That section 2326 of the Revised Statutes of the United States (p. 427) is hereby amended so as to read as follows:

"Szc. 2326. That where an adverse claim is filed during the period of publication, or within eight months thereafter if the land involved is within the district of Alaska, it shall be upon oath of the person or persons making the same, and shall show the nature, boundarles, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, or within sixty days after filing his claim if the land involved is within the district of Alaska, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver \$5 per acre of his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court to r

The amendment was agreed to.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-PRESERVERS ON MOTOR VESSELS.

Mr. SMITH of Michigan. I ask unanimous consent for the present consideration of the bill (S. 8266) to require life-preservers on motor vessels.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill referred to by the Senator from Michi-

Mr. CLAPP. Mr. President, I do not feel like objecting to the consideration of this bill, but I see no reason why we should not take up the calendar in regular order for an hour, and I think after this bill is passed I will object to the further consideration of bills by unanimous consent, and let us go on in the regular way.

Mr. CULLOM. Mr. President, I have no objection to this bill, but I want to say that it is important that we should have an executive session this afternoon, and I hope, after a little while, we may be allowed to have it without controversy.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill referred to by the Senator from Michi-

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, after line 9, to strike out section 3, as follows:

Sec. 3. That this act shall not be construed to mean or repeal any act now in force requiring life-preservers or floats.

So as to make the bill read:

So as to make the dill read:

Be it enacted, etc., That every vessel propelled by machinery other than steam machinery shall carry life-preservers of kinds approved by the board of supervising inspectors, so that there shall be at least one for each person on board.

Sec. 2. That all life-preservers shall be so stowed that their position may be known, and that they may be readily accessible to those for whom they are intended.

Sec. 3. That for any violation of this act the owner shall be liable to a penalty of \$10 for each such life-preserver lacking or improperly stowed.

SEC. 4. That this act shall apply to foreign vessels on December 31.

SEC. 5. That this act shall take effect on June 1, 1909.

Mr. KEAN. I ask to boats of what size the bill applies?

Mr. FRYE. There is no limit whatever, and none ought to be required.

Mr. KEAN. Does it apply to rowboats? Mr. FRYE. Rowboats are not propelled by naphtha and gasoline. This bill covers boats propelled by naphtha and

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEDRO MANGALINDAN AND OTHERS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 8023) for the relief of Pedro Mangalindan, Basilio Baltazar, and Julio Lacsamana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Pedro Mangalindan \$1,385.22, to Basilio Baltazar \$814.97, and to Julio Lacsamana \$978.21, a total of \$3,178.40, in full for final release and discharge of their respective claims for the seizure and use of three cascos or lighters in Manila Bay by the United States Navy in August, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTINA ROCKWELL.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 7390) for the relief of Christina Rockwell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Christina Rockwell, surviving widow of O. P. Rockwell, \$1,073.13, such sum being due the said O. P. Rockwell, and never paid, as a mail contractor for star mail service in Utah during the contract term July 1, 1862, to June

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6327) providing for the purchase of a reservation for a public park in the District of Columbia. I will say that a similar bill has passed the Senate twice before, and I hope there will be no objection to this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$210,000 for the purchase of land for a public park near the intersection of Branch avenue and Pennsylvania avenue, SE., known as the "Carpenter tract" and the "Pennsylvania Avenue Heights tract," and so forth.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed. GEORGE J. MILLER.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 9969) for the relief of George J. Miller, of Wenatchee, Wash.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill. It directs the Secretary of the Treasury to pay to George J. Miller, of Wenatchee, Wash, \$400, being money which he, acting on the erroneous advice of the register of the United States land office, paid to the United States for government land which he was later held to be entitled to receive as a homestead without such payment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIUS VAN COTT.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 15218) for the relief of the sure-

sideration of the bill (H. R. 15215) for the relief of the sure-ties on the official bond of the late Cornelius Van Cott. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve the estate of Cornelius Van Cott, late postmaster of the city of New York, and the sureties on his bond from the payment to the United States of \$1,285.71, the amount paid H. Clayton Graff during the fourth quarter of the year 1902 and the first and second quarters of the year 1903, who was carried on the pay rolls at the New York City post-office for said period.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

GROSS TONNAGE OF VESSELS.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 8460) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend Whole, proceeded to consider the bill. It proposes to amend section 1 of the act approved March 2, 1895, entitled "An act to

amend section 1 of chapter 398 of the laws of 1882, entitled 'An act to provide for deductions from the gross tonnage of vessels of the United States," by inserting after paragraph (h) the following words:

The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the underside of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 per cent of the gross tonnage, and the remainder only shall be added to the gross tonnage of the ship exclusive of the tonnage of the hatchways.

Sec. 2. That said section is further amended by inserting at the end of the fourth paragraph after paragraph (i) the following words:

"From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MISSOULA, MONT.

Mr. DIXON. I ask unanimous consent for the present consideration of the bill (S. 8034) to increase the limit of cost for purchase of site and erection of a post-office building at Missoula, Mont.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. DIXON. Mr. President, I wish that the Senator from West Virginia [Mr. Scort], chairman of the Committee on Public Buildings and Grounds, were on the floor, as I desire to offer an amendment to the bill, by striking out "fifty" and inserting "sixty," in the last line. However, I will say that I called his attention to the matter, but the bill had already been reported by the committee, and he suggested that I offer the amendment on the floor of the Senate. I therefore offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 7, before the word "thousand," it is proposed to strike out "fifty" and insert "sixty,"

so as to make the bill read:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved May 30, 1908, for the erection of a public building at Missoula, Mont., be, and the same is hereby, extended from \$115,000 to \$150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 25, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1909. UNITED STATES DISTRICT JUDGE,

Rufus E. Foster, of Louisiana, to be United States district judge for the eastern district of Louisiana, vice Eugene D. Saunders, whose resignation has been accepted to take effect upon the appointment and qualification of his successor.

APPOINTMENTS IN THE NAVY.

To be second lieutenants in the United States Marine Corps from the 20th day of January, 1909, to fill vacancies existing in that grade on that date:

Roy S. Geiger, United States Marine Corps; Ernest C. Williams, United States Marine Corps; Richard H. Tebbs, jr., a citizen of Virginia; Pere Wilmer, a citizen of Maryland; Ernest V. B. Douredoure, a citizen of Pennsylvania; Robert E. Messersmith, a citizen of Pennsylvania; Frank L. Martin, a citizen of Pennsylvania; and George W. Van Hoose, jr., a citizen of Alabama.

POSTMASTERS.

ALABAMA.

James L Davis to be postmaster at Lafayette, Ala., in place of James L. Davis. Incumbent's commission expires February 27, 1909.

ARKANSAS.

A. B. Lippman to be postmaster at Augusta, Ark., in place of Edward E. Blackmon. Incumbent's commission expired January 20, 1909.

George B. Miles to be postmaster at Des Arc, Ark. Office became presidential January 1, 1909.

Charles H. Tisdale to be postmaster at Hazen, Ark., in place of Charles H. Tisdale. Incumbent's commission expired January 18, 1909.

CALIFORNIA.

Presentation M. Soto to be postmaster at Concord, Cal., in place of Presentation M. Soto. Incumbent's commission expired December 10, 1906.

GEORGIA.

Lewis R. Farmer to be postmaster at Louisville, Ga., in place of Lewis R. Farmer. Incumbent's commission expired December 13, 1908.

Walter M. Quinn to be postmaster at Whigham, Ga. Office

became presidential October 1, 1908.

Claude E. Smith to be postmaster at Carrollton, Ga., in place of Jennie B. Smith. Incumbent's commission expired January 19, 1909.

ILLINOIS.

Wallace Diver to be postmaster at Dallas City, Ill., in place of Wallace Diver. Incumbent's commission expires March 1, 1909. INDIANA.

Herman Schumacher to be postmaster at Newburg, Ind. Office became presidential January 1, 1909.

IOWA.

Robert A. Gardner to be postmaster at West Point, Iowa. Office became presidential January 1, 1909.

William D. Jacobsen to be postmaster at Lyons, Iowa, in place of William D. Jacobsen. Incumbent's commission expires Janu-

ary 27, 1909.

Roscoe C. Saunders to be postmaster at Manilla, Iowa, in place of Roscoe C. Saunders. Incumbent's commission expires March 1, 1909.

Fred B. Wolf to be postmaster at Primghar, Iowa, in place of

Jacob H. Wolf. Incumbent's commission expires February 8,

KANSAS.

Esther C. Colin to be postmaster at Argonia, Kans. Office became presidential January 1, 1909.

Frank W. Elliott to be postmaster at Edna, Kans., in place of Frank W. Elliott. Incumbent's commission expired January 9,

William A. Hillhouse to be postmaster at Glasco, Kans., in place of William A. Hillhouse. Incumbent's commission expired January 9, 1909.

Benson L. Mickel to be postmaster at Soldier, Kans. Office became presidential January 1, 1909.

Etta M. Townsend to be postmaster at Englewood, Kans. Office became presidential October 1, 1908.

Edward I. Hall to be postmaster at Jennings, La., in place of Edward I. Hall. Incumbent's commission expired December 12, 1908

Adah Rous to be postmaster at Lake Providence, La., in place of William Rous. Incumbent's commission expired January 19,

MASSACHUSETTS.

Charles W. Bemis to be postmaster at Foxboro, Mass., in place of Charles W. Bemis. Incumbent's commission expires February 23, 1909.

MINNESOTA.

Peter J. Schwarg to be postmaster at Dodge Center, Minn., in place of Peter J. Schwarg. Incumbent's commission expires February 23, 1909.

MISSOURI.

Z. P. Caneer to be postmaster at Senath, Mo. Office became presidential January 1, 1909.

Leonard D. Kennedy to be postmaster at Frankford, Mo. Office became presidential January 1, 1909.

William E. Templeton to be postmaster at Excelsior Springs, Mo., in place of William E. Templeton. Incumbent's commission expired January 20, 1909.

MONTANA.

Edward L. Fenton to be postmaster at Laurel, Mont. Office became presidential January 1, 1909.

Grace Lamont to be postmaster at Dillon, Mont., in place of Grace Lamont. Incumbent's commission expired January 21, 1909

E. B. Thayer to be postmaster at Columbus, Mont., in place of Henry I. Grant, resigned.

NEVADA.

Amelia E. Roth to be postmaster at Virginia City, Nev., in place of Amelia E. Roth. Incumbent's commission expires February 27, 1909.

NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, N. H., in place of Adelia M. Barrows. Incumbent's commission expires February 3, 1909.

George W. Armstrong to be postmaster at Manlius, N. Y., in place of George W. Armstrong. Incumbent's commission expires February 23, 1909.

Arthur B. Burrows to be postmaster at Andover, N. Y., in place of Arthur B. Burrows. Incumbent's commission expires January 30, 1909.

Charles W. Clark to be postmaster at Oriskany Falls, N. Y., in place of Charles W. Clark. Incumbent's commission ex-

pired January 20, 1909.

Frederic H. Coggeshall to be postmaster at Waterville, N. Y. in place of Ebenezer Evans. Incumbent's commission expires January 30, 1909.

Herbert J. Rouse to be postmaster at Cazenovia, N. Y., in place of Herbert J. Rouse. Incumbent's commission expired January 14, 1909.

Judson S. Wright to be postmaster at Tully, N. Y., in place of Judson S. Wright. Incumbent's commission expires February 9, 1909.

NORTH CAROLINA.

Lossing L. Wrenn to be postmaster at Siler City, N. C. Office became presidential January 1, 1908.

NORTH DAKOTA.

Walter A. Stafford to be postmaster at Velva, N. Dak., in place of Walter A. Stafford. Incumbent's commission expired January 4, 1908.

Gomer C. Davis to be postmaster at Shawnee, Ohio, in place of Gomer C. Davis. Incumbent's commission expires February 23, 1909.

Granville W. Springer to be postmaster at Crooksville, Ohlo, in place of Granville W. Springer. Incumbent's commission expired January 11, 1909.

Joseph R. Taber to be postmaster at Canfield, Ohio. Office became presidential January 1, 1909.

OKLAHOMA.

N. W. Hibbard to be postmaster at Kiefer, Okla. Office became presidential April 1, 1908.

PENNSYLVANIA.

Alfred R. Houck to be postmaster at Lebanon, Pa., in place of Alfred R. Houck. Incumbent's commission expires February 23, 1909.

SOUTH DAKOTA.

Boyd Wales to be postmaster at Howard, S. Dak., in place of Boyd Wales. Incumbent's commission expired March 10, 1907.

WISCONSIN.

John W. Benn to be postmaster at Medford, Wis., in place of Nettie J. Danielson, resigned.

George Green to be postmaster at Loyal, Wis. Office became presidential January 1, 1909.

Joseph M. Garlick to be postmaster at Independence, Wis.

Office became presidential January 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1909. CONSULS.

Thomas E. Heenan, of Minnesota, to be consul of the United

States of class 5 at Warsaw, Russia.

Percival Heintzleman, of Pennsylvania, to be consul of the United States of class 6 at Chungking, China.

Edward D. Winslow, of Illinois, to be consul of the United States of class 8 at Gothenburg, Sweden.

Albert W. Pontins, of Minnesota, to be consul of the United

Albert W. Pontius, of Minnesota, to be consul of the United States of class 8 at Swatow, China.

INDIAN INSPECTOR.

Will M. Tipton, of Los Angeles, Cal., to be an Indian inspector.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. William W. Gray, Medical Corps, to be colonel. Maj. Henry I. Raymond, Medical Corps, to be lieutenant-

COAST ARTILLERY CORPS.

Lieut. Col. William R. Hamilton, Coast Artillery Corps, to be colonel.

Maj. Adelbert Cronkhite, Coast Artillery Corps, to be lieutenant-colonel.

Capt. Frank E. Harris, Coast Artillery Corps, to be major. POSTMASTERS.

ARKANSAS.

Hiram F. Butler to be postmaster at Warren, Ark. W. M. Howard to be postmaster at Paris, Ark. Edgar E. Hudspeth to be postmaster at Nashville, Ark. Winniefred Hunsucker to be postmaster at Dermott, Ark. CALIFORNIA.

Frank H. Bangham to be postmaster at Susanville, Cal. Peter J. McFarlane to be postmaster at Tehachapi, Cal. Samuel G. Watts to be postmaster at East Auburn, Cal.

COLORADO.

Ira L. Herron to be postmaster at Longmont, Colo. GEORGIA.

Hattie F. Gilmer to be postmaster at Toccoa, Ga. IDAHO.

F. Beckman to be postmaster at Troy, Idaho.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, Ky. Robert L. Oelze to be postmaster at Cloverport, Ky. MICHIGAN.

Aaron Cornell to be postmaster at Elkton, Mich. Jennie Vaughan to be postmaster at Baraga, Mich. MINNESOTA.

Aaron R. Butler to be postmaster at Bagley, Minn. James M. Diment to be postmaster at Owatonna, Minn. Ole C. Requiam to be postmaster at Belgrade, Minn. Fred D. Vibert to be postmaster at Cloquet, Minn.

MISSOURI.

John H. Harris to be postmaster at Lockwood, Mo. Cord P. Michaelis to be postmaster at Cole Camp, Mo. NEW JERSEY.

Harry Bacharach to be postmaster at Atlantic City, N. J. NEW YORK.

Isaac Decker to be postmaster at Williamson, N. Y. Joseph F. Stephens to be postmaster at Highland Falls, N. Y.

PENNSYLVANIA. Michael K. Bergey to be postmaster at Souderton, Pa.

SOUTH CAROLINA. Thomas Hester to be postmaster at Gaffney, S. C.

SOUTH DAKOTA. Alvah T. Bridgman to be postmaster at Springfield, S. Dak.

UTAH. Charles A. Guiwits to be postmaster at Price, Utah. George H. Richards to be postmaster at Sunnyside, Utah. VERMONT.

Emeroy G. Page to be postmaster at Hydepark, Vt. Lewis A. Skiff to be postmaster at Middlebury, Vt. Edward C. Woodworth to be postmaster at Arlington, Vt.

VIRGINIA,

Thomas L. Rosser to be postmaster at Charlottesville, Va. WISCONSIN.

Oliver W. Babcock to be postmaster at Omro, Wis. Charles S. Button to be postmaster at Milton Junction, Wis. James B. Weaver to be postmaster at Pewaukee, Wis.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 22, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar—pension bills—in order to-day, be in order to-morrow immediately after the reading of the Journal; that is, that to-morrow be substituted for to-day for

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar—pension bills-shall be in order to-morrow in lieu of to-day. Is there objection?

There was no objection, and it was so ordered.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian department, for fulfilling treaty relations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, which was read a first and second time and, with the accompanying report (H. Rept. No. 1897), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26394, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. MANN in

The CHAIRMAN. The pending proposition is the amendment offered by the gentleman from South Carolina [Mr. Finley], which, without objection, the Clerk will again report.

There was no objection, and the Clerk read as follows:

Page 59, line 7, after the word "constructed," strike out all down to and including line 12.

Mr. FOSS. Mr. Chairman, I would like the attention of the committee for a moment. We have reached that portion of the bill relating to the increase of the navy, and the first paragraph provides for the construction of two first-class battle ships. I understand that there is a desire on the part of some Members for a little debate, and I am going to ask unanimous consent that we have debate upon this proposition for one hour; one half to be controlled by some gentleman in opposition to the recommendation of the committee and the other half to be controlled by the chairman of the committee, and that then we come to a vote upon the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the pending paragraph and all amendments thereto be limited to one hour, to be equally divided between those in favor of the paragraph and those opposed to the provision in the bill; one half to be controlled by the gentleman from Illinois, and the other half by some gentle-

man in opposition thereto.

Mr. KEIFER. Mr. Chairman, reserving the right to object, I want to ask this question: Whether or not there are not two classes of Members who are opposed to this provision in the bill, one those who want to strike out or reduce and another to

Mr. FOSS. I think not. There are only those who are opposed and those who are in favor of the committee proposition, so far as I have been able to learn.

The CHAIRMAN. Is there objection?

Mr. BARTHOLDT. Mr. Chairman, reserving the right to object, I should like to ask the chairman of the committee whether it would not be possible to extend the time to two hours. I know myself of four or five gentlemen who wish to talk on this battle-ship proposition, and it will be impossible for them to be heard if only thirty minutes on a side would be permitted. permitted.

Mr. FOSS. Mr. Chairman, we have a number of very important matters in this bill ahead, and it is my desire to get

through to-day, if it is possible; but if we increase the time, as the gentleman suggests, we will not be able to do it, and I think most of the Members have made up their minds upon this proposition, and I doubt very much whether general dis-cussion would change the vote if it were taken at this time. I am very anxious that we should proceed, in view of the fact that there are other very important matters ahead-

Mr. GRIGGS. Mr. Chairman, I object. I call for the regular

The CHAIRMAN. The gentleman from Illinois asks for unanimous consent, as stated by the Chair, for one hour debate on this paragraph. Is these chiefficals on this paragraph. Is there objection?

Mr. GRIGGS. I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from South Carolina.

Mr. FOSS. Now, Mr. Chairman, I would suggest an hour and a half to be equally divided-

Several Members. Make it two hours.

Mr. FOSS. Then, I do not think we can get through with the bill to-day

The CHAIRMAN. Is there objection?

Mr. GRIGGS. I object. Mr. HEPBURN. Mr. Chairman, I would like to ask the parliamentary situation of this matter. Suppose this request is not granted; will there not be debate on the proposition, and will not that continue until the committee directs it be closed?

The CHAIRMAN. If the request of the gentleman be not granted, of course debate will continue so long as it may under

the rules of the House.

Mr. HEPBURN. I object, then.
The CHAIRMAN. Objection has already been made.
Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry

The CHAIRMAN. The gentleman will state it.
Mr. CLARK of Missouri. Unless a motion like the gentleman has made, or some similar motion, prevails, nobody can speak more than five minutes?

The CHAIRMAN. Nobody can speak more than five minutes, except by unanimous consent.

Mr. CLARK of Missouri. It seems to me the sensible thing to do is to agree as to time.

The CHAIRMAN. The Chair understands there is objection.

Mr. BARTLETT of Georgia. Yes; lots of it.

Mr. FOSS. Now, Mr. Chairman, I will ask unanimous con-

sent to extend the time of debate to two hours. The CHAIRMAN. The gentleman from Illinois amends his request and asks unanimous consent that debate upon the pending paragraph, and all amendments thereto, be limited to two hours, one half of the time to be controlled by the gentleman from Illinois and the other half to be controlled by some one in opposition. Is there objection?

Mr. MACON. Mr. Chairman, I will state that the gentleman from South Carolina offered the amendment, and it seems to me that he should be allowed to control the time in favor of the amendment. The gentleman from South Carolina [Mr. Finley]

offered the amendment.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. FINLEY] be allowed to

control the time in favor of the amendment.

The CHAIRMAN. Will the gentleman from Illinois incor-The CHAIRMAN. Will the gentleman from Illinois incorporate in his request the suggestion offered by the gentleman from Georgia, that one-half of the time be controlled by the gentleman from South Carolina [Mr. FINLEY]?

Mr. FOSS. I will.
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Without objection, the Clerk will again report the pending amendment.

There was no objection.

The Clerk read as follows: On page 59, line 7, after the word "constructed," strike out the remainder of the paragraph down to and including line 12.

Mr. DOUGLAS. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it. Mr. DOUGLAS. What is the effect of that amendment? We can not judge.

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman from Illinois.

Mr. FITZGERALD. Mr. Chairman, I suggest that the gentleman from South Carolina is first entitled to recognition. I suggest that the gentleman who proposed the amendment is first entitled to recognition.

The CHAIRMAN. Oh, the gentleman from Illinois in charge

of the bill is entitled to recognition.

Mr. FOSS. Mr. Chairman, I suggest that the gentleman from South Carolina go ahead and explain his amendment.

Mr. FINLEY. Mr. Chairman, I yield fifteen minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, if there ever was a time in our history when preparations for war and further increases of armaments are both unwise and unnecessary, it is the present; unwise because the normal annual expenditures in the national household now exceed the revenues by considerably more than \$100,000,000, and unnecessary because we are not only at peace with all the world, but, what is more, we have wisely managed to safeguard our peace as it had never been safeguarded before. Hence every consideration of prudence and patriotism points to the present as the most propitious time to pause, temporarily at least, in our vast expenditures for so remote an eventuality as war.

We are all agreed that if our country were in any immediate danger of a foreign invasion or of war with a foreign foe no sacrifice would be too great for us to make for our defense. raise money, we would issue bonds and, if needs be, mortgage our homes for that purpose; in fact, this mighty Nation, rising in its own defense, would be a spectacle of patriotic self-sacrifice

such as the world has never witnessed before.

In such a crisis we would justly scorn financial considerations or even deficits in the Treasury, for in the face of national danger all other interests must be subordinated to the one paramount duty, the national defense. I will even go further, and say that if there were but a well-authenticated probability of any foreign complications preparations to obey the law of selfdefense would still be in order. But at a time when there is no more probability of war than there is of lightning striking our houses at this season of the year-and I shall give my reasons for this assertion—at such a time, I claim, we have no moral right to run the Government into debt in order to pay for totally unnecessary increases of the implements of war. Before flattering national vanity by increasing the navy beyond the requirements of effective national defense I hold it to be our bounden duty to provide for the necessities of the peaceful development of the country and to subordinate the unreasonable demands of the jingo to the obligations which the Government owes to the peaceable citizen and taxpayer.

And as not one of us, Republican or Democrat, can furnish to his constituents a valid excuse for government expenditures in excess of government revenues, except in time of war, this

duty becomes the more patent to all.

When I came to Congress sixteen years ago the navy cost us about \$22,000,000 annually. This year's budget calls for over one hundred and thirty-five millions. While in that same period of time the population has increased only about 35 per cent, naval expenditures have increased over 600 per cent. These figures show that we have already gone back on the traditions handed down to us by the founders of the Republic, which teach us to rely for national safety upon our inherent strength, our righteousness, and our sense of justice, and that instead we have accepted the false theory through which monarchs from time immemorial have filched money from the pockets of their people, namely, the theory that armaments and man-killing machineries alone can vouchsafe security and peace. Do not the figures I have just cited bear out this assertion? And have we not actually been told time and again that a big navy is the best guaranty of peace? It is false, I say again, and our own history proves it to be false. Why was it that we enjoyed both peace and immunity from attack when we had no navy at all? Does it not dawn upon those who are misled by that fallacy and who constantly shout for more arsenals and more battle ships that, after all, there might have been something besides the Begublic of free men? Was not safety rather to be found in our isolated position, our numbers, out limitless resources, our love of peace and justice, our stout hearts, and in the patriotism born of liberty? [Applause.]

But let us for an instant meet on common ground. Let us admit, for argument's sake, a powerful navy to be the only real guaranty of our security. How many battle ships would we have to build to be absolutely secure? Certainly more than any other one nation, and in fact more than all other nations combined; for if naval armaments are to be the only safeguard of a nation's peace, we would be in constant danger of being overawed, because our big stick is not as big as all the other big sticks combined. Is not this the true logic of the plea for a bigger navy? And if it is, then all those who believe in the peace-promoting mission of the fleet would be forced to the conclusion that true patriotism requires the immediate construction, not of two, but of at least a hundred, *Dreadnoughts*. The fact, however, that they are willing to content themselves with two amounts to an abandonment of their own theory and is a practical admission that our safety rests on a better, securer

foundation than mere iron clads, and one which our navy boomers quite evidently rely on themselves. From their view point two additional ships can not possibly afford adequate protection; and if, nevertheless, they are satisfied with this increase, we have a right to conclude that it makes no difference whether we build two more ships or none at all. Either course would be inconsistent with and contrary to the theory that the peace and tranquillity of the United States depends upon battle ships alone. If we are not to be entirely burglar proof until our navy equals that of Great Britain, or, in fact, the navies of all nations combined-and that is and must be the contention of our friends, the navy boomers-then it is immaterial whether we have two iron clads more or less at this time, because we are insecure in any event.

There is but one consistent course to be taken in this emergency. It is to refuse all unreasonable demands for additional armaments. Such a course will be consistent, in the first place, with American traditions; it will also be consistent with the enlightened sentiment of the world, and it will be consistent with our own professions, as well as with the actual situation.

The sentiment of the people everywhere is for peace and not for war, and that sentiment is stronger than you and I realize. The governments, too, seem willing at last to heed the voice of the people. As proof I point to The Hague conferences, the pan-American conferences, the many arbitration treaties, to the official recognition willingly accorded by the governments to the Interparliamentary Union, that world organization of lawmakers which aims to substitute arbitration and judicial decisions for war, and last, but not least, to the fact that, in spite of the recent political upheavals in the Balkans, peace has been maintained. There was a time, and it was true up to a few years ago, that you could not strike a match in the European Orient without causing a terrifice explosion, and what has happened there recently? Turkey has had a bloodless revolution, resulting in a new era of constitutional government; Austria quietly annexed the Turkish provinces of Bosnia and Herzegovina; and the Servians declared their political independence; and all this without the shedding of a drop of human blood, when, ten years ago, either one of these events would have been sure to cause a world conflagration. Say what you please, but in my judgment it is the progressive thought and enlightenment of the people, the growing sentiment in favor of enduring peace, and the fear of the great military powers, because of that sentiment, to put their war machinery in motion. It seems almost as if in the incredibly short period of ten years a transition had taken place, as if the world had suddenly emerged, in this respect at least, from a state of semibarbarism and risen to a higher civilization, in the light of which rulers are either afraid or ashamed to draw the sword and prefer to keep the peace by resorting to arbitration or appealing to the courts established by international agreements. Certain it is that a new era has dawned and that the increased armaments which followed the First Hague Conference, and to which my friend from Illinois [Mr. Foss] so frequently refers, merely mark the last flickering up of the halo of the old system, a system, however, which is doomed to oblivion, doomed to give way to that new order of things which will recognize a legalized machinery of justice, instead of brute force, as the only legitimate means of settling international controversies.

Look at the wonderful change wrought within the last few years in our own country and its relations with the outside world. Thanks to the wisdom and energy of Secretary Root, we have concluded arbitration treaties with about 20 countries of America, Europe, and Asia. We have been relieved as a result of the Second Hague Conference of our real or fancied responsibilities with regard to the debts of the Latin-American countries, inasmuch as it was agreed at The Hague, all powers consenting, that contractual debts shall no longer be collectible by force. More than that, we have an understanding with Japan which, in my judgment, will go down into history as one of the greatest achievements of the present administration. the course of the remarks I submitted on the battle-ship question

at the last session I used this language:

Unless we are all in ignorance as to the true situation—and it is incredible that the Mikado's diplomatic representatives should misrepresent it to us—a simple agreement to arbitrate differences and to mutually guarantee territorial integrity and undisputed home sovereignty would effectually dispose of the Japanese question for all time to come, and not a single battle ship will be needed to secure the benefits of such a treaty.

While our understanding with Japan-or call it agreement or declaration of principles, or anything else—does not go quite as far as I then indicated, it surely carries with it the guaranties of amity and good will, and forms the basis upon which peace between the two nations can be maintained. The situation regarding the Philippines has also been cleared. The fact

of this outside possession of the United States has constantly been used as an argument for a bigger navy; but it is now clear that neither a European power nor Japan wants these islands, and our understanding with the Government of the Mikado covers this very point. From this brief review of the situation it appears that war involving this country is a much more re-

mote possibility to-day than it ever was before.

Now, as to the latest scare about a possible war with Japan. Does it not strike the Members of this House as a most peculiar coincidence that every time we consider the naval appropriation bill there suddenly appears the handwriting on the wall picturing a war? Is it merely an accident that on the very day when we were expected to vote on battle ships the morning papers reproduce, with glaring headlines and in double-leaded type, the opinion of a New York editor, whose views otherwise they so frequently discredit and whose California interests are too well known to need any comment here? The President of the United States has, with praiseworthy foresight, repudiated in advance and on behalf of the Nation whatever action the California leg-islature may take with respect to the so-called "Japanese bills." Hence Japan can not, and I am sure will not, hold the American Nation responsible for whatever the legislature of a single State may do, no more than the British Government would hold us responsible for resolutions of mass meetings of Irish-American citizens denouncing England. The trouble between Cali-fornia and Japan can never be settled by war, because war never settles a question of right or wrong. It must be a ques-tion of the deepest concern to us, however, to find some way by which the supremacy of the Nation and its foreign policies can be maintained as against the rights of individual States. In other words, nátional obligations must be made as binding upon each state government as they are upon the National Government, and as sacred in their observance as the provisions of the Constitution itself. It is therefore really an American question, and one to be adjudicated by ourselves; and this being well understood all over the world, no sane nation will go to the length of declaring war upon us on account of it. of them may refuse to negotiate arbitration treaties with us because of the sovereign rights of the separate States, but they will no more dream of drawing the sword because of petty grievances arising from this situation than they would ever If a single State could interfere with our international affairs. coerce the National Government to make a state question a concern of the Government and to defend the action of a State, right or wrong, the case would, of course, be different; but in the determination of so grave a question as war, all governments are guided and controlled by the attitude of the responsible government and not by that of its press and its component

And as long as Japan is satisfied as to the correct and friendly attitude of the Government at Washington, no amount of jingo talk by the press or individuals will ever drive her into a bloody conflict with the United States. It is even unnecessary to call attention to the fact that our naval srength is double that

of Japan to-day.

Mr. Chairman, on the pending question I shall vote in accordance with my conscientious convictions, and shall refuse to be influenced by either fear or intimidation. [Applause.]

[During the delivery of the above remarks the time of Mr. BARTHOLDT expired.]

Mr. BARTHOLDT. Can I have five minutes more?

Mr. FINLEY. I am afraid I will not be able to yield the gentleman any more, as all the time has been allotted.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

Mr. FINLEY. I will ask the gentleman from Illinois to consume some of his time now.

Mr. FOSS. I will ask if any gentleman on this side desires to occupy any time in support of the provision in the bill? No one seems to desire to be heard in favor of the proposition, so I will suggest to the gentleman from South Carolina that he go

ahead. Mr. TAWNEY. I desire to ask the gentleman from Illinois if he intends to use all the time in one speech; if not, the other side should occupy some of its time now.

Mr. FOSS. I do not think we will consume all of our time. I would like to ask, Mr. Chairman, if there is anyone who desires to speak in favor of the two battle ships on this side?

Mr. WALDO. A little later on I would like to have a few

minutes, but not at the present.

Mr. FOSS. No one on this side now seems to desire to speak at this time.

Mr. TAWNEY. I submit that in order that this debate may proceed in an orderly way that the gentleman should consume some of his time.

Mr. FINLEY. I would like the gentleman from Illinois to repeat his statement.

Mr. FOSS. I will now yield five minutes to the gentleman

from New York.

Mr. WALDO. Mr. Chairman, if I understand the purpose of this amendment, it is to end the present policy of the United States of keeping a navy that will permit us to rank with the great naval powers of the world. It is a policy that we started upon quite a good many years ago; it is a policy that permitted us to succeed in the war with Spain; it is the policy to-day that makes the United States respected and its citizens sure of protection in all parts of this world. It seems to me that at this time, when we are hardly fairly started upon our programme to have a navy equal to any nation, that we should not call a halt. It is very pleasant to talk about peace and prosperity, but in this world no nation has peace or prosperity that is not able to defend itself.

The moment that we cease our naval programme our navy is on the way to decay. Naval ships only last a few years, and still fewer years do they remain equal to the naval improvements of other great powers. If we desire to protect our country; if we desire that our citizens be protected abroad; if we desire that our country shall continue to be respected as one of the great powers, we must continue our naval programme; we should vote against this amendment and see that at least two battle ships are ordered at this session of Congress.

Mr. FOSS. Mr. Chairman, I should like to inquire if there is any other gentleman who desires to speak now in favor of the two battle ships? If not, I suggest that my friend go ahead

on the other side.

Mr. FINLEY. I yield five minutes to the gentleman from

Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish to strike from this measure the pretense that a nation is prepared for war in order to preserve peace; the mask that, consciously or unconsciously, hides the real spirit of warlike ambition; pretense that has prevailed among men from time immemorial.

It was the pretense under which the nations of the East, before the time of Alexander, invaded the nations of the West. It was done, they said, to check the growing spirit of aggression in the West. It was the pretense under which Alexander invaded Asia. He wished, he said, to forestall all future invasions by the Asiatics. It was the pretense under which the fortified castles of the middle ages were erected, the barons armed against each other, and perpetual warfare was carried on. This condition grew so fearful that men almost forgot the peaceful avocations of life, while each nobleman increased the thickness of his castle wall, the weight of his cannon or batteringram, and the number and strength of his armed retainers, until the church, to prevent all peace from taking its flight from among the peoples who professed to be the followers of the tender gospel of Christ, proclaimed, as I remember it, "The truce of God," in order that there might be one day in the week in which the owners of castles might rest and remain safely at home and the armored knights should not engage in foraging expeditions against their neighbors. Lords built castles, barons and knights buckled on armor, armies were marshaled, and nations bathed in blood and fire in the name of peace.

The war of the Dutch Republic, when the Spanish soldiery invaded the country, was waged by the invaders in the name of the Prince of Peace; so also were all the crusades, which extended over a period of three hundred years and were marked by a spirit of bloodthirstiness never surpassed, launched in the love of God and righteousness, and the children's crusade, the crowning cruelty of all the ages, was the joint product of human ambition and the preaching of righteousness and peace.

We saw that also in modern times in our communities, when it was thought that every citizen should have the right to carry a pistol about his person, and in my State the horseman carried it hung to the horn of his saddle, and the footman carried it swung around his waist, and no man was expected to go about unarmed until the law said that we should disarm all citizens, and peace substantially followed. I want to say that since the time when Constantine the Great, at the head of his army, claimed that he saw the shadow and the sign of the cross in the sky, these claims have been false pretenses, and we should strike the mask from the pretense under which we arm for war while we claim we arm for peace. [Applause.]

Not only that, but all these military preparations have hung

themselves like millstones around the industries of the people. In the day of small production the lord carried his feudal subjects with him to the field, while the women worked at home to produce the meager necessities to support life. How they lived at all in those days and supported such vast armies God only knows, but we do know that they lived hard, with half the bare necessities of healthy life supplied and in virtual slavery. And we do know that a Louis XIV in France so multiplied the burdens of his people in order, as he claimed, by the greatness of his power, to make that power feared and to deter the other nations from attacking him or thwarting his plans, that while he filled his land with martial pageantry and wrote glory large for more than a half century of his reign, he wrote shame at the end of it, and for his successors sowed the seeds of a revolution that shook all the nations of the earth. In this advanced age, when production has increased to such an extent that onefifth of our population might support the balance, with improved machinery, we must devise some means by which we can hang this millstone of war expenditure around our people's neck again, and we devise great battle ships, under which, as the gentleman from Missouri [Mr. Bartholdt] has said, we are spending to-day \$135,000,000 for a navy, whereas when he came into the House sixteen years ago \$20,000,000 was sufficient.

The time will soon come, if the rush of progressive increase is continued, when \$250,000,000 will be required annually to keep up this increasingly heavy and heavier burden of the navy. Our Government ought to keep abreast of the times, ought to be continually building some vessels, in order that we may keep posted as to the latest improvements in naval warfare; but we have 6 underway now, and in ten years' time the repairs and changes on the vessels we have in the navy will cost more than it costs to build 4 ships a year to-day. we could have another Roosevelt, and Congress should accede to his requests, at the end of another eight years' term we would perhaps be spending \$400,000,000 per annum on the navy alone. If our navy as we have it were placed upon the Pacific Ocean, the only cloud in the sky of peace would be successfully dissipated. In my opinion, the European nations con-template war only with horror, because they are advanced and civilized, and have not the thirst of blood. Possibly the Japanese nation to-day, in its youthful resurrection from a long-sleep of inaction, would lose their balance and plunge into war, though I do not believe it. If that be the case, we are prepared against them without further expenditure, for we have a greater navy than they have themselves,

We must not forget that the building of a navy never ends. It takes three to four years to build a battle ship, and it is not completed before repairs and changes begin. In about ten years it is likely to be unseaworthy or antiquated or supplanted by a more efficient fighting machine. We are feeding the hunger and stimulating the thirst for war and learning to boast and glory in our power, while we are piling high the burden of debt for war in anticipation even as Louis XIV did for war

Mr. Chairman, since 1812 there has been no threat or fear or probability of any foreign invasion of the United States. The Monroe doctrine, the most aggressive and self-assertive policy our Nation ever adopted toward foreign nations, was established with scarce a sea force sufficient to be called a "navy." Our limitless resources are known, and in themselves are stronger to deter any nation from striking us than a far larger navy would be to prevent the striking of any weaker nation. Till now also our national love of justice and peace, known of all men, has been a tower of strength to us among the nations of the earth. May God forbid that we should ever take on the pride of the war lord or become with our navy the swaggering bullies of the sea.

Mr. FINLEY. I suggest that the gentleman from Illinois

now use some of his time.

Mr. FOSS. Mr. Chairman, there seems no one on this side who wishes to speak, except myself, and I claim the right to close the debate.

Mr. FINLEY. Then I will yield fifteen minutes to the gen-

tleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, with a navy greater than any in the world except the English navy, and with an enormous deficit in our revenues, I sincerely hope this amendment striking out the authorization for two battle ships will prevail. If it is adopted, it does not necessarily mean we have changed our naval policy, except in respect to the number and size of ships we will authorize this year, for we have no settled policy in this respect. In the very nature of the case we can not have, for in the matter of naval construction each succeeding Congress necessarily determines for itself the number, size, and cost of naval vessels it will authorize. The next Congress, if it sees fit to do so, can provide for two, or as many battle ships as, in its judgment, is necessary and as the revenues of the Govern-

ment will permit. I want to make it clear that I do not favor the amendment because I am opposed to providing all of the means necessary for our national defense; I favor the amendment because I do not at this time deem it necessary to add to our navy two of the greatest battle ships the world has ever seen, merely to gratify our ambition to excel all other nations in the world in the matter of competitive naval shipbuilding.

For, Mr. Chairman, the country can not escape the conclusion, when it analyzes our situation in respect to our national defense, that there is no real necessity for this very large expenditure of the public money at this time, and that the principal reason for the authorization is an ambition on our to excel other nations in the matter of naval shipbuilding. This is not alone true of ourselves, but is also true of other nations. A year ago, speaking on the naval budget, the prime minister of England, Mr. Asquith, said:

We do not wish to take the lead, but we want to do everything in our power to prevent a new spurt in competitive shipbuilding between the great naval powers.

In my judgment, we should emulate the example of our sister nation, Great Britain, and strive to check this tendency among the naval powers to excel in naval shipbuilding. In reading the report of the Committee on Naval Affairs, I find that one of the arguments in support of the recommendation for these two large ships—the largest vessels that ever have been built—is that during the past year the policy of building battle ships of large displacement and high speed has been the policy of other nations.

I have always contended, Mr. Chairman, that we are not justified in determining the size of our navy by the size of other navies, but that the size of our navy should be governed by what is necessary for our national defense, taking into consideration our geographical isolation. And yet it is a fact we should not lose sight of in considering this question that we have to-day a navy which in point of efficiency and in tonnage is second only to one, and that is the navy of Great Britain. From the standpoint, then, of gratifying an ambition to equal, if not excel, other nations in the size of our navy we do not need these two enormous battle ships-enormous in size and enormous in cost-for in size and efficiency our navy is larger than that of any other except the English navy.

In the annual report of the Secretary of the Navy, dated

November 30, 1908, it appears that-

During the past year the policy of building battle ships of large displacement and high speed, with main battery guns of the largest caliber, has been universally continued, and all navies are now engaged in or have authorized the construction of such vessels.

And no other argument is advanced in support of the recommendation of the Secretary or of the committee.

It matters not, so far as I am concerned, how many naval

vessels other nations, not situated as we are, may construct. We should now determine the question whether or not we at this time should authorize the construction of two of the largest vessels that have ever been launched, in addition to those we now have, independent of what other countries may deem necessary for their defense.

Mr. Chairman, there is a good reason, one perhaps sufficient, to justify the increase in the number and size of vessels of some foreign countries, but it is one that does not apply to us. Take, for example, France, England, and Germany; either can strike the other within a few hours and use their home as a base from which to operate. They are independent nations, having diverse and conflicting interests at home and abroad. If there is any menace to their peace, it is this conflict of interest and this close proximity that causes it and makes it necessary for each of these countries to be prepared to meet the other in war at any time. But we are altogether differently situated. In addition to our navy and in addition to our seacoast fortifications, we have that which is worth as much to us as a means of national defense as all the navies of the We have two oceans, on either side of us, giving us a geographical isolation that is of more value to our defense than all the navies we could build. It is this wide ocean expanse on the east and on the west of us that is entirely ignored in urging the need and extension of our navy beyond anything enjoyed by any other nation.

Why, Mr. Chairman, we hear a great deal at this particular time about the possibility of war with Japan. I am getting somewhat tired of these annually recurring wars with Japan. They are always simultaneous with the consideration of the naval appropriation bill in this House. [Laughter and applause.] During every other week and month in the year we are told our relations with Japan are the most friendly and cordial, but when we come to consider the naval appropriation bill the newspapers are filled with predictions of what may happen

in the future between the United States and Japan. It is a remarkable coincidence that we never hear of war with any country except when we are considering the provisions of this naval bill. Mr. Chairman, it was only a few days ago that I was told by a gentleman who spent some time in Japan last summer that there is absolutely no more danger of war be-tween Japan and the United States than there is of a war between the United States and Great Britain. Our relations with

that country were never more friendly than now.

But that is not the only reason why there is no danger of war with Japan. Would Japan, even if she was able financially, ever think of sending a fleet of battle ships from Yokohama to attack our Pacific coast distant 4,200 miles? Her vessels would have to be supplied somewhere in the Pacific Ocean with coal and other supplies. For this purpose a naval base would be as essential to her success as war ships. A war ship without coal may be a thing of beauty, but it is as harmless as a dove. [Applause.] There is no available place in the Pacific Ocean except Hawaii from which a hostile fleet could operate against our Pacific coast, and when we have fortified the Hawaiian Islands, as they will be when the money now appropriated and being appropriated this year is expended, under the recom-mendations of the Taft Board, the Hawaiian Islands will be as impregnable as Gibraltar, and impossible of being captured by Japan or any other nation.

There is no naval vessel afloat that can sail in time of peace from Yokohama to the Pacific coast and back again with her own coal, a distance of 8,400 miles. Without a naval base in the Pacific no oriental country could send a fleet of naval vessels and accompany that fleet with enough colliers to supply them with the necessary coal. If anyone doubts this let him study the coaling needs of our fleet on its trip around the world and the way those needs were supplied. So I say, Mr. Chairman, from no standpoint are we in any danger of war with Japan or any other oriental country. But we have just recently concluded an agreement with Japan which we were told before the naval bill was brought up for consideration insures the most friendly relations with that country. The country rejoiced over this fact, for our people have always enjoyed and will always endeavor to continue the most peaceful and friendly relations with the people of Japan.

Mr. BATES. Mr. Chairman, does the gentleman believe that with all the preparations for defense at Pearl Harbor, Hawaii, a successful defense could be made unless we have vessels of equal efficiency to cope with vessels of other countries?

Mr. TAWNEY. In answering the gentleman I will say that that is the judgment of the Taft Board that made recommenda-

tions for the fortifications of Hawaii.

Mr. BATES. I am not speaking of the land fortifications, but of the naval preparation by way of modern ships which would be necessary to control the sea, to prevent a successful attack and probable taking of Hawaii and Pearl Harbor by a foreign foe.

Mr. TAWNEY. Mr. Chairman, if the fortifications at Pearl Harbor and at Honolulu, when completed, as recommended by the Taft Board, are not sufficient, are not adequate for the protection of Pearl Harbor and Honolulu, then why have these recommendations been made, and why are we needlessly wasting the public money for the purpose of constructing these fortifications?

Mr. Chairman, on the Atlantic side we are equally secure from effective attack. There is no European country that has a transport service of sufficient capacity to land an army of 100,000 or 150,000 men fully equipped for war on our shore at a given time, even in time of peace.

Therefore, Mr. Chairman, we are not situated as are the other

countries with which we are constantly comparing means of national defense. There is no country that can strike us effectively, with the fortifications we now have and with the navy we now have.

But I am not in favor of the amendment alone because I believe it unnecessary at this time to authorize these two large battle ships. There is another reason-one that ought to appeal to the membership of this House and to the country-against this ambitious policy to excel all other nations in the number and size of our war vessels. We are this year spending 40 per cent of all our revenues, exclusive of postal receipts, for preparation for war and about 30 per cent on account of wars past, leaving only 30 per cent for all other governmental purposes, except the postal service. We to-day have a deficit of over \$75,000,000. In other words, we have expended, during the last six months, \$75,000,000 more than we have received. At the end of this fiscal year we will have a deficit of at least \$125,000,000.

Next year, on the basis of existing revenue laws, according to the estimate of the Secretary of the Treasury, we will have a deficit of \$143,000,000. We have no money to-day for permanent constructive objects like river and harbor improvements; and you propose, in the face of that fact, to appropriate \$24,000, 000 for temporary destructive purposes, or for two \$12,000,000 battle ships. If we could take the \$24,000,000 that will ultimately be placed in these two battle ships and devote that money to river and harbor improvements, that improvement would be permanent and the benefit would be immediate and direct to the people and their commerce. But the people are denied these necessary internal improvements for want of money; and yet, to gratify an ambition to excel all other nations in the matter of shipbuilding, you propose, in the face of a certain deficit of one hundred and twenty-five millions this year and a possible deficit of one hundred and forty-three millions next year, to spend \$24,000,000 in the construction of two ships.

Mr. FOSS. Mr. Chairman-

Mr. TAWNEY. Oh, I do not say that the \$24,000,000 are carried in this bill. Twelve million dollars of it is, and that is only for the cost of the hull and armor of the two ships.

Mr. FOSS. I want to state to the gentleman that the cost

of these ships is \$10,250,000 each.

Mr. TAWNEY. In the last session we were told that these Dreadnoughts of 20,000-ton burden would cost \$13,000,000. Now, because we have had hard times and are constructing them a little more cheaply, it is estimated that they will cost \$12,000,000, and \$6,000,000 for each ship is carried in this bill, which is only half of the actual cost of the ships. Therefore we will have \$24,000,000 to pay, and nothing but a deficit with which to meet the expenditure. [Applause.]
The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent Mr. TAWNEY was granted leave to extend his remarks in the RECORD.]

Mr. FOSS. Mr. Chairman, I desire to state, for the information of the House, that I have received from the chief constructor of the navy a statement to the effect that the estimated cost of each one of these ships would be \$10,250,000—that is to say, the cost for the two ships will be \$20,500,000 instead of \$24,000,000, as the gentleman from Minnesota has stated in his remarks.

Mr. COCKRAN. Mr. Chairman, before the gentleman from Illinois takes his seat, I would like to ask him a question. I would like to ask if, for the information of the committee and of the House, he would be good enough to state the reasons that determined the committee to report in favor of the construction of two battle ships-whether it was on representation by officers charged with the defense of the country or from ratiocinations

pursued by the committee itself?

Mr. FOSS. I will state to the gentleman that there is in the Navy Department a body called the "General Board," composed of some of the ablest officers in the navy, who, every year, give careful consideration to the subject of the naval programme, and this board made a recommendation that we authorize four battle ships this year. We have, in addition to that, the recom-mendation of the Secretary of the Navy to authorize four battle ships, and then upon that comes the recommendation of the President of the United States, in his message sent to Congress, that we authorize four battle ships. Now, all these recommendations came before the committee, and the committee, after careful consideration and discussion, came to the conclusion that it would be wise to recommend half the number, or two battle ships, and accordingly we recommend that number in this bill.

Mr. SHERLEY. Will the gentleman yield to a question?

Mr. FOSS. I will.

Mr. SHERLEY. Are we to infer from that that the judgment of the committee is half as wise as that of the board, or twice as wise? [Laughter and applause.]
Mr. FOSS. The gentleman can figure that out for himself.

I now yield ten minutes to the gentleman from Iowa [Mr. Hep-

EURN.]

Mr. HEPBURN. Mr. Chairman, we always have opposition to every effort that is made to increase the military power of this Government, but I have never heard so trivial a reason or one so dishonoring to the people of the United States assigned to those who desire to increase the military power of the United States as that which was made by the gentleman from Minnesota [Mr. Tawney] a little while ago. He told us that the sole purpose of those who wanted to have an adequate navy was because of an ambition to excel in naval architecture. He told us, aside from the possibility of war, aside from the solicitude that patriots may have for the performances of their Government in case war does come, he imputes to us simply the ignoble purpose of desiring to build better ships than some other nation. scout that suggestion of the gentleman as an insult to the American people. Those who favor an adequate navy do so because they recognize the fact that the American people are a

warlike people. Every generation of Americans has had its war, as probably every generation will.

There is a passion for military glory in the breast of all Americans, and while we talk of ourselves as a Christian people, intent upon securing the spread of peace over all the nations, yet we have had how many wars, Mr. Chairman—1812, 1846, 1861, and 1898. In less than a century this Christian people has had four wars. And, Mr. Chairman, let me call attention to that other fact that in each one of them we went in without being prepared. In the war of 1812 we went in without either army or navy and threw down our challenge to the most powerful nation on earth. The war of 1846 found us without preparation, and preparation had to be made after hostilities began. So it was with the war of 1898. The first thing we did was to appropriate \$50,000,000 to bring up our war establishment to the condition that it ought to have been in in time of peace. have always listened to the siren song of those gentlemen who say, "You will never need an army; you will never need a navy;" and how gratifying it must be to all in authority to listen to the assurances of the gentleman from Minnesota that there can be no further wars, that we are to be exempt from all of these curses that come to other nations through national Here is to be peace. And we have the word of the gentleman from Minnesota that no hostile force can reach our shores. Then why be timid? If the good people along the northern Atlantic coast in 1898 had known what he knows there would have been no solicitude when it was rumored that the Spanish fleet was approaching our coast, and the good people of Boston would not have carried all of their portable valuables hundreds of miles into the interior [laughter] if they had only known what the gentleman from Minnesota knows and could only have been so fully established in their ideas of security as is the doughty gentleman from Minnesota. [Laughter.]

Now, if the gentleman had told us that no hostile fleet could have ever reached the capital city of his district, I would have thought possibly he might be correct [laughter], certainly at this season of the year. [Laughter.] Mr. Chairman, every man knows that if an insult comes to our Government from any foreign government, there will be reparation or war. Why talk about peace when we recognize that fact? The war spirit that is in the hearts, ah, in the blood, of young America would force any administration into hostility. What cause of war other than sentiment had we in 1898? Yet, when the sentiments of the American people were outraged they did not stop. The Government tried to do so, the administration did everything possible, the President held back, but this impulse that is in the hearts and in the blood of Americans, when there was a people alien to us, not of our blood, in whom we had no especial interest, and whom tyranny trampled upon, demanded that we should go to their rescue, without hestitation, without preparation, without a fitting army or a competent navy, we did; and the very first step was to appropriate by a vote that was unanimous, a vote in which the gentleman from Minnesota [Mr. TAWNEY] participated, a vote in which the gentleman from Missouri [Mr. Bartholof], I think, said "aye," we appropriated \$50,000,000, not for the purpose of putting our Nation in that condition that it ought to have been for the purposes of that war, but to bring it up to even the peace standard that was creditable to the Nation.

And, Mr. Chairman, one of the evidences that seems to me to be so important in this matter, that proves the war spirit of the Americans, is found in the fact that the \$50,000,000 was put into the hands of the President without limitation, except to expend it to put us as nearly as possible into a war condition; and up to this moment, Mr. Chairman, there has been no request

from any human being as to how that \$50,000,000 was expended.

Now, Mr. Chairman—

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS. I will yield five minutes more to the gentleman,

Mr. HEPBURN. Thank you. Mr. Chairman, I believe that now is the time to secure an efficient navy. That our navy is commensurate with our wants, I do not believe. The gentleman from Minnesota tells us, with gravity, that our situation is such that we need less of sea armament than other nations may need; that we have two coasts, the Atlantic and the Pacific, and therefore we do not need the same power upon the sea. I do not look at that fact as the gentle-man from Minnesota does. It seems to me, sir, that this separation of our coasts makes a larger navy more necessary. I think

that the fact that we have 3,000 miles upon the Pacific, and a larger number of miles upon the Atlantic and the Gulf, to defend, the two being separated, requiring weeks in order to send relief from one to the other, makes it necessary that we should be prepared for any emergency. That is a source of weakness, not a source of strength. The gentleman says that no naval force from the West or from the Far East can ever reach our

Atlantic coast in an efficient condition.

I do not know that, Mr. Chairman, and the gentleman will pardon me if I express some doubt as to whether he knows it. What may be done is still a matter of conjecture, and especially what may be done by the Japanese now or by the Chinese in a score of years from now. I do not want war with any nation. I hope we never may have another declaration of war from our Government, but I want to be prepared for it, and as one of the means for securing answers to the prayers for peace that I put forth I want to see such a navy as will suggest to our proposed assailants that there is peril in the assault. I want him to know that assault can be repelled. I do not want the disgraceful spectacle that has been witnessed time and again, at least on two or three occasions, because in our parsimony, or in our hopes for peace that have always been illusive, we have failed to prepare.

Once, gentlemen may remember, when we were defying Great Britain and seeking war with her, the declaration was made when the only preparation that was indulged in was the building of certain gunboats of about from 20 to 30 tons burden, each armed with a swivel gun, and so disproportioned was armament to hull that when the gun was fired across the side of a vessel it immediately capsized and proceeded to the bottom of the river that it was to defend. [Laughter.] And our whole defense when we went into the war of 1812 was 67 out of 200 gunboats

of that character. [Applause].
Mr. FINLEY. Mr. Chairman, I yield five minutes to the gen-

tleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that I may be permitted to extend my remarks in the RECORD. The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. objection? [After a pause]. The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I firmly believe that if we should adopt the amendment, it will be taken as a declaration to the world that we do not expect and that we do not desire war. I believe that it will contribute to the success of the efforts of the patriotic and intelligent men throughout the world who have dedicated themselves to the honorable work of preserving peace, and who hope and expect that this country will lead in that great work. It is reasonable to expect it, because we are so situated that we need not look upon an assault from any outside government on earth as containing the least element of success should such an assault be made. Our isolation, which really is splendid, added to the resources

of the country, makes us absolutely secure.

Mr. Chairman, both Houses of Congress constantly preach economy, and just as persistently practice extravagance. This bill is a striking illustration of the extravagance that has characterized us for a number of years. Briefly, I want to call attention to a few figures, and ask that gentlemen consider them before they cast their vote upon this amendment. Last year, as I recall it, the Committee on Naval Affairs carried through this House a bill that appropriated about \$103,000,000. That bill was increased when it reached the other legislative body, until finally the appropriation carried was one hundred and twenty-two million six hundred and sixty-two thousand and odd dollars. The estimates submitted to the committee for this particular bill were in amount \$134,393,447.99. The bill exceeds the estimates by a considerable figure, for it carries \$135,662,888.25.

Mr. FOSS.

May I interrupt the gentleman right there? DEN. Yes; but, Mr. Chairman, I have only five Mr. SLAYDEN. minutes. I will yield if the gentleman will agree to give me a little time.

Mr. FOSS.

Well, go on. DEN. Mr. Chairman, that committee which is Mr. SLAYDEN. headed by the gentleman from Illinois is unique among the committees of this House. We have a bill brought in by that committee that exceeds the estimates submitted to the committee by the department.

Mr. FOSS. I will give the gentleman further time if he will

permit me to interrupt him.

Mr. SLAYDEN. How much time will the gentleman give me? Mr. FOSS. I want to say to him that the department never sent in estimates for the new ships; but in this bill we have appropriated about \$15,000,000 for the new ships, and these estimates are not sent in as regular estimates submitted by the

Secretary of the Treasury, and that is the reason why.

Mr. SLAYDEN. The bill exceeds the estimate, and that is the point. In the gentleman's argument he undertakes to show that his committee is not controlled by bureau estimates. glad to hear it, but if he is right in his contention I am forced to the conclusion that estimates are persistently made greater than actual requirements, for, notwithstanding he claims to be economical, his appropriations grow so steadily and rapidly that I fear he and his committee will soon bankrupt the Government. I fear that estimates are deliberately made excessive in order to get what the department really wants. They ask for four

ships when they want two, and so on.

Mr. Chairman, I think there is nothing more absurd than
the alarm that gentlemen feel about the dangers that they sup-

pose menace us from the East.

According to the table prepared by the committee and submitted by them, the entire tonnage of the Japanese Government, built and building, is 440,000 tons, against 770,408 tons, built and building, on the part of the United States, which does not include the two battle ships, the Florida and the Utah. Take these in your estimate, and it will very materially increase the difference in our favor as compared with that of Japan.

Mr. Chairman, the coincidence of the consideration of this bill and these alarms of war, with which year by year our people are frightened, has commanded my attention for some time, and it makes me suspicious of the sincerity of the pleas that are made for the increase of the navy. It has happened when our fleet is in the Pacific Ocean that Germany was the favorite enemy. It happens that when our fleet is upon the Atlantic, Japan is our favorite enemy; and I am forced to believe that if we should send our fleet to the Arctic, then Argentina would be the favorite enemy of these gentlemen, who want to tear down the doors of the Treasury and expend every dollar that can be collected from the people by extravagant and unfair taxation.

Japan has a navy just a little more than half as large as She has just emerged from a war that everybody will admit exhausted her physically and financially. She won every battle in that great struggle, but each victory brought her nearer to exhaustion. Had Russia only persisted a little longer—and no thoughtful student of events doubts that she would have persisted but for internal disorders—a different story in all probability would have been written.

This is no impeachment of the character and courage of the Japanese. The sacrifices they made for their fatherland, their resistless and patrictic enthusiasm, testify to their character, and their courage is proven by their conduct in the greatest

battles ever fought.

But courage and enthusiasm alone do not wage wars and win battles. In the long run it is resources that count.

Japan has a population about half as great as ours. people cultivate farms that average in area only 3 or 4 acres. Every member of a Japanese family, from the oldest down to the youngest that can possibly do so, and of both sexes, has to be almost continuously at work to keep from starving. A drought or a flood, a disaster of any sort, seriously affects the whole people. Famine is created in Japan or China or India by conditions that would hardly secure a newspaper paragraph in the United States.

To-day the credit of Japan, the victor, is hardly so good as that of Russia, the defeated. Market quotations of national credit issues tell the tale.

Over against Japan's limited resources and smaller population, her famine conditions and reduced credit, I place our own vast country with its enormous population and resources that are beyond computation and comprehension.

I ask you to look at the quotation of her 4 per cent bonds and compare them with the market value of our 2 per cent bonds. I ask you to be reasonable and practical in your con-

sideration of this absurd war scare.

On our side of the Pacific Ocean Japan has no coal or coaling stations. On all the Pacific coast, from the Isthmus to the State of Washington, there is no coal. We find it only in British Columbia. It is preposterous to think that England would permit her colony to give such aid and comfort to an enemy of the United States as to equip her with a war material like The English are not only our kinsmen, they are also sensible people. They need us in trade, to take the lowest possible view of their probable course of action in such a contingency as gentlemen seem to fear.

If Japan were to send war ships to our shores on a hostile mission they would be helpless when they got here. England alone could be of assistance in that crisis, and common sense tells us she would not take sides against us.

Californians are needlessly alarmed-if they are alarmed, which I doubt.

A distinguished military officer told me the other day that San Francisco was perfectly defended—overdefended were his exact words-against an attack from the sea.

Suppose-and it is a wild and an absurd conjecture-that Japan could land an army. We wouldn't be idle. We could

meet it, and I know that we could take care of it, too.

We are gradually erecting a system of coast defenses from Maine to western Texas and from southern California to northern Washington. The Atlantic defenses are nearly, if not quite, complete. The Gulf has not yet been as perfectly fortified as it will be, and that work is now being done. I am willing that it should be abandoned until my Pacific coast brethren have had their nerves quieted. We are not alarmed either for our commerce or our lives.

The truth is, Mr. Chairman, that we are military mad. more than half of our revenues are now devoted to military, naval, and pension expenses. Our schools are training depots for soldiers. Half the students are in uniform. A commission in the army or navy is looked upon as the greatest reward that our young men can seek. It spells ruin for the Republic unless we can reverse the thoughts of our people.

The Declaration of Independence is out of fashion. It was described by one of our uniformed statesmen as a inflammable document." We govern 10,000,000 alien people against their will. A large number of people hope to govern more yet in the West Indies. This expansion, this government of an alien people, is tied up with the military idea. It requires more armies and navies, more commissions, and more promotions, and so it is popular.

If we had not committed the political crime and stupidity of acquiring the Philippines, we would never have heard of war with Japan; and even the most timid will admit that we would have been in no danger if such a war had come under such

circumstances.

But Japan wants no war. Her rulers are wise men; they know how such a war would end. They have shown ability of the highest order, and they will never be persuaded that a little success in the Philippines, or even a foray on the Pacific coast of North America, will compensate them for the price they would finally pay.

Another thought I would like for Members to consider before

they vote for the big increase in the navy.

These tremendous appropriations, plus the deficit that will be more than \$125,000,000 by June 30 of the current year, will indefinitely postpone the river and harbor work that we all want in order that our commerce may be prospered.

Which will you have, deeper harbors and better river navigation, with the cheaper freight rates that they will bring, or more battle ships that we do not need and that will be in the scrap

heap in ten years?

I insert with my remarks the document entitled "Thirty Reasons Why Our Navy Should Not Be Enlarged."

THIRTY REASONS WHY OUR NAVY SHOULD NOT BE ENLARGED.

The following statement of reasons why our navy should not be enlarged is issued with the indorsement of a large body of the leading men of the country, including Charles Francis Adams, Jane Addams, Samuel Bowles, John Graham Brooks, Andrew Carnegie, James Duncan, President Faunce, of Brown University, A. B. Farquhar, Edwin Ginn, Washington Gladden, Edward Everett Hale, William D. Howells, Chester Holcombe, Prof. William James, Rev. Charles E. Jefferson, President Jordan, of Leland Stanford University, Bishop William D. McVickar, Marcus Marks, N. O. Nelson, Gen. William J. Palmer, Rev. Charles E. Jefferson, President Jordan, of Leland Stanford University, Bishop William N. McVickar, Marcus Marks, N. O. Nelson, Gen. William J. Palmer, Rev. Charles H. Parkhurst, George Foster Peabody, Bliss Perry, Dean Henry Wade Rogers, of the Yale Law School, Prof. William G. Sumner, Lincoln Steffens, Ida M. Tarbell, President Thwing, of Western Reserve University, President Thompson, of the State University of Ohio, Booker T. Washington, Rabbi Stephen S. Wise, President Mary E. Woolley, of Mount Holyoke College, and others.

1. Because we have fought foreign foes—English, Spanish, and Mexican—only six years in the one hundred and twenty-five years since the Revolution. In every foreign war we made the first attack. With less danger from attack than any other nation, we are now spending more for past war and preparation for future war than any other nation in the world.

2. Because our extent of coast line has little relation to danger from attack. The second Hague conference has provided for immunity from bombardment of all unfortified towns and from levying contributions by threat of bombardment. We should be safer still if we reduced fortifications, as one of our delegates to The Hague has said.

3. Because The Hague conference also provided for arbitration of disputes over contractual debts, thereby removing excuse for our keeping a navy to prevent forcible collection of THIRTY REASONS WHY OUR NAVY SHOULD NOT BE ENLARGED.

5. Because there is no danger from China, a peace-loving nation friendly to us. Our return of the indemnity has done more to promote peace with her than anything else could do. According to the testimony of Ambassador Luke Wright, of Hon. John W. Foster, of Secretary Taft, and of over 100 missionaries to Japan, familiar with her language, customs, and politics, there is not the slightest foundation for the violent and frothy talk which is emanating from a few Americans against Japan and is poisoning the minds of millions of our uninformed citizens. Said Ambassador Wright: "The talk of war between this country and Japan is not even respectable nonsense." The 100 missionaries say: "We desire to place on record our profound appreciation of the kind treatment which we experience at the hands of both Government and people; our belief is that the alleged belligerent attitude of the Japanese does not represent the real sentiments of the people. We wish to bear testimony to the sobrlety, sense of international justice, and freedom from aggressive designs exhibited by the great majority of the Japanese people." Nothing could do more to develop the opposite feeling that the baseless assumption and insulting statements published by certain Irresponsible newspapers and military men.

6. Because of an excessive, unhealthy reliance on force in our country in recent years, which calls attention away from the real foes at home to supposititious foreign enemies. Its spirit fills the newspapers with reckless, unfounded suspicions and accusations, distorting historic statements, promotes constant talk about war and preparation for war, of maneuvers, promotions, and technical details, and makes us blind to the real sources of our greatest loss of life and property.

7. Because our three foreign wars since 1781, which lasted only six years, cost in life, all told, in battle nothing comparable with our reckless slaughter by accidents every year in time of peace. The \$60,000,000.

8. Because we have lost alone by five, largely preven

not dependent, as many nations are. General Sheridan said that no nation on the Continent of Europe had sufficient ships to spare to bring over enough soldiers to carry on one campaign so far from its base of supplies.

11. Because we shall need no navy to protect the Philippines if we but ask the nations to pledge preservation of their autonomy when we grant them their independence. More to the world. The neutralization, which we can further use. The pledge between wantonly break such a sed places is one of the most successful methods of the protection of their protection of their owners. The pledge between the United States and Great Britain to remove battle ships and forts from our Canadian border has since 1817 secured peace at no expense on over 3,000 miles of frontier. Without this pledge we should probably have had war. So long as this line is unguarded we shall never fight Great Britain.

12. Because all the great nations, in one place or another, are securing safety from territorial aggrandizement by pledging territorial inviolability. All the nations on the Baltic and North seas signed treaties in April, 1908, to respect each other's territory on those waters. Turbulent Central America has secured peace by similar methods. It is the method of the future.

13. Because, in spite of our strategic position and the fact that Europe largely depends on us for food, we are spending for defense more than France and only \$36,000,000 less than Great Britain, where the secure of the protection of armaments could be bottle enough to the construction of armaments could be before enough to increase our insufficient railroad capacity and as many men could be employed in making rails and engines, of which we have too few to move our crops, as in making armor plate and instruments of destruction.

15. Because the recent arbitration treaties signed with Great Britain, France, Norway, Spain, Portugal, Switzerland, Japan, and Germany minimize the possibility of war with those countries, and we have no fear of set the arbi

it. Said Secretary of State Sherman concerning the Spanish war, "We could have adjusted our difficulties without the loss of blood and treasure." Said Congressman Boutelle, "President McKinley, if Congress had left the matter to him, would have secured everything we wanted in Cuba without the sacrifice of one drop of American or Spanish blood."

19. Because our navy is already so large as to incite other nations to increase theirs. Our naval increase was quoted last year in the French Assembly as an argument for a French increase. This senseless rivalry is driving certain would-be customers of ours toward bankruptey.

Spanish blood."

18. Because our navy is already so large as to incite other nations to increase theirs. Our naval increase was quoted last year in the French Assembly as an argument for a French Increase. This senseless rivally is driving certain would-be customers of ours toward bank. This senseless rivally is driving certain would-be customers of our stoward bank. This senseless rivally is declared to the control of the

mercial fraternity we could do more for peace than through intimidation by armaments.

30. Because we have not the faintest ground to suspect there will ever be a war again with England so long as our northern frontier is free from her fortifications; nor with Spain, whose interests hereafter can not cross ours; nor with any of the other nations with whom we have always been at peace, and who could fight us only at a range of thousands of miles from their base of supplies. We are especially secure, as Europe is dependent on us for a large share of her food supply, and the Orient has everything to lose and nothing to gain by attacking us. The "Yellow Peril" is a psychological obsession of a few scaremongers who do not read oriental languages or respect people who have not white skins, but who translate their suspicions into statements which are not facts, and help create the very hostility that would excuse their cry for an increased navy.

January 15, 1909.

JANUARY 15, 1909.

Mr. FINLEY. I would like to inquire what time has been consumed on both sides?

The CHAIRMAN. The gentleman from South Carolina has consumed forty minutes' time and the gentleman from Illinois twenty-one minutes.

Mr. FOSS. I yield five minutes to the gentleman from Alabama.

Mr. RICHARDSON. I do not hesitate, Mr. Chairman, to say that I yield to no gentleman upon the floor of this House a greater desire to preserve the peace of our country than I entertain myself. I was glad to hear the distinguished gentleman

from Iowa [Mr. Hepburn] express the views that he did in regard to his desire to preserve peace.

He knows, as I do, the horrors of war, for we have both experienced it in all its terrors, and he is anxious, as I am, to preserve peace. Yet I believe, Mr. Chairman, in the wise and patriotic policy "That in the time of peace we should prepare for Yet I believe, Mr. Chairman, in the wise and patri-Not a war of oppression, but for defense. I am an advocate of the two battle ships recommended by the Naval Committee, and shall vote against the amendment of the gentleman from South Carolina to strike these battle ships from the bill. I find ample justification for thus voting in one interest relating to the increase of cotton consumption in the South. Born and reared in the South, loving all of its traditions, as I do, I am eager to aid to develop the wealth and power that the South holds in its unquestioned monopoly in the great staple-cotton. It is more to the interest of the South to-day and the advancement and welfare of our cotton interests than any other section of the Union, that we should be prepared to defend the contention that we are making to-day for supremacy in trade when our rights or interests are denied or imperiled by anyone.

Who can forget that it was but a few short months since that Japan, with the passive consent of Russia, was preparing to violate one of the most important provisions of the Portsmouth treaty by disregarding the sovereignty of China in Man-Japan sought by the right acquired to build railroads to usurp the authority of China, which meant the "closing of the open door of trade." Who stopped it? It was the protest of Great Britain, with the aid and cooperation of the Government of the United States. Why was it stopped? It was because Japan was threatening "the open door," which the South depends on to enlarge her cotton-cloth trade with China, Japan, and Manchuria. We depend on this China trade because our southern mills manufacture the coarse grade of cotton cloth. Have we forgotten that in the Boxer troubles in China the cotton mills of Georgia and Alabama and other Southern States were to a great extent injured by this disturbance in the decreased product of their mills? Then I say that it is more important, in my judgment—if I am allowed to use that argument in behalf of the advancement of the interests of the South in its great expectations of the cotton trade—to stand by a condition that keeps us prepared to assert our authority when our rights are invaded. I am earnestly for peace.

I do not, Mr. Chairman, advocate this measure to-day in order to put my country even with Great Britain in the number of battle ships, or with Germany or with France or with any other of the great powers of the world, but I advocate it simply on the common-sense grounds that we ought to be prepared, not by any means to be aggressive, but to assert our authority and protect our rights. I am not an alarmist. I see no reason to believe that we are likely to have war with Japan. I am one of that class who believes that Japan is in no manner prepared or willing to go to war with us. In fact, Mr. Chairman, I do not see any war cloud above our horizon. I have an abiding faith in the diplomatic wisdom of our country to avoid war and preserve peace with all the powers of the world. But when I see, Mr. Chairman, the great struggle that we are participating in—that we must take part in—with the great powers of the world for the supremacy of trade and commerce, I realize, as a practical proposition, friction and strife of a most serious character may arise at any time. If we are prepared and ready to assert and defend our rights, the friction and trouble over commercial interests are not so likely to arise. Being ready is a wholesome preventive of war and the strongest maintenance of peace. It is, Mr. Chairman, in the interests of the honor and manhood of our Republic that I am an advocate of a sufficient navy. We all admit that if we ever have war with any nation it will occur on the "high seas."

I am, Mr. Chairman, opposed to what gentlemen denounce as "governmental extravagance," and would vote to curtail expenses when I can consistently with the welfare of our country. I do think it a wise policy to build and keep up a good

[The time of Mr. RICHARDSON having expired, he asked unanimous consent for three minutes more.]

The CHAIRMAN. The Chair does not control the time. Mr. BUTLER. I will be glad to yield to the gentleman the three minutes which have been promised me. He will advocate

this proposition more eloquently than I could.

The CHAIRMAN. The gentleman is recognized for three minutes more

Mr. RICHARDSON. I thank the gentleman from Pennsylvania. I say, Mr. Chairman, it is not a spirit of rivalry to equal other nations on my part that actuates me to contend for these battle ships. I care not how many Great Britain has. Strike out the two battle ships, and what condition do you leave us

in? Are we thus to abandon the wise policy of gradually enlarging and improving our navy? I have been taught, sir, by a great Alabamian, who was Secretary of the Navy, and who took an immense pride in laying the foundation of an improved

navy, that such a policy was wise and patriotic.

Since I have been a Member of Congress I have advocated the improvement of our navy by a fixed policy of authorizing annually the construction of a certain reasonable number of annually the construction of a certain reasonable number of battle ships until we could fairly say that we were, as a Republic, prepared for any contingency. I did not consider these views chimerical, and I do not now. I know I differ with many of my Democratic colleagues on this side. I am not the victim of "frenzy, hysteria, or mania." I say, Mr. Chairman, that we ought to look at it practically, not influenced by what the President of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were horsested on the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen to the seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen that the leaker of the United States were not seen the leaker of the United States were not seen the leaker of the United States were not seen the leaker of the United States were not seen the leaker of the United States were not seen the leaker of the United States were not seen the leaker of the United States were not seen the States were not seen the leaker of the United States were not see dent of the United States may have said or done, but look at it from a common-sense business view, in the interests of our

country, [Applause.]
Mr. FOSS. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. Harrison].

Mr. HARRISON. Mr. Chairman, I hope this committee will vote for two battle ships. I listened to the argument made last year by the gentleman from Ohio [Mr. Burron] and this year to the gentleman from Missouri [Mr. BARTHOLDT], and I can agree with them only in so far as they believe that no war is imminent. I believe that no war threatens the United States today; but when the gentleman from Missouri proceeds to maintain that the defense of this country rests on what he is pleased to call "the enlightened sentiment of the world" I would tell him that when the time of need comes the defense of the United States rests upon the battle ships and upon the strong right arm of the American people. [Applause.]

The gentleman says that he attended the last congress at The Hague. Well, so did I; and I want to ask the gentleman whether, in pursuance of his belief that the enlightened conscience of the world is sufficient to maintain the rights of a nonmilitary nation; he recalls that the delegates of the "Hermit Kingdom" knocked at the door of that conference, demanding in the name of peace that the delegates should secure to them their threatened independence, which they had held for more than a thousand years, and I will ask the gentleman whether he did not see the doors of that conference shut in their faces?

I will ask the gentleman from Ohio the further question, whether, in pursuance of his stated faith that the peace of the world rests upon the enlightened conscience of mankind, he can not recall that a few years ago the greatest military imperial power of modern times engulfed the independent nation of the Boers in the pursuit of territorial aggrandizement?

Mr. Chairman, in the three minutes allotted to me I have not time to go into this question very deeply, but I advocate the building of these two battle ships as a measure of insurance, because I believe that this is the best way to insure peace; and if war ever does come, I want to be able to feel in my own heart, and I want to be able to tell my family, that while there was time I did my share in maintaining the national defense. [Applause.]

Mr. FINLEY. Mr. Chairman, this side has consumed more time than the other. We only have two additional speeches, and I would like to have gentlemen use some time on that side. Mr. FOSS. I yield five minutes to the gentleman from Penn-

sylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, I trust the amendment offered striking out the battle ships from the naval programme this year will be voted down. I believe in standing by the President of the United States and the General Naval Board, of which Admiral Dewey is chairman; also the recommendation of the Secretary of the Navy and the unanimous recommendation of the House Committee on Naval Affairs. They all ask us to vote for at least two new ships. I believe it is the duty of this Amer-ican Congress to continue the navy of this country in its present state of efficiency, and if I make no other point in the few moments allotted to me, I desire to say, Mr. Chairman, that a vote for this amendment to strike the battle ships out of the naval programme is a vote in favor of going backward, and in favor of actually losing ground. I do not believe that the American people who send us here desire that the navy shall retrograde and fall below the present state of efficiency in which we have placed it in the last ten years. We will go back on our splendid record of the last decade if we vote for this amend-

ment striking the two battle ships out of the naval programme. In 1892, 1893, and 1894 authorization was made for the building of certain ships of war. They were the Indiana, the Massachusetts, the Oregon, the Brooklyn, the Iowa, and the Minnesota. Within a few years more these ships were equipped and delivered, and within two or three years more events occurred in this nation which made those names household words.

When these ships were authorized, when their keels were laid, when they were delivered to the country there was no more thought and no more danger of war than there is this minute, and it is not with the idea of the danger of war that the Naval Committee brings in the report authorizing the building of two battle ships this year. It is to be in consonance, in harmony with the naval programme which we have followed for the last ten years. These battle ships and cruisers, whose names I have called, are to-day obsolete and practically relegated to the ships of the second class. Not to build and not to authorize the building of two or three or four battle ships each year is a vote of retrogression, because the life of an ordinary cruiser or battle ship is only fifteen or eighteen years.

The gentleman from Texas and the gentleman from Missouri talk of peace. I am a member of that same Interparliamentary Peace Conference that has met from year to year and to which

they refer.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BATES. Certainly.

Mr. MADDEN. Is it understood that ships authorized as recently as 1892, and perhaps built a little later, are now worth-

Mr. BATES. They are practically obsolete to-day. Mr. MADDEN. What foundation has the gentleman for

making such a statement?

Mr. BATES. Just the fact; and if the gentleman desires to look it up, he can do so. It is the statement of the Secretaries of the Navy for the past ten years. I am as much in favor of peace as the gentlemen who cry peace on this floor, but I want to ask those apostles of peace-

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I yield two minutes more to the gentleman. Mr. BATES. Mr. Chairman, what nation prevails most in crying peace, the efficient nation prepared for war or the weak, pusillanimous nation without any navy or army or any strength whatever before the nations of the world? Who was it who made immortal the words "Let us have peace?" Was it a weak, pusillanimous general who was loafing about Washington displaying his epaulets? No; it was a man who was the greatest commander this earth has ever seen, who had been a thunderbolt in war and who had led his legions victorious in every battle, and when he said, "Let us have peace," those words struck home and rang all around the world; and so with this Nation, if she is strong, if she is efficient, if she commands the best navy on the globe, when she utters the words, "Let us have peace," those words will prevail in every portion of the [Applause.]

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. BATES. Yes.

Mr. BARTHOLDT. Who is the more worthy citizen, the man with the revolver in his pocket or the other who goes unarmed?

Mr. BATES. Let me say to the gentleman from Missouri that we always equip our policemen with weapons to be used in case of necessity, and such officers are always most efficient in compelling and maintaining peace. Not that they often use them, but the knowledge that they have arms makes their presence a sign of peace and tranquillity, never a sign of disturbance.

Mr. BARTHOLDT. But I am talking about citizens. The CHAIRMAN. The time of the gentleman has again expired.

Mr. Chairman, I yield three minutes to the gen-

tleman from New Jersey [Mr. Hughes].

Mr. HUGHES of New Jersey. Mr. Chairman, I rise at this time for the purpose of stating my position in regard to this amendment, and my position with regard to the proposition to authorize two battle ships this year. I would be as willing as any man to curtail the naval expenditures if this Nation of ours was in the position it was some years ago, and which the fathers of the Nation fondly hoped and advised it would continue to be, but, in my judgment, the two battle ships carried in this appropriation bill are the natural corollary of the action of this Government in taking possession of the Philippine Islands. I believe that we made a gigantic mistake when we carried the frontiers of our country thousands of miles into the ocean. am in favor now of getting rid of the Philippine Islands.

I am not in favor exactly of the policy which has been de-nominated by the term "scuttling," because I do not believe that method would be effectual. I do not think you could hore a hole in the Philippine Islands and cause them to sink into the sea, because I believe that if it was possible to do that it would have been done long ago. I believe that we must leave to the party which gave us this incubus, which hung this millstone around our necks, and which makes it necessary for us to con-

stantly appropriate great sums of money, the task of getting us out of the Philippine Islands with honor, even though it be at a great cost in blood and treasure. I can see that, having possession of the Philippine Islands, we are open to possible humiliation. Any nation wishing to engage in war with us, in my judgment, would naturally attack the Philippine Islands. They would obtain a footing there and they would intrench themselves and then we would be called upon to ship soldiers and to send our fleet to regain that which was of little or no advantage to us, but which became immensely important before we could ask our people to let us enter upon negotiations for a treaty of peace. He would be a brave man, indeed, who would urge negotiation of a treaty with the Philippine Islands in the possession of some power that had gone to war with us. So I believe that so long as we retain the Philippine Islands we must depend upon the navy to protect the national honor there and to prevent us from humiliation in that quarter. Consequently it is with confidence that I can go before my people to justify my act in voting for these two ships. [Applause.]

[Mr. BURTON of Ohio addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, I yield ten minutes to the gentle-

man from New York [Mr. COCKRAN].
Mr. COCKRAN. Mr. Chairman, with almost everything which the gentleman from Ohio [Mr. Burton] has said by way of argument I am in hearty accord. For the oratorical embellishments of his speech I have unstinted admiration. From the conclusion he has reached my dissent is radical and profound. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Ohio [Mr. Burrox] both seem to labor under the impression that it rests with this country to decide for itself whether there be a necessity for increasing its armament. In this I think both are radically mistaken, and from that fundamental, original misconception they have reached a conclusion which, I submit to this body, it would be very dangerous for us to adopt.

Mr. Chairman, I am far from concurring with the statement of the gentleman from Iowa [Mr. Herburn] that every generation must necessarily have its war. I believe that there is a prospect, and a steadily improving prospect, of peace throughout the world. I believe that as we have seen such progress during the last century that to-day men are moving about the highways in civilized communities without swords at their sides or arms in their hands, so we may hope to see the nations realize before the close of this century that war and preparations for war are a useless and senseless waste of treasure and of energy. But even in the most highly civilized communities in this civilization of ours we are still compelled to maintain jails and scaffolds, criminal courts and peace officers to restrain some men from invading the rights of others. And the nations have not yet reached the point, I am sorry to say, where they can find it safe to put away their arms or disband their armies and trust for the maintenance of peace to the merit of their policy or the excellence of their intentions.

Mr. Chairman, while I believe it would be unsafe to hold that war is an impossible contingency I am happy to say the tendency of events everywhere is toward conditions which make for peace throughout the world. The circle of regard for justice, among nations as among individuals, is widening every day. With the gentleman from Ohio I do not believe there is a possibility that war can ever be made upon this country through the deliberately aggressive act of any foreign government. I am sure this Government will never undertake to make war on any other country. If war is to come, it will be not through the policy or disposition of this Government or any other to make it, but in spite of all that every government can do to avert it. I do not believe there is the slightest possibility of war between this and any Christian country. And I hold this belief. not because of the common civilization that all Christian nations maintain, but by reason of necessities that bind them all to this country in a common interest of vital importance.

Were we at war to-morrow with any European power, and if that power succeeded in closing our ports, to say nothing of menacing the security of our cities, the stream of food supplies essential to the very existence of every other country, would be dammed up, and every neutral power would find itself forced by imperious necessity to interfere for the purpose of liberating that stream of supplies, of which this bountiful soil of ours is an exhaustless fountain when cultivated by the matchless productive energies of our people. And so, Mr. Chairman, I dismiss utterly and completely the possibility of attack on our Atlantic coast line from any source. But on the Pacific I discern a danger, and a serious one, which we can not afford to disregard. The gentleman from Ohio has himself described conditions that establish beyond all question the existence of a peril against which, it seems to me, we are bound to take precautions in the discharge of our plain duty, not alone toward our own country, but to the civilization of which this country is the depository and the trustee.

The gentleman says there has been a remarkable growth of racial repulsion during the last few years. I do not admit there has been a growth of racial repulsion, because I believe it is impossible for that repulsion either to grow or diminish. It is inirrepressible, unconquerable in all men-sometimes smoldering when races are far apart, leaping into life and activity instantaneously and instinctively the moment they come in contact. Never yet have two races dwelt together peaceably in actual contact, except where one has consented to admit superiority of the other. [Applause.] To this fact all history bears unbroken testimony. Gentlemen on this side of the Chamber, you have had demonstrated by experience-ample, recent, and bitter-the truth of this proposition in the South. Within a few years an attempt was made by constitutional provision to establish two races on conditions politically equal in your own States. What was the result? One race immediately asserted its superiority over the other. No power could prevent that assertion or withstand its success. Every resource this great Government could exercise was invoked, and all of them proved unable to establish equality between these two races. Your state governments were in the possession of the race which you consider inferior.

The National Government, with its army, its Congress, by overwhelming votes of both Houses, exhausted all the powers of civilized society in an effort to maintain the inferior race in possession of the governments they had seized, and all the efforts of both governments, state and national, failed absolutely. [Applause.] While the attempts to maintain equality continued, nothing but confusion and disturbance resulted. [Renewed applause.] The two races to-day dwell together in peace with each other, and there is every prospect of peace throughout the future, because the condition of contact between them now is that one race, in act if not in word, acknowledges inferiority.

But there are on the Pacific coast to-day two distinct races, one of which will not acknowledge inferiority, and the other will not acknowledge equality. One has held the soil for many years. The other has but recently appeared on it. This last race has grown greatly during the last few years, not only in numbers, but in possessions. Everybody concedes that if this growth should continue nothing can prevent our fellow-citizens on the Pacific coast from taking measures to exclude all members of this alien race. Whether this determination be com-mendable or otherwise is not worth discussing. It is inex-orable. The President of the United States is now negotiating to secure their exclusion by voluntary cooperation of the Japanese Government. Whether his efforts will prevail or not we do not know. There is, however, one fact of great significance which we can not escape. The Japanese Government will not consent to a treaty providing for exclusion. If therefore the measures taken by their own Government to prevent Japanese coolies from coming here should not prove effective, then nothing will be left but passage by Congress of an exclusion act. Such an act would be demanded by a public sentiment so overwhelming that it could not be resented. Everyone knows that passage by the country of an exclusion law would be considered an act of unfriendliness by the Japanese Government. Diplomatic relations with us would very likely, almost certainly, be broken Will any gentleman here question that fact? Gentlemen know what followed in another part of the world when that same Government broke off diplomatic relations with a great European power. But, Mr. Chairman, even under such condi-tions, I do not believe the Japanese Government would make war upon us.

So far as that Government is concerned I believe it would confine its manifestation of resentment or displeasure to a mere suspension of diplomatic intercourse.

If war should come, I repeat, it will come not through the desire of either Government to make it but in spite of everything both Governments can do to prevent it.

And I can conceive circumstances under which both Governments would be powerless to avert war. Suppose that racial antipathy, which is unconquerable, should, under the stress of some sudden excitement, take the form in California which it actually took in New Orleans a few years ago. Suppose that for some reason or other there was an outburst of racial hostility, in the course of which a number of Japanese were lynched on the Pacific coast. Do you think the Japanese in Tokyo or Nagasaki would allow it to pass without reprisal? If you do, you have never visited that country. Their pride of race

is even more intense than ours. We have other passionate attachments besides our patriotic impulses.

With us love of family, love of children, love of parents, love of friends are strong as love of country. The Japanese appear to have but one absorbing passion, and that is love of country; one universal impulse, and that is pride of race. Let that be outraged and reprisals would follow inevitably as night the day. What form would they take? That question is not difficult to answer. In this country if any Japanese were lynched they would be laborers. There are no American laborers that could be lynched in Japan. In that country there are American merchants, American missionaries, American tourists, American officials. Picture to yourselves a contingency that is entirely -conceive not a condition which is unprecedented or wildly improbable, but the recurrence of a condition which has already happened. Suppose that, as a number of Italians were lynched in New Orleans some years ago, a number of Japanese should be similarly done to death in California or Oregon, and that the lynching of these Japanese laborers were followed by lynching of Americans belonging to a superior class in Tokyo. Do you believe it would be possible to prevent an ebullition of feeling in this country that would hurry us irresistibly into hostilities? Would you gentlemen who propose to vote against this measure of precaution now, if an American consul were lynched in Tokyo, or a number of American missionaries were massacred in some other part of Japan—even under the provocation of prior lynchings by Americans—would you come in here to counsel peace and submission? It would be excellent counsel, but it would fall upon deaf ears.

There is but one way to make peace secure against resentments provoked by acts of violence perpetrated in either country on citizens of the other, and that is by making the force at the disposal of one so decisively preponderant that the hopelessness of attacking it or its citizens will be obvious and unmistakable.

I would not be understood as defending, excusing, or palliating acts of violence by citizens of this country or any other. I am merely describing conditions which I believe to be actual, and urging measures to avert dangers which I believe to be serious and portentous.

Now, sir, Î know it is suggested that even if these two battle ships are voted, they can not be constructed in time to meet an immediate emergency. But, sir, the necessity for building them remains. One difficulty with this peril is that it is continuous. Our precautions must therefore be continuous. This peril can not be averted by negotiations begun or terminated in a year. It will last until all, practically, members of that race whose advent has provoked it shall have disappeared from our shores, and there is no prospect of their speedy disappearance. Even the negotiations undertaken by the President aim at gradual, not at immediate, exclusion. [Applause.]

[Here the hammer fell.]

Mr. FINLEY. Mr. Chairman, I should like to ask the gentleman from Illinois how many more speakers he has on his side? Mr. FOSS. I think only one more.

Mr. FINLEY. Mr. Chairman, I have listened with a great deal of interest to the remarks of the gentleman from New York [Mr. Cockran], and I feel compelled to say in reply that he is extravagant in suppositions. Peace and war in this day are not made as they were generations and centuries ago. Today they are made in the counting houses of New York, London, Berlin, and Paris. What informed man in this country does not know that the peace of Portsmouth would not have been made had Japan been able to procure the sinews of war? It is a fact that she was compelled to accede to peace with Russia because she had exhausted her resources.

Now, Mr. Chairman, I yield to no man, I hope, in patriotism and love of country. I do not speak as a southern man at all. I speak as an American citizen. And no one will go further than I to uphold the honor and the glory of this country; but I do not believe that it is necessary at this time to authorize the building of two additional battle ships, at a cost of \$25,000,000. And why? To-day we have six battle ships building.

I may say, not in a spirit of unfriendly criticism, that it takes entirely too long to build a battle ship in this country—nearly or quite three and one-half years. In other countries one-half of this time is sufficient. Take the strength of the United States Navy to-day, and, practically speaking, it is second to the naval strength of England. Another consideration, Mr. Chairman: In ten years a battle ship is obsolete and out of date. The battle ship Oregon of ten years ago is to-day practically worthless as an engine of destruction. Yes, the building of battle ships by this country more than we have is unnecessary. Battle ships are for aggression. I believe that the provisions in this bill for torpedo boats, torpedo-boat destroyers, and so on, engines for defense, should be the policy for us to pursue at this time. It has been said that we must prepare for war.

What nation would send its fleet to the coast of America? Would they not be met at the entrance of every harbor in this country by submarine and torpedo boats, and would not their ships be destroyed? And if worst came to worst, we would send for the Wright brothers to come home. The time has come when navigation of the air is in order.

I believe that voting out the provision in this bill for the construction of two more battle ships by the United States Government will make for the peace so much sought after by The Hague peace conference. When that conference meets again, it Hague peace conference. When that conference meets again, it will not be met with the universal cry, truthfully made before, that while the nations of the world are crying peace they are preparing for war, each and every one of them all that it is able.

So, Mr. Chairman, the construction of two battle ships not be-

ing necessary now on the ground of public policy or necessity, I have offered the amendment in good faith; and I will say that in the ten years I have been in Congress I have believed in submarines and torpedo boats and engines of defense, and this country is equipped to-day. I do not believe that any enemy could come here, or if they did come, would remain very long with a flag hostile to us floating over them. [A extending my remarks I will insert the following: [Applause.] In

country is equilped to-day. I do not believe that any enemy could come here, or if they did come, would remain very long with a flag hostile to us floating over them. [Applause.] In extending my remarks I will insert the following:

The following statement of reasons who our nary should not be enlarged is issued with the indorsement of a large body of the leading mended of the state of the leading mended of the lea

9. Because we have increased our expenditure for defense 200 times during a period when our population has increased only 22 times, our coast line perhaps 3 times, and our danger from attack not at all.

10. Because we are protected by nature as is no other country and have not the excuse for a great navy which England has nor for a strong army which Germany has. Our wealth is as great a protection as our geographical position. We supply our own necessities and are not dependent, as many of the period of the period

French Assembly as an argument for a French increase. French Assembly as an argument for a French increase of ours toward bankruptcy.

20. Because increase of our navy does not increase respect of foreigners for us. Respect can be given only to moral qualities. Our indifference to lawlessness and our civic corruption are well known abroad. We have no more moral influence than we had thirty years ago, when every monarchy in Europe was being sapped by our democracy. Plutocracy and militarism make us talked of and dreaded, but not respected. Many, perhaps, are glad that we are being hampered in our race for commercial supremacy by saddling ourselves with the Old World's military bardens.

21. Because our dignity no more depends on battle ships than upon light-houses or fire engines. We should feel pride if we are safe enough to dispense with a few. A European city built of stone rejoices that it does not need our costly fire apparatus. A large navy is a confession of conscious weakness or timidity.

22. Because increase of the navy is an implication that new dangers are in sight and old friends are to be suspected. It arouses rivalry and irritation with other nations. The two nations to-day who are the most armed are in the most danger of fighting. Just as Germany's and England's increase of naval power mutually irritates each other, so Japan's military skill has stirred the emulation of our jingoes, masking themselves under the conceited plea that we are par excellence the peaceful people of the world and can do no wrong with our navy.

23. Because "a decent respect for the opinion of mankind" ought to be more and more the controlling motive of nations as of individuals. A navy is but a small element in our defense even from foreign foes, to say nothing of defense from our far greater domestic dangers to life and property. We have been secure from attack with our fleet at the antipodes.

24. Because the demand for it comes chiefly from those who ignore

24. Because the demand for it comes chiefly from those who ignore the new substitutes for war and whose military training fits them only to kill enemies, but not to prevent friends becoming enemies. They understand explosives, but not human nature or politics or diplomacy or the methods which have produced the astounding bloodless revolution in Turkey; or the demand comes from the class which supplies im-

plements of war and surreptitiously keeps up war scares which the guilible voters make profitable to them.

25. Because declaration of nonintercourse embodied in treaties is a feasible and far more powerful force. We would better spend our energy in studying this new agent, advocated by Justice Brewer, of the Supreme Court, and other able men, now made possible by modern conditions of communication and politics. If one tithe of the \$60,000,000 asked for were spent on an educational campaign for a pledge of non-intercourse from England, France, and the United States against any nation which attacked one of them and refused to arbitrate, it would do more to keep the world's peace than all their navies. Were two of these strong nations previously to make public their signed agreements to withdraw diplomats and stop commerce upon wanton attack on the third power, no nation would ever attack the third. The declaration would suffice. This is a totally different thing from the old-fashioned embargo declared by one nation on another after war began. Even the unorganized Chinese boycotts, not backed by the Chinese Government, made us remove injustices and more recently coerced Japan. If in fifteen years 400,000,000 organized Chinese refuse to buy goods if they are ill treated, the greatest navies will avail nothing to get their markets.

26. Because new inventions in all probability will make existing

26. Because new inventions in all probability will make existing armaments useless before Japan, even if she wanted to attack us, could recuperate from her financial drain sufficiently to do so. Airships may make battle ships useless.

make battle ships useless.

27. Because an increase of the navy argues infidelity to the great achievements of The Hague conventions. It is childishly inconsistent to create more force when better methods are being substituted for it.

28. Because every enlargement of the navy draws men from constructive work. It keeps them always on the outlook for the trouble which alone could give then the sense of being of real service and importance and getting promotions and honors. Advocates of large navies are notably skeptical about other methods than force for promoting peace and draw the attention of the public away from the quiet and effective to the old-fashioned methods which tickle eye and ear with noisy and spectacular effects.

29. Because by lowering excessive tariffs and thus promoting commercial fraternity we could do more for peace than through intimidation by armaments.

mercial fraternity we could do more for peace than through intimidation by annaments.

30. Because we have not the faintest ground to suspect there will ever be a war again with England so long as our northern frontier is free from her fortifications; nor with Spain, whose interests hereafter can not cross ours; nor with any of the other nations with whom we have always been at peace and who could fight us only at a range of thousands of miles from their base of supplies. We are especially secure, as Europe is dependent on us for a large share of her food supply, and the Orient has everything to lose and nothing to gain by attacking us. The "yellow peril" is a psychological obsession of a few scaremongers * * that would excuse their cry for an increased navy.

In the property of the prop JANUARY 15: 1909.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS. Mr. Chairman, the question before the House is

this: The gentleman moves to strike out the authorization of two battle ships recommended by the committee to this House, and if this is stricken out there will be no battle ships authorized this year. I wish to say to this committee that the Naval Committee in its recommendation was not moved by any war scare. It did not believe that we would have war with any country, but it has recommended two battle ships instead of four battle ships, as recommended by the general board and the Secretary of the Navy, and also the President of the United States, in consideration of the fact that we believe that the people of this country were in favor of maintaining our navy on an efficient basis; and in order to keep our navy up to the standard of efficiency such as we have to-day it would be necessary for us to authorize two ships.

Another thing, the programme which was presented to the Naval Committee by the Secretary of the Navy would have cost in the neighborhood of \$70,000,000, but this programme recommended by the Naval Committee will cost only about \$27,000,000, less than one-half. From these facts you will see that our committee, in its recommendation, has been reasonably fair and sensible, and not moved by any of the mysterious sentiment floating about that we are on the verge of war.

I sympathize with a great deal that the gentleman from Ohio [Mr. Burron] has said. I would like to see that bright dream of Tennyson's realized-

When the war drums shall beat no longer, And the battle flags shall be furled.

But we have not reached that stage of perfection yet; we have not reached that stage of perfect liberty yet; we have not reached that stage of enlightenment wherein the gentleman of Missouri [Mr. Bartholdt] has said the greatest defense of the country will be the enlightenment of mankind. We must legislate here as we find people are, and not as we hope they will be some day. We must legislate as nations are and as nations exist to-day, and not as they may be in the far-off future.

Mankind has been a groper all the way along the pathway of human liberty, trying to reach the highest stage of perfection. But it behooves us, as practical legislators, to-day to view nations and people as we find them, and to legislate on that basis.

Now, we have, as a Nation, great interests which need pro-We have interests upon this hemisphere; we have not only the defense of our own coast line, but the defense of the

great canal which we are building, and we have also the maintenance of the Monroe doctrine to uphold. We have also interests upon the other hemisphere which we are bound, as a Nation, to protect and defend. We hold the Philippine Islands, and yet it was only a few years ago when the distinguished Admiral of our Navy, appearing before the Naval Committee, said that we could not hold those islands for six weeks if it were not for the American Navy.

So I say to you here and now, in view of these facts, if we have these mighty interests to protect and defend, it behooves this committee to vote for at least two battle ships in order to keep and maintain our navy up to the splendid high state of efficiency which it enjoys to-day, and I trust, therefore, Mr. Chairman, that the motion of the gentleman from South Carolina will be voted down. [Applause.]

The CHAIRMAN. The time for debate on this paragraph has

expired.

Mr. MACON. Mr. Chairman, I offer the following amend-

ment as a substitute.

The CHAIRMAN. The gentleman from Arkansas offers an amendment by way of a substitute, which the Clerk will report. The Clerk read as follows:

Amend the amendment by substituting:

"One first-class battle ship, to cost, exclusive of armor and armament, not exceeding \$6,000,000, similar in all essential characteristics to the battle ships in the act making appropriation for the naval service for the fiscal year ending June 30, 1908."

Mr. BURTON of Ohio. Mr. Chairman, I suppose, from a parliamentary standpoint that amendment is in order, although there may be some question in regard to that. Really the present amendment should be voted upon first, and then, if the gentleman desires to present that as a substitute, he can do so. I trust he will withdraw his amendment.

Mr. FOSS. Mr. Chairman, I think the substitute is in order

Mr. MACON. The substitute, as I understand it, is in order ow. We have been told many times upon this floor that legislation was a matter of compromise

The CHAIRMAN. Debate is out of order.

Mr. MACON. And this seems to be a compromise between

two battle ships and none.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] offered an amendment to strike out all of the paragraph under consideration after certain words named in the paragraph. The gentleman from Arkansas [Mr. Macon] offers an amendment as stated by him by way of substitute, which amendment, however, is designed to perfect the paragraph in the bill. Under the well-recognized principles of parliamentary law a motion to protect the text of the bill is to be voted upon before the motion to strike out. The question is, therefore, on the amendment of the gentleman from Arkansas.

The question was taken, and the amendment was rejected. The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from South Carolina.

Mr. TAWNEY. Mr. Chairman, I ask that the amendment be

again reported.

There was no objection, and the amendment was again reported by the Clerk.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 80, noes 160.

So the amendment was rejected.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

On page 59, line 7, strike out "two" and insert "one;" also substitute "ship" for "ships;" also, in line 9, strike out the word "each."

Mr. BUTLER. Mr. Chairman, against that amendment I make a point of order.

The CHAIRMAN. The gentleman from Pennsylvania will

state the point of order.

Mr. BUTLER. The point of order is this: That on this proposition, as near as I can hear the amendment offered by the gentleman from Ohio, the committee has already passed in voting upon the amendment offered by the gentleman from Arkansas.

The CHAIRMAN. It may be that the amendment is in effect the same, but the amendment in form is different, and it is not for the Chair, the Chair thinks, to determine the effect of the amendment. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Without objection, on the request of Mr. Cockban, the amend-

ment was again repeated.

The question was taken; and on a division (demanded by Mr. Burron of Ohio) there were-ayes 108, noes 174.

Mr. BURTON of Ohio. Mr. Chairman, I demand tellers. Tellers were ordered, and the Chair appointed Mr. Burton of Ohio and Mr. Foss.

The committee again divided; and the tellers reported—ayes 108, noes 158.

So the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Five torpedo-boat destroyers, to have the highest practicable speed, and to cost, exclusive of armament, not to exceed \$800,000 each.

Mr. MACON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 59, strike out all of lines 13, 14, and 15.

Mr. MACON. Mr. Chairman, I have read a great deal about torpedo-boat destroyers, but I have never yet read or heard of any useful thing that they have done in connection with any of the naval contests of the world. I believe that the appropriation for two battle ships at this time will satisfy the demands of the people for an increase of the navy. I think it will serve every purpose that could be considered necessary to the perfection of an efficient navy. I do not believe that these torpedoboat destroyers, five in number, are necessary, and I think it therefore an unnecessary expenditure of \$800,000 at this time. A few moments ago I offered an amendment providing for the construction of one battle ship instead of two. I did that as a matter of compromise, understanding that all legislation had here is a matter of compromise. I believe that the American people want something done in the way of an appropriation for the further construction or extension of the navy each year. My amendment being voted down, I then voted for the con-struction of two, as recommended by the committee, feeling that the American people demand that something be done in behalf of the increase of the navy. But now that the House has appropriated for two large battle ships, I do not deem it wise to further prosecute the matter at this time by appropriating \$800,000 for a lot of torpedo-boat destroyers, which, as stated a while ago, I have failed as yet to hear of ever having accomplished anything great in naval warfare.

Therefore, I hope the amendment will prevail. Nobody is afraid of Japan that I know of in this country, Mr. Chairman. There is no more opportunity for Japan to vanquish the American people, either upon land or upon sea, than there is for an inferior race in the southern clime of this Nation to overcome the proud Caucasian race that dominates it now and will for-

ever do so.

Mr. FOSS. Mr. Chairman, I understand the gentleman's proposition is to strike out the five torpedo-boat destroyers recommended by the committee. I want to state that in the recommendation made by the General Board, the Secretary of the Navy, and the President there was recommended ten torpedo-boat destroyers, but the committee have only recommended five in this bill. They are very important craft and are used as scouts in attacking a vessel. It is a very serviceable boat, indeed, and inasmuch as we are asking for a few of them, a reasonable number, and in view of the fact we are deficient in these torpedo-boat destroyers, I trust that this committee will vote down the proposition of the gentleman from Arkansas.

Mr. MACON. Will the gentleman yield to me for a question? Mr. FOSS. Yes.
Mr. MACON. Can the gentleman tell me where a torpedoboat destroyer has ever taken any effective part in a naval engagement?

Mr. FOSS. Yes; in the Japan-Russian war.

Mr. MACON. Oh, that has been exploded. The newspapers said a torpedo boat had something to do with that battle, but afterwards that was exploded in a subsequent report.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer whose vitals are located below the normal load water line, such vessel to cost not to exceed \$400,000 and to have a speed not less than 22 knots; also two small vessels of similar construction having a speed of not less than 16 knots and to cost not to exceed \$22,500 each: Provided, That before any vessel provided for in this paragraph shall be purchased or contracted for a vessel of similar construction shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for such a vessel.

Mr. STAFFORD. Mr. Chairman, I wish to reserve a point of order on the paragraph just read. I would like to ascertain

from some member of the committee whether there has been any recommendation by the naval board for the construction of destroyers of the type provided for in this section?

Mr. FOSS. No.

Mr. STAFFORD. I fail to find any such recommendation in my reading of their report, and I did not know whether there was any outside recommendation.

Mr. FOSS. This was not recommended by the Navy Department, but I think they would like very much to have such a boat

Mr. STAFFORD. On what basis does the chairman of the committee come to such conclusion if they have not recommended it in their report here and there is no recommendation whatever to the committee in writing?

Mr. FOSS. The gentleman will notice the language here. It is that the company build one boat and submit it to certain tests, and in case it comes up to those tests the Navy Depart-

ment will buy the craft.

Mr. STAFFORD. The gentleman has not answered the query propounded to him. Upon whose recommendation has this proposal been included in the bill? He said it is not the recompropounded to him. mendation of the Navy Department, nor is it contained in the recommendations of the naval board. Is it merely an idea of some outsider, or some member of the committee, or upon whose request has this action been taken?

Mr. FOSS. There was a member of the committee who was very desirous that this should go into the bill, I will say to the gentleman, the gentleman from Alabama [Mr. Hobson].

Mr. ROBERTS. Mr. Chairman, perhaps I can give the gentleman a little light on the proposition. I think it was a year ago that the committee gave a hearing to people interested in the construction of this particular type of torpedo-boat destroyer, and as a result of that hearing the committee incorporated in last year's bill a provision, if my memory serves, for That went out on a point of order. three boats of this type. One member of our committee, who was interested in the proposition last year, was also interested this year, and, if I am correctly informed, it was upon his request that the proviso was again inserted in the bill. It is thought this is a solution of the torpedo-boat destroyer question. If the proposition becomes a law and if the people who build the boat of this type construct one which meets with the requirements of the Navy Department, the Navy Department may then purchase it. If it does not meet the requirements, they are under no obligation to purchase, and the Government is not put to any expense whatever. That is all the light I think any members of our committee can throw on this proposition. The clerk of the committee informs me that it was in evidence that a model of this type of boat had been successfully tested.

Mr. STAFFORD. Mr. Chairman, I question very much whether, in the existing condition of the government's finances, it is a proper time to launch upon any experimentation in new types of torpedo destroyers. Certainly we should not adopt as a part of the naval bill provisions for untried destroyers without having the recommendation of any person whatsoever connected with the Navy Department. Many of the recommendations of this naval board have been passed over by the committee, such as scout cruisers and other character of fighting force, and I feel compelled under existing circumstances to make the point of order against the paragraph for the reason that it is new legislation and in violation of paragraph 2 of Rule XXI. This same provision was passed upon last year when the matter was under consideration by the committee, and was then ruled out of order. I call the attention of the Chairman to the ruling in a similar matter on page 4828 of the Record of the first session of this Congress.

The Chair sustains the point of order. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

One fleet collier, of 14 knots trial speed, when carrying not less than 12,500 tons of cargo and bunker coal, to cost not exceeding \$1,000,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. As I understand it, this section must be considered in connection with the section following, which seeks to alter existing law by—
Mr. LOUDENSLAGER. This has nothing to do with that.

Mr. STAFFORD. I recognize it is a separate provision, but in the decision of this question must you not also consider the effect of the following section, whereby you make available the amount of money that was last year provided for two fleet colliers so that you may purchase four?

Mr. FOSS. No.

Mr. STAFFORD. As I understand the recommendation of the naval board, they request three additional fleet colliers, and in this paragraph you make provision for one of those, and in the next paragraph you seek to make provision for the additional two by making applicable the money that was voted last year for two, so as to construct four by reason of the low bids that were offered by private concerns.

Mr. FOSS. This fleet collier that we recommend here has no

relation to the other four whatever.

Mr. STAFFORD. Would not the committee be somewhat swayed in their determination of this question if they knew the following paragraph would be in order whereby two additional fleet colliers would be provided, whereas this paragraph would provide, in addition, a third one?

Mr. FOSS. I do not think it would operate to change the

committee's mind at all.

Mr. STAFFORD. May I ask whether the committee does not recommend in effect three additional fleet colliers of the same type that is provided in the paragraph under considera-

Mr. FOSS. The committee recommend one fleet collier, and then it recommends that out of the money authorized last year, and to be authorized for the two fleet colliers which were authorized last year, that that appropriation be used to purchase four colliers by private contract at the same price.

Mr. STAFFORD. So the committee, in effect, recommends the addition to our naval fleet of three fleet colliers

Mr. FOSS. It recommends the addition of two fleet colliers

without an additional appropriation.

Mr. STAFFORD. I am dismissing entirely the question of the appropriation, for in the determination of the size of our fleet we are not guided entirely by appropriation, but more by the needs of the service, and the naval board has recommended, as I understand the recommendation of the naval board, three fleet colliers. I understand the chairman of the committee to admit now that the committee recommends the addition of three fleet colliers to those already authorized in the present paragraph and that which follows.

Mr. FOSS. There is no dispute on that.

Mr. STAFFORD. I understood at the beginning that the gentleman took issue with that statement. The board recommended three colliers in all, and appropriation in this paragraph is made for one.

Mr. FOSS. Because on the concession of last year there is enough to buy two colliers.

Mr. STAFFORD. I am quite well acquainted with the argument and the reasons that induced the committee to provide for four colliers in place of two authorized last year, and the committee has recommended three colliers instead of one.

Mr. DAWSON. Does the gentleman from Wisconsin assume

that three is too many?

Mr. STAFFORD. I am trying to ascertain whether, if the increase in the next paragraph is stricken out, the committee would not recommend, as it does in fact, three fleet colliers; and if it does, this matter should be taken into consideration on the pending paragraph of whether we should recommend one collier. This paragraph should be taken in consideration with the recommendation following in the next paragraph providing for two additional fleet colliers. I therefore believe that the two are inseparably connected, and I move that the present paragraph be considered in connection with the paragraph which follows.

Mr. FOSS. I hope that will be voted down.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

I offer an amendment.

Mr. FITZGERALD. I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 60, line 10, strike out "one million" and insert "nine hundred thousand."

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee to a very remarkable condition. Last year the committee reported in favor of building two fleet colliers similar in every respect to the one authorized in this paragraph. It placed a limit of cost upon these two fleet colparagraph. It placed a mint of cost does two field that, I assume, upon information furnished to it that the cost of these colliers would be about \$1,800,000. When the bill came into the House, the House, in Committee of the Whole, provided that one of these colliers should be built in a government navy-yard, and that provision was finally incorporated into the law. As soon

as it was ascertained that one of these vessels would be built by a government navy-yard, the private contractors offered to construct either two or four of these vessels, not at the price, or near the price, fixed in the bill, but for one-half the limit of cost placed upon these vessels by the committee. If it be possible to obtain two of these vessels for \$900,000 each, or four of them for \$900,000 each, perhaps members of the Naval Committee will explain why they placed a limit of cost upon this particular vessel of \$100,000 in excess of what they know they can get a contract?

These patriotic shipbuilding concerns of the United States, cooperating with some well-informed officials in the Navy Department, were willing to build these ships at a cost of about \$1,800,000. If they can take this one ship placed for construction at a government yard out of the government yard, they will build four of them for \$900,000 apiece. For the additional ship they want an extra \$100,000. It seems to me that if they can build four of these ships for \$900,000 each, they should build five of them for \$900,000 each. If they can build two ships, authorized last session, for \$900,000 each, they can build one ship authorized last year, and this particular ship in addition, for \$900,000 each. This seems to be a clear invitation to the shipbuilders and to the department to waste-oh, not exactly to waste but to donate \$100,000 to some particular concern for doing work for a million dollars, when it has already been dis-closed that it can be had for \$900,000. In view of these facts, I hope the committee will adopt this amendment and put a limitation of cost upon this particular vessel of \$900,000.

Mr. COX of Indiana. Will the gentleman allow me to ask whether or not it is a fact that one of these colliers is now

being constructed for something like \$825,000?

Mr. FITZGERALD. I have not the figures. what the bid was, but I understand that these shipbuilding plants are willing to build two for \$1,800,000, both authorized last year, and they want to get something additional for the one authorized this year. In view of this showing that they can build for \$900,000, it is inconceivable to imagine upon what theory the committee increased the limit of cost, except its extreme solicitude for the poor persons engaged in the business of building ships for the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I am heartily in favor of the amendment offered by the gentleman from New York, because I believe these colliers can be built a great deal cheaper than proposed in this bill. When we had a hearing before the Committee on Merchant Marine, a gentleman who appeared there stated. I think, that they had a contract to build one of these colliers, and that they had taken the contract, if I remember correctly-and I have no desire to misquote the gentleman's statement-for \$825,000.

Now, it strikes me that if a private contractor has agreed to build the collier in question for \$805,000 (and that was the statement made by the gentleman who represents one of the private shipbuilding concerns in the United States, made before the Merchant Marine Committee), we are paying too much for the construction of these colliers.

Mr. BATES. I should like to ask the gentleman a question.

You say we appropriated \$1,800,000 last year.

Mr. FITZGERALD. No; we appropriated \$1,500,000 on account of two ships, but the cost limit of each ship was placed at \$1,800,000.

Mr. BATES. But we did not spend it, did we?

Mr. FITZGERALD. No; but it would have been spent if the House had not put in the provision for navy-yard competition that it did.

Mr. TALBOTT. The one being built in the navy-yard cost \$800,000 more than the one being built under private contract.

Mr. FITZGERALD. In my opinion, the gentleman is mis-

Mr. FOSS. Mr. Chairman, I desire to say that I have here a letter from the Secretary of the Navy, written on the 18th of January, in which he says:

NAVY DEPARTMENT, Washington, January 18, 1909.

Washington, January 18, 1909.

Sir: In compliance with your request by telephone to-day, I transmit herewith for your information a copy of the schedule of bids received for the construction by contract of one of the colliers authorized by the naval appropriation act of May 13, 1908, together with a copy of the form of proposal issued by the department and used by the bidders.

Very respectfully,

TRUMAN H. NEWBERRY,

TRUMAN H. NEWBERRY, Secretary.

Hon. GEO. EDMUND FOSS, Chairman Committee on Naval Affairs, House of Representatives.

The bids referred to are as follows.

Proposals for the construction of a steel steam collier. No. 4. "Cyclo Albertisement dated October 9, 1908. Bids opened December 15, 1908.

Name of bidder.	Price.	Remarks.
Newport News Shipbuilding and Dry Dock Co., New- port News, Va.	\$790,000	Bid 1. Vessel to be completed within 16 months. Certified check, \$36,000. Contemplates that department use designs of bidder in building collier on Pacific coast, with no extra charge on account of patented invention.
	825,000	Bid 2. To be completed within 16 months. (Check with previous bid.)
Fore River Shipbuilding Co., Quincy, Mass.	933,000	Bid 1. Vessel to be completed within 15 months. (As per speci- fications, p. 48, par. 182.)
	954,000	Certified check, \$36,000. Bid 2. To be completed within 15 months. (As per specifications, p. 48, par. 132.)
New York Shipbuilding Co., Camden, N. J.	1,074,000	(Check with previous bid.) Vessel to be completed within 15 months. Proposal for supplying Lidgerwood coaling apparatus, \$30,000 addi- tional.
Maryland Steel Co., Sparrows Point, Md.	993,800	Bond for \$36,000. Class 1. Vessel to be completed within 16 months. Bond for \$36,000.
	1,011,400	Class 2. To be completed within 16 months.
	1,027,350	
The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa.	805,000	
ovi, z macopina, z a.	775,000	Bid 2. To be completed within 20 months.

Publicly opened at the Navy Department, December 15, 1908, in the presence of the Secretary of the Navy.

PICKENS NEAGLE, Law Clerk for Solicitor.

Proposal for the construction of a steel steam collier of about 12,500 tons cargo and bunker capacity.

TO THE SECRETARY OF THE NAVY, Washington, D. C.:

Witness our hand and seal at --, the -- day of December.

In presence of-

ADVERTISEMENT.

Proposals for constructing by contract one steam collier (fleet collier No. 4, Cyclops) will be received at the Navy Department until 12 o'clock noon, December 15, 1908, when they will be publicly opened. Circular defining chief characteristics of such vessel and outline type plans are now ready for distribution among prospective bidders. Forms of proposal and contract may be had on application to the department after November 15.

V. H. METCALF, Secretary.

OCTOBER 9, 1908.

INSTRUCTIONS TO BIDDERS. GENERAL PROVISIONS.

GENERAL PROVISIONS.

The foregoing proposal constitutes an obligation that becomes operative on acceptance. Special care should be taken to avoid any informality that might, by rendering the proposal liable to rejection, tend to the disadvantage of both the bidder and the Government.

Each proposal must include the construction of both vessel and machinery, complete in all respects, and must be accompanied by complete plans and specifications covering fully the design submitted, with full description of all special features and statement as to the registration society under the inspection of which the vessel is to be built.

Contract will be made for the vessel, including hull and machinery. Defective proposals will not be considered unless the Secretary of the Navy shall deem it for the interest of the Government to waive the defect.

Each bidder must submit with his proposals a continual contract when the considered contract when the considered contract will be made for the interest of the Government to waive the

Navy shall deem it for the interest of the Government to waive the defect.

Each bidder must submit with his proposals a certified check, payable to the order of the Secretary of the Navy, or a bond, with satisfactory surety or sureties. Such check or bond shall be for the sum of \$36,000. In case the successful bidder shall fail to enter into contract and furnish the requisite security upon the acceptance of his proposal, the certified check submitted with his bid shall become the property of the United States, or in case bond is given the United States may recover as liquidated damages the sum named in such bond. All checks or bonds of bidders whose proposals shall not be accepted will, on the award of the contract, be returned to them, and the check or bond of the successful bidder will be returned to him when his contract shall have been duly entered into and the requisite security furnished.

Proposals must be made in duplicate and will be received until 12 o'clock noon December 15, 1908.

The right is reserved to reject any or all bids as, in the judgment of the Secretary of the Navy, the interests of the Government may require.

FILLING IN OF BLANKS.

1. Carefully fill in all blank spaces.

2. In case of proposal by a firm or company not incorporated, the appropriate blank should be filled in a manner corresponding to the

2. In case of proposal by a firm of amanner corresponding to the following form:

"We, the undersigned, John Doe, of the city of ______, County of _____, and State of _____, and Richard Roe, of the same place (or of _____, as the case may be), constituting the firm and doing business at _____ under the firm name of John Doe & Co."

The Christian names of individuals should be inserted in full, except that where there is a middle name the initial letter alone of such middle name is sufficient.

3. In case of proposal by an individual, the foregoing directions should be followed as far as applicable, substituting "I" for "we" wherever the latter occurs.

4. In case of proposal by an incorporated company, the same blank should be filled in a manner corresponding to the following form:

"We, the American Iron Company, a corporation created under the laws of the State of ____, and doing business at _____.

5. The name of the place at which the proposal is signed, as, for instance, "Chester, Pa.," and the date of signing are to be inserted in the blanks left for that purpose.

6. The amount, both in figures and at length, for which it is proposed to do the work, is to be inserted in the appropriate place.

MANNEE OF SIGNING PROPOSALS.

1. In case of proposal by a firm or company not incorporated, each

1. In case of proposal by a firm or company not incorporated, each member of the firm will sign individually with his full name, except that his middle name, if any, may be indicated by initial only or otherwise, according to his customary manner of signing. Each signer will add, below his signature, the place of his residence.

2. In case of proposal by an incorporated company, the same will be signed by the officer who is, by the act of incorporation, the by-laws, or a special resolution of the board of directors or trustees, authorized to sign for the company. In either case a certified copy of the authority must accompany the proposal. The official seal of the company will be placed opposite the signature and attested by the proper officer; and the proposal should be accompanied by suitable evidence of incorporation, which may be either a copy of the act of incorporation, certified under seal by the officer with whom it is filed, or his certificate under seal that such company was on the date mentioned duly incorporated under the general laws of the State in which such company is located.

3. Subscribing witnesses will, when there is more than one signature, add, "Witness as to all the signatures" or "Witness as to the signature of _____," giving name of person signing in his presence.

4. When the form of proposal has been properly filled up and signed, it must be forwarded in a sealed envelope, addressed to the "Secretary of the Navy, Navy Department, Washington, D. C.," and indorsed "Proposal for building collier."

Mr. FITZGERALD. On that information, does the gentle-

Mr. FITZGERALD. On that information, does the gentle-man not think \$900,000 is an ample limit of cost? Of course, if it is placed at \$1,000,000, then it will certainly make bids higher; but the gentleman has read several bids of less than \$800,000. Why not keep the limit of cost below \$900,000?

Mr. LOUDENSLAGER. Mr. Chairman— The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. FOSS. I yield to the gentleman from New Jersey Mr. LOUDENSLAGER. Mr. Chairman, I am very glad that the gentleman from New York has made his motion at this particular point, and has given to the committee his words of wisdom regarding the construction of colliers, if not toward cutting down the amount of the appropriation; for it seems certain that if the members of the committee have read last year's bill they must realize that even an authorization by Congress of \$1,800,000 has not prevented some shipbuilding plants in this

Insert "bond" or "check," whichever is appropriate.

country bidding for the work at less than \$900,000. And I might say for the benefit of the gentleman from New York and of the committee that as one member of the committee I have no objection to making this reduction in the amount authorized.

Mr. FITZGERALD. I did not believe the gentleman would

LOUDENSLAGER. The suggestion carries weight with it as to the next paragraph, and the question will be put to this House, no doubt, whether its Members are willing to carry out the provisions of the next paragraph, where practically, in substance and effect, if the law of last year is not repealed, we give to some place in this country the benefit of \$900,000 on one collier.

Mr. FOSS. Built in a navy-yard.

Mr. LOUDENSLAGER. It is a matter that this House should consider well, and I certainly hope that the motion made by the gentleman from New York [Mr. FITZGERALD] will be carried unanimously, because that will be an expression that this House does not want ruthlessly to give away the money of the people of the United States.

Mr. MADDEN. Mr. Chairman, I move to amend the amendment offered by the gentleman from New York as follows: On

page 60, line 10, making it \$800,000.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment of the gentleman from New York, which the Clerk will report.

The Clerk read as follows:

Strike out the word "nine" and insert the word "eight," so that it will read "\$800,000."

Mr. MADDEN. Mr. Chairman, the chairman of the Naval Committee, in response to an inquiry, read to the House a letter from the Secretary of the Navy in which was submitted a list of bids under which it was proposed to construct one, two, three, or four colliers at a price as low as \$775,000. In view of the fact that a responsible shipbuilding company is willing to contract to construct these ships at \$775,000 each, there is no justification for an appropriation placing the limit at \$900,000. If the executive officers of the Government are able to secure bids for the construction of ships as low as \$775,000 from reputable, responsible sources, they are in duty bound to accept those bids, and they are also in duty bound to see that the contract is so made as to give the Government ample protection.

Mr. KAHN. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. KAHN. Was the bid of \$775,000 upon plans made by the

Government or upon their own plans?

Mr. MADDEN. The gentleman who represents the Committee on Naval Affairs on the floor of this House did not take the Committee of the Whole House into his confidence, and so I am not able to answer the question of the gentleman from California. I assume that when the chairman of the Committee on Naval Affairs rises in his place in response to a question and gives information to the House, that he gives that information in good faith; and when he says that the Government is able to secure bids for the construction of certain ships at a given price, the price is satisfactory to the Government. Whether the plans be made by the Navy Department or whether they be made by the men who make the bids makes no difference whatever if what is proposed to be done is the same in each instance. It is our duty to save every dollar we can to the Treasury of the country.
Mr. DAWSON rose.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to say a word.

Mr. DAWSON. Is the gentleman in favor of the proposition?
Mr. GAINES of Tennessee. I do not know whether I am in favor of the proposition or not. I want a little light.

Mr. DAWSON. I am opposed to it.

Mr. GAINES of Tennessee. I would like to ask how much the colliers cost before we began to provide that some of them might be built in the government yards.

Mr. FITZGERALD. It was estimated that they might cost \$1,800,000, but when we provided that one of them might be built in the government yards, then the Government secured bids of less than \$800,000.

Mr. ROBERTS. Mr. Chairman, I would like to say to the gentleman from Tennessee that three or four years ago Congress authorized two fleet colliers, the limit of cost being \$1,500,000 each, one to be built in a navy-yard and the other by contract. That was the last action of Congress, except that of last year, and, as we know, nothing has been done under that \$1,800,000 limitation.

Mr. GAINES of Tennessee. Why not?

Mr. ROBERTS. I can not tell you why. I apprehend, however, that the colliers authorized last year with the limit of

cost at \$1,800,000 are colliers of a larger burden and a larger cargo capacity. My recollection is that the Vestal and the Prometheus, the two colliers I referred to a moment ago, carried a cargo of 5,000 tons. The colliers we authorized last year were to carry about 12,000 tons cargo, a much larger ship, and of course the price is somewhat larger in proportion.

Mr. KNOWLAND. Will the gentleman from Tennessee

allow me?

Mr. GAINES of Tennessee. Certainly.

Mr. KNOWLAND. I notice, in reading the testimony of Secretary Newberry, he makes the statement that these colliers are 2 knots slower speed, and consequently have considerably less power and are considerably less expensive. I think that must account for the difference in the cost.

Mr. GAINES of Tennessee. Now, Mr. Speaker, a few years ago we began to create competition by allowing a lot of vessels to be built in government yards and others in private yards. The result was, as shown by the gentleman's statement a few minutes ago, that we are getting bids hundreds of thousands of dollars less than we did three or four years ago, before we began

that policy.

Now, gentlemen, you are about to turn back to the old policy by permitting the Secretary of the Navy to build all the ships in private yards. If you are going to abandon the wise policy of letting the Government build some of these ships, as in the case of government ammunition and munitions of war, if you abandon the wise policy you adopted, you certainly ought to put in this bill a limitation that the gentleman from New York has proposed, or something of that kind. You ought to do that, so that the Government, so that the Treasury, when it is distressed, as it is, may not be held up later calling for a deficiency to pay for vessels that cost more than is fair and reasonable. The present policy should be pursued. It has done well, as the facts show. We fought long and hard to get this policy started, and I am opposed to stopping.

I call this history to the attention of the committee, and insist, by way of accentuation, that if this policy which we have pursued so wisely for three or four years be abandoned, a limitation had better be put on to keep from being held up by

these private concerns.

Mr. DAWSON. Mr. Chairman, I am just as anxious as the gentleman from New York [Mr. FITZGERALD] or the gentleman from Illinois [Mr. MADDEN], both distinguished members of the Committee on Appropriations, to secure these colliers at as reasonable cost as possible; but one fact ought to be taken into account, and that is the testimony which was submitted to the Committee on Naval Affairs, which shows the reason why we are now receiving these exceptionally low bids for the colliers. It was stated before our committee by the Secretary of the himself that, in his judgment, by reason of the present condition in the private shipyards of the United States, these shippards were bidding for this work not simply at cost, but actually below cost. That being so, we ought to take advantage at this time of present conditions; but I desire to call the attention of the gentleman from New York [Mr. Fitzger-ALD], who has offered the amendment, as well as the gentleman from Illinois [Mr. MADDEN], who has made an amendment thereto, to the fact that if they are to take advantage of the present low prices in private shipyards, an amendment should be offered to the amendment providing that the money be made immediately available, because—

Mr. FITZGERALD. Let me ask the gentleman this question:

Does he know that there are now pending before one of the committees of this House claims by these shipbuilding concerns aggregating nearly \$4,000,000 to reimburse them for losses they claim they made by taking contracts at a less price than they

should have taken them?

Mr. DAWSON. That is not to the point. I call the attention of the gentleman to the fact that before the Committee on Naval Affairs Mr. Secretary Newberry testified we could get these low figures now, but he had no assurance that he could obtain these low figures on the 1st day of July, when the money in this bill would be available. The committee did not put in a provision making the money immediately available, because we have witnessed the spectacle in this House of one particular committee opposing and raising points of order with regard to that particular provision. If the gentlemen from that committee are sincere in their desire to save the Government a hundred thousand dollars, then I submit that they should add as a part of their amendment another amendment making the appropriation immediately available, in order that the Secretary of the Navy may take advantage of existing conditions.

the 1st of July that would change the conditions in the shipbuilding plants of this country, so that they will then be in a position where they will not have to seek this work at a specially low price?

I can not tell what conditions may arise, Mr. DAWSON. but in this particular bill we are proposing to purchase four

colliers from private yards.

Mr. GAINES of Tennessee. If we get steel on the free list, that will help them, I think.

Mr. MADDEN. The gentleman seems to be anxious to save

what money can be saved.

Mr. DAWSON. Yes; we are in accord on that. Mr. MADDEN. Then there ought not to be any objection to the amendments pending before the House if the gentleman is in favor of economy. Why make the argument that these amendments are embarrassing to the department if it is good business policy to economize, in view of the fact that we already have bids for \$775,000 for the construction of each one of these colliers?

Mr. DAWSON. Let me read to the gentleman what the Sec-

retary of the Navy said on that point.

Mr. MADDEN. The point I am referring to is the statement made by the chairman of the Committee on Naval Affairs, as coming from the Secretary of the Navy, to the effect that bids have been made and are now in his possession offering to construct the ships for \$775,000 each.

Mr. DAWSON. If the gentleman wants me to shed light on

the subject, he will first have to turn off his own powerful

searchlight.

Mr. MADDEN. I am asking for information which the

gentleman possesses.

Mr. DAWSON. I was endeavoring to give it to the gentleman. Secretary Newberry, in his testimony before the committee, stated, speaking of those bids to which the chairman has

I am sure that the highest bidders are very close to cost, and I think the others are below cost.

Mr. MADDEN. On what does he base that? The CHAIRMAN. The time of the gentleman has expired. Mr. KAHN. I ask unanimous consent that he be permitted to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Does not the gentleman from Iowa know that the representatives of the concern that has that contract for \$805,000 appeared before the Committee on Merchant Marine and Fisheries recently and stated that while they had a contract for \$505,000, they were going to lose a great amount of money building that collier, and that they took it simply for the purpose of holding their men together.

Mr. DAWSON. I am not a member of the Committee on Merchant Marine and Fisheries, but I would state

Mr. MADDEN. That is pleading the baby act. Mr. DAWSON. That the Secretary of the Navy stated sub-

stantially the same facts to the Naval Committee.

Mr. MADDEN. As a matter of fact, was there any objection to the Government letting contracts at the lowest price it could get to a responsible concern?

Mr. DAWSON. Certainly not.

Mr. MADDEN. Then why quibble about it.

Mr. DAWSON. If this provision stays in the bill as it is now, without the amendment offered by the gentleman from New York or the gentleman from Illinois, we will get that very thing, because the Secretary of the Navy has ample discretion. It is not to exceed a million dollars, and I have that faith in the executive officers of the Government that they will obtain the lowest contract possible under existing conditions.

Mr. FITZGERALD. Is it not a fact the Secretary of the Navy urged the committee to make a limit of cost of these

vessels \$1,250,000?

Mr. DAWSON. It is. Mr. FITZGERALD. Then I have very little confidence in his discretion.

Mr. DAWSON. And for the reason I have stated, that if the money is not now immediately available, he can not advertise for bids until July 1 next, at which time there might be an entire change of conditions in the shipyards of the country, and the colliers would cost more.

Mr. FITZGERALD. If there are shipyards willing to do this work at less, does not the gentleman believe the Secretary is unduly alarmed about what will happen in four or five months from now?

Mr. DAWSON. No; I think not.

Mr. Chairman, while the gentleman is on his feet I want to ask him if he will accept an amendment to his amendment carrying an appropriation of money for this particular item, the money to be made immediately available?

Mr. FITZGERALD. Oh, no; because that would make my amendment subject to the point of order, and I do not propose

to do that.

Mr. DAWSON. I am very much interested to see members of the great Committee on Appropriations put to the test of their sincerity about economy.

Mr. FITZGERALD. I am putting the test by limiting the

cost. Let me ask the gentleman to join me.

Mr. ROBERTS. I want to say a word with regard to the argument made by the gentleman from New York-

Mr. MADDEN. I want to ask the gentleman a question. Mr. ROBERTS. Of me?

Mr. ROBERTS. Of me? Mr. MADDEN. Yes. The gentleman from Iowa stated a moment ago that this prevents the money being made immediately available.

Mr. ROBERTS. That is a remark of Mr. Dawson, probably. Mr. MADDEN. I am going to put the question to the gentleman from Massachusetts, and I want to know whether, as a matter of fact, the \$3,600,000 appropriated in the succeeding paragraph to the one under consideration was not appropriated last year and is now available?

Mr. ROBERTS. That is the point. It was appropriated last year and it is now available, but has not been all devoted to the It is not available, however, for the new collier, if purpose. that is the purport of the gentleman's question-the collier, the cost of which was sought to be limited by the gentleman's amendment. I want to say just a word about the argument of the gentleman from New York to the effect that private shipbuilders of the country, because we were to build one collier in the navyyard, came in and made proposals of less than half the cost of the collier in the navy-yard for the purpose of defeating that portion of the congressional action of last year. Let me remind the gentleman that that bill of last year provided for two battle ships, with a limitation of cost for hull and machinery on each of \$6,000,000, one to be built in a navy-yard and one by private contract. My advice is that the contract has been let, or at least awarded, for a battle ship, hull, and machinery for \$4,000,000.

Mr. FITZGERALD. Does the gentleman know that this is practically the same price that they built a battle ship of 16,000 tons some years ago, a ship of 25 per cent greater displacement, but practically at the same price because of this competition?

Mr. ROBERTS. They are building a bigger battle ship for the same money. Now, why are they doing it? Does the gen-tleman mean to say that the private shipbuilders are throwing off \$2,000,000 of possible profit on that battle ship for the sake of driving possible ships out of the navy-yard?

Mr. FITZGERALD. It has been stated they built at a loss to

do that.

Mr. ROBERTS. At a price of \$4,000,000, two-thirds of what Congress is willing to pay, that that is done for any such purpose? The fact must be evident to the gentleman and to all the members of this committee who have given the subject any attention that two causes are responsible for the low figures on all classes of government ships here. One is competition among the yards. Never in the history of the country has competition been keener among the private shipyards. Why? Because there is no private work going on in those yards.

Mr. FITZGERALD. Because the combination has been

broken up

Mr. ROBERTS. These people have been at great expense collecting a large force of experts in their yards. They are hoping for the time to arrive when they will be busy with private work and will not care a snap of their fingers for government work. In order to tide over and keep their organizations intact until those times arrive they are willing to do work at cost or below, so that their organizations will not be scat-

I just want, Mr. Chairman, to call the attention of the gentlemen a little further to navy-yard work. In the act of April 27, 1904, we provided for two colliers, the limit of cost being \$1,250,000 each, both colliers to be built in navy-yards, one in a navy-yard on the Atlantic coast and one on the Pacific coast, In the act of June 29, 1906, two years later, the Congress provided that the limit of cost, exclusive of armor and armament, of each of the two colliers authorized by the act of the Congress just mentioned, be increased to \$1,550,000. In two years

Mr. FITZGERALD. Will the gentleman yield for a question? Mr. ROBERTS (continuing). The department came to Congress and asked for \$300,000 more.

Mr. FITZGERALD. Will the gentleman yield?

Mr. ROBERTS (continuing). And asked for \$300,000 more

Mr. FITZGERALD. Will the gentleman yield?

Mr. ROBERTS (continuing). Than they asked for the origi-

nal building of those ships.

Mr. FITZGERALD. Does not the gentleman know that the department came in and stated that it had completely changed the plans, that it had increased the size and the power of the boats, and they were not the ships for which the appropriation was contemplated at all?

Mr. ROBERTS. I challenge the accuracy of that statement. Mr. FITZGERALD. The record of the gentleman's committee

shows that fact.

Mr. ROBERTS. I challenge that statement. On the first collier we authorized we increased the limit of cost for the reason given by the gentleman, but on the other two we did not. Mr. FITZGERALD. Those were the only two that were

authorized.

Mr. ROBERTS. The gentleman is mistaken about these colliers.

Mr. FITZGERALD. No; I am not.

Mr. FOSS. Mr. Chairman, I move that we close the debate on this paragraph and the amendment thereto.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN], which the Clerk, without objection, will again report.

The amendment was again read.

Mr. FOSS. I hope that will be voted down, Mr. Chairman. I call for a vote.

The question was taken, and the amendment was rejected. The CHAIRMAN. The question occurs on the amendment of

Mr. FOSS. On that I want to make an amendment, if in order, to the effect that the words "to be immediately available" be added.

Mr. FITZGERALD. Mr. Chairman, I make a point of order

The CHAIRMAN. The gentleman from New York [Mr. Fitz-GERALD] offers an amendment, which the Clerk will report.

The Clerk proceeded to read, as follows:

After the word "dollars"

Mr. FITZGERALD. Mr. Chairman, that is not pending. The pending amendment is to strike out "one million" and insert "nine hundred thousand."

The CHAIRMAN. The Chair will call the attention of the

gentleman from Illinois [Mr. Foss] to the fact that his amendment is not an amendment to the one offered by the gentleman from New York.

The question was on the amendment offered by the gentleman

from New York [Mr. FITZGERALD].
Mr. FOSS. Will the Clerk read the amendment?
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 60, line 10, strike out "one million" and insert "nine hundred thousand."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. FITZGERALD. Division!

The committee divided; and there were-ayes 67, noes 14.

So the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

The Secretary of the Navy is hereby authorized to build 4 fleet colliers of 14 knots trial speed when carrying not less than 12,500 tons of cargo and bunker coal in lieu of the 2 fleet colliers having the same characteristics authorized to be built by the act making appropriations for the naval service for the fiscal year ending June 30, 1909: Provided, That the cost of all 4 colliers shall not exceed the total limit of cost of \$3,600,000 authorized in said act for the 2 colliers: And provided further, That all of said colliers, in the discretion of the Secretary of the Navy, may be built by contract.

Mr. KNOWLAND. Mr. Chairman, I make the point of order on the proviso to the paragraph, that it changes existing law. call the attention of the Chair to the last appropriation act, which provides that one of the colliers as authorized shall be built at a navy-yard on the Pacific coast; and this amendment clearly attempts to change existing law.

Mr. FOSS. I call for a ruling of the Chair. I concede that

it changes the law.

The CHAIRMAN. The Chair understands the current appropriation law provides that one of these vessels shall be built on the Pacific coast. This changes that provision, and the Chair sustains the point of order.

The Clerk read as follows:

And the contract for the construction of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, hav-

ing in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, bollers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be unit in compliance with the terms of said act, and in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

Mr. HITCHCOCK. I make the point of order on that language, "and in all their parts shall be of domestic manufacture, and the steel material shall be of domestic manufacture," as new legislation and therefore subject to the point of order. There is nowhere in the statutes any law providing that domestic armor shall be used in the construction of vessels or in the armor of vessels. A year ago I made this point of order upon the paragraph providing \$12,000,000 for armor of domestic manufacture, and the Chair at that time, after a hasty examination, overruled my point of order; but in stating his reasons for the decision, as I now read those reasons, it seems to me he failed to give sufficient basis for the decision, and I call it to the attention of the Chair again and ask for a new ruling. At that time the Chair admitted the point that I made to the effect that previous appropriation bills which appropriated for domestic armor did not thereby enact a law permanently establishing domestic armor as the material.

The Chair, however, ruled that Congress had the right to decide what kind of armor should be used and could provide for blue armor or for red armor, or any particular kind of armor. I admit that to be true. I acknowledge that argument to be correct. But this provision does not state the kind of armor to be used. It merely states where the armor shall be manufactured; and if that is not new legislation, then a provision that the armor should be of foreign manufacture would not be new legislation. Stating that the armor shall be domestic is not stating

what kind of armor it is, but merely where it is to be made.

Now, Mr. Chairman, it seems to me, in view of the fact that
the armor plate of this country is manufactured practically by
one concern only, that competition such as temporarily existed has ceased to be, and in view of the fact that Congress at its extra session, soon to be held, will greatly reduce and possibly entirely abolish the tariff on steel, the Government of the United States, if it is to continue the development of a great navy, should be free to buy its armor in the markets of the world, and a limitation of the sort provided in this appropriation bill, and that has been provided in appropriation bills for the last twenty years, should not be continued. For that reason I have made the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, as an additional bit of authority in support of the contention of the gentleman from Nebraska, I call the Chair's attention to the fourth volume of Hinds's Precedents, pages 680 and 681, section 4001, in which

I find this:

4001. A paragraph providing that an appropriation should be expended in the United States, an amendment providing for purchase in the world's markets on the best terms was held in order. On January 23, 1906, the urgent deficiency appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the following paragraph was read:

"THE ISTHMIAN CANAL.

"To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an act entitled 'An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June 28, 1902, as fol-

of the Atlantic and Pacific oceans, approved June 25, 1852, as 1851 lows:

"'For miscellaneous material purchases in the United States, \$1,000,000.'"

Mr. David A. De Armond offered an amendment to the proposition as to the place of purchase, as follows:

"Amend by adding the following: 'Said purchases shall not be confined to the United States, but the things purchased shall be bought upon the best terms the world's markets afford.'"

Mr. James A. Tawney, of Minnesota, made the point of order that the amendment involved legislation.

The Chair having asked if there was any existing law on the subject, and no law being cited, he ruled:

"Unless the amendment of the gentleman from Missouri changes existing law, the Chair will rule the amendment to be in order."

Now, in addition to that, I have had occasion to run down this question, and I have never been able to find any recent legislation compelling armor plate or other similar supplies to be bought in the United States only.

Mr. FOSS. Mr. Chairman, I desire to call the attention of the Chair to its ruling last year upon this same subject. Mr. GAINES of Tennessee. Will the Chair allow me to read

a paragraph?

The CHAIRMAN. The Chair will be glad to hear the gentle-

Mr. GAINES of Tennessee. The great author of this book, Hinds's Parliamentary Precedents of the House, says:

A paragraph providing that an appropriation should be expended in the United States, an amendment providing for purchase in the world's markets on the best terms was held in order.

The CHAIRMAN. What decision does the gentleman refer to:

Mr. GAINES of Tennessee. Section 4001, Hinds's Precedents of the House of Representatives, page 680, volume 4. The provision in the bill requires this armor to be of "domestic" manufacture, made in the United States, and this decision seems to cover this case.

The CHAIRMAN. The Chair has the decision before him. The Chair is prepared to rule. In the paragraph of the bill relating to the construction of the vessels occurs the item:

And in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture.

To that language the gentleman from Nebraska [Mr. HITCH-COCK] makes the point of order that it is legislation in an appropriation bill, and hence obnoxious to the rules of the House. A year ago there was an item in the naval appropriation bill:

Armor and armament: Toward the armor and armament of domestic manufacture for vessels authorized, \$7,000,000.

The gentleman from Nebraska [Mr. Hitchcock] made the point of order against the words "of domestic manufacture"

on the ground that they were new legislation.

The rulings in reference to items in a naval appropriation bill are somewhat unique, because it has been consistently held for years that without other authorization of Congress by specific legislation it was in order upon the naval appropriation bill to put in items providing for new vessels as carrying on a work or object in progress.

If it is within the power on an appropriation bill to insert the item, it would have the same effect as upon the legislative bill ordinarily of providing a new public building, for instance. In other words, having the authority under the decisions to continue the work of building up the navy as a work or object in progress by inserting in the bill provisions which in ordinary bills would be obnoxious to the rules, the committee has the power to describe the vessel which it is proposed to construct.

Having the power to describe the vessel, the Chair thinks it can say "domestic steel," or "foreign steel," or "red steel," or any other description which it chooses to insert, so long as the ruling prevails that upon this appropriation bill you can describe a work not already authorized by existing law. The Chairman therefore feels compelled, after reexamination, to follow the ruling made by the Chair last year, and accordingly the Chair overrules the point of order.

Mr. HITCHCOCK. Before that decision is finally made, desire to distinguish between the reasoning that the Chair makes as descriptive of the steel and this provision which is not descriptive. Steel of domestic manufacture may be exactly like steel of foreign manufacture, both as to texture, as to strength, as to quality, as to process, and as to ingredients. There is absolutely no attempt made to describe this steel which shall be used in the construction of ships, but the only effort

The CHAIRMAN. And yet it is a matter of description, remaining for the committee to determine whether it be a proper method of describing it or whether it be a desirable method of The Chair overrules the point of order. describing it.

Mr. HITCHCOCK. Then I offer the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 61, line 15, after the word "navy," insert:
"Provided, Contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties."

Mr. HITCHCOCK. I offer that amendment because it was originally incorporated in the naval appropriation bill of 1886. creating the new navy, in connection with the provision for steel of domestic manufacture. For some reason in recent naval appropriation bills there has been no limitation whatever upon the requirement that the steel used shall be of domestic manufacture. There has been no latitude whatever left to the Secretary of the Navy and the naval authorities, in case they were being overcharged for domestic steel, to procure the steel in the markets of the world.

Mr. FOSS. If the gentleman will look at page 62, under the head of "Armor and armament," he will find that there is substantially that provision already in the bill.

Mr. HITCHCOCK. No, sir; I think that does not cover this provision; and if it does, there can be no objection to incorporating it here. Mr. FOSS. I

Mr. FOSS. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For four submarine torpedo boats, in an amount not exceeding in the aggregate \$2,000,000, and the sum of \$3,000,000 is hereby appropriated toward said purpose and for the completion of submarine boats heretofore authorized: Provided, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build any of the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following amendment to the proviso.

The Clerk read as follows:

On page 61, line 21, strike out the word "herein" and insert, after the word "authorized," the words "in this act."

Mr. LOUDENSLAGER. That is to remove any doubt as to that proviso being applicable to all the vessels authorized in the act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore authorized, \$22,766,823.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following

amendment. The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 62, after the word "dollars," line 9, insert: "Provided, That no part of the appropriation shall be used for the payment or construction of any collier the total cost of which shall exceed \$900,000."

Mr. FITZGERALD. I make the point of order that that is a change of existing law.

Mr. LOUDENSLAGER. This is a limitation to conform to the suggestion made by the gentleman from New York.

Mr. FITZGERALD. I make the point of order that it is a change of existing law. There are some vessels for which this appropriation is made of the character described upon which greater limit of cost is placed. This is in effect to change the limit of cost on these vessels.

Mr. LOUDENSLAGER. In reply to the suggestion of the gentleman from New York, I will say that there is no contract entered into by the Navy Department that this will affect. There has been only one contract entered into, and that one is for \$805,000. So this limitation is in no way contrary to any contract.

Mr. FITZGERALD. There is no use of the gentleman trying to hide his purpose. It is to affect one collier authorized to be built in a government yard, where the materials have been contracted for and the limit of cost of which is in excess of \$900,000.

Mr. LOUDENSLAGER. Does the gentleman say that that is the intention of the gentleman from New Jersey? It affects

Mr. FITZGERALD. The gentleman ought to have thought of that when he reported the bill from the committee.

The CHAIRMAN. The item in the bill is on account of hulls and outfits of vessels and steam machinery of vessels heretofore authorized, \$22,766,823, to which the gentleman from New Jersey offers an amendment providing that no part of the above appropriation shall be used for the payment or construction of any collier, the total cost of which shall exceed \$900,000. It is quite within the province of the committee or of Congress to appropriate or not to appropriate for colliers heretofore authorized, or to provide that they will not appropriate except under certain limitations. The amendment is a pure limitation on the appropriation carried in the bill, and the Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from New Jersey

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 63, noes 7.

So the amendment was agreed to.

The Clerk read as follows:

Armor and armament: Toward the armor and armament of domestic manufacture for vessels authorized, \$12,452,772: Provided, That no part of this appropriation shall be expended for armor for vessels except upon contracts for such armor when awarded by the Secretary of the Navy to the lowest responsible bidders, having in view the best results and most expeditious delivery.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 62, line 17, after the word "delivery," insert: "Provided also, That contracts for furnishing said armor in a reasonable time at a reasonable price and of the required quality can be made with responsible parties."

Mr. HITCHCOCK. Mr. Chairman, that was the same amendment which was accepted in regard to steel in the vessels proper, and I suppose it will be acceptable to the chairman.

The amendment was considered and agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.
The CHAIRMAN.

The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 16, page 62, insert between the words "responsible" and "bidders" the words "domestic or foreign," so that it will read "to the lowest responsible domestic or foreign bidder."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 62, line 16, after the word "responsible," insert the words "domestic or foreign," so it will read "to the lowest domestic or foreign bidder."

Mr. GAINES of Tennessee. Mr. Chairman, a very serious matter in the commercial world has occurred since we discussed this matter last year. All gentlemen know that the Steel trust, in short, has gobbled up its one competitor on American soil, and yet we come along here and make no effort to try to counteract that monopolistic act. I call that to the attention of the committee. The committee must know that it is an undisputed fact that the Steel trust has not a competitor on American soil, and that armor is purely and simply nothing but steel of the highest quality. You know that foreign countries make armor. You have promised tariff reform, though I shall not discuss that for an instant. Here you make a law to apply for another year, and this amendment covers pure steel armor. You are discussing whether or not you will put steel entirely on the free list, and one or two great authorities, I believe, have said it should be done, because the price of steel in foreign countries would be about equivalent of that in this country even if we had free trade in steel. The effect of this proposition is to give the department the power to accept a foreign bid if it is as responsible and as good as our own home bids. It is a business proposition. Conditions have seriously changed, and the matter is up to the House to see what they will do now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. Gaines of Tennessee) there were—ayes 50, noes 67.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the amendment already adopted, after line 17, on page 62, in-

sert:
"Provided, That the purchases of armor plate shall not be confined to the United States, but may be purchased upon the best terms that the world's markets offer."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken. Mr. GAINES of Tennessee. Mr. Chairman, I demand tellers. Tellers were ordered, and the Chair appointed Mr. Louden-slager and Mr. Gaines of Tennessee.

The committee divided; and the tellers reported-ayes 55, noes 66.

So the amendment was rejected.

The Clerk read as follows:

Increase of the navy; torpedo boats: On account of submarine torpedo boats, heretofore and herein authorized, \$3,000,000.

Mr. FOSS. Mr. Chairman, I move to strike out lines 21, 22, and 23, page 62-the paragraph just read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk then concluded the reading of the bill.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the Clerk may correct the totals in different parts of the bill so as to conform to the amendments.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the totals may be corrected by the Clerk, so that they will conform with the rest of the bill. Is there objection?

There was no objection. Mr. FOSS. Mr. Chairman, I desire to return to page 13 for the purpose of considering the amendment still pending on that

The CHAIRMAN. The Clerk will report the amendment offered on page 13.

The Clerk read as follows:

Insert on page 13, after line 4, the following amendment:
"For badges and ribbons to be distributed by the Secretary of the Navy to officers and men now or formerly of the Volunteer and Regular Navy and Marine Corps who have participated in engagements and campaigns deemed worthy of such commemoration, \$2,500."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. FOSS. Mr. Chairman, I desire to state that I have no objection to the amendment, in fact, that I agree to it.

The question was taken, and the amendment was agreed to. Mr. FOSS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26394, the navy appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move the previous question on the

bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote asked on any amendment? If not, the amendments will be voted upon in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and the amendment of the bill.

third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. Without objection, the bill is passed. [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to make

an inquiry. Did the Chair ever put the motion whether the bill should pass or not?

The SPEAKER. The Chair stated deliberately, and waited for objection, that without objection, the bill would be considered as passed.

Mr. BARTLETT of Georgia. I want to add an objection, Mr. Speaker.

The SPEAKER. The gentleman from Georgia desires to object?

Mr. BARTLETT of Georgia. I do. The SPEAKER. Did the gentleman seek to object at the

Mr. BARTLETT of Georgia. I did not understand what the Speaker said. I made inquiry with reference to it.

The SPEAKER. It seems to the Chair that the gentleman from Georgia was paying attention and did not hear, and that in fairness to the gentleman and to the House that the vote should be taken upon the bill.

Mr. CANDLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER. Can a bill be passed simply by the Chair stating that, "without objection, the bill will be considered as passed?"

The SPEAKER. It has been done constantly, be done by the House by unanimous consent. I If it were practically possible to get an elephant in the door, the elephant could be passed through the House. [Laughter.] The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion by Mr. Foss, a motion to reconsider the last vote was laid on the table.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8265. An act to regulate examinations for promotion in the Medical Corps of the Army-to the Committee on Military

Senate concurrent resolution 75.

Senate concurrent resolution 75.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and submit estimates for the following improvements in the Mattaponi River, Virginia:

For a channel 100 feet wide and 7 feet deep from the above-mentioned landing to Ayletts;

For a channel 60 feet wide and 5 feet deep from Ayletts to Dunkirk;

For a channel 7 feet deep across the Middle Ground connecting the Mattaponi and Pamuzkey channels just off West Point;

For a suitable turning basin at Ayletts;

For the straightening and cutting off certain bends and points of land projecting into the river at several points between Walkerton and Ayletts; and

For a thorough snagging and removal of logs from the river between Walkerton and Dunkirk, and the clearing of the river banks of all trees, stumps, etc., which make navigation dangerous at times of extra high tides or freshets in the river—

to the Committee on Rivers and Harbors.

to the Committee on Rivers and Harbors.

Senate concurrent resolution 74.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Rye Harbor, in the State of New Hampshire, with a view to restoring navigation therein, and to submit estimates for the same—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 73.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Columbia River between Wenatchee and the mouth of the Snake River, in the State of Washington, with a view to making such improvements as may be deemed necessary in order to provide for navigation between the upper and lower river—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 72.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Swinomish Slough, Washington, with a view to such extensions and modifications of the project for the improvement of the same as may be necessary in the interests of naviga-

to the Committee on Rivers and Harbors.

Senate concurrent resolution 71.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made of the Samamish River, Washington, with a view to clearing and restoring said river to navigation—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 70.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of East Boothbay Harbor, Maine, with a view to extending the improvement contemplated in the report submitted in House Document No. 944, Sixtieth Congress, first session, to Hodgdon's wharf—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 69.

Senate concurrent resolution 69.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the jettles and channel of Sabine Pass, in the State of Texas, from the 30-foot contour beyond the bar at the entrance to said Sabine Pass to and including the turning basin at Port Arthur, with a view to widening the channel and the Port Arthur Ship Canal to 200 feet at bottom and increasing the depth thereof and of the turning basin to 30 feet at mean low gulf tide, together with the extension of the walls of the existing jettles to the 30-foot contour, and to submit estimates for such improvements.

Sec. 2. That the Secretary of War be, and he is hereby, also authorized and directed to cause to be made an examination and survey of Taylors Bayou and the lumber slip adjacent thereto, with the view of removing the narrow strip of land separating Taylors Bayou and lumber slip for a length of 2.500 feet to a depth of 30 feet.

Sec. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the Neches River from Beaumont to its mouth, and of the Sabine River from Orange to its mouth, and the canal extending from the mouths of the Sabine and Neches rivers to mouth of Taylors Bayou, with a view to widening and deepening said canal to a width of 200 feet at the bottom of said canal and increasing the depth thereof to 30 feet, and with a further view of removing the obstructions in the said rivers and limproving the same to a depth of 30 feet.

to the Committee on Rivers and Harbors.

to the Committee on Rivers and Harbors.

S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Mo .- to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions and bill of the following titles, when the Speaker signed the same:

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory;

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi

River and adjacent territory; and

H. R. 15098. An act to correct the military record of John H. Layne.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6665. An act for the relief of Charles H. Dickson; and

S. 653. An act to authorize commissions to issue in the cases of officers of the army, navy, and Marine Corps, and of the Revenue-Cutter Service, retired with increased rank.

NATURAL RESOURCES.

The SPEAKER laid before the House a message from the President of the United States, which was read.

[For message see Senate proceedings of this day.]

Mr. PAYNE. Mr. Speaker, I move that the message be referred to the Committee of the Whole House on the state of the Union and be printed.

The SPEAKER. The gentleman from New York moves the reference of the message to the Committee of the Whole House on the state of the Union and that the same be printed.

The question was taken, and the motion was agreed to.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now

The motion was agreed to.

Accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the Military Academy buildings and grounds (H. Doc. No. 1359)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Civil Service Commission (H. Doc. No. 1360)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Civil Service Commission (H. Doc. No. 1361)-to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Civil Service Commission submitting supplemental estimates of appropriation for the Civil Service Commission (H. Doc. No. 1362)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the joint resolution of the Senate (S. R. 106) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, and so forth, reported the same with amendment, accompanied by a report (No. 1896), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs,

to which was referred the joint resolution of the House (H. J. Res. 227) authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic, reported the same without amendment, accompanied by a report (No. 1900), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2024) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, reported the same with amendment, accompanied by a report (No. 1903), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24336) to amend section 3613 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1898), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24337) to amend section 2625 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1899), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26606) to authorize the Lewis Bridge Company to construct a bridge across the Missouri River, reported the same

said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26734) to permit change of entry in case of mistake of the description of tracts intended to be entered, reported the same without amendment, accompanied by a report (No. 1902), which said bill and report were referred to the House Calendar.

without amendment, accompanied by a report (No. 1901), which

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21560) to provide for circuit and district courts of the United States at Gadsden, Ala., reported the same with amendments, accompanied by a report (No. 1907), which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23707) to incorporate the Imperial Palace Dramatic Order Knights of Khorassan, reported the same without amendment, accompanied by a report (No. 1908), which said bill and report were referred to the House Calendar.

Mr. KELIHER, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23973) for the relief of pensioners of the Metropolitan police fund, reported the same with amendment, accompanied by a report (No. 1909), which said bill and report were referred to the House Calendar.

Mr. McGAVIN, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 489) requesting certain information from the Commissioners of the District of Columbia relative to the enforcement of a law requiring the erection of fire escapes on certain buildings in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1910), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 2911) for the relief of the Columbus Gas and Fuel Company, reported the same without amendment, accompanied by a report (No. 1904), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio, reported the same without amendment, accompanied by a report (No. 1905), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 1622) for the relief of the estate of William J. Cussen, reported the same without amendment, accompanied by a report (No. 1906), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 24432) granting an increase of pension to

Frank E. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26871) to pay Harrison Wagner the sum of \$231.99—Committee on Accounts discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 26917) to make it unlawful for certain public officials to own capital stock or bonds in any and all public-service corporations doing business in the District of Columbia—to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 26918) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes—to the Committee on Indian Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 26919) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior—to the Committee on the Territories.

By Mr. CARLIN: A bill (H. R. 26920) to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. McHENRY: A bill (H. R. 26921) granting pensions to all enlisted men, soldiers and officers, who served in the civil war and war with Mexico—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 26922) to confer additional powers and impose additional duties on the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: A bill (H. R. 26923) to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers—to the Committee on Agriculture.

By Mr. HULL of Tennessee: Resolution (H. Res. 503) directing the Committee on the Judiciary to report certain information to the House relative to collection of taxes under the income-tax law of 1861—to the Committee on Rules.

By Mr. WEISSE: Resolution (H. Res. 504) directing the Secretary of Commerce and Labor to compile certain statistics for the information of the House—to the Committee on Alcoholic Liquor Traffic.

By Mr. JACKSON: Concurrent resolution (H. C. Res. 58) directing the Secretary of War to make a survey of Pocomoke River in Maryland—to the Committee on Rivers and Harbors.

River in Maryland—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 59) directing the Secretary of War to make a survey of the Wicomico River in Maryland—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 60) directing the Secretary of War to cause a survey to be made of the Choptank River in Maryland—to the Committee on Rivers and Harbors.

By Mr. GRONNA: Memorial of the legislature of North

By Mr. GRONNA: Memorial of the legislature of North Dakota, urging the passage of the bill H. R. 21848—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 26924) for the relief of John A. Brown—to the Committee on Naval Affairs.

By Mr. ALEXANDER of New York: A bill (H. R. 26925) granting a pension to Ralph C. Lund-to the Committee on Pensions.

By Mr. ANSBERRY: A bill (H. R. 26926) granting an increase of pension to Joseph E. Kistner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26927) granting an increase of pension to Martin G. Paxton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26928) granting a pension to Daniel L.

Goodwin—to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 26929) granting an in-

crease of pension to John Beck-to the Committee on Invalid

Also, a bill (H. R. 26930) granting an increase of pension to Peter Selner—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 26931) granting an increase of pension to John H. French-to the Committee on Invalid Pen-

By Mr. BELL of Georgia: A bill (H. R. 26932) granting an increase of pension to Sidney B. McDonald-to the Committee on Pensions

By Mr. BIRDSALL: A bill (H. R. 26933) granting an increase of pension to Sophia A. Underwood-to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 26934) granting a pension to

J. M. O'Rourke-to the Committee on Pensions.

By Mr. CALE: A bill (H. R. 26935) granting an increase of pension to Jay D. Howard-to the Committee on Invalid Pen-

Also, a bill (H. R. 26936) granting an increase of pension to Sear S. Johnson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26937) granting an increase of pension to George H. Daubner—to the Committee on Invalid Pensions. By Mr. CARTER: A bill (H. R. 26938) granting an increase

of pension to David S. Hurst-to the Committee on Invalid Pen-

By Mr. FAIRCHILD: A bill (H. R. 26939) granting an increase of pension to Anthony Ciesulskie—to the Committee on Invalid Pensions

By Mr. FERRIS: A bill (H. R. 26940) for the relief of W. T. Lemaster and James M. Stout—to the Committee on Claims.

By Mr. GAINES of West Virginia: A bill (H. R. 26941)

granting a pension to Mattie J. Hovey-to the Committee on Pensions.

Also, a bill (H. R. 26942) granting an increase of pension to

J. N. Kirk—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 26943) granting an increase of pension to James D. Barnes—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 26944) granting a pension to Abagail A. Adams—to the Committee on Invalid Pensions. By Mr. HENRY of Texas: A bill (H. R. 26945) granting a

pension to Movinthia Turner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26946) granting a pension to Marion S. Day-to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 26947) granting an increase of pension to Henry E. Smith—to the Committee on Invalid

Also, a bill (H. R. 26948) granting an increase of pension to -to the Committee on Invalid Pensions. Jesse Bennett-

By Mr. HULL of Tennessee: A bill (H. R. 26949) granting a pension to Hezikiah Sloan-to the Committee on Invalid Pen-

By Mr. KÜSTERMANN: A bill (H. R. 26950) granting an increase of pension to Robert Spice-to the Committee on Invalid

Pensions. By Mr. LAFEAN: A bill (H. R. 26951) granting a pension to Addie Young-to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 26952) granting a pension to Isaac Stephens-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26953) granting a pension to Harriet Mau--to the Committee on Invalid Pensions.

Also, a bill (H. R. 26954) granting an increase of pension to Turner Branham-to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 26955) granting an increase of pension to John Whitaker-to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 26956) granting an increase of pension to William O. Daniel-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26957) granting an increase of pension to George Urban-to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 26958) granting an increase

of pension to John S. Norris-to the Committee on Invalid Pensions

By Mr. MAYNARD: A bill (H. R. 26959) for the relief of

Elise Trigg Shields—to the Committee on War Claims. By Mr. MONDELL: A bill (H. R. 26960) granting an increase of pension to Francis Fuller-to the Committee on Invalid Pensions

By Mr. MOUSER: A bill (H. R. 26961) granting a pension to Hannah Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26962) granting a pension to Barbara Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26963) granting an increase of pension to William G. Shute—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 26964) granting an increase of pension to Adolph Frey—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 26965) granting an increase of pension to John R. Barlow-to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 26966) granting an increase of pension to Orley B. Giffin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26967) granting an increase of pension to Edward C. Jeffries—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 26968) for the relief of the legal representatives of Sarah D. Bookout, late of Jackson County, Mo.—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 26969) granting a pension to Sarah A. Salter-to the Committee on Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 26970) granting an increase of pension to David Farquhar-to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 26971) for the relief of Capt. Joseph M. Johnson-to the Committee on Claims.

By Mr. SWASEY: A bill (H. R. 26972) granting a pension to

Luella F. Sessions—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26973) granting an increase of pension to Eliab Averill—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 26974) for the relief of John Wise—to the Committee on War Claims.

By Mr. WALDO: A bill (H. R. 26975) to pay certain claims against the Government arising under the Navy Department—

to the Committee on Claims. By Mr. WASHBURN: A bill (H. R. 26976) to remove the

charge of desertion from the military record of Clement Lamoureaux—to the Committee on Military Affairs.

By Mr. ALEXANDER of Missouri: A bill (H. R. 26977) granting an increase of pension to Agnes Miller-to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 26978) for the relief of the State of Georgia—to the Committee on War Claims. By Mr. DAVIDSON: A bill (H. R. 26979) granting an increase

of pension to Walter S. Parsons-to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 26980) to correct the military record of L. F. Norton—to the Committee on Military Affairs.

By Mr. KIMBALL: A bill (H. R. 26981) for the relief of the estate of James O. Harrison, deceased-to the Committee on War claims.

By Mr. SHERMAN: A bill (H. R. 26982) granting a pension to Horace B. Case-to the Committee on Pensions.

By Mr. TOU VELLE: A bill (H. R. 26983) granting an increase of pension to Jacob A. Nonnamaker-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the San Francisco Labor

Council and the Brotherhood of Painters, Decorators, and Paperhangers of America, and the Wilmington (Del.) Central Labor Union, protesting against the action of the supreme court of the District of Columbia in sentencing Messrs. Gompers, Mitchell, and Morrison to jail-to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, protesting against legislation which would tend to embarrass the railroads in their normal development—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Maine Prison Association, praying for a suitable provision to assist in holding the National Prison Congress in Washington, D. C.—to the Committee on the Judiciary.

Also, petition of the American Chemical Society, praying for the establishment of a permanent commission to investigate chemical subjects relating to the conservation of the natural resources of the country, and to make reports to Congress and the States—to the Committee on Agriculture.

Also, petition of Frank Wilcox and 36 others, of Saranac Lake, N. Y.; of Orlando Winch and 18 others, of Keene, N. Y.; of S. B. Oberholtzer and 7 others, of Stanton, Mich., protesting against the passage of the bill (S. 3940) relating to the proper observance of Sunday in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of the National Business League of America, praying for the enactment of legislation favoring the acquisition in foreign countries of sites and buildings for use of the diplomatic and foreign service-to the Committee on Foreign

Also, petition of the A. Karcher Candy Company, of Little Rock, Ark., and other firms and individuals in the United States, praying for the reduction of the duty on sugar—to the Committee on Ways and Means.

Also, petition of the William Cramp & Sons Ship and Engine Building Company and other shipbuilding firms in the United States, praying for legislation to provide for transportation by sea of material for use in the construction of the Panama Canal-to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Association of Masters, Mates, and Pilots, of Rondout, N. Y.; Portsmouth, N. H.; Boston, Mass.; New Orleans, La., and Camden, N. J., praying for the passage of the so-called "Hayes bill" (H. R. 15657)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of O. W. Hall and 2 others, of St. Louis, Mo.; Frank O. Ware and 18 others, of Deerfield Grange, New Jersey, and Nina Calkins and 20 others, praying for the establishment of a parcels-post and a postal savings banks system—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Association of the Congregational Churches in Minnesota, favoring legislation to prevent Sunday banking in post-offices-to the Committee on the Post-Office and

Also, petition of state school of agriculture, of Morrisville, N. Y., praying for legislation to provide additional farm laborto the Committee on Agriculture.

Also, petition of the National Negro Fair Association, praying for national assistance in aid of the National Negro Exposition near the city of Mobile, Ala.—to the Committee on Industrial Arts and Expositions.

By Mr. ACHESON: Petition of John F. Ward Lodge, A. A. of F. S. and T. M., No. 9, of New Castle, Pa., favoring retention of present duty on tin plate-to the Committee on Ways and

Also, petition of Pittsburg Coal Exchange, for a river and harbor bill for second session of the Sixtieth Congress-to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of Pittsburg, Pa., favoring increase of salaries of United States judges—to the Committee on the Judichary.

Also, petition of Harrisburg Board of Trade, for railway mail clerks' expenses from initial terminal-to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of Buffalo Candy Company, favoring repeal of duty on raw and refined sugars

to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Fairview Grange, of Hicksville, Defiance County, Ohio, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Fairview Grange, of Hicksville, Ohio, favoring a parcels-post and postal savings banks law-to the Committee on the Post-Office and Post-Roads,

By Mr. BATES: Paper to accompany bill for relief of John

H. French—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Martin K. Davis-to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of W. J.-Wertman and others, favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Petition of Thomas P. Campbell, against increase of salary of the President-to the Committee on Appropriations.

Also, petition of the Commercial Exchange, of Philadelphia, against federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Board of Trade, against S. 382, relative to federal inspection and grading of grain-to the Committee on Interstate and Foreign Commerce.

Also, petition of Headquarters Department of Pennsylvania, Grand Army of the Republic, against consolidation of pension agencies at Washington (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. BURLEIGH: Petition of citizens of Somerset County,

Me., against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia) -to the Committee on the District of Columbia.

By Mr. BUTLER: Petition of the Friends of Chester County, Pa., against conferring power on the Secretary of the Interior or any other officer to issue patent in fee simple to any Indian allottee for punishment for being addicted to the use of strong drink-to the Committee on Indian Affairs.

By Mr. CALDER: Petition of state school of agriculture at Morrisville, N. Y., favoring enlargement of bureau of authority for supply of adequate intelligent farm labor-to the Committee on Agriculture.

Also, petition of National Print Cutters' Association, favoring an advance of the duty on print blocks and rollers-to the Committee on Ways and Means.

Also, petition of William A. Walker, jr., of Brooklyn, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CHANEY: Paper to accompany bill for relief of

John B. Sheridan—to the Committee on War Claims.

By Mr. CLARK of Florida: Petition of Board of Trade of Apalachicola, Fla., asking for adequate protection and improvement of the mouth of the Mississippi River-to the Committee on Rivers and Harbors.

By Mr. COOK: Petition of Courtland Saunders Post, Grand Army of the Republic, against abolition of pension agencies (previously referred to the Committee on Invalid Pensions)—to

the Committee on Appropriations.

By Mr. CRAVENS: Paper to accompany bill for relief of William S. Johnson—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of National Board of Trade, against federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Petition of Gardiner (N. Y.) Grange, No. 965, for a national highways commission—to the Committee on Agriculture.

By Mr. FITZGERALD: Resolutions adopted at Grand Army encampment, opposing consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Bar Association of New York, favoring increase of salaries to judges of federal courts—to the Committee on Appropriations.

Also, petition of trustees state school of agriculture, of New York, favoring competent farm labor—to the Committee on Agriculture.

Also, petition of National Business League of America, favoring the acquisition of sites for embassies in foreign countries—to the Committee on Foreign Affairs.

By Mr. FOSTER of Illinois: Petition of Illinois State Horticultural Society, favoring S. 6515 and H. R. 21318 as amended at the conference of entomologists held in New York City June 18, 1908—to the Committee on Agriculture.

By Mr. FRENCH: Petition of citizens of Idaho, for increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. FULLER: Petition of National Board of Trade, against federal grading and inspection of grain (S. 382)-to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: Petition of Amesbury Grange, No. 127, of Amesbury, Mass., favoring establishment of parcels-post and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petitions of National Board of Trade and the Commercial Exchange of Philadelphia, against federal in-spection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Headquarters Grand Army of the Republic, Philadelphia, against consolidation of pension agencies at Washington (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

Also, petition of Lumbermen's Club, against reduction of tariff on lumber-to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

Also, petition of John Lucas & Co., of Philadelphia, and J. Howard Reber, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

Also, petition of Grain, Pump, and Lumber Company, favor-

ing S. 6973 (increasing salaries of United States judges)-to

the Committee on the Judiciary.

By Mr. GREENE: Petition of A. C. Goddard and others, against further enlargement of the United States Navy-to the Committee on Naval Affairs.

By Mr. HARRISON: Petition of bar association of New York City, favoring H. R. 23464, increasing salaries of the Chief Justice and associate justices-to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of Farmingdale Grange, No. 157, of Farmingdale, N. J., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of Headquarters Department of Pennsylvania, Grand Army of the Republic, against consolida-tion of pension agencies at Washington (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

Also, petition of Trades League of Philadelphia, for increase of judges' salaries-to the Committee on the Judiciary.

Also, petition of National Board of Trade, against S. 382, providing for federal inspection of grain-to the Committee on Interstate and Foreign Commerce.

Also, petition of Lumbermen's Club of Memphis, Tenn., against reduction of tariff on lumber—to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petition of citizens of Iowa, against 3940 (religious legislation in the District of Columbia)-to the Committee on the District of Columbia.

By Mr. KAHN: Petitions of Daniel Denehy and 95 other residents of Crockett, and J. A. Gondie and 95 other residents of San Pedro, all in the State of California, favoring an Asiatic exclusion law against all Asiatics other than merchants, travelers, and students—to the Committee on Foreign Affairs

By Mr. KELIHER: Petition of Massachusetts State Board of Trade, favoring legislation for control of national reservations in White Mountain and Appalachian districts—to the Committee on Agriculture.

By Mr. KNOWLAND: Petition of citizens of Contra Costa County, Cal., against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of National Board of Trade,

against federal inspection and grading of grain (S. 382)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lumbermen's Club, against reduction of duty on lumber-to the Committee on Ways and Means.

By Mr. LOVERING: Petition of Ernest D. Gilman and others. for a national highway commission—to the Committee on Agriculture.

Also, petition of H. A. Loud and others, favoring a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Petition of Scotch Bush Grange, No. 699, and Chateaugay Grange, No. 964, favoring creation of national highway commission—to the Committee on Agriculture.

By Mr. OVERSTREET: Paper to accompany bill for relief of Adolph Frey-to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of Huron Grange, No. 124, and Farmington Grange, No. 431, favoring parcels post on rural free-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PETERS: Petition of citizens of Texas, favoring the lacing of art works on the free list-to the Committee on Ways and Means.

By Mr. RHINOCK: Paper to accompany bill for relief of Elizabeth T. Hardeman (H. R. 24279)—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of Boston Society of Architects, against the bill appropriating \$5,000,000 for a Lincoln memo-

rial—to the Committee on the Library.

Also, petition of Boston Society of Architects, favoring President's plan for the establishment of a national council of fine arts—to the Committee on the Library.

Also, petition of Massachusetts State Board of Trade, favor-ing legislation to establish a national forest reservation in the White Mountains and Appalachian districts-to the Committee on Agriculture.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

spection and grading of grain (S. 382)—to the Committee on Interstate and Foreign Commerce.

Morrisville, N. Y., for enlarged powers of Department of Agriculture to supply intelligent farm labor-to the Committee on Agriculture.

Also, petition of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture

and report thereon—to the Committee on Agriculture.

Also, petition of National Board of Trade, against federal inspection and grading of grain-to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of business men of Paris and Henry County, Tenn., for removal of duty on hides—to the Committee on Ways and Means.

By Mr. SPERRY: Resolutions of the women's clubs of Bridgeport, Conn., favoring the Beveridge child-labor bill—

to the Committee on Labor.

By Mr. SWASEY: Petitions of citizens of West Peru, Turner, and Livermore, Me., favoring enactment of a law creating a national highways commission—to the Committee on Agriculture.

Also, petitions of citizens of Oxford and Rumford, Me., favoring parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Papers to accompany bill for the relief of heirs of John B. Wolf, deceased-to the Committee on War Claims.

By Mr. TOWNSEND: Petiton of Michigan state legislature, favoring a civil war Union volunteer officers' retired list (previously referred to the Committee on Invalid Pensions)-to the

Committee on Military Affairs.

By Mr. WASHBURN: Paper to accompany bill for relief of Clement Lamoureux—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of Trades League of Philadelphia, favoring increase of salaries of United States judges (S. 6973)to the Committee on the Judiciary.

Also, petition of National Board of Trade, against federal inspection and grading of grain (S. 382)—to the Committee on

Interstate and Foreign Commerce.

By Mr. WOOD: Paper to accompany bill for relief of Gertrude E. Snook (H. R. 26821)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James V. D. Ten Eyck—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 23, 1909.

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE BRICK.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the consideration of the following order.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the consideration of the following order, which the Clerk will report.

The Clerk read as follows:

Order No. 19.

Ordered, That there be a session of the House at 3 p. m., Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. Abraham Lincoln Brick, late a Member of this House from Indiana.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the order is agreed to.

SECTIONS 3646 AND 3647, REVISED STATUTES.

Mr. OVERSTREET. Mr. Speaker, I also ask unanimous consent for the present consideration of the following bill, H. R. 25805:

The SPEAKER. The Clerk will report the bill. The Clerk read as follows:

A bill (H. R. 25805) to reenact and to amend sections 3646 and 3647 of the Revised Statutes.

Also, petition of Massachusetts State Board of Trade, favoring inglegislation to establish a national forest reservation in the White Mountains and Appalachian districts—to the Committee in Agriculture.

Also, petition of Trades League of Philadelphia, favoring interests of salaries of United States judges—to the Committee in the Judiciary.

Also, petition of National Board of Trade, against federal integetion and grading of grain (S. 382)—to the Committee on interstate and Foreign Commerce.

By Mr. SABATH: Petition of state school of agriculture, of

warrant of the Post-Office Department has been lost, stolen, or destroyed the Postmaster-General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster-General may prescribe: And provided further, that when such original check or warrant does not exceed in amount the sum of \$50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post-Office Department, whether by contract, designation, or appointment, the Postmaster-General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant.

"Sec. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent: Provided, That in case a check drawn by any officer or agent of the Post-Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations prescribed by the Postmaster-General, as set forth in section 3646."

The SPEAKER. Is there objection? [After a reason.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. BOOHER. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill H. R. 26606.

The SPEAKER. The Clerk will report the bill.
Mr. ADAMSON. Mr. Speaker, pending the request of the
gentleman from Missouri, I would ask unanimous consent for

a matter connected with that bill.

The SPEAKER. Pending the request, the gentleman from Georgia asks unanimous consent for a matter connected with the bill.

Mr. ADAMSON. By direction of the Committee on Interstate and Foreign Commerce I made that report, and by a clerical error an amendment ordered by the committee is omitted, and

I wish to substitute a correct report.

The SPEAKER. The gentleman from Georgia desires to correct a report made by the Committee on Interstate and Foreign Commerce, in which there is a clerical error, to make it conform to the order of the committee. Is there objection? [After a The Chair hears none. The Clerk will report the bill. pause.] The Clerk read as follows:

A bill (H. R. 26606) to authorize the Lewis Bridge Company to con-struct a bridge across the Missouri River.

struct a bridge across the Missouri River.

Be it enacted, etc., That the Lewis Bridge Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, wagon, and foot-passenger bridge and approaches thereto across the Missouri River at a point on the east side of said river in section 8, township 50 north, range 33 west, in Platte County, Mo., to a point on the west side of said river in section 27, township 10 south, range 25 east, in Wyandotte County, in the State of Kansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] Chair hears none. The Clerk will report the amendment. [After a pause.]

The Clerk read as follows:

In line 6, after the word "a," strike out the words "railroad, wagon, and foot-passenger."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a

third time, was read the third time, and passed.

On motion of Mr. Booher, a motion to reconsider the vote upon which the bill was passed was laid on the table.

TOKYO EXPOSITION.

Mr. DENBY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from further consideration of the bill S. 7992, and that the same may be considered in the House.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

An act (8. 7992) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908.

Be it enacted, etc., That an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, be, and the same is hereby, amended so that after January 1, 1909, one of the commissioners-general, who now receives \$8,000 per annum, appointed under said act shall receive as compensation for his services the sum of \$1,000 per annum until the end of the year 1914, which amount shall also include his expenses, and thereafter the sum of \$8,000 per annum until the end of the year 1917, and the other two commissioners-general shall receive no compensation for their services until the end of

the year 1914, and thereafter shall receive \$5,000 each per annum until the end of the year 1917; and so that the secretary and other employees shall receive no compensation for their services until the end of the year 1914, and thereafter the secretary shall receive \$5,000 per annum until the end of the year 1917, and that no expenses shall be incurred by the commission or clerical or other assistants employed prior to January 1, 1915.

Also the following committee amendment:

Also the following committee amendment:

Amend by striking out all after the word "after," in line 7, and substituting the following:

"February 1, 1909, the three commissioners-general appointed under said act shall receive no compensation for their services until the end of the year 1914, and thereafter one of the said commissioners-general, who now receives \$8,000 per annum, shall receive \$8,000 per annum from January 1, 1915, until the end of the year 1917, and the other two commissioners-general shall receive \$5,000 each per annum from January 1, 1915, until the end of the year 1917; and so that the secretary and the other employees shall receive no compensation for their services from February 1, 1909, until the end of the year 1914, and the secretary shall receive \$5,000 per annum from January 1, 1915, until the end of the year 1917; and so that after February 1, 1909, no expenses in excess of \$1,000 per annum shall be incurred by the commission prior to January 1, 1915."

The SPEAKER. Is there objection?

The SPEAKER. Is there objection? Mr. CLARK of Missouri. Mr. Speaker

Mr. PAYNE. Mr. Speaker, reserving the right to object-The SPEAKER. Does the gentleman from Michigan [Mr. DENBY] yield to the gentleman from New York [Mr. PAYNE]?

Mr. DENBY. I do. Mr. PAYNE. As I understand the present law, the salaries

Mr. FATNE. As I understand the present any for these commissioners would commence now?

Mr. DENBY. Would commence January 1, 1909.

Mr. PAYNE. And unless this law is passed postponing it, or some similar law, they would continue to receive the salaries until the exposition was held in 1915?

Mr. DENBY. Certainly, they would, in case they were con-

Mr. DENSI: Certainly, they would, in case they were confirmed by the Senate in their offices.

Mr. PAYNE. They have not yet been confirmed? Then the Treasury has not been mulcted anything for this January? Why would it not be a good idea, seeing that this exposition is postponed for five years, to postpone the whole business and repeal the act, and come in later and provide for it, or provide for the appointment of commissioners later? Some people may grow up in the business in the next five years and therefore would be overlooked now in making the appointments.

Mr. DENBY. Mr. Speaker, it is regarded by the State Department as inadvisable to discontinue this commission. It is also regarded by the State Department and the President as inadvisable to change the personnel of the commission, because these three gentlemen, acting under instructions from the State Department, have been to Tokyo, are already thoroughly acquainted with the work of the commission, and have accom-

plished a very great service.

Mr. PAYNE. They have already commenced on the perform-

ance of their duties?

Mr. DENBY. They have been to Tokyo, and have saved the United States Government \$200,000, at least, by securing from the Japanese Government-

Mr. PAYNE. I think the gentleman's bill is fatal, then, that it does not make an appropriation of half a million dollars; in view of the saving of \$200,000, because that would be in ac-

cordance with the general precedent.

Mr. DENBY. The commission was paid out of an appropriation of \$50,000 made in the original bill, and the Japanese commission is coming to this country, and they must receive some attention.

Mr. PAYNE. This \$50,000 has already been absorbed?
Mr. DENBY. Twenty thousand dollars of that is already contracted for under the original bill.

Mr. PAYNE. To pay these gentlemen's expenses and per diem?

Mr. DENBY. To pay their expenses and their salaries. They were an interim appointment.

Mr. PAYNE. Has that been paid up to this time out of the \$20,000?

Mr. DENBY. It has been paid-the total expenses of the commission.

Mr. PAYNE. Does not the gentleman think, then, in view of that, that we ought to try to save the other \$30,000 and repeal that part of it?

Mr. DENBY. You can not save this; it is already spentsome \$20,000.

Mr. PAYNE. I understand the gentleman to say that the original bill appropriated \$50,000, and that only \$20,000 has been paid out?

Mr. DENBY. The saving will occur, because we limit the expenditure to \$1,000 a year until the year 1915.

Mr. PAYNE. Then, there is a limit?

Mr. DENBY. There is a limit in this bill-not to exceed \$1,000. per annum.

Mr. PAYNE. I did not observe the limit.

Mr. DENBY. It is not to be salaries, but merely expenses; namely, cable charges and other matters of that character.

Mr. PAYNE. I notice some of these gentlemen will serve two or three years. Was that in accordance with the provisions of the original bill?

Mr. DENBY. Yes. The original bill provided for one commissioner for four years, at \$8,000, and two commissioners—
Mr. PAYNE. Do you still leave that to run for four years?
Mr. DENBY. That commissioner will only serve three years

at \$8,000. The bill will effect a saving-

Mr. PAYNE. There is a saving of \$8,000 on that, How much for the other two?

Mr. DENBY. The other two were to receive \$2,000 each for one year and \$3,000 each for three years; and under the proposed amendment they will receive \$5,000 for three years only.

A net saving of \$4,000 per year is effected there.
Mr. PAYNE. That is an increase of salary.
Mr. DENBY. No; it is the same salary ex Mr. DENBY. No; it is the same salary exactly provided. There is no change in the personnel or salary or method of procedure on the commission. It merely keeps the commission alive, because it is regarded as a commission of a diplomatic nature, that it is exceedingly advisable, and from a practical standpoint it is absolutely essential that it be continued.

Mr. PAYNE. If this will prevent this salary going on, I am much inclined not to object to the bill; but I think it would be much better to postpone the whole business until we get somewhere in the vicinity of the time for holding this exposition, and see by that time whether we can afford any of these frills. If we keep on at the same rate with these expenditures, by the time this exposition is held we will be borrowing money to pay the expenses of the Government. I would like to have that fact brought before the attention of Congress as time passes. I would be much better satisfied to see the law repealed, so that the whole thing can come up when necessary, somewhere about the year 1914. Congress will be here, and the people will know what is being done with the people's money, and how much we are running behind, and whether we are running in debt.

Mr. DENBY. I do not think the commission would be any expense between now and 1915, except the \$1,000 per annum, which is absolutely essential. The Japanese commission is traveling the world through, and there are continual expenses for cables, etc. At any time the United States Government may repeal the law. If the commissioners are to be wiped out any time between now and the year 1915, Congress may repeal the law at any time the Treasury demands that course; but until that is done we must keep alive some sort of representation in

order to be properly represented at Tokyo in 1917.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. DENBY. I yield to the gentleman from Illinois.

Mr. MANN. The gentleman in his report refers to the cost under the original bill. They have stricken out practically all the bill and put in a substitute. I suppose the gentleman for the property of the p the bill and put in a substitute. I suppose the gentleman refers to the original law?

Mr. DENBY. I refer to the original law.
Mr. MANN. Is there authority anywhere which will require Congress against its will to appropriate money for this commission while doing no work?

Mr. DENBY. There is nothing in the act that will require any appropriation except to authorize the \$1,000 per annum

Mr. MANN. Does the gentleman think the Executive would permit these commissioners to draw salaries for the ensuing years, to 1915, with nothing to do?

Mr. DENBY. Not only would he not permit it, but it is ex-

pressly forbidden by the language of the bill.

Mr. MANN. I am not talking about the language of this bill; but as the law is it enables the Executive—
Mr. DENBY. If Congress authorized the Executive to con-

tinue the commission, he would be required to do so.

Mr. PAYNE. Suppose we do not pass this law, and these gentlemen are confirmed, and they perform some sort of service. Il Congress refused to appropriate for their salaries, they could bring a claim before the Court of Claims. What defense would the Government of the United States have?

It would have no defense, for before the occa-Mr. MANN. sion suggested by the gentleman had been completed the law would have been repealed. Now, will the gentleman inform us why we should now compel the next administration to accept commissioners for five or six years from now, appointed by the present administration, with nothing to do for the next four

Mr. DENBY. There is something to do, and the commission has consented to do what there shall be to do during that time.

Mr. MANN. Well, there is not very much to do, because you only provide a thousand dollars a year to do it with.

Mr. DENBY. I may say to the gentleman that, of course, if this commission is not acceptable to the next administration, there is no possible question that the next administration will have full power to dispose of this commission and substitute

other commissioners at its will.

Mr. FITZGERALD. Where is the authority to do that?

Mr. MANN. What is the authority which enables the incoming administration to do that?

Mr. DENBY. It can be done by a request for their resignations and the substituting of other appointees.

Mr. MANN. Then, it occurs to me that the proper time to request the resignation of these commissioners, who have not a thing on earth to do for the next four years, is right now.

Mr. DENBY. Mr. Speaker, is it wise to accept the resigna-

tion or to demand the resignation or to legislate out of office the only body that has any special knowledge concerning this subject, when they are willing to serve freely and without pay and to do whatever is required of them, without compensation, for six years? They have been to Tokyo, they know the ground, they have entered into negotiations with the Japanese Government and have been very successful, and they have established that intimate personal relationship which, it seems to me, it is very desirable to retain.

Mr. MANN. No doubt the next President will take that into consideration and will perhaps reappoint these gentlemen who have this intimate knowledge. He will have that power. It seems to me this bill is only a plan—not on the part of the gentleman—to continue in office gentlemen now appointed, where the appointment ought to be left free to the incoming administration, to be made at the proper time.

Mr. DENBY. I yield three minutes to the gentleman from

Mr. GAINES of West Virginia. Before the gentleman

Mr. MANN. The request for unanimous consent has not yet been agreed to.

The SPEAKER. No; the request has not been agreed to.

Mr. DALZELL. I want to ask the gentleman a question. Mr. DENBY. I yield first to the gentleman from West Virginia [Mr. GAINES].

Mr. GAINES of West Virginia. I want to ask the gentle-man from Michigan whether this bill as drawn does not require the payment of the salary to a particular person?

Mr. DENBY. It does require the payment of such salaries as are provided for to a particular person, because that person, like all other persons connected with the commission, is now in

Mr. GAINES of West Virginia. But suppose the person designated to receive the \$8,000 salary should be found in the future not to be satisfactory. Is he not entitled, under the wording of this bill, to receive the salary?

Mr. DENBY. No; I do not think there is any question as to

Mr. GAINES of West Virginia. If the gentleman will permit me, it seems to me, upon an examination of this language just at this moment, that the Executive would not be permitted to remove the commissioner; or, at least, if he did, the commissioner would still be entitled to the \$8,000 provided for here. The language is:

And thereafter one of the said commissioners-general who now receive \$8,000 per annum shall receive \$8,000 per annum from January 1, 1915, until the end of the year 1917.

Mr. DENBY. Does the gentleman seriously think that the Government could be compelled to continue paying \$8,000 to a man not in office under the terms of this act?

Mr. GAINES of West Virginia. If the gentleman will permit me to answer his question, I do think that if we appropriate money to a particular person, either by name or designation, he can compel the payment of that money, especially since this seems to crowd the compensation for his services all into the last year.

I will say to the gentleman from West Virginia and the House that I have no objection to amending by striking out the words "who now receive \$8,000 per annum" in order that there shall be no designation. There is only one in the bill, and if it seems wise to the House not to designate the man, I have no objection to such an amendment.

Mr. GAINES of West Virginia. I do not know that I could now suggest an amendment, nor do I know that the one suggested by the gentleman from Michigan would accomplish the purpose.

Mr. DENBY. There is but one designation in the bill, which is the one in question.

Mr. DALZELL. I would like to ask the gentleman a ques-

Mr. DENBY. I will yield to the gentleman from Pennsylvania.

Mr. DALZELL. The report says that the bill as amended by the Senate continues the commission as at present constituted. My question is, What will become of the commission if this bill is not passed? Will the commission cease to exist?

Mr. DENBY. The Senate will fail to confirm the commis-

sioners, and the commission will cease to exist.

Mr. DALZELL. Then, I hope the bill will not be passed.

Mr. MANN. Mr. Speaker, I think the bill is one that ought to be considered in Committee of the Whole House, and I shall have to object to the gentleman's request in the end.

Mr. DENBY. In view of the fact that there is apparent opposition to unanimous consent, I ask now unanimous consent to fix a definite time next week for the consideration of the bill. We are nearing the end of the month of January, and it ought to be passed.

Mr. HULL of Iowa. I would suggest that the gentleman will have to modify that request, so as not to interfere with appropriation bills.

Mr. FITZGERALD. Mr. Speaker, I shall object to any request that would deprive the Committee on Rules of their special function. [Laughter.] Mr. DENBY. Does the g

Mr. DENBY. Does the gentleman object to my request? Mr. FITZGERALD. This bill can come up under the rules.

IMPORTATION OF OPIUM.

Mr. MANN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (H. R. 24863) to prohibit the importation and use of opium for other than medicinal purposes, and ask that the same may be considered

at the present time.

The SPEAKER. The gentleman from Illinois asks unanion the state of the Union from further consideration of the bill to which he refers, and consider the same in the House at this The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 24863) to prohibit the importation and use of opium for other than medicinal purposes.

Be it enacted, etc., That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: Provided, That opium and preparations and derivatives thereof other than smoking opium or opium prepared for smoking may be imported for medicinal purposes only under regulations which the Secretary of Agriculture is hereby authorized to establish

regulations which the Secretary of Agriculture is hereby authorized to establish.

Sec. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding \$5,000 nor less than \$50, or be imprisoned for any time not exceeding two years, or both. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such opium or preparation or derivative thereof, such possession shall be deemed evidence sufficient to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

The amendment recommended by the committee was read, as follows:

Strike out the words "and use" in the title, so that the title will read: "To prohibit the importation of opium for other than medicinal purposes."

The SPEAKER. Is there objection?
Mr. CLARK of Missouri. Reserving the right to object-Mr. PAYNE. I want to reserve the right to object, too.

Mr. CLARK of Missouri. The gentleman from New York

may go ahead.

Mr. PAYNE. Mr. Speaker, I want to ask a question, or make a short statement. Although this bill belongs to the Committee on Ways and Means, I am not disposed to object to it for the reason that it did not go to that committee, and if the bill commended itself to me or to the majority of the members of the committee I should not object to it. When it was first reported it contained a provision that excluded smoking opium, or opium prepared for smoking, from the United States. It also contained the further clause that would enable opium for all other purposes to come into the United States free of duty. It also contained a clause providing that the law was to be carried out by regulations prescribed by the Secretary of Agriculture.

When I first saw the bill I raised two objections from a hasty reading of it. In the first place, it put all opium on the free list,

from which we get a revenue of about one and a half million dollars. In the second place, it took this one article out of the jurisdiction of the Treasury Department and lodged it in the Agricultural Department to provide rules and regulations. The gentleman has stricken out that part of the bill, and as it is now presented it provides for the prohibition of the importation of opium prepared for smoking into the United States. If I thought, Mr. Speaker, that this bill would prevent the use of a pipe full of opium in the United States, I would still be disposed to give it consideration.

But it will not prevent the use of it. Opium will still come in to be used for other purposes, and there is nothing in the bill, there can be nothing in any effective law passed by Congress, to prevent any person in the United States preparing opium for smoking or using it as smoking material from the opium brought in for other purposes. It can not be done. We would have practically the same consumption of opium for

smoking as we have now.

Opium for smoking purposes produces a revenue of over \$900,000 a year. That would cut us off from a million dollars of revenue, and we should gain nothing by the operation of the

Now, I know that it is urged that the State Department desires that this bill pass, because there is to be a convention in Hongkong, about the 1st of February, of the powers, who are going to see if they can not stop the use of opium in the Chinese Empire, and this is to be a sort of inducement for the convention to get together, a sort of certificate of good faith on the part of the people in the United States that they do not propose

to have opium coming in here prepared for smoking purposes.

I do not believe that a bill of this kind, having no effect upon the use of opium for smoking purposes in the United States, would fool anybody in that international convention. I do not believe that it would have any effect at all on the use of opium here, or upon that convocation when it assembles. I am not willing to give up a revenue of \$75,000 a month when it will do no good.

Mr. MANN. Mr. Speaker, if it is the intention of the gentle-man from New York to object in the end, I object to his making a long speech. He has already exceeded the courtesy that was extended to him.

Mr. PAYNE. I shall object to the bill in the end. If the gentleman wants to make a statement, I am willing.

Mr. MANN. I did not expect the gentleman to make a long

Mr. MANN. I did not expect the gentleman to make a long speech on the bill and then in the end object to it.

Mr. PAYNE. I object, Mr. Speaker. If the gentleman wants to make a statement, however, I will withhold my objection.

Mr. MANN. O, Mr. Speaker, I do not believe in batting the air like the gentleman from New York [Mr. PAYNE]. I do not want to make a statement.

The SPEAKER. Objection is heard.

ISSUING DUPLICATE GOLD CERTIFICATES.

Mr. STERLING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3884) to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That whenever any United States gold certificate, made payable to order, issued by the Treasurer of the United States or any assistant treasurer thereof, under the act of March 14, 1900, shall have been lost and shall have been specially indorsed to order or shall have been indorsed, or when any such certificate shall have been destroyed, the Secretary of the Treasury shall be, and he is hereby, authorized, in his discretion and on such conditions as he shall impose, upon satisfactory proof of such loss or destruction, to issue to the holder of such certificate a duplicate thereof: Provided, That the said holder shall first file in the Treasury a bond with good and sufficient sureties, to be approved by the Secretary of the Treasury, in double the amount of such certificate lost or destroyed, conditioned to indemnify and save harmiess the United States from any claim or loss on account of such lost or destroyed certificate.

With the following amendment:

With the following amendment:

Strike out, beginning with the word "and," in line 6, down to and including the word "indorse," in line 8.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would ask if there is any limit of time when this thing can be done.

Mr. STERLING. When the duplicate may be issued?

Mr. CLARK of Missouri. Yes; or how long this bond would

Mr. STERLING. There is no limit in the bill as to the time when it may be done.

Mr. CLARK of Missouri. How long does this bond run?

Mr. STERLING. The bill does not fix any time which the bond shall run. No doubt, however, it would run indefinitely to secure the Government.

Mr. CLARK of Missouri. Is there any length of time within which this transaction is to take place? Suppose one of these gold certificates were lost to-day-

Mr. MANN. It applies only to registered certificates, not to

ones that we carry around.

Mr. CLARK of Missouri. Is there any limit to the length of time after it purports to be lost within which this transaction has to take place?

Mr. STERLING. There is not, and I think there should not be any limit of time. I see no reason why there should be any

limit.

Mr. MANN. It is just like a bond.

Mr. CLARK of Missouri. Mr. Speaker, I desire to repeat a remark, if the House will pardon me, which I made here two or three weeks ago. Hereafter I intend to object to every bill called up by unanimous consent, unless the gentleman who has it in charge brings me a copy, of it a long enough time to look over before it is brought up, and I think that is not unreasonable. In this case I will not object.

Mr. MANN. Has this bill been submitted to the Treasury

Mr. STERLING. Yes.

Mr. MANN. It is a wonder the gentleman would not incorporate in his report a letter from the Treasury Department.

Mr. STERLING. I have not got any letter. I talked to the Secretary of the Treasury personally about it, and I will say in regard to the history of the bill that the bill was introduced three years ago. It was prepared by the Treasury Department. At that time it passed the House with an amendment, by inserting the words stricken out in this amendment. It did not pass the Senate. It was introduced again a year ago in the same form in which it passed the House. I then again conferred with the Secretary of the Treasury, and he recommended that those words which the Judiciary Committee had put in be stricken out; so they were stricken out, and the bill reported

unanimously by the Judiciary Committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amend-

ment

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

TRANSFERRING LIGHT-HOUSE RESERVATION, FORT HOWARD, MD.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 17991) providing for the transfer of light-house reservation at Fort Howard, Md., which I send to the desk and ask to have read, and that the same be considered in the House at this

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor is hereby authorized and directed to transfer to the War Department for the purposes of the public defense the present light-house reservation adjoining the military reservation of Fort Howard, at North Point, in Baltimore County, Md., in exchange for a suitable and sufficient portion of said military reservation to be agreed upon between the said Secretary of Commerce and Labor and the Secretary of War; which said portion of the military reservation, together with the necessary right of way to permit of access to the same, the Secretary of War is hereby authorized and directed to transfer to the Department of Commerce and Labor for light-house purposes; and the Secretary of War is further authorized and directed to remove the light-keeper's dwelling and appurtenant buildings from their present location and to place and establish them complete and ready for use on the new site to be selected therefor, as herein provided, and to erect new structures in lieu of those which it may be found impracticable to remove, in accordance with plans and details to be mutually agreed upon by the said Secretaries; the cost thereof, not exceeding \$4,000, to be defrayed from funds appropriated for barracks and quarters for the artillery.

The SPEAKER. Is there objection? [After a pause.] The

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Hull of Iowa, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Gilfrey, one of its clerks. announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8628. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 8629. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors:

S. R. 117. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes;

S. 8460. An act to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels;

S. 8333. An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans. in the county of Wyandotte, State of Kansas;

S. 8259. An act providing for the construction of a light and

fog signal at Army Point, Suisun Bay, California

S. 8587. An act to amend sections 2325 and 2326 of the Revised Statutes of the United States;

S. 8266. An act to require life-preservers on motor vessels; S. 8023. An act for the relief of Pedro Mangalindan, Basilio

Baltazar, and Julio Lacsamana;

S. 7390. An act for the relief of Christina Rockwell;

S. 6327. An act providing for the purchase of a reservation for a public park in the District of Columbia;

S. 8034. An act to increase the limit of cost for purchase of a site and erection of a post-office building at Missoula, Mont.; and

S. 7951. An act to provide for the erection of a temporary annex to the post-office building in Detroit, Mich.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes

The message also announced that the Senate had passed with-

out amendment bills of the following titles:

H.R. 9969. An act for the relief of George J. Miller, of Wenatchee, Wash.;

H. R. 15218. An act for the relief of the sureties on the official bond of the late Cornelius Van Cott;

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers

and sailors; and H. R. 8733. An act for the relief of Walter W. Keefe.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 117. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes-to the Committee on the Library.

S. 8629. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors-to the Committee on Pensions.

S. 8628. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors to the Committee on Invalid Pensions.

S. 8587. An act to amend sections 2325 and 2326 of the Revised Statutes of the United States-to the Committee on the Public Lands.

S. 8460. An act to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels-to the Committee on the Merchant Marine and Fisheries.

S. 8333. An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas-to the Committee on Interstate and Foreign Commerce.

S. 8266. An act to require life-preservers on motor vesselsto the Committee on Interstate and Foreign Commerce.

S. 8259. An act providing for the construction of a light and fog signal at Army Point, Suisun Bay, California-to the Committee on Interstate and Foreign Commerce.

S. 8034. An act to increase the limit of cost for purchase of site and erection of a post-office building at Missoula, Mont.-to the Committee on Public Buildings and Grounds.

S. 8023. An act for the relief of Pedro Mangalindan, Basilio Baltazar, and Julio Lacsamana-to the Committee on War

Claims. S. 7390. An act for the relief of Christina Rockwell—to the Committee on Claims.

S. 7951. An act to provide for the erection of a temporary annex to the post-office building in Detroit, Mich .- to the Committee on Public Buildings and Grounds.

S. 6327. An act providing for the purchase of a reservation for a public park in the District of Columbia-to the Committee on Public Buildings and Grounds.

The SPEAKER laid before the House the bill (H. R. 23850) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of said soldiers and sailors, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 23849) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. SULLOWAY. Mr. Speaker, I now ask unanimous consent that pension bills on the Private Calendar, in order to-day, may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that pension bills on the Private Calendar, in order to-day, may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER pro tempore (Mr. Capron). The Clerk will

report the first bill.

The first business on the Private Calendar was the bill (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Martha J. Pruitt, widow of John T, Pruitt, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John W. Hays, late of Company B, —— Regiment National Guard of East Tennessee, and pay him a pension at the rate of \$12 per month.

The name of John W. Hays, late of Company B, ——Regiment National Guard of East Tennessee, and pay him a pension at the rate of \$12 per month.

The name of Reuben Muncey, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mervin A. Coshun, helpless and dependent child of John Coshun, late of Company F, One hundred and sixty-fifth Regiment, and Company G, One hundred and first Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Francis Weaver, late of Company H, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eli Norton, late of Company A, Eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Goodwin, late of band, First Regiment Connecticut Volunteer Heavy Artilley, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elmira Pecor, widow of Benjamin Pecor, late of Company D, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Mary Almira Pecor, helpless and dependent daughter of said Benjamin Pecor, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Elmira Pecor, the name of said Mary Almira Pecor shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Elmira Pecor.

subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Elmira Pecor.

The name of William W. Cameron, late of Company K. Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Mary Tucker, widow of William E. Tucker, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George W. Bogle, late of Company C. Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jay Smith, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin B. Morris, late of Company A, Sixty-eighth Regiment Kentucky Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James D. Everett, late of Company D, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. Way, late of Company G, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of Nathan S. Martin, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 dollars per month in lieu of that he is now receiving.

The name of Andrew J. Sawyers, late of Company A, Eighth Regiment Missouri State Millita Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin D. North, late of Company A, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ezra Cronkleton, late of Company C, Second Regiment Iowa Volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James L. Smith, late of Company E, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward B. Ward, late of Company C, One hundred and fity-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David J. Scott, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James B. McDonald, late of Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank M. Lansdown, late of Company D, First Regiment Ohio Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Coons, late of Company H. Fourth Regiment Ohio Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Coons, late of Company J, First Regiment Consument First Regiment Plantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The

The name of John E. Sawrey, late second fleutenant Company D, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John D. McCullough, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John Morgan, late of Company D, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Conant, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S, Crews, late scout and guide, United States Volunteers, and pay him a pension at the rate of \$12 per month.

The name of Allen Hutchinson, late of U. S. S. Aroostook, Ossipee, and Brooklyn, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Clarine J. Brinton, former widow of Edmund F. Webb, late of Company B, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Shutter Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Shutter Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Morris Jacobs, late of Company F, Third Regiment Web John Shutter Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Morris Jacobs, late of Company E, Twenty-fifth Regiment U. S. Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Charles M. Goodfellow, late of Company E, Dighth Regiment U. S. Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The

The name of Daniel V. Francis, late of Companies B and I, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas J. Lewis, late of Company D, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Kraft, late of Company G, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Christian C. Fleck, late of Thirtieth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Robert H. Millen, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, and unassigned, First Battallon, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Routzong, late of Company A, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David D. Pierce, late of Company F, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Susan J. Rose, former widow of William H. Carter, late of Company C, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ass Smith, late of Company E, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bolce S. Hicks, late of Company E, Thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George D. Hamm, late of Company E, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pens

The name of George W. Lenoir, late of Company K, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Patrick Henry Conway, late of Company B, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Patrick Henry Conway, late of Company B, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Denis Healy, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Dyer A. Conklin, late of Company G, Twenty-eighth Regiment Colorado Volunteer Cavarry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of April M, Allen, widow of James W. Allen, late second Regiment Colorado. Volunteer Cavarry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of April M, Allen, widow of James W. Allen, late second Regiment Colorado. The Colorado Col

The name of Henry Foss, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Crawford, late captain Company H. Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary M. Edmonds, helpless and dependent child of Thomas Edmonds, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John H. Barbee, late of Company D, Sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Calvin F. Boxley, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Fuller, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and Fourteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alexander Flack, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sidney G. Brock, late captain Companies D and K, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frederick W. Palmer, late of Company B, One hundred the Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William R. Ackerly, late of Company E, One hundred and firty-inth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William R. Ackerly, late of Company E, One hundred and forty-fourth Regiment N

at the rate of \$24 per month in lieu of that he is now receiving.

The name of William R. Ackerly, late of Company E. One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah F. Cox, widow of James J. Cox, late captain Company E. Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John T. Miller, late of Company D. Eighth Regiment Only the per month in lieu of that he is now receiving.

The name of Angeline Fissel, widow of Rudolph Fissel, late of Company C, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Angeline Fissel, widow of Rudolph Fissel, helpiess and dependent daughter of said Rudolph Fissel, the additional pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Christian Spresser, late of Company A, Thirty-fourth Regiment, and Company A, Thirty-sixth Regiment, Otho Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Valmes M. Grover, late of Company G, Eighty-sixth Regiment, and Company A, Thirty-sixth Regiment, Otho Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Roseberry, late of Company K, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edwin W. Parker, late of Company H, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Henry J. Film, late of Bartery M. First Regiment Mchigan Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The na

The name of Jerome B. Cundiff, late of Company C, Forty-first Regiment Illinois Voiunteer Infantry, and pay him a pension at the rate of The name of Enoch Carter, late of Company C, Fourteenth Regiment Restrictly Volunteer Infantry, and pay him a pension at the rate of The name of James A. Benjamin, late of Company A. Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of The name of James A. Benjamin, late of Company A. Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James A ben and the second of the rate of \$30 per month in lieu of that he is now receiving.

The name of James Clark, late of Company M, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company M, Fourth Regiment New The Name of James Clark, late of Company A, Futty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John W, Rawley, late of Company A, Fitty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W, Brush, late of Company D, One hundred and the rate of Super month in lieu of that he is now receiving.

The name of James B, Bush, late of Company D, One hundred and such that he is the part of t

The name of Nathan R. Dunbar, late of Company K, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Enos R. Allen, late of Company E, First Regiment New York Volunteer Light Artillery, and Company A, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Clarence Hubbard, late principal musician, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Chester M. Swift, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. McHugh, late of Company K, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Andrew J. Sargent, late of Company B, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company A, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theodore K. Holbrook, late of Company C, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William McGowan, late of Company G, Fourth Regiment New York Volunteer Cavalry, and Fifty-fifth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas H. McIlvaine, late of Company C, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and first lieutenant Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The name of Benton Burr, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The name of Margaret Thompson, helpless and dependent child of John Thompson, late of Company G, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

month.

The name of Joel T. Hembree, late second lieutenant Company E, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ellen T. Cowen, widow of Benjamin R. Cowen, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now resolving. ceiving.

a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Robert Bigger, late of Company D, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Bowman, late of Company F, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ruel Merrill, late of Company B, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mat Smith, late of Company I, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Evelyn F. Banzhaf, widow of Charles Banzhaf, late major, First Regiment Missouri Volunteer Cavalry, and captain Company F, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Albert J. Williams, late of Company J, Third Regiment, New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Willard F. Pardee, late of Company B, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the

The name of Willard F. Pardee, late of Company B, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

II. R. 1047. Martha J. Pruitt;

H. R. 1144. John W. Hays;

H. R. 1153. Reuben Muncey;

H. R. 1603. Mervin A. Coshun;

H. R. 1605. Francis Weaver;

H. R. 1677. Eli Norton;

H. R. 2964. James W. Goodwin;

H. R. 2968. Elmira Pecor;

H. R. 3771. Mary Tucker;

H. R. 4179. George W. Bogle;

H. R. 4179. George W. Bogle;

H. R. 4977. Jay Smith;

H. R. 5077. Benjamin B. Morris;

H. R. 6638. William E. Way;

H. R. 6638. William E. Way;

H. R. 6638. Walliam E. Way;

H. R. 6982. Andrew J. Sawyers;

H. R. 7174. Edwin D. North;

H. R. 77360. Ezra Cronkleton;

H. R. 77496. Edward B. Ward;

H. R. 8258. David J. Scott;

H. R. 8981. Frank M. Lansdown;

H. R. 8982. John H. Coons;

H. R. 10409. George S. Auner;

H. R. 10837. Henry Newman;

H. R. 10837. James Cockrell;

H. R. 10955. William M. Freuze;

H. R. 11419. Alexander Robertson;

H. R. 11419. Alexander Robertson;

H. R. 11657. John E. Sawrey;

H. R. 112303. John M. Conant;

H. R. 12203. John D. McCullough;

H. R. 12203. John D. McCullough;

H. R. 133015. D. B. Crews;

H. R. 133015. D. B. Crews;

H. R. 14347. James H. Williams;

H. R. 14347. James H. Williams;

H. R. 14347. James H. Williams;

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H. R. 14603. Charles M. Goodfellow;
H. R. 15102. Thomas J. Walker;
H. R. 15346. Thomas Redman;
H. R. 16857. Jerome A. Schutt;
H. R. 16857. Jerome A. Schutt;
H. R. 18657. Jerome A. Schutt;
H. R. 18657. Jerome A. Schutt;
H. R. 18741. Alfred L. S. Morand;
H. R. 18888. Cbarles D. Fink;
H. R. 20023. Wilhelm Schimming;
H. R. 20023. Wilhelm Schimming;
H. R. 21034. John W. Crafton;
H. R. 21039. Daniel V. Francis;
H. R. 21389. William Kraft;
H. R. 21389. William Kraft;
H. R. 21425. Robert H. Millen;
H. R. 21425. Robert H. Millen;
H. R. 21476. Susan J. Rose;
H. R. 21476. Susan J. Rose;
H. R. 21716. David D. Pierce;
H. R. 21716. David D. Pierce;
H. R. 21716. Susan J. Rose;
H. R. 22022. Bolce S. Hicks;
H. R. 22032. Bolce S. Hicks;
H. R. 22302. Bolce S. Hicks;
H. R. 22303. George D. Hamm;
H. R. 22492. William H. Power;
H. R. 22510. Patrick Henry Conway;
H. R. 22510. Patrick Henry Conway;
H. R. 22510. Patrick Henry Conway;
H. R. 22512. Erastus Barry;
H. R. 22714. Annie M. Allen;
H. R. 22715. John H. Harris;
H. R. 22715. John H. Harris;
H. R. 22716. Samuel Palmer;
H. R. 22716. Samuel Palmer;
H. R. 22718. Samuel Palmer;
H. R. 22719. William H. D. Wyman;
H. R. 22719. William T. Crawford;
H. R. 22719. William T. Crawford;
H. R. 22719. William T. Roseberry;
H. R. 22510. Samuel Falac;
H. R. 2293. Joseph H. Helen;
H. R. 22719. William T. Roseberry;
H. R. 2293. Joseph H. Helen;
H. R. 2294. Henry Foss;
H. R. 2293. Joseph H. Barbee;
H. R. 2294. Henry Foss;
H. R. 2293. Joseph H. Barbee;
H. R. 2294. Henry Foss;
H. R. 2294. Henry Foss;
H. R. 2295. John T. Miller;
H. R. 2350. John T. Miller;
H. R. 2350. John M. Barbee;
H. R. 2350. John T. Miller;
H. R. 2350. John T. Miller;
H. R. 2350. John T. Miller;
H. R. 2350. John Mathias;
H. R. 2360. John Delec;
H.
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H. R. 24888. Nathan R. Dunbar;
H. R. 24949. Enos R. Allen;
H. R. 24953. Clarence Hubbard;
H. R. 24971. Chester M. Swift;
H. R. 24989. Charles H. McHugh;
H. R. 24989. Charles H. McHugh;
H. R. 25038. Theodore K. Holbrook;
H. R. 25191. William McGowan;
H. R. 25209. Benton Burr;
H. R. 25209. Benton Burr;
H. R. 25210. Margaret Thompson;
H. R. 25213. Joel T. Hembree;
H. R. 25318. Robert Bigger;
H. R. 25318. Robert Bigger;
H. R. 25388. Hobert Bigger;
H. R. 25425. Ruel Merrill;
H. R. 25425. Ruel Merrill;
H. R. 254268. Mat Smith;
H. R. 25614. Albert J. Williams; and
H. R. 25615. Willard F. Pardee.
Mr. SULLLOWAY. Mr. Speaker.
     Mr. SULLOWAY. Mr. Speaker, on page 10, line 5, I move to strike out the initial "D" and insert the initial "E."

The SPEAKER pro tempore. The Clerk will report the
     amendment.
                  The Clerk read as follows:
    On page 10, line 5, strike out the initial "D" and insert the initial "E"
    The amendment was agreed to.
Mr. SULLOWAY. Also, on page 25, strike out all of lines
7, 8, 9, and 10, the beneficiary being dead.
The SPEAKER pro tempore. The Clerk will report the
amendment suggested by the chairman of the Committee on In-
     valid Pensions.
                  The Clerk read as follows:
                  On page 25, strike out all of lines 7, 8, 9, and 10.
                  The amendment was agreed to.

The bill as amended was ordered to be engrossed and read
     a third time, was read the third time and passed.

The next business on the Private Calendar was the bill
     (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and
and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—
The name of Sydney B. Strunk, late of Company K. Thirtieth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $8 per month.

The name of Julia B. Reynolds, widow of Robert W. Reynolds, late first lieutenant, Third Regiment U. S. Cavairy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the four minor children of said Robert W. Reynolds until they reach the age of 16 years.

The name of Warren A. Woodson, late hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah S. Gadson, late of Company H, Twenty-fifth Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month.

The name of Warren D. Magee, late of Company G. Sixth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Flemon Boles, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Thomas Conlin, late of Company B, Fourteenth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Pierce, late of Troop L, Fourth Regiment U. S. Cavairy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. Sylvester, late of Company G. Twenty-first Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Adolphus E. Edwards, late of Company M, Seventh Regiment U. S. Volunteer Infantry, war with Spain.

The name of Adolphus E.
       sailors.
                  The Clerk read as follows:
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The name of Addie B. Black, widow of Ralph E. Black, late of Company M, Ninth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Ralph E. Black until she reaches the age of 16 years.

The name of Francis M. Greene, late contract surgeon of the United States Army, war with Spain, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Julia B. Coghlan, widow of Joseph B. Coghlan, late rear-admiral, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda B. Conter, widow of Enos J. Conter, late of Forty-third Company, U. S. Coast Artillery, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Enos J. Conter until he reaches the age of 16 years.

This bill is a substitute for the following House bills referred to

This bill is a substitute for the following House bills referred to

This bill 'is a substitute for the fol
the Committee on Pensions:
H. R. 1400. Sydney B. Strunk;
H. R. 2247. Julia B. Reynolds;
H. R. 9802. Ellijah S. Gadson;
H. R. 9802. Ellijah S. Gadson;
H. R. 11435. Warren D. Magee;
H. R. 11435. Warren Doles;
H. R. 11435. Flemon Boles;
H. R. 19836. Thomas Conlin;
H. R. 19836. Thomas Conlin;
H. R. 19836. Thomas Conlin;
H. R. 21289. Charles B. Stockton;
H. R. 21289. Charles B. Stockton;
H. R. 22206. Jesse McClelland;
H. R. 22604. Adolphus E. Edwards;
H. R. 23651. John G. Benton;
H. R. 23655. Berrien D. Whitehurst;
H. R. 23655. Berrien D. Whitehurst;
H. R. 24423. Francis M. Greene;
H. R. 24443. Francis M. Greene;
H. R. 24444. Julia B. Coghlan; and
H. R. 24421. Amanda B. Conter.
Mr. LOUDENSLAGER. Mr. Sp.

Mr. LOUDENSLAGER. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out lines 14, 15, and 16.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a

third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Josiah Matley, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis Morton, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Martin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas R. Harris, late of U. S. S. Princeton, Linda, and Delta, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Moore, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Fothergill, late second lieutenant Company I, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Fothergill, late second lieutenant Company I, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Wilson Moore, late of Company C, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Myron Bragg, late of Company K, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theodore Salnave, late of Company H, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theodore Salnave, late of Company H, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard B. Laroe, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Kone, late of Company G, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John L. Smith, late of Company F, Fifty-ninth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William F. Shoemate, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and One hundred and forty-sixth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Amos M. Carter, late of Company K, Sixtleth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Amos M. Carter, late of Company K, Sixtleth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Murch, late captain Company B, One hundred and lifty-eighth Regiment New York Volunteer Infautry, and first Guard Infautry, and pay him a pension at the rate of \$24 per month in Heu of that he is now receiving.

Guard Infautry, and pay him a pension at the rate of \$24 per month in Heu of that he is now receiving.

He company Infautry, and pay him a pension at the rate of \$24 per month in Heu of that he is now receiving.

The name of Mortlmer Infautry, and bory him a pension at the rate of \$24 per month in Heu of that he is now receiving.

The name of Mortlmer V. Hill, late of Company E. Twenty-eighth rate of \$24 per month in Heu of that he is now receiving.

The name of Mortlmer V. Hill, late of Company E. Twenty-eighth rate of \$24 per month in Heu of that he is now receiving.

The name of Mortlmer V. Hill, late is now receiving.

The name of Mortlmer V. Hill, late is now receiving.

Set per month in Heu of that he is now receiving.

The name of Hiram I. Farmer, late of Company G. First Regiment. And Company G. Twelfth Regiment, we receiving.

The name of Hiram J. Farmer, late of Company G. First Regiment. And Company G. Twelfth Regiment, we received the pension at the rate of \$30 per month in Heu of that he is own receiving.

The name of Hiram J. Farmer, late of Company G. Forty-inth Regiment Kentucky Volunteer Infautry, and pay him a pension at the rate of \$30 per month in Heu of that he is own receiving.

The name of Hiram J. Farmer, late of Company D. Twelfth Regiment Regiment New York Volunteer Infautry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of Hiram J. Farmer, late of Subject of Subject infautry, and pay him a pension at the rate of \$12 per month in Heu of that he is now receiving.

The name of Hiram J. Farmer, late of Subject infautry, and pay him a pension at the rate of \$12 per month in Heu of that he is now receiving.

The name of John McOnaughy, late of Company I. See of Subject in Health Subject in Health Subject in He

The name of Samuel H. Whatley, late of Company D, First Regiment Louisiana Volunteer Cavalry Scouts, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Myron H. Lamb, late captain Company E, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Theodore F. Upson, late of Company C, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Stephen W. Cummins, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Loami Brown, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and Company F, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William R. Wooten, late of Company B, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Rhoades, late of Company B, Two hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Richard Fisher, late of Company G. Fourth Regiment

pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Richard Fisher, late of Company G, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Hartman, late of Company B, Ninety-third Regiment Pennsylvania Volunteer Infantry, and Company K, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Zeigler, late of Company I, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. Cady, late quartermaster-sergeant Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of A. Le Grand Wright, late of Company H, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jonathan S. Crawford, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jonnahan S. Crawford, late of Company F. One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now The name of John N. Pendergrass, late of Company C, Seventh Regiment, and Company B, First Regiment, Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George L. McCallum, late chief trumpeter Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George L. McCallum, late chief trumpeter Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Allie C. Glover, widow of William J. Glover, late of Company C, Tweifth Regiment Missourl State Militia Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Emanuel Reider, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Hoy, late of Company D, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Hoy, late of Company D, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Hoy, late of Company B, Fifth Regiment United States of States of

The name of Frances Moore, widow of John Moore, late of Company A, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henry C. Pressler, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Victor, late of Company G, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Wiley, late of Company I, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas A. Collins, late of Company I, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Gowitzke, late of Company K, Third Regiment Ohio Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Webb Hall, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John L. Bradford, late of Company I, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John T. Becker, late of Company G, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Solunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Kansinger, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Kansinger, late of Company I, Second Regiment Tenname of

The name of Elry P. Parsons, late of Company H. Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of John Hippeard, late of Company A. Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Baker, late of Company E. Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick Graham, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick C. Perry, helpelss and dependent child of John C. Perry, late of Company K. Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Abrams, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Michael Knight, late of Companies D and I, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis R. Edmonds, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milliam H. Young, late of Company G, Fourteenth Regiment Pennsylvania Volunteer Infantry, and Company G, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John J. Holmes, late of Company E, Eighth Regiment Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John J. Holmes, late of Company F, Thirteenth Regiment Mension at the rate of \$24 per month in lieu

month.

The name of Mary E. King, widow of James S. King, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$12 per month.

The name of James E. Murdock, late first lieutenant Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving. ceiving.

The name of James R. Criswell, late of Company I, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now re-

pension at the rate of \$2.7 per celving.

The name of Elizabeth E. Pinney, widow of William T. Pinney, tate of Company D, One hundred and thirteenth Regiment, and Company H, One hundred and twentieth Regiment, Illinois Volunteer Infantry, and

pay her a pension at the rate of \$20 per month in lieu of that she is a pension with the part of the said william T. Penney, the additional pension herein granted shall cease and determine. And provided further, That in the event of the death of Elizabeth E. Pinney, the additional pension herein granted shall cease and determine. And provided further, That in the event of the death of Elizabeth E. Pinney, the other pension have, at the rate of \$12 per month iron and after the date of death of said Elizabeth E. Pinney, the rate of \$20 per month in lieu of that she is now receiving.

Regiment Olio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

Regiment Olio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James McAdama, late second lieutenant Company B. Porty-eighth Regiment Vivocasia chindren and the second lieutenant Company B. Porty-eighth Regiment Vivocasia chindren and the part of \$24 per month in lieu of that he is now receiving.

The name of James McAdama, late second lieutenant Company B. Pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Muldis, late of Company H. Fitth Regiment Vivocasia chindren and the part of the pension at the rate of \$25 per month in lieu of that he is now receiving.

The name of John B. I-heureux, late of Company B. Twenty-second lillings Volunteer Cavalry, and pay the company is the pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Intri J. Serihere, late of Company B. Twenty-second lillings Volunteer Cavalry, and pay the appearance of the pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Intri J. Serihere, late of Company B. Twenty-second per month in lieu of that he is now receiving.

The name of Villiam Mindren and the rate of \$30 per month in lieu of that he is now receiving.

The name of North Regiment Pennsylvania Drafted Millit

The name of George W. Hile, late of Company G. Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John B. May, late captain Company F. Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Seth Carpenter, late of Company J. Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Timon Bayne, late of Company M. Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Buchner, late of Company E. Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Q. Barlow, late of Company E. Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oscar Reynolds, late of Fourth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Schoonover, late of Company L, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John T. Munsell, late of Company C, Fourth Regiment, and second lieutenant Company D, One hundred and forty-fifth Regiment, on the lieu of that he is now receiving.

The name of John Smith, late of Company A, Ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Smith, late of Company A, Ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lucretia Ritchhard, widow o

Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James Hall, late of Company D, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Robert K. Jones, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Charles T. Clark, late captain Company G, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret Hiles, widow of John Hiles, late of Company A, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Herbert E. Whipple, late of Company C, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Joel W. Babb, late of Company C, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Austin Henderson, late of Company C, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah A. Stephenson, widow of Robert F. Stephenson, late of Company I, Eighth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah A. Stephenson, widow of Robert F. Stephenson, late of Company I, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Hamilton, late of Company K, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him

E, Sixty-seventh Regiment pension at the rate of \$50 per month in lieu of that he is non receiving.

The name of Thomas J. Meeks, late of U. S. S. Cricket, United States Navy, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles H. McLane, late of Company D, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Peter B. Smith, late of Company D, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Truax, widow of Jesse Truax, late of Company E, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

receiving.

The name of George W. Coffey, alias George Woodford, late of Company E, Fifth Regiment U. S. Colored Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now

The name of Luther R. Johnson, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per mont in lieu of that he is now receiving.

The name of Hartwell Pate, late of Company K, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James W. Mires, late of Company I, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Johnson In lieu of that he is now receiving.

The name of William J. Gleason, late of Company C, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William F. Martch, late of Company A, Third Regiment, and Company G, Forty-ninth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James L. Harvey, late of Company A, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Berkey, late of Company F, Cone hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Juliam H. Barnes, late of Company C, Seventy-seventh Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles L. Campbell, late of Company C, Saventy-seventh Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Berkey, late of Company B, Seventy-eighth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles L. Campbell, late of Company A, One hundred and eig

and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 2725. Josiah Matley;
H. R. 3130. Francis Morton;
H. R. 3140. William Martin;
H. R. 3571. Thomas R. Harris;
H. R. 4932. Joseph Moore;
H. R. 65644. Wilson Moore;
H. R. 6611. Myron Bragg;
H. R. 6720. Theodore Salnave;
H. R. 6720. Theodore Salnave;
H. R. 7438. William H. Kone;
H. R. 77857. John L. Smith;
H. R. 7927. George F. Allen;
H. R. 7923. William F. Shoemate;
H. R. 7924. Abner Wright;
H. R. 8021. Abner Wright;
H. R. 8021. Abner Wright;
H. R. 8022. Abner Wright;
H. R. 11000. Mortimer V. Hill;
H. R. 11000. Mortimer V. Hill;
H. R. 11902. Thomas J. Truss;
H. R. 11903. Hiram J. Farmer;
H. R. 112524. Joseph Harris;
H. R. 12634. Joseph Harris;
H. R. 12763. Charles F. Todd;
H. R. 12897. Patience G. Reddy;
H. R. 14285. John McConaughy;
H. R. 14285. John McConaughy;
H. R. 14285. John McConaughy;
H. R. 14285. Maggie Cloutz;
H. R. 15407. Lyman E. Bullock;
H. R. 16103. James Marlett;
H. R. 16123. James Marlett;
H. R. 16123. James Marlett;
H. R. 16229. Daniel De Baun;
H. R. 16328. Alexander L. Leach;

H. R. 17555. Thomas Hawkins;
H. R. 18282. Aaron Arnold;
H. R. 18285. Daniel Hull;
H. R. 19146. George Leadbetter;
H. R. 19057. Cyrus S. Beers;
H. R. 19054. Sarah Keister;
H. R. 19055. Abner P. Johnson;
H. R. 20158. Abner P. Johnson;
H. R. 20402. Rienzi Le Valley;
H. R. 20649. John B. Baker;
H. R. 20901. John Mobley;
H. R. 21399. Wesley P. Smith;
H. R. 21387. Myron H. Lamb;
H. R. 21387. Myron H. Lamb;
H. R. 21910. Stephen W. Cummins;
H. R. 21940. Stephen W. Cummins;
H. R. 22484. William R. Wooten;
H. R. 22484. Villiam R. Wooten;
H. R. 22484. Milliam H. Zeigler;
H. R. 22661. William H. Zeigler;
H. R. 22715. A. Le Grand Wright;
H. R. 22510. John M. Stuter;
H. R. 22511. John L. Quimby;
H. R. 22383. Allie C. Glover;
H. R. 22300. John M. Stuter;
H. R. 22300. Charles Fairbanks;
H. R. 23170. Emery Post;
H. R. 23308. Oliver M. Ober;
H. R. 23321. Conrad Herwig;
H. R. 233221. Conrad Herwig;
H. R. 23323. Herry Puffer;
H. R. 23331. Brasmus L. Donaldson;
H. R. 23343. Andrew S. Ramsdell;
H. R. 23344. Isaac J. Marble;
H. R. 23343. Stephen Pullen;
H. R. 23343. Stephen Pullen;
H. R. 23344. Stephen Pullen;
H. R. 23677. Charles W. Wiley;
H. R. 23678. Thomas A. Collins;
H. R. 23679. William Gowitzke;
H. R. 23671. John M. Beader;
H. R. 23680. Prederick Graham;
H. R. 23600. Frances Moore;
H. R. 23691. John M. Baker;
H. R. 23691. George Abrams;
H. R. 23602. Frederick Graham;
H. R. 23603. Thomas & Collins;
H. R. 23604. Henry C. Pressler;
H. R. 23609. John W. Baker;
H. R. 23609. William H. McIntyre;
H. R. 23609. William H. McIntyre;
H. R. 24660. James E. Murdock;
H. R. 24670. James H. Van H. R. 24680. Henry G. Rein;
H. R. 24681. Henry G. Rein;
H. R. 2479

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H. R. 25168. John L. Johnson;
H. R. 25168. Nathaniel H. Gable;
H. R. 25205. Phobebe A. Pence;
H. R. 25248. George W. Hile;
H. R. 25248. George W. Hile;
H. R. 25248. John B. May;
H. R. 252548. John B. May;
H. R. 252548. Seth Carpenter;
H. R. 26262. George H. Buehner;
H. R. 25270. George Q. Barlow;
H. R. 25277. George Schoonover;
H. R. 25378. John T. Munsell;
H. R. 25312. John Smith;
H. R. 25316. Lucre'la Ritchhard;
H. R. 25316. Lucre'la Ritchhard;
H. R. 25348. Lewis H. Mark;
H. R. 25344. Lewis H. Mark;
H. R. 25345. Fobert K. Jones;
H. R. 25384. Lewis H. Mark;
H. R. 25384. Lewis H. Mark;
H. R. 25384. Lewis H. Mark;
H. R. 25384. Austin Henderson;
H. R. 25429. Joel W. Babb;
H. R. 25429. Joel W. Babb;
H. R. 25441. Austin Henderson;
H. R. 25451. Mathew Connell;
H. R. 25484. James Haddix;
H. R. 25484. James Haddix;
H. R. 25494. George W. Reed;
H. R. 25494. George W. Reed;
H. R. 25509. Florence J. O'Sullivan;
H. R. 25509. Florence J. O'Sullivan;
H. R. 25509. Charles H. McLane;
H. R. 25509. Charles H. McLane;
H. R. 25509. Charles H. McLane;
H. R. 25601. George W. Reed;
H. R. 25601. George W. Confey;
H. R. 25601. George W. Confey;
H. R. 25603. David Borton;
H. R. 25645. William J. Gleason;
H. R. 25646. William F. Martch;
H. R. 25646. William F. Martch;
H. R. 25699. Grames W. Confey;
H. R. 25699. George W. Confey;
H. R. 25699. Joseph Beisser;
H. R. 25690. William B. Underhill; and
H. R. 25790. William B. Underhill; and
H. R. 25790. William B. Underhill;
H. R. 25900. William
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Mr. SULLOWAY. Mr. Speaker, on page 33 I move to strike out lines 7, 8, 9, and 10, the beneficiary being dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 33 strike out lines 7, 8, 9, and 10, both included.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 26746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors,

as follows:

to widows and dependent relatives of such soldiers and sailors, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Raymond O. Fatheree, late of Company A, Thirty-third Regiment U. S. Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Catherine C. E. Einwachter, widow of William Einwachter, late of Company F, Fifth Regiment Maryland Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said William Einwachter until he reaches the age of 16 years.

The name of Thomas J. Parsons, late of Company H, Second Regiment U. S. Volunteer Engineers, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Will P. Hall, late of Company I, Seventeenth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Ernest T. Etchells, late of Company B, Second Regiment New Jersey Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of John M. Thomas, late of Captain Lander's Company A, Second Regiment Washington Territory Foot Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of William J. Heany, late of Troop L, Sixth Regiment U. S. Cavalry, war with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Ruthey J. Robinson, dependent mother of Edward T. Robinson, late of Company M, Forty-seventh Regiment U. S. Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$24 per month.

The name of Francis J. D. Wolff, late of Company B (Capt. Orlando Humasov's). First Regiment Oregon Mounted Volunteers, Oregon and

per month.
The name of Francis J. D. Wolff, late of Company B (Capt. Orlando Humason's), First Regiment Oregon Mounted Volunteers, Oregon and

Washington Territory Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of John E. Taggart, late of Troop M, Eighth Regiment U. S. Cavalry, war with Spain, and pay him a pension at the rate of \$18 per month in lieu of that he is now receiving.

The name of Louis Miller, late of Battery B, Utah Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Dennis Driscoil, late of Troop I, Second Regiment U. S. Cavalry, and pay him a pension at the rate of \$16 per month.

The name of Henry S. Mansfield, late of Hospital Corps, U. S. Army. The name of George H. Church, late of Captain Bruce's Company D, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Albert Applegate, dependent father of Clide Applegate, late of Eighty-first Company U. S. Coast Artillery, and pay him a pension at the rate of \$12 per month.

The name of Helen P. Smith, widow of Alfred T. Smith, late colonel Thirteenth Regiment U. S. Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

This bill was a substitute for the following House bills referred to the Compittee on Pensions.

of \$30 per month in lieu of that she is now receiving.

This bill was a substitute for the following House bills referred to the Committee on Pensions:

H. R. 5878. Raymond O. Fatheree;
H. R. 5878. Raymond O. Fatheree;
H. R. 12257. Thomas J. Parsons;
H. R. 12227. Thomas J. Parsons;
H. R. 12551. Will P. Hall;
H. R. 13764. Ernest T. Etchells;
H. R. 21874. John M. Thomas;
H. R. 22357. William J. Heany;
H. R. 23320. Albert Werner;
H. R. 23379. Ruthey J. Robinson;
H. R. 23379. Ruthey J. Robinson;
H. R. 24196. John E. Taggart;
H. R. 24196. John E. Taggart;
H. R. 25014. Dennis Driscoll;
H. R. 25466. George H. Church;
H. R. 25466. George H. Church;
H. R. 25366. Albert Applegate; and
H. R. 26366. Helen P. Smith.

Mr. OLCOTT. Mr. Speaker, I would like to ask unanimous consent to return to the bill H. R. 26072. I had expected during the consideration of that bill to offer an amendment to increase the pension to Julia B. Coghlan from \$50 to \$100. I was listening as intently as I possibly could, and believed the bill that was being read was one of the omnibus bills reported from the Committee on Invalid Pensions and not from the Committee on Pensions. I am desirous of offering an amendment to increase the pension granted to the widow of Admiral Coghlan from \$50 to \$100 a month, and I would like to be heard on that. The SPEAKER pro tempore. The gentleman will suspend

until the bill before the House is disposed of, which is not the bill to which he is addressing his remarks.

Without objection, the bill reported by the Clerk will be con-

sidered.

Mr. SIMS. What is the bill?

The SPEAKER pro tempore. It is another bill. This is not the bill to which the gentleman from New York [Mr. Olcott] referred.

Mr. SIMS. It is not the bill the gentleman just referred to? The SPEAKER pro tempore. No.

The bill (H. R. 26746) was ordered to be engrossed and read a third time, was read the third time, and passed.

JULIA B. COGHLAN.

Mr. OLCOTT. Now, Mr. Speaker, I would like to ask unanimous consent to return to the bill H. R. 26072, reported from the Committee on Pensions. As I said, I was listening as intently as I could, and I believed that the bill reported by the chairman of the Committee on Invalid Pensions was being read. I would like very much to receive unanimous consent to go back to this bill and offer my amendment and discuss the matter.

Mr. MANN. I think the gentleman had better make a motion to reconsider.

The SPEAKER pro tempore. Is there objection?
Mr. CAMPBELL. Mr. Speaker, I shall have to object.
Mr. OLCOTT. Then, Mr. Speaker, I would like to move to reconsider the bill H. R. 26072.

The SPEAKER pro tempore. The gentleman from New York moves to reconsider the vote by which the bill was passed and in which was the item he has indicated to the House.

Mr. CAMPBELL. Mr. Speaker, is it in order to move to re-consider a portion of a bill?

The SPEAKER pro tempore. The gentleman's motion is to

reconsider the bill.

Mr. OLCOTT. I move to reconsider the entire bill.

Mr. CAMPBELL. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas to lay the motion of the gentleman from New York [Mr. Olcott] on the table.

The question was taken, and the Chair announced that the noes" seemed to have it.

Mr. SIMS. Division, Mr. Speaker.

Mr. CAMPBELL. I call for a division.

The House proceeded to divide.

During the division,
Mr. MACON. Mr. Speaker, Members of the House do not
understand the proposition. I ask unanimous consent that it

again be stated.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from New York, to reconsider the vote by which the bill was passed, and the gentleman from Kansas moves to lay that motion on the table. The question is, now, Shall that motion lie on the table, upon which the House is now dividing.

The House divided; and there were-ayes 50, noes 59.

So the motion was rejected. Mr. CAMPBELL. Mr. Speaker, I call for tellers.

Tellers were ordered.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. CAMPBELL] and the gentleman from New York [Mr. OL-COTT] will take their places as tellers.

The House divided: and the tellers reported-aves 53, noes 71. So the House refused to lay the motion to reconsider on the

The SPEAKER pro tempore. The question recurs on the motion to reconsider the vote by which the bill was passed.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMPBELL. Division!

The House divided; and there were-ayes 57, noes 40.

So the motion to reconsider was agreed to.

Mr. OLCOTT. Mr. Speaker, I offer the following amendment to this bill, which I will ask the Clerk to read.

The Clerk read as follows:

Line 23, page 4, strike out the word "fifty" and insert in lieu thereof the words "one hundred."

Mr. OLCOTT. Mr. Speaker, I need hardly say the amendment to this bill increases the pension to the widow of Admiral Coghlan from \$50 to \$100 per month. I do this on account of the meritorious services that were performed by the late rearadmiral in the service of his Government from the time when he entered the Naval Academy until the time when he was retired as a rear-admiral. It is unnecessary to dilate to any considerable extent in regard to his services. I believe that the most violent opponent of this amendment would admit that his services were of great advantage to this Government. I will merely mention the fact that all of us know, that he was the man who fired the first shot at Manila; and that was only one of the constant instances throughout all his life of being ready

and prepared to meet every emergency.

The widow of Admiral Coghlan is entirely without means. She was married to him in 1868, and consequently there is no suggestion, as is sometimes made in regard to widows' pensions, of the marriage having occurred after the meritorious services had been rendered. She is now without means and has to live with friends, because she can not afford to live anywhere else. If she receives only \$50 it will be insufficient for her support. I think that this country, without any particular regard to a range of precedents, can say this admiral's services were such as would justify unusual action being taken on behalf of Mrs.

She is a woman, I think, of 60 years. Coghlan. When it comes to the question of precedents, I would like to read a letter I have received from the Commissioner of Pensions referring to widows who are receiving more than \$50, which amount has been arbitrarily declared by the Committees on Pensions shall be the limit given to widows. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, January 19, 1909.

BUREAU OF PENSIONS, Washington, January 19, 1909.

Hon. J. Van Veehten Olcott, House of Representatives.

My Dear Mr. Olcott: I have just received your letter of 18th instant, herewith returned, and I regret to say that I am unable to give you at this time all the information you have asked for, because befor I could furnish a complete list of all the widows who are pensioned by special acts at rates in excess of \$50 per month I would have to correspond with the different pension agents and obtain from them a report of such pensioners on their rolls.

I will state, however, that the records show the following persons to be in receipt of pensions in excess of \$50 per month, which have been granted by special acts of Congress:

The widow of ex-President Garfield, pensioned at \$5,000 per annum; the widow of General Sheridan, at \$2,500 per annum; the widow of General Logan, at \$2,000 per annum; the widow of General Islar, at \$2,000 per annum; and the widow of Walter Reed, late major and surgeon, United States Army, at \$1,500 per annum.

I will state further that at the close of the last fiscal year, June 30, 1908, there were 12 widows in receipt of pensions of \$100 per month by special acts and 8 in receipt of pensions at \$75 per month, but to

identify these cases it would be necessary for me to call upon the different pension agents, which would require considerable time.

It is believed, however, that the information given above will be sufficient to serve your purpose.

Very respectfully,

V. WARNER, Commissioner.

Mr. COX of Indiana. Will the gentleman state what the age of Mrs. Coghlan is?

Mr. OLCOTT. Sixty, I think. Mr. CAMPBELL. Fifty-six.

Mr. OLCOTT. Well, I will accept the gentleman's statement, if that appears in the papers. I understand that these rules of the Pensions Committees relative to these increases not to exceed \$50 in any case have been in existence for ten years.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. OLCOTT. I would like to have five minutes more.

There was no objection.

Mr. OLCOTT. But I wish to lay especial stress and emphasis upon the fact that the pension so properly granted to the widow of Surgeon Reed was passed in 1903. So I think that alone gives sufficient precedent for the passage of the amendment that I have offered to this bill. I think that the facts are so before this House relative to the services of the admiral, and I know that the affidavits filed before the committee prove so conclusively that Mrs. Coghlan was without means that I can safely ask this House of Representatives to do an act of justice and to award to Mrs. Coghlan, the widow of Rear-Admiral Coghlan, the sum of \$100 per month to be paid to her as a pension.

Mr. HULL of Iowa. Mr. Speaker, it may be an ungracious thing to oppose the increase of a pension to anyone, especially a widow, where a Member of the House may desire to see it increased; but I want to call attention to the fact that in this case this gallant officer of the navy, as he was, was educated by the Government, supported by the Government, lived on the pay roll of the Government until after he had passed the age of retirement, so that his service did not shorten his life and did

did not interfere with the education of his family.

This bill, without the amendment offered by the gentleman from New York, gives \$50 a month to his widow, and I want to call the attention of this committee to the fact that both the Committee on Invalid Pensions and the Committee on Pensions have passed a rule not to give in excess of \$30 a month to old soldiers who served in active warfare, even though the service in the field was more than three years. It seems to me that if the committee gives to the widows of distinguished officers \$50 a month, it is a very large recognition of the distinction of having married a general officer of the army or an admiral of the navv.

The gentleman refers to the Reed case as one of \$1,500 a year. That is not a pension; it was not carried by the Pension Committee, but was reported from the Military Committee, and was for the reason that this man, in the interest of science, in the interest of humanity, went out of his own line of duty and sacrificed his life in order to find some way by which the ravages of yellow fever might be stopped. He left a widow and small children to be educated, so the case is not on all fours with this.

Now, the general law provides for pensions to widows of general officers at \$30 a month. It gives the same pensions to widows of admirals of the navy; and it does seem to me that if we are coming in here to increase pensions to \$100 a month for any of these widows, we ought to change the general law so that every widow of an admiral and every widow of a general shall receive \$100 a month. [Applause.] It is not a fair proposition to bring in here a bill for one when there are many others on the pension rolls equally worthy, equally necessitous, who are content with their \$30 a month.

If this bill passes, every one of them should bring in a bill asking for \$100 a month. And I want to ask you how you can justify this enormous increase in a pension where there is nothing to take it out of the ordinary run? I am willing to go as far as the committee has gone, but no further. If the man had lost his life in battle, if he had left small children, there might be a reason why this great Government should step in and see that those children are educated. That is not true in this case or in the cases of others, widows of admirals and generals.

It is true that just after the civil war the Congress of the United States was exceedingly liberal in granting pensions to widows of distinguished officers, both of the army and of the navy. That is no precedent for our action now, practically forty-five years after the close of the war; and it seems to me that this bill has received all the consideration it is entitled to at the hands of the Committee on Pensions when they report an increase of \$20 a month beyond what is allowed to the other

widows of general officers and other widows of admirals of the navy. So far as widows of the Presidents are concerned, the law applies to all.

I hope this House will not to-day set the precedent and certify it to the country that the widow of a man who served even forty years, whose services were good—there is no question about that—but who suffered nothing as a result of the service in his health or in the care of his family, shall be entitled to eight and one-half times as much as the largest pension given to widows of soldiers of this country who preserved the Union, or three and one-third times as much as is allowed to the most deserving of the old Union soldiers who served three years carrying a gun and did as much to preserve the unity of the States and the sacredness of the flag as any man who wore the stars, so far as their ability and opportunity went. [Applause.] hope the amendment will not prevail.

Mr. LOUDENSLAGER. Mr. Speaker, under no circumstances would this be a pleasant task. It is doubly unpleasant in this case, because of my acquaintance with the claimant and some social relationship with the family. I had hoped that the gentleman from New York [Mr. Olcott] would not press this matter.

I had hoped that I would be relieved from making public my views in regard to matters of this kind. I have served for very nearly sixteen years on that committee. I have endeavored to give it a fealty that should merit the appreciation of the House, which I endeavored to serve. During the first two years of my membership on that committee there were no rules, no continuity of action upon the part of either the committee or the House. A sudden whim, a sudden impassioned speech carried into law beneficial acts of \$75 for the widow of not men of extraordinary worth, while it brought down to \$25 the widows of some of the most meritorious men in the service of our Since that time we have endeavored to deal with all claimants on the basis of equity and justice, not because they came from one section or had some favorite Member of the House as an advocate, but we endeavored to deal with all on the basis of equity and justice.

As has been remarked by the gentleman from Iowa [Mr. HULL], there is not a single, solitary, special, or extraordinary feature in this case. On the pension rolls to-day is the widow of a man who, in the breaking out of the civil war, was a cadet. He asked for leave of absence without pay that he might join the volunteer infantry force of this country. He raised a company, and step by step, by gallant and meritorious service, rose to the position of major-general of volunteers. At the close of the war he went back to the position as a cadet, and then rose, step by step, to be a rear-admiral. And yet Congress would only increase the widow's pension \$5 a month, from \$35, although the testimony shows that she had only her pension to live on. This case has no comparison with that.

This claimant, on a sworn affidavit filed with the committee, says that she has property to the value of \$6,700, almost up to the limit which has been the rule of the committee to prevent any action to increase pensions at all. I believe, in view of the past actions of Congress in the hundreds and thousands of cases of the widows of the officers of the civil war and of the Regular Army and of the Spanish-American war who are to-day only drawing \$50, that for the House to pass this act would be an act of almost criminal injustice against those poor widows whose cases we have acted upon before.

I sincerely hope that this House and its membership will recognize the line of equity and justice that has been followed by the two committees and by Congress heretofore. [Applause.]

Mr. SIMS. Mr. Speaker, I want to add my testimony to that of the gentleman who has just taken his seat. I have had the honor to serve on the committee from which this bill has been I have an experience that no one but a committeeman can have, and I want to say that if the Members of this House had seen the widows in their weeds and with their tears as often as the members of the committee have, they would know that they have got to hold down their own impulses of generosity all the time, and if they err at all, it is on the side of

Now, I have often seen cases in the early days of my service, after the committee had heard all of the evidence and acted liberally in bringing in a bill-where some favorite Member of the House would get up with a lot of letters and statements that had never been submitted to the committee and make an impassioned speech, and the House would increase the pension over that reported by the committee. That was an injustice to the committee and an injustice to those who had submitted to

the action of the committee.

The committee has the best opportunity to investigate and know the facts, as we can not have any kind of uniformity if | tion for forty-eight years?

we undertake to increase pensions over the reports of the committee. The committee is generous and just to a fault. If we are going to come in here and double the report of the committee, double the allowances made by it, there is no telling where we will go. When a member of that committee I fought the pension of the mother of Ensign Bagley, of North Carolina, for an excessive amount. As a member of that committee I stood with it against the increase of the pension of the daughter of President Tyler, then about 80 years of age. They were both from the South. If we listened to every impassioned request of this kind that appealed to our feelings, we would be doing nothing else.

At one time there seemed to be a factious opposition to these bills by a gentleman from South Carolina, and the House made a new rule. All these bills used to be considered Friday nights, and then by a new rule they were considered on two Fridays out of each month and debate sought to be limited. It was pledged on this side—Mr. Richardson of Tennessee being the Democratic leader—that no mere factious opposition should be made to pension bills if the limit of debate was not made a part of the rule. We have kept our pledge, and now bills come in here in omnibus form, just as it is in this case, and therefore it is more important to stand by the committee as to the amount, at least when it comes to increases, than it ever was before; for, in order to get a bill through, we vote for all bills. Before this course was adopted each bill stood on its merits and an amendment could be offered. Now they are grouped in an omnibus bill, and the passing of them is a mere formality, as far as the House is concerned, and the committee is the only protection the country has. Are we going to overturn the findings of the committee, who have given \$20 more to this claimant than the widows of the general officers receive? Are we going to do that and put it up to \$100 upon the mere presentaion, eloquently and strongly made, of the gentleman from New

If we are going to do that we had better go back to the old way of considering each bill-one at a time-when there will be an opportunity to discuss this kind of an amendment when it is offered. I hope this House will stand by this committee. ing my entire service I want to say that the chairman of that committee has been just to all parties and to all sections and knew neither section nor politics as far as I could tell. Are we now going to break down the rule of the committee and let each pension day be used to offer amendments to increase sundry bills to an extent limited only by the feelings of the House that may be wrought up by the eloquent speech of an influential and able Member? I hope the House will stand by the committee in this case. My colleague from New York is a friend of mine, and I would like to help him, but this would not be helping him. It is doing an injustice to a large class of people, and if this is passed, bills for increases will trouble this House world without end.

Mr. CAMPBELL rose.
[Cries of "Vote!" "Vote!"]

Mr. CAMPBELL. Mr. Speaker, a vote is asked for. I simply want to say this: I yield to no one in appreciation of the services of Rear-Admiral Coghlan, but there is nothing exceptional or unusual in his service or in the case of his widow. We have erred, I think, in our generosity by proposing to increase the pension she now draws from \$30 to \$50 a month. If this pension is still further increased, I serve notice on this House that as a member of the Pensions Committee, if a Member of the House has an application for a pension for the widow of a private soldier for \$25 or \$30 or \$50 a month, I shall endeavor to get a favorable report on that bill. [Applause and laughter.1

These exceptionally high rates of pension to the widows of officers who have had distinguished service in the army and navy have already gone altogether too far. We are asked here to establish another precedent by following those already made. Every one of these bills that have been passed has been recited here this morning as a precedent for passing this.

Mr. OLLIE M. JAMES. Does not the gentleman think that the statement which he has made that he will endeavor to get pensions for \$25 and \$30 or \$50 a month for all widows hereafter will tend to encourage the passage of this amendment? [Laughter.]

Mr. CAMPBELL. No; because I am sure the Members of the House know that the country can not now go to that rate of pensions for the widows of soldiers.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield. Mr. GAINES of Tennessee. How many other cases are now in existence where a man has served in the navy with distinc-

Mr. CAMPBELL. But he was a retired naval officer, and did not die of injuries incurred in the service or in the line of duty, and he left his wife about \$7,000 worth of property, and she got a \$30 pension under the general law soon after his death.

Mr. GAINES of Tennessee. How old was Admiral Coghlan

when he died?

Mr. CAMPBELL. I am not sure about that, but I am told that he was 66.

Mr. OLCOTT. Sixty-five.

Mr. CAMPBELL. But he was educated at the expense of the Government. He has been on the government pay roll since 1860, for almost half a century; lived well in the best circles of society, and saw but little active service. The first gun that was fired in the harbor of Manila was fired from his battle ship, but not by him, as has been claimed, but by some private soldier whose widow will get about \$12 a month if he should die in line of duty or of injuries incurred in the service. Mr. Speaker, I call for a vote, and I hope the amendment will be voted down.

Mr. OLCOTT. Mr. Speaker, before a vote is taken, I would like to put in the RECORD a statement which is made by the

Pension Committee itself:

Admiral Coghlan was born in Frankfort, Ky., December 9, 1844; he was appointed acting midshipman September 27, 1860, and thereafter rendered continuous and exceptionally distinguished service, being promoted through the successive grades to that of rear-admiral, attaining that rank April 11, 1902.

I merely want to see that that one statement goes into the RECORD to show that this is an exceptional case, and can not be guided by the arbitrary rules of the Committee on Pensions.

Mr. COCKRAN. Mr. Speaker, I would like to ask the gentleman a question. Owing to the confusion in the Hall, I could not hear what he said. Do I understand the gentleman to say that this officer had served in both wars, the civil war and

the war with Spain?

Mr. OLCOTT. Oh, certainly.

Mr CAMPBELL. He was a cadet at Annapolis during the war of the sixties.

Mr. OLCOTT. I will read from the records of the Navy Department:

On May 28, 1863, he was promoted to acting ensign; July 20, 1863, he was sent to the U. S. S. Sacramento and served on that ship until August 17, 1865—

Mr. COCKRAN. He actually served in two wars? Mr. OLCOTT. Yes. Mr. COCKRAN. Each time before the guns of ti Each time before the guns of the enemy?

Mr. OLCOTT. Yes.

Mr. CAMPBELL. He served as a cadet in the Naval Academy during the fighting that saved the country.

Mr. COCKRAN rose. [Cries of "Vote!" "Vote!"]

Mr. COCKRAN. Oh, let us have the facts in the case. There seems to be some conflict about them.

Mr. OLCOTT. I will read from the record from the Navy

Department-

Mr. COCKRAN. Has the gentleman from New York heard the correction of his statement made by the gentleman from Kansas [Mr. Campbell]?

Mr. OLCOTT. I did not hear. Mr. COCKRAN. What I wa clearly before the House. I un What I want is to get both statements House. I understand the gentleman from New York to have stated that this officer, Admiral Coghlan, served in two wars, serving each time actually before the guns of the enemy, and I understand the gentleman from Kansas [Mr. Campbell] to correct that statement and to say that his whole service during the civil war was inside the limits of the Naval Academy.

Now, I would like to have the facts made clear to this body, because if that officer served in two wars, risking his life in both, his case is a little different from one who has served in

but one war.

Mr. OLCOTT. I would say, in answer to my colleague from New York, that Admiral Coghlan was appointed on September

27, 1860, acting midshipman.Mr. COCKRAN. What does that mean?Mr. OLCOTT. That means in the academy, and on May

Mr. GILLETT. Will the gentleman let me ask him a question?

Mr. OLCOTT. Let me read-

Mr. GILLETT. That means at that time he entered the

Mr. OLCOTT. I presume that is what acting midshipman

Mr. GILLETT. It means he entered the academy. Mr. OLCOTT. On May 28, 1863, he was promoted to acting

ensign, and on July 20, 1863, he was sent to the U.S. S. Sacramento, where he served-

Mr. COCKRAN. He served on a ship. Mr. OLCOTT. Yes; until August 17, 1865, after the close of

the war, when he was detached on waiting orders,

Mr. HULL of Iowa. Was the Sacramento a fleet ship or a training ship? You remember at that time naval cadets had four years in the academy and then two years on a training

ship. I would like to know if that was not a training ship.

Mr. OLCOTT. It was a ship. [Cries of "Vote!" "Vote!"]
I want to say to the gentleman from Iowa that the Sacramento was a fighting ship in the service, I am credibly informed by a gentleman, who is a graduate of the Naval Academy.

Mr. CAMPBELL. It was a training ship.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. OLCOTT. Mr. Speaker, I demand a division.

Mr. HULL of Iowa. Mr. Speaker, let us have the ayes and

noes on this; it is a very important matter.

The SPEAKER pro tempore. The House is considering bills as in Committee of the Whole House on the state of the

Mr. HULL of Iowa. Mr. Speaker, a parliamentary inquiry. My understanding is that we are considering bills in the House as in the Committee of the Whole, which means that we are in the House

The SPEAKER pro tempore. Under the five-minute rule. Mr. HULL of Iowa. I withdraw my request for the moment. The House divided; and there were-ayes 42, noes 103.

So the amendment was rejected.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Loudenslager, a motion to reconsider the vote by which the several bills were passed was laid on the table.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New Hampshire will suspend for a moment.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on January 22, 1909, they had presented to the President of the United States, for his approval, the following joint resolutions and bill: H. J. Res. 232. Joint resolution to enable the States of Mis-

sissippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Missis-

sippi River and adjacent territory; H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Missis-

sippi River and adjacent territory; and H. R. 15098. An act to correct the military record of John H.

Lavne.

CONTESTED ELECTION CASE-DANTZLER V. LEVER.

Mr. MANN. Mr. Speaker, I rise to call up a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 465.

Resolution 465.

Resolved, That Alexander D. Dantzler was not elected a Member of the Sixtleth Congress from the Seventh Congressional District of South Carolina and is not entitled to a seat therein.

Resolved, That Asbury F. Lever was elected a Member of the Sixtleth Congress from the Seventh Congressional District of South Carolina and is entitled to a seat therein.

Mr. MANN. Mr. Speaker, I ask for a vote.

The question was taken, and the resolution was agreed to.

CONTESTED ELECTION CASE-PRIOLEAU V. LEGARE.

Mr. MANN. I also offer the following privileged resolution. The SPEAKER. The gentleman from Illinois also offers the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolution 466.

Resolution 466.

Resolved, That Aaron P. Prioleau was not elected a Member of the Sixtieth Congress from the First Congressional District of South Carolina, and is not entitled to a seat therein.

Resolved, That George S. Legare was elected a Member of the Sixtieth Congress from the First Congressional District of South Carolina, and is entitled to a seat therein.

Mr. MANN. Mr. Speaker, I ask for a vote.

The question was taken, and the resolution was agreed to.

CONTESTED ELECTION CASE-MYERS V. PATTERSON.

Mr. MANN. Mr. Speaker, I also offer House resolution No.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

Resolution 467.

Resolved, That Isaac Myers was not elected a Member of the Sixtieth Congress from the Second Congressional District of South Carolina, and is not entitled to a seat therein.

Resolved, That J. O. Patterson was elected a Member of the Sixtieth Congress from the Second Congressional District of South Carolina, and is entitled to a seat therein.

Mr. MANN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to.

WITHDRAWAL OF PAPERS.

Mr. Gregg, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Cooper Walker (H. R. 16088), Fifty-eighth Congress, no adverse report having been made thereon.

SPEAKER PRO TEMPORE FOR SUNDAY.

The Speaker designated Representative Calder as Speaker pro tempore for to-morrow, Sunday, January 24, 1909.

ADJOURNMENT.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock p. m.) the House adjourned until Sunday, January 24, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, transmitting a detailed statement of documents received and distributed during the year 1908 (H. Doc. No. 1363), was taken from the Speaker's table, referred to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25552) to amend an act entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company,' approved March 2, 1907," approved March 16, 1908, reported the same with amendments, accompanied by a report (No. 1911), which said bill and report were referred to the House Calendar.

He also, from the Committee on Expenditures in the Post-

Office Department, to which was referred the resolution of the House (H. Res. 475) requesting information from the Postmaster-General relative to rents paid for post-office purposes in the States of Pennsylvania, Illinois, Florida, and California, reported the same with amendment, accompanied by a report (No. 1912), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., \$79.95, for damages inflicted upon gasoline steamer Clyde by light-house tender Oleander, reported the same without amendment, accompanied by a report (No. 1913), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15624) for the relief of George A. Armes Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (H. R. 26966) granting an increase of pension to Orley B. Giffin-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26059) for the relief of Frederick M. Loveless-Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 24681) granting a pension to Henry B. Edwards—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. HUMPHREY of Washington: A bill (H. R. 26984) extending the time for the construction by James A. Moore or his assigns of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington—to the Committee on Rivers and Harbors.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 26985) authorizing a survey of the Bogue Phalia, Mississippi—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26986) to authorize a survey of Cassidy

Bayou, Mississippi—to the Committee on Rivers and Harbors.

By Mr. DAVENPORT: A bill (H. R. 26987) to appropriate

\$500,000 to survey, dredge, and deepen the channel and remove the obstructions in the Arkansas River in the State of Oklato the Committee on Rivers and Harbors.

By Mr. McGAVIN: A bill (H. R. 26988) to amend sections 1 and 2 of the act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907—to the Committee on the District of Columbia.

By Mr. BATES: A bill (H. R. 26989) to aid the Gridley Memorial Association in the erection of a monument to Charles Vernon Gridley, late a captain, United States Navy, and John P. Vincent Gridley, late a lieutenant, United States Marine

Corps—to the Committee on the Library.
By Mr. BURNETT: A bill (H. R. 26990) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limits of said grant—to

the Committee on the Public Lands.

By Mr. LOWDEN: A bill (H. R. 26991) for permanent consular improvement and commercial enlargement-to the Com-

mittee on Foreign Affairs.

Also, a bill (H. R. 26992) for the reestablishment of a na-

tional consular school—to the Committee on Foreign Affairs. By Mr. POLLARD: A bill (H. R. 27048) to provide for the inspection and grading of grain entering into foreign commerce and to secure uniformity in standards and classifications of export grain, and for other purposes-to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Resolution (H. Res. 505) requesting information from the Secretary of the Interior concerning pension certificates—to the Committee on Appropriations.

By Mr. MACON: Joint resolution (H. J. Res. 245) to provide for a survey of the harbor and shore line of the Mississippi River at Helena, Ark., with a view of improving the said harbor and preserving the present shore line of the Mississippi River in front of said city for the purpose of navigation and commerce-to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 26993) granting an increase of pension to Lafayette North-to the Committee on Pensions.

Also, a bill (H. R. 26994) for the relief of Rowan County. Ky.—to the Committee on War Claims.

Also, a bill (H. R. 26995) for the relief of Eliza J. Johnsonto the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 26996) granting an increase of pension to Charles M. Everett-to the Committee on Invalid Pensions.

Also, a bill (H. R. 26997) granting an increase of pension to

John D. Oakley—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 26998) to remove the charge of desertion from the military record of George W. Philpott and to grant him an honorable discharge—to the Committee

on Military Affairs.

Also, a bill (H. R. 26999) granting an increase of pension to George M. Veach—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 27000) granting a pension to

Albert Lemmerman—to the Committee on Pensions.

By Mr. CALE: A bill (H. R. 27001) granting an increase of pension to George T. Kelly-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27002) granting an increase of pension to James McDonough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27003) granting a pension to May A. Price—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27004) granting a pension

to Margaret Moriarty-to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 27005) granting an increase of pension to Peter McHugh-to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 27006) granting an increase of pension to George F. Black-to the Committee on Invalid

By Mr. ELLIS of Missouri: a bill (H. R. 27007) to correct record of Frank Brainard-to the Committee on Military

By Mr. FINLEY: A bill (H. R. 27008) granting an increase of pension to Charles F. Schlorff-to the Committee on Invalid

By Mr. FOSTER of Illinois: A bill (H. R. 27009) granting an increase of pension to Joshua Hatcher-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27010) granting an increase of pension to

William P. Carlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27011) granting an increase of pension to
John T. McGaughey—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 27012) granting an increase of pension to John M. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27013) for the relief of Thomas J. Lovell—to the Committee on Claims.

By Mr. GILHAMS: A bill (H. R. 27014) granting an in-

crease of pension to Sophia I. McLeod—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 27015) granting a pension to Luella Bell Davis-to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 27016) granting a pension to

William Tanner—to the Committee on Pensions.

By Mr. HENRY of Texas: A bill (H. R. 27017) for the relief of the heirs of Nancy Senter-to the Committee on War Claims.

By Mr. HILL of Mississippi: A bill (H. R. 27018) for the re-lief of the estate of Phereby R. Sheppard, deceased—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 27019) granting an increase of pension to Alfred Bugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27020) granting a pension to Catherine elly—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 27021) granting an increase of pension to George H. Walker-to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 27022) to correct the military record of John A. Patterson-to the Committee on Military Affairs,

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 27023) for the relief of the Charles Clark Chapter, United Daughters of the Confederacy, of Cleveland, Miss .- to the Committee on

By Mr. KENNEDY of Iowa: A bill (H. R. 27024) granting an increase of pension to John Cox-to the Committee on Invalid

Also, a bill (H. R. 27025) granting an increase of pension to

Thomas H. Olinger—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 27026) granting a pension to John B. McCravy-to the Committee on Pensions.

By Mr. McHENRY: A bill (H. R. 27027) granting a pension to William F. Bodine—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 27028) granting a pension

to Samuel Jones—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 27029) granting an increase of pension to Follett Johnson—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 27030) granting an increase of pension to Joseph Lynn-to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 27031) granting an increase of pension to Andrew H. Stansberry-to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 27032) for the relief of George Sexton-to the Committee on Claims.

Also, a bill (H. R. 27033) for the relief of Axel Jacobson-to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 27034) granting an increase of pension to Uzee Bump—to the Committee on Invalid Pen-

Also, a bill (H. R. 27035) granting an increase of pension to Henry Creery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27036) granting a pension to Mary J. Brophy-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27037) granting an increase of pension to Robert Cameron, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27038) granting an increase of pension to John W. Reynolds-to the Committee on Invalid Pensions. Also, a bill (H. R. 27039) granting an increase of pension to

John N. Frazee-to the Committee on Invalid Pensions. Also, a bill (H. R. 27040) granting an increase of pension to

Abram J. Hendershot—to the Committee on Invalid Pensions. Also, a bill (H. R. 27041) granting an increase of pension to

George W. Whitacre—to the Committee on Invalid Pensions.
Also, a bill (H. R. 27042) to amend the records of the War Department as to Oliver Capron—to the Committee on Military

By Mr. SPARKMAN: A bill (H. R. 27043) granting an increase of pension to Enoch B. Phelps-to the Committee on

By Mr. WATSON: A bill (H. R. 27044) to correct the military record of Leopold Baudendistel-to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 27045) granting an increase of pension to Jimerson S. Tweed—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 27046) granting a pension to Emil Clafer-to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 27047) granting an increase of pension to William Lanning-to the Committee on Invalid Pen-

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of National Lumber Manufacturers' Association, of St. Louis, Mo., against reduction of tariff on lumber-to the Committee on Ways and Means

Also, petition of committee on temperance in the Presbyterian Church in the United States of America, for enactment of such legislation in the Hawaiian Islands as shall outlaw the liquor traffic-to the Committee on the Territories.

By Mr. ASHBROOK: Petition of National Headquarters Grand Army of the Republic, against consolidation of pension agencies at Washington—to the Committee on Appropriations.

By Mr. BARTLETT of Georgia: Petition of William Covert

and others, for legislation to pension members of the Telegraph Corps of the civil war-to the Committee on Invalid Pensions. Also, petition of Bar Association of Georgia, favoring H. R. 23464, increasing salaries of the Chief Justice and associate

justices—to the Committee on the Judiciary.

By Mr. BURLESON: Petition of business men of Caldwell, Tex., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of Nome-Montana-New Mexico

Mining Company, favoring appropriation for Alaska roadsto the Committee on Appropriations.

Also, petition of National Business League of America, for appropriation to erect buildings for consular service-to the Committee on Foreign Affairs.

By Mr. DAVENPORT: Paper to accompany bill for relief of J. Q. Barnum (H. R. 26378)—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Merchants' Association of New York, favoring increase of salaries of United States judges (S. 6973)-to the Committee on the Judiciary.

Also, petition of American Institute of Architects, favoring the integrity of Washington improvements by placing Lincoln memorial at the west end of the Mall, crowning Rond Point-

to the Committee on the Library.

By Mr. ENGLEBRIGHT: Petition of producers, merchants, shippers, and consumers of California, favoring decision by the Interstate Commerce Commission relative to changes in freight rates-to the Committee on Interstate and Foreign Commerce.

Also, petition of legislature of California, for appropriation for good roads in the Yosemite Valley—to the Committee on Appropriations.

By Mr. FITZGERALD: Petition of Merchants' Association of New York, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against all legislation tending to continue agitation against corporate interests, etc .- to the Committee on Interstate and Foreign Commerce.

Also, petition of forty-second annual encampment of the Grand Army of the Republic, against consolidation of pension

agencies-to the Committee on Appropriations.

Also, petition of American Institute of Architects, relative to the location of a memorial to the late President Lincoln-to the Committee on the Library.

Also, petition of National Board of Trade, against federal inspection and grading of grain (S. 382)-to the Committee on

Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Henry M. Nevins, commander in chief of the Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of clearing house of Chicago, Ill., against a parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Moses Baldwin (H. R. 26518)—to the Committee on Invalid Pensions.

By Mr. FULTON: Petition of citizens of Ohio, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)-to the Committee on the District of Columbia.

By Mr. GARRETT: Paper to accompany bill for relief of

Thomas J. Sorell-to the Committee on Claims.

Also, paper to accompany bill for relief of John M. Martinto the Committee on Invalid Pensions.

By Mr. HARRISON: Petition of Bar Association of New York City, for increase of salaries of United States judges—tothe Committee on the Judiciary.

By Mr. HAYES: Petitions of Nicholas Kohl and 143 citizens

of San Francisco and Frank M. Sherman and 82 citizens of Wash., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers-to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Charles Francis

Marshall-to the Committee on Pensions.

By Mr. HELM: Paper to accompany bill for relief of estate of John Engleman, sr.—to the Committee on War Claims. By Mr. KINKAID: Petition of numerous citizens of Nebraska,

against passage of Senate bill 3940-to the Committee on the

District of Columbia. By Mr. LANING: Petitions of J. H. Diel and others, of Mansfield, Ohio, and J. M. Mason and others, of Elyria, Ohio, favoring parcels-post and postal savings banks laws—to the

Committee on the Post-Office and Post-Roads. Also, paper to accompany bill for relief of Harrison Wagner (previously referred to the Committee on Accounts)-to the

Committee on Claims.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of Religious Liberty Bureau of Medina, N. Y., against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of American Institute of Architects, favoring integrity of the Washington improvement plan, by placing the Lincoln memorial at the west end of the Mall, crowning Rond Point-to the Committee on the Library.

Also, petition of commander of the Grand Army of the Republic, against consolidation of pension agencies—to the Committee

on Appropriations.

By Mr. MANN: Petition of National Board of Trade, against federal inspection and grading of grain-to the Committee on Interstate and Foreign Commerce.

Also, petition of National Lumber Manufacturers' Association, against reduction of duty on lumber-to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges-to the Committee on the Judiciary

Fy Mr. MARTIN: Petition of J. F. Parsch, of Aberdeen, S. Dak., against a duty on tea or coffee—to the Committee on

Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Andrew H. Stansberry-to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of citizens of Franklin and Webster counties, against a parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: Petition of J. W. Davis and others,

of Rule and Sagerton, Tex., favoring parcels post on rural free-

delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SPARKMAN: Petition of Florida State Pharmaceutical Association, against H. R. 1982, relating to the transportation of habit-forming and poisonous drugs in interstate and foreign commerce, etc.-to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of retail grocers of St. Paul, against imposition of duty on tea and coffee-to the

Committee on Ways and Means.

By Mr. TIRRELL: Petitions of Harry F. Steele and others, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Albert F. Newton and others, against parcelspost and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition against federal inspection and grading of grain (S. 382)-to the Committee on Interstate and

Foreign Commerce.

Also, petition of George H. Ely, master, and Marion R. Ely, secretary, in behalf of Grange No. 451, of Solebury, Bucks County, Pa., favoring establishment of parcels post on the rural mail-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumbermen's Club of Memphis, Tenn., in favor of Congress standing pat as to tariff on lumber-to the

Committee on Ways and Means.

By Mr. WASHBURN: Paper to accompany bill for relief of Clement Lamoureux (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of Omaha workingmen, for legisla-

tion to admit certain percentage of all races as immigrants—to the Committee on Immigration and Naturalization.

Also, petition of commander of the Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. WOOD: Paper to accompany bill for relief of Gilbert M. Everham-to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SUNDAY, January 24, 1909.

The House met at 12 o'clock m. and was called to order by the Speaker pro tempore, Mr. CALDER.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows

Oh, Thou Infinite and Eternal Spirit, Father of all Souls, above all, through all, and in us all, we lift up our hearts in prayer and praise to Thee, that God which ever lives and loves, one God, one law, one element, and one far-off divine event to which the whole creation moves. We thank Thee for those indissoluble ties which bind us to Thee and which time nor space can sever.

"We know not what the future hath of marvel or surprise, Assured alone that life and death His mercy underlies."

We are here assembled to-day in memory of a modest, unassuming gentleman who with patriotic zeal and fervor served his State and Nation upon the floor of this House unostentatiously and without conspicuousness, but who did his whole duty and has answered the last summons. "He that hath been faithful over a few things, I will make him ruler over many things." Grant that we may gather up all that is pure and noble and strong and worthy in him and strive to assimilate them and make them ours, that when the summons comes we may move forward worthy of the "well done, good and faithful servant."

Let Thine everlasting arms, O God, be about those who were near and dear to him in the bonds of love and kinship. Help them to look forward, not back, to aspire, not repine, to hope, and not despair, that though he may not come to them, they will surely go to him and live with him in that realm where love reigns supreme forever, and we shall ascribe all praise to Thee in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON HON, CHARLES T. DUNWELL,

The SPEAKER pro tempore. The Clerk will read the order of business for the day. The Clerk read as follows:

On motion of Mr. FOELKER, by unanimous consent, ordered, that there be a session of the House at 12 o'clock m. on Sunday, January 24, 1909, for the delivery of eulogies on the life, character, and public services of the Hon. Charles T. Dunwell, late a Member of the House from New York.

Mr. FOELKER. Mr. Speaker, I move the adoption of the following resolution, which I send to the desk and ask to have

The Clerk read as follows:

House resolution 506.

House resolution 506.

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. Charles T. Dunwell, late a Member of the House of Representatives from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased, in recognition of his eminent abilities, and as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. FOELKER. Mr. Speaker, by unanimous consent, this great House of Representatives meets to-day to pay its final tribute of respect to one of its Members, who passed away on

My appearance here as a Representative from Brooklyn is due to the death of the Hon. CHARLES T. DUNWELL, of the Third Congressional District of New York, and as his successor, and. in accordance with the time-honored custom of this House, it becomes my duty and honor to speak briefly in commemoration of his life and character.

I confess that the task which devolves upon me is not only a sad one, but also most difficult. I therefore trust that the Members of the House, remembering this, will accord to my shortcomings the indulgence which I am only too well aware I

shall greatly need.

CHARLES T. DUNWELL was born in the village of Newark, Wayne County, N. Y., on February 13, 1852; he was educated in Lyons Union School and later entered Cornell University in the class of 1873, and at the close of his junior year entered Columbia College Law School in the city of New York, where he was graduated in 1874 with the degree of LL, B. In the same year he was admitted to the bar and successfully practiced his profession in the city of New York up to the time of his death.

In October, 1902, Mr. Dunwell received the Republican nomination for Representative of the Third Congressional District of New York, and at the polls in November was elected by a handsome majority. In 1904 he was reelected, and again in 1906, and served with you during the first session of this Congress until the latter part of May, when he had to be removed to his home in Brooklyn on account of ill health, where he sub-

Now, Mr. Speaker, it was my good fortune to have learned to know Mr. Dunwell during the campaign of 1902, when he first ran as a candidate for Congress, and from the very beginning of our acquaintanceship during that campaign I discovered in him those noble qualities of mind and heart which so endeared him to those who knew him well. He was indeed by nature sunny and cheerful, and the very atmosphere about

him was always warm, bright, and genial.

sequently died on June 12, 1908.

The people of his district loved him. Most of his life was spent among them, and he was always prominent in all their festive gatherings. He loved to associate with them, to greet them with a smile and a hearty grasp of the hand, and in re-turn to receive their love and friendship. There is no doubt that the old soldiers, the men in the customs service, the letter carriers, and the navy-yard employees will miss him, for he was ever their friend. They learned to know his ability and his worth, and they appreciated the faithfulness and devotion with which he served them. His memory will ever be green in the hearts of the people he represented so long and so ably.

He was a self-made man. In his boyhood days he served as a messenger in the legislature of the State of New York, and it was with his earnings while employed there that he saved enough money with which to pay for his education both at the Cornell University and the Columbia College of Law. All that he was, the position that he achieved, was due to his own exertions and honest worth. His career indeed furnishes a splendid lesson to the youth of our country, and goes to show that in this land of the free and "land of opportunity," however lowly or humble a boy's origin may be, he may rise to the highest rank and obtain the most exalted station.

In regard to his death and loss, I quote from an editorial in the Brooklyn Standard Union, one of his home papers:

The announcement of the death of Charles Tappan Dunwell, who for the last five years has represented the Third Brooklyn District in the House of Representatives, will be regarded with equal surprise and regret by his constituents and the public.

Mr. Dunwell made no attempt to shine as an orator in Congress, but he served his constituents faithfully and had their entire confidence and respect, never sparing himself when the interests of Brooklyn demanded his services. He took a conspicuous part in the Republican polities of Kings County, and was at all times willing to subordinate his own aspirations to the interests of his party. Of him it can be truly said that there is no stain upon his record and that he will be followed to his grave with the sincere regrets of all with whom he came into contact.

Since I was sworn in to succeed him and have sat here in this House I have heard so many kindly words spoken of him by his colleagues that it seems almost a pity that while living he might not have known how much he was valued, trusted, and appreciated by them.

His family ties were exceptionally strong. His love and devotion for his wife and children were apparent to all. His solicitude for their welfare was ever uppermost in his mind.

He is survived by a faithful wife and two loving daughters, Elsie and Ruth, and one son, James. What a beautiful monu-ment he has left them, a structure of his own hand—the heritage of a pure and upright life. The marble shaft erected over the grave by the family and friends may crumble to earth and be forgotten, but the influence of his good deeds will continue, like the waves of the mighty ocean, rolling on until they break upon

the farther shore.

His life work is finished; death came to him as it should come to us all—not as an enemy, but as a friend; not as a defeat, but as a victory; not as the end, but as the beginning; not in the guise of a serpent, but in the form of an angel. His pleasant voice is hushed; his feet no longer press the sands along the shores of time, but those of us with whom he mingled will until our latest days be gratified for having known such a splendid character, and I believe we are all truer and better men because our friend for a time sojourned with us.

Let us therefore, on this solemn occasion, resolve so to live that when the inevitable summons comes we will be prepared

and answer, "Ready."

So live, that when thy summons comes to join The innumerable caravan that moves To that mysterious realm where each shall take His chamber in the silent halls of death, Thou go not, like the quarry-slave at night, Scourged to his dungeon; but sustained and soothed By an unfaltering trust, approach thy grave Like one that wraps the drapery of his couch About him, and lies down to pleasant dreams.

Mr. TIRRELL. Mr. Speaker, in the summer of 1903 I made a tour of the Great Lakes to visit some of the scenes immortalized by the pen of Parkman. On my return, while passing over the waters of Lake Erie, in wandering about the decks of the steamer I fell in with a gentleman who appeared to be seeking companionship. I soon learned that he was the Hon. James W. Dunwell, a justice of the supreme court of New York, whose untimely death last year was deeply deplored by the bar and judiciary of that State. One thing led to another until I ascertained his name and profession, and that his brother, Charles T. Dunwell, had been elected to the Fifty-eighth Congress and would take his seat when the next Congress opened. He kindly expressed a wish for me to become acquainted with him. On my arrival in Washington, when the Congress convened, I found that Mr. Dunwell had secured accommodations at the same hotel where I was domiciled. I met him on the day of my arrival, and an acquaintance thus so happily and peculiarly brought about soon cemented a friendship which will be one of the choicest memories of my congressional life. For years we were much together, so that we knew each other's aspira-tions, tastes, opinions, and characteristics. In no other way, indeed, can this knowledge be accurately acquired. If there is any one lesson a Congressman learns by his service here, it is not to judge any man by his first and casual impressions. He will be apt in many and most conspicuous cases to come to

erroneous, and often unjust, conclusions.

A distinguished Member of this House once told me that he had found that the Members of this body were specialists in some directions, and if you can ascertain what that specialty was you would know why that man had been elected to his sent. I do not know as our friend and colleague had any one specialty, but he had a number of what might be called "specialties" which entitled him to the honor and were probably the causes by which he attained and held his seat in the Congress of the United States. He was an optimist. He looked upon the bright side of life. He saw a silver lining in every cloud. His face was turned to the rising sun. No doubt he had his despondent days, but not often. They were temporary obscurations which were but for the moment, when the sun in all its splendor shone again. He looked ever for brighter things, both in this life and in the life to come. Never shall I forget the last evening I passed with him on his return from the South,

where he had gone in a vain search for health. A few hours respite from his sufferings made him the same delightful companion as of yore. Even then the shadows were fast gathering, but there was no diminution of his intellectual powers. They even seemed to burn with an undiminished if not an intenser light. While he realized, no doubt, his critical condition, hope eternal reigned and led him to believe that a less strenuous life might prolong his days. Directly after, he left Washington for his heaven in Prochlym seem to leave all carefully seemes forever.

his home in Brooklyn, soon to leave all earthly scenes forever.

Our colleague had an unfailing sense of humor, which smoothed over the rough obstacles of life we encounter on our way. He was an inimitable story teller. A man must have been a stoic who could hear them with solemn countenance, so when we saw him coming how welcome he became, knowing the likelihood of enlivening conversation. His literary acquirements were large, especially in historical and political subjects, so that his observations were illuminated by references to national events, and what the great statesmen of the country had said and done in connection therewith. He was conversant with the best literature of the day, and his quotations therefrom were accurate and pertinent. He did not have the ambition for an orator's reputation and consequently seldom made an elaborate He had the equipment to make one if he desired, but he preferred a terse statement to an elaborate exploitation of the subject. I do not think he ever addressed the House except on some subject in which his constituency was interested, and he never permitted any matter here in which they were interested to be neglected or passed by. He eagerly watched such measures and was indefatigable in securing votes for the side he favored. Thus he became very useful to his district, and his district knew it and appreciated and supported him handsomely at the polls.

The old soldier will not forget him, for he never failed them in their hour of need. The departments, from chief to subordinate, were acquainted with him, for he believed that it was his duty to secure for his people all the legitimate emoluments, either in appointments or government favors, possible and proper. He was an incessant worker for his constituents in all directions, and so they loved and honored him and would doubt-

less have returned him many times if he had lived.

One can pass along the pathway of life with his cloak wrapped about him looking neither to the right nor left, oblivious to others, intent only upon himself. When he reaches the river Styx and the boatman Charon appears to bear him across the river there is no one present to bid farewell. Another, like our colleague, has a different conception of his earthly duties. On he ventures along the pathway, a bright smile upon his face, a willing hand to help the helpless on his way. Lo, when he reaches the river a great multitude are gathered on its bank with rueful countenance, and when the boatman appears to bear him hence there is still a greater multitude with outstretched hands to greet him on the other shore.

So he was a friend indeed without guile. His family was

So he was a friend indeed without guile. His family was first in his deep affection, then his friends, and then those who, through regard and friendship, had honored him and themselves by his election to this body.

In view of this dispensation of Providence and this severance of earthly ties pressing home upon us at this moment, we are reminded of what Dickens says as Paul Dombey, dying, thinks he is upon a river; and indeed he was—the river of death, gliding along to the great ocean of eternity. He thinks he sees flowers upon its banks and rushes by the river's edge; then the scene closes with this apostrophe, in which we join:

Oh, thank God, all ye that see it, for that nobler fashion yet of immortality, and look upon us angels of young children with feelings not quite estranged when the swift river bears us to the ocean.

Mr. LAW. Mr. Speaker, exceptional opportunity has been afforded me during the past six years to observe the life, character, and public services of Charles T. Dunwell. For nearly six years he represented in this House a district adjoining the district that I have the honor to represent. That subdivision of the city of New York known as the "Borough of Brooklyn," with its million and a half of population, sends six Representatives to this House, and, as in the cases of all large urban communities, they must frequently cooperate and act in unison with reference to matters affecting the general community represented by such delegation.

Thus, even in the absence of any extraordinary circumstances, Members of Congress coming from and representing the same general urban community are brought into close mutual contact by close community of interests. My personal relations and acquaintance with Mr. Dunwell, originating in the manner I have indicated, became more intimate by private business relations, which we subsequently maintained in the practice of law.

On the whole, I probably knew him more intimately than did any other Member of this House. I knew him as he was in his daily life. I knew him as he was in his home and surrounded by the members of his family. I knew the esteem and confidence in which he was held by the people he represented. I knew the respect and affection he commanded from a host of personal friends.

I think that one of the most marked characteristics of his nature was that of personal loyalty. He was a man of strong likes and dislikes, which he did not hesitate to express with characteristic frankness. He may have been uncompromising in his mental attitude toward those he disliked or distrusted, but to those who commanded his confidence and affection he was loyal to the last degree and generous to a fault. For a friend there were few personal sacrifices he would not make.

His spirit of loyalty and generosity toward those he loved nowhere found more beautiful expression than in his home life. I have never anywhere seen a more perfect picture of domestic harmony and happiness than was at any time to be witnessed at his fireside. Surrounded by his wife and children and with the comforts of his home, he found his greatest enjoyment and his most intense happiness. To be away from the joys of his home life was a sacrifice he could not make with resignation. His affection for his family and his love of home life amounted to a passion.

His tastes were distinctly intellectual in their character. He was a keen student of history and he knew and understood the sweet voices of music and poetry. In his home his literary tastes found quick response and sympathy, and at his domestic hearth he found the intellectual atmosphere that furnished for him the breath of life.

Charles T. Dunwell was one of the tenderest-hearted men I ever knew. His sensitive soul could not withstand the ravages of grief for the loss of one he loved. I knew, as did many others, the saddening effect upon his life of the death of his little son. He never ceased to grieve over that loss, and I doubt if a day passed thereafter when he did not live over again the charming parental relations he had been permitted for a few short years to enjoy. It is a fact well known to the members of his family and to his intimate friends that the death of his brother, Justice James W. Dunwell, of the supreme court of the State of New York, about one year prior to the death of Mr. Dunwell, was a blow from which he never recovered, and which was in a large measure responsible for the lingering illness that finally brought him to his end.

I have spoken mainly of the life and character of Charles T. Dunwell. I need not dwell here upon the public services he has rendered. His record for honest and intelligent service in this House is well known to his fellow-Members. His work was performed with diligence and with fidelity to the trust reposed in him by the people he represented. The patriot in spirit, he gloried in the achievements recorded in American history, and intensely desired to see his country maintain and increase its proud prestige among the nations of the world. His influence could always be relied upon in favor of those measures that appealed to his spirit of patriotic pride.

measures that appealed to his spirit of patriotic pride.

A gentle and lovable spirit has passed from the scene of life's turmoil and struggle. His spirit was not that of the warrior. He could not and did not seek to trample and crush those who stood in the way of his ambition. His retiring nature, his love of home and of the quiet and intellectual walks of life in a large measure unfitted him for the warfare of American politics. It is to his honor to say that he did not fight his way to the great distinction of membership in this House. That honor came to him as a mark of esteem and affection on the part of those he so faithfully represented.

Mr. KAHN. Mr. Speaker, we have met again to pay our last tribute of respect to one of our departed colleagues. It is on occasions like this that we fully realize the wisdom of the great Persian poet and philosopher, Omar, when he said:

We are but pieces of the game He plays Upon this checkerboard of nights and days; Hither and thither moves, and checks, and slays, And one by one back in the closet lays.

CHARLES TAPPAN DUNWELL was an honored Member of this House for over five years. During that time we learned to know him as a man of sterling integrity and splendid ability. He was a true type of the American citizen. He was not born to the purple. As a boy he served as a page in the assembly of his native State. The money which he earned in that capacity helped to defray his expenses as a student at the Cornell University. The experiences of his early youth—those years in which he struggled to secure an education for himself—actuated him in later years in extending a helping hand to ambitious

young men of slender means by giving them opportunities to rise in the world. And so we find that most, if not all, of his appointees to West Point and Annapolis were boys who had attended night school, and who were compelled to work for a living during the day. Nor did his interest in them cease after the appointments had been made, for he followed their subsequent

records with the greatest pride.

Mr. Speaker, the life of our departed colleague teaches us the splendid possibilities of American citizenship. Graduated from the Columbia Law School in 1874, with the degree of LL. B., he entered upon the practice of the law in New York, and rapidly rose to a position of distinction in his chosen profession. It was but natural that he should take an active interest in public affairs. And the residents of his district honored him time and again because they had unbounded faith in him as a man, a citizen, and a patriotic American.

As a Member of this House he was a hard worker, an earnest student, an industrious Representative. He was constant in his attendance at the sessions of Congress, and it is not improbable that his death was hastened by his desire to return to his seat before he had fully recovered his health in the sunny Southland, to which he had gone when first stricken with illness.

I remember him well when he came back to us. He was feeling somewhat better, physically, and he looked to the future buoyant with hope. His doctor had advised against his attending the session in his then physical condition, but he felt it a duty to be present during the debate on the currency question in the closing days of the first session of this Congress. His last attendance here was when he voted on the currency bill. I firmly believe that his conscientious devotion to duty was largely responsible for his relapse, and but a few weeks thereafter, on the 12th day of June, 1908, he was summoned to the sleep everlasting.

He left surviving him his widow, two daughters, and a son. He was intensely devoted to his family. It was his aim to give his children every educational advantage in order that they might be properly equipped to occupy their respective stations in life. To his bereaved wife and children we extend our heartfelt sympathy, and though their loved one has gone from them, they must be comforted in the knowledge that he was highly esteemed by those who were privileged to know him, and that by reason of his many admirable traits, and his exceptional character, he was one "who was beloved by his fellow-men."

Mr. WALDO. Mr. Speaker, Charles Tappan Dunwell, the son of Almerin and Elizabeth Storms Dunwell, was born in the little village of Newark in Wayne County, N. Y., and when 2 years old moved with his parents to Lyons, a beautiful old town in the same county. Here Mr. DUNWELL spent his boyhood days, attended the union school and prepared for college at the Lyons Academy.

He entered Cornell University in the fall of 1869 as a member of the class of 1873, where his brother, the late Judge James

W. Dunwell, was at the same time a student.

He left Cornell at the close of his junior year in 1872 and entered Columbia Law School in New York City, where he graduated with the degree of LL. B. in 1874. In May of that year he was admitted to practice as an attorney and counselor of the New York bar.

He practiced law for a few years in New York City, but for some years prior to his election to Congress had been one of the successful general agents of the New York Life Insurance Mr. Dunwell had always resided in Brooklyn since

his graduation from Columbia Law School.

Four or five years after he had made Brooklyn his home he met at a friend's house in that city one evening Miss Emma B. Williams, a daughter of the late Rev. Samuel Williams, the famous abolitionist and founder of the First Baptist Church of Pittsburg. On April 22, 1880, they were married, and lived an ideally happy and congenial life-most loyal and true to each other in all the joys and sorrows, the troubles and worries, the vicissitudes of life.

Mr. and Mrs. Dunwell had four children, three of whom-Elsie, Ruth, and James W.—with their mother, survive him.

Mr. Dunwell had suffered from Bright's disease for some time, and in last February, while attending to his duties as a Member of this House, was stricken with a severe attack of this malady. His wife accompanied him to Summerville, S. C., with hopes that in this warmer climate he might recover his health.

He so far improved as to be able to return to Washington and vote with his party on many important measures. He never fully regained his former robust health, however, and becoming much more seriously affected by the dangerous disease from which he had so long suffered returned to his home in Brooklyn, never to leave it again until his death.

At the time of his death his son James was ill in the house with scarlet fever, so that the health authorities of the city would not permit a public funeral.

No committee of this House could attend, nor could his personal friends in Brooklyn be present. After private services for the family at the house, all that was mortal of our friend and colleague was laid to rest in Evergreen Cemetery.

Mr. DUNWELL was a most devoted husband and father and loyal to family ties and kindred.

The bond of affectionate sympathy, trust, and regard existing between Mr. Dunwell and his only brother, Judge James W. Dunwell, was such as seldom exists. The news of his brother's sudden and unexpected death gave a shock to Mr. Dunwell's already weakened nervous system, from which he was unable to recover, and hastened the fatal termination of his long-stand-

ing ailment. In conversation with his friends Representative DUNWELL used often to speak in terms of deepest regard and affectionate pride of the lovable character and successful career of his brother, and seemed to enjoy hardly anything so much as his frequent visits to his brother's beautiful home in Lyons, N. Y.

He came of a sturdy, long-lived ancestry, old settlers of

Wayne County.

He used to relate with great pleasure the incidents of a visit made with his father when but 6 years of age to his great-grandfather Dunwell, then hale and hearty, sound in mind and body, although 106 years old-just one hundred years older than his great-grandson, and who lived four years longer, to be 110 years of age at his death, the most remarkable man, Mr. DUNWELL often said, that he had ever met.

During his whole life Mr. Dunwell was always an active and sincere Mason; at one time master of Ancient Lodge, No. 724, A. F. and A. M. At the time of his death he was most worshipful and potential master of Aurora Grata Chapter of Rose Croix and a member of Aurora Grata Consistory, Aurora Grata Club, Kismet Temple, N. M. S., and was a thirty-third degree Mason of the Scottish and York rites.

He was always an ardent and loyal organization Republican, he and his brother, Judge Dunwell, being lifelong friends and especially loyal and devoted supporters of Senator Thomas C. PLATT during the many years the Senator was Republican leader in the State of New York. Mr. Dunwell had been active in Republican politics in Brooklyn for more than a quarter of a

century.

In 1890 he was the Republican candidate for comptroller of the city of Brooklyn, and was defeated by Theodore F. Jackson, Democratic candidate, by only a small majority. In 1902 he was elected to Congress from the third district of New York, and was reelected in 1904 and in 1906, and would undoubtedly have been again reelected in 1908 had he lived.

Throughout his congressional career Representative WELL was careful and attentive to his duties, rarely missing a division or call for tellers, and yet more rarely absent from roll call. The Republican House leaders could invariably depend upon his presence and vote when party measures came up for action. He was more devoted than any other Representative to caring for the interests of federal employees in New York.

Most measures passed in the last six years for shorter hours of labor and increase of the small compensation of the lower grades of employees in the customs service in our great city were measures introduced by him, which would probably never have been passed but for his ardent and energetic support. Every measure of this kind, whether his or that of some other Member, received his aid and hearty support.

He was always active in behalf of the veterans of the civil war, and many a one of these old soldiers is indebted to his labors for the pension that makes his old days more easy and

comfortable.

Mr. Dunwell believed in the increase of the navy, its maintenance upon a footing commensurate with the great power and wealth of our Nation. He believed that part of our war ships should be built in our navy-yards, and always supported measures for that purpose.

By his death this House has lost an honest, conscientious, hard-working, patriotic Member.

Mr. CALDER. Mr. Speaker, it is my privilege to add a word of tribute to the memory of my esteemed and honored friend, CHARLES TAPPAN DUNWELL. While on my way to the last Republican national convention the sad intelligence of his death was brought to me and to others of his friends who were on the same train. The June day was bright and sunny, but deep sorrow dulled the radiance of the sun and chilled with sad regret the hearts of those men who were his friends and colleagues.

Mr. Dunwell's illness began in May, 1907, when he suffered a severe shock through the death of his beloved brother, James W. Dunwell, justice of the supreme court of the State of New York, and from that time, though he rallied on a few occasions, even attending to his congressional duties, his health failed rapidly. His last appearance at the House was made against his physician's advice, at the time the currency bill was pending, and on the 12th day of June, 1908, he passed beyond the bounds of this mortal life.

Mr. Dunwell became a resident of Brooklyn more than a quarter of a century ago, and was a beloved and respected citizen of that city for many years. He entered the Fifty-eighth Congress two years before my election and represented the district adjoining mine. It was my honored privilege to seek his counsel in many matters of legislation, and his superior knowledge and intelligent advice often directed me in the right way.

Mr. Dunwell was one of the best informed men on the subject of American history in this country. From the first settlement in Virginia until the present day and with the settlement in every part of the country he was thoroughly familiar. His modest and gentle disposition cloaked much of his ability, but to those whose privilege it was to know him intimately his well-stored mind opened like a flower, shedding forth fragrance of thought and helpful wisdom.

Mr. Speaker-

That which the fountain sends forth returns again to the fountain.

Just so does our Maker send forth to the earth men of different types—some unobtrusive and gentle, others strong and positive, each to do his work as he is fitted, but both to be gathered back again to the fountain of immortality to be bathed in the waters of everlasting life.

To his bereaved wife and to his children I can but say:

His name will live and ever be His children's priceless legacy, While he doth rest.

Mr. FITZGERALD. Mr. Speaker, we meet to pay a final tribute to the memory of Charles Tappan Dunwell. He served almost six years in this House. His naturally modest manner, combined with ill health, deterred him from taking a very active part in debate. Had he chosen to do so, it would have been to the illumination of the subjects discussed, with resulting benefit to the country.

Mr. Dunwell was a man of liberal education, of broad culture, and of sound judgment. After years of active practice at the bar he turned to commercial life, where he achieved success. Although of a retiring disposition, he had many characteristics which atted him for public life. He was an excellent speaker, he was well informed on questions of public interest, in many civic bodies he occupied a prominent place, and his advice was freely sought and unhesitatingly followed by those who were associated with him.

In politics he was a stanch and uncompromising Republican. He believed his party best adapted to bring about the desired results in the administration of public affairs; he was sincere in his belief, and somewhat intolerant of those who did not agree

with him.

While his party had selected him as a candidate for one of the most important offices in the city of Brooklyn, and he had been an active and aggressive figure in his party's councils for many years, I had not the pleasure to meet him before he commenced his service here. He had the respect and esteem of all who knew him. However much he differed from others, he maintained and presented his views with courage, with dignity, and with a self-restraint that commanded the admiration of, but gave no offense to, those with whom he disagreed.

but gave no offense to, those with whom he disagreed.

As a result of my service in this House, a belief which I early entertained has become a profound conviction. It is beyond all question that the men of strong party beliefs and convictions, aggressive in their adherence to their belief in party government, are those whose labors are most beneficial to

the people.

Mr. Dunwell was of this type. Although differing in our political opinions, our relations were most pleasant. He was a delightful companion, a desirable associate. A man of lovable character, he endeared himself to all with whom he had any association. As an opponent it was dangerous to ignore him. Many underestimated his capacity because of his modest demeanor; but those who did so speedily realized that he was a well-equipped and resourceful competitor.

Those who were more intimately associated with him than it had been permitted to me to be more fully enjoyed and appreciated those many excellent gifts with which he had been endowed. He was devoted to his family, and his greatest pleasure and comfort seemed to be in being with them.

The community which he represented was well served. He was industrious, diligent, and faithful. He was courteous and attentive to his constituents. Well equipped by his early advantages and his ripe experience, he had so represented his district as to commend himself to the people irrespective of party.

His death was a distinct loss to his people and to the country, as well as to those dearest to him. To have known him was an advantage, to have been associated with him was a pleasure, to be permitted to voice a tribute to his memory is a privilege to be highly cherished.

Mr. LINDSAY. Mr. Speaker, I am profoundly grateful for the opportunity of participating in the tribute which this House, in obedience to an ancient and honorable custom, to-day pays to the memory of the late Representative and my distinguished colleague, Charles Tappan Dunwell, of Brooklyn, N. Y. I had the pleasure of serving with him during all of his career as a Member of this House. He died in the prime of life, leaving a host of friends saddened by the loss of one of the best and most genial friends, one of the truest and most useful of our distinguished public men. Mr. Dunwell was a very modest man, but he was always willing to give the administration and Congress the benefit of his constant study and clear and incisive logic.

He was a thorough diplomat, and, though he took vigorous and pronounced positions in debate, his uniform courtesy and good humor always disarmed hostility and won the respect and confidence of the membership of this body, without regard to

party

He was always ready. Some of the best speeches made by him were delivered upon the spur of the moment. Circumstances arose in debate in which an answer or elucidation of a situation seemed imperative, and, while he made no preparation for the delivery of a set speech, he was so full of his subject that he was prepared to present the question at issue with the cleverness, strength, and polish of a carefully revised speech.

Many instances of this faculty will occur to the memory of

the older Members with whom he long served.

But Mr. Dunwell was not a man of many words. Excellent as he was as a speaker, he was a worker rather than a talker, and he never forgot his duty to his State and country. His first love was to the people of his district, and he allowed no opportunity to pass unnoticed that enabled him to contribute to their welfare and prosperity.

their welfare and prosperity.

His death, while not unlooked for, when it came was a shock to the good people of his district and the State of New

York.

Why do the shadows oftenest come
Where the other shadows are?
Why do the hordes of anguish follow
Hard on the heels of care?
Why did Christ come sorrowing
And not to a glad refrain?
Why was the world's redemption scheme
Born in sorrow and pain?
Why is the heart of motherhood
By the hand of an infant torn?
Why must a nation travail
That some great truth be born?

Why is the wine the purest
That is the hardest pressed?
Why, after hours of toiling,
Comes the sweetest space of rest?
Why is subtlest perfume found
In flowers that grow in shade?
And why from dwellers in vales of tears
Are shapers of destiny made?

Do you think the life of Christ
Would have had that power to thrill
If there had been no Gethsemane,
No Calvary's shadowy hill?
Or do you think that your own life
Would have been pure, as it is to-day,
If the disappointments that came to it
Passed by some other way?

Mr. PARSONS. Mr. Speaker, it was not my privilege to know Mr. DUNWELL as intimately as some of those who have spoken before me, but, as a Representative from a neighboring borough of a great city, I was naturally thrown somewhat into his company. He was a country boy and a self-made man, illustrative of the tendency that has been so marked, the movement of the country people to the city, and yet he became a thorough city man. If I am not mistaken, he ran for high city office, although unsucessfully, in his home borough. And as a Representative here of a city district he was as devoted to the interests of that city district as any man could be whose life had been spent in the city from birth. Some years ago a litigation took me to Wayne County and to Lyons, the place where the Dunwell family latterly lived. The judge before whom I ap-

peared was Mr. Justice James W. Dunwell, whose name has several times been mentioned by speakers. He was very much

like his brother, Representative DUNWELL.

The esteem in which Mr. Justice Dunwell was held and the high regard that the citizens of Lyons and Wayne County had for him were due to the same traits in his character that have been alluded to as belonging to the character of Representative DUNWELL. He was able, conscientious, modest, and a faithful servant of the people. Mr. Justice Dunwell played a leading part in the political and public life of Wayne County, and even at that time his advice was eagerly sought by people on all questions as to which they were in doubt. His brother, going to Brooklyn, gained a prominent and enviable place there, too, for the name of Dunwell. Now, in a short space of time both have passed away. Have they done their part well? The record answers "yes." I remember that it was while he was visibly suffering from his mortal illness that Representative Dunwell came here to do his part as a member of his party, as a Member of this House, and as a servant to his people toward consummating legislation that he thought of greatest moment to the country. Verily, he was faithful until death.

Mr. BENNET of New York. Mr. Speaker, we meet here to-day to pay a last tribute to a friend, correctly described by our Chaplain as a modest, unassuming gentleman. In the speeches which have been made much has been unfolded of interest regarding the life and character of Charles T. Dunwell. I desire to speak briefly upon one phase, which, to my mind, illustrates a typical condition in our country in the century which has passed. We have heard, and we all know, that it was in the little, thrifty, but beautiful village of Newark that this young man commenced his career. During the nineteenth century the great progress of this country was, in the main, in the hands of men of the type of CHARLES T. DUNWELL. The great city and its influences were to come, but that was the century of the village and of the rural influence.

From each of these villages went out, as went out from Newark the Dunwells, the best young men of the village, rising by a natural prominence; rising because of ambition; because of a certain intensity of purpose; because, in the main, of clean lives; gradually ascending above the level of their fellows, selected naturally, first, for the minor honors in the community in which they lived, and then, sometimes, as in the case of Mr. DUNWELL, seeking the rising star of the ascendancy of the city influence. My colleague [Mr. Parsons] has said that, though born in the country, Mr. Dunwell became a city man. Born myself in the country, and therefore, perhaps, with larger com-prehension of the results of birth and training there, I entertain a doubt as to whether any man so born, so nurtured, and so trained ever becomes, in all essentials, a city man.

He brings with him all that is best of the country, and by

reason of his training brings to him in his later life all that is best of the city. So our friend continued in the city of his adoption the course of honor which he had begun in the country There was no mystery about it. It was a simple, natural illustration of the opportunities of American life. poet Gray one hundred and fifty years ago sang of "a youth to fortune and to fame unknown," and, with the inevitable philosophy of those days and of that country, said:

Full many a gem of purest ray serene
The dark, unfathomed caves of ocean bear;
Full many a flower is born to blush unseen
And waste its sweetness on the desert air.

There is no need in this country for so pathetic an end of life begun in a country village, and so I say, with more than passing interest, we gather to-day to mingle our recollections

as to the life that has passed. Our friend achieved honor and distinction.

from Massachusetts [Mr. TIRRELL] has well said that he served his district admirably and faithfully. He had gone from youth not to age as we know it, but to the mellow fullness of the years. He had performed each duty as it came. His family had received that tender solicitude and great affection which has been spoken of. The religion in which he believed had received daily his unashamed support. There was nothing that he need look back upon with pain or regret in the larger sense. He had grasped his opportunities as they came. He had done a man's work each day.

It is true that to the finite eye it seems as though our friend, toiling up with the labor of the early days, which we may only guess, struggling as he must have done to have gained his first foothold in the, at first, inhospitable city, achieving honors and distinction there, was taken away just at the age when having toiled, when having achieved, he could look forward to the fruition of a kindly, genial, pleasant old age. But we do not know

those things. Of what the future holds in store for any of us we know no more than on the 12th day of June we knew that CHARLES T. DUN"ELL should pass into eternal rest. Our hands can not draw aside the veil.

We can by the life of such a man be led to realize how much more there is of value in the daily achievement than in the elu-

sive hope of future remembrance.

My colleague from New York [Mr. CALDER] has spoken of the news which was brought to us in the speeding train on that June day. It did cast a shadow over us as colleagues of our dead friend, but we each had our burden. We proceeded as he would have proceeded. The work of the day was upon us. The responsibilities which the constituents in our districts had laid upon those of us who were delegates were to be discharged. We paid on that June day and on the succeeding June days, as men and as Representatives, the best tribute which it was possible for us to have paid to the memory of a man of such steadfast purposes as was Charles T. DUNWELL, by doing as he would have done in our placecontinuing to discharge the duties that were laid upon us. It is that kind of service that has made our country great. is that kind of resolve and purpose that will continue it in success and prosperity.

Coming into his fifty-seventh year, our friend had one felicity which it has always seemed to me worth while. He died in the service. There was for him no useless day. There was the long suffering and the sickness, it is true; that is the common lot of man; but there was no sitting idly by the fireside; no watching the activities of those who were to succeed him; no planning with the brain, with the body unable to fulfill the plan.

In middle life death came to him. In the stirring book of the Maccabees, drenched almost with blood, recording practically nothing but battles, except ultimate success, there is one line which gives pause, the line which has been quoted and paraphrased through the centuries since, and yet always to me a line of peace and quiet—the single line, "Nicanor lay dead in his harness." And so with Charles T. Dunwell. With every day's work done, with duties performed, on that quiet June day, when the rush and the burden were upon those of us who survived him, as the rush and the burden still are, he, with his work done, surrounded by his family, in the district which had honored him, in the State where he was born, with the fight of his life ended, lay dead in his harness.

Mr. BONYNGE. Mr. Speaker, during a session of Congress the time of Members of the House is so occupied with a multiplicity of duties that but little opportunity is afforded us to become personally and well acquainted with many of our colleagues, and it oftentimes becomes difficult for us even to keep advised as to the progress of events in the House.

It had escaped my attention until this morning that this hour had been set apart for memorial services upon the life and character and public services of our deceased colleague, whose loss we mourn and whose memory we cherish to-day, the Hon. CHARLES T. DUNWELL. I did not anticipate that I should say anything upon this occasion, and I rise now, Mr. Speaker, only to say a few brief words in token of the esteem and regard in

which I held our deceased friend and colleague.

I first met Mr. DUNWELL during the Fifty-eighth Congress. As a stranger to nearly all the Members of that Congress, I came to Washington to contest for a seat in this honorable body. Fortunately for me, I brought with me on that occasion a letter of introduction from one of my relatives to Mr. Dunwell. I well recall with what cordiality and friendship he greeted me. I found on presenting the letter to him that he was well acquainted with nearly all of my relatives, and from that time until he left us forever I was on terms of intimacy and friendship with him.

It was not my lot to serve upon any of the committees of the House with Mr. DUNWELL. He was not, as it has been said here to-day, an active Member upon the floor. I can not, therefore, speak from personal knowledge of his public service. Yet all of us knew sufficient in regard to that service to be able to testify to what has been frequently said here to-day, that he was faithful to his trust and ever watchful of the interests of his constituents.

It is not as a Member of the House that I desire to speak of him to-day, but particularly of him as a man. I found him a true and loyal friend, modest, unassuming, and unostentatious. of noble impulse, of high ideals, and of a kind and generous disposition. After all, it is those qualities of heart that we love to cherish upon such an occasion as this. There is but little that can be said of comfort either to his family or to his friends that has not already been said. Perhaps after all, Mr. Speaker, the best consolation we can give to them is to be found in that thought born within us all and so beautifully expressed by the

There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

Mr. COCKS of New York. Mr. Speaker, on occasions like this where we are gathered to pay tribute to a departed friend and colleague, it is ever impressed upon my mind that what we say here matters but little, but that what our friend did here and elsewhere matters greatly, and as we feel willing to come here to bear our testimony to the love and respect that we bore him, we desire to communicate to the family and to his friends these facts. Those that have preceded me have gone more into detail than I shall about his life. I wish to say amen to it all. We all miss his kindly, smiling face and pleasant greeting. Coming here as a new Member, I very well remember the kindly words and good advice I received at his hands. He was always willing, cheerfully, to give me the benefit of his judgment in matters wherein I sought it. He was a very useful Member of our delegation, one of the most kindly spirits I have ever known, and I trust that when the time comes for us to go to that final reckoning to which he has gone we will find as little against our record as he has against his. I feel that upon occasions of this kind one value is that we may search ourselves to see whither we are going, to see whether we are doing our full duty, not only to our constituents, not only to our State, not only to our Nation, but also to our God. Perhaps it may be well for us all to take this introspective view and see whether all is well with us. There is a duty devolving upon all of us along all these lines. We can not dodge it if we would. We must meet it from day to day. It is no more worth while for us to say in life that we are making no profession, because we are not sitting in the high seat in the synagogue, than it would be to try to dodge a vote because we are not an active Member on the floor of the House. We certainly are accountable for all our acts, for all we do, and for what we fail to do, and it is my utmost desire that while we are gathered here to-day to pay this tribute of love and respect to our beloved friend, we may take cognizance of the responsibility resting upon us, not only as Members of this House, but as citizens of this great Nation and integral parts, however small, of the Divine plan of creation.

Mr. DRISCOLL. Mr. Speaker, I can not let this occasion pass without paying my humble tribute of respect and affection to the memory of our departed friend and colleague, Charles T. Dunwell, and expressing in a few words my appreciation of his fine abilities, high character, kindness of heart, and goodfellowship, for which I entertained a very high degree of esteem and admiration.

Although we were born and reared in neighboring counties, I never had the pleasure of his acquaintance until after his election to the Fifty-eighth Congress. The Empire State's delegation in this House, consisting of 37 Members, is so large that of necessity there is not the same opportunity for intimate social intercourse between all of its Members as obtains between those of smaller States. However, I knew his brother, James W. Dunwell, who was an able and upright justice of the supreme court, and early sought the acquaintance of our new colleague from Brooklyn; and my regard and friendship for him continued to grow with passing years and my more intimate knowledge of his delightful personality and his high ideals and aspirations.

He was not a showy or ostentatious man. He never sought notoriety purely for its sake. He did not play to the galleries or do sensational things in order that his name might appear in the newspapers. He was a plain, modest, unassuming man, who did his duty day by day as he saw it. He did his committee work faithfully and well. He discharged his constitutional duties as a Representative in Congress fearlessly and according to the dictates of an enlightened judgment and conscience, and with unusual zeal and industry he served his district and looked after the many and miscellaneous matters in which his constituents were interested. His was a genial and sunny disposition. He had a keen sense of humor and a ready wit, and when feeling well and disposed to relax a little from the stern duties of his strenuous life, he was a prince of good fellows. But he was an uncompromising champion of what he believed to be right, and when his moral or political principles were assailed he was bold and courageous and intensely earnest in their defense. Even when he was afflicted with the chronic and fatal malady to which he finally succumbed, he maintained his genial and buoyant appearance and on all occasions had a pleasant word and genial smile for his friends. Bravely he fought against disease, for he loved his family, his friends, his work, and the joy of life, and wanted to live. But he faced his dread enemy with cheerful resolution born of the consciousness of a life well lived and of full preparation to give an account of his stewardship.

Like thousands of other ambitious young men who were born and reared in the country, he went to the great metropolis to seek his fortune, and he succeeded. By tireless industry, good ability, and rigid integrity he made his mark and impressed his individuality on that great intellectual and progressive center, where competition and rivalry are fierce, selfish, and unrelenting. He was fairly successful in the practice of law, in the insurance business, and in politics; but he was stricken down in middle age, while he was yet looking forward and planning for the future. He had worked hard and established an enviable reputation, and it is sad that it was not permitted him to live out the allotted years of man, that he and his family might reap the rewards of the toil and self-denial of his early man-hood. By his untimely removal a useful and honorable career in this House was cut short. His constituents will miss him, for he was a faithful and efficient Representative. We will miss him, for he was a helpful colleague and genial friend, around whose delightful companionship cluster many pleasant recollections. His family will miss him most, for he was a model and affectionate husband and kind and indulgent father.

Mr. FOELKER. Mr. Speaker, I am informed that there are a number of Members of the House who have expressed a desire to participate in these proceedings, but who are unavoidably absent to-day. I therefore ask unanimous consent that general leave to print be granted for twenty days.

The SPEAKER pro tempore. Is there objection? There was no objection.

ADJOURNMENT.

Then, in accordance with the order heretofore made, the House (at 1 o'clock and 22 minutes p. m.) adjourned.

SENATE.

Monday, January 25, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

ESTIMATE OF APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1910, \$850 for cement sidewalks, and \$150 for the necessary grading at the wholesale market square in the District of Columbia (S. Doc. No. 681), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LOCOMOTIVE-BOILER EXPLOSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 14th instant, a statement of railroad accidents, showing the number of employees and passengers killed and injured as the result of locomotive-boiler explosions during the years 1903, 1904, 1905, 1906, 1907, and 1908 (S. Doc. No. 682), which was referred to the Committee on Interstate Commerce and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the Methodist Episcopal Church of Flatwoods, W. Va., v. United States (S. Doc. No. 679); and

In the cause of Amanda M. Greaslen, administratrix de bonis non of the estate of James L. Greaslen, deceased, v. United States (S. Doc. No. 678).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, transmitted to the Senate resolutions commemorative of the life and public services of Hon. CHARLES T. Dunwell, late a Representative from the State of New York.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 23849. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war; and

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of said soldiers and sailors.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15452) to establish two or more fish-cultural stations on Puget Sound.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

H. R. 3884. An act to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or de-

H. R. 17991. An act providing for the transfer of light-house reservation at Fort Howard, Md.;

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other pur-

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26606. An act to authorize the Lewis Bridge Company

to construct a bridge across the Missouri River; and

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

CREDENTIALS.

Mr. DOLLIVER presented the credentials of Albert B. Cum-MINS, chosen by the legislature of the State of Iowa a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. BURNHAM presented the credentials of JACOB H. GAL-LINGER, chosen by the legislature of the State of New Hampshire a Senator from that State for the term beginning March 4,

1909, which were read and ordered to be filed.

Mr. OWEN presented the credentials of Thomas Pryor Gore, chosen by the legislature of the State of Oklahoma a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Legislative League of New York City, N. Y., praying that an appropriation be made to continue the work in behalf of pure food under the supervision of Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Manufactures

He also presented a petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots of Steam Vessels, of San Francisco, Cal., and a petition of Galveston Harbor, No. 20, American Association of Masters, Mates, and Pilots of Steam Vessels, of Galveston, Tex., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which were referred to the Committee on Commerce.

Mr. SCOTT presented the petition of George R. Latham, of Sago, W. Va., and the petition of Jacob W. Heavner, of Buckhannon, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving members of the civil war, which were referred to the Committee on Military Affairs.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Waterloo, N. Y., praying for the enactment of legislation to regulate the interstate transportation of Toledo, Ohio, remonstrating against the enactment of legislation

intoxicating liquors in prohibition districts, which was referred

to the Committee on the Judiciary.

He also presented a petition of the New York Chapter, American Institute of Architects, of New York City, N. Y., praying for the enactment of legislation providing for the erection of the Lincoln monument in the District of Columbia upon the site selected by the Park Commission, which was referred to the Committee on the Library.

He also presented a memorial of the Forty-second Annual National Encampment, Grand Army of the Republic, of Toledo, Ohio, remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. DEPEW presented a petition of the New York Chapter, American Institute of Architects, of New York City, N. Y., praying for the enactment of legislation providing for the erection of the Lincoln memorial in the District of Columbia on the site recommended by the Park Commission; which was referred to the Committee on the Library

He also presented a petition of sundry citizens of Westfield, N. Y., and a petition of Seneca Grange, No. 44, Patrons of Husbandry, of Seneca Falls, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of trustees of the State School of Agriculture, of Morrisville, N. Y., praying for the enactment of legislation providing for the enlargement of the proposed bureau of authority to supply intelligent labor to the farmers of the country, which was referred to the Commit-

tee on Agriculture and Forestry.

Mr. GUGGENHEIM presented a memorial of the Forty-second National Annual Encampment, Grand Army of the Republic, of Toledo, Ohio, remonstrating against the enactment of legisla-tion providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee

on Pensions.

Mr. OWEN presented a petition of the Creek Nation of Indians, of the State of Oklahoma, and the petition of Samuel J. Crawford, of the State of Oklahoma, praying for the enactment of legislation authorizing the Senate Committee on Indian Affairs to examine and adjust the amount of losses sustained by Creek Indian soldiers who enlisted in the civil war, which were referred to the Committee on Indian Affairs.

Mr. PILES presented a petition of sundry citizens of Ferndale, Wash., praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of the Fillmore County Business Men's Association, of Preston, Minn., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State Horticultural Society, of Minneapolis, Minn., remonstrating against the enactment of legislation providing for the free distribution of seeds, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Holloway, Minn., remonstrating against the imposition of any duty or tax on teas or coffees, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Brecken-ridge, Minn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of sundry citizens of the State of New Hampshire, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Glenn E. Husted, of Washington, D, C., praying for the enactment of legislation providing for the extension of Franklin street, in the District of Columbia, which was referred to the Committee on the District of Co-

He also presented a memorial of the Anacostia Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation to regulate the licensing of builders in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of the Forty-second Annual National Encampment, Grand Army of the Republic, of providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on

Mr. BROWN presented a petition of the Woman's Christian Temperance Union of Wahoo, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the

presented a petition of the Commercial Club of McCook, Nebr., and a petition of the Commercial Club of Columbus, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which were referred to the

Committee on Post-Offices and Post-Roads. He also presented a petition of sundry citizens of Oxford, Nebr., praying for the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices

and Post-Roads.

Mr. BURKETT presented a petition of the Commercial Club of Columbus, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented a petition of the Ministerial Association of Keota, Iowa, praying for the enactment of legislation to prohibit interstate telegraphing of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Ministerial Association of Keota, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government ships and buildings, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Commercial Club of Davenport, Iowa, remonstrating against the passage of the socalled "parcels-post" bill, which was referred to the Committee

on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Keota, Iowa, praying for the enactment of a Sunday rest law for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Des Moines, Iowa, praying for the repeal of the duty on hides, which was re-

ferred to the Committee on Finance.

He also presented a petition of sundry citizens of Keota, Iowa, praying for the enactment of legislation to prohibit the importation of opium, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Keota, Iowa, praying for the enactment of legislation requiring the clear labeling of all intoxicating liquors, which was referred to

the Committee on Manufactures.

He also presented a petition of Lafayette Grange, No. 208, Patrons of Husbandry, of Franconia, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 8541) to amend section 12 of the act regulating the practice of medicine and surgery in the District of Columbia, reported it without amendment

and submitted a report (No. 837) thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 21926) for the organiza-tion of the militia in the District of Columbia, reported it with amendments and submitted a report (No. 838) thereon.

Mr. CLAPP, from the Committee on Claims, to whom was recommitted the bill (S. 6986) for the relief of registers and former registers of the United States land offices, reported it with an amendment and submitted a report (No. 839) thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 8223) turning over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes, reported it without amendment and submitted a report (No.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois, reported it without amendment and submitted a report (No. 841) thereon.

Mr. BORAH, from the Committee on Irrigation, to whom was

referred the bill (S. 8376) providing for the reappraisement of unsold lots in town sites on reclamation projects, and for other purposes, reported it with an amendment and submitted a report (No. 842) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 24151) to authorize the Secretary

of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va., reported it with amendments and submitted a report (No. 843) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24492) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York, reported it without amendment and submitted a report (No. 844) thereon.

RILLS INTRODUCED.

Mr. GUGGENHEIM introduced a bill (S. 8765) granting an increase of pension to Robert L. Rohm, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills, which were severally read twice by their titles, and, with the accompanying pa-

pers, referred to the Committee on Pensions:

A bill (S. 8766) granting an increase of pension to Oscar F. Gammon; and

A bill (S. 8767) granting an increase of pension to Frank Cleaves.

Mr. CULLOM introduced a bill (S. 8768) granting an increase of pension to James E. Simpson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CUMMINS introduced the following bills, which were severally read twice by their titles and referred to the Commit-

tee on Pensions:

A bill (S. 8769) granting an increase of pension to Andrew Balfour; A bill (S. 8770) granting a pension to Elizabeth Graft;

A bill (S. 8771) granting an increase of pension to Charles Stevens;

A bill (S. 8772) granting a pension to Jeremiah Williams; A bill (S. 8773) granting an increase of pension to Hermund Gudmandson;

A bill (S. 8774) granting an increase of pension to Joseph R. Landis; and

A bill (S. 8775) granting an increase of pension to John Newhouse

Mr. OWEN introduced a bill (S. 8776) to enable the Secretary of the Interior to dispose of the affairs, of the Five Civilized Tribes, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 8777) granting an increase of pension to Fred A. Rudolph, sr., which was read twice

by its title and referred to the Committee on Pensions.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 8778) granting an increase of pension to Pauline Suing Bloom, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 8779) granting a pension to Mary A. Hubbell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8780) to provide for raising a volunteer army of the United States in time of actual or threatened war, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 8781) to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation and to provide for the conservation and the sale of timber on such reservation, which was read twice by its title and referred to the Committee on Indian Affairs

He also introduced a bill (S. 8782) granting a pension to Regina Ebert, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 8783) granting an increase

of pension to Alfred Saxey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 8784) for the relief of the heirs of E. H. Abercrombie, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. S785) for the relief of the legal representatives of Anderson Abercrombie, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 8786) to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties, Mich., which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 8787) for the relief of Sophie M. Guard, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Immigration:

A bill (S. 8788) naturalizing Charles W. Hilliker; and A bill (S. 8789) naturalizing Charles Walkley LaDu.

Mr. SMITH of Michigan introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions

A bill (S. 8790) granting a pension to Elizabeth A. Stebbins; A bill (S. 8791) granting an increase of pension to George M. Horton; and

A bill (S. 8792) granting an increase of pension to Frank D.

Newberry (with the accompanying papers)

Mr. NIXON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8793) granting a pension to Elizabeth E. Hurst; and

A bill (S. 8794) granting an increase of pension to James C.

Mr. DEPEW introduced a bill (S. 8795) to issue certificates of honorable discharge from the army to veterans of the mili-tary telegraph corps, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DICK introduced the following bills, which were severally read twice by their titles and referred to the Committee on

Pensions:

A bill (S. 8796) granting a pension to Frank G. Treash; and

A bill (S. 8797) granting a pension to Cynthia A. Brown.

Mr. CLAY introduced a bill (S. 8798) for the relief of the
wardens and vestry of St. Peter's Episcopal Church, Rome, Ga.,
which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.
Mr. BRIGGS introduced a bill (S. 8799) for the relief of

Allan L. Briggs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 8800) granting an increase of pension to S. Louise Perry, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT (for Mr. Elkins) introduced a bill (S. 8801) granting an increase of pension to Charles G. Allen, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 8802) for the relief of the estate of Frederick Arbour, deceased, which was read twice

by its title and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 8803) to codify, revise, and amend the postal laws of the United States, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. GUGGENHEIM introduced a joint resolution (S. R. 120) providing for a careful inquiry and report respecting the operation and administration of the National Forest Service, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

GOLD MEDALS TO ORVILLE WRIGHT AND WILBUR WRIGHT.

Mr. FORAKER. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 119) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That in recognition and appreciation of the great services of Orville Wright and Wilbur Wright, of Ohio, rendered the science of aerial navigation in the invention of the Wright aeroplane, and for their sbility, courage, and success in navigating the air, the Secretary of War be, and he hereby is, authorized and directed to cause to be struck and presented to Orville Wright and Wilbur Wright appropriate gold medals with suitable emblems, devices, and inscriptions, to be determined by him; and that to enable the said Secretary to carry this resolution into effect a sufficient sum of money is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURKETT submitted an amendment proposing to appropriate \$10,000 for grading Adams Mill road in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PAYNTER (by request) submitted an amendment proposing to appropriate \$10,000 for the purpose of purchasing ground adjacent to the Fillmore School in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$150,000 to complete the marine garrison, navy-yard, Bremerton, Wash., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval

Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate \$1,107.05 for payment to Eli Roscoe, a Sisseton Indian who served in the army of the United States during the war of the rebellion, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. DICK submitted an amendment relative to travel pay to Philippine volunteers intended to be proposed by him to the army appropriation bill, which was ordered to be printed and. with the accompanying paper, referred to the Committee on

Military Affairs.

He also submitted an amendment proposing to change the title of warrant machinist, etc., in the navy, intended to be proposed by him to the naval appropriation bill, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

ACCOUNTS OF COLORADO POSTMASTERS.

Mr. TELLER. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 260) was read, as follows:

The resolution (S. Res. 260) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters, named on the annexed memorandum schedule, who served at post-offices in Colorado in terms between July 1, 1864, and July 1, 1874; the zame that were stated by the Secretary of the Treasury on April 23, 1906 (S. Doc. No. 401, 1st sess., 59th Cong.), in reply to Senate rezolution No. 92, first session, Fifty-ninth Congress, dated March 6, 1006; and the Secretary of the Treasury is hereby directed to report to the Senate such stated and audited salary accounts of former postmasters as soon as they can be made ready.

Mr. HALE. Mr. President, this is a very old "settler." I move that the resolution be referred, with the accompanying paper, to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

THE NAVY DEPARTMENT.

Mr. HALE submitted the following resolution (S. Res. 261), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Naval Affairs is authorized to inquire into the methods of expending in the Navy Department money appropriated by Congress for the naval establishment, and whether such expenditures are made in the most useful and economical manner, and whether the system under which the public business is conducted in navy-yards and naval stations and in the Navy Department in Washington is the best that can be attained, and whether any legislation by Congress is needed and is desirable to improve the administration of the Navy Department.

INSPECTION OF STEAM BOILERS.

Mr. BURKETT. I present a compilation of state laws relating to the inspection of steam boilers, which was prepared by the United States Bureau of Labor. I move that it be printed as a document (S. Doc. No. 680).

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 22:

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States.

On January 23

S. 437. An act for the relief of D. J. Holmes;

S. 2580. An act for the relief of B. Jackman; S. 2873. An act for the relief of the owners of the steam lighter Climax and the cargo laden aboard thereof;

S. 5268. An act for the relief of J. de L. Lafitte; and S. 6293. An act for the relief of Robert Davis.

On January 25:

S. 6665. An act for the relief of Charles H. Dickson.

HOUSE BILLS REFERRED.

H. R. 3884. An act to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed was read twice by its title and referred to the Committee on Finance.

H. R. 17991. An act providing for the transfer of light-house reservation at Fort Howard, Md., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 26606. An act to authorize the Lewis Bridge Company to construct a bridge across the Mississippi River was read twice by its title and referred to the Committee on Commerce.

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes was read twice by its title

and referred to the Committee on Claims.

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles

and referred to the Committee on Pensions:

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I should like to have the Senate proceed now with House bill 26399, the urgent deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropria-tions for the fiscal year ending June 30, 1909, which had been reported from the Committee on Appropriations with amend-

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the bill be read, taking up first the

committee amendments.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "District of Columbia," on page 2, line 6, to increase the appropriation for cleaning snow and ice from cross walks and gutters in the District of Columbia, under the act approved March 2, 1895, from \$2,000 to \$7,000.

The amendment was agreed to.

The reading was continued to page 3, line 7.
Mr. LODGE. In the clause just read I suggest with great deference that the wording might be improved. It says:

That hereafter no advertisement of any kind shall be displayed and no articles of any kind, except a guide to the Monument, shall be sold in or around the Washington Monument.

If it means guidebook, the word "book" ought to be inserted, so that a guidebook may be sold in and around the Monument. I do not suppose anybody proposes to sell a guide, but it may be that it is proposed to sell a guidebook.

Mr. HALE. Put in the word "book."

Mr. LODGE. I suggest the insertion of the word "book."

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 3, line 5, after the word "guide," insert the word "book."

The amendment was agreed to.

The reading was continued to line 18, page 3, the last paragraph read being as follows:

Fort Benjamin Harrison, Ind.: That the Secretary of War be, and he is hereby, authorized and directed to acquire by purchase or condemnation proceedings, for military purposes, land adjoining the military reservation of Fort Benjamin Harrison, Ind., and for this purpose the sum of \$100,000, appropriated by act of May 27, 1908, for the purchase of said land, is hereby made available.

Mr. BURKETT. It occurs to me that that is rather an un-Mr. BURKETT. It occurs to the that that is rather an di-usual appropriation in this bill. I should like to ask the Senator in charge of the bill why that particular paragraph comes in an urgent appropriation bill, and if it is usual to carry appropriations for buying land in a deficiency bill.

Mr. WARREN. I think the difficulty will be found in the fact that it is impossible to appropriate in definite terms before-

hand to cover the findings of a board of condemnation. the board of condemnation having proceeded with its work this

item now makes available money that has already been appropriated for the purpose.

Mr. BURKETT. The purchase then has been authorized? Mr. WARREN. It has been authorized heretofore. Mr. BURKETT. Very well.

The reading of the bill was resumed and continued to page 5, line 14, the last paragraph read being as follows:

To supply a deficiency in the appropriation "General expenses, Bureau of Animal Industry," including each and every object authorized by law and specified under the appropriation of \$947,200 under this title in the "Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909," approved May 23, 1908, or so much thereof as may be necessary, \$500,000.

Mr. HALE. I have a departmental communication saying that an appropriation of \$500,000 is not needed. I fully agree in that, and in order that the whole clause may be open for

examination in conference, I move to strike it out.

The VICE-PRESIDENT. The Senator from Maine proposes

an amendment, which will be stated.

The Secretary. On page 5, strike out lines 5 to 14, inclusive. Mr. CLAY. The Senator proposes to strike out the appropriation of \$500,000 for the Agricultural Department?

Mr. HALE. I propose to strike out the whole clause in order to throw it into conference for explanation.

Mr. CLAY. I think the Senator is absolutely correct, because the hearings show that only \$200,000 has been spent. Mr. HALE. I have already had a communication stating

that the amount is too large, and I want to investigate it.

The amendment was agreed to.
The reading was resumed. The next amendment was, on page 5, after line 22, to strike out the following:

EXECUTIVE OFFICE.

For purchase, care, and maintenance of automobiles for use of the President, \$12,000.

Mr. BANKHEAD. Mr. President, I desire to offer an amendment.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. BANKHEAD. I beg pardon, it is not. The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 6, after line 1, to insert:

SENATE.

For fuel, oil, and cotton waste, and advertising, for the heating and electrical apparatus, exclusive of labor, \$20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 7, after line 6, to insert:

For printing and binding for the Supreme Court of the United States, \$7,000; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

The amendment was agreed to.

The next amendment was, on page 7, after line 10, to insert: For printing and binding for the Court of Claims, \$5,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator in charge of the bill for a little information regarding the item found on page 2, beginning with line 4, for cleaning snow and ice from sidewalks and guiters. I notice that the House provided for an appropriation of \$2,000, and it has been increased to \$7,000.

Mr. President, I simply want to say that if \$7,000 is enough, of course we are fully satisfied; but if there is any question about \$7,000 being enough to keep the sidewalks and the gutters of the city of Washington clear of snow and ice, then I think

the appropriation ought to be increased.

There has been no more disgraceful spectacle in this Capital City within my recollection than the snow, the slush, ice, and dirt on the streets during the last week or ten days, marring the attractiveness of the city and interfering with the comfort and convenience of citizens and visitors. I think it is simply awful that the citizens of Washington and the visitors to the capital are obliged to go about in such mud and filth as they have been obliged to go over during the last ten days.

I should like to know whether there is not some way by which a permanent fund could be placed at the disposal of those in

authority that the streets may be kept clean.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Michigan

yield to the Senator from New Hampshire?

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. I will say to the Senator from Michigan that the subcommittee of the Committee on Appropriations now considering the District of Columbia appropriation bill has in

mind the very remedy that the Senator suggests, of appropriating a sufficient sum to enable the commissioners always to have money on hand for this purpose.

Mr. SMITH of Michigan. I hope the Senator from New Hampshire will not think that what I said was a criticism of

the committee.

Mr. GALLINGER. Not at all.

Mr. SMITH of Michigan. Of course the committee can not foresee with accuracy approaching snowstorms which will visit Washington in the springtime, and yet during the time of my service here I have seen the streets absolutely impassable from snow and ice for days at a time. It seems to me that there should be pride enough in the attractiveness of this city and in the health of its inhabitants to furnish sufficient money to make the streets clear and open for pedestrians.

Mr. GALLINGER. I will say further to the Senator, Mr. President, if he will permit me, that the Senate is not to blame in this matter. The appropriations that have been made by the Senate from year to year have been adequate to accomplish the desired result, but they have not always been kept in the

bill, much to my regret.

Mr. SMITH of Michigan. Mr. President, I wish to make one further observation. This appropriation, as I understand the Senator from Maine, is available upon the passage of the bill, and that \$7,000, if there is no deficit now in the fund, will be available for the use of the streets immediately. this is very essential.

Suppose a storm should visit this city in the latter days of February, and at the period when it is filled with strangers the streets should be full of snow or ice, it would be outrageous to present such a spectacle as that to the American people,

and yet by neglect this identical situation may arise.

I am very glad to learn that it is the intention of the committee to take some steps that will give a permanent fund from which work of this character may be performed. If the appropriation of \$7,000 is sufficient, I am not going to move an amendment, but if it is not sufficient I hope that an amendment will be offered by the committee, and that we may have an ample fund for this purpose.

Mr. HALE. I do not know, Mr. President, whether this appropriation of \$7,000 will be enough to meet all the storms that may visit us between now and the 4th of March, but it is a great deal better than \$2,000. That everybody will realize.

The Senator from Michigan and the Senate may as well understand now that in Washington row can not also the

derstand now that in Washington you can not clear the snow and ice from the streets and make them comfortable for travel, and to reach the doors of houses when driving in carriages to the sidewalks by any appropriation of \$2,000 or \$7,000 or \$70,000. The city is different from any other city in the United States, it may be, in the world. Its breadth of streets and of sidewalks and the many reservations and parks make it entirely different from a compact city with narrow streets and narrow sidewalks, or a city which has immense revenues at its disposal.

If the Committee on the District of Columbia, which primarily has jurisdiction of this subject, and which treats all matters that come before it most intelligently, should undertake a scheme by which after a snowfall all snow and ice should be removed from the streets, as is done in New York, Philadelphia, and other great northern cities, it would take more than \$100,000 to do it. We never have embarked upon that, and, Mr. President, we never will have a comfortable time for ourselves, our families, our guests, and the many people who betake themselves to Washington, especially before the ceremonials which attend the inauguration of the President once in four years, without appropriating large sums. That we have never done,

and I fancy we are not likely to do it.

We shall have to submit to these inconveniences. It is as much as your life is worth, if you are in a cab, to get it up to the sidewalk and get to your own door. Certain portions of that great street, Pennsylvania avenue, the noble roadway which is perhaps more used than any other—the south side of that avenue-I have not been over it this morning, but I was over it on Saturday-is nothing but an accumulation of snow and ice, hundreds, and perhaps thousands, of tons in the extent of one mile, piled up between the sidewalks and the railway in the center of the street. There is no force, there is no money, and there has never been, under which the Commissioners of the District can set a hundred carts at work to cart that off, as is done in other great cities. It has never been done here, and will never be done until we embark in a range of appropriations into which we have never entered.

It will cost a great amount of money every winter to clear up the snow and cart it away as fast and as soon as it falls, so as to keep the streets clean, as is done in large cities after two

or three days. I am not certain but that I should vote for it if it comes in that form; but the District Committee must formulate what legislation is needed and must inquire into the extent of these appropriations. When that committee either puts it on the District appropriation bill, or reports it as an amendment to a bill of this kind, we shall have it before us, but not till then.

Mr. SMITH of Michigan. Mr. President, I am not ready to admit that a well-organized and properly disciplined force may not be equal to such an emergency as we have confronted during the last ten days. There are cities that boast of their attractiveness and beauty, situated in the same degree of latitude as this, which keep their streets clean. If the fault here is with the organization having the matter in charge, then it ought to be remedied. We have less to contend with as to the volume of snow and ice than they have in New York and Philadelphia, and other large cities, and we should do the work as well at least. Indeed, we should set an example for cleanliness.

I do not want to find fault with the Committee on Appropriations or with the Committee on the District of Columbia, but these emergencies arise occasionally, and when they arise there

ought to be some way to meet them, and to meet them promptly.

Now, I venture my judgment that if the fund had been available the early part of last week during the first storm, the snow could have been cleaned from the sidewalks and the streets, and that the second storm could not have left them in such bad condition. After spending so much money on the streets, and paving them appropriately, and having the gutters properly prepared, and the sewerage properly arranged, it seems to me that we are very derelict if we do not follow it up with whatever means is necessary to make the streets passable for the citizens of Washington and the people who come here, and I hope it will be done.

I strongly commend the disposition of the District Committee in this regard, and hope that something may occur which will relieve us of the embarrassment which has confronted us

during the last ten days.

In this connection, I should like to ask a ques-Mr. LODGE. tion of the chairman of the Committee on the District of Columbia. A good deal of the bad condition of the streets of Washington after a snowfall is owing to the imperfect cleaning of the sidewalks by those who are responsible for them. House holders, as a rule, clean the sidewalks fairly well, though not very well, but nothing is done to clear the sidewalks in front of the houses that are not occupied that are for rent, or in front of lots that are unimproved or vacant lots with no houses upon them. That is possible in every part of the city and country and makes the sidewalks in many places as bad for passengers as are the roadways.

I do not know whether there is here an ordinance such as we have in most of the other cities, compelling the cleaning of sidewalks by the owners of adjacent lots. If there is no such ordinance, there ought to be one, and it ought to be enforced if there is one now in existence. I should be very much obliged if the Senator from New Hampshire could tell me whether there is such an ordinance or, if there is not, why there should not be one.

Mr. GALLINGER. Mr. President, replying to the Senator's interrogatory, I will say that we have been recently endeavor-ing to find a remedy for the condition of things that is being complained of. In 1895 a bill was passed upon this subject, which answered the purpose in part, but not wholly. In 1897 it was amended, and a bill very elaborate and very strict in

its terms was made into law.

I do not remember exactly, Mr. President, when the question of the constitutionality of an act of this kind first arose in a State of the Union; but I do remember that in my own city, where we had a law requiring the owners of abutting property to clear sidewalks, the issue was made some years ago—ten years ago, I think—and the supreme court of the State of New Hampshire declared the law to be unconstitutional, saying that it was the duty of the municipality to care for the sidewalks as well as the streets of the city. While I very greatly regretted that, as did every citizen of the little city of Concord, N. H., we are now laboring under that disability and we are not having the sidewalks cleared as well as we were while the law was in operation.

The law of 1897 was contested here. It went to the courts of the District of Columbia, and the lower court and the court of appeals declared that law to be unconstitutional. The comor appears declared that tak to be disconstitutional. The commissioners then undertook, by police regulation, similar to an ordinance in other cities, to accomplish the desired result. That was again carried to the courts, and was declared unconstitutional. We have had during the past three or four years other bills before our committee. Two years ago a bill was pre-

pared—I think by the corporation counsel—and was introduced by the chairman of the committee. It was submitted to the lawyers of that committee. After struggling with it for several months, as I recall the matter, they orally reported that they did not see how they could formulate a bill that would be any more likely to stand the test of the courts than the act of 1897,

and so no action was taken.

There is now a bill before the committee on this very sub-It was referred by the chairman to the subcommittee on the judiciary, composed of very good lawyers, and, as I understand the matter, the corporation counsel was asked by that committee to formulate a bill, and I think I have that bill in my hands. It has come to me indirectly that the subcommittee are now giving consideration to the bill, but they are not encouraged in the hope that the bill, as prepared by the corporation counsel, which is now before them, will stand the test of the courts, any more than the act of 1897 did.

Therefore we are in this position, Mr. President, that the courts have declared unconstitutional the bills that we have heretofore passed, and the lawyers of that committee, at leastand I have an impression that the Judiciary Committee at one time had this matter under consideration-have not yet been able to agree upon a bill which, in their judgment, will stand the test that will be made when it is appealed to the courts of the District.

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I do. Mr. SMITH of Michigan. While the subcommittee are thrashing out the question of constitutionality, is it not possible for Congress to make an appropriation sufficient to meet such an emergency?

Mr. GALLINGER. That is just what Congress is proposing When the recent storm came there was a very small amount of money available to the commissioners to do this work. They exhausted that money, and then they were estopped from doing anything further; at least they thought they were. But two or three days ago they concluded to take chances, and they put a force on the streets-which I think they might well have done at an earlier day—and they cleaned the streets and paid for it from some other appropriation, trusting to Congress to reimburse them.

Now, what the committee proposes to do, if Congress will sustain them in doing that thing, is to eliminate this little appropriation for the removal of snow and ice, to make a sufficient appropriation for the cleaning of the streets, including the removal of snow and ice, and to make it large enough to enable the commissioners to take the money out of that fund, and when a snowstorm comes rid the streets of the disagreeable condition that always follows.

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I do.

Mr. SMITH of Michigan. If it is not annoying to the Senator, I should like to inquire as to the methods of getting the street-cleaning department at work. He said, after considerable effort and some misgiving, they were able to get them to They must have had some encouragement that they would have proper appropriations to meet the expense that would be incurred.

Mr. GALLINGER. I do not know, Mr. President, that the

ommissioners had any encouragement—

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. In one moment. I do not know that the commissioners had any encouragement, except that they took the chance of doing this work in the belief that Congress at some later time would care for them, so far as the expenditure of the money was concerned, as doubtless Congress will do. Now, I yield to the Senator from Ne-

Mr. BURKETT. I should like, then, to suggest to the Senator from New Hampshire upon that line that Congress has always been very ready to make a special appropriation for cleaning up the snow and ice, and that every winter one or two, or more, special appropriations have been made. I remember that such appropriations have always been passed by Congress

very quickly—generally the same day they have been asked for.
Mr. GALLINGER. Yes; we have been doing that work by
piecemeal in former years. It has been rather an absurd pro-When a snowstorm came, we have passed a joint resolution appropriating money, and that took several days. Sometimes Congress was not in session for two or three days. Congress has responded; but in the general appropriation bill, if the Senator will go back and examine that bill for several years, he will find that the Senate has made an appropriation probably sufficiently large to care for this matter. It has, however, been lost in conference, and the Senator from Nebraska knows that the Senate can not help that; but the disposition is, I will say to the Senator and to the Senate, on the part of the committee having something to do with this matter at least, to have the thing so arranged, and a sufficient appropriation made at this Congress, so that we shall not hereafter have the reproach upon us that we have recently had, so far as the condition of the streets is concerned. I assure the Senate that the Committee on the District of Columbia has a very earnest desire not to have a repetition of what has recently occurred in that regard.

Mr. BURKETT. Mr. President, I will say, since hearing the observations of the Senator from New Hampshire, that I have been a Member of both branches of Congress and have considered this matter in both branches. But what I did intend to call the Senator's attention to was that Congress had never overlooked the necessity of affording some means for cleaning the streets on such occasions as the present. It has been the policy of Congress in the past not to appropriate the entire amount in a lump sum so as to tie up an unusually large amount of the District money at any particular time, for Congress is always in session during the snow season and can respond quickly. It has been the policy of Congress in the past, and I do not think Congress in this respect is subject to criticism to the extent I have sometimes heard, because, before the first day's work inaugurated by the District is completed, an appropriation has always been made to pay for the work.

I want to say to the Senator from Michigan that, if he will give this matter attention, he will find out, as the Senator from Maine [Mr. Hale] has suggested, that it is a pretty serious problem just how far the District is going to clean off snow and ice from the streets. It is all right to talk about cleaning off the snow and ice from the streets if you confine it to a few streets; but to provide for a wholesale cleaning would, in my opinion, be very expensive upon the District and more than the

taxpayers would care to stand.

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. BURKETT. Certainly. Mr. SMITH of Michigan. The Senator from Nebraska will certainly appreciate the fact that the situation which has confronted the people of the District for the last ten days is simply disgraceful. I do not believe there is a county seat in any county in the United States that has not given more attention to the convenience and comfort of its citizens with reference to the conditions of their streets and walks during the last ten days than has the National Capital. I think the conditions have been simply disgraceful. You build your sidewalks and construct your streets and rear your statues and monuments and plant your gardens, and then ask people to go around to them through mud and slush and ice and dirt almost up to their knees. I think it is most reprehensible. With all due respect to those in authority, I do not believe that it is a proper system. If it were a proper system, this condition of affairs would not exist. I do not believe enough thought has been given the subject; certainly proper initiative is lacking. Nothing was done at all until some Senator intimated that if the commissioners did something they would be cared for. I think that is outrageous. There ought to be a fund assembled somewhere which would be available for such emergency as may arise in the National Capital.

Mr. BURKETT. Mr. President, the Senator from Nebraska will not differ with the Senator from Michigan as to the undesirable condition of the streets of Washington for the last week or ten days. However, I do want to suggest to the Senator from Michigan this thought: That the committee and Congress stand between the taxpayers, who are complaining because of their burden, and the people who are complaining because the streets are not kept more free from snow and ice. Congress has during all these years been very careful not to go so far either one way or the other as to merit the disapproval of care-

ful, thinking people.

During the last week, as I think the Senator from Michigan will admit, there have been very unusual conditions. Since I have been in Washington I do not recall a winter when such conditions have prevailed as those of the last week or ten days. Usually in Washington when a snowstorm comes, by taking care of the gutters and cross walks, within a day or two, or three, at most, nature comes to our relief and puts the streets in very good shape.

Then let me call the attention of the Senator to another

Mr. SMITH of Michigan. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Michigan?

Mr. BURKETT. Yes.

Mr. SMITH of Michigan. I have been much touched, Mr. President, by the solicitude of Congress for the people of the District of Columbia displayed by the Senator from Nebraska. It seems to me that this solicitude might be manifested in some more liberal form of government for the District. It is just possible that if the people here had a more liberal form of government, some representation of their own, and some right to regulate their own taxation, they might be able to devise some scheme for cleaning the streets that would be satisfactory.

Mr. GALLINGER. Will the Senator from Nebraska yield to

me for a moment?

Mr. BURKETT. The Senator from Michigan may want to run off into all these various things in reference to the municipal government of the District-

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Yes.

Mr. GALLINGER. I want to ask the Senator from Michigan, who is not on the Committee on the District of Columbia, and who has not these great responsibilities on his shoulders to any extent, if he has succeeded in formulating a new form of government for the District of Columbia that he could submit to that committee?

Mr. SMITH of Michigan. No; but I think I could in fifteen minutes devise some plan for cleaning the streets, at a fair cost, that would be a great improvement over that which prevails.

Mr. GALLINGER. The Senator could do that if he had-the money to do it with.

Now, Mr. President, if the Senator from Nebraska will allow me just one word-

Mr. SMITH of Michigan. I think I could do it on my credit,

and I think the Government could do it on its credit. Mr. GALLINGER. The Senator is fortunate in that respect, Mr. President, but that is not the way municipalities do business.

I want to say, in response to the criticism of the District Commissioners by the Senator from Michigan, that when the storm came they had exhausted the money on hand that had been granted to them by Congress for the purpose of cleaning the streets of snow and ice. Then they stopped; but recently they have taken the chance, hoping that Congress would reimburse them for an expenditure that they ought not to have been compelled to make.

Mr. BURKETT. Mr. President, just a word further. I want to say to the Senator from Michigan, in response to his suggestion that in about fifteen minutes, as I understood him over here, he could create some better scheme of government or something of that sort, that that is about the consideration that is usually given to these questions by the people who do

the most criticising.

Mr. SMITH of Michigan. Mr. President, I can not allow the Senator from Nebraska to put me in the attitude of saying that I could devise and formulate a system of government for the District of Columbia in fifteen minutes. That was not my statement; but when I was a boy I had considerable experience in cleaning snow off the sidewalks, and I think, in fifteen minutes, with a little help, that some scheme might be devised that would save the District from the disgraceful condition it has endured during the last few days.

Mr. BURKETT. So, Mr. President, it is the snow the Senator is going to get off in fifteen minutes instead of a plan for a different form of government for the District of Columbia.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. BURKETT. Yes. Mr. TILLMAN. I want to say, as an evidence of the interest which is being taken in this matter, that the subcommittee of the Committee on Appropriations, which has the District appropriation bill under consideration, has just had about an hour's chat with the commissioners on the subject. We were informed that the regulation, which used to obtain here when I was keep-ing house seven, eight, or ten years ago, requiring each house-holder to clean in front of his own premises immediately after a storm, has been knocked out by the court, and we are told that the police regulation on the same matter was resisted and

also knocked out by the court. Therefore, we are face to face with the proposition that either the District government will do the cleaning or it will not be done, and, considering the fact that the Government of the United States pays one half of the expenditures of the District and the residents of the District pay only the other half, while we know that if left to the individual effort of householders or renters or owners to clean the sidewalks in front of their own doors, that would be an individual expense, but if the Government undertakes the whole thing the individuals will all stop. So it would resolve itself at last into the proposition whether the Government shall pay half of it or a few householders, who are interested in keeping their premises clean, shall bear that expense, and then those of us who have to walk the streets shall have to wade through slush and moisture.

I agree with the Senator that present conditions are disgraceful. In other cities I have visited, they use horsepower, snow plows, or one appliance or another which would facilitate at a minimum of cost the removal of snow from the sidewalks very shortly after a storm. Here nobody does anything now.

Mr. SMITH of Michigan. I want to say—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. BURKETT. Yes.

Mr. SMITH of Michigan. I want to say to the Senator from South Carolina that if the householder has been derelict and has not cleaned off his sidewalk, that criticism goes to one class of people only, but I think the Senator from South Carolina will agree with me that during the last ten days the most inconvenient and disgraceful part of the whole dirty business has been in the street itself, where no way was provided for the melting snow to get to the sewers, and it was a very difficult thing to get about and cross the streets at all.

Mr. TILLMAN. Crossing from one sidewalk to another,

where the sidewalk itself was reasonably comfortable, has been the most disagreeable part of the work in Washington.

Mr. SMITH of Michigan. I think so. Mr. TILLMAN. I agree to that. I agree that it is a disgraceful situation, and I am willing, as one member of the subcommittee of the Committee on Appropriations, to provide, either by an independent bill or by an amendment on some appropriation bill, for a thorough system of cleaning the sidewalks and removing the snow at the crossings from one sidewalk to another, so that people who have to walk can get about without getting their feet wet.

I am glad the Senator has brought this matter to the at-

tention of the Senate, and I hope when a reasonable remedy may be suggested by the committee which may take it in handthe Committee on the District of Columbia or the subcommit-tee of the Appropriations Committee having charge of the Dis-trict of Columbia appropriation bill—if the House sits down on it, we will stand up and say to the House "we will not sub-mit," and that we shall fight it out and see who can stand fighting the longest.

Mr. BURKETT. Mr. President, I merely want to say in conclusion, as I was about to say when the Senator from Michigan interrupted me, that, so far as I am concerned, I never had any doubt in my mind but that the District authorities have the right to use, in taking care of the snow and ice. the fund provided for cleaning the streets, and, as I understand, that fund is the one which has been recently drawn upon.

Mr. GALLINGER. But, Mr. President, I would suggest to the Senator that the Comptroller of the Treasury has decided

that they have not that right.

Mr. BURKETT. Mr. President, I understand that that is the case, and, in that event, of course it will be necessary to amend the law by granting that authority. The practice of the commissioners has been, when a snowstorm comes, instead of keeping their forces at work, as it has always seemed to me they had a right to do, they have suspended the work and come to Congress for special appropriations to do that special work. Instead of providing for keeping the streets clean all the year round, we provide in a general appropriation bill simply for sweeping the streets, and when these emergencies come the commissioners withdraw their entire force at work and ask Congress for special legislation.

Mr. GALLINGER. Mr. President, I offer an amendment which I think is acceptable to the Senator having the bill in charge.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The Secretary. After line 9, on page 2, it is proposed to

insert:

For additional amount required, fiscal year 1909, for salaries of teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction; and teachers and janitors of night

schools may also be teachers and janitors of day schools, \$5,500, one-half of which shall be paid out of the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. CULBERSON. I hesitate to make a suggestion which may be regarded as a criticism of the grammatical expression of the committee. Nevertheless, I suggest to the chairman of the committee that certain words used on page 7 are wholly unnecessary or confusing. In lines 8, 9, and 10 it says:

And the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

I suggest to the Senator from Maine that the words "unless it shall otherwise order" are wholly unnecessary or might possibly involve authority to the Supreme Court to violate a contract with the printer.

Mr. HALE. This provision is the same that has been in the

law for years,

Mr. CULBERSON. That may be true, and I am sure it is if the Senator states it, but when it is provided that the printing for the Supreme Court may be done by whatever printer it may employ, I do not see any use to add "unless it shall otherwise order.

Mr. BURKETT. That is to prevent subletting, as I understand. I observed that reading, but I understand it is put in for the purpose of preventing subletting of this printing. It is

done by the man employed, unless otherwise ordered, so he can not sublet the printing.

Mr. HALE. That may be.

Mr. CULBERSON. The court can control that in the contract. I make no motion, but I think the words are wholly unnecessary.

necessary. It is mere tautology.

Mr. HEYBURN. I should like to obtain a little information, if I can. I have sent for the report on this bill, but I do not find the information I desire. For instance, on page 5, commencing in line 15, there is an item:

To supply a deficiency in the appropriation "Laboratory, Department of Agriculture," including each and every object authorized by law and specified in the appropriation of \$760,000 under this title in the "Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909," approved May 23, 1908, \$100,000.

I should like to know, if the Senator in charge of the bill or any other Senator can give me the information, whether or not any part of that sum is to be applied to the payment of this board of consulting scientific experts who have been making investigations and determinations in regard to pure food.

Mr. HALE. I do not know, and I have not asked that question. This is based upon the statute of last year, found in the appropriation bill, pages 4 and 5, and the departments regularly call for this deficiency to meet their requirements. How they have expended it I have not gone into on this bill. But I will say to the Senator that is one of the things covered by the resolution of the Senate, and also in the House, appointing committees which are now taking into consideration these very appropriations. It is not limited to the Secret Service of the Treasury Department, as the Senator knows, but applies to all these large appropriations, and the committees intend to and these large appropriations, and the committees intend to secure, if they can, from the departments just the kind of information the Senator requests. But we did not on this bill, which is an urgent bill, go into those questions.

Mr. HEYBURN. I suggest that the item is rather a large one in a deficiency appropriation bill, and the original appro-

priation was also very large. My mind, doubtless in common with many others, has been put upon inquiry by the appointment of this board of consulting scientific experts to pass finally

on the pure-food decisions of the chief chemist.

Mr. President, a word may not be out of place in connection with this matter, because I think the minds of Senators will be directed to it in the near future. We absolutely refused, in enacting the pure-food law, to consider favorably the proposition of establishing standards by legislation. The difference between the bill that came back to us and the bill that we sent out of this body rested largely on that question, and I am quite jealous that what we declined to do directly we shall not be found to be doing indirectly. It was the spirit of the pure-food bill that the courts should determine these questions and that no other definition than that of the courts should constitute a rule of action under the law; and yet I find every day almost some statement in the papers that some board or some com-mittee has issued its edict as to what shall and what shall not be permissible under the pure-food law.

If we sit idly by and allow the practice to drift in this direction, we might as well have accepted that proposition. It was the presence of that principle in the pure-food bill that as much as anything else held it back in Congress for almost a quarter of a century. People would not submit to the proposition that we should establish standards by legislation. The but I can not yield any further.

people who intelligently considered that measure demanded that each case should stand upon its own facts, and when the Senate expressed its final conclusion the law was so written. I want to know by what authority this board comes into existence, and I want to know what authority it claims for its conclusions.

I see that the paper says that it will probably result in displacing one of the executive officers of the Government, and that the board will be substituted for an executive officer authorized by law for whom we have been making provision year after year. If that is to be, I think we should take it into consideration when we are asked to open the Treasury of the United States and give them an extra hundred thousand dollars upon a very indefinite statement of the purpose for which it is to be used. We have already given them something over \$700,000 in the appropriation for this year, and I may be wrong in thinking that the additional expense has been caused by this unauthorized board, and if it is so, I think the Senate would be interested in knowing it.

Mr. BANKHEAD. I offer the amendment I send to the desk.

The Secretary. On page 5, after line 22, it is proposed to

insert .

To supply the deficiency in the quota of vegetable and other valuable seed authorized to be furnished each Senator and Representative, the sum of \$30,000, which the Secretary of Agriculture is required to pur-

Mr. HALE. I am constrained to make the point of order that this has not been reported upon as an amendment by any committee of the Senate.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OMNIBUS CLAIMS BILL.

Mr. KEAN. Let us have the calendar under Rule VIII, Mr. President.

The VICE-PRESIDENT. The Chair lays before the Senate, under the unanimous-consent agreement, the omnibus claims bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bow-man" and "Tucker" acts.

Mr. KEAN. Will the Senator from Oregon yield to me for

a moment to pass a little bill?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. KEAN. It will take but a moment. The bill is to correct a military record.

Mr. FULTON. Let the omnibus claims bill first be laid be-

fore the Senate

The VICE-PRESIDENT laid before the Senate the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts.

Mr. KEAN. I should like to pass a small bill. It is to grant an honorable discharge. It is a bill which was ordered to be reported last May, and by some neglect it was not reported. It will take but a moment.

Mr. FULTON. I yield.

THOMPSON B. POLLARD.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 6550) granting an honorable discharge to Thompson B. Pollard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that Thompson B. Pollard shall hereafter be held to have been honorably discharged as a second lieutenant of Battery D, First New Jersey Light Artillery Volunteers, on February 19, 1864, and that an honorable discharge be issued to him by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

"DESCENDANTS OF THE SIGNERS."

Mr. BULKELEY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. FULTON. I can not yield further.
Mr. BULKELEY. It will take but a moment.
Mr. FULTON. If it is a short bill, I will yield for this one,

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 8302) to incorporate the "Descendants of the Signers." Mr. FULTON. That is a long bill.

Mr. BULKELEY. No; it is not. It will take but a moment. Mr. FULTON. There were a good many names in it the last time I saw it.

Mr. BULKELEY. It is a comparatively short bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on the Judiciary with amendments, on page 2, line 6, after the name "Braxton," to strike out "B." and insert "D.," and in line 7, before the words "West Virginia," to strike out "Charleston" and insert "Charlestown," so as to read:

and insert "Charlestown," so as to read:

That for the purpose of aiding in the preservation of historical records and to help educate the people in love and patriotism for country, and to mark and protect the last resting places of the signers of the Declaration of Independence, and generally to collect instructive material regarding the life and works of all the signers of the Declaration of Independence, and for other patriotic purposes in line with the work above indicated, Albert McClellan Mathewson, of New Haven, Conn.; John Quincy Adams Johnson, of Yonkers, N. Y.; Hollins N. Randolph, of Atlanta, Ga.; Henry Morris, of Philadelphia, Pa.; John Calvert, of Philadelphia, Pa.; Braxton D. Gibson, of Charlestown, W. Va.; William Shields McKean, of Washington, D. C.; George Washington Dame, of Baltimore, Md.; and their associates, who shall be members in good standing of the Descendants of the Signers at the time when this act takes effect, and those thereafter associated with them and their successors, be, and they are hereby, incorporated and made a body politic and corporate of the District of Columbia under the name of "The Descendants of the Signers."

The amendments were agreed to.

Mr. KEAN. I should like to ask the Senator from Connecticut if he has had any calculation made as to the probable number of Descendants of the Signers?

Mr. BULKELEY. I have not investigated that subject. I

think they are very numerous.

Mr. KEAN. I should think the Senator would want to have an approved list of them, so that everyone would not be admitted as a descendant.

Mr. BULKELEY. Would the Senator from New Jersey want to take the responsibility of examining the genealogical history of the members of the proposed society?

Mr. KEAN. No.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

The VICE-PRESIDENT. The pending amendment will be

The Secretary. On page 46, an amendment by Mr. Hopkins, to strike out lines 1 and 2 in the following words:

To Plymouth Frazier, jr., of Liberty County, \$122.

Mr. FULTON. Mr. President, I have already stated my objections to the amendment; not this morning, but when the bill was being considered before. I hope the amendment will be

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 46, after line 18, to insert:

To Mary M. Banks, heir of Henry Banks, \$15,375.

To Archibaid A. Griggs, administrator of the estate of Archibald P. Griggs, deceased, late of Cobb County, \$760.

To Albion W. Knight and others, rector, wardens, and vestrymen of St. Philips Episcopal Church of Atlanta, Ga., \$800.

To trustees of the African Methodist Episcopal Church of Marietta, Ga., \$425.

To trustees of Jerusalem Evangelical Lutheran Church, Ebenezer, Ga., \$225

Mr. ALDRICH. I should like to ask the Senator in charge of

the bill how many church claims there are in this bill?

Mr. FULTON. There is no segregation of those claims. I think the "southern war claims," so called, probably aggregate \$600,000 or thereabouts, and simply estimating, I should say that over half easily are church claims. This, of course, is a mere estimate.

Mr. ALDRICH. I meant my inquiry to include what the general nature of the claims was, whether for church property taken-

Mr. FULTON. I should have answered the Senator on that The general nature of the church claims is for com-

pensation for property used by the army. More largely than any other element is that of rent for use and occupation. There any other element is that of rent for use and occupation. are some claims for materials taken and used-for instance, the boards, flooring torn up, ceiling taken down, and all that sort of thing. In such cases the committee has allowed and reported compensation only at the rate of the value of the lumber-not the value in the edifice, but simply the value of the old lumber. We have not reported in favor of those claims when the property was destroyed by the army, excepting only a few of them, which, I have explained heretofore, crept into the bill, or rather into the first report, through an oversight and were stricken out on the second report; but because of the situation presented,

the committee has agreed to put them back.

Mr. CLARKE of Arkansas. Mr. President, it will not do to permit this bill to pass under the impression that of the aggregate amount appropriated—\$2,299,000—any great portion is for the payment of southern claims of any character. There is not exceeding \$300,000 in the bill which may be classed in that way. There is not

Mr. FULTON. Which can be classed how?

Mr. CLARKE of Arkansas. As southern claims.

Mr. FULTON. I am quite certain the Senator is mistaken about there being only \$300,000 of southern claims.

Mr. CLARKE of Arkansas. About \$600,000 the Senator from Massachusetts states.

Mr. FULITON. That is what I said. That was my estimate, Mr. CLARKE of Arkansas. It leaves three or four times as much as \$600,000 for claims of other kinds. I think myself if there is going to be a southern claims bill it ought to be a separate measure, and somebody ought to be prepared to explain the character and nature of each one of the claims. None has been admitted to this bill, however, until after it had been adjudicated by the Court of Claims, a tribunal created by law for the specific purpose of determining claims of this kind.

For myself I agree with the Senator from Rhode Island that the war ought officially to be declared at an end, and there ought to be a time fixed when these claims shall no longer be presented. It is perfectly obvious to anyone who knows anything about the situation how difficult it is to portray to any court, with that certainty which is necessary to form the basis of judicial action, the conditions that then existed. I have no doubt that many fraudulent claims have been adjudicated, and I have not any doubt that in nearly every case the very best the court has been able to do is to make a guess at the situation.

Now, as the Government has proceeded upon the theory that it would attempt to ascertain the extent of the liability and dispose of claims of that kind, I feel it would be a recession from its position at this time and this hour to undertake to require, in support of any particular item in the bill, an explanation which would go behind the action of the Court of Claims. The Court of Claims have been diligent; I think they have been exceedingly strict, particularly in the matter of church claims. Such claims are not presented here as matters of strict right. They come here as the result of the sentiment developed in the Senate under the leadership of the late Mr. Hoar, of Massachusetts, which is a character of benevolence. They are to be treated and disposed of on that basis. They stand upon an entirely different footing from strict claims for supplies furnished to the Government or supplies taken from loyal persons in the South and devoted to government purposes. For that reason I believe the Committee on Claims has failed fully to comprehend and fully to recognize the spirit of liberality that lay at the foundation of the sentiment as developed and caused to be adopted in this body by Mr. Hoar.

I have felt disposed to say this much. I wish to get two statements in the RECORD. The first is that I think the bill has erroneously been denominated as a "southern claims bill." the next place, I believe that a different rule should be applied to church claims than to others. The third announcement is that I hope an early day will be fixed when the presentation of such claims will cease, and we will be rid of the annoyance of having to stand up here and make statements such as we make now.

There is nothing more annoying to the Senators from the Southern States than to be continually dogged every session here about these claims by the distressed individuals in the South. They are not by any means a very large class and under all the circumstances not a particularly influential class. Some of us hold opinions similar to those expressed by the Senator from Mississippi [Mr. Money]. But I hold to the lawyer's position in the matter, that if any claim has any merit in it, it ought to have been presented and pressed long before forty-three or forty-four years have expired.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was agreed to.

Mr. FULTON. I think the Secretary has read the last item of the amendment on page 47, beginning at line 5.

The VICE-PRESIDENT. The item has not yet been read.

The Secretary will read it.

The Secretary read as follows:

To Clementine Vaughan, administratrix of the estate of William M. Vaughan, deceased, late of Putnam County, \$1,901.

The amendment was agreed to.

Mr. FULTON. I offer the following, to be added to the item just agreed to.

The Secretary. It is proposed to add, after line 7, on page 47: To Sarah Jane Bella, administratrix of the estate of James W. Bella, deceased, of Atlanta, \$2,980.

To the trustees of the Missionary Baptist Church of Powder Springs,

To the trustees of the Missionary Baptist Church & Toward Spring, Ga., \$650.

To the village of Graysville, Catoosa County, Ga., \$650.

To the trustees of the Methodist Episcopal Church South, at Powder Springs, Ga., \$800.

To the trustees of the Pleasant Grove Baptist Church, of Ringgold, Ga., \$400.

To Sabina Jones, of Pike County, \$215.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

Mr. BACON. There is an amendment which needs correction on page 46, line 24. It reads:

To Albion W. Knight and others, rector, wardens, and vestrymen of St. Philip's Episcopal Church, of Atlanta, Ga., \$800.

Mr. FULTON. What is the amendment the Senator would suggest?

Mr. BACON. I desire to have the name of Albion Knight stricken out, owing to the fact that he is no longer connected with that church.

Mr. FULTON. The title was taken from the Court of Claims finding.

Mr. BACON. At the time the claim was presented he was rector of the church.

Mr. FULTON. Will the Senator send the amendment to the Secretary?

Mr. BACON. It is to strike out the words "Albion W. Knight and others" and to insert in lieu thereof the words "rector, wardens, and vestrymen of St. Philip's Episcopal Church, of Atlanta."

Mr. FULTON. I suggest to the Senator that those words are Mr. FULTON. I suggest to the Senator that those words are in, and that he strike out the words "Albion W. Knight and others." The language remaining is "rector, wardens, and vestrymen of St. Philip's Episcopal Church, of Atlanta."

Mr. BACON. I will state to the Senator that there are two bills before me. One has those words in and the other has not.

Mr. FULTON. The one we are considering has those words in.

Mr. BACON. I call the Senator's attention to the fact that in the bill Order of Business 380—

in the bill, Order of Business 380-

Mr. FULITON. Order of Business 421 is the one before us. Mr. BACON. In the bill Order of Business 380 the amount specified is \$1,900, and in the bill Order of Business 421 the amount specified is \$800.

Mr. FULTON. I will read from the report, page 38:

Mr. FULTON. I will read from the report, page 38:

During the war of the rebellion the military forces of the United States, by proper authority, took possession of and tore down and used the material of certain of the buildings belonging to St. Philip's Episcopal Church, to wit, the parsonage, two two-room cottages, and one office building, and used the material therefrom in the construction of quarters for the defendant's soldiers, which material was then and there reasonably worth the sum of \$1,900, while the buildings as they stood before they were so taken possession of and torn down by the said military forces were reasonably worth the sum of \$3,760.

In addition to the value of the buildings owned by the claimants so torn down, as aforesaid, the church building proper was injured by the use and occupation thereof by said military forces to the amount of \$800.

I will say to the Senator that, my attention being called to it again, under the rules we have been applying, \$1,900 should be inserted in addition to the \$800, because I see that \$1,900 was allowed for the value of the material in the building.

Mr. BACON. I will then ask that that change be made simply to conform to the bill as it appeared in the former print. Mr. FULTON. I move that "eight hundred" be stricken out before "dollars" and "two thousand seven hundred" be inserted. That will make it right.

The VICE-PRESIDENT. The Senator from Oregon proposes an amendment, which will be stated.

The SECRETARY. On page 46, line 26, before the word "dollars," strike out "eight hundred" and insert "two thousand seven hundred," so as to read "\$2,700."

The amendment was agreed to.

Senator from Georgia will be stated.

Mr. BACON. Now, the former amendment proposed, striking out the name of Albion W. Knight, should be agreed to.
The VICE-PRESIDENT. The amendment proposed by the

The Secretary. In line 24, strike out the words "Albion W. Knight and others" and insert "the," so that the paragraph will read:

To the rector, wardens, and vestrymen of St. Philip's Episcopal Church, of Atlanta, Ga., \$2,700.

The amendment was agreed to.

The reading of the bill was continued to line 19, on page 48, Mr. FULTON. On page 48, after line 19, in the items under the heading "Illinois," I move to insert:

To Fannie Pemberton, of Golconda County, \$4,000.

The amendment was agreed to.

Mr. FULITON. Also in the items under "Illinois," on page 47, after line 8, I move to insert:

To Elijah Stannard, of Iroquois County, \$210.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 51, in the items under the heading "Kansas," after line 21, to insert:

To regents of the University of Kansas, \$20,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, in the items under the heading "Kentucky," on page 54, after line 6, to insert:

To Baptist Church, Crab Orchard, Ky., \$1,050.
To Cumberland Presbyterian Church, of Russellville, Ky., \$1,650.
To deacons of First Presbyterian Church, Bowling Green, Ky.,

directors of Presbyterian Theological Seminary of Kentucky,

To directors of Presbyterian Theological Seminary of Kentucky, \$1,150.

To surviving executors of the estate of John G. Holloway, late of Henderson County, deceased, \$2,102.

To John H. Marshall, of Harrison County, \$300.

To Methodist Episcopal Church South, Bowling Green, Ky., \$730.

To Methodist Episcopal Church South, Danville, Ky., \$520.

To Margaret P. Robinson, of Boyle County, widow of Richard M. Robinson, deceased, \$227.

To trustees of Baptist Church, of Harrodsburg, Ky., \$675.

To trustees of Christian Church, Danville, Ky., \$725.

To trustees of First Baptist Church, Danville, Ky., \$700.

To trustees of First Presbyterian Church, Harrodsburg, Ky., \$1,100.

To trustees of Green River Collegiate Institute, Munfordville, Ky., \$725.

To trustees of Methodist Episcopal Church South, Mount Sterling, Ky., \$460. To trustees of Presbyterian Church, Mount Sterling, Ky., \$650. To trustees of Sulphur Well Christian Church, near Nicholasville,

To trustees of Sulphur Weil Christian Charles, \$300.

To Elijah Warren, of Green County, \$175.

To trustees of the Christian Church, of Nicholasville, Ky., \$940.

To trustees of Methodist Episcopal Church South, of Bryantsville,

To trustees of Methodist Episcopal Church South, 62 Dayland, Ky., \$410.

To Hannah Nally, executrix of the last will of William A. Nally, deceased, late of Louisville, \$2,013.

To Antioch Methodist Episcopal Church South, of Stewart, Ky., \$240.

To Methodist Episcopal Church South, of Harrodsburg, Ky., \$750.

To Presbyterian Church, of Perryville, Ky., \$325.

To trustees of Methodist Episcopal Church South, Brandenburg, Ky.,

\$125 To trustees of First Presbyterian Church, Danville, Ky., \$610.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 6484.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. Mr. President, I suggest the absence of a

The VICE-PRESIDENT. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Cullom Cummins Curtis Depew Dick Dixon Dolliver Aldrich Piles Richardson Guggenheim Hemenway Heyburn Johnston Kean Kittredge La Follette Bourne Brandegee Scott Simmons Briggs Brown Bulkeley Simmons Smith, Mich. Stephenson Taylor Teller Tillman Warner Warren Wetmore Burkett du Pont Flint Foraker Long McCreary McCumber Martin Burnham Carter Clapp Clark, Wyo. Clarke, Ark. Clay Crane Frazier Frye Fulten Gallinger Gamble Nixon Page Paynter Perkins

The VICE-PRESIDENT. Fifty-seven Senators have responded to their names. A quorum is present. The pending question is on the amendment proposed by the Senator from Montana [Mr. Carter] to strike out section 7 and in lieu thereof to insert what will be read by the Secretary.

The Secretary read as follows:

Sec. 7. That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of each depositor

once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe; but interest shall not be computed or allowed on any amount less than \$1 or some multiple thereof: Provided, That the balance to the credit of any one person shall never be allowed to exceed \$500, exclusive of accumulated interest.

Mr. HEYBURN. Mr. President, it seems to me that we are proceeding to the consideration of this bill with the assurance resting on the mind of every Senator that it is going to be a vain thing. It is not possible to enact this legislation at the present session. The bill involves a complete transformation of our governmental policy and incorporates in the fundamental law of the land principles that were never for a moment dreamed of by either the founders or those who have maintained this Government.

There is a practical side to this question that I have not heard discussed which must be apparent upon suggestion to everyone. While I do not intend to take up the bill for any extended consideration, I am impelled at this moment to suggest the absolute impossibility of making a measure like it applicable to a great country like ours. The bill is discussed not in the light of its merits and as it will affect our people, but as it might be applicable to the people of Germany, or England, or France, or some other country, between which country and ours the difference is so wide as to be immensurable; it is impossible to be spanned.

Every man is in sympathy with the principle of economy, with the opportunity and the practice of saving the earnings of the poor workingman or the rich; it makes no difference, but I can imagine this law enacted and I can see the city in which I live on pay day, at the end of the month, with \$400,000 of a pay roll distributed among 4,000 men, and see them lined up in the front of the post-office to make these deposits under the provisions of the bill. I can see the post-office in that city receiving into its comparatively unprotected hands a sum of money that under any circumstances, according to the prophecies of those who are proposing this legislation, would be anywhere from one to three hundred thousand dollars. I can see the postmaster receiving it on Saturday after the banks have closed and undertaking to protect it with trembling and fear until the hour when the bank can relieve him of the responsibility. I can see the postmaster at Murray, 20 miles away from any national bank, receiving the deposits of those miners when they are paid at the end of the month, and then undertaking to transport that money in cash—because it must be in cash; it can not be in checks-across two ranges of mountains to find a national bank to put it in.

I am localizing this question for the more convenient purpose of illustration. I could name a dozen cities lying far back from the locality of national banks that would take in under this law all the way from \$10,000 to \$50,000 in money available to the robber as to the owner. I can see those men who receive their pay in checks drawn upon the banks at the near centers of business being compelled to send the checks, or take them for sooth, to the bank and exchange them for cash receivable by the Post-Office Department and then go back to the post-office and make their deposits. I am considering the practical side of this legislation and not the theoretical side.

Then I see these men line up—100, for instance—in front of the post-office at any hour to make a deposit, the clerical transaction to be performed before they can leave, each in their order, away from their business, away from their homes. They must take a shift off from their work in order to do this banking business with the postmaster. To wait on 100 men would take from three to five hours, with any clerical force that could do business at the post-office window to dispose of it.

Take a country like England, or Scotland, or France, or Germany, comparable in size with the State of Pennsylvania; you could put it inside the State of Idaho and have a good-sized State around the margin. It may be that in a country like that a scheme such as this could be made applicable and useful. This proposed legislation is based upon sentiment. You are

This proposed legislation is based upon sentiment. You are going to constitute somebody the guardian of a certain portion of the people on the presumption that they are not capable of taking care of themselves and their money. There is a certain element in this Government that is always trying to do that. They are acting on the assumption that the American people are not capable of taking care of their own business, and they want to constitute themselves their guardians; they want to protect them from the ills which rest only in imagination, and take their own business out of their own hands, and to take their children from them because they do not manage their children as they would manage theirs.

Mr. President, the Government of the United States should never—and I prophesy that it will never—borrow money of one

man for the purpose of loaning it to another, and that is all that this bill amounts to. It is proposed to borrow money from the poor and loan it to the rich. No man can charge me with belonging to that class of men who undertake to array the rich against the poor, but I am talking of facts.

I do not want to gather in the pennies of the poor and make them a great fund—where? Where the poor can get it? Not for a moment. Have you noticed the provisions of this bill controlling the manner of recalling the money by the depositor? Why, he could not get his money back under a month when he wanted it. He does not own it; he has no title to it after he has deposited it. It is not even that class of control that a man has over his deposit in a bank. The bill says it shall become the public moneys of the United States when it is deposited, and the Constitution says that public moneys of the United States can be withdrawn only pursuant to an act of appropriation for that purpose.

How is Congress going to authorize by an appropriation act the repayment of this money to the depositor? He can not send his child down and say, "I want \$4 to pay the grocery bill;" he can not send his wife around and say, "We want to withdraw a little of the money we have deposited here." To get it he must make a written application to the Government of the United States, and the Government must act upon such applications each of them separately—before he gets it. We will say he lives in our blessed State of Idaho. It has taken two weeks for the mail to go and come; and on the assumption that it would be taken up immediately in Washington and disposed of and a check made out and started back, it would take from ten days to two weeks. The fact is, that when this application to withdraw this money reaches Washington it must go through an auditing process; it must be determined whether this is the man or the woman or the child and whether the money is to their credit. Then, that being determined, through the clerical force in the department a draft will be sent to the party. The poor consider a draft against their deposit of \$10 a large draft-it is large in proportion to their holdings, to their possessions—yet they have got to go through all of this to get it.

The Government is dealing with the petty question of interest upon these little deposits. What is the Government to do with them? Does it send this money out among the people? It has gathered it under the pretense that it is for the purpose of accomplishing a better distribution of it, giving it activity in the business world. It puts it in a national bank. A billion of dollars is the accepted estimate of this fund. A billion of dollars would be withdrawn from the control of its owners and placed in the national banks, to be loaned to those who have the confidence of the national banks. Who are they? Who are the people who go to national banks for money? They are men of large affairs. This money is, therefore, permanently withdrawn from that class to whom it belongs and transferred to another class of people. For what? At the rate of interest that the national bank elects to charge.

Now, who is benefited by this? The owners of this vast sum of money, who would number millions? It is estimated that 15,000,000 people would be depositors in these banks. The owners of that money are deprived of the use of it, except as they go through this long process of withdrawing it. The banks would be enabled to create any kind of a panic at any time they wanted, for they do not need to loan this money, except as it is profitable to them.

There is another question. How are you going to make the bankers accept this money? Suppose a banker says, as a bank officer recently said in my presence in speaking of money, "Money is a drug with us; we are maintaining a marble palace, expensive clerks, and beautiful vaults to protect the property of other people at our expense." Withdraw that vast sum of money from circulation for thirty days, and what would be the effect on business? Why, a year ago last fall the withdrawal of half that much money from circulation caused a panic, and it is withdrawn absolutely from circulation until the national banks have found a use for it. It rests in their vaults as money of the United States.

The vast sum of money that would be in the hands of postmasters between the time they received it and the time they turned it over to the banks is another important question for consideration. It is a fair estimate that the bonds fairly to be required from postmasters would amount to more than \$200,000,000. Where are they going to get them? Where is there to be obtained \$200,000,000 to make good the credit of the postmasters who are carrying this vast sum of money? No provision is contained in this bill, so far as I have read it, requiring the national banks to give any additional security for the use of this money.

Mr. President, the money is safer where it is, in the hands of the owners, and it is more useful to the people; it circulates more freely and more generally. The man who has his pay roll in his pocket at the end of the month, with his check for \$104, is very apt to do some business with it with somebody. He will do more business with it than the bank that he turns it over to does. He certainly will do more business with it than the Government of the United States will do. The very fact that he has the money is an incentive to use it. is a slander upon the intelligence of the people to say that it is an incentive to abuse it. Where there is one man who drinks and gambles and wastes his money there are a hundred men who do not; there are a hundred men who educate their families and build homes and maintain their rank in civilization. It is a slander upon the best element of the American people to say that they need such guardianship over them as is implied by this legislation. I hesitated to arrive at the conclusions that now actuate me because there was such a sentiment behind this measure, and a declaration made by a committee, after four hours of partial consideration, that undertook to direct the Congress of the United States what they should do with the weight of responsibility resting upon them. It was with hestitation that I found myself compelled to take the stand against this proposed legislation, which might be termed "mock heroic" legislation, and the declaration of a generally accepted principle, a principle that no man can contend against, and then employing a false method for the appli-

tend against, and then employing a raise method for the application of that principle.

Where would the banks send this money—this billion dollars? Where would they find a market for it? They must find a market for it, or they could not pay interest on it. They would send it where they could sell it for the highest price—into the speculative market. It is the speculative market that pays the highest price for money. The world of investment does not. It refuses to pay more than from 3 to 4 or 4½ per cent, but the speculative world will pay any price for its sal-

vation for twenty-four hours.

Mr. President, I think it is a waste of time to consider this legislation. The American people expect us to take the responsibility for legislation, and I have no fear of going to any constituency, and, in reply to their question "What did you do with the pledge in the Republican platform for a postal savings bank bill," I would say, "We acted upon it and found it not for the best interests of the people." "Why did you pledge it?" The Compages of the United States it?" The Congress of the United States never pledges itself to legislation in the performance of its conscientious duty. It acts upon the wisdom that results from reflection. It has no right at the beginning of the consideration of a great question to announce elsewhere the conclusion of wisdom in its consideration. So that I may now say with propriety that I think the time would be wasted in the consideration of this measure to the exclusion of other questions that are of vastly greater importance.

I have spent much thought and time upon the consideration of whether or not this fund, when collected, could be used as a basis for issue. I have thought, in view of the fact that it is almost impossible to devise a financial system of issue with a satisfactory basis, that we might possibly use this money and issue circulation against it; but I have not been able to satisfy my mind to the extent that I am willing to support that

proposition.

There is the question of double issue; there is the question of expansion. I hope some Senator may find a method by which, if we are to gather this fund, it may be made the basis of issue; but I have not been able to put upon paper any proposal that was satisfactory to my own mind. It is the only thing, if it can be done, that would save this measure and give it any justification in the minds of thinking people. When the great working class of this country discover that they have deposited their money in the post-offices, to be returned to them only under the embarrassment I have suggested, they will rise up and condemn the wisdom of their Representatives in the Congress of the United States who are responsible for such legislation.

Mr. CUMMINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. In what part of this bill does the Senator from Idaho find that regulation with regard to the withdrawal of a depositor's funds?

Mr. HEYBURN. I have not at the moment a copy of the bill before me, though I have made myself somewhat familiar with it.

Mr. CUMMINS. I think the Senator will find in section 9 all there is in the bill on that subject.

Mr. HEYBURN. I have now a copy of the bill, and read from section 9:

SEC. 9. Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the Postmaster-General may prescribe.

When the Senator asks me what law there is on the subject, I would say there is none provided; and the failure to provide a law is one of the particular things that I object to in all legislation. This thing of simply throwing legislation up in the air and saying to some executive department "Catch it and mold it into form and apply it," does not meet with my approval.

Mr. CUMMINS. I thought it was possible the Senator was

under the impression that there was in the bill a provision such as he suggested for formal application to the Post-Office De-

partment.

Mr. HEYBURN. There was such a provision in the bill, but it was cut out the other day when I was absent. I left it in the bill when I went out to Idaho, but I found it eliminated when I came back. But it is in the bill, as is every suggestion that has been made, whether temporarily eliminated or not in the minds of those who are advocating this proposed legislation,

Mr. President-Mr. CARTER.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Section 9, or that portion of it read by the Senator, was in the bill when reported to the Senate. That has not been changed.

Mr. HEYBURN. Let me read it again. There is no difficulty about this:

All withdrawals of deposits must be made in even dollars unless the account shall be closed—

A man could not draw four dollars and a half to pay his grocery bill. He would have to draw \$5 and redeposit the 50 cents, I suppose-

in which event the depositor's pass book shall be surrendered-

That is, if he draws it all out-

and the Postmaster-General shall, by appropriate regulations, enforce especial care in the repayment of trust funds in order that the interests of the beneficiaries thereof may be protected as far as practicable.

Well, there is just one measure of honesty for trust funds and other funds on deposit with a public officer. One is not more sacred than the other in the hands of the public. It is all right, if you are making a political speech, to talk about trust funds and their sacred character, and all that; but in making law, there is just one law for all the people.

Repayments to depositors shall be made under such regulations as the Postmaster-General may prescribe.

Section 10 provides:

That postal savings depository funds are hereby declared to be public moneys, and subject to the safeguards and preferences provided by statute therefor.

They are made exempt from execution. They are taken out from under the control of the legislation of the State. A child 10 years of age may be given \$500 by his parents, and it may be deposited in his name at the rate of a hundred dollars a month, and it is thus saved from the liability that the parent bears to the business world. A man with 10 children could have \$5,000 in this fund, outside of his own deposits and those perhaps of his wife, that would be exempt from execution. are taken out from under all provisions of the community property law of the State of Idaho and of many other States. They are not returned for taxation; they are not liable for taxation. So that this bill carries in it an exemption from liability to the individual that is greater than any exemption provided for by

any law in the United States.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from New Hampshire?
Mr. HEYBURN. Certainly.
Mr. GALLINGER. On the point of exempting this money from taxation, I desire to ask the Senator a question. In my State money deposited in savings banks is taxed; also money on hand on the 1st day of April of each year is subject to taxation. I want to ask the Senator whether or not it is proper for the Government of the United States, which can exempt its own bonds from taxation, I admit, to invade the States and provide a system whereby money in the hands of the people can be deposited in the post-offices and exempt that money from taxation in the several States? Not being a lawyer, I am not, of course, prepared to pass upon it, but I ask the Senator if, as a lawyer, he really thinks that is one of the functions of the General Government?

Mr. HEYBURN. I will answer that briefly. The provision in this bill which says that the character of this money shall be converted from that of private ownership to a public fund would enable the Government to say that the public fund, which would be this money under another name, should not be taxed; but the individual, under the state law, could be taxed for the receipt he holds, which represents the money and which is property

Mr. HALE. Showing his interest in it.

Mr. HEYBURN. And a thing of value. That is the legal status of it, I think, correctly stated. Now, here is a provision in connection with that thought:

Sec. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name.

In order to avoid the taxation of the credit which the parent would have by virtue of holding a receipt or certificate, he deposits it in the name of his children, many or few. Under this provision, the court probably would hold that the parent had no property right in that deposit, and it was therefore not taxable; so that the deposits of children would not be taxable.

Mr. CUMMINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Iowa?

Mr. HEYBURN. Certainly. Mr. CUMMINS. Will the Senator from Idaho kindly restate his construction of section 10, wherein it is sought to exempt these funds from taxation?

Mr. HEYBURN. I was referring to section 3 in this instance.

Mr. CUMMINS. Section 10, I think, is the section that covers that subject.

Mr. HEYBURN. I will refer to section 10:

Sec. 10. That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor.

There is no embarrassment about that, because the money is paid into the Treasury of the United States; that is, into the representative of the Treasury, which is the depository selected, probably a national bank. Of course that money would not be subject to taxation, but the thing that stood for that money in the hands of the depositor would be property and might be taxed if the party were of age and could be represented upon the tax roll.

Mr. CUMMINS. I call the Senator's attention to line 3, on page 8:

Such funds shall not be subject to taxation by the United States or any State

Does not the Senator understand that that means to exempt

the funds in the hands of the depositor?

Mr. HEYBURN. No; it could not mean that in law, because the character of the money being declared by the same act would run all through and indicate the purpose of the act that the money shall become a part of the public funds of the United The money would be cash when it left the hands of its States. owner. It would in a moment change ownership by the act of depositing it.

Mr. CUMMINS. It is fair that the Senator from Idaho while discussing this bill should know that there is an amendment about to be presented which seeks to strike out section 10.

Mr. HEYBURN. The entire section?
Mr. CUMMINS. The entire section.
Mr. HEYBURN. It has not come to my attention. It is merely an intention, I suppose, existing probably on the part

of the Senator.

Mr. CUMMINS. It has been submitted and printed.

Mr. HEYBURN. I do not know what it is proposed I do not know what it is proposed to substitute for section 10.

Mr. CUMMINS. Nothing. Mr. HEYBURN. I was discussing this bill as it stands with the amendments that have already been proposed. Section 10

After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof.

I have in my mind a man who has 13 children competent to deposit under this bill, and I presume that there are many such men in this country, so that one could in a very few min-utes accumulate quite a fund that would be exempt from all of those things. He could do it perhaps in an hour, and thus avoid the liability.

Section 10 further provides that-

Such funds shall not be subject to taxation by the United States, or any State, county, or municipality.

You would withdraw a billion dollars from taxation. could, by the express terms of this bill, relieve a billion dollars from contributing to the cost of maintaining your governments, general and local. You would relieve that sum from the honest responsibility which it represents to the owner and to his creditors, those with whom he does business, and you would relieve him from the burden of taxation in order to do what? might be more widely disseminated among the class of people from whom it came? No; but that it might go into the national banks and be loaned in the markets where those institutions find the highest profit for their funds.

Where would all this money come from? It is said that it mes out of the hiding places. There is a vast amount of error comes out of the hiding places. There is a vast amount of error in regard to that statement. The people of the United States carry in their pockets every day, every hour, and every minute of every day and every year a billion dollars in money. I suppose this is an extra billion that they are to dig up from the

hiding places.

What per cent of the people do you suppose hide their money in old crockery or imaginary safe places? Not one person in 100,000 in the United States does it. Not one person in 100,000 has money secreted in these imaginary places. The people of this generation put their money in savings institutions, Jocal banks or trust companies or what you please, or they carry it in their pockets. The money they carry in their pocket is based upon their estimate of the convenience that money will afford them, and they do not want to have to go to some depository when they want to use an ordinary sum of \$10 or \$15 or \$20. They carry it with them. That is an accepted estimate in financial statistics.

I will tell you where these imaginary millions of dollars will come from. They will come from deposits already safely made with state and local banks and savings institutions, because of the sentiment that they are turning it over to the Government of the United States, and the Government of the United States is responsible for it; and you will draw from the deposits in that class of institutions and transfer the money to the national banks. If the Government were going to take this money into its own Treasury and issue certificates for circulation, the money would go back into some portion of the commercial world to do business with. I believe the owner of the money is the best custodian of it. There may be a few misers here and there; you read of them, one in a million, or a hundred thousand, or whatever it may be. Shall we change the whole policy of our Government because such conditions exist?

It was not my intention to discuss this question at all to-day, Mr. President. I had supposed that the bill would go over, as it has been going, at the hour of 2 o'clock. There are legal questions involved in the consideration of the measure which can not be separated from it, but I will not undertake the discussion of them to-day. I merely wanted to point out for the consideration of those who may participate in the debate upon this measure some of the objections that appear to my mind,

One-and I have finished-

No person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

That would simply abrogate the laws of every State in the To say you shall not have the power to reach the property of a debtor, to say that you shall not obtain the knowledge necessary in order to make good a judgment against the owner of the money, would be subversive of the laws of every State in It will be a secret fund that may amount the United States. to thousands of dollars, and in the hands of those who desire to conceal themselves financially it would amount to the maximum every time. It would be a little safety fund, laid away in the name of every child they had and of every member of their family, in units of \$500. If you had a judgment against them and went to the bank, as you would in ordinary proceedings of garnishment, and served it with the process of the court directing it to answer whether or not it held funds to the credit of this man, the bank would say, "No; we can not do that under the law."

I know what would happen. The courts of the State would compel them to disclose it, because it is not within the power of the Federal Government to repeal the just statutes of a State made in pursuance of the constitutional rights of the State. Why lay the foundation for such conflict as this? Who are we that we should undertake to wrest from the people whom we represent the control of their property, which it was never intended that we should control at all? The purpose of our Government is to establish safe principles upon which the people may manage their own business and their own property and not to take it out of their hands and constitute ourselves their guardians.

As I suggested on the occasion of our last meeting, some make the mistake of thinking that they govern the people. There is nobody who governs the people of this country. The President of the United States does not govern the people, nor does Congress or the courts. They merely carry into effect the will of the people as expressed through their representatives; that is Sometimes it seems to me that we lift ourselves up onto an imaginary throne of power. In that hour of fancied power we do gross wrong to the people. We want to avoid it in this

Mr. President, there is too much disposition to fit and adjust the institutions of this country to those of European countries that are a playground for some of our citizens, who go there and become so infatuated with the luxury and with the conditions that surround them that they want to bring them home with them. They come home here, and the first thing they do is tell us how they do things in Europe. It was because we did not approve of the way they did things across the water that we separated ourselves from European ideas and European ways, and we do not want to drift back toward the shore-not one wave.

Mr. President, we are here to determine a government based upon the Constitution of the United States and upon that great Declaration which preceded it, based upon American conditions, based upon American methods. I care not whether France or Germany or England have postal savings banks or not. They gather up the pennies of the poor and use them as a part of the public moneys. The Bank of England is the clearing house of the Government of England. The Government of France clears through the Bank of France, and so with Germany and Italy. The relation that exists between the people of those countries and the Government is not comparable with the relations which exist between the people of this country and the Government. The relation that exists between the banks of England and France and Germany and Italy bears no relation whatever to the financial system of this

country, and I trust to God it never will.

We do not want to accumulate this money for the use of the Government. We do not need it. We do not want the power to loan money to the Government of the United States that they may use it even for governmental purposes, much less for the purpose of loaning it out to some other man, whether rich or poor makes no difference in principle. I repeat, What country in the world ever borrows money from one of its citizens for the purpose of loaning it to another? ciple of government would justify such an act for one moment-to enter into a contract to borrow money of the humble citizens who work in the mill or the mine or the forest on the presumption that he is not capable of safeguarding it for himself and contracting to pay him interest, out of what fund? Suppose we take in a billion dollars and the national banks can not use more than five hundred millions of it; what are you going to do with the \$500,000,000 that lay in the Treasury of the United States?

Pay interest on it? This bill provides that we shall. Upon what fund would the Government draw its voucher to pay in-terest on \$500,000,000 thus collected? And why should we do it? Why should we borrow this money and take the chances of loaning it? Of course, if some plan can be worked out that will enable the Government to base an issue of currency upon this money, then the money might be in circulation through the ordinary means of distribution. But no such proposition has been suggested as yet.

Mr. President, as I have said before, I had not the slightest intention of speaking upon this question at the present time. I had intended that when I did speak upon it I would take up the legal phases of it and present them upon it I would take up the legal phases of it and present them upon the authorities—and there are authorities, decisions of the Supreme Court of the United States that affect, control, and would abrogate this legislation, nullify it. I have myself sat in this body almost six years, and during that time have participated in the enactment of a number of laws that have been held to be in violation of the Constitution of the United States. I think we want to reduce the possibilities to the minimum, Mr. President. If this bill were enacted in the form in which it is proposed to-day it would not for a moment stand the test of the law.

Mr. CARTER. Mr. President, I am under many obligations, as I am sure every Senator is, to the Senator from Idaho [Mr. HEYBURN for the candor and boldness heretofore wanting in connection with opposition to this bill. The opposition has been of the insidious, gum-shoe style. "Just wait and we will do something else first" has been the argument we have thus far encountered. Constitutional lawyers of great renown, of admitted and self-confessed ability, have been proposing from day to day to inundate us with an avalanche of authorities showing

that this bill is wholly unconstitutional in its purpose and would be held void by the Supreme Court if enacted into law. thus far they have not graciously favored us with a citation, and we are apprehensive now that they will find themselves much confused in seeking the pat authorities to which they have so kindly referred in general terms.

The Senator from Idaho starts out with the conclusive statement that the proposed legislation is utterly impracticable as applied to this country; and he properly says to me that is the main proposition. He supported that proposition by drawing a pathetic picture of 4,000 miners in the Coeur d'Alene country standing in front of the post-office utterly unable to get their money deposited, and in view of the inability of that procession, immediately after receiving pay to deposit their money, it followed they should not be provided with any place to deposit

This conclusion would certainly be hailed with delight by the fellows conducting the faro banks and the hurdy-gurdy houses and the various alluring schemes through which the nimble pennies are pulled with unfailing regularity out of the pockets of those 4,000 miners waiting to deposit.

Mr. HEYBURN. I feel it is only fair to say that the State from which I come does not permit those vicious practices suggested by the Senator from Montana, and I did not know from the reading of the statutes that they were permitted in Mon-

Mr. CARTER. We used to license gambling in Montana, but we have grown better. We strictly enforce the law.

Mr. HEYBURN. So do we. Mr. CARTER. But it is a notorious fact that the ways and means afforded to miners to spend their money are varied and enticing. And now the Senator bolsters up into an argument the difficulty of depositing money in the post-office at a mining camp as a reason for the suggestion he makes, that it is utterly impracticable to establish this system.

Mr. President, the Senator from Idaho argues against the experience of governments and men this wide world over, extending from the establishment of the postal savings system in England, under the leadership of Mr. Gladstone, in 1861. worked with unfailing satisfaction in thickly populated countries; for instance, in Birmingham, England, where 40,000 men would deposit in the post-office instead of 4,000, it has not been found impracticable.

Mr. HEYBURN. I should like to ask the indulgence of the Senator to interrupt him.

Mr. CARTER. Certainly; I am glad to yield.
Mr. HEYBURN. I know it does not distract his mind to be interrupted. Does the Government of England loan this money to anybody after it has received it under the Gladstone policy? Mr. CARTER. The Government of England invests the money in the consols of the Government,
Mr. HEYBURN. What does that mean?

Mr. CARTER. It invests it in the bonds of the Government. Mr. HEYBURN. Yes; in other words, it takes the money

Mr. CARTER. That is another way of putting it. We are permitted under this bill, if the banks to which the Senator refers do not desire to use this money, to invest it in the approved securities of the country, in State bonds, in county

bonds, in municipal bonds.

Mr. HEYBURN. Will it annoy the Senator if I ask another question?

Mr. CARTER. No; I shall be glad to have the Senator ask it.

Mr. HEYBURN. The Senator, of course, is aware of the fact that the gross value of all the municipal bonds available is not one-fourth of the amount that the deposits would be in one year. In other words, we can not to-day get enough as the basis for the issue of the currency of the United States.

Mr. CARTER. The Senator refers to the bonds of the United

Mr. HEYBURN. No; the bonds of States and counties. It is not one-fourth of the amount of the estimated deposits under this proposed law in one year.

Mr. CARTER. Of course the Statistical Abstract would settle that, and I am quite sure in opposition to the contention of the Senator from Idaho. But the mathematics of it can be

Mr. President, after objecting upon the ground of it being impracticable, the Senator proceeded to state that this postal savings system had never been tried anywhere under conditions approximating those obtaining in this country. The Senator will recall that it has been operated in the Dominion of Canada, over a larger territory than our own because the area of Canada is larger, and operated with eminent success from the be

Mr. HEYBURN. If I may interrupt the Senator again, the application of this legislation in Canada is as it is in England. The money goes into the funds of the Canadian government;

it is not loaned out to anybody.

Mr. CARTER. Then the objection of the Senator, reduced to the last analysis, means that the system may be good, but that the method of loaning out or disposing of the money is the source of vice in it. Do I correctly apprehend the Senator's view?

Mr. HEYBURN. The Senator very nearly correctly apprehends my position. There are so many evils evident upon the face of this proposition that I would myself hesitate to com-

pare them in size or importance, but that is one of the big ones.

Mr. CARTER. Let us dispose of one of these great difficulties at a time. Certainly in England, in Australia, in Japan, and in France will be found crowds of people quite as large as those to be found in the mining camps of Idaho, and yet such a difficulty as the Senator conjures up for Idaho never has been encountered in the administration of a similar law since the first law was passed on the subject. It is true that we have in the city of Washington 350,000 people, and the Senator might well say one post-office is not sufficient for 350,000 people. Imagine going forth in the morning to see 350,000 people lined up in front of the post-office to get their mail. It might be said

that in order that they might have good accommodations there should be a post-office at every street corner.

These difficulties the Senator conjures up for himself are imaginary. Business in Idaho would continue along normal lines precisely as in other departments and in other features of the postal service. Do the 4,000 men in the mines have a riot in front of the post-office in order to get their mail on Sunday morning? There are mining camps where free delivery does not obtain at all, and I have known many of them of over 4,000 in population, and yet the difficulty in getting the mail from the general-delivery window has never been so serious as to embarrass the department or cause a radical change of law. take it that this difficulty of getting the money deposited is something that occurred to the Senator incidentally and was

spoken without much reflection. Mr. HEYBURN. I am quite sure the Senator from Montana did not suppose that I was undertaking to discuss this question as it applies to the State of Idaho. I sometimes take a text or some incident for the purpose of illustration. What I said with relation to Idaho might as well have been said with respect to

any other place. A factory town with ten or fifteen thousand inhabitants would have illustrated as well the condition I was attempting to illustrate. I merely localized it because of those conditions with which I am quite familiar.

Mr. CARTER. Mr. President, the Senator, passing from Idaho, suggested that this bill would allow a man with a large family to accumulate a very large sum of money in the post-office. The Senator told us of a man with 13 children between office. The Senator told us of a man with 13 children between the ages of 10 and 21. I could not quite figure it out, but conceding that he might have 13 children between the ages of 10 and 21, and these 13 children should each have \$500 on deposit, and then the old man should have \$500 on deposit and his wife should have \$500 on deposit, it would make \$7,500 to the credit of 15 people. Will this country be any worse off because a man with 13 children and a wife has \$7,500 on deposit?

But he would not have it on deposit unless it was an extraordinary case, for, Mr. President, if experience along similar lines is of any avail, our people would act about as other people act, and the statistical fact stands to be consulted that in England, where there is to-day in the neighborhood of \$1,000,000,000 on deposit in the postal savings banks, the average to the credit of each individual is about \$72. So our friend with 13 children and a wife, if just an average person outside of having 13 children, would have about \$72 to the credit of each one.

Mr. HEYBURN. That would be in time of peace, but in time of necessity probably he would have more on deposit. I will say to the Senator I was not speaking thoughtlessly when I said I knew a man who had 13 children between the ages stated. I think the Senator's imagination can probably arrange them in pairs, and so forth.

Mr. CARTER. Mr. President, I am not prepared to admit that the people of this country are essentially different from the people of any other country. I do not think the Senator wishes to be understood as asserting that a business operation which can be conducted successfully by the people of Japan and the Philippine Islands and Canada and all the countries of Europe, with one or two exceptions only, can not be operated successfully by the people of the United States.

I do not believe the Senator wishes to have us understand that the deposits of small sums which would go to the postoffice would seriously interfere with the banking operations of the country, except to aid them, in view of the fact that since the establishment of the postal savings bank in Europe the banking activities and the banking strength of every country have been greater and more potent than ever before.

The Senator complains that the money will not be easily gotten out of the bank. It is not intended that it should be, Mr. President. Let me assert to the Senator what I have asserted often on this floor prior to this date—that it is not the purpose to establish anything of an institution here in competition with the commercial or savings banks of the country. We pay a lower rate of interest than any savings bank in the country pays. We do not cash a check. We do not propose to

try pays. We do not cash a check. We do not propose to issue a bill of exchange. We do not propose to do any of the many things essential to the conduct of banking business.

But, Mr. President, the Senator says that he objects to a section which provides that the depositor may withdraw his money from the postal savings bank under rules and regulations to be presented by the Postmaster-General. I presume tions to be prescribed by the Postmaster-General. I presume he would have him get his money out without any rule, regulation, or formality at all.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.
Mr. HEYBURN. I would have him keep his money and make some use of it and do business with it, and be a part of the active community in which he lives. I should like in this connection to suggest to the Senator from Montana that a man deposits \$500 with the Government and it draws interest. Is it 2½ per cent?

Mr. CARTER. Two per cent.
Mr. HEYBURN. Two per cent. It is deposited in the national bank in the community where he lives. He finds he wants to do business quickly. He can not get it from the Government. So he goes to the national bank and he says:

I have \$500 in the postal savings fund, which was deposited with you. I want to do some business that will be advantageous to me. I should like to have \$300.

The bank says:

Very good; we will loan it to you at, say, 73 or 8 per cent.

In other words, he has his money in that bank; that is, the money that was his is in that bank, at 2 per cent. He is getting 2 per cent. He goes there to draw it for necessary purposes and he pays 6 or 8 per cent, or whatever the bank may choose to charge him.

Mr. CARTER. The ordinary bank would, I suppose, pay a

check on presentation.

Mr. HEYBURN. A check?
Mr. CARTER. A check. The savings banks of the country reserve the right to demand from thirty to ninety days' notice before paying back at times money is stringent.

Mr. HEYBURN. How often do they do it?

Mr. CARTER. It has been done over and over again in recent years in all parts of this country. Mr. HEYBURN. You would wreck nearly every bank that

did it.

Mr. CARTER. It was done in the city of New York within eighteen months.

Mr. HEYBURN. It was done in the city of New York, and it brought the greatest run upon the bank that did it that was ever known in the financial history of the country. I will undertake to say that in a large majority of the cases where savings banks have resorted to that rule they have brought a run on themselves.

Mr. CARTER. Mr. President, the fact remains that in the articles of incorporation of every savings bank in the country is reserved the authority to promulgate what is known as "by-laws." Those by-laws become a rule of action, not only for the bank itself, but for the depositor who accepts a pass book and thereupon subscribes to the by-laws. Those by-laws provide in terms for notice of the withdrawal or intention to withdraw a deposit, and the terms vary from thirty days to three months.

Mr. GALLINGER. Mr. President-

Mr. CARTER. Not one bank in New York, but, I believe, every savings bank institution on Manhattan Island put up the danger signal in 1907 and exacted full notice,

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I yield with pleasure.

Mr. GALLINGER. The Senator states correctly what the by-laws of savings banks provide, but in practice those by-laws are pretty nearly a dead letter. I will venture to say that 100 persons going to a savings bank in New Hampshire can withdraw any reasonable amount of the deposits without notice, but that by-law is framed for the purpose of protecting the bank in an emergency.

Mr. CARTER. That I understand, and it is generally in-

voked only in an emergency.

Mr. GALLINGER. In an emergency; that is all.

Mr. CARTER. In the case of the postal savings bank there would be no such notice required; but we would not pay a check, we would not open a current account, the butcher could not be paid, the grocer could not be paid, nor could any of the bills ordinarily contracted be paid by an order on the post-

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. With pleasure. Mr. HEYBURN. I ask the Senator if it is not also true that the grocer and other dealers he has enumerated could not collect their money there?

Mr. CARTER. Mr. President, that presents another feature of the case. We are dealing with the matter of withdrawal. I will reach that very soon.

Mr. HEYBURN. I did not rise to ask that question; it occurred to me after I rose. I rose to ask where or what is this bank of which the Sengtor speaks? What constitutes it? Is it bank of which the Senator speaks? What constitutes it? Is it the bank in which the money is deposited, the national bank, or is it the Treasury of the United States, or is it the post-office? Which is the bank?

Mr. CARTER. The depositor has no relation whatever to the

money after placing it in the post-office.

Mr. HEYBURN. Then the post-office is the bank?

Mr. HEYBURN. Then the post-office is the bank? Mr. CARTER. The post-office is as to the depositor the only The relation of the bank in which the money is deposited by the postmaster is a relation between the Government and that bank, and not between the original depositor and that bank.

Mr. HEYBURN. That reminds me of a bank that I knew during the panic of 1893——

Mr. CARTER. I yield to the Senator for a question only.
Mr. HEYBURN. This is to illustrate it, and I think the Senator can see the point. The bank did not close its doors, but it put up a sign, "We are a bank of deposit, not of payment." That is the kind of a bank the post-office would be.

Mr. CARTER. That is not an illustration of the fact at all as it exists. I say it is not intended under this bill that the postmaster should pay checks, but when an individual has an amount on deposit in the post-office he must appear there and demand the return of it under some regulation that the Postmaster-General will find most acceptable to the people and calculated to accommodate them to the greatest possible degree without endangering the administration of the department in

this particular. Mr. HEYBURN. Those conditions are as yet the unwritten

Mr. CARTER. Mr. President, the majority of the laws of life are unwritten. It would be merely trifling to undertake in an act of Congress to prescribe the exact form of contract with the post-office and the form of receipt to be taken back, when all that can be provided by a regulation of the officer charged with the administration of the law.

Now, Mr. President, the Senator takes grave exception to the exemption in this bill. The exemption would extend to garnishment. I care not whether the bill embraces a section declaring that this money in the hands of the Government shall not be subject to garnishment or not, it will be money in the hands of the Government of the United States, and will not be subject to garnishment. In an old and well-established case

Mr. BORAH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the junior Senator from Idaho?

Mr. CARTER. I yield to the Senator. Mr. BORAH. Some of us who favor the bill have been giving some attention to section 10. I wish to ask the Senator whether there is any precedent which he had in mind at the time of drawing the bill with reference to this exemption and whether

it will be necessary to put anything in at all as to exemption from garnishments? Would it not be exempt anyway?

Mr. CARTER. I am quite sure it would be exempt, as to garnishment at least. As to the question of taxation, I am not so clear, if it is a question whether it is within the power

of Congress to declare the depositor's account not subject to

Mr. BORAH. Does the Senator think that simply because individual money is placed in the post-office that that of itself would exempt it from garnishment? Is that the contention?

Mr. CARTER. That is not the contention. The contention is that money put in the hands of the United States for payment to any person is not subject to garnishment at all. case of Buchanan v. Alexander, reported in 4 Howard, 20, holds this doctrine. It appears that the purser on a vessel was made defendant in a garnishment proceeding at the instance of a creditor of a seaman. The purser defended. He admitted that he had the money of the seaman there, to be paid over to him, but the Supreme Court held that a third party could not be permitted to intervene and by any process divert that money from the hand of the individual to whom the Government was obligated to pay it. That, I think, is a leading case and a conclusive case.

Mr. McCUMBER. Will the Senator yield to me for a question?

Mr. CARTER. Certainly.

Mr. McCUMBER. How can the Senator or anyone claim that the money after it has been paid to the post-office belongs in any sense to the person depositing it? If I understand the bill at all, the moment the money is deposited in the post-office the Government becomes the debtor of the depositor, Mr. CARTER. Certainly.

Mr. McCUMBER. There is no agreement to pay the same money back. It is simply an indebtedness of the Government, an indebtedness that bears 2 per cent interest. Then the question would arise whether the State or any authority can tax the indebtedness due from the Government itself to any individual. If that is not safeguarded in the bill, it certainly seems to me it ought to be safeguarded, for it seems to me that this is being talked of and considered as though the money belonged to the depositor after he had made the deposit instead of being entirely government money and there being nothing but the indebtedness existing between the two.

Mr. CARTER. The statement of the Senator from North

Dakota accurately describes the relation, as I understand the relation, between the money and the depositor and the Govern-

ment.

Mr. HEYBURN. Mr. President, I trust, if I may be par-

The VICE-PRESIDENT. Does the Senator from Montana yield to the senior Senator from Idaho?

Mr. CARTER. Certainly.
Mr. HEYBURN. I trust no one understood me to take a different position. I asserted more than once that the title passed at the instant of the deposit; but I asserted, also, that the thing which the individual received was property as much as that which he yielded up. Mr. BORAH. Mr. President

Mr. CARTER. At this point, if the junior Senator from Idaho will permit me, I wish to state, in reply to the Senator, that it is my judgment that if the United States Government can exempt its bonds from taxation in the respective States it can exempt any other form of indebtedness of the United States, including an entry on a pass book held by a depositor.

The VICE-PRESIDENT. Does the Senator from Montana

yield to the junior Senator from Idaho?

Mr. CARTER. I yield with pleasure. Mr. BORAH. I ask whether or not the certificate or the representation of the relationship between the depositor and the Government would be subject to attachment and sale?

Mr. CARTER. I can not conceive it so. Mr. BORAH. If it is not subject to attachment, then I should think that the position which the Senator from North Dakota Mr. McCumber] takes would not obtain in sufficient strength to protect the depositor, because a creditor could proceed to sell the certificate which represents his deposit and collect his debt against him anyway. While you could not garnishee the Government and ask the Government to respond, yet if he has the evidence of his deposit, you could attach that and sell it under execution or a proceeding supplementary to execution.

Mr. CARTER. It is not an assignable evidence, it is but an intangible thing bearing evidence of a relationship existing between the individual and the Government, which can not be

transferred by legal process to anyone else.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the senior Senator from Idaho? Mr. CARTER. With pleasure.

Mr. HEYBURN. I would be perfectly willing to admit and submit to the position the Senator takes, but there is a very strong argument against it. If it is not subject to taxation or liable for the payment of debts, then you have set apart this vast sum of money so that it will contribute nothing to responsible personal obligation or to the Government through taxation. I think one argument is as strong against it as the other.

Mr. CARTER. In reply to that, it is all sufficient to say that the element least responsive to taxation in this country and every other country is ready cash. Look over the assessor's lists in any county, not excluding the county of New York, and you will find we are the most poverty-stricken people the world ever knew in the matter of ready money. Nobody returns ready money. They do not happen to have it on hand. Of the \$3,000,-000,000 of circulation in the United States I venture to say that not 10 per cent is returned for taxation anywhere. The people who have large sums of this thing that can be so conveniently secreted return but a bare moiety of the whole for taxation. Yet the Senator would urge as an overwhelming objection to the bill the beneficent extension of an exemption law which would relieve the savings of the poor from a burden never assumed by the colossal accumulations of the rich.

Mr. BORAH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the junior Senator from Idaho?

Mr. CARTER. With pleasure.
Mr. BORAH. Mr. President, I believe in the exemption; I believe it should be exempt; but I do not believe that you can exempt it by a power of the General Government. There is no doubt, it seems to me, but that, as the savings are coming from the poor people supposedly, it is very proper for the Government to exempt them, if the Government can do it. But the thought which was running in my mind was that it was not within the power of the General Government to enter within the domain of a State and say that the individual holdings and ownings of a citizen should be exempt from taxation.

I am aware that the courts have held that you may exempt the bonds of the Government, but they have done so under a specific provision of the Constitution and because they repre sented one of the instrumentalities and agencies of the General Government. But that is an entirely different thing from saying that you may exempt the individual citizen's property from It is not a question of the principle; it is a question whether the State or the General Government must do it: and that is the reason why I asked the Senator whether or not

there was any precedent for this proposition.

Mr. CARTER. I am not aware of any precedent, I will frankly say to the Senator. I have grave doubt as to the right of Congress to exempt the depositor's money from taxation merely because of its deposit in a postal savings depository. It can not be sustained, in my judgment, upon any other ground than that just recently referred to, that the evidence of indebtedness, whether in bond, or pass book, or temporary note, might be exempt from taxation. Certainly the bond has been held as exempt from taxation, properly, under the law of Congress, but with the qualification in McCulloch v. Maryland, stated, I think, by the Senator from Idaho [Mr. HEYBURN]. As to whether the reasoning in that leading opinion would cover a bank deposit in such a case as that we are contemplating I have great doubts. But as to the right of the Government to hold money free from garnishment I have no doubt whatever in the absence of any statute on the subject or provision in this particular bill.

Mr. CUMMINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana vield to the Senator from Iowa?

Mr. CARTER. With pleasure.

Mr. CUMMINS. I should like to ask the Senator from Montana whether it be or be not true that if the State has the right to tax this property it is a constitutional right that can not be taken away from it by an act of Congress?

Mr. CARTER. Of course the act of Congress could not de-

prive the State of any right which constitutionally it had; and

it would be to that extent-

Mr. CUMMINS. Whatever right the State has to tax grows out of its relation to the General Government, and if it be guaranteed to the State by the Constitution it follows, I assume.

that it can not be taken away by an act of Congress

I make the suggestion, Mr. President, because I have certain amendments to this measure pending which I desire to bring before the Senate at some convenient time. One of those amendments proposes to strike from the bill the provision to exempt these deposits from taxation, and the reason why I bring that amendment forward is because I believe it is wholly impossible

for Congress, constitutionally, to deal with the matter at all. If the State has the right, it has it by virtue of the Constitution. If it has not the right, it can not exercise it.

Mr. CARTER. Mr. President, my understanding is that the States granted to the Federal Government a certain measure of taxing power and reserved unto themselves all power not expressly granted to the Federal Government. If the reserved power is the right to tax money on deposit under such conditions as we are here contemplating, then, of course, Congress can not impair that reserved constitutional right of taxation.

The Senator from Idaho [Mr. HEYBURN] -and I will be briefstated in the very beginning what impressed me most forcibly, that, in his judgment, this measure was not to be voted on at all; was not to be passed by this Senate or this Congress. I do not care to go beyond the Chamber in making predictions, but I am surprised at the statement of the Senator from Idaho, in view of his further statement to the effect that the bill was

not worthy of any very serious consideration at all.

Mr. President, the Senate, in my humble judgment, can be trusted to pass upon things lacking in merit by appropriate evidence of disapproval, and all we ask for this bill, I will say to the Senator from Idaho, is a vote on the merits in this Cham-

ber. Is the Senator ready now to agree to a time?

Mr. HEYBURN. Mr. President, it requires oftentimes as much consideration and discussion to discover that a measure of proposed legislation is bad as to discover that it is good, and of course the bill will have to be discussed. It is a pending measure before this body. I will not agree to a time to vote on it, because I do not think it has received the consideration that it should receive, even though it is to be repudiated. I believe that when a great question of proposed change in our Government, such as this, comes into the legislative body of the United States for consideration, it should receive thorough consideration; and even while we may be justified in the eyes of the people in having refused the legislation, to turn it down without adequate consideration would discredit us as not having been sufficiently vigilant in determining whether the suggestion which came to us through a great political convention should be given consideration.

Mr. CARTER. Mr. President, the desire of the Senator to consider will be gratified to the extent of my ability to bring the measure forward hereafter for consideration. The Senator further stated that there has been no demand for this legislation which Congress was in any measure bound to respect, and he gave expression to a sentiment, which I most cordially approve, to the effect that the people of this country are in the last measure the rulers of the country rather than the President and the Congress and the courts. To that sentiment I accede.

The people of the country can only impress the Congress and the Executive through certain well-known methods of expres-We have become aligned, as in all parliamentary governments people will become aligned, into parties, standing for certain definite things upon which we go to trial from time to

time before the electorate.

It so happened, Mr. President, that all parties in this country, with one accord and without dissenting voice, through their delegates coming fresh from the American people, pronounced in favor of the establishment of a postal savings system. The National Grange, embracing the great body of the farming communities of the country-12,000,000 freemen-the bone and sinew of the Republic, pronounced in favor of this kind of legislation; and yet the Senator, in the presence of the public press, in spite of the pronouncements of all the national conventions, announces to us that the American people are ruling the country, but they can not have this thing.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. With pleasure. Mr. HEYBURN. I notice that the Senator from Montana sys "a" postal savings system.

Mr. HEIBURN. I notice that the senator from Montana says "a" postal savings system.

Mr. CARTER. "A" postal savings system.

Mr. HEYBURN. Yes; "a" postal savings system. Mr. President, it does not follow because all the people, for instance, declare in favor of a principle that any expression of that principle will meet their declaration. "A" postal savings that principle will meet their declaration. "A" postal savings bank bill; yes, if the Government will establish a postal savings system without agreeing to pay interest on the deposits to the people, and allow the people to draw the deposits out whenever they are needed, and thus become merely the safe custodian, I will support it. That is the kind of postal savings bank I am in favor of; but I am not in favor of one that exists by a system of rivalry in the speculative money world. The system I have outlined is the only safe system of postal sav-

ings banks in our country, and it would meet the requirements of the people and the demand of the political organizations. The vice of this proposition is the money changer. The vice of it is that the Government shall contract to pay interest to the owner of the money in order that it may enter into the scramble of finance.

Mr. PILES. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington? Mr. HEYBURN. I do.

Mr. PILES. I should like to remind the Senator from Idaho of the fact that the bill which the Senator from Montana has in charge was before this body at the time the national plat-forms of the different parties were adopted. The people of the country understood when those platforms were adopted that we were to pay 2 per cent interest on postal savings deposits, and in their several conventions, and by their votes at the polls, they sustained the bill which the Senator from Montana intro-

Mr. HEYBURN. The people! Why, Mr. President, not onethousandth of 1 per cent of the people ever had the opportunity of reading the bill to which the Senator from Washington refers. They knew nothing about it, only that there was a cry which went out, "Give us safety for our earnings." That is what the people wanted—safety for their earnings, trusting to the judgment of their representatives to provide the details by

which that safety could be brought about.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Indiana?

Mr. HEYBURN. I do.

Mr. BEVERIDGE. The Senator would not say, would he, that the people also objected to having, in addition to safety,

some interest on their earnings?

Mr. HEYBURN. Mr. President, the smaller the percentage of people in this country who live on the interest on their money the higher the degree of prosperity of the people. The more people doing business for themselves the higher the grade of civilization. Men are apt to get the "pay-window stoop" getting with certainty at the end of every month a check for so many dollars, taking no chances in the business life of the country. I repeat, the more men doing business on their own responsibility in this country the higher the degree of pros-perity and the higher the grade of civilization. The man who is his own master, who works for himself, steps a little firmer and holds his head a little higher than the man who works for another; and the ambition that should be instilled into the mind of every boy in this country is to be his own master; to work for nobody but himself.

Mr. CARTER. Mr. President, we have fared well in the course of the discussion this afternoon, and I now understand that the Senator's only objection to the bill is that it proposes

Mr. HEYBURN. The only one, Mr. President? Oh, no. [Laughter.] The Senator must have allowed his mind to wander away if he has heard no other. That is one of them. I put it that way.

Mr. CARTER. I understood the Senator to say that he would have no objection to the bill if it did not provide for the

payment of interest.

payment of interest.

Mr. HEYBURN. To this bill? Oh, yes; I have many objections. I stated I would have no objection to "a" bill—

Mr. CARTER. Oh!

Mr. HEYBURN (continuing). That provided that the Government should say to a party who was a self-confessed incompetent to take care of his few pennies, "We will hold them for you and keep anybody from getting them away from you until you need them.'

Mr. CARTER. Mr. President, I wish to make a statement before asking a vote on the pending amendment, which I hope will be accepted by every Senator present and acted upon.

This bill has been pending with a favorable-indeed, a unanimous-report from the Committee on Post-Offices and Post-Roads for many, many months. It was reported here from the committee some time last year. There has certainly been ample time for proper consideration of its provisions. It has been the unfinished business now for a considerable length of time; and I shall consider it hereafter my duty to the Senate, to the committee, and to the country to insist upon the consideration of this bill at every proper time henceforth until a vote shall have been reached.

There are a few amendments pending, one particularly by the Senator from Iowa [Mr. Cummins], which he desires to press with his great force. I trust that we may so dispose of the committee amendments to-day as to leave the way open for the Senator from Iowa to present his views in support of his amendment. I therefore ask a vote on the pending amendment, which, I think, is a formal matter.

Mr. HEYBURN. Let us have the amendment stated, Mr.

President.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. It is proposed to strike out all of section 7. and in lieu thereof to insert the following:

SEC. 7. That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe; but interest shall not be computed or allowed on any amount less than \$1 or some multiple thereof: Provided, That the balance to the credit of any one person shall never be allowed to exceed \$500, exclusive of accumulated interest.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BEVERIDGE. I inquire if that is a committee amendment?

Mr. CARTER. It is. Mr. HEYBURN. Mr. President, I rise to inquire as to the amendment. I have had handed me by a page a print of the amendment of January 14. I suppose it is to take the place not only of that portion of the original bill that was reported from the committee, but also of the amendment printed in large

type, which I supposed was the pending amendment.

Mr. CARTER. That amendment is pending, but I think the amendment now offered is a substitute for both the text and

the pending amendment.

Mr. HEYBURN. It is a substitute for all of section 7? Mr. CARTER. For all of section 7, with the proposed amendment as printed in the text.

amendment as printed in the text.

Mr. HEYBURN. It is not printed in the bill that I have.
Is there another print?

Mr. CARTER. There is, I think. The Senator will find what is called the pending amendment in section 7 on page 6.

Mr. HEYBURN. Yes; it is the section, but it is not all the

Mr. CARTER. The amendment just read proposes to strike out all of section 7 and to disregard the pending amendment,

so called. It is a substitute for both.

I will say to the Senator from Idaho that the purpose of this amendment is to permit computations of interest to be made upon as short a period of time as a basis as may be consistent with the administration of the law, without too great a burden upon the clerical force.

Mr. HEYBURN. Mr. President, as it appears to me, the amendment does not attempt to establish any rule for the payment of interest, but leaves it entirely to the discretion of the

Postmaster-General.

Mr. CARTER. It leaves it to his discretion.
Mr. HEYBURN. So that the provision, as contained in the bill as it was last printed, specifying the manner of the payment of interest and of computing the interest, is stricken out.

Mr. CARTER. It is stricken out.

Mr. HEYBURN. And the matter is left entirely to subsequent "legislation" by the Postmaster-General.

Mr. CARTER. Mr. President, I will explain to the Senator from Idaho that the original text of the bill provided that interest should be computed upon the average deposit for each interest should be computed upon the average deposit for each quarter.

Mr. HEYBURN. Yes; I have that. Mr. CARTER. It was believed, upon mature reflection, that this would lead to a very great volume of clerical work, and, in consequence, it was proposed that computations be based on the average of each six months' deposit. To that it was objected, and I think very properly, that persons would have their money on deposit frequently for nigh six months, and in certain con-tingencies for a year, or a little less, without receiving any interest at all. In order to permit the Postmaster-General to compute the interest upon the fairest possible basis consistent with reasonable bounds of clerical work, it was thought wiser to leave that to his discretion. If he can compute it on the basis of monthly balances, well and good; if not, then on quarterly balances; and if not on quarterly balances, he may be driven to take half-yearly balances.

Mr. HEYBURN. I should like to inquire of the Senator in charge of the bill whether or not there is now remaining in the bill a limit as to the time which money may remain on deposit?

Mr. CARTER. There is no limit as to the time during which

money may remain on deposit-Mr. HEYBURN. It may remain on deposit for a lifetime.

Mr. CARTER. Except that there is a limit of \$500 as to the aggregate amount that may be deposited, exclusive of accumulated interest, and a limit of \$100 deposit for each month.

Mr. HEYBURN. Then, at the end of twenty years or thereabouts, or, say, fifty years, a man who had deposited \$500 would have a thousand dollars drawing interest.

Mr. CARTER. He would not have a thousand dollars drawing interest. He would have the original \$500 drawing inter-There would be no arrangement for compounding interest.

Mr. HEYBURN. Then, that provision has been stricken from the original bill. This matter came up very suddenly to-day, and I have not had time to thoroughly compare it. As I recollect, the original draft of this bill provided for adding the interest at certain periods to the principal. That has been stricken

Mr. CARTER. I have not before me the particular matter to which the Senator refers. It has no relation, however, to com-

putation, as I understand.

Mr. HEYBURN. Now, Mr. President, when I am satisfied that this measure has received the attention that I think it is entitled to, I shall not delay action, because I represent only the responsibility of one member of this body; but I do not believe that the Senate has yet given the consideration to a measure of this kind that it should receive before responsible action is taken.

I have no hesitation at all in saying that I know the people at large do not understand the force or effect or scope of this measure, and I feel a responsibility resting upon me as a member of this body to do what I can to hold it under consider-

ation until they do understand it and approve it.

This is not the time to come at me with the proposition that a political convention, through its committee on platform, has declared in favor of a postal savings bank bill. You can draw a postal savings bank bill in a hundred forms, each one of which would constitute a postal savings bank bill. It does not follow, therefore, that this particular bill is to be enacted without consideration or change because of a declaration in a plat-

For one, with the people with whom I have come in contact during the last great campaign, I have not undertaken to support this measure, and I will not be called upon to apologize for my action in attempting to prevent the enactment of what I deem unwise legislation. I say that with all due regard for those who are presenting the bill. I do not think we are prepared to vote upon this measure or will be for some time to I understand the proposition now is to vote upon the

amendment, and that it will still be open to consideration later.

I was glancing my eye over the language of Chief Justice Marshall in the Maryland case while the matter was under dis-I happened to have that decision in my desk, and were this the hour in which it was necessary to discuss the legal phases of the bill, I would feel impelled to call the attention of the Senate to some remarks of that great jurist; but I will defer doing so and lay the opinion back in my desk.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 202) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc., in which it requested the concurrence of the Senate.

INAUGURAL PERMITS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 202) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.
Mr. SCOTT. Mr. President, I ask unanimous consent to have

the joint resolution considered now, without referring it to a committee. It is in regard to the inauguration ceremonies, and has been passed by the other House. It is in virtually the same form as the bill which we passed in the Senate a week or ten days ago. The committee is very anxious to have the matter definitely settled. I ask unanimous consent for the present consideration of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read

for the information of the Senate, subject to objection.

The Secretary read the joint resolution; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration. to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CADMUS E. CRABILL.

Mr. CLAY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7325) for the relief of Cadmus E. Crabill, to report it favorably with amendments and to submit a report (No. 845) thereon. I call the attention of the Senator from Indiana [Mr. BEVERIDGE] to the

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the There being no objection, the senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with amendments, in line 2, after the words "directed to," to strike out "refund to" and insert "credit;" and in line 3, after the word "Indiana," to insert the word "with," so as to make the bill

Be it enacted, etc., That the Postmaster-General be, and Is hereby, authorized and directed to credit Cadmus E. Crabill, postmaster at South Bend, Ind., with the sum of \$18,653.50, being the amount of postage stamps and stamped paper belonging to the Post-Office Department of the United States, stolen from said Cadmus E. Crabill by robbers on the 15th day of November, 1908, it appearing that said loss was without fault or negligence on the part of said postmaster.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PENSACOLA, FLA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 7276) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla

Mr. CARTER. I hope the Senator will wait until the amendment presented by the Senator from Iowa [Mr. CUMMINS] to the postal savings banks bill shall have been considered. It may be time to adjourn for the evening. I know not of that; but if it is not, I hope we shall continue with the consideration of the unfinished business.

Mr. TALIAFERRO. I thought the bill had gone over. Mr. CARTER. It has only been laid aside temporarily.
Mr. TALIAFERRO. Requests for unanimous consent seem

to be in order. There were a number of such requests, and I saw no reason why I should not ask for the present consideration of the bill to which I have referred.

Mr. CARTER. One Senator requested the privilege of mak-

ing a report from a committee, and another followed that up

by a request for the consideration of the bill.

Mr. TALIAFERRO. I withdraw the request, if there is objection to it.

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes

Mr. CUMMINS. If there is no further amendment to the postal savings banks bill on the part of the committee, I desire to offer the amendments submitted by me a few days ago and

now on the table.

The VICE-PRESIDENT. The Senator from Iowa proposes amendments, which will be stated. Does the Senator desire his amendments acted upon in the order in which they were

Mr. CUMMINS. I desire to present them at the same time. The VICE-PRESIDENT. The amendments will be stated.

The Secretary. It is proposed to strike out section 10; also to strike out section 11 and insert in lieu thereof the following:

SEC. 10. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law or a state or territorial law and doing business in such city, town, or village; and if in any such city, town, or village; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory: Provided, however, That no depository funds shall be deposited in any bank organized under a state or territorial law unless the laws of the State or Territory in which it is located require public supervision and examination; And provided further, That such examination shows the bank to be solvent not only as to creditors but with unimpaired capital.

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at

the rate of not less than 2½ per cent per annum. Each bank receiving deposits under the authority of this act shall from time to time give such suitable bond or bonds, with surety or sureties to be approved by the Postmaster-General, as will indemnify the Government against loss. If the banks herein described as the banks in which the funds are to be deposited refuse to accept a deposit or deposits upon the terms and conditions above prescribed, then and in such case the Postmaster-General may use any bank designated by him and complying with said terms and conditions for such deposit or deposits; or he may invest the same in state, territorial, county, or municipal bonds to be selected by him with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

Strike out the figures "12," in line 15, on page 7, and substitute the figures "12."

Strike out the figures "14," in line 9, on page 8, and substitute the

figures "12."
Strike out the figures "14," in line 9, on page 8, and substitute the

figures "13."
Strike out the figures "15," in line 21, on page 8, and substitute the

Strike out the figures "16," in line 8, on page 9, and substitute the mres "15."

figures "15."
Strike out the figures "17," in line 1, on page 10, and substitute the figures "16."

Mr. LODGE. Mr. President, it is getting rather late, and if the Senator from Iowa does not desire to go on at this time, I will move an executive session, if that be agreeable to him.

Mr. CUMMINS. It will be quite agreeable to me to go on

to-morrow.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 26, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 25, 1909.

DISTRICT COMMISSIONER.

Henry L. West, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years from February 1, 1909. This is a reappointment.

SECRETARY OF STATE.

Robert Bacon, of New York, now Assistant Secretary of State, to be Secretary of State, vice Elihu Root, resigned.

ASSISTANT SECRETARY OF STATE

John Callan O'Laughlin, of the District of Columbia, to be Assistant Secretary of State, vice Robert Bacon, nominated to be Secretary of State.

JUDGE OF THE CIRCUIT COURT OF HAWAII.

Selden B. Kingsbury, of Hawaii, to be judge of the circuit court of the second circuit of the Territory of Hawaii, vice A. N. Kepoikai, resigned.

PROMOTION IN THE NAVY.

Chief Sailmaker Garrett Van Mater, U. S. Navy, retired, ranking with, but after, ensign, to be a chief sailmaker on the retired list, to rank with, but after, lieutenant (junior grade), from the 14th day of November, 1908, the date of his transfer to the retired list on account of age, in accordance with the provisions of an act of Congress approved June 29, 1906.

POSTMASTERS.

Frank A. Nimocks to be postmaster at Ottumwa, Iowa, in place of Fred W. Wilson. Incumbent's commission expired November 23, 1907.

OHIO.

Ford H. Laning to be postmaster at Norwalk, Ohio, in place of Ford H. Laning. Incumbent's commission expired January 11, 1909.

TENNESSEE.

Rufus Rutherford to be postmaster at Clinton, Tenn., in place of Rufus Rutherford. Incumbent's commission expired December 14, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25, 1909.

CONSUL-GENERAL AT LARGE.

Heaton W. Harris, of Ohio, to be consul-general at large of the United States.

SURVEYOR OF CUSTOMS.

Fenton W. Gibson, of Louisiana, to be surveyor of customs for the port of New Orleans, in the State of Louisiana.

PROMOTIONS IN THE NAVY.

Commander Charles F. Pond to be a captain in the navy. Lieut. Commander Edward W. Eberle to be a commander in the navy.

Lieut. Col. George Richards to be a colonel, paymaster, in

the United States Marine Corps.
Capt. Harold C. Reisinger to be a major, assistant paymaster, in the United States Marine Corps.

First Lieut. Russell B. Putnam to be a captain, assistant paymaster, in the United States Marine Corps.

POSTMASTERS.

DELAWARE.

Fred H. Burton to be postmaster at Millsboro, Del.

W. G. Pettijohn to be postmaster at Arcadia, Ind. Joseph S. Vanatto to be postmaster at Earl Park, Ind.

Wilfred C. Dorsey to be postmaster at Louisville, Nebr. Spicer D. Eells to be postmaster at Elmwood, Nebr. Benjamin W. Showalter to be postmaster at Davenport, Nebr. George Yung to postmaster at Cedar Bluffs, Nebr.

Frank A. Frost to be postmaster at Watkins, N. Y. Zera T. Nye to be postmaster at Homer. N. Y.

Charles N. Bodenheimer to be postmaster at Elkins, N. C. Robert W. Davis to be postmaster at Southport, N. C.

OKLAHOMA.

J. P. Becker to be postmaster at Medford, Okla.

PENNSYLVANIA.

George W. de Coursey to be postmaster at Newtown, Pa. Elizabeth R. Skelton to be postmaster at Cynwyd, Pa. Samuel B. Willard to be postmaster at Yardley, Pa.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 25, 1909.

John M. Burrows to be postmaster at Ashboro, in the State of North Carolina.

HOUSE OF REPRESENTATIVES.

Monday, January 25, 1909.

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

JOHN R. BINNS.

Mr. BOUTELL. Mr. Speaker, I would like to ask unanimous consent to address the House for three or four minutes on a matter of public interest.

The SPEAKER. The gentleman from Illinois [Mr. BOUTELL] asks unanimous consent to address the House for three or four minutes on a matter of public interest. Is there objection?

There was no objection. Mr. BOUTELL. Mr. Speaker, during the last two days we have been reminded once more of the perils that beset those "that go down to the sea in ships and do business on the great The accident that befell the steamships Republic and Florida last Saturday found heroes ready for the heroic work demanded of officers, crews, and passengers. I believe that everyone who read the accounts of the collision, the jeopardy in which the occupants of the two ships were placed, and the way in which the news reached the rescuers, felt that there was one

silent actor in the tragedy whose name should be immortalizedthe Marconi operator on the Republic, who had the cool head and steady hand to send forth on the willing wings of the air the message of disaster that saved hundreds of lives and the message of deliverance that relieved thousands of anxious hearts.

His name is John R. Binns. [Applause.] He is known to several Members of this House. A New York morning paper gives a brief account of Binns and his work:

[From the New York Sun, January 25, 1909.]

BINNS, WIRELESS—THE MAN THAT SENT THE NEWS OF THE REPUBLIC'S MISHAP.

BINNS, WIRELESS—THE MAN THAT SENT THE NEWS OF THE REPUBLIC'S MISHAP.

Jack Binns—his initials are J. R., but he doesn't usually bother with them—the Marconi operator on the Republic who sent out the distress signals, "C Q D." probably was just as cool and deliberate as the messages he sent would seem to indicate. Binns is only about 25 years old, but he isn't easily excited.

Binns knew that "C Q D" signal by heart; in fact, he practiced it. If Speaker Cannon will brush his memory a bit, he will remember an operator on the steamship Bluecher, which took him, James S. Shermans, Dr. Andrew D. White, and others of a distinguished party to Panama, explaining the working of the Marconi system and illustrating it by letting off a few streaks of electrical fre, which crackled so that it made the Speaker step a little sideways, as being a new kind of a blue streak. That chap was Binns, and he told the Speaker that down in the West Indian waters there was really very little for a Marconi operator to do, as the system down that way was De Forest.

"And the only time we tap in on the De Forest system, Mr. Speaker," Binns said, "is when a general call for distress comes. It is known as "C Q D" and goes something like this [some spirited electrical spluttering]. Then all operators on every system drop everything and fall to passing the word around."

In crossing to this country on the Hamburg-American steamship President Grant after his trip around the world, Mr. Taft evidently took an interest in the work Binns was mastering. Mr. Taft evidently took an interest in the work Binns was mastering. Mr. Taft evidently took an interest in the work Binns was mastering. Mr. Taft evidently took an interest in the work Binns was anstering. Mr. Taft evidently took an interest in the work Binns was anstering. Mr. Taft evidently took an interest in the work Binns was mastering. Mr. Taft evidently took an interest in the work Binns was mastering. Mr. Taft evidently took an interest in the work Binns was mastering. Br. Taft evidently took

what the news was before it was printed in the snip's diminutive newspaper.

Binns got a promotion and had the responsible place of chief operator of the Kaiserin Auguste Victoria offered to him. Here he did well, and through his good work a tempting job on one of the big land stations in Ireland was offered to him. His love for the sea got the better of him and soon he got himself transferred to a ship again. He was at Genoa at the time of the earthquake and was able to be of assistance with his apparatus. This was not his first earthquake experience, as the Bluecher, on its trip before the one Speaker Cannon's party made, had touched at Kingston at the time of the catastrophe there.

The place of the chief wireless operator aboard the ship is well defined. He takes orders from nobody but the captain and ranks as an officer. Binns was rounding out his forty-first trip to New York from Europe, though he had made many side voyages.

Binns has given the world a splendid illustration of the hero-

Binns has given the world a splendid illustration of the heroism that dwells unseen in many who are doing the quiet, un-

noticed tasks of life. Is it not an inspiration for all of us to feel that there are heroes for every emergency, and that in human life no danger is so great that some Jack Binns is not ready to face it? [Ap-

FISH-CULTURAL STATIONS.

The SPEAKER laid before the House the bill (H. R. 15452) entitled "An act to establish two or more fish-cultural stations on Puget Sound," with Senate amendment.

The Senate amendment was read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the Senate amendment was agreed to.

ELECTION CONTEST-WARMOTH V. ESTOPINAL.

The SPEAKER laid before the House the following communication, which was referred to the Committee on Elections No. 1: NEW ORLEANS, LA., January 21, 1909.

NEW ORLEANS, LA., January 21, 1909.

TO THE HONORABLE THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES,
In the Sixtieth Congress of the United
States of America, Washington, D. C.

DEAR SIR: I respectfully desire to state that, owing to the fact that under the provisions of the Revised Statutes of the United States it would be impossible for me to take evidence and present same to the committee before the final adjournment of the Sixtieth Congress of the United States, I therefore withdraw my contest against Mr. Albert Estopinal for the seat in the Sixtieth Congress of the United States from the First Congressional District of Louisiana.

I would respectfully request that this letter and notice of withdrawal be sent to the proper committee, so that your honorable body can dispose of same.

Very respectfully,

ENROLLED BILLS SIGNED.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same: H. R. 23849. An act granting pensions and increase of pensions

to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors:

H. R. 9969. An act for the relief of George J. Miller, of Wenatchee, Wash.;

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 15218. An act for the relief of the sureties on the official

bond of the late Cornelius Van Cott; and H. R. 8733. An act for the relief of Walter W. Keefe.

CROW INDIAN RESERVATION, MONT.

By unanimous consent, reference of the bill (S. 8357) extending the time for disposing of lands on the Huntley project within the ceded Crow Indian Reservation, Mont., was changed from the Committee on the Public Lands to the Committee on Indian Affairs.

PERMITS TO COMMITTEE ON INAUGURAL CEREMONIES.

Mr. SMITH of Michigan. Mr. Speaker, I call up House joint resolution 202, and move to strike out all after the enacting clause and insert the following, which I send to the Clerk's

The SPEAKER. The gentleman from Michigan calls up the joint resolution, the title of which the Clerk will report. The Clerk read as follows:

House joint resolution 202, authorizing the granting of permits to the committee on inaugural ceremonles on the occasion of the inaugura-tion of the President-elect on March 4, 1909, etc.

The SPEAKER. Now, the gentleman from Michigan moves to strike out all after the enacting clause and insert a new text, which the Clerk will report. The Clerk read as follows:

which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building in the city of Washington, except such rooms therein as are used and occupied for the payment of pensions, on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, subject to such restrictions and regulations and limitations as to space as the said Secretary may prescribe in respect of the period and manner of such use, including all secondary of the period and manner of such use, including all Sec. 2. That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public places or statuary thereor; and the Commissioners of the District of Columbia may designate for such and other puppess of the Occasion aforesaid such streets, avenues, and necessary: Provided, however, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designate to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds; and the Superintendent of the United States Capitol Building and Grounds: And provided further, That the reservations or public spaces occupied by the stands or other structures shall be restored.

It spaces occupied by the stands or other structures shall be restored. The purpose of effecting the said illumination of the inaugural committee shall indemnify the Wa

papers published in the District of Columbia; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100, in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of \$2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia, for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

Sec. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonles such ensigns, flags, etc., belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration, and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Manslon and the interior of the reception hall: Provided, That the loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 24th day of February, and they shall be returned by him by the 10th day of March, 1909: Provided further, That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of carring for the sick, injured, and infirm on

Mr. SMITH of Michigan. Mr. Speaker, I yield ten minutes to the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. Make your explanation first, if you want to explain.

Mr. SMITH of Michigan. Mr. Speaker, the only explanation I have to make is that we substitute the language just read for the resolution which was considered here two weeks ago, with amendments in these words: In line 6 insert "except such rooms therein as are used and occupied for the payment of pensions," and, in line 10, by the insertion of "and limitations as to space." These amendments were offered for the purpose of making certain that pensioners can be paid as promptly as

Mr. SIMS. Mr. Speaker, as some of the Members of the House present know, this resolution or a similar one was considered and the House amended that resolution by striking out that portion of the resolution authorizing the use of the Pension building. The letter of the commissioner was read, which shows that it would deprive the department of the service of the employees of the Pension Bureau for twenty days, amounting to a loss of \$95,000, with great danger to the files in the office from destruction by fire; and the House, in the Committee of the Whole, voted by a substantial majority to strike out the authority given for the use of the Pension Office. Now, the Senate has passed a similar resolution without that amendment. The Senate resolution has gone to the District Committee of the House and was reported favorably, and that is being offered as a substitute for the House resolution as amended, which includes the use of the Pension Office. I discussed these things fully when the House resolution was being considered. I would not have time to do it now, and would not do it if I had, because it is not necessary.

I naturally suppose this House will pass this resolution, because there has been a great amount of work by a great number of people to secure its passage, and because a great many Members of this House feel embarrassed to vote against it because a distinguished Member of this House is to be inaugurated Vice-President of the United States. Members imagine, I suppose, that this is an occasion calling for merriment for a dance, when a Member of this House, who has served here twenty years in the highest position, except that of Speaker, is to be taken over there and put in the senatorial refrigerator for four years, when it will probably be the last time he will feel like dancing, and perhaps the last time he will be physically able to dance [laughter], because, after he has served there four years, he will go on crutches from rheumatism and the ailments that will naturally belong to such service, after he has been here in this active, virile, legislative body so long.

[Laughter.] So that one of the arguments is that it is on account of this distinguished gentleman, because after this he will, perhaps, never again feel like dancing.

How can you gentlemen who live in the North, where a great majority of these pensioners live, say to those old soldiers that for twenty days they shall incur the risk of burning out these files, delaying for all time, by twenty days, consideration of pension applications? Daily you and I are getting letters as to delay of applications, to which you receive replies, "This matter is being considered, and action will be taken as soon as possible."

I criticised this matter two weeks ago, and a Washington newspaper in an editorial said this, among other things, to which I invite your attention:

Then, why not grant reasonable requests when Washington puts up the money and shoulders the burden?

Let me give you an idea of some of the "shouldering of the burden." Here is a bunch of letters in my hand. I am going to read them, without giving the names of the people who have applied to the hotels for rooms during the inauguration. want you to see how the Washington hotels are shouldering the burden. Here is one from the Metropolitan Hotel. Listen to this, gentlemen:

WASHINGTON, D. C., January -, 1909.

House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: During the coming inauguration our house will be operated exclusively on the American plan and rates range from \$20 upward, each person, for a period of five days. Should you desire a room with bath, the rate would be \$125 for the five days, and would secure a room fronting on Pennsylvania avenue, overlooking the line of procession.

Should these rates prove satisfactory to you, we would suggest that you advise us at your earliest possible convenience in order that we may reserve for you such rooms as you desire.

Yours, very truly,

METROPOLITAN HOTEL COMPANY.

Mr. WILSON of Illinois. For how many rooms is that? Mr. SIMS. One foom.

Mr. WILSON of Illinois. Do they furnish a bed with that room? [Laughter.]

Mr. SIMS. That is not one of the high-priced hotels, and perhaps is one of the most moderate in Washington. Listen to another one:

WASHINGTON, D. C., January -, 1909.

House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: Acknowledging the receipt of your communication under date of yesterday, I beg to advise that we are making no reservations for the week of inauguration at a later date than March 1, nor for less than five days. At this time I am not able to offer you anything with bath. We have two connecting rooms, however, on the second sleeping floor, one fronting Pennsylvania avenue, with one large window, no bath or running water, at \$15 per day—\$75 for the five days. Two adjoining rooms, fronting west on Sixth street, at \$12 per day. Our rates for suites with bath, fronting Pennsylvania avenue, are \$20 per day for five days, and if you so desire, and we should be able later on to accommodate you with such, we will be very glad to let you know.

Yours, very truly,

ST. JAMES HOTEL. That is from the St. James Hotel, another moderate-priced house in Washington. I want to show you how Washingtonians are furnishing the money, as stated in this newspaper editorial. [Laughter.] Here is one from the Arlington Hotel:

WASHINGTON, D. C., January -, 1909.

House of Representatives.

Dear Sir: Replying to your letter of the 13th instant, beg to say we can give you two good rooms at \$8 per day each room, European plan, which would have to be reserved from February 26 to March 5. Bathrooms, \$2 per day additional. Should this be satisfactory, an early reservation would be advisable to insure these accommodations.

Trusting to have the pleasure of entertaining you, we are,

Yours, very truly,

I have other letters along the same line. The statements of that editorial ought to be amended so as to say that the country furnishes the money, while Washingtonians put up the prices and pull down the money. Yet this whole ceremonial managed by this committee is unofficial.

Why should we give up the Pension Office, at the danger of destruction of valuable records, in addition to delay? Do you feel like dancing, my friends, when hundreds of thousands of laboring people in this country to-day are tramping the streets for lack of employment, when vast industrial plants and establishments are lying idle, with nothing to do? Who feels like dancing over the graves made by the panic? It seems to me more like you would be going to a funeral than to a dance at government expense. Let the old soldiers of this country know upon what condition and at what expense you dance. It will be an honor to this country to abolish this inaugural ball, now and forever. [Applause.] Never give it official recognition or notice again. It is a commercial affair at \$5 per head, with no questions asked as to the "heads" if the money goes with them. Vote for this if you want to; assume the risk if you want to. You have the power, but I do not think the day will ever come when you will be proud of the job you have done. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I move the previous question upon the substitute and the resolution to its final

passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment in the nature of a substitute.

Mr. SIMS. Mr. Speaker, this substitutes the Senate joint resolution for the House joint resolution, and I demand the yeas and nays on that.

The question being taken on ordering the yeas and nays, the Speaker announced 34 in the affirmative.

Mr. WATSON. Mr. Speaker, the other side. The House divided and there were—noes 151.

Mr. SIMS. Does that give the yeas and nays? The SPEAKER. It does not.

Mr. SIMS. Then I demand tellers.
The SPEAKER. The gentleman from Tennessee demands tellers on the yeas and nays.

Tellers were refused, 33 Members, not a sufficient number. voting therefor.

The SPEAKER. The yeas and nays are refused. Tellers are refused. As many as favor agreeing to the amendment will say "aye," those opposed "no."

The question being taken, the Speaker announced that the ayes appeared to have it. Mr. SIMS. Division!

The House divided, and there were 183 ayes and 44 noes.

So the amendment was agreed to.

The joint resolution was ordered to be engressed and read a third time, and was engrossed and read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and on a division (demanded by Mr. BEALL of Texas) there were 192 ayes and 43 noes.

Mr. BEALL of Texas. Yeas and nays, Mr. Speaker.

The SPEAKER. All those in favor of ordering the yeas and nays will rise. [After counting.] Thirty-eight gentlemen have arisen, not a sufficient number; and the yeas and nays are refused.

So the joint resolution was passed. On motion of Mr. Smith of Michigan, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

ADMISSION TO GOVERNMENT HOSPITAL FOR INSANE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter proceedings for admission to the Government Hospital for the Insane of insane persons residing in the District of Columbia, and for admission to said hospital of nonresident insane persons found in said District, shall be commenced by petition presented in open court to the justice of the supreme court of the District of Columbia holding equity court, stating the facts necessary for admission to said hospital, as heretofore provided by law, such petition to be signed and sworn to by at least three responsible residents of the District of Columbia; but such petition shall not be filed until the court shall be satisfied as to the responsibility and residence of the person signing and swearing to the same, when it shall make and enter an order directing the filing of such application and shall require copies thereof to be served on the alleged lunatic and on the Commissioners of the District of Columbia at least one day preceding the time fixed for such hearing, and a copy of such order, duly authenticated, shall be inscribed on each of said copies before service thereof. A copy of such order shall also be served upon the husband or wife, father or mother, or next of kin of such alleged insane person, if there by any such known to be residing within the District of Columbia, and if not, upon the person with whom such alleged Insane person may reside or at whose house he or she may be, or such other person as the justice, in his discretion, may name, at least one day preceding the time fixed for such hearing.

SEC. 3. That so soon as may be after the filing of the petition the court shall appoint two physicians resident in the District of Columbia, graduates of an incorporated medical college, who shall have been in the actual practice of their profession at least three years and who shall not be in any way connected with or have any interest in the Government Hospital for the Insane or be a relative of the person alleged to be insane, which

bia on the certificate of the court that the account of such service is just and correct, and other witnesses examined on such application shall be paid by the District of Columbia the fees and allowances prescribed by law for witnesses summoned in behalf of the United States, and all other costs of the proceedings shall be paid by the District of Columbia: Provided, That in the case of nonindigent persons all costs of the proceeding shall be defrayed out of the estate of such person, and a deposit shall be paid into the court sufficient to cover such costs. The provisions of the act of April 27, 1904, providing for temporary commitments to the Government Hospital for the Insane are hereby extended, so far as applicable, to nonindigent insane persons residing in said District.

Sec. 4. That the court shall require the presence of the alleged lunatic at the hearing of the application, unless for good reason it shall direct otherwise by an order stating such reason; and upon such hearing the court shall hear the testimony introduced by the parties and render a decision in writing as to the alleged lunatic's insanity. That in case the said lunatic shall have property, the court shall, in its order of commitment, direct the committee of said lunatic's insanity. That in case the said lunatic shall have property, the court shall, in its order of commitment, direct the committee of said lunatic to pay to said hospital such amount per month as may be deemed by the court just and reasonable toward defraying the expenses of the board and maintenance of such lunatic; or shall not have more than enough property to support his family dependent upon him for support, the expenses of his board and maintenance in the hospital shall be paid by the District of Columbia, as now provided by law.

Sec. 5. That the order of the court on the hearing of the applica-

have more than enough property to support his family dependent upon him for support, the expenses of his board and maintenance in the hospital shall be paid by the District of Columbia, as now provided by law.

SEC. 5. That the order of the court on the hearing of the application on the petition and the evidence shall be made without an inquisition by man and all of the court: Provided, however Thanking the second whom application is made may, if no demand is made for a hearing, proceed forthwith to determine the question of insanity, and if satisfied that the alleged lusane person is insane may immediately issue an order for commitment to the Government Hospital for the Insane: And provided further, That, upon demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the persons upon whom the petition is interinction to the discretion, may name, and upon such day, or upon such other day to which the proceeding shall be regularly adjourned, the justice shall hear the testimony introduced by the parties and examine the alleged insane person, if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is lusane, the justice shall forthwith issue an order committing him to the Government Hospital for the Insane: And provided further, That the court may, in its discretion, or upon demand of any relative or near friend, in behalf of such alleged insane person, call a jury to determine the question of insanity within five an order committing him, he may, within the days after the making of such order, appeal therefrom to a justice of the supreme court other than the justice making the order, who shall careful in his behalf, is dissatisfied with the final order of a justice or making of such and provided further, Th

SEC. 7. That all provisions of law inconsistent with this act be, and the same hereby are, repealed.

The following committee amendments were read:

The following committee amendments were read:

Strike out of page 1, line 9, the words "a special term for orphans' court business" and insert in lieu thereof the word "probate."

Strike out of page 1, line 12, the word "some" and insert in lieu thereof the words "at least three," and change the word "resident," in the same line, to the plural.

Strike out of page 2, line 1, the words "and shall" and insert in lieu thereof the words "when it shall."

Strike out of page 2, line 19, the words "or more."

Strike out of page 3, line 19, the words "or more."

Strike out of page 3, line 18, 19, and 20, the words "The request for admission to said hospital shall be made within five days after the entry of the order of the court."

Insert in page 5, line 17, after the word "discretion," the words "or upon demand of any relative or near friend, in behalf of such alleged insane person, shall."

Insert in page 5, line 18, after the word "insanity," the words "within five days of the date of such order."

Strike out of page 7, line 7, the word "become" and insert in lieu thereof the word "became,"

Mr. HAY. Mr. Speaker, I make the point of order that this bill should be considered in Committee of the Whole House on the state of the Union because it provides for impaneling jurors, which is a charge upon the Treasury.

The SPEAKER. In what part of the bill?

Mr. HAY. Page 6, line 10.

The SPEAKER. Will the gentleman call the Chair's attention to the appropriation from which jurors are paid?

Mr. HAY. I also call attention to page 3, line 10, of the bill,

where it provides for the payment of \$5 a day to experts.

The SPEAKER. The Chair calls the attention of the gentleman from Virginia to the second alleged charge made on the Treasury, lines 9 and 10:

Such physicians shall be allowed a per diem compensation, to be fixed by the court, of not exceeding \$5, to be paid by the District of Columbia.

Mr. HAY. I understand the United States pays one-half the expenses, even though the bill says "paid by the District of Columbia." The appropriation is made by Congress, and one-

half is paid by the United States Government.

Mr. MANN. The bill expressly provides that the compensation is to be paid by the District of Columbia.

The SPEAKER. The bill does provide that it is to be paid by the District of Columbia, and the Chair will ask the gentleman if that does not mean to be paid from the revenues of the District of Columbia?

Mr. HAY. I do not think so; it does not say to be paid out of the revenues of the District of Columbia. As to the impan-

eling of the jury, there is no such provision.

Mr. OLCOTT. Mr. Speaker, it is a matter immaterial to me whether this is on the House or the Union Calendar. I think the provision that it shall be paid by the District of Columbia does not force it to go on the Union Calendar, because it is paid from the revenues of the District, and it seems to me in its proper place.

The SPEAKER. What does the gentleman say to page 6,

line 10?-

And provided further, That the jury to be used shall be impaneled by the United States marshal of said District, upon the order of the court, from jurors in attendance upon the courts of said District, who shall perform such services in addition to, and as a part of, their duty in said court.

The Chair is under the impression, subject, of course, to correction, that jurors in the District are either paid half from the District revenues and half by the United States or entirely

by the United States.

Mr. FITZGERALD. Mr. Speaker, the appropriation act for this year provides for fees of jurors in the supreme court of the District of Columbia, \$55,000. That is in the District appropriation act, which provides at the beginning that one-half shall be paid from the revenues of the District and the other half by the Government.

The SPEAKER. That is the existing law?

Mr. FITZGERALD. It is the appropriation for the present

Mr. MANN. Mr. Speaker, I call the attention of the Chair to the fact that the bill does not provide for any compensation to the jurors in addition to the compensation they now receive, nor does it provide for any additional jurors from those now provided by law. The bill especially provides that the marshal

shall take the jury from the jurors in attendance in a court of said District, who shall perform such duties in addition to, and as a part of, their duties in said court; and if there be no jurors in attendance in the District court, the jurors are to be taken from the jurors in attendance on the police court in the District.

So there is to be no charge on the Treasury.

The SPEAKER. What does the gentleman say to lines 19 and 20 and following:

That said court may direct a special jury to be summoned for such inquisition.

Mr. MANN. I should be inclined to think that that was a

little different proposition.

Mr. OLCOTT. I would suggest that the court now has the right to call a special jury in a case of de lunatico inquirendo. They have under the present law a right to call a special jury, and this only gives them the right to use other juries instead of calling special juries.

The SPEAKER. The Chair takes it for granted, without close examination, that under the law as it now is a jury is not

Mr. OLCOTT. Yes; a jury is mandatory at present in all cases. This bill seeks to take away the mandatory character of compelling a jury. In the law as it exists now it is necessary to call a jury for the sake of making an inquiry as to mental unsoundness of a person.

The SPEAKER. This bill, then, amends the law?

Mr. OLCOTT. This bill amends the law providing that in cases where a jury is demanded it can be called, and if a jury is demanded the commitment may be made, predicated upon the certificates of physicians.

The SPEAKER. Then the Chair understands from the gentleman that in all cases a jury is necessary under the law as it

Mr. OLCOTT. That is so.

The SPEAKER. And this seeks to amend the law only so as to dispense with the jury?

Mr. OLCOTT. In certain cases.
The SPEAKER. In certain cases.
Mr. SHERLEY. Mr. Speaker, if the Chair will permit in that connection, the parliamentary question is not to be determined by any consideration of whether a change in the law is going to lessen the demand on the Treasury or not. The parliamentary rule applies whenever the bill is such an one as to call for an expenditure, and it does not lie within the province of the Chair to determine that because a jury will be used in a less number of cases therefore there will be a less demand upon the Treasury. The fact that there is a demand at all brings the Treasury. it within the rule that requires consideration by the Committee of the Whole House instead of by the House.

The SPEAKER. What does the gentleman from New York have to say to that proposition?

Mr. OLCOTT. Mr. Speaker, I still think that the parliamentary situation is that when it does not increase an appropriation or make an appropriation that is not now provided for, a bill

of this character is properly upon the House Calendar.

The SPEAKER. After all, the rulings have been that where it requires an argument to find a charge upon the Treasury or no charge upon the Treasury, points of order are generally sustained. But the Chair submits again to the gentleman from Kentucky [Mr. Sherley] that the Chair is presumed to know what

the law is—perhaps a violent presumption—

Mr. SHERLEY. Oh, Mr. Speaker, I am not going to quarrel with the Chair even upon that presumption, but I submit, for instance, that if a bill were brought in here making certain appropriations of the revenues of the Government, the Chair could not, on the point of order, be expected to determine whether the effect would be to increase or lessen existing expenditures. The concrete fact of whether it does make a charge upon the Treasury is the point at issue on the question of order, and not simply the question of whether the bill is saving the

money of the Nation or is spending it excessively.

The SPEAKER. The Chair is inclined to think the gentleman from Kentucky is correct and, therefore, sustains the point of order. The bill will be placed upon the Union Calendar.

Mr. SMITH of Michigan. Mr. Speaker, I now yield for a moment to the gentleman from Kansas [Mr. Scorr].

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT, by direction of the Committee on Agriculture, reported the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, which was read the first and second times and, with the accompanying report (H. Rept. No. 1919), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BEALL of Texas. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Texas reserves all points of order.

DISTRICT BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills reported from the Committee on the District of Columbia on the Union Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District business, with Mr. Mann in the chair.

GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. SMITH of Michigan. Mr. Chairman, I desire to call up the bill H. R. 12898.

Mr. SHERLEY. Mr. Chairman, I desire to submit a point of order that that bill-

The CHAIRMAN. The Clerk will first report the bill.

The Clerk read as follows:

A bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes.

Mr. SHERLEY. Mr. Chairman, I make the point of order that that bill is not on the Union Calendar.

The CHAIRMAN. Does the gentleman from Michigan desire

to be heard upon the point of order?

Mr. SMITH of Michigan. No, sir.

The CHAIRMAN. As the Chair remembers, it has been a frequent ruling of the Chair, only recently made, that a bill transferred from the House Calendar to the Union Calendar can not be taken up for consideration, except by unanimous consent, until it is actually on the calendar; therefore the Chair sustains the point of order.

Mr. OLCOTT. Mr. Chairman, I would like to ask unanimous consent that this bill be placed upon the Union Calendar.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the bill H. R. 12898 may be taken up for consideration by the Committee

Mr. CLARK of Florida. I object.

Mr. SHERLEY. I object.

USE OF CORRIDORS, COURT-HOUSE-INAUGURATION.

Mr. SMITH of Michigan. Mr. Chairman, I call up House joint resolution 200.

The CHAIRMAN. The Clerk will report the joint resolution. The Clerk read as follows:

Joint resolution (H. J. Res. 200) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District.

Resolved, etc., That the marshal of the District of Columbia be, and he is hereby, authorized to permit the Fifth Regiment Maryland National Guard to occupy and use the corridors of the court-house of the District of Columbia from 6 o'clock in the evening of March 3 to 7 o'clock in the evening of March 4, 1909, upon such terms and conditions as the marshal of the District shall impose upon the colonel of the Fifth Regiment Maryland National Guard.

Mr. SMITH of Michigan. Mr. Chairman, I ask to have the short letter of the United States marshal read, which sheds all the light upon the situation that can be given, I think. The CHAIRMAN. Without objection, the Clerk will read the

letter designated.

There was no objection. The Clerk read as follows:

DEPARTMENT OF JUSTICE, MARSHAL OF THE UNITED STATES, Washington, D. C., December 15, 1908.

Washington, D. C., December 15, 1908.

Sir: Referring to your letter of the 14th Instant inclosing House joint resolution 200, providing the "granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District," for my examination and report, I beg leave to state that on several occasions heretofore at inauguration periods the Fifth Maryland Regiment has occupied the corridors of the court-house, no inconvenience whatever resulting to the courts or injury to the building in any way, and it gives me pleasure to recommend the passage of said resolution.

Very respectfully,

Aulick Palmer,
United States Marshal

AULICK PALMER, United States Marshal.

Mr. Lewis M. Miller, Clerk Committee on the District of Columbia.

Mr. SIMS. I want to explain to this House that this is also a bill to set aside the law of 1902, which provided that no public buildings should be used for inaugural purposes. This simply repeals a general law. I know no reason why they should not use this building specially. Other bills will be presented to allow the use of public school buildings, and many of them will be presented, no doubt, before we get through, which virtually repeal the law of 1902; but with the spirit that is manifested by the House on the subject it is not worth while to oppose this bill. I suppose if the inaugural committee wanted a part of the White House, it would get it, and if it wanted a part of this Capitol, or anything else, it would get it; but in view of the vote of the Members of the House, when they would not even go on record as to the use of the Pension building, by refusing the year and nays, I do not see that there is any service to be rendered in opposing anything the inaugural committee wants.

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

VETERAN VOLUNTEER FIREMEN'S ASSOCIATION.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill S. 2024.

The CHAIRMAN. The Clerk will report the bill. The Clerk read as follows:

A bill (S. 2024) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

proved March 2, 1891.

Be it enacted, etc., That said act be amended so as to include both the Veteran Volunteer Firemen's Association and the Association of Oldest Inhabitants of the District of Columbia in the use of all that part of lot 11, in square No. 141, in the city of Washington, and building thereon, occupied by a house used formerly as an engine house and described as follows: Beginning at the northeast corner of said lot and running east 30 feet on H street, thence 50 feet south on a line parallel to Nineteenth street, thence west 30 feet to Nineteenth street,

and thence north 50 feet to the beginning; the same to be used by said associations as a place of meeting and for the storage of their property and belongings, consisting of fire apparatus, books, maps, pictures, files, souvenirs, mementos, and papers of historic interest, the same to continue during the pleasure of the Commissioners of the District of Columbia.

The committee amendment was read, as follows:

Strike out of line 9, page 1, the word "northeast" and insert in lieu thereof the word "northwest."

Mr. SMITH of Michigan. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, this bill simply permits the Oldest Inhabitants' Association to occupy jointly with the Veteran Volunteer Firemen's Association a certain building that has heretofore been given over to the firemen's association for use and occupation. That firemen's association now say that their association will soon lose its identity by reason of death of its members, and they want some one to take care of the old apparatus and the antiques that are now in that building.

Mr. DRISCOLL. When does this volunteer firemen's associa-

tion go out of activity?

Mr. CAMPBELL. As soon as the last members of the old association die, and I understand there are about 26 of them living, and they are anxious that the Oldest Inhabitants' Association, a perpetual society, be permitted to occupy these premises and take care of their relics.

Mr. DRISCOLL. What do you mean by "Oldest Inhabitants'

Association?

Mr. CAMPBELL. Well, that is an association of old citizens here in the District that has been organized and, I assume, chartered for the purpose of perpetuating their organization.

Mr. DRISCOLL. Will not their organization go out of ex-

istence the same as the volunteer firemen's organization?

Mr. CAMPBELL. They will be succeeded by the oldest inhabitants continuously, as I understand their organization.

Mr. HEPBURN. Will the gentleman explain what public purpose this organization serves? Why should the Government furnish them with a building for their use any more than any other of the several civic societies of the city?

Mr. CAMPBELL. There is an old engine house now down on the river front, on the property described, that some years ago, by law or resolution, was given to the Volunteer Firemen's Association as a meeting place and a place in which to store old relics and the old fire apparatus, and those old relics and that

old fire apparatus are still in that room. Mr. DRISCOLL. It is going to be somewhat of a museum? Mr. CAMPBELL. A sort of museum for antiquities of this

Mr. BRODHEAD. Is the building used for any other purpose?

Mr. CAMPBELL. No other purpose, and has not been for many years. The property is described as follows:

Beginning at the northwest corner

Mr. BRODHEAD. It is an old, abandoned brick building, is it, down here on the lot near the river, in which there is a lot of old fire apparatus; and if this bill passes, that will be taken care of; and if it does not, it will all go to ruin—the apparatus, building, and everything?

Mr. CAMPBELL. Yes.

Mr. DRISCOLL. Is the organization incorporated?

Mr. CAMPBELL. I understand it is. They claim they are a

perpetual organization. The property is described as part of lot 11, in square 141, in the city of Washington, and building thereon now occupied by a house used only as an engine house, and described as follows:

Beginning at the northwest corner of said lot and running east 30 feet on H street; thence 30 feet south on a line parallel to Nineteenth street; thence west 30 feet to Nineteenth street, and thence north 50 feet to the beginning.

These associations only occupy this building during the pleasure of the Commissioners of the District of Columbia.

Mr. DRISCOLL. Does not the Congress by passing this bill as it is, without reserving any right to repeal or amend, yield up its rights permanently to this property?

Mr. CAMPBELL. Not at all. The Commissioners of the

District of Columbia can recall the use of that property at any time they see fit.

Mr. DRISCOLL. I know, but does not Congress yield up its jurisdiction over it?

Mr. CAMPBELL, Oh, so far as these two societies are concerned, I assume they do.

Mr. DRISCOLL. It seems to me that Congress should not

do that. They should at least reserve the right to reappropriate it any time or convert it to any other use.

Mr. CAMPBELL. They can.

Mr. DRISCOLL. Why do you not put that amendment in the

Mr. CAMPBELL. It is a Senate bill, and every society in the city that has had notice of the matter at all urged that the bill be passed as it passed the Senate.

Mr. BRODHEAD. Can the commissioners annul this grant at any time?

Mr. CAMPBELL. Yes. Mr. BRODHEAD. Is the occupancy under their direction? Mr. CAMPBELL. It is only to be occupied by these societies

during the pleasure of the commissioners.

Mr. FITZGERALD. I wish to call the attention of the committee to the peculiar language in this bill. It says:

That said act be amended.

What act?

Mr. CAMPBELL. The act granting the use of the property

to the Veteran Volunteer Firemen's Association.

Mr. FITZGERALD. It would not be amended if this bill passed, because there is nothing in the bill to identify the act. The title of the bill is not a part of the act. I would like to suggest to the gentleman to offer an amendment to strike out the words "said act," on line 3, page 1, and insert:

The act entitled "An act authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association the use of certain property in the city of Washington" be amended—

And so forth. Otherwise this bill will not accomplish anything.

Mr. CAMPBELL. I think the amendment suggested by the gentleman from New York is very pertinent and proper.

Mr. FITZGERALD. I notice this bill did not originate in

the House. I doubt whether any bill originating in the House would have been drawn in such a way as not to accomplish at least the purpose designed. I suggest to the gentleman that an amendment should be adopted so as to designate the act that was to be amended.

Mr. CAMPBELL. If the gentleman will offer the amend-

ment, I will accept it.

The CHAIRMAN. The question is first on the committee amendment.

The question was taken, and the amendment recommended by the committee was agreed to.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report. The Clerk read as follows:

Page 1, line 3, strike out "The said act" and insert "An act entitled 'An act to authorize the commissioners to grant to the Veteran Volunteer Firemen's Association the use of said property in the city of Washington."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from New York.

Mr. STAFFORD. I would like to ask the gentleman from
New York a question. Should not the act be designated in the

Mr. FITZGERALD. Add the words "approved March 2, 1891."

The amendment as modified was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OBDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Mann, Chairman of the Committee of the Whole House on the state of the Union, reported that that comwhole House of the state of the Chical reported and had mittee had had under consideration H. J. Res. 202 and had directed him to report the same to the House with the recommendation that it do pass, and S. 2024, which it had directed him to report with amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

FIRE ESCAPES IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up House resolution 489.

The Clerk read as follows:

House resolution 489, requesting certain information from the Commissioners of the District of Columbia relative to the enforcement of a law requiring the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

Whereas a law was passed and approved March 19, 1906, which was amended, and which amendment was approved March 2, 1907, and reads as follows:

"An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, approved March 19, 1906, as amended by act of Congress approved March 2, 1907.

"Be it enacted, etc., That it shall be the duty of the owner, entitled to the beneficial use, rental, or control of any building three or more stories in height, constructed or used or intended to be used as a tenement house, apartment house, flat, hotel, hospital, seminary, academy, school,

college, institute, dormitory, asylum, sanitarium, hall or place of amusement, or office building, or store not exempted in this act hereinafter provided, to provide and cause to be erected and fixed to every such building, connected with each floor above the first floor by easily accessible and unobstructed openings, one or more suitable fire escapes, in such location and numbers and of such material, type, and construction as the Commissioners of the District of Columbia may determine. (Amendment.)

"SEC. 2. That it shall be the duty of the owner entitled to the beneficial use, rental, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, except three-story buildings used exclusively as stores or for office purposes, and having at least two stairways from the ground floor, each three or more feet wide and separated from each other by a distance of at least 30 feet, from one of which stairways shall be easy access to the roof, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and cumber of same to be determined by the said commissioners, and to keep the hall-ways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise. (Amendment.)

"SEC. 3. That it shall be the duty of the owner entitled to the beneficial use, rental, or control of any building used or intended to be used as set forth in section 1 of this act, or any building in which ten or more persons are employed, as set forth in section 2 of this act, where fire escapes are required, also to provide, install, and maintain humbers and of such type and character as the Commissioners of the District of Columbia may determine. (Amendment.)

"SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and directed to req

wire glass in fireproof sash frames.

"Sec. 6. That it shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building mentioned in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

"Sec. 7. That no door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

"Sec. 8. That no license shall be issued to any person to conduct any business for which a license is required in any building mentioned in this act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

in this act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

"SEC. 9. That any person failing or neglecting to provide fire escapes, alarm gongs, guide signs, fire hose, fire extinguishers, or other appliances required by this act, after notice from the Commissioners of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100, and shall be punished by a further fine of \$5 for each day that he fails to comply with the notice aforesaid. Any person violating any other provision of this act shall be punished, upon conviction thereof, by a fine of not less than \$10 nor more than \$100 for each offense.

"SEC. 10. That the said notice requiring the erection of fire escapes and other appliances mentioned in this act shall specify the character and number of fire escapes or other appliances to be provided, and in no case shall more than ninety days be allowed for compliance with said notice, unless the Commissioners of the District of Columbia shall, in their discretion, deem it necessary to extend their time.

"SEC. 11. That said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search, if forwarded by registered mall to the last known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the post-of

other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of 10 per cent per annum, which certificates may be turned over by the commissioners to the contractor for doing the work. (Amendment in italics.)

"Sec. 12. That the supreme court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this act.

"Sec. 13. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed. (Amendment.)" And

Whereas it has come to the notice of the Committee on the District of Columbia of the House of Representatives that many buildings coming within the provisions of the above act are now, and have been ever since the passage of said act, without fire escapes, alarm gongs, safety appliances, and other means of protection against fire, as required in said act: Therefore be it

Resolved, That the House of Representatives of the United States of America hereby request the Commissioners of the District of Columbia to furnish the House of Representatives with the following information:

The approximate number of buildings within the District of Columbia coming within the provisions of the above act; the number of inspections made of such buildings; the number of notices sent to owners or agents of said buildings, as required by said act; and whether or not the apartments known as the Cumberland, Farragut, Brunswick, Stoneleigh Court, Calro, Connecticut, Ontario, Kenesaw, Iroquois, Alabama, Plymouth, and Lennox, and other large apartment houses, have been equipped with fire escapes, alarm gongs, fir

The amendment recommended by the committee was read, as follows .

Page 6, line 5, after the word "owner," insert the words "entitled to the beneficial use, rental, or control."

Mr. McGAVIN. Mr. Speaker, the object of this resolution is stated within it; but it may be necessary, or at least advisable, to briefly recite the history of this fire-escape legislation in the District of Columbia. As stated in the resolution, on March 19, 1906, an act was passed requiring the construction of fire escapes on all buildings more than three stories high. In March, 1907, an amendment was passed to that act excluding so-called "fireproof office buildings" from the operation of that law. Subsequently, in 1908, an amendment was offered to that act whereby it was sought to exclude all so-called "fireproof buildings" from the operation of the law. During the hearing before the sub-committee there developed that which I deem of such importance that I desire to call it to the mind of the gentlemen of this House.

Certain gentlemen appeared before the subcommittee of the Committee on the District of Columbia at our hearings who were sponsors for that amendment, and when I asked them whether or not the buildings in which they were interested had complied with the law in regard to the construction of fire escapes they answered "No." And when I asked them whether or not they had complied with the law in regard to alarm gongs and other safety appliances they answered "No." And they gave as their reasons for noncompliance with the law in regard to the construction of these fire escapes, first, the question of the expense, which seemed to be paramount to the safety of their tenants; secondly, that it would disfigure the buildings; and, thirdly—and the most important of all for us to know—that the Commissioners of the District of Columbia had advised them not to construct the fire escapes, but that they would recom-mend the passage of an amendment whereby these fireproof buildings would be excluded from the operation of the law. That is the statement, and I have nothing but the gentleman's word for it; I do not make it on my own responsibility. If this is true, I submit that it is an outrage upon the law, perpetrated by the Commissioners of the District of Columbia, when they go to the violators of the law and say to them: "Your buildings need not conform to the law; we will endeavor to have the law conform to your buildings." They did not even place alarm gongs and things necessary in even fireproof buildings to warn the occupants of the building that the place was on fire, in order that they might have an opportunity to escape. I made a personal call upon the building inspector, and I found that in three years 135 notices had been sent out under this act, 500 inspections had been made altogether of buildings, that they had 18 men in the office and 2 inspectors of elevators, of which there are comparatively few in the District, and 1 man to inspect fire escapes, and that man was only appointed last July.

But they contend that fire escapes and safety appliances are not necessary in these so-called "fireproof buildings." Oh, what a soothing sound the words "fireproof buildings" have to the ears of the owners of premises and the Commissioners of the District of Columbia. Yet, how terrible it seems to gentlemen who, after great conflagrations in large cities, have seen these authority.

so-called "fireproof buildings" reduced to nothing but shapeless masses of molten beams and twisted iron girders. Yes, the Iroquois Theater in Chicago was a so-called "fireproof build-" yet almost 600 human beings, whose hearts were as susceptible to the sounds of sweet strains of music as yours or mine, were hurled unprepared into the throes of death, while the voice of mercy was crying out unheeded from the sky. The names of those victims have been erased from the roll of the living. Their spirits have been wafted away to that higher sphere, where those who stand responsible for "the deep damnation of their taking off," with their hands dripping with the the living. blood of slaughtered innocents, must meet their victims face to face, to answer for their conduct here on earth, before Him who is the judge of us all. It was not a case of fire escapes there, but of exits in case of fire. It was the neglect of the owner of the premises and the inspectors of the buildings. Gentlemen, we have a right to demand that the Commissioners of the District of Columbia enforce this law. We have a right to demand that the scores and hundreds of occupants of these great apartment houses here in the District of Columbia shall no longer be compelled unconsciously to flirt night and day with death in its most horrid form.

Gentlemen, I ask for the passage of this resolution. [Ap-

plause.1

Mr. DRISCOLL. Will the gentleman yield for a question?
Mr. McGAVIN. Yes.
Mr. DRISCOLL. From the gentleman's statement I would

infer that the Commissioners of the District are not dreadfully in earnest in enforcing this law. Is not that so?

Mr. McGAVIN. I believe that is true. That is what I want

to ascertain.

Mr. DRISCOLL. This resolution simply provides that the Commissioners of the District shall furnish to the House the information required, but it does not state at what time, whether within a month or within ten years.

Mr. McGAVIN. I think it says at the earliest practicable

Mr. DRISCOLL. I do not see it in the resolution.

It is not customary to fix a time limit.

Mr. McGAVIN. I understand it is always customary for the

commissioners to respond promptly.

Mr. DRISCOLL. I know, but I supposed it was customary for them to obey the law, and yet I fear they have not done so. I move as an amendment that they furnish the information within ten days

Mr. McGAVIN. I have no objection to that.

That is an unnecessary reflection upon govern-Mr. MANN. ment officials.

Mr. DRISCOLL. I do not intend to reflect on them. The gentleman from Illinois [Mr. McGavin] in his remarks has reflected on the commissioners, and has substantially stated that they have winked at the law and have not enforced it. I simply say that, having done that once, possibly they may be disposed to do it again. It would seem as though this resolution ought to provide a time.

Mr. MANN. The gentleman will admit that the putting in of a time is only a matter of request, because this House in passing a resolution does not make law. All the House does is to give a direction to furnish information, which we have authority to do. We have no authority, so far as the law is con-

Mr. DRISCOLL. Have we not authority to say whether the information shall be furnished within ten, twenty, or thirty

Mr. MANN. We have no such authority, nor has any such

custom ever prevailed.

Mr. DRISCOLL. Whether it be the custom or not, I think it has been done in some cases. I will not say it is the universal practice; but in view of the fact that according to the versal practice; but in view of the fact that according to the statement of the gentleman from Illinois the law has been overlooked, has not been in force, has been winked at, it would seem as though it was proper enough to fix some time within which this information should be provided.

Mr. SMITH of Michigan. I think you will find that the information will be furnished forthwith.

The House the other day passed a resolution Mr. MANN. requesting another branch of the Government to furnish information, but I am credibly informed that it will take that branch of the Government, with all its force, five or six years to get together the information asked for by the House.

Mr. DRISCOLL. How long will this require?
Mr. McGAVIN. I think we will have it in a week.
Mr. DRISCOLL. Why not put it in within ten days?

Mr. MANN. It is a bad precedent, and we have not any such

Mr. DRISCOLL. We certainly have the authority, if we care

Mr. SMITH of Michigan. I hope the gentleman from New York will not insist on his amendment. I have no doubt that

the information will be furnished within a reasonable time.

Mr. MANN. There is in the resolution the sentence "and the reason why steps have not been taken to enforce the law," and so forth. It is not customary for Congress to call upon an executive department to state the reasons why they do not or do do such things. In other words, it is not the custom of Congress to permit an executive or administrative officer, in giving information, to argue his side of the case. Does the gentleman think it is essential to have that clause in his resolution, and give an opportunity for the commissioners to state at length the basis or possible argument one way or the other, after stating the facts which the gentleman wishes to obtain?

Mr. McGAVIN. It was only on the information I had that I assumed that the law was not enforced. I want to see, if possible, whether or not statements made to the subcommittee—if not directly, inferentially—that they had been advised by the commissioners not to construct the fire escapes until they ascertained whether a law would be passed excluding their

buildings

Mr. MANN. I do not think it is a good precedent in calling for information to ask the officer to argue the question to the House.

Mr. McGAVIN. I want to give the commissioners all the opportunity in the world to explain this if there is any explanation they can make.

Mr. BURTON of Delaware. I would like to ask the gentleman if it is not a fact that the commissioners have insisted on some people complying with the law, while others have been allowed to go free?

Mr. McGAVIN. I have no doubt about that. Mr. BURTON of Delaware. I know a hotel on the corner of Mr. BURTON of Delaware. I know a note: on the corner of Fourteenth street and New York avenue, or H street, where they insisted upon having the hotel people comply with the law. The landlord made an expenditure of at least \$1,500 to construct fire escapes where there was no absolute necessity for it. Right around the corner, between Fourteenth and Fifteenth streets, there is another hotel which has no fire escape and has never complied with the law at all.

Mr. McGAVIN. Perhaps the first one does not come within

Mr. BURTON of Delaware. Yes; it does.

Mr. McGAVIN. There is no exception to any hotel; it simply excludes office buildings where people work in the

Mr. BURTON of Delaware. An explanation was asked of the engineer of the District as to why he had been compelled to comply with the law, and his neighbor, almost the next door, had not been compelled to do it. He said that the only explanation he could give him was, "I suppose you are a better citizen than the other party." In other words, the man could comply with the law if he wanted to; and if he did not, he need not, no matter how great the necessity might be. I think the firematter how great the necessity might be. I think the fire-escape law would be a good thing if properly enforced. Mr. MANN. Would the gentleman favor putting a fire escape

on this building, which comes within the law?

Mr. BURTON of Delaware. I would not have it apply to any particular building; let everybody comply with the law.

Mr. McGAVIN. I do not believe this building would come within the act.

Yes; if occupied by a private concern.

Mr. MANN. Yes; if occupied by a private concern.
Mr. McGAVIN. I presume this might be construed as an office building.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a question. Is there a law in the District, and if so, what is it, requiring that no stairway in any hotel or public building shall be carried around an elevator shaft?

Mr. McGAVIN. There is such a law; it is in this law, but

Mr. COOPER of Wisconsin. I read of a fire in Topeka, Kans., the other day which resulted in the death of some individuals and serious injury to others. Those on the third and fourth floors in endeavoring to escape—and they were speedily alarmed—were unable to escape down the stairway, because the the stairway was built around an elevator shaft, which acts as a chimney, and in endeavoring to go down they were smothered. I know of some buildings of considerable prominence in this Capital City of the United States in which, when a fire breaks out, as it is likely to at any time, there is going to be a terrible loss of life. It strikes me as most remarkable that any such condition is allowed to exist in this city-of stairways in inflammable structures being allowed to be constructed

around elevator shafts, absolutely preventing any escape for people above the third floor.

Mr. McGAVIN. That comes within this act.

Mr. DRISCOLL. The gentleman stated that there were two men to inspect elevators, and only one to inspect fire escapes. Does the gentleman know whether there is appropriation enough

Mr. McGAVIN. I do not know what the condition of the appropriation is, but I will say that this work has been done indiscriminately by first one clerk and then another; never a man

appointed for that specific work until last July.

Mr. DRISCOLL. Is it claimed by the commissioners that there is not money enough to provide men for this inspection

work?

Mr. McGAVIN. There was no reason given to me for that.
Mr. GAINES of Tennessee. Will the gentleman inform me
whether or not the law which he proposes to have enacted will cover the buildings that are rented and used by the Government for public purposes?

Mr. McGAVIN. They are not excluded, although they are

not mentioned.

Mr. GAINES of Tennessee. Why I ask the question is this: I listened to the gentleman's speech with a great deal of pleasure; and I wondered if these helpless old men and old women who are working in the departments would have a fire escape to get themselves out of these rat traps that we are renting around here for \$471,000 a year, if a fire occurred in them, and also if putting up fire escapes would not aid them as well as the fire department in getting out of these buildings the public records that have been burned and will again burn in these rat traps.

Mr. McGAVIN. There is no question but that the more numerous the exits the better chance people have to get out.

Mr. GAINES of Tennessee. Certainly. It seems to me, as we are renting so many of these buildings, perhaps without fire escapes—I do not know, I hope they have, but I do not believe it—the Government itself would be greatly aided in protecting its otherwise unprotected property, papers, and so forth, if we were to put up these fire escapes, laying aside the humanity and justice of the plan. So I am going to vote for the gentleman's proposition as a good step.

Mr. MANN. Will the gentleman yield?

Mr. McGAVIN. Certainly.

Mr. MANN. In reference to the form of the resolution, may I ask the gentleman if it is essential to the purpose of the gentleman to repeat this law in hec verba?

Mr. McGAVIN. It was not, except that I wanted to call to

the minds of the House that the whole proposition-

Mr. MANN. But the gentleman has already accomplished that purpose. Would it not satisfy the gentleman just as well to strike out all except the title to the bill? For instance, I read I do not know upon what theory it is put together. The gentleman has at the end of some sections, in parentheses, the word "Amendment," and in some of them "Amendment in italics." It is impossible for any gentleman to read that and understand what it means.

Mr. McGAVIN. I do not know how that word "Amendment" got inserted in there after each paragraph, but that is the law as it stands to-day.

Mr. MANN. Does the gentleman know how some of it got

to be italicized and some not?

Mr. McGAVIN. No.

Mr. MANN. Then I suggest to the gentleman that instead of leaving that in, which amounts to nothing, the gentleman having already called the attention of the House to the language of the law having it already in, that he amend the pre-

amble by striking out all except the reference to the act itself.

Mr. McGAVIN. That is the reason why I made the motion
to dispense with the reading of the act, because I assumed
that the gentleman would know the law.

Mr. MANN. And that is the reason I wanted to hear it read, because I wanted to know what the act was.

Mr. McGAVIN. It was not only the question of fire escapes which I wanted to bring in, but the question of fire extinguishers and notices served and everything.

Mr. MANN. Of course the original act quoted here is no

part of the gentleman's resolution. When we say-

Whereas a law was passed and approved March 19, 1906, which was amended, and which amendment was approved March 2, 1907—

we have given a reference and all that is necessary for the purpose of the gentleman's resolution.

Mr. McGAVIN. Well, it may make the resolution a little Mr. MANN. It will not make the resolution any longer,

Mr. McGAVIN. It makes the document a little longer. Put it in that way. I can not see any good reason why it should be stricken out.

Mr. MANN. As it is now the enrolling and engrossing clerks

will not know what to do with it.

Mr. McGAVIN. It ought to be made clear to those who are not familiar with the law, and that is the reason why it was put in there, and I do not see what confusion it will cause in the enrolling clerk's room.

Mr. MANN. I can very readily see what it would cause. On page 6 it is provided:

That in case of failure or refusal of the owner entitled to the bene-ficial use, rental, or control of any building specified in this act to comply with the requirements of the notice provided for in section 10—

And at the bottom we find, "(Amendment in italics)." one can tell that that is a part of the original law. It is not the duty of the enrolling clerks to look up the law and see whether this complies with the law.

Mr. McGAVIN. I assume that some enrolling clerk must be responsible for that, for that is exactly as the law appears in

the code to-day.

Mr. MANN. The gentleman will not find it written in the law in italics. Nor will he find at the bottom of it, "(Amendment in italics)." That is something that the gentleman inadvertently or purposely incorporated here, and which has served its

Mr. McGAVIN. No; I had no object in doing that at all. I simply put the act in as it was in the code and as amended.

Mr. MANN. Well, it may be the commissioners have access to the cede and the law, and they can find the law if you refer to it by the date it was passed.

Mr. McGAVIN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolu-

Mr. MANN. Mr. Speaker, I move to strike out, commencing, on page 1, with the words "and reads as follows."

The SPEAKER. That is, of the preamble.

Mr. MANN. I suppose the first vote is on the resolution. The SPEAKER. The preamble will be disposed of after the resolution. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to. The SPEAKER. The question is on agreeing to the preamble.

Mr. MANN. Mr. Speaker, I move to strike out, commencing, on page 1 of the preamble, with the words "and reads as follows," down to just above the word "and," near the bottom of page 6, so as to strike out the recital of existing law.

The SPEAKER. Does the gentleman desire to strike out all

of the preamble?

Mr. MANN. Oh, not all of the preamble, but to strike out all of the recital of existing law.

The SPEAKER. Commencing with the words "an act," on

page 1, and ending where, on page 6?

Mr. MANN. Just down to the word "and," immediately above the last paragraph on page 6, including the words in section 13.

The SPEAKER. Including section 13?

Mr. MANN. Yes; including section 13.

The SPEAKER. Does the gentleman move to strike out all of the first "whereas?"

Mr. MANN. Oh, leave in the first "whereas" down to the "nineteen hundred and seven." words

The SPEAKER. Strike out after the word "seven" the words "and reads as follows?"

Mr. MANN. Yes.

The SPEAKER. And all after that goes out, including the balance of the preamble?

Mr. MANN. Well, the last preamble I do not ask to be stricken out, so I will leave in the last "whereas."

The SPEAKER. Then, on page 6, strike out the following:

That all acts or parts of acts inconsistent herewith be, and the same are, hereby repealed.

Mr. MANN. Down to and including that.

The SPEAKER. Then pick it up again with the next "whereas?"

Leaving the second "whereas" in. Mr. MANN.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

Mr. McGAVIN. Mr. Speaker, not seeing what good this will do, I hope the amendment will be voted down.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. McGAVIN. Division, Mr. Speaker. Mr. Speaker, I withdraw the demand.

So the amendment was agreed to.

The preamble as amended was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa, from the Committee on Appropriations, reported the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which was read the first and second times and, with the accompanying report (No. 1923), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of

order.

The SPEAKER. The gentleman from New York reserves all points of order upon the bill.

CHANGE OF NAME AND JURISDICTION, JUSTICE OF THE PEACE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill S. 6359.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

Mr. CAMPBELL. Mr. Speaker, I move to strike out all after the enacting clause and insert the following.

The SPEAKER. The gentleman from Kansas offers an amendment to strike out all after the enacting clause and insert the following, which the Clerk will report.

The Clerk read as follows:

amendment to strike out all after the enacting clause and insert the following, which the Clerk will report.

The Clerk read as follows:

That the inferior court known as "justice of the peace" in the District of Columbia shall remain as now constituted, but shall bereafter be known as "the municipal court of the District of Columbia." It is shall consist of the five present justices of the peace of said District, who shall serve as the judges of said court for the unexpired terms of their now existing commissions, and who shall not be required to be recommissioned for said unexpired terms. Thereafter, and upon the expiration of the commission of any of said members, his successor shall be appointed by the sentence of a said of the provided by law: Provided, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have been a judge of said court for at least one year, or shall have been engaged in the actual practice of law before the supreme court of the District of Commission of the duties of his office. The judges of said court shall no longer be required to give bond as heretofore, but a bond shall be given by the clerk of said court, who shall receive and account for all fees as hereinafter provided. Said municipal court shall sit for the trial of causes in one building to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia, after the passage of this act, shall not be filled, and thereafter the number of said judges shall be five only. The said court is a said court in the passage of this act, shall not be filled, and thereafter the number of said judges shall be five only. The said court is a said court in the passage of this act, shall not be filled, and thereafter the number of said judges shall be five only. The said court is never the passage of this act, shall not be filled, and thereafter

He shall return to suitors making such deposits any proportion of a deposit which shall remain in his hands over and above the earned fees in completed cases, and shall render an itemized statement to the auditor of the District of Columbia of every fee earned, on such forms and in such manner as shall be prescribed by the auditor of the District of Columbia. In case there shall remain in the hands of the said clerk for a term of three years a balance or part of a deposit in any case which shall not have been called for by the party or parties entitled to receive the same, the same shall revert to the District of Columbia, and be paid forthwith to the collector of taxes as part of the revenues of the District of Columbia.

In all suits in said court process shall be signed by the said clerk or assistant clerk in the name of the court. The assistant clerk may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk. In such case the signature shall be "______, Clerk, by _______, Assistant Clerk."

Both the clerk and assistant clerk are hereby given authority to administer oaths in all cases pending in said court, or about to be filed

administer oaths in all cases pending in said court, of about therein.

The clerk shall perform such other and further duties as may from time to time be prescribed by the municipal court.

He shall give bond to the District of Columbia in the sum of \$5,000, with surety or sureties to be approved by the Commissioners of the District of Columbia, for the faithful performance of the duties of his office, and the assistant clerk shall give a like bond in the sum of \$2,000: Provided, That the expenditures to be incurred under any of the provisions of this act shall not be a charge upon the United States Treasury, but shall be paid solely out of the revenue and fees of the said municipal court, and shall not in any case exceed said revenue and fees.

fees.

The said clerk shall keep a docket similar to the one heretofore pro-yided for justices of the peace.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this amendment should be considered in the Committee of the Whole House on the state of the Union. It is brought in in the nature of a substitute to a bill that was there considered and then reported. It makes charges on the Treasury.

The SPEAKER. The Chair will hear the gentleman.

Mr. FITZGERALD. The rule provides that any bill making charges directly or indirectly on the Treasury must be considered in the Committee of the Whole House on the state of the Union. This bill has been so considered and then was reported to the House with a favorable recommendation. gentleman then offers an amendment in the nature of a substitute which indirectly and directly imposes a charge upon the Treasury

The SPEAKER. But this bill has been considered in the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. I call the attention of the Chair to the fact that while this point may not be very clearly covered by the rules, it is yet analogous to amendment by the Senate to the bill. Senate amendments should be considered in the Committee of the Whole House on the state of the Union, although the original bill would not require to be there considered. Now, this bill is in the House, and the gentleman offers an amendment which under the rules, if it were originally in the bill or which if it came over as a Senate amendment, must be considered in the Committee of the Whole House on the state of

The SPEAKER. The gentleman does not make the point that the amendment is not germane?

Mr. FITZGERALD. I do not know whether it is or not.

do not know whether anybody could tell. It strikes out all after the enacting clause-

The SPEAKER. Let the Chair understand. This bill was considered in the Committee of the Whole House on the state of the Union and reported back to the House with a certain amendment, with the recommendation that the amendment be agreed to. Now, that is a report from the Committee of the Whole House on the state of the Union. Now, the gentleman in charge of the bill moves by way of amendment and substitute "to strike out all after the enacting clause and insert the following." And now the gentleman suggests that that substitute which the gentleman in charge of the bill has offered makes a charge upon the Treasury, and therefore the substitute should, on the point of order, go to the Committee of the Whole House on the state

Mr. FITZGERALD. Precisely.

The SPEAKER. Does the gentleman claim that there is any new matter in the substitute that was not in the original bill? Mr. FITZGERALD. I am unable to state that, as I have

never seen it. It has been read here at some length, but I do not believe that anybody knows that except the author of the

Mr. CAMPBELL. Mr. Speaker, I will state for the information of the gentleman that there is nothing in the substitute offered that is new. The matters contained in the substitute were all considered in the Committee of the Whole House on the state of the Union when the bill was in that committee.

The SPEAKER. If that be correct, the point of order is not well taken.

Mr. FITZGERALD. Mr. Speaker, the rule covers Senate amendments of a similar character, even though the amendments have been considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. This is a Senate bill?
Mr. CAMPBELL. This is a Senate bill.
The SPEAKER. This is a House amendment to the Senate bill and proposes to strike out all after the enacting clause, as the Chair understands, and to insert the substitute which has been read, and which the gentleman from Kansas [Mr. CAMP-BELL] says was substantially considered in the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. The rule says nothing about "substantially considered," if the Chair please. It is a knotty question, so far as I am informed, although I have not looked it up. The question is, Can the gentleman bring before the House in this way provisions which, if in the bill originally, must be considered in the House?

The SPEAKER. The Chair can not look to ascertain whether the amendment is substantially the same or practically the same as the bill. If the proposed substitute makes a charge upon the Treasury, this particular amendment must be conthe Union. The Chair is of the opinion that if the subject has been considered in substance by the Committee of the Whole House on the state of the Union, resulting in the recommendation of that committee, the amendment to the bill, like all other reports from committees, is subject to amendment. And the gentleman from Kansas states that the matters covered by the substitute have been considered in the Committee of the Whole House on the state of the Union. The Chair can not state without closer examination. But the gentleman from New York does not controvert the statement of the gentleman from Kansas.

Mr. FITZGERALD. I do not challenge the accuracy of the statement made, but from my standpoint it is immaterial

whether the amendment is substantially the same. The SPEAKER. The Chair would be inclined to overrule

the point of order.

Mr. MANN. The gentleman from New York seems to think it depends upon whether the precise language of the amendment to the bill was considered in the Committee of the Whole, whereas I take the universal rule to be whether the subjectmatter in proper form was considered in Committee of the Whole. If the gentleman's proposition should be true, the House never could amend a bill reported from the Committee of the Whole, because the moment you offer an amendment you must go back to the Committee of the Whole. Now, in this case the whole subject-matter was considered in the Committee of the Whole. Everything with reference to the Senate bill and House amendments was considered in Committee of the Whole. I do not see how it is possible to send it back and ever get through legislation.

The SPEAKER. The Chair is prepared to rule, and over-

rules the point of order.

Mr. SIMS. Mr. Speaker—
The SPEAKER. Does the gentleman from Kansas yield the floor or yield to the gentleman from Tennessee?

Mr. CAMPBELL. I yield ten minutes to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, I opposed the bill when it was pending before. I did not understand it as well then as I do now. It had some features I opposed then I would not oppose But I am informed, and get it also from newspapers, that the business people, those who have business in these courts in Georgetown, have entered a protest with the com-missioners opposing this bill. They want one of these justices'

courts over there.

Now, in Committee of the Whole we amended the bill in several important particulars, all of which now go out under this substitute. I am not opposed to legislation along the line of the bill; but I think it ought to be better considered and ought to provide for the necessities of the people who have litigation as well as the justices who hold the court. The House, in Committee of the Whole, reduced the number of judges to three. Now, I have assurance by way of letters from gentlemen who practice before these courts, but which we have not time to consider in this way, that three justices of the peace, converted into a judge's court, are a sufficient number to discharge all the duties of their office if clerks are provided to do the clerical work these justices now have to perform and if they were not to be designated to act as police judges. I think that ought to be done. When the bill was considered in the Committee of the Whole, we amended it so as to provide that the justices of the peace should be appointed from bona fide citizens of the District.

Now, this substitute comes in and virtually overrules and overrides the House in Committee of the Whole when we considered and reported it to the House with that amendment. Now, the previous question can be called upon the substitute and a vote taken. This method of legislation virtually evades consideration in Committee of the Whole when bills are reported with amendments. When the bill comes back into the House, the previous question can be called on an amendment. Debate can only be had by grace of the gentleman who has charge of I think it is a bad way to legislate. I think it ought not to be adopted. Let us go along and consider this bill in the usual way. It ought to be considered with an opportunity to make the proper amendments or, at least, retain the amendments that were made after long deliberation and discussion, and not overrule the Committee of the Whole in this way. think the bill can be perfected and will be of benefit. I do not think the substitute ought to be adopted in its present form. I think we ought to vote down the amendment of the gentleman from Kansas, and that the bill should be passed as reported by Committee of the Whole after an hour or two hours' consideration. Therefore I hope that the substitute will be voted down.

Mr. CAMPBELL. I yield ten minutes to the gentleman from Pennsylvania [Mr. Bates].

BATES, Mr. Chairman, these justices tried 21,337 cases last year, an increase of 2,785 cases over the preceding year. In 1903 the total number of cases were 14,327, and an increase of 33 per cent in the cases tried in their courts for the last four years.

Mr. Chairman, three justices can not perform these duties, and the only change made by this substitute is to substitute the word "five" for the original "six" and the word "three," as it is now reduced in the bill. It also provides that the expenses of this court shall at no time exceed the revenues of the court and shall not be a charge on the Government of the United States.

Mr. SIMS. That is in the other bill, as reported. This bill does not provide that this court shall be appointed from bona fide citizens.

Mr. BATES. But this, as I understand it, does not change a letter or cross a "t" in that respect. It is the same as in the other bill, with the exception that it provides for five justices instead of three, as was voted for the other day.

Mr. SIMS. But it says "residents" of this city, but not "bona fide citizens."

Mr. BATES. It says that those who shall be eligible for those appointments shall have been practitioners for the last five years before this court.

Mr. SIMS. They need not be citizens.

Mr. BATES. Is there any such thing as citizenship in the

Mr. MANN. Oh, yes; there is. Mr. SIMS. There is such a thing as not being a citizen of

Mr. BATES. This is not a State.

Mr. SIMS. A man from your State may be appointed and may vote up there and work in politics up there and come down here and hold court.

But the law requires that they shall be resi-Mr. BATES.

dents and practitioners in this court five years.

Mr. SIMS. Judges of the Supreme Court here continue to exercise functions of citizens in the States from which they came here in some cases.

Mr. BATES. I do not quarrel with the gentleman on that. The point I make is that three judges are inadequate.

Mr. MANN. The gentleman stated the number of cases heard by these justices last year.

Mr. BATES. Twenty-one thousand three hundred and thirtyseven.

Mr. MANN. If there were only three justices, that would be

7,000 cases to a justice.

Mr. BATES. To be disposed of.

Mr. MANN. Which would be about 25 cases a day, unless you figured every possible day of the year outside of Sundays.

Mr. BATES. Yes; and that would be ridiculous.

Mr. FITZGERALD. A large proportion of these cases are landlord and tenant cases that are not litigated at all.

Mr. BATES. Many of them. Under the law these justices have to be assigned to take the place of the police-court judges and also the juvenile-court judges, aside from their own duties.

Mr. SIMS. They ought to be relieved of that.
Mr. BATES. They ought to be relieved of that, the gentleman from Tennessee says, but they are not relieved of that. That burden is upon them; and when assigned, they have to respond to the call to take the place of the police-court judges and

the juvenile-court judges during the absence, vacation, or sickness of any of those judges.

Mr. MANN. As a matter of fact, one of them is assigned a couple of months a year, at least, to the police court.

Mr. BATES. Yes. The bill as reported, with three justices, would be so inadequate as to make it ridiculous.

Mr. SIMS. If you relieve them of the clerical work, the three can do more than six men who have to do clerical work as they are now doing it.

Mr. BATES. The secretary of a special committee of the Bar Association writes:

The increased jurisdiction proposed will necessarily increase the number of cases. At present the justices have to do their own clerical work. They keep their dockets and cash accounts and prepare their own writs. They can doubtless try more cases when relieved of writing papers, keeping books, and counting cash; but if two are liable to be drafted to preside in the police court when the justices of that court desire a holiday, as the law now permits, it will be readily seen that three justices will be unable to do the work.

In addition to that, the clerk to be appointed is the clerk of the whole court. They do not each have a clerk. The clerk to be appointed will keep the docket of every case that is tried. When these justices sit this clerk will divide up the docket between the five, so that they will all be at work. As it is now, one district may be crowded, with five or six thousand cases in a year, and another district, geographically as large, have only half or a third as many cases brought, so that now their duties are unequal. But the provision of this bill is that the clerk will equally divide the docket up between these justices who are sitting, and in that way they may do equal work.

Mr. SIMS. You had better have two more clerks at \$1,500

than two more judges at \$2,500.

Mr. BATES. I think not. Mr. SIMS. Then they would have no clerical work to do at all. Mr. BATES. Under the provisions of the bill as reported from the Committee of the Whole the other day the proposition is ridiculous. I am satisfied that three judges would be entirely inadequate. Five judges, the compromise agreed upon—one less than the present number-can, I believe, do the work comfortably for the present, if they have a clerk to docket all the cases and assign them among the different judges. I hope, therefore, this being substantially the only change made by the amendment by way of substitute offered by the gentleman from Kansas, that it will be adopted.

Mr. CAMPBELL. I will yield five minutes to the gentleman from New Jersey [Mr. Hughes].

Mr. Hughes of New Jersey. Mr. Speaker, this is the same proposition we discussed in Committee of the Whole House the other day. At that time I stated the situation as it exists in my city, where we have about 120,000 population, where a district court judge has exclusive jurisdiction in the city and con-current jurisdiction throughout the whole county. That judge sits two days a week, and he usually finishes up his calendar of cases in about half of a working day. He is provided with a clerk also.

The gentleman from Pennsylvania [Mr. Bates] states the number of cases to be handled by these judges, and it shows that it comes to about 25 cases per day apiece. Anybody who has sat around a municipal court of that character and seen the ease with which the ordinary cases are disposed of, many of which never come to trial at all, and others in which judgments are obtained by default, knows that probably only 1 in every 25 cases actually is tried, and perhaps not 1 in 100 cases comes to a jury trial. It is plain to me, in spite of what the gentle-man from Pennsylvania has said, that three judges would be ample to perform this work.

I will make this proposition: I will get the man who tries cases in our court at home to come here for the salary that is

paid these three judges and try them all himself.

Mr. BATES. Will the gentleman yield for a question?

Mr. HUGHES of New Jersey. Certainly

Mr. BATES. Does not the gentleman think there is a great deal of force in the criticism made by President-elect Taft and others against the law's delay, and that the parties to these suits are entitled to a speedy trial of their cases, and that justice should not be delayed as it has been many times in the two or three years past?

Mr. HUGHES of New Jersey. I have only five minutes, but will say to the gentleman that the delays are not always caused by too much litigation; it is often caused by a lack of willingness of the judges to go on and do the work. We do

not have these delays in my city.

Mr. BATES. In two of these districts at present they are

congested and can not hear the cases speedily.

Mr. HUGHES of New Jersey. If you have a capable judge,

he can do it. I want to say that the judge to whom I have

referred is doing half as much work as you are going to have five men do, and he does it in two days a week. There is no congested calendar there. This proposition is merely to provide places for two additional judges, and if the House wants to do it nothing more need be said, but I think there ought to be an end to the oft-made assertion that these appointments are necessary to clear up the calendar. They are not necessary, in my judgment. The three men recommended by the Committee of the Whole House would be ample, if they want to do the

Mr. BATES. Does the gentleman take into consideration the increase in the concurrent jurisdiction that that will increase the number of cases brought?

Mr. HUGHES of New Jersey. We increased the jurisdiction from three to five hundred within the last two years, but the

same judge is trying all the cases.

Mr. BATES. The gentleman from New Jersey can not controvert the fact that there were nearly 22,000 cases brought in these courts last year. Was there any such proportion of litigation before the justice in the town which the gentleman re-

Mr. HUGHES of New Jersey. I should say that he had about his fair proportion, speaking from my recollection.

Mr. FITZGERALD. Let me say that my colleague from New York was municipal judge for some years, and he disposed of

Mr. BENNET of New York. Perhaps I ought to call attention to the fact that I was not reelected.

Mr. CAMPBELL. Mr. Speaker, I move to amend by inserting the words "citizen and" in line 4, following the words "bona fide," so that it will read "bona fide citizen and resident."

The SPEAKER. Does the gentleman modify his amendment?

Mr. CAMPBELL. Yes; to that extent. The SPEAKER. The Clerk will report the amendment. The Clerk read as follows:

Page 2, end of line 4, insert "citizen and," so as to read "bona fide citizen and resident of said District."

Mr. CAMPBELL. Now, Mr. Speaker, I move the previous question on the amendment and bill to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. This is a Senate bill, and stands upon a report from the Committee of the Whole House on the state of the Union with the recommendation that certain amendments shall be agreed to. The gentleman from Kansas offers a substi-tute for the bill, which would leave the amendments that are recommended by the Committee of the Whole House on the state of the Union without action. So that it seems to the Chair that the original should be perfected before the question is taken on the substitute. Therefore the question will be on agreeing to the amendments reported by the Committee of the Whole House on the state of the Union.

Mr. SIMS. Mr. Speaker, I would like to have those amendments read before they are voted upon.

The SPEAKER. Without objection, the Clerk will again re-

port the amendments.

There was no objection, and the Clerk again reported the amendments.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the vote will be taken on the amendments in gross. The question is on agreeing to the amendments.

The question was taken; and on a division (demanded by Mr. SIMS) there were-ayes 45, noes 39.

So the amendments reported by the Committee of the Whole House were agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Kansas in the nature of a substitute.

Mr. FITZGERALD. Mr. Speaker, there is an amendment before that; he offered an amendment to the substitute.

The SPEAKER. Oh, no; the gentleman modified his amendment, making it a part of the original. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. SIMS) there were-ayes 60, noes 51.

Mr. SIMS. Mr. Speaker, I make the point that no quorum

is present. The SPEAKER. The gentleman makes the point of no quorum. Evidently there is no quorum present. The Door-keeper will close the doors, the Sergeant-at-Arms will bring in absentees, the yeas and nays will be ordered, and the question will be taken on agreeing to the substitute offered by the gentleman from Kansas. The Clerk will call the roll.

The question was taken; and there were-yeas 141, nays 96, answered "present" 10, not voting 139, as follows:

Andrus Barchfeld Bartholdt Bates Beale, Pa. Bede Bennett, Ky. Bonynge Boyd Brownlow Burke Burleigh Burton, Del. Butler Campbell Capron Cary Cassel
Caulfield
Chaney
Chapman
Cocks, N. Y.
Conner
Cook, Colo.
Cook, Pa.
Cooper, Wis.
Crumpacker
Currier
Cushman
Dalzell
Darragh Darragh Davidson Davis Dawson

Denby

YEAS-141. YE.

Draper
Driscoll
Ellis, Mo.
Ellis, Oreg.
Englebright
Esch
Fordney
Fordney
Foster, Ind.
Fooster, Vt.
Foulkrod
French
Gaines, W. Va.
Gardner, Mich.
Gardner, Mich.
Gardner, Mich.
Gardner, Mich.
Gardner, N. J.
Glihams
Goebel
Greene
Gronna
Hammond
Haskins
Haugen
Hawley
Hayes Kahn Keifer Kennedy, Iowa Knowland Küstermann Landis Langley Langley Laning Lindbergh Lindbergh
Longworth
Loud
Loudenslager
McCall
McGuire
McKinley, Ill.
McKinney
McLachlan, Cal.
McMorran
Madden
Madison Madden Madison Malby Mann Marshall Martin Miller Mondell Moon, Pa Hawiey Hayes Henry, Conn. Hepburn Higgins Holliday Moon, Pa. Morse Mouser Murdock Howell, N. J. Howland Hubbard, Iowa Hubbard, W. Va. Needham Nelson Norris Nye Olcott Huff Hughes, W. Va. Nye
Hull, Iowa Olcott
Humphrey, Wash. Overstreet

Parker Parsons Payne Pearre Pollard Prince Reeder Roberts Rodenberg Slemp Smith, Cal. Smith, Iowa Smith, Mich. Snapp Southwick Sperry Stafford Steenerson Sterling Stevens, Minn. Swasey Taylor, Ohio Thistlewood Townsend Volstead Waldo Washburn Watson Steenerson Watson Weeks Wilson, Ill. Wood Woodyard Young

NAYS-96.

Adair Alexander, Mo. Ashbrook Barnhart Dixon Ellerbe Ferris Finley Finley
Fitzgerald
Filoyd
Foster, III.
Garner
Garrett
Gill
Gillespie
Gillesth
Hackney
Hamilton, Iowa
Hamiin
Hardy Bartlett, Ga. Beall, Tex. Bell, Ga. Booher Brantley Brantley Broussard Burleson Candler Clark, Fla. Clark, Mo. Clayton Cockran Cooper, Tex. Cox, Ind. Hamin Hardy Harrison Hay Heflin Helm Craig Cravens Crawford Henry, Tex. Hitchcock Davenport De Armond Howard Hull, Tenn.

Humphreys, Miss. Reid
James, Ollie M. Richardson
Johnson, Ky. Robinson
Johnson, S. C. Rucker
Keliher Russell, Mo.
Kimball Russell, Tex. Kitchin Lamb Lever Lloyd Sabath Shackleford Sheppard Sherley Sheriey Sherwood Sims Slayden Smith, Mo. Smith, Tex. McDermott Macon Maynard Maynard
Moon, Tenn.
Moore, Tex.
Murphy
O'Connell
Padgett
Page
Peters Spight Taylor, Ala. Thomas, N. C. Underwood Pou Rainey Randell, Tex. Ransdell, La. Wallace Webb Wiley Williams Weisse

ANSWERED "PRESENT"-10. Adamson Bennet, N. Y. Boutell Carlin Hill, Conn. Jenkins Sherman Stanley Talbott

NOT VOTING-139.

Acheson Aiken Alexander, N. Y. Ames Ansberry Fairchild Fassett Favrot Flood Focht Anthony Bannon Foelker Fornes Foss Fowler Barclay Bartlett, Nev. Bingham Birdsall Fuller Fulton Gaines, Tenn. Glass Godwin Bowers Bradley Brodhead Brundidge Burgess Burnett Goldfogle Goldfogle Gordon Goulden Graff Graham Granger Gregg Griggs Guernsey Hackett Burton, Ohio Byrd Calder Calderhead Caldwell Carter Cole Hackett
Halgott
Hale
Hall
Hamilton, Mich.
Harding
Hardwick
Hill, Miss.
Hinshaw
Hobson
Houston Cooper, Pa. Coudrey Cousins Dawes Diekema Douglas Durey Dwight

Howell, Utah
Hughes, N. J.
Jackson
James, Addison D.
Jones, Va.
Jones, Wash.
Kennedy, Ohio
Kinkaid
Kipp
Knapp
Knapp
Knopf
Lafean
Lamar, Fla.
Lamar, Mo.
Lassiter
Law Mudd Mudd Nicholls Olmsted Patterson Perkins Porter Pratt Pray Pujo Rauch Reynolds Rhinock Riordan Rothermel Ryan Lassiter Law Lawrence Leake Lee Legare Saunders Scott Small Sparkman Stephens, Tex. Lenahan Lewis Lindsay Livingston Sturgiss Sulloway Sulzer Tawney Livingston Tawney
Lorimer Thomas, Oh
Lovering Tirreli
Lowden Vreeland
McCreary Wanger
McGavin Watkins
McHenry Weems
McKinlay, Cal. Wheeler
McLain Willett
McLaughlin, Mich.Wilson, Pa.
McMillan Woif
Moore, Pa. Thomas, Ohio

Edwards, Ga. Edwards, Ky. Estopinal So the amendment in the nature of a substitute was agreed to. The Clerk announced the following pairs:

Mr. HAGGOTT with Mr. HAMILL. Mr. Lowden with Mr. Jones of Virginia.

Until further notice:

Mr. FULLER with Mr. GOLDFOGLE.

Mr. Alexander of New York with Mr. Ansberry, Mr. Anthony with Mr. Bartlett of Nevada.

Mr. Bannon with Mr. Bowers. Mr. Barclay with Mr. Brundidge,

Mr. Bingham with Mr. Burgess. Mr. Birdsall with Mr. Burnett.

Mr. Calder with Mr. Byrd. Mr. Cole with Mr. Caldwell.

Mr. Cooper of Pennsylvania with Mr. Carter,

Mr. Cousins with Mr. Edwards of Georgia.

Mr. Dawes with Mr. Estopinal. Mr. Diekema with Mr. Favrot. Mr. Douglas with Mr. Fulton.

Mr. FASSETT with Mr. FLOOD.

Mr. FOCHT with Mr. GAINES of Tennessee.

Mr. FOELKER with Mr. GLASS. Mr. Foss with Mr. Godwin. Mr. GRAFF with Mr. GORDON. Mr. Graham with Mr. Gregg.

Mr. Guernsey with Mr. Hackett. Mr. HALE with Mr. HARDWICK

Mr. Hamilton of Michigan with Mr. Hill of Mississippl, Mr. Harding with Mr. Kipp.

Mr. HINSHAW with Mr. LAMAR of Florida, Mr. Howell of Utah with Mr. LAMAR of Missouri.

Mr. Jones of Washington with Mr. Lassiter. Mr. KENNEDY of Ohio with Mr. LEAKE,

Mr. Knapp with Mr. Lee. Mr. Knopp with Mr. Lenahan, Mr. LAFEAN with Mr. LEWIS.

Mr. LAW with Mr. LIVINGSTON. Mr. LAWRENCE with Mr. McHENRY.

Mr. LORIMER with Mr. McLAIN. Mr. LOVERING with Mr. NICHOLLS.

Mr. McCreary with Mr. Patterson.

Mr. McGavin with Mr. Pujo.

Mr. McKinlay of California with Mr. Rauch. Mr. McLaughlin of Michigan with Mr. Rhinock.

Mr. McMillan with Mr. Rothermel

Mr. Moore of Pennsylvania with Mr. RYAN, Mr. Olmsted with Mr. Small.

Mr. Perkins with Mr. Saunders. Mr. Porter with Mr. Sparkman. Mr. Sturgiss with Mr. Stanley.

Mr. Sulloway with Mr. Stephens of Texas.

Mr. TAWNEY with Mr. SULZER. Mr. TIRRELL with Mr. WATKINS. Mr. Vreeland with Mr. Weisse.

Mr. Weems with Mr. Willett.
Mr. Fowler with Mr. Wilson of Pennsylvania,
Mr. Hall with Mr. Wolf.
Mr. Calderhead with Mr. Legare.

Mr. JENKINS with Mr. LINDSAY. Mr. FAIRCHILD with Mr. BRODHEAD.

Mr. REYNOLDS with Mr. Hobson. Mr. Coudrey with Mr. Pratt.

Mr. Hill of Connecticut with Mr. Granger.

Mr. MUDD with Mr. TALBOTT.

Mr. Addison D. James with Mr. Houston. Mr. Ames with Mr. Aiken.

For the session

Mr. Benner of New York with Mr. Fornes.

Mr. SHERMAN with Mr. RIORDAN. Mr. BOUTELL with Mr. GRIGGS. Mr. WANGER with Mr. ADAMSON. Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

On motion of Mr. CAMPBELL, a motion to reconsider the last

vote was laid on the table.

THE VETERAN VOLUNTEER FIREMEN'S ASSOCIATION.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill S. 2024, and ask for a vote.

The SPEAKER pro tempore (Mr. Townsend). The gentleman from Michigan calls up the bill which the Clerk will report. The Clerk read as follows:

A bill (S. 2024) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

Mr. MANN. Mr. Speaker, I make the point of order against that bill that it should be on the Union Calendar.

Mr. SMITH of Michigan. This bill has been considered in the Committee of the Whole House.

Mr. CAMPBELL. Mr. Speaker, this bill has been considered in the Committee of the Whole House and recommended to the House.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be read a third time, was read the third time, and passed.

USE OF CORRIDORS OF COURT-HOUSE, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up House joint resolution 200.

The SPEAKER pro tempore. The Clerk will report the same. The Clerk read as follows:

House joint resolution 200.

Granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF PENSIONERS OF METROPOLITAN POLICE FUND.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 23973

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

A bill (H. R. 23973) for the relief of pensioners of the Metropolitan police fund.

police fund.

Be it enacted, etc., That the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896, is authorized to be paid, and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of said police fund, and report to Congress their conclusions for consideration. In case of death of any beneficiary under the provisions of this bill the amount due such beneficiary shall be paid to the legal representative thereof.

The amendments recommended by the committee were read, as follows:

Strike out of lines 10 and 11, page 1, the words "and report to Congress their conclusions for consideration," and insert a period after the word "fund," in line 10.

Mr. MANN. Mr. Speaker, I make the point of order that this bill is not properly on the House Calendar, but belongs to the Union Calendar. While the bill does not itself direct out of what fund payment shall be made, it provides that certain amount withheld because of deficiencies in that police fund during a certain period shall be paid, and the Commissioners of the District are authorized and directed to adjust and settle all claims for said deficiencies. There is no fund out of which these deficiencies may be paid; and giving the authority to the District Commissioners to adjust and settle claims puts a charge, as I take it, and makes it practically an audited claim, and one-half of that would have to be paid out of the General This bill does not confine the payment out of the Treasury. This bill does not confine the payment out of the pension fund, and that question was raised on previous bills as to whether a bill to pay this out of the pension fund was properly on the House Calendar, but this bill does not even confine

it to the pension fund.

The SPEAKER pro tempore. Does the gentleman from Michigan say there is a fund out of which this is to be paid?

Mr. SMITH of Michigan. No.

The SPEAKER pro tempore. The Chair, then, feels bound to sustain the point of order.

IMPERIAL PALACE, DRAMATIC ORDER KNIGHTS OF KHORASSAN.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 23707.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 23707) to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan.

Be it enacted, etc., That Daniel F. Summey, jr., of the city of Charlotte, State of North Carolina; William Beatty, of the city of Toledo, State of Ohio; Thomas H. Hineline, of the city of Minneapolis, State of Minnesota; Henry W. Belding, of the city of Webster Groves, State of Missouri; Charles V. Stansbury, of the city of Los Angeles, State of California; John Hallowell Dickinson, of the city of Richmond, State of Virginia; Charles E. Rice, of the city of Buffalo, State of New York; George F. Eubanks, of the city of Atlanta, State of Georgia; Joseph A. Solomons, of the city of Grand Rapids, State of Michigan; Estil D. Guffy, of the city of Oklahoma City, State of Oklahoma; Frank R. Lander, of the city of Cleveland, State of Ohio; and Gus Meese, of the city of Spokane, State of Washington, officers and members of the Imperial Palace, Dramatic Order Knights of Khorassan, and their successors, be, and they are hereby, incorporated and made a body politic and corporate in the District of Columbia, by the name of "The Imperial Palace, Dramatic Order Knights of Khorassan," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal, and change the

same at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incidental to fraternal and benevolent corporations within the District of Columbia.

SEC. 2. That the said corporation shall have power to take and hold real and personal estate not exceeding in value \$100,000, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the fraternal and benevolent purposes of said corporation.

SEC. 3. That all claims, accounts, debts, things in action or other matter; as business of whatever nature now existing for or against the present Imperial Palace, Dramatic Order Knights of Khorassan, mentioned in section 1 of the act, shall survive and succeed to and against the body corporate and politic hereby created: Provided, That nothing contained herein shall be construed to extend the operation of any law which provides for the extinguishing of claims or contracts by limitation of time.

SEC. 4. That said corporation shall have a constitution and shall have power to amend the same at pleasure: Provided, That such constitution or amendments thereof do not conflict with the laws of the United States or of any State.

SEC. 5. That said corporation may provide for meetings of its legislative or governing body wherever such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within said District.

SEC. 6. That the general offices of said corporation shall be in the District of Columbia or in any State where the secretary of the corporation may reside.

poration may reside.

SEC. 7. That said corporation shall not engage in any business for gain, the purposes of said corporation being fraternal and benevolent.

SEC. 8. That Congress may at any time amend, alter, or repeal this act.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gen-

tleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the Dramatic Order of the Knights of Khorassan was organized in 1895. It has branches in every State in the Union, with the exception of five, and I am in-formed that in three of those five steps have already been taken to organize branches. The purpose of the bill is to incorporate the organization by a United States statute.

While the committee felt some doubt as to the advisability of favoring this class of legislation, upon investigation they found that there had been a number of bills passed to incorporate fraternal and benevolent organizations of a similar character to this. On the 13th day of March, 1896, an act to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the southern jurisdiction of the United States was passed; an act to incorporate the trustees of the Grand Encampment of Knights Templar of the United States was approved February 4, 1905; and an act to incorporate the Great Council of the United States of the Improved Order of Red Men was approved April 16, 1906. So Congress has been in the habit of passing this kind of legislation.

The parent organization, namely, the Knights of Pythias, was started in the District of Columbia. No man who is not a member of the Knights of Pythias is eligible to membership in this dramatic order, which bears the same relationship to that order as the order of Knights of the Mystic Shrine bears to Masonry. I therefore hope, Mr. Speaker, that the bill will pass. Mr. GARRETT. Will the gentleman from Michigan [Mr. SMITH] yield to me for five minutes?

Mr. SMITH of Michigan. I will. Mr. GARRETT. Mr. Speaker, it is true, as the gentleman from California [Mr. Kahn] has stated, that there are precedents for the passage of bills somewhat of the character of this, but I venture to call the attention of Members of the House to the fact that no bill of a character similar to this has heretofore passed over the protest and against the recommendation of the District Commissioners. And I call attention to the fact that the Commissioners of the District do protest against the passage of this bill. Their letter is set out in full in the report.

Mr. MADDEN. What does the bill seek to do? Mr. GARRETT. The bill seeks to incorporate a benevolent association or society. I know nothing of the society, but I presume that it is a good association and a benevolent one. have heretofore opposed all these incorporations. I am against it as a matter of policy, and, with the permission of the House, I wish to read, for the benefit of any who may not have seen the report, this report of the commissioners; and I ask for order, Mr. Speaker.

Mr. MADDEN. The object of the organization is legitimate,

is it?

Mr. GARRETT. I so understand it-benevolent and fraternal.

Mr. KAHN. It is not an insurance organization.
Mr. GARRETT. The letter of the commissioners, written to the committee, reads this way:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, December 31, 1908.

Dear Sir: The commissioners have the honor to state in reply to
your reference to them for examination and report H. R. 23707, "To
incorporate the Imperial Palace, Dramatic Order Knights of Khorassan," that in their opinion the proposed legislation is unnecessary and
undesirable.

The bill only asks that the corporation be "entitled to use and exercise all the powers, rights, and privileges incidental to fraternal and

benevolent corporations within the District of Columbia. It would be useless to grant those powers, etc., by special act when they may be obtained by incorporating under the general laws of the District, which are themselves acts of Congress. Such legislation is particularly objectionable because of the great tendency to use it for advertising purposes. In the opinion of the insurance department, the District of Columbia has already been embarrassed even by insurance companies and societies which have been incorporated under the general law, and have circulated prospectuses and policies throughout the country representing that they were "incorporated under the laws of the United States in the District of Columbia."

It would appear that the only special privilege asked is that the provision of the code to the effect that one-third of the incorporators shall be residents of the District be waived. As no resident of the District is named as an incorporator, and as the bill provides that the general offices of the corporation may be located in any State, it is evident that it is not intended to have them in the District. In such an event no provision would be made for service of legal process on the officers.

officers.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. Smith, Chairman of Committee on District of Columbia, House of Representatives.

The SPEAKER pro tempore. The time of the gentleman from Tennessee [Mr. GARRETT] has expired.

Mr. GARRETT. I would like to have two or three minutes

Mr. SMITH of Michigan. I yield three minutes to the gentleman from Tennessee.

Mr. GARRETT. I suppose, of course, that this bill, like many of the other similar bills that have been before Congress during my brief service here, will pass, but I am firmly of the opinion that it is bad policy and that it ought to be broken up by the House, and that now is a good time to begin. This, so far as I remember, is the first bill to create a special corporation or a corporation by a special act, that has arisen in the Sixtieth Congress. A number of them passed in the Fifty-ninth Congress. They were stoutly resisted by several gentlemen on the floor, and I had hoped that that resistance had borne fruit, and that we would have no more of this very bad and very dangerous legislation.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. GARRETT. Certainly.
Mr. BARTLETT of Georgia. The gentleman read something from the commissioners as to this being one of the benevolent insurance orders

Mr. GARRETT. No; the commissioners do not say this is an insurance order.

Mr. BARTLETT of Georgia. It is not, from what I can see of the bill.

Mr. GARRETT. I do not understand it is. It is a benevolent society, whose purposes are no doubt meritorious. But the point is that they can incorporate under the general laws of the District of Columbia by complying with the requirement as to the correct number of local directors, and there is no reason why this society or any other society should be given the prestige of a special act of incorporation passed by the Congress which sets aside the provisions of the carefully considered code of the District.

Mr. SMTTH of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. Ashbrook].

Mr. ASHBROOK. Mr. Speaker, if this bill is passed, as I believe it should be, it will simply give to the Imperial Palace, Dramatic Order Knights of Khorassan, the same rights and privileges as nearly every other secret society of any importance or consequence now enjoys under the federal law. holds and sustains about the same relationship to that great order, the Knights of Pythias, which was organized in the city of Washington and for which a similar act has heretofore been passed, as the Shrine does to the Masonic bodies.

None but Pythians are eligible to membership in this order, and none but good men are good Pythians. I may here state that many Members of this Congress-not only of the House, but of the Senate, including the author of this bill—are members of the "D. O. K. K.," as it is more commonly called; but whether this fact is to the credit of the order or an argument in favor of the passage of this bill, I will not now say. The District of Columbia Committee, as has been stated by the gentleman from California [Mr. KAHN], finds that numerous other secret societies have heretofore had an act similar to this passed in their behalf. We also find that many organizations and societies other than secret societies have come to Congress with similar bills that have been passed, including the National Educational Association, the Women's Club Federation, and the Daughters of the American Revolution.

The District Commissioner and the gentleman from Tennessee [Mr. GARRETT] evidently confuse this bill with societies organized for the purpose of conducting insurance. The Dramatic Order of Knights of Khorassan does not have any beneficial features attached to it save those of better fellowship and

friendship among its members.

It does not so much as even compel the payment of sick benefits to its members. It is therefore in no sense an insurance Its object is to help others and to assist the members to do bigger and better things, to do good things while they may, to give flowers to the living rather than heap them upon their caskets. Its motto is "to lift up the fallen; ' and surely even Congress will not wish to retard so noble a work for humanity's sake. The order is now incorporated under the laws of Illinois, but by the passage of this act it can move its offices from one State to another without being subjected to the expense and annoyance of applying for a charter to each State to which its offices are to be removed.

Therefore, Mr. Speaker, inasmuch as the parent order, the Knights of Pythias, was organized and established in the city of Washington, I take it that this auxiliary body will be subject to and entitled to the same fair consideration at your hands that so many other secret societies have heretofore had.

and will be promptly passed.

Mr. SMITH of Michigan. I yield two minutes to the gentle-

man from Florida [Mr. CLARK].
Mr. CLARK of Florida. Mr. Speaker, I desire to call attention to the letter of the commissioners quoted by the gentleman from Tennessee. The gentleman from Ohio, who has just taken his seat, has fully covered the ground with reference to the purposes of this bill and the necessities for its passage. I want to say that the commissioners, in their letter, seem to plant their opposition upon the supposition that this incorporation will be used for advertising purposes. This organization, of which I have the honor to be a member, does not advertise. There is nothing in its business to be advertised; it is not a commercial proposition in any sense of the word, and there is no insurance feature in connection with it.

Mr. GARRETT. Will the gentleman allow me to interrupt

Mr. CLARK of Florida. Certainly.

Mr. GARRETT. I do not think it is a fair construction of the language of the commissioners to say that they insist that this particular bill will be used as a basis for advertising. They speak of the legislation in general in granting special charters.

Mr. CLARK of Florida. Do they not seek to apply it to this

Mr. GARRETT. I do not think the language properly bears

that interpretation. Mr. CLARK of Florida. That is a matter for construction. If the commissioners do not mean to apply the language to this bill, then they ought not to have used it in a discussion of this bill, and they should not give that as a reason why this bill ought

not to pass.

Mr. KAHN. Will the gentleman from Florida permit me?

Mr. CLARK of Florida. Certainly. Mr. KAHN. The letter of the commissioners states that under the general law insurance companies incorporated in the District have used that fact for advertising, not by special act

of Congress, but incorporated under general law.

Mr. CLARK of Florida. And they are urging their fear that this incorporation may be used for advertising as an argument against the passage of the bill. If they are not using it for that purpose it should have no place in their letter. I am not one of those, Mr. Speaker, who believe, as the gentleman from Tennessee evidently does, that this Congress ought not to pass anything to which the commissioners object.

I am not ready yet to delegate to the Commissioners of the District of Columbia my right as a Representative upon this floor to express myself upon pending legislation and vote upon it irrespective of the recommendations they may make. say in their letter that the only special privilege asked by this -and I think that is true-is the waiver of the requirement of the general law that a particular number of the incorporators shall reside in the District. To require them to comply with the general law in that respect would work a hardship upon this order, and that is the real purpose of their asking for its incorporation in this way. I hope the bill will pass

Mr. SMITH of Michigan. I yield five minutes to the gentle-

man from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, while the gentleman from Tennessee fears this may be a precedent for further legislation, I want to say to the gentleman from Tennessee that whenever any other order comes to this House with the same claim for consideration that the people who are requesting this act do, if I am here at the time I will be glad to use this as a precedent for giving a charter to that kind of an association also.

I am not afraid of the precedent. I am surprised at the action of the commissioners in turning this proposition down, so far as they could turn it down. The very object of this in-corporation is to make it national, as it should be, so that it will not have to be moved from State to State. To go in under the general law and have a large number of incorporators in the city of Washington would be an injustice to the membership in other States. Not only that, but no man can be a member of the Knights of Khorassan unless he is first a Knight of Pythias in good standing, so that it is a winnowing out, and the best, I assume, are retained. It is for that order something like the Shriners for the Masonic order. The Masonic order, as you all know, is long established. The Shriners are the fellows who devote themselves to having a better time than the other members of the order, and I imagine that the Knights of Khorassan do that also. As a Knight of Pythias I was elected to the Knights of Khorassan many years ago, but was so afraid of the initiation that I have never reported for the degree. If I were younger I would take advantage of such election. [Laughter.] It seems to me that this bill can do no possible harm. It does not interfere with any business organization or any benevolent organization in the District of Columbia. It is Nation wide in scope, and the bill ought to pass, and I believe will pass.

Mr. HEPBURN. Mr. Speaker, a great many years ago, when I was a lad, I read a somewhat popular poem, known as "Lalla Rookh," and in that was a character known as the "Veiled Prophet of Khorassan." I should like some of the proponents of this bill to inform the House whether these Knights of Khorassan are in any way related to that veiled If they are, to my mind this is not a reputable organization that Congress ought to stop in its public business for the purpose of giving legal sanction to. That gentleman, so far as I now remember, was a very disreputable old wretch. [Laugh-He was a mysterious person, as these knights are. purposes of his existence were as veiled as was his face. These gentlemen do not see fit to tell us what power it is they want to be invested with. They tell us that they want to be permitted to use and exercise all the powers, rights, and privileges incidental to fraternal and benevolent corporations within the District of Columbia. It seems to me, Mr. Speaker, that that is very vague and uncertain. What are the rights; what are the privileges that corporations of a benevolent character may exercise in this District? I confess that I do not know.

I am not at all assured that the gentlemen of the committee, industrious as they are, painstaking as we know them to be, devoting their time constantly to the public service, have investigated all of these chartered and unchartered gentlemen, because you will remember, Mr. Speaker, that they are not limited in the rights they are to have to the rights of benevolent institutions which are incorporated, but all the rights of benevolent institutions exercising rights of any character are to be invested in these gentlemen, and we are to give them authority in the most solemn way to exercise those rights.

To my mind, Mr. Speaker, this is not wise legislation. It is ridiculous, it seems to me, that with all the grave questions pending before this House, questions of stateship, questions involving the highest rights of the people, which we are told we can not pass for want of time to properly consider them, one of the great committees of this House shall waste its time and the time of the House in the absurd performance of incorporating the Knights of Khorassan. Is it not strange that gentlemen will so forget the important duties with which they are intrusted? Here are my friend from California [Mr. KAHN] and my friend from Iowa [Mr. HULL] forgetting that they are representing the political power of 50,000 of the sovereigns of the United States, forgetting that they are frittering away their time and the political power of those constituents in incorporating this Imperial Palace.

Mr. HULL of Iowa. Will the gentleman yield for a question? Mr. HEPBURN. Just think of it, my friend here, Democrat that he is in the broadest sense, trying to perpetuate the Imperial Palace of the Dramatic Order, Knights of Khorassan. [Laughter.] I will yield to the gentleman to ask a question.

Mr. HULL of Iowa. I would like to ask the gentleman wherein this differs from the incorporation of the Knights Templars? I think the gentleman from Iowa was here at that

time without protest.

Mr. HEPBURN. I confess that I do not know. I do not know anything more about the Knights of Khorassan than I do about the Veiled Prophet. It was his purpose in life to hide his identity and screen his personality to prevent mankind from knowing who he was, and, so far as I know, these gentlemen here devote themselves to seeking the same obscurity until they want to be incorporated.

Mr. GARRETT. Let me ask the gentleman a question. Do any of the fraternal and benevolent corporations of the District of Columbia exercise the power, or right, or privilege of

paying insurance and dealing in insurance?

Mr. HEPBURN. I do not know; and that is one reason why I am not willing to vote for this bill. I notice that these gentlemen are given the privilege of changing at will their constitution, changing at will the purpose of their organization, perhaps, in that change of the constitution. If they should do that, what guarantee have we, if they are to have the same powers of all the other corporations named, that they may not blossom out into this kind of a corporation and conduct a charitable and benevolent business in insurance?

Mr. CLARK of Florida. The gentleman from Iowa objects, as I understand, because it gives the order the power to change their constitution. Now, then, will the gentleman say that any person, other than a member of the organization, could possibly

be affected by any change of the constitution?

Mr. HEPBURN. That is a question I can not answer. not know what the purpose of this organization is. I simply know that, in my judgment, they can gain every power they ought to have under the general incorporation law, and that they ought not to come here seeking the distinction of a special creation by the Congress of the United States. I want to call attention to another feature showing the migratory, evanescent, movable character of this body.

The general offices of said corporation shall be in the District of Columbia or in any State where the secretary of the incorporation may reside.

Mr. ASHBROOK. Will the gentleman yield?
Mr. HEPBURN. For a question.
Mr. ASHBROOK. Does not the gentleman know that the officers are elected and liable to be in the State of Illinois one year, the State of Missouri the next year, or the State of Iowa the next, and that therefore it is necessary to change the offices?

Mr. HEPBURN. I think it is altogether likely, and if this body is of such importance as to entitle it to recognition by this Congress, it is of such importance that it should have a permanent habitation and not exist in the town where the hat of its secretary may be. I want these gentlemen to have every right that is necessary. Let them go to the incorporation laws of this District and let them conduct that business as they may be authorized under it. I am told that the reason why they are unwilling to do that is because they do not expect to have a local habitation. [Applause.]
The SPEAKER. The question is on the engrossment and

third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RAILROAD SUBSTATION.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from the further consideration of the bill H. R. 26920.

The SPEAKER. The gentleman from Michigan asks unanimous consent to discharge the committee from the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 26920) to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, would like some explanation of the bill.

Mr. SMITH of Michigan. I yield to the gentleman from Vir-

ginia [Mr. CARLIN].

Mr. CARLIN. Mr. Speaker, this bill is intended to settle the controversy which has been going on for several years between the District Commissioners and the railroad company in reference to a location for the substation in south Washington. The act which passed Congress in 1903 provided for the erection of a union station, and also provided for the erection of a substation north of the Long Bridge, in the following language:

SEC. 12. The Philadelphia, Baltimore and Washington Railroad Company shall establish and maintain a substation, with suitable accommodations for passenger traffic, at a convenient location north of Long Bridge, and at a point to be approved by the Commissioners of the District of Columbia.

That act also provided that the station should be completed in five years from the passage of the act. The five years had expired and nothing had been done toward the construction of the substation, although the Union Station had been practically completed.

The District Commissioners had approved, in the interim, a site at Fourteenth street for the substation, just north of the Long Bridge. It was subsequently discovered by them that the site was not convenient or suitable for the place, and they undertook to withdraw their approval, and did so far as they could withdraw their approval of that site, and approved of the site at Seventh street, the one provided for in the present bill.

The railroad authorities appealed to the court, and the court held that, as the commissioners had only the right of approval under the first act of 1903, and having exercised that right, they could not withdraw it, and it would have to stand, as approved, at Fourteenth street; and so we found ourselves in that condition, without any substation and without any real right to erect a substation at Fourteenth street, because a part of the property which had been approved was government property, and the rail-roads could not acquire and did not acquire title to it.

And so the controversy continued, the people in the meantime demanding that the substation should be erected. Six hundred commuters from one railroad in Virginia come into the town every day, and this substation is the station which they would use. Three or four hundred from another railroad come in, and they were required to go all the way over to the Union Station,

which is a great hardship.

Mr. HULL of Iowa. Would any of these commuters use the substation if it was fixed at Fourteenth street at the end of the Long Bridge, or would they not all come to the Union Station anyway?

Mr. CARLIN. Yes.

Mr. HULL of Iowa. So that that place would mean no substation at all.

Mr. CARLIN. Would mean no substation at all. The substation has been partially fixed at Fourteenth street by way of They do stop the trains there now, and there is a platform, but in the nighttime it is dark and lonely, and one's life is in danger to wait in that section of the town for a train, or to get off there in the nighttime from the incoming train is to encounter the same danger. In addition to that, there is only one street railway leading from that station, which runs its cars at intervals of twenty minutes, the Mount Vernon Railroad Company, and one is required to pay a separate fare to the Avenue and another fare after you reach the Avenue.

In other words, a round trip to the Fourteenth street station costs the commuter daily 20 cents, while at Seventh street it would cost 10 cents, because the Seventh street cars transfer to any part of the city. Briefly speaking, an agreement has been reached by the junior Senator from Virginia, by myself, who have been agitating the matter, and the patron of the bill which was pending, the District Commissioners and the railroad authorities agreeing that finally Seventh street should be selected as the final site for the substation. In order to accomplish that the legislation proposed here is necessary. There are two amendments which I will explain to the House, one of which is to cure an omission in the bill and the other is to meet a suggestion of the commissioners.

Mr. SMITH of Michigan. I suggest to the gentleman that he might let the Clerk read those amendments at this time.

Mr. CARLIN. Very well. I will ask the Clerk to do that now, and I will explain them as I have explained the bill. Briefly speaking, that is the situation and the necessity for this station. The people who come into the city from the south and leave the city for the south are demanding a substation. Congress has enacted a law, and that law has been in existence for over five years, requiring its erection. Not a pick has been struck, and nothing has been done toward the construction of the station. The dying hours of the session are upon us, and I hope now that since we are finally agreed upon a situation in such a location as would be suitable to the people, this bill will pass.

Mr. OLLIE M. JAMES. Who pays for the station?

Mr. CARLIN. The railroad company. I will ask the Clerk to report the amendments which I send to the desk, The Clerk read as follows:

Amend by adding after section 3, on page 2, section 3B, to read as

follows:

"SEC. 3 B. Section 12 of an act entitled 'An act to provide for a union railroad station in the District of Columbia, and for other purposes,' approved February 28, 1903, is hereby repealed."

Amend by adding, on page 2, line 2, after the word "southwest," the words "and south of the south building line of C street."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Philadelphia, Baltimore and Washington Railroad Company shall, within thirty days from the enactment hereof, begin and within four months complete the construction of a substation, with suitable accommodation for passenger travel, on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., and to occupy as licensees, for the purpose of the construction, maintenance, and operation of said substation, the parking appurtenant to the square known as square south of square 463 on the map of the city of Washington.

Sec. 2. That the plans for said substation shall be subject to the approval of the Commissioners of the District of Columbia, and the same creeted under their supervision.

Sec. 3. That there shall always be maintained at said substation a ticket office and agent for the sale of tickets and accommodation for baggage.

baggage.

SEC. 4. That Congress reserves the right to alter, amend, or repeal this act.

Mr. MANN. Is this station to be located in any way on any government land?

Mr. CARLIN. Yes; part of it is.

Mr. MANN. On a part of what is now a park?

Mr. CARLIN. No; on a piece of waste land there that ad-joins the property of the railroad company, in a triangle.

Mr. MANN. What does the gentleman mean by waste land? Mr. CARLIN. I mean by that a piece of land which is not being used and can not be used for any other purpose. I have a map here showing the plans.

Mr. MANN. Well, considering the small little triangular parks they have in the city, it would be very interesting to see so small a piece that could not be used for any such purpose.

Mr. CARLIN. It includes only about 7,000 feet of land. The station is to be 27 by 60 feet.

Mr. MANN. How much of the government land is included?
Mr. CARLIN. About 7,000 feet.
Mr. MANN. Well, that is a pretty good sized piece of ground—that is 70 by 100 feet.
Mr. CARLIN. This is just a little corner off the square which the railroad company already owns. It is across the street from the main park. There was an objection by the citizens of southwest Washington to any use of the park, and this is on the opposite side of the street.

Mr. MANN. How does the Government happen to own that

piece of land?

Mr. CARLIN. I do not know. The title happens to have been in the Government for many, many years, as I understand.

Mr. MANN. And never has been used for any purpose?

Mr. CARLIN. Certainly not, as far as I know.

Mr. LIVINGSTON. The Government has owned it, I think, since 1802.

Mr. CARLIN. It is a little spot that has not been able to render any service to anybody until now. I would very much prefer, of course, that we did not have to donate this land, but it is a great public convenience, and the Pennsylvania Railroad Company would be uncomfortable if it were not on government ground, and I do not want them to be uncomfortable.

Mr. MANN. I know, but I am not half as worried about whether the Pennsylvania Railroad Company will be uncomfortable as the gentleman is. They have been on public land

for a long time, and how long nobody

Mr. CARLIN. I will state to the gentleman that this bill provides that they can be licensees, and we can move them off any time we want to.

Mr. MANN. They were licensees at the old station, but when we moved them off it cost-how much? A million and a half dollars?

Mr. CARLIN. I do not know; but I tried to prevent the payment of it.

Mr. MANN. In the other case we could move them off whenever we liked, but it was at the expense of a million and a half

Mr. OLLIE M. JAMES. May I ask the gentleman a question? What is the value of this land?

Mr. CARLIN. I do not know. I do not think it is very valuable land; it is in southwest Washington.

Mr. OLLIE M. JAMES. Why should not the railroad com-

pany pay for it?

Mr. CARLIN. We do not give them a title to the land; we only give them the right under this bill as licensees. It is not even perpetual, so that they can be moved at any hour or day it is desired.

Mr. HULL of Iowa. It would accommodate the people a great deal better to have the substation than to leave an un-

sightly piece of ground in an unimproved condition or merely to make a park of it in that part of the city; and I know, from my conversations with many of the people who have business in that section, that they are practically unanimously in favor of this.

Mr. OLLIE M. JAMES. If the railroad company pay for the land, we could use that land and go ahead and have the benefit of the depot, too.

Mr. HULL of Iowa. If you can assure the erection of the

Mr. HULL of Iowa. If you can assure the erection of the substation and make them pay, I have no objection.

The SPEAKER pro tempore. Did the gentleman from Vir-

ginia offer an amendment?

Mr. CARLIN. Yes; two amendments. The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amend by adding, after section 3, on page 2, section 3 B, to read as follows:

"Sec. 3 B. Section 12 of an act entitled 'An act to provide for a union railway station in the District of Columbia, and for other purposes,' approved February 2S, 1903, is hereby repealed."

Amend by adding, on page 2, line 2, after the word "southwest," the words "and south of the south building line of C street."

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a

third time, was read the third time, and passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ENCOUNTER IN THE CITY OF PRAGUE, BOHEMIA.

Mr. McKINLEY of Illinois. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report House resolution No. 493 with the recommendation that said resolution do lie on the table.

The SPEAKER. The gentleman from Illinois reports from the Committee on Foreign Affairs the following resolution, with the recommendation that it do lie on the table. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 493.

Resolved, That the Secretary of State be, and he is hereby, directed to report to the House of Representatives, if not incompatible with the public interest, what information he has received concerning an encounter in the city of Prague, Bohemia, on or about December 1, 1908, between the police authorities and certain citizens bearing an American flag, which, after a struggle, the police seized, publicly tore into strips, and trampled in the mud; also what, if any, steps have been taken to secure apology or reparation for the insult to the flag of the United States.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois [Mr. McKinley].

The question was taken, and the motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. PADGETT, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. D. Kelly (H. R. 13614), Sixtieth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, change of reference was made of the bill (H. R. 26291) to extend the time of payment on certain homestead entries in Oklahoma from the Committee on the Public Lands to the Committee on Indian Affairs.

VISITORS TO NAVAL ACADEMY.

The SPEAKER announced the appointment of the following visitors to the Naval Academy

Mr. BATES, Mr. OLCOTT, and Mr. PADGETT.

ADJOURNMENT.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 9 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting the fourth annual report of the American Red Cross (H. Doc. No. 1364) to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to allotment of land within the Makah Indian Reservation and the conservation and sale of timber thereon (H. Doc. No. 1365)—to the Committee

on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service for the fiscal year 1908 (H. Doc. No. 1366)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19606) to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State, reported the same with amendments, accompanied by a report (No. 1915), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 23244) to create in the War and Navy departments, respectively, a roll to be known as the "Civil-war officers' annuity honor roll," to authorize placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes, reported the same with amendments, accompanied by a report (No. 1916), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26599) to withdraw from settlement and entry certain lands in the State of California, reported the same without amendment, accompanied by a report (No. 1922), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 20385) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, reported the same with amendment, accompanied by a report (No. 1924), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, reported the same without amendment, accompanied by a report (No. 1925), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1914), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 26975) to pay certain claims against the Government arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 1921), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 26315) for the relief of

William S. Lewis, reported the same adversely, accompanied by a report (No. 1917), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 26317), for the relief of William Stockwell, reported the same adversely, accompanied by a report (No. 1918), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

A bill (H. R. 26856) granting an increase of pension to James J. Furlong—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27018) for the relief of the estate of Phereby R. Sheppard, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 22502) granting an increase of pension to Nathan Sternberg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24960) granting a pension to Thomas S. Ford—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. SOUTHWICK: A bill (H. R. 27050) amending an act approved June 10, 1880—to the Committee on Ways and Means, By Mr. HULL of Iowa: A bill (H. R. 27051) authorizing the

Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa-to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 27052) to provide for the erection of a public building at Urbana, Ohio-to the Committee on Public Buildings and Grounds.

By Mr. BENNET of New York: A bill (H. R. 27055) to amend an act entitled "An act to increase the efficiency of the permanent military establishment of the United States"the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 27056) to enable any State

to cooperate with any other State or States, or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable riversto the Committee on Agriculture.

By Mr. BARTHOLDT: A bill (H. R. 27057) for the creation of a bureau of arts and public buildings and of a council of the arts, and defining their duties—to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Alabama: A bill (H. R. 27058) to provide for a naval training station on the western shore of Mobile Bay, in the State of Alabama—to the Committee on Naval Affairs.

By Mr. ROBINSON: A bill (H. R. 27059) appropriating \$10,000 to provide for a survey of the bank and channel of the Arkansas River at and near Douglas, Ark.—to the Committee

on Rivers and Harbors.

By Mr. McGAVIN (by request): A bill (H. R. 27060) to regulate the custody of orphaned and abandoned children in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CUSHMAN: A bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington—to the Committee on the Judiciary.
By Mr. BROUSSARD: A bill (H. R. 27062) to provide for

the erection of a light-house at Bayou Sennette, at the entrance to Lake Salvador, Louisiana-to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 27063) to provide for the erection of a light-house at Bayou Des Allemands, at the entrance to Lake Salvador, Louisiana-to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: A bill (H. R. 27084) providing for a military highway between the city of Yorktown, Va., and Jamestown, Va., via Williamsburg, Va.—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 27065) providing for the bonding of certain employees in the civil service-to the Committee on Claims,

By Mr. TAYLOR of Ohio: A bill (H. R. 27066) to incorporate the Washington, Baltimore and Annapolis Railway Company, and for other purposes—to the Committee on the District of

By Mr. OVERSTREET: A bill (H. R. 27067) to codify, revise, and amend the postal laws of the United States-to the Committee on the Post-Office and Post-Roads.

By Mr. McGUIRE (by request): A bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes-to the Committee on the Territory

By Mr. STANLEY: A bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky. to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 27070) to provide for the issuance of homestead patents in certain instances—to the Committee on the Public Lands.

By Mr. BENNET of New York: Resolution (H. Res. 509) extending the scope of the inquiry by the select committee appointed to investigate the expenditures of appropriations for the prevention of frauds and depredations in the public service-to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ANDREWS: A bill (H. R. 27071) granting a pension to Joseph B. Watrous-to the Committee on Pensions.

Also, a bill (H. R. 27072) granting a pension to Sybilie Grossart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27073) for the relief of Theophilus L. Keen—to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 27074) granting a pension to Elizabeth Calhoun Jackson—to the Committee on Pensions. Also, a bill (H. R. 27075) granting an increase of pension to

J. E. Walter—to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 27076) granting an increase of pension to John Willford-to the Committee on In-

valid Pensions. By Mr. BATES: A bill (H. R. 27077) granting an increase of pension to John Crowley-to the Committee on Invalid Pen-

By Mr. BENNET of New York: A bill (H. R. 27078) granting a pension to Clara L. A. Read—to the Committee on Pen-

sions. By Mr. BROWNLOW: A bill (H. R. 27079) granting an increase of pension to William Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27080) granting an increase of pension to

John W. Boyd—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 27081) granting a ension to Daniel W. Graham-to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27082) granting an increase of pension to Stephan P. Hulgan-to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 27083) granting an increase of pension to James Hutchens—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 27084) for the relief of

John, alias Henry, Ridenbaugh-to the Committee on Military Affairs.

Also, a bill (H. R. 27085) granting a pension to Mary A. Viers—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 27086) granting an increase of ension to Julius A. Southwick-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27087) granting an increase of pension to Daniel Gilbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27088) granting a pension to Allen C. Wright-to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 27089) granting an increase of pension to John C. McNaight—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 27090) granting a pension to Margaret S. Griffith-to the Committee on Pensions.

Also, a bill (H. R. 27091) granting an increase of pension to

Jeannette Ballard—to the Committee on Invalid Pensions. By Mr. DENVER: A bill (H. R. 27092) to remove the charge of desertion from the military record of James H. Troy-to the

Committee on Military Affairs.

Also, a bill (H. R. 27093) granting an increase of pension to Minerva E. Sweny—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 27094) granting an increase of pension to Charles A. Hatch—to the Committee on Invalid Pensions. Invalid Pensions

By Mr. ELLIS of Missouri: A bill (H. R. 27095) granting an increase of pension to Alfred Rumsey-to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 27096) granting an increase of pension to Pott Phillips-to the Committee on Invalid Pen-

By Mr. FULTON: A bill (H. R. 27097) granting an increase of pension to Priscilla McCarty—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 27098) for the relief of the heirs of Marianne Ste. Anna Schrepper-to the Committee on Private Land Claims.

By Mr. GRONNA: A bill (H. R. 27099) granting an increase of pension to John Torbenson-to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 27100) granting an increase of pension to Josephus C. Dine-to the Committee on Invalid

By Mr. HILL of Connecticut: A bill (H. R. 27101) granting an increase of pension to Harriet E. Rice-to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 27102) granting an increase of pension to Daniel L. Littrell—to the Committee on Invalid Pensions

Also, a bill (H. R. 27103) to provide for payment of the claims of the Roman Catholic Church in Porto Rico-to the Committee on Claims.

By Mr. OLLIE M. JAMES: A bill (H. R. 27104) granting a pension to Henry C. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27105) granting a pension to Lucinda Hughes—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 27106) granting an increase of pension to Frank B. Dorothy—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 27107) granting a pension to Estin Hieatt—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 27108) granting an increase of pension to John P. Vaughan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27109) granting an increase of pension to Cornelius Meek-to the Committee on Pensions.

Also, a bill (H. R. 27110) granting a pension to Greenville R. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27111) granting a pension to Freelin Taylor-to the Committee on Pensions.

Also, a bill (H. R. 27112) granting a pension to George W. Music—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 27113) for the relief of heirs of John Owings, deceased—to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 27114) granting a pension to Sarah Williams—to the Committee on Invalid Pensions. By Mr. McKINLAY of California: A bill (H. R. 27115) granting an increase of pension to George E. Hale—to the Committee

on Invalid Pensions.

Also, a bill (H. R. 27116) granting an increase of pension to Edwin B. Foy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27117) granting an increase of pension to

E. B. Stuckey-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27118) granting a pension to George A. Crall-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27119) granting an increase of pension to Freeman Marshall—to the Committee on Invalid Pensions. By Mr. McKINLEY of Illinois: A bill (H. R. 27120) granting

a pension to William C. Stevenson-to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 27121) granting an increase of pension to John Ryan-to the Committee on Invalid Pensions

Also, a bill (H. R. 27122) granting an increase of pension to Henry Jacobs-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27123) granting an increase of pension to

lyin Galley—to the Committee on Invalid Pensions. By Mr. PORTER: A bill (H. R. 27124) granting an increase of pension to Charles Boyteaux-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27125) granting an increase of pension to John W. Slawson—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 27126) granting a pension to Mont M. James—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 27127) granting a pension to Catherine Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27128) granting an increase of pension to Francis H. Hull-to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 27129) to correct the military record of William Manning—to the Committee on Military Affairs.

By Mr. SNAPP: A bill (H. R. 27130) granting an increase of pension to Allen Benson Hodge—to the Committee on Invalid

By Mr. SPIGHT: A bill (H. R. 27131) granting a pension to Louisa S. Flournoy-to the Committee on Pensions.

Also, a bill (H. R. 27132) granting an increase of pension to William Hardcastle, alias Jacob Salter—to the Committee on

By Mr. STANLEY: A bill (H. R. 27133) for the relief of

Andrew Hildebrand—to the Committee on War Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 27134) granting a pension to Bertha Greaves—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 27135) granting a pension to Hannah P. Cluney-to the Committee on Invalid Pen-

By Mr. WASHBURN: A bill (H. R. 27136) to correct the military history of Owen Smith-to the Committee on Military

By Mr. WHEELER: A bill (H. R. 27137) granting an increase of pension to Nathan Laughner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27138) granting a pension to William J.

McGreevy—to the Committee on Pensions.

By Mr. SULZER: Resolution (H. Res. 507) for appointment of Henry B. Martin as special messenger to the House of Representatives—to the Committee on Accounts.

By Mr. CLARK of Missouri: Resolution (H. Res. 508) appointment of Josiah H. Shinn as special messenger to the House of Representatives—to the Committee on Accounts.

By Mr. HARDING: Joint resolution (H. J. Res. 246) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of 500 farmers in attendance at industrial institute, Columbus Grove, Ohio, favoring a parcelspost law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of National Educational Association, against the so-called "Davis bill," relative to appropriations in aid of technical agricultural education—to the Committee on Agriculture.

By Mr. BANNON: Petition of J. W. Spanabel and others, of Ohio, favoring an exclusion law against Asiatics save merchants, students, and travelers-to the Committee on Immigration and Naturalization.

By Mr. BARTLETT of Georgia: Petition of Carnegie Library of Atlanta, Ga., favoring putting books on the free list—to the Committee on Ways and Means.

By Mr. BATES: Petition of A. R. Frost, for law pensioning

ex-Union prisoners in the civil war-to the Committee on Invalid Pensions.

Also, petition of Erie Ozark Mining Company, of Erie, Pa., favoring tariff on zinc-to the Committee on Ways and Means.

Also, petition of Charles A. Johnson, of Meadville, Pa., favoring passage of Lincoln farm bill (H. R. 12848)-to the Committee on Appropriations.

Also, petition of Cherry Hill Grange, of East Springfield, Pa., for a national highways commission-to the Committee on Agriculture.

By Mr. BENNET of New York: Paper to accompany bill for relief of Mrs. Clara L. A. Read—to the Committee on Pensions.

By Mr. BURKE: Petition of New York State Society of Cincinnati, favoring appropriation in Military Academy bill for

marking Revolutionary historical sites-to the Committee on Military Affairs.

Also, petition of national encampment of the Grand Army ofthe Republic, at Toledo, Ohio, against consolidation of pension agencies-to the Committee on Appropriations.

By Mr. BURLESON: Petition of many business men of Texas against parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of National Board of Trade, against federal inspection of grain—to the Committee on Agriculture.

Also, petition of East Washington Citizens' Association, against provision in the naval appropriation bill for railway connection with the Washington Navy-Yard-to the Committee on Naval Affairs.

Also, petition of Delaware Peace Society, against naval ap-

propriation bill—to the Committee on Naval Affairs.

Also, petition of Trades League of Philadelphia, for increase of salaries of judges-to the Committee on the Judiciary.

Also, petition of residents of Wilmington, Del., against passage of Senate bill 3940-to the Committee on the District of Colum-

Also, petition of National Lumber Manufacturers' Association, against any changes of the tariff on lumber-to the Committee on Ways and Means.

By Mr. COLE: Petition of Friendship Grange, No. 670, of Hardin County, Ohio, favoring establishment of parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK: Petition of commander of the Grand Army of the Republic, against pension-agency consolidation-to the Committee on Appropriations.

By Mr. DRISCOLL: Petition of Charles P. Brown and other citizens of Nebraska, favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

Also, petition of J. Van Percival and others, favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. ELLIS of Oregon: Petition of Jasper Davis and 25 others, favoring bill in the interest of the semiarid district, providing 320-acre homesteads and not requiring actual or continuous residence thereon-to the Committee on the Public Lands.

By Mr. ENGLEBRIGHT: Petition of Merchants' Association of Petaluma, Cal., for law to enable the Interstate Commerce Commission to have larger control of railway companies doing business in the State of California-to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Fort Worth freight bureau, favoring H. R. 22901, 22902, and 22903, relative to interstate-rate requirement-to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petitions of National Lumber Manufacturers' Association and Lumbermen's Club of Memphis, Tenn., against any changes in the tariff on lumber-to the Committee on Ways and Means.

By Mr. FOELKER: Petition of American Institute of Architects, favoring integrity of Washington improvement plan by placing the Lincoln memorial on west end of the Mall—to the Committee on the Library.

Also, petition of Merchants' Association of New York, favoring S. 6973 (increasing salaries of United States judges)-to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Idaho, favoring parcels post on rural delivery routes and establishment of postal savings banks (S. 5122 and 6484)-to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Manufacturers and Shippers' Association of Rockford, Ill., against legislation and agitation inimical to corporate interests-to the Committee on Interstate and Foreign Commerce.

Also, petition of F. H. Magdelburg, of Milwaukee, Wis., against consolidation of pension agencies-to the Committee on Appropriations.

Also, petition of National Lumber Manufacturers' Association, for retention of present duty on lumber-to the Committee on Ways and Means.

By Mr. GILLETT: Petition of members of the grange of Patrons of Husbandry of Warren, Mass., favoring a national highways commission—to the Committee on Agriculture,

Also, petition of the grange of Warren, Mass., against parcelspostal and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of national encampment of the Grand Army of the Republic, at Toledo, Ohio, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. GRONNA: Petition of citizens of Grafton, N. Dak., for removal of duty on hides-to the Committee on Ways and

Also, petition of Trades League of Philadelphia, for an increase in the salaries of United States circuit and district judges-to the Committee on the Judiciary.

Also, petition of Retail Grocers' Protective Association of Grand Forks, N. Dak., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HARRISON: Petition of American Institute of Architects, favoring integrity of the plan for improvement of Washington by placing the Lincoln memorial at west end of the Mall—to the Committee on the Library.

By Mr. HAYES: Paper to accompany bill for relief of Mary

A. Leindecker-to the Committee on Pensions.

Also, petition of ex-commissioner of State Library Associa-tion of California, trustees of the California state library, for removal of duty on books-to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of American Association of Masters, Mates, and Pilots of Galveston, Tex., favoring H. R. 6657—to the Committee on the Merchant Marine and Fisheries. By Mr. HINSHAW: Paper to accompany bill for relief of

Jacob P. Lichty (H. R. 7023)-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph T. Roller (H. R. 23579)—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of George H. Walker (H. R. 27021)—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of L. R. Browne, of Philadelphia, and Charles Christeson Company, favoring S. 6973, for increase of salaries to judges of federal courts—to the Committee on Appropriations.

By Mr. HUGHES of New Jersey: Petition of John P. Foster and others, favoring a national highways commission-to the

Committee on Agriculture.

By Mr. KAHN: Petitions of Charles L. Gay and 77 other residents of Crockett, Cal.; A. E. McLean and 64 other residents of Seattle, Wash.; and Robert H. Johnson and 95 other residents of Eureka, Cal., for an effective exclusion law against all Asiatics save merchants, students, and travelers-to the Committee on Foreign Affairs.

By Mr. KALANIANAOLE: Petition of citizens of Honolulu, asking suspension of the coastwise laws for passengers between Hawaii and the mainland, and also favoring ship subsidy-to the Committee on the Merchant Marine and Fisheries.

By Mr. KENNEDY of Iowa: Petition of S. Hamill Company and others, of Keokuk, Iowa, against a tariff on tea and coffeeto the Committee on Ways and Means.

Also, papers to accompany bills for relief of Thomas H. Olinger and John Cox—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of Hanover Council, No. 1871, Knights of Columbus, favoring February 12 as a legal holiday—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Addie Young—to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of citizens of Hillman, Mich., favoring establishment of parcels post and postal savings banks (8. 5122 and 6484)—to the Committee on the Post-Office and Post-

By Mr. McDERMOTT: Petition of 200 citizens of Chicago, Ill., against extradition by Russian Government of Jan Pouren and Christian Rudovitz-to the Committee on Foreign Affairs.

Also, petition of Postal Savings Bank League, relative to the parcels-post law-to the Committee on the Post-Office and Post-

By Mr. MANN: Petition of Chicago Clearing House, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: Petition of legislative assembly of North Dakota, favoring H. R. 21848, appropriating \$100,000 for the Lincoln Farm Association—to the Committee on Appropriations. Also, petition of business men of Gackle, N. Dak., against a parcels-post and postal savings banks bill—to the Committee on

the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of numerous business men of the Fifth Congressional District of Nebraska, against establishment

of postal savings banks and a parcels post-to the Committee on the Post-Office and Post-Roads.

Also, petition of Farmers' Protective and Educational Society, favoring the parcels-post and postal savings banks systo the Committee on the Post-Office and Post-Roads.

Also, petition of Columbus Commercial Club, of Columbus, Nebr., and McCook Commercial Club, of McCook, Nebr., favoring the payment of railway postal clerks' expenses from their initial terminals—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Massachusetts State Board of Trade, for the establishment of Appalachian and White Mountains Forest Reservation—to the Committee on Agricul-

Also, petition of Boston Society of Architects, approving the action of the President of the United States in establishing a national council of fine arts—to the Committee on the Library.

Also, petition of Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, of Boston, Mass., favoring bill to grant campaign badges to soldiers and sailors of Philippine insurrection and Chinese campaign—to the Com-

mittee on Military Affairs.

Also, petition of national encampment of the Grand Army of the Republic, against consolidation of pension agencies—to the

Committee on Appropriations.

By Mr. REEDER: Petition of citizens of Kansas, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of citizens of Kansas, against legislation to establish a parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of board of directors of Buffalo Public Library, against a tariff on books imported into the United States-to the Committee on Ways and Means.

Also, petition of Federation of Jewish Organizations, for appointment of chaplains in army and navy of the Jewish faithto the Committee on Military Affairs.

Also, petition of National Board of Trade, against federal

inspection of grain-to the Committee on Agriculture.

Also, petition of board of trustees of the state school of agriculture, Morrisville, N. Y., favoring enlarged power of Agricultural Department to supply intelligent farm labor—to the Committee on Agriculture.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges—to the Committee on

the Judiciary.
Also, petition of Wholesale Association of Detroit, favoring improved trade relations with Canada-to the Committee on Ways and Means.

Also, petition of Merchants' Association of New York, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, for legislation to secure fair treatment and consideration of railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Trades League of Philadelphia, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

Also, petition of Federation of Jewish Organizations, for appointment of chaplains in army and navy of the Jewish faithto the Committee on Military Affairs.

By Mr. SPERRY: Resolutions of the Business Men's Association of Meriden, Conn., opposing the parcels-post bill-to the Committee on the Post-Office and Post-Roads.

By Mr. SPIGHT: Papers to accompany bills for relief of Mrs. R. W. Flournoy and William Hardcastle-to the Committee on Pensions.

By Mr. STEENERSON: Petition of citizens of Fertile, Minn., against a duty on tea and coffee-to the Committee on Ways and Means.

Also, petition of Minnesota state entomologists, laveling H. R. 21318, to prevent sale and manufacture of adulterated the R. 21318, to prevent sale and manufacture and Foreign Competition of Minnesota state entomologists, favoring fungicides-to the Committee on Interstate and Foreign Com-

Also, petition of citizens of Breckenridge, Minn., for removal of duty on hides—to the Committee on Ways and Means.

By Mr. STERLING: Paper to accompany bill for relief of S. O. Tripp—to the Committee on Invalid Pensions.
By Mr. WASHBURN: Paper to accompany bill for relief of

Owen Smith—to the Committee on Invalid Pensions.

By Mr. WOOD: Paper to accompany bill for relief of William Lanning (H. R. 27047)—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, January 26, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTORAL VOTE OF CALIFORNIA

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice-President appointed in the State of California, which, with the accompanying paper, was ordered to be filed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Company of the District of Columbia for the fiscal year ended December 31, 1908 (H. Doc. No. 1370), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 2024. An act to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891; and

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

The message also announced that the House had passed the

following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 23707. An act to incorporate the Imperial Palace, Dra-

matic Order Knights of Khorassan;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia;

H. J. Res. 200. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 8733. An act for the relief of Walter W. Keefe:

H. R. 9969. An act for the relief of George J. Miller, of Wenatchee, Wash.;

H. R. 15218. An act for the relief of the sureties on the official bond of the late Cornelius Van Cott;

H. R. 23849. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldters and sailors.

CREDENTIALS.

Mr. TELLER. Mr. President, I take pleasure in presenting the credentials of my successor, Hon. Charles J. Hughes, as a Member of this body. I ask that the credentials may be read and placed on file.

The credentials of Charles J. Hughes, Jr., chosen by the legislature of the State of Colorado a Senator from that State for the term beginning March 4, 1909, were read and ordered to be

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Puget Sound Harbor, No. 16, American Association of Masters, Mates, and Pilots, of Seattle, Wash., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a petition of Henderson Grange, No. 96, Patrons of Husbandry, of Henderson, Colo., praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which was referred to the Committee on Post-

Offices and Post-Roads.

He also presented the memorial of Rev. E. R. Taylor, of Kansas City, Mo., remonstrating against the course pursued by the President in connection with the discharge without honor of certain soldiers and noncommissioned officers of the Twenty-

fifth U. S. Infantry, etc., which was ordered to lie on the table. He also presented a petition of the Ship and Marine Engine Builders' Association, of Baltimore, Md., praying for the enactment of legislation relating to liens on vessels for repairs, supplies, and other necessaries, which was referred to the Committee on Commerce.

He also presented a memorial of the Philadelphia Peace Association of the Society of Friends, of Pennsylvania, remonstrating against the enactment of legislation providing for a further expansion of the navy, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER. I present a memorial on behalf of 14 citizens' associations of the District of Columbia, proposing a plan for a change of government of the District. I ask that it be printed in the RECORD and also as a document and referred to the Committee on the District of Columbia.

There being no objection, the memorial was referred to the Committee on the District of Columbia and ordered to be printed as a document (S. Doc. No. 684) and to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED AND PLAN OF GOVERNMENT PROPOSED FOR THE DISTRICT OF COLUMBIA BY A CONVENTION COMPOSED OF DELEGATES FROM 14 CITIZENS' ASSOCIATIONS, HELD AT THE RIGGS HOUSE, IN WASHINGTON, D. C., ON SATURDAY EVENING, DECEMBER 19, 1908.

JANUARY 23, 1909.

JANUARY 23, 1909.

To the Senate and House of Representatives of the
Sixtieth Congress of the United States:

Whereas it is declared in the Declaration of Independence that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and

Whereas our Revolutionary forefathers rightly contended that "taxation without representation is tyranny;" and

Whereas it was truthfully stated by Abraham Lincoln from the steps of the Executive Mansion during the civil war that "we can not have free government without elections;" and

Whereas it is conceded that "in form the present government of the District of Columbia is an absolute autocracy, not legally responsible to the people;" and

Whereas such a form of government is undemocratic, unrepublican, un-American, and contrary to the fundamental principles in defense of

District of Columbia is an absolute autocracy, not legally responsible to the people;" and

Whereas such a form of government is undemocratic, unrepublican, un-American, and contrary to the fundamental principles in defense of which our brave and liberty-loving ancestors pledged their lives, their fortunes, and their sacred honor: Therefore

Resolved, That it is the sense of this convention that Congress should speedily reestablish a republican form of government in the capital of the Republic, the political heart of the Nation—a government of the people, by the people, and for the people—and respectfully submit the following plan as best suited, in our opinion, to the needs and desires of a majority of the legal residents of the District of Columbia, to wit:

1. In place of three commissioners there shall be a governor, who shall have been a resident of the District of Columbia for not less than four years prior to his election to such office by the qualified voters of said District.

2. There shall be elected by the people five commissioners who shall have resided in the District for not less than three years prior to election to such office, and the President of the United States be authorized to appoint five commissioners, other than those elected by the people, to represent the people of the United States on said board of commissioners; and that the five elected by the people shall be selected forming the different sections of the District.

3. The term of office of the governor and commissioners shall be three years.

4. The governor shall exercise all the executive powers and authority.

4. The governor shall exercise all the executive powers and authority now vested by law in the three commissioners and such other authority as Congress may delegate to him. He shall have a vote in case of a tie in the Board of Commissioners. The Board of Commissioners shall have all the legislative power and authority now exercised by the Board of Commissioners and such other legislative authority as Congress may delegate.

5. Inasmuch as the District of Columbia contributes more in taxes in the support of the General Government than a number of the States of the Union, there shall be a delegate in the House of Representatives, who shall have been a resident of the District not less than five years prior to his election to said office.

6. No male person shall be a qualified voter in the District of Columbia who is not 21 years of age, and shall have resided in the said District for not less than one year and in the ward or election district not less than unree months prior to the day of election. He shall be able to read and write the English language, or shall have paid taxes on not less than \$500\$ assessed real or personal property not less than thirty days prior to election day. No person who is a qualified voter in any of the States shall be a voter in the District of Columbia.

7. That all elections in the District shall be held under the secretballot system and stringent registration and election laws, with severe penalties for fraudulent registration or voting.

The following committee have been instructed by the citizens' associtions aforesaid to present to the Congress the above resolutions as a memorial for the enactment of a law authorizing the proposed plan.

Respectfully submitted.

Louis M. Shoemaker.

LOUIS M. SHOEMAKER,
Brightwood Citizens' Association,
E. W. OYSTER,
Petworth Citizens' Association.
C. C. LANCASTER,
Citizens' Northwest Suburban Association.
WM. M. POTTER,
East Washington Citizens' Association.
J. WALTER MITCHELL,
Randle Highlands Citizens' Association.

Mr. SCOTT presented the petition of John F. Wanless, of Dilleys Mill, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. McCUMBER presented a concurrent resolution of the legislature of the State of North Dakota, which was referred to the Committee on Appropriations and ordered to be printed in

the RECORD, as follows:

STATE OF NORTH DAKOTA, ELEVENTH LEGISLATIVE ASSEMBLY, SENATE CHAMBER.

Mr. Rice introduced the following resolution:

"Whereas the whole country, and especially the citizens of the State of North Dakota, wish to honor the memory of Abraham Lincoln; and "Whereas no more fitting honor could be paid than the purchasing of his birthplace and the proper conducting of the same as a national park; and

"Whereas a bill has been introduced in the House of Representatives of the National Congress known as the 'H. R. bill No. 21848,' asking for a federal appropriation of \$100,000 for the purpose of properly carrying on such work, which was begun by the Lincoln Farm Association: Now, therefore, it is hereby

"Resolved by the senate of the State of North Dakota (the house of representatives concurring), That the United States Senators and Members of the House of Representatives be, and they hereby are, requested to use all honorable means to secure the passage by the Sixtieth Congress of the United States of the Lincoln farm bill, known as 'H. R. bill No. 21848.'"

I hereby certify that the above resolution originated in the senate

bill No. 21848."

I hereby certify that the above resolution originated in the senate and was concurred in by the house of the eleventh legislative assembly of the State of North Dakota.

JAMES W. FOLEY, Secretary.

Mr. McCUMBER presented a memorial of sundry citizens of Manvel, N. Dak., remonstrating against the repeal of the duty on grain and other farm products, which was referred to the Committee on Finance.

He also presented a petition of the American Society of Equity, of Hatton, N. Dak., praying for the enactment of legisla-

tion providing for the inspection and grading of grain under federal control, which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Mitchell, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary

Mr. BURKETT presented a petition of the Commercial Club of Beatrice, Nebr., and a petition of the Commercial Club of McCook, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Quincy branch of the Railway Mail Association of the State of Illinois, praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Institute of Carroll County, Ill., praying for the repeal of the revenue law of 1905 exempting the capital stock of certain corporations from taxation, and to compel the capital stock of these corporations to bear their burden of taxation, which was referred to the Committee on Finance.

He also presented a petition of the Fort Worth Freight Bureau, of Fort Worth, Tex., praying for the adoption of certain amendments to the present interstate-commerce law relative to the power vested in the Interstate Commerce Commission to suspend or prevent going into effect advances made by common

carriers upon the complaint of any shipper or shippers whose business may be adversely affected by such change until the carriers shall have justified such an advance, etc., which was referred to the Committee on Interstate Commerce.

Mr. BROWN presented a petition of the Commandery of the State of Nebraska, Military Order of the Loyal Legion of the United States, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Benson, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the

Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a petition of sundry citizens of Maxson, Kans., and a petition of sundry citizens of the State of Kansas, praying for the passage of the so-called "rural parcelspost" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of Pawhuska, Okla., remonstrating against the enactment of legislation providing for the removal of restrictions from the alienation of the lands of the Osage nation of Indians in that State, which was referred to the Committee on Indian Affairs.

He also presented a memorial of De Soto Division, No. 234, Brotherhood of Locomotive Engineers, of Topeka, Kans., remonstrating against the repeal of the present immigration law, which was referred to the Committee on Immigration.

He also presented a paper to accompany the bill (S. 5758) to restore John F. Lewis to the United States Army with the rank of captain of infantry and place him upon the retired list, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented a petition of sundry citizens of Medford, Md., and a petition of sundry citizens of Hampstead, Md., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 6554) for the erection of a monument to the memory of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo., reported it with amendments and submitted a report (No. 846) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 7960) to amend an act entitled "An act to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," reported it without amendment and submitted a report (No. 847) thereon.

Mr. NELSON, from the Committee on Interstate Commerce, to whom was referred the bill (S. 6440) to regulate commerce among the several States or with foreign nations, and to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," submitted an adverse report (No. 848) thereon and moved that the

bill be postponed indefinitely, which was agreed to.

Mr. NELSON. I ask that double the usual number of copies

of the report be printed.

The VICE-PRESIDENT. Without objection, it is so ordered. Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 21129) to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2284) to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 8021) to prohibit the importation and use of opium for other than medicinal purposes, reported it with amendments.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 19839) for the relief of W. H. Blurock, reported it without amendment and submitted a report (No. 849) thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 16191) to refund certain moneys paid into the Treasury of the United States through mistake by

Augustus Bannigan, reported it without amendment and submitted a report (No. 853) thereon.

Mr. BURROWS, from the Committee on Finance, to whom

were referred the following bills, reported them severally without amendment:

A bill (H. R. 14361) to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty;

A bill (H. R. 18744) for the relief of the estate of Mark S. Gorrill; and

A bill (S. 7861) for the relief of B. D. Crocker.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 2544) for the relief of William Martinson, reported it with an amendment and submitted a report (No. 854) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 8th instant proposing to appropriate \$30,000 for replacing granite or Belgian block with asphalt on Nineteenth street NW. from Pennsylvania avenue to N street, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

COURTS IN TENNESSEE.

Mr. CLARK of Wyoming. I report back from the Committee on the Judiciary without amendment the bill (H. R. 25405) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee. I call the attention of the Senator from Tennessee [Mr. Frazier] to the bill. It is identical with a Senate bill now I call the attention of the Senator from Tennessee

upon the calendar.

Mr. FRAZIER. I ask unanimous consent for the immediate

consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRAZIER. I move that the bill (S. 8235) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee be indefinitely postponed.

The motion was agreed to.

MATILDA J. BLAKE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 255, submitted by Mr. Carter on the 18th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Matilda J. Blake, widow of John C. Blake, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

OREGON VOLUNTEERS IN INDIAN WAR,

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 19859) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848. to report it favorably without amendment, and I submit a report (No. 850) thereon. It is a short bill, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATES OF TENNESSEE AND ARKANSAS.

Mr. CLARKE of Arkansas. I report back without amendment from the Committee on the Judiciary the joint resolution (S. R. 118) to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded

to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSAY OFFICE AT LOS ANGELES, CAL.

Mr. TELLER. I am directed by the Committee on Finance, to whom was referred the bill (S. 5727) to establish an assay office at Los Angeles, State of California, to report it favorably with an amendment.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The amendment was, at the end of line 12, after the word "melter," to insert "assayer, at a salary of \$1,800 per annum," so as to make the bill read:

so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States at Los Angeles, in the State of California, said assay office to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873; that the officers of the assay office shall be an assayer in charge, at a salary of \$2,500 per annum, who shall also perform the duties of melter; assayer, at a salary of \$1,500 per annum; chief clerk, at a salary of \$1,500 per annum; and the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF STAMP TAXES.

Mr. RAYNER. I ask for the present consideration of the bill (H. R. 21129) to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes. The bill has just been reported unanimously from the Committee on Finance.

The VICE-PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary read the bill.

Mr. LODGE. I merely want to ask a question of the Senator from Maryland. The bill covers all the anthracite-coal claims at all the ports?
Mr. RAYNER. I think so.

Mr. LODGE. The bill is general, and covers all claims and

all ports

Mr. RAYNER. I can not answer that it covers all claims: but it covers all that have been, I think, presented to the committee.

Mr. LODGE. I mean it is not confined to entries at a single port?

Mr. RAYNER. It is not confined to any port, I understand. It is for the refund of a tax that has been declared unconstitutional by the Supreme Court. The Senator will recollect that the Supreme Court held that the tax was unconstitutional.

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. RLACK AND OTHERS.

Mr. KITTREDGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 4166) to relieve George W. Black and J. N. Wilson from a certain judgment in of the United States and to relieve George W J. N. Wilson, and W. M. Newell of a certain judgment in favor of the United States, to report it favorably without amendment, and I submit a report (No. 851) thereon.

Mr. BANKHEAD. That is a local matter, and I ask unani-

mous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESTRICTION ON OPIUM TRADE.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 8021) to prohibit the importation and use of opium for other than medicinal purposes, which was reported this morning by the Committee on Finance. The international congress is now meeting at Shanghai, and it is very important that the bill should be promptly passed.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill. The VICE-PRESIDENT. IS

Is there objection to the present consideration of the bill which has just been read?

Mr. BAILEY. Mr. President, the bill comes from a committee of which I have the honor to be a member, and while I thoroughly sympathize with the object of it, I have grave doubt that it is exactly the kind of legislation Congress is competent to enact. It is upon its face an effort to suppress the practice of smoking opium and that is clearly a police regulation. There is, however, a line of argument upon which the bill can probably be defended, and that is upon the ground that in the regulation of commerce we have a right to admit an article which is in a merchantable condition and we have a right to exclude an article which we do not consider a merchantable one.

My opinion, however, is that the purpose of the measure is to attempt by the Federal Government through the custom-houses to regulate and suppress a bad habit among the people. I am not going to object to the unanimous consent which has been requested, and it is probably true that if I had further time to examine it I might not object to the bill. As the matter stands, however, I think it so doubtful that while I will make no objection to its present consideration I intend to vote "no,"

so as to be on the safe side.

Mr. BEVERIDGE. May I ask the Senator a question? The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. I do.

Mr. BEVERIDGE. I understand the Senator's position to be that if in the judgment of Congress an article is merchantable, then it would be unconstitutional to exclude it from interstate commerce; but if in the judgment of Congress it is not merchantable, then it would be constitutional to exclude it from commerce. Is that correct?

Mr. BAILEY. Mr. President, that seems to be the only way to reconcile the practice of the Government and some of the decisions of the courts. Clearly, the Federal Government has no general police powers, although if we are to proceed much further along the line suggested by some Senators, in the way of a child-labor law and other enactments of that kind, we must finally reach a point when we assert and probably establish a general police power in the Federal Government.

I never have voted for a bill which seemed to me to recognize the existence of such a power in the General Government, and while I do not say that this bill can not be defended without assuming or asserting that power, I think it is at least doubtful, and I am going to solve the doubt on the safe side.

Mr. BEVERIDGE. Let me point out to the Senator where the logic of his first statement leads him. If, in the judgment of Congress, an article to-day is not merchantable we might constitutionally exclude it from interstate commerce; but, if to-morrow, on learning more about the article we thought it is merchantable, then we could not constitutionally exclude it from interstate commerce. In other words, reduced to its last analysis, whether it is constitutional for us to exclude an article from interstate commerce depends entirely upon our opinion of the article at different times and not of the Constitution.

Mr. BAILEY. The Constitution has to be applied and Senators are assumed to have sense enough to know how to apply it. An article which to-day might be deemed deleterious and unmerchantable might, by the progress of science and inven-tion, be demonstrated next year to be useful for many purposes. I want to say this, and I think I have said it before on the

floor of the Senate, that except for the decision in the lottery case I would deny that the right to regulate commerce included the power to deny the right to engage in commerce where the commerce was with respect to a merchantable article.

Now, the other view is-and I think it is entirely tenable and sound-that, in pursuance of the power to regulate commerce, Congress can say that a given article because of its character might interfere with the commerce of the country and may be constitutionally excluded. For illustration, Congress can exclude diseased meat from state and foreign commerce because the diseased meat is undoubtedly a serious interference in the commerce of merchantable meat. Upon that theory I concede that Congress has ample power to protect commerce in merchantable articles and to exclude from the channels of commerce an article not merchantable or an article that would taint those articles that are merchantable. I believe that is generally recognized as true.

Mr. BEVERIDGE rose.

Mr. BAILEY. Permit me to say here and now—of course I understand what the Senator from Indiana has in his mind—
Mr. BEVERIDGE. No; the Senator must not attribute to me anything I have in mind. The Senator has laid down a very broad principle of legislative action; and I thought it was so well laid down that it was worth while to have the Senator repeat it by having his attention called to it.

For example, if the Senator will permit me, the Senator said in his last remarks that the progress of science in a year might show that a certain article could or could not be excluded from interstate commerce under our constitutional power. Time might demonstrate that we might do this year precisely the reverse of what we did last year, and our action both times be equally constitutional. So, then, reduced to its last analysis the Senator's position is, that the progress of science or any other cause may so influence our judgment on an article as to make a certain act upon our part constitutional, which, with less scientific or other knowledge of the article, would be unconstitutional.

Mr. BAILEY. Mr. President, I not only subscribe to that doc-trine, but I think that a given act passed for a given purpose might be entirely constitutional when the same act passed for a different purpose might be entirely unconstitutional. illustration which is found in the law books comes to the mind of every Senator. While it has been sometimes said to be a dictum and not a question decided in that case, yet it announced such a wholesome governmental principle that it has been universally accepted. It is that a law levying a tax for supporting the Government would be constitutional while precisely the same law, levying the same rate of taxation, the proceeds to be applied not to support the Government but to the benefit of an individual, would be robbery, if I might borrow the famous expression of Judge Miller, none the less though done under the form of law.

Another case arises in my mind. Suppose Congress believed that clothing made in a certain way was unwholesome, and that it was calculated to communicate disease; that it was calculated to and would therefore injuriously affect commerce in clothing. Congress might have under the rule the power to exclude that clothing from interstate and foreign commerce. But if, instead of wanting to protect commerce, Congress wanted to protect the children who made those clothes, and sought not to protect the commerce, but to protect the health, the morals, or the strength of children, then Congress would have no power to pass that identical law for that purpose, because the preservation and protection of the health and morals and strength of children is a matter resting with the State and not with the Federal Government.

Will the Senator permit me? Mr. BEVERIDGE.

Mr. BAILEY. Certainly.
Mr. BEVERIDGE. The Senator cited the most conspicuous illustration in the lottery case. That law was passed for the avowed purpose of the preservation of morals. Congress there's asserted and the Supreme Court upheld our power to do a thing which up to that moment had been considered exclusively the province of the State-to protect the morals of its citizens.

The protection of morals was one of the reasons given for ne decision. Yet I believe that in the decision itself it was the decision. pointed out that lotteries had not theretofore in the history of this country been regarded with disfavor. So, thirty years before the lottery law was passed and this decision was rendered it would not have been constitutional to exclude lottery tickets from interstate commerce; but by reason of the change in the public sentiment as to the effect of lottery tickets upon the morals, it did, in the judgment of the Supreme Court, become constitutional to exclude lottery tickets.

Mr. BAILEY. I think if the Senator from Indiana will examine the lottery case he will find that the court did not predicate their decision in that case upon the question of morals. They finally said that a lottery ticket was a subject of commerce, and as a subject of commerce was subject to regulation

by Congress.

However, I think, with all deference to the Supreme Court, that the lottery case is not entitled to very high consideration. That decision was made by a vote of 5 to 4. The law was of such doubtful constitutionality that it was argued and reargued the third time and a decision on it deferred for months. Evidently some one member of the court concurred very reluctantly in the decision. I have not examined it for some time, but as I recall that case it was argued on three different occasions. I think there was the original argument and then another and then a third argument. I am almost certain that is true. Finally the court decided by a vote of 5 to 4, and it seems that the only way they could obtain the fifth vote was by agreeing to incorporate in the decision a statement that they meant to decide no more in this case than, and so forth.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. BAILEY. Certainly. I wish to say that in making this statement, of course, I do not make it as a matter within my knowledge, and I only infer that this was the condition of the court by the circumstances surrounding the decision.

Mr. BEVERIDGE. Does the Senator criticise the decision of the Supreme Court upon the ground that only a majority joined in the prevailing decision? If he does, I ask him whether he applies that to every case that has been decided by a vote of to 4?

Mr. BAILEY. I do not criticise the decision, but undoubtedly the authority of any decision which is made by a vote of 5 to 4 can not be very great, because I have seen the time I would rather have the opinion of the four judges who dissented, without making any invidious distinctions, than to have the opinion of the five judges who concurred.

Mr. BEVERIDGE. Of course-when we agree with the minority opinion, or rather, when the minority agrees with our opinion.

Mr. BAILEY. Although it is not germane right here, I think there is no more unfortunate practice in this country than that of dissenting opinions in the Supreme Court. For the last ten or fifteen years we have accustomed ourselves in almost every great opinion to expect the decision of that court to be rendered by a vote of 5 to 4. That line of division has run through practically every important case in the last fifteen years, and it is a matter of sincere regret to me that the court can not reach a conclusion and announce it without the necessity of these dissenting opinions.

Mr. BEVERIDGE. I am very glad, Mr. President, that the Senator has uttered the last sentence he did, that this had run practically through every decision—hardly that, but it has run through many decisions in the last fifteen years—because I was going to call the Senator's attention to the peril that he or we or anybody else runs in questioning the law as laid down by the Supreme Court by a majority opinion. It is not only true in the lottery case, but within the last four or five years in many very important cases. The Senator cited the history of the lottery case with substantial correctness, I think, but he might have found an even more important illustration in the legal-tender cases, where there was reversal by the Supreme Court of its first decision, and by only a majority vote; yet neither the Senator nor anybody else would now question that the final opinion in the legal-tender case is the law of the land. We can not weaken the law of the land by saying: "Oh, well, it was sustained by a vote of only 5 to 4.

Mr. BAILEY. I greatly regret that was not accepted as true with respect to the tax on incomes. The law as it now stands, of course, binds the citizen; and yet the last decision on the income tax reversed the uniform and unbroken decisions from the foundation of the Government. As to the decision of the legal-tender case, I have no doubt in my mind that the original decision was the correct interpretation of the Constitution, but I accept the later decision, because for more than thirty years it has been followed by the court, acquiesced in by the legislative and executive departments of the Government, and accepted by all the people.

I am aware that acquiescence can not change the meaning of a written instrument, but I am also aware that we follow a safe rule laid down in the early days of the Republic that a given construction of the Constitution, whether rendered originally by the court or not, acquiesced in and acted upon by the various departments of the Government, and by the people at large, must finally be binding upon the conscience and the judgment of legislators and of judges.

Mr. LODGE. Mr. President-The VICE-PRESIDENT. Is Is there objection to the present

consideration of the bill? Mr. MONEY. Mr. President-

The VICE-PRESIDENT. The Senator from Massachusetts. Mr. LODGE. I only wish to say a word in regard to the bill. It, so far as I understand it, has no relation to interstate commerce at all. It is a tariff prohibition against the introduction of opium-opium prepared for smoking purposes. It admits all opium and its derivatives for medicinal purposes, but excludes smoking opium. Such prohibitions in the tariff, I think, have existed from the beginning of the Government; for instance, the prohibition of the introduction of obscene books. do not care, however, to go into that question, but merely state to the Senate why I press for action on the bill.

Mr. BAILEY. Mr. President

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. If the Senator will allow me a moment, then I will yield.

There is a meeting of an international commission in regard to this subject now in progress at Shanghai. We have American commissioners there. I think I am correct in saying that every important nation, except the United States, has adopted

legislation of the character of this bill as a measure of hygiene and protection.

Mr. BAILEY. That is the point.

That, of course, is the real reason. Mr. LODGE. Mr. BAILEY. Then, Mr. President, if it is a matter of health, it is not within the jurisdiction of the Federal Government, and I must object to the consideration of the bill.

Mr. LODGE. I was speaking of the views of other nations. Mr. BAILEY. But I understood the Senator to say—

Mr. LODGE. They think it is good to exclude the smoking of opium.

Mr. BAILEY. I think almost every State—
Mr. LODGE. And I presume they have not supposed that would stand in the way.

Mr. BAILEY. I think probably every State in the Union has a law forbidding the smoking of opium. If they have not, I am sure they ought to have.

Mr. LODGE. This, as I understand, stands on the same ground as the prohibition of the introduction of obscene publications, which has been in the tariff for years. I will not attempt to explain it, but it has been there; and there is also a prohibition against the introduction of certain kinds of instruments. Various prohibitions of importation have been in every tariff law from the beginning. I do not want to go into a discussion of the justice of those prohibitions, but I wish to read a letter which I have just received from the Secretary of State. It reads as follows:

DEPARTMENT OF STATE, Washington, January 25, 1909.

The Hon. HENRY CABOT LODGE, United States Senate.

Sin: I have the honor to quote herewith, for your information, the following telegram just received from the chairman of the American Opium Commission at Shanghai:
"American commissioners assembled. Work well in hand, and organized on economical basis. Prospects favorable. Passage of opium bill before February 1 of the utmost importance."

I have the honor to be, sir,
Your obedient servant,

E. Root.

The department is extremely anxious that this legislation shall passed as soon as possible. That was my reason for asking for be passed as soon as possible. unanimous consent for the consideration of the bill this morning.

Mr. BAILEY. Mr. President, I simply want to say to the Senator from Massachusetts that the fact that this is a part of tariff legislation could not alter the power of the Federal Governmen with respect to it; in other words, if it is a question that the Federal Government has the power to deal with, it may deal with it in the way of a tax or in the way of regulation; but the Government has no right to regulate through a tax a matter which it has no right to regulate directly. To levy a tax for the purpose of regulation under the guise of a revenue power is simply to abuse the taxing power of the Federal Government.

Mr. President, the statement of the Senator from Massachusetts convinces me that I am right in protesting against this bill. The nations of the world, which have no government like ours—no divisions and subdivisions which must be respected—have called a conference, and they want to regulate the health and morals of their people. They deal in the main directly with the citizens, whose health and morals are subject to the control of the governments whose representatives are meeting as the Senator from Massachusetts has described. overlook-the Senator from Massachusetts does not overlook, because he understands it perfectly well-that in this Government of ours we have divisions and departments, and that matters relating to the health and morals of the community are committed exclusively to the States, and in no wise are subject to the control of the Federal Government. Therefore, if it is a matter of health and morals that these nations are trying to improve and protect, they have found the wrong way to do it, so far as this Government is concerned, and I believe that the whole purpose of this bill is to affect, through a federal agency, a matter of health and morals. Still, I am not so sure about it as to object to consideration; I will vote against it with every confidence that I am voting right.

Mr. LODGE. Mr. President, my only proposition is that the National Government has the sole right to impose duties on imports-to prohibit, to exclude, or to admit.

Mr. BAILEY. It has that right for certain purposes: it can levy a tax to raise revenue or to regulate commerce; but it has no right to levy a tax for the purpose of regulating our health or our morals.

Mr. LODGE. I am very willing, Mr. President, to put this measure on the ground of the regulation of commerce.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? [A pause.] The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HEYBURN. Mr. President, I do not rise to especially oppose this bill, but to call attention to one or two features of it.

I have had frequent occasion to come in contact with those who produce opium, and I would suggest that as a prohibition against the importing of opium this bill should be amended. The bulb of the poppy plant which produces opium is not opium, nor is there anything in that bulb that afterwards becomes

Mr. BAILEY. Will the Senator from Idaho permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. BAILEY. I had supposed, Mr. President, that this bill originated where the Constitution requires revenue bills to originate-in the House of Representatives-but this bill seems to have originated in the Senate, and obviously it is not a revenue bill, or it could not have originated here.

Mr. HEYBURN. I shall not consider the bill from the standpoint of a revenue bill, but from the standpoint of its sufficiency to prevent the importation of opium. I take it that every man who has the interest of the people at heart is opposed to the importation of opium for smoking purposes. This bill should be amended so as to cover the raw material from which opium is made, and which is not opium, and would not come within the prohibition of this bill.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I'do.

Mr. CULBERSON. Mr. President, I rise to inquire if unanimous consent has been given for the consideration of this bill?

Mr. LODGE. It has been given. The VICE-PRESIDENT. Unanimous consent has been given. Mr. HEYBURN. Unanimous consent has been given, otherwise I should not have spoken.

Mr. LODGE. The bill is before the Senate. Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

The bill, I repeat, is before the Senate. Mr. LODGE. Mr. FULTON. It is yet subject, however, to objection. Mr. LODGE. I think not, Mr. President.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. LODGE. I rise to a question of order, Mr. President. I understood the Chair to ask for objection, to pause, and to say, "No objection being made, the bill is now before the Senate."

The VICE-PRESIDENT. The Chair paused for objection,

and no objection being made, the Chair announced that no objection was made, and that the bill was before the Senate as in

Committee of the Whole.

Mr. FULTON. I ask the Chair if the bill is not still open to objection to its consideration any time before it is passed? it is not, then I make the point of order that in the consideration of measures in the morning hour no Senator can occupy more than five minutes in discussing a measure. I ordinarily would not make the point of order, but there is business that is waiting here that ought not to be delayed by such discussions as this.

Mr. HEYBURN. Mr. President, I am perfectly aware of the rule to which the Senator from Oregon [Mr. Fulton] refers, and I shall not transgress it. I took the floor, as unanimous consent had been given, to call attention to the fact that this bill should include the poppy bulbs; "poppy heads," as they are called, because it is from those heads that opium is made. It is through the means of the importation of those heads that most of the opium comes. The Senator in charge of the bill, I think, will realize the necessity for that, and in line 4 or 5, of section 1, will insert the words "poppy heads."

Mr. ALDRICH. Mr. President, the word "opium" has been

used in the statutes from the beginning, and its meaning is clearly understood. If the Senator will read the section in the present law, he will find that the word "opium" has always

Mr. HEYBURN. There is the reason, Mr. President, that poppy growing in this country is assuming such large importance. know of one man who raised 1,200 pounds of poppy seed for planting next year.

Mr. BEVERIDGE. I suggest to the Senator in charge of the

bill that he accept the amendment,

Mr. HEYBURN. It so happens that this is in the part of the country in which I live, and so I have occasion to know

something about it. So you will not succeed in stopping the opium trade under the provisions of this bill to the extent that you hope to do, because they are bringing these poppy heads into the country and making the opium here; and they are not within the language of the prohibition.

Mr. MONEY. Mr. President, I want to say just a word. I am a member of the committee that reported this measure, and it was reported with my approval. I would dislike very much for the Senate to vote for this measure or against it-I am not opposing it by the by—with any idea that any Supreme Court decision whatever, whether that decision be on the part of a mere majority of the court or a unanimous decision, should have any controlling influence upon the mind of any man sitting here in doing what he conceives to be his duty under his oath toward the country in the enactment of legislation.

The Supreme Court undertakes to expound in their relation to the Constitution the laws that are passed. It decides whether or not they are constitutional, not whether they are wise; and while any decision of any great court will always have a persuasive power upon the mind of any man sitting here or elsewhere, and while we as citizens are just as much bound as any other persons to recognize the force and validity of the decisions of the Supreme Court, yet they are not to be considered as guiding or directing us when we make up our minds how we shall vote upon any measure whatever.

I think the lottery case was not clearly understood. In the first place, it was argued that we could deny the lottery company the use of the mails, not that the United States had any power to control lotteries, but that the lottery should not have the power to use the United States as an instrumentality for conducting its business; that is, that the United States should not be compelled to carry in its mails at public expense what was considered a nefarious business. That was the first argument.

The second argument was that, under its power to regulate interstate commerce, the Federal Government could declare a lottery ticket transported from State to State an article of interstate commerce and forbid its entering into such commerce. That was the reason upon which that decision was based; and, as was stated by the Senator from Texas [Mr. BAILEY], it was by a divided court, after as many as three or four hearings.

It is a question of morality, that can be determined almost according to the weather. In weather like that which we have recently had, if a man was of a pessimistic nature, he might retire to his chamber and there turn on the gas or blow his brains out. In good weather he does not do anything of the If he has a lottery ticket in his pocket, he will never blow out his brains, because he wants to see what is going to turn out when the drawing comes.

The time has been in this country when it was considered not at all immoral to draw lotteries. The Congress of the United States gave Thomas Jefferson the right by a law which it passed to recoup his broken fortune by drawing a lottery, which he never did. I have had in my possession tickets of the Alexandria lottery at the time George Washington was superintendent and director of that lottery. I recollect the legislature of Kentucky gave to five trustees of the Lutheran Church at Frankfort the right to draw a lottery to build a church. They did draw the lottery and did build the church, and it stands to-day as a place of worship. I recollect that more recently they gave certain gentlemen in the city of Louisville the right to draw a lottery to build a great public library in Louisville.

But the morals of the times have changed. One of the greatest of the German poets, Heine, says that morals are the customs of the country, and, except in some radical sense, that is true. Of course there are morals that run upon principle that can not be upset by custom or anything else; but, in the main, morals are now the customs of the country. One of the greatest masters of the English language said once that taste was morality; that it was not a mere indication or evidence of morality, but taste was morality itself, and if you would tell him what a person's taste was he would tell you exactly what his morals were.

Now, as to this bill, I myself think that there is no police power in the General Government of any character whatever. There can not be, from the very nature of the case. It is one of that vast mass of residuary powers left by the Constitution inherent, inalienable in the States themselves, and it has been so held in every decision of the Supreme Court that I have ever read. That is still true; but we travel, in this bill, upon extremely narrow lines, which I hold, however, to be sufficient. We can declare what is not merchantable and what is merchantable; and, under the power to regulate commerce, we can say what can be imported and what can not be imported. We could absolutely forbid some sorts of commerce from entering this country at all; and in this case, in my opinion, we clearly have

the right, although on a very narrow line, I must say, to take the action proposed by the bill. Whatever the ulterior object may be, the object on the surface is the one that we will consider, and that is, to forbid the importation into this country of an article which is not merchantable according to our way of thinking. I think that is quite sufficient, and I hope that this bill will pass without any further delay.

The VICE-PRESIDENT. The amendments reported by the

committee will be stated.

The Secretary. In section 1, page 1, line 9, after the words "Secretary of," it is proposed to strike out "Agriculture" and insert "the Treasury;" and in line 10, after the words "authorized to," to strike out "establish" and insert "prescribe;" so as to make the section read:

That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: Provided, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES F. CLEVELAND AND MARY LORD HARRISON.

Mr. CARTER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 25019) granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison, to report it without amendment, and I submit a report (No. 852) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from Montana?

Mr. CULBERSON. Mr. President, in view of the notice given by the Senator from Arkansas [Mr. Davis], I object to the present consideration of the measure.

The VICE-PRESIDENT. Objection is made. The bill will go to the calendar.

THE CUSTOMS ADMINISTRATIVE LAWS.

Mr. BURROWS. From the Committee on Finance, I report the hearings before a subcommittee of that committee in relation to the customs administrative laws, including classification. I ask that the hearings be printed as a document and also that 500 additional copies be printed for the use of the Committee on Finance.

The VICE-PRESIDENT. The Senator from Michigan reports certain hearings held before a subcommittee of the Committee on Finance, and asks that they be printed as a document (S. Doc. No. 683), and that 500 additional copies be printed for Without objection, it is the use of the Committee on Finance. so ordered.

AFFAIRS OF INDIANS IN WISCONSIN.

Mr. CLAPP, from the Committee on Indian Affairs, reported the following resolution (S. Res. 263), and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to:

Resolved, That the Committee on Indian Affairs be, and it hereby is, authorized to investigate the affairs of all the Indians of Wisconsin. Said committee is authorized to send for persons and papers, to administer oaths, and to sit during the session of Congress or during recess, at Washington or elsewhere, and to have the testimony taken printed; the expense of such investigation to be paid out of the contingent fund of the Senate; and be it further Resolved, That pending the final report of such committee and action thereon by Congress the Secretary of the Interior be requested to suspend the approval of any roll, the making of allotments, and the making of timber contracts for Indian allottees in the State of Wisconsin.

BILLS INTRODUCED.

Mr. FLINT introduced a bill (S. 8804) to provide for the utilization and disposition of certain phosphate deposits, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8805) granting an increase of pension to Charles B. Worden; and A bill (S. 8806) granting a pension to Grace Wilkinson.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions ;

A bill (S. 8807) granting a pension to Daniel Jarboe; and A bill (S. 8808) granting an increase of pension to William La Allison.

Mr. McCUMBER introduced a bill (S. 8809) granting an increase of pension to Margaret E. Colby, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8810) granting an increase of pension to John E.

A bill (S. 8811) granting an increase of pension to Charles

H. Wells; and A bill (S. 8812) granting an increase of pension to Levi Sisco.

Mr. TALIAFERRO introduced a bill (S. 8813) for the relief of the heirs of Aaron W. Da Costa, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8814) granting a pension to James A. Thomas, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 8815) for the relief of the heirs and legal representatives of John B. Hays, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8816) for the relief of the heirs or legal representa-tives of Frederick Wyand, deceased;

A bill (S. 8817) for the relief of the trustees and consistory of Mount Vernon Reformed Church of Keedysville, Md.; and

A bill (S. 8818) for the relief of the heirs and legal repre-

sentatives of Michael J. Brown.

Mr. GALLINGER introduced a bill (S. 8819) to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and the acts supplementary thereto," which was read twice by its title and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 8820) regulating the purchase, sale, loan, exchange, gift, borrowing or receiving deadly or dangerous weapons in the District of Columbia, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 8821) to extend the time for the completion of the Alaska Central Railway, and for other purposes, which was read twice by its title and referred to the Committee on Territories.

HEYBURN introduced a bill (S. 8822) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 8823) granting a pension to Emma Felch, which was read twice by its title and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 8824) for the relief of Charles E. Currier, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 8825) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post at Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey, which was read twice by its title and re-

ferred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 8826) granting an increase of pension to Ferdinand C. Porèe, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8827) granting a pension to Mary A. Newhall, which was read twice by its title and, with with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 8828) granting an increase of pension to Sylvia Housiaux, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 8829) granting an increase of pension to James McDonald, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARNER (for Mr. Stone) introduced a bill (S. 8830) granting an increase of pension to Carroll B. Beasley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. Stone) introduced a bill (S. 8831) granting an increase of pension to Samuel M. McAnally, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. Stone) introduced a bill (S. 8832) granting an increase of pension to William Minix, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. STONE) introduced a bill (S. 8833) granting an increase of pension to William Hill Grafton, which was read twice by its title and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 8834) to amend an act approved February 24, 1905, for the protection of persons furnishing labor, materials, plant, and supplies for the construction of public works, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BANKHEAD introduced a bill (S. 8835) to provide a site and erect a public building at Jasper, Ala., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on

A bill (S. 8836) for the relief of M. G. Jetton, J. P. Jetton, D. M. Jetton, B. H. Jetton, and M. G. Williams, heirs at law of Mitchell Jetton, deceased; and

A bill (S. 8837) to carry out the findings of the Court of Claims in the case of James A. Paulk. Mr. OWEN introduced a bill (S. 8838) for the establishment

and maintenance of experimental farms and horticultural stations in each congressional district, where practicable, in the States and Territories west of the Mississippi River, and for other purposes, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 8839) for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CULBERSON introduced a bill (S. 8840) for the relief of Davis W. Hatch, which was read twice by its title and re-

ferred to the Committee on Claims.

Mr. BULKELEY (by request) introduced a bill (S. 8841) for the relief of Josephine F. Violland, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. du PONT introduced a bill (S. 8842) granting a pension to Joseph Rigby, which was read twice by its title and referred to the Committee on Pensions.

Mr. MONEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8843) for the relief of Abbie P. Anderson and the heirs or estate of William A. Watkins, deceased;

A bill (S. 8844) for relief of the heirs or estate of Cornelius C. Cunningham, deceased, and others; and A bill (S. 8845) for the relief of the heirs or estate of George

W. McCabe, deceased, and others.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARNER submitted an amendment proposing to appropriate \$250 to pay William B. Turner for preparing the index to the final report of the Board of Lady Managers to the St. Louis Exposition, intended to be proposed by him to the general statement of the proposed by the statement of the statemen eral deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment relative to the leave pay of naval constructors, assistant naval constructors, civil engineers, assistant civil engineers, etc., in the navy, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$324 to pay M. F. Mann for services rendered as custodian of the Fort Keogh abandoned military reservation, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appro-

Mr. LODGE submitted an amendment authorizing the President to assign any regularly appointed secretary of embassy or legation to service in the Department of State without change of salary for a period not to exceed two years in any one case, etc., intended to be proposed by him to the diplomatic and con-sular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

He also submitted an amendment authorizing the President to assign any regularly appointed consul of classes 7 and 8 to service in the Department of State, without change of salary, for a period not to exceed two years in any one case, etc., in-tended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on For-eign Relations and ordered to be printed.

AMENDMENT TO POSTAL SAVINGS BANKS BILL.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, which was ordered to lie on the table and be printed.

IMPROVEMENT OF POLSON BAY, MONTANA.

Mr. CARTER submitted the following concurrent resolution Res. 79) which, with the accompanying paper, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof.

IMPROVEMENT OF WILLAMETTE AND COLUMBIA RIVERS, OREGON.

Mr. BOURNE submitted the following concurrent resolution (S. C. Res. 78), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Willamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress.

PORTRAIT OF THE LATE SENATOR ALLISON.

Mr. TELLER. I have a very brief resolution, which I desire to offer and to which I call the attention of the Senate. I am sure it is a resolution which the Senate will be glad to pass. I send it to the desk and ask for its present consideration.

The resolution (S. Res. 264) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate Committee on the Library is hereby authorized to purchase from Wilber A. Reaser his oil portrait of the late Senator William B. Allison, at a cost not to exceed \$1,500, the same to be paid from the contingent fund of the Senate.

ADDITIONAL CLERK TO COMMITTEE ON THE LIBRARY.

Mr. WETMORE submitted the following resolution (S. Res. 262), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library be, and is hereby, authorized to employ for the remainder of the Sixtieth Congress an additional clerk, to be paid from the contingent fund of the Senate, at the rate of \$120 per month.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 23707. An act to incorporate the Imperial Palace Dra-

matic Order Knights of Khorassan;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia;

H. J. Res. 200. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER.

INFERIOR COURT JUSTICE OF THE PEACE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House, and request a conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. Gallinger, Mr. Dillingham, and Mr. Martin.

VETERAN VOLUNTEER FIREMEN'S ASSOCIATION OF THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2024) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, which was, on page 1, line 3, to strike out said act and insert the act entitled:

An act authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

Mr. GALLINGER. I move that the Senate concur in the

amendment of the House of Representatives.

The motion was agreed to.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. I ask that the conference report on the bill (H. R. 21957) relating to the Territories be laid before the Senate. The report was printed in full in the RECORD on Janu-

The VICE-PRESIDENT laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories, which was read. The report was agreed to.

SUPPRESSION OF DEALINGS IN FUTURES.

Mr. DAVIS. Mr. President, I ask that Senate bill 7370 be laid before the Senate.

The VICE-PRESIDENT. At the request of the Senator from Arkansas the Chair lays before the Senate the bill indicated by

him, which will be read by title.

The Secretary. A bill (S. 7370) to prohibit any person or corporation, for themselves or for or in the interest of any other person or corporation, directly or indirectly, from delivering, receiving, or transmitting, and from being interested in, or aiding in any manner, the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, Territory, or place over which the sovereignty of the United States of America now exists, any message, information, intelligence, letter, writing, card, device, sign, symbol, cipher, or other thing whatsoever, the subject of the senses, or any of them, whereby intelligence or information may be conveyed or understood, relating to or in any manner or form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called margins, which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil, provided that at the time of such transaction, proposed transaction, scheme, or plan for so speculating or gambling any such product of the soil be the subject of interstate commerce, or the subject of commerce from or by and between the people of the United States of

America and the people of any foreign country.

Mr. DAVIS. Mr. President, the bill which I present for the consideration of this honorable body is leveled at one of the greatest evils that exists in this Government, namely, gambling in the products of the soil; gambling in the fruits of human industry, the fruits of honest toil. The object and purpose of this bill is to suppress this character of gambling, and I feel secure, sir, in the position I take, that if this bill shall receive the favorable consideration of Congress and shall become a law, it will accomplish the purpose for which it is intended and eradicate

and destroy this great evil.

The provisions of the bill, to my mind, are plain, simple, yet fective. Section 1 of the bill provides that it shall be unlawful for any person, association of persons, corporation, or associa-tion of corporations, being in any State or Territory in the United States or any foreign country, to deliver, receive, or transmit, directly or indirectly, or to be interested in or to aid in the receipt, delivery, or transmission, by means of the mail, telegraph, or telephone, any intelligence or information, message, letter, or card, or other device whereby any intelligence or information may be conveyed to any other parties, persons, or associations, or corporations, for their use and benefit, relating

to or in any way concerning any transaction suggested or proposed, whose true intent may be to gamble or speculate as to the future market price of any product of the soil, commonly known as "buying and selling futures," provided, that bona fide sales and delivery, according to contract, shall not subject the parties to such transactions to the penalties of this act.

Mr. President, this section, when boiled down to its last analysis and relieved of its legal technical verbiage, provides this: That in any interstate or international transaction it shall be unlawful to use the mails, or the telegraph, or the telephone system for the purpose of conveying gambling propositions be-

tween buyer and seller.

That this may be done can not be disputed by anyone who has given the subject careful consideration. For the present purpose of the argument, let us concede that buying and selling futures, as commonly understood among men, is a gambling transaction; then, I take it, sir, that it will not be gainsaid or denied that Congress, by proper bill, may provide that the public mails may not be used for the purpose of assisting, aiding, or encouraging such a gambling transaction. In like manner, Congress may say that the telegraph system and the telephone system of the country shall not be used for the purpose of conveying intelligence from buyer to seller, or vice versa, in any transaction of this character. These, Mr. President—the mail, the telegraph, and the telephone-are the three great means of communication, and if Congress shall, by law, place an inhibition upon their use for this purpose, the day of the speculator in the products of the soil will have ended, and the business of the cotton and other exchanges of the country will have ceased. Whenever we, by means of legislation, stop the means of communication between the buyer and the seller, this business of the gambler falls of its own weight, because when the feeders, through the instrumentality of the mail, the telegraph, and the telephone, are shut off, the gamblers at the fountain head of this nefarious scheme can not gamble among themselves, and their business is at once at an end.

Section 1 of this bill, Mr. President, provides a penalty not only against the telegraph and telephone companies who receive and transmit these messages, but it provides a penalty against the man who sends the message; also against the man who receives the message. It so hedges in this illegal transaction and makes the continuation of it so hazardous and uncerthat few will care to risk being caught in the meshes of the law in order to carry on this character of enterprise. Section 3 of the bill provides that it shall be unlawful for the postal authorities of the United States to receive for transmission, whether properly stamped or not, any letter or other thing mentioned in section 1 of this act; and if such unlawful letter or card shall at any time come into the custody of any postal official, it shall be marked "unlawful," filed in a place securely locked under the supervision of the proper postmaster or postal official, and notice of its possession given at once to the district attorney in the district in which it is taken, or to the Attorney-General, and the Postmaster-General shall make and publish proper rules and regulations for carrying into

effect this provision.

Section 4 provides that if any officer of the Postal Department having the lawful possession of any such letter or other thing mentioned in sections 1 and 3 of this act, and shall, knowing the unlawful character of said letter, deliver the same, either to whom addressed or to any other person, except as provided in section 3, to the district attorney or Attorney-General, shall be subject to indictment, and, upon conviction, shall be fined in any sum not less than \$100 nor more than \$5,000, and shall be removed from office and thereafter shall not be eligible to hold any office of public trust.

Section 5 of this act provides that any other person, other than postal officials, who shall violate this act shall be guilty of a felony, and upon conviction shall be confined to the penitentiary for not less than five nor more than fifteen years.

Section 6 of this act provides that any corporation violating the provisions of this act shall forfeit and pay to the United States of America for each unlawful act not less than \$10,000 nor more than \$100,000, to be recovered by proper suit, one-half to go to the informant and one-half to the Government. Besides, the district attorney or the Attorney-General shall be derelict in his duty, or shall neglect or refuse to enforce the provisions of this act, then section 6 empowers the President of the United States to appoint some suitable and proper person that will enforce it.

This act, Mr. President, brief as it is, plain and explicit as are its terms, in my judgment, is a thorough and a complete remedy for the evil at which it is directed.

Of course, it is not contended that Congress can regulate transactions happening or occurring wholly within any given State. It can only regulate such transactions as are interstate or international, and this is all that is intended or contemplated by the bill under consideration.

I had the honor, Mr. President, while governor of my State, to draft a bill along these lines, applying to gambling transactions occurring wholly within the State of Arkansas.

This bill, as drafted by me, was enacted into a law by the legislature of Arkansas, and can be seen by reference to the acts of Arkansas for the session of 1907, and is much more drastic in its terms than the bill now under consideration. provides a penalty against the use of the telegraph or telephone lines wholly within the State of Arkansas, for the purpose of conveying information between buyer and seller in one of these transactions. The Western Union Telegraph Company resisted the enforcement of this law in the United States district court in the city of Little Rock, Ark., and was defeated at every point, the court upholding the law absolutely as written, and so thorough was the construction given the statute in this case and so satisfactory the reasoning of the court that an appeal was not taken, and to-day there can be no buying and selling of futures in the State of Arkansas, and no bucket shops are permitted to carry on their crooked transactions.

Now, Mr. President, the only difference between the Arkansas statute and the bill under consideration is that, in the bill now presented, we prohibit the use of the mails for this unlawful purpose. This, of course, can not be done by state statute, and I appeal to Senators here to help me in the enactment of this law to suppress this great evil.

Dealing in futures, either in cotton or grain, is conducted through the agency of exchanges, the most notable of which is the New York Cotton Exchange, and to this I desire to direct your attention especially. The New York Cotton Exchange, as is well known to each Senator, is a corporation organized under the laws of that State; it is composed of less than 500 members, and the number can not be increased beyond that; the initiation fee is \$10,000, and new members are elected by the old; no man can deal directly in cotton futures unless he is a member of this exchange.

It is not contended, Mr. President, that every sale of cotton made by the New York Cotton Exchange is a gambling transaction, but I desire to say that during the fight before the legislature of my State, for the passage of the Arkansas statute against this evil, I personally cross-examined, under oath, one of the brightest members of that exchange, and in his testimony before the committee having the matter in charge he admitted that 90 per cent of their dealings were purely speculative, and that to rob the New York Cotton Exchange of its speculative feature would be to destroy the business itself.

This bill is not directed against legitimate transactions, where the delivery is made, or can be made, but is only directed against that character of transactions where no delivery is ever contemplated, either by the buyer or the seller, and nothing is expected to be done in the way of the completion of the contract except to pay the margin or difference between the price at which the product is sold or bought and the price of the market at the time delivery is to be had; in other words, to pay the difference in the fluctuations of the market, which is purely speculative, and as sworn to by this member of the New York Cotton Exchange, 90 per cent of their transactions are of this character. As further proof upon this point, Mr. President, I submit an extract from a report of the Senate committee appointed by this honorable body to investigate and report upon this subject, such committee being presided over by that able jurist and statesman, the late Senator George, of Mississippi. This committee made a full examination of the entire option question, took the fullest testimony from the ablest representatives of the exchanges, and made a report, which, with the testimony, was printed as a public document, Senate Report 986, third session of the Fifty-third Congress. Here is what that Here is what that committee had to say as to the option system:

committee had to say as to the option system:

In the first place, let it be noted that only in and through and under the regulations of the two cotton exchanges in New York and New Orleans can this business be transacted. The cotton exchange in New York is a corporation under the laws of that State. It is composed of less than 500 members, and the number can not be increased beyond that. The initiation fee is \$10,000, and the new members are elected by the old. No man can deal directly in futures unless he is a member. The corporation has absolute power over the dealings. All disputes or controversies are settled by a court established by the corporation itself, in what is called "arbitration proceedings." Neither party is allowed to call in a federal or state court. It fixes the grades of all cotton, designates the warehouses in which it shall be stored, fixes the fee, and charges for storage, weighing, and all other work done in relation to cotton. It fixes the quotation of prices which are to be published to the world, and these quotations are thus fixed under its rules for months for which there are no actual sales.

It and its members have such wealth that it is claimed, in a published letter of one of the principal members, made in response to argument made on the floor of this body, that the exchange can absolutely dominate and fix prices, as against all others, by flooding the market with offers of an unlimited supply of futures when at other places prices are, in its opinion, too high, and thus break the market; and,

on the other hand, when it deems prices too low at other places, may immediately buy all that can be offered.

The New Orleans Cotton Exchange, though located in the largest cotton market this side of the Atlantic, is a mere annex to and a subordinate of the New York Cotton Exchange, and so need not be described further than by saying if it had the will to do good it has not the

Such are the agencies and localities of these dealings, and they are e sole agencies and places for transacting this business.

Mr. President, I select the one product, cotton, for the purpose of this argument, notwithstanding the bill here proposed forbids future dealing in any product of the soil. I select cotton because I hail from the Southland where cotton is king, is our staple commodity; where cotton is our all. God has blessed the Southland as he has no other portion of this great Commonwealth. He has given us in soil and climate a corner on the production of this great staple, and it is to prevent the gambler from despoiling our agricultural people, not only of the South but of the West as well, that I ask for the passage of this bill. If it be insisted that the New York Cotton Exchange is a legitimate business, and that it is not a gambling device and should not be disturbed by legislative enactment, I have but to call attention to the fact that the average yield of cotton for the past ten years has been about 11,000,000 bales. Ah, Mr. Presiden, how many bales of cotton have been sold by the thieves and gamblers in this New York Exchange? More than ten times the amount annually produced by the farmers of the Southland. More than 10 bales for 1. Then I ask the Senators upon this floor who would oppose the passage of this bill, How can delivery be made?

Do you not know, as a matter of fact, Mr. President, that delivery is never contemplated? Then, if this is true, this New York Cotton Exchange is one great, big gambling institution; and shall it be contended that simply because it is a gambling house upon a large scale, controlled by the wealthiest men in the land, that it shall go unwhipped of justice, that it shall go unpunished by law, when the small gambler that risks but little on the throw of the dice is punished by the laws of every State in the Union and would not be countenanced by any Senator upon this floor? With an average annual yield of 11,000,000 bales of cotton, this exchange has sold more than 100,000,000 bales annually, and I say to you, Mr. President, that this 11,000,000 bales actually produced, by no process of reasoning known to myself, can be rubberized so as to cover 100,000,000 bales of fictitious cotton sold by this crowd of gamblers; and it is well known to every dealer that a delivery is a physical impossibility, and no delivery is contemplated in the transaction. The whole transaction is a pure gamble, a bucket-shop transaction of the worst kind, and no exchange should be lawfully empowered to continue this gambling game.

If we needed further proof that the business of the New York Cotton Exchange is purely a gambling device, we have but to examine the case of Irwin against Miller, 110 United States, 499-507-508, where that court of last resort, the Supreme Court of the United States, sanctioned the charge of the trial judge to the jury, which was as follows:

If, however, at the time of entering into a contract for a sale of personal property for future delivery it be contemplated by both parties that at the time fixed for delivery the purchaser shall merely receive or pay the difference between the contract and the market price, the transaction is a wager, and nothing more. It makes no difference that a bet or wager is made to assume the form of a contract. Gambling is none the less such because it is carried on in the form or guise of legitimate

The Supreme Court of the United States said:

We accept this as a correct statement of the law upon that point.

It is estimated by the press of the country that the average daily sale of future cotton by the New York Cotton Exchange will equal a million bales per day, or 300,000,000 bales annually, or more than 30 times the entire actual product of the soil. While this estimate of the press may be excessive, yet it is in the neighborhood of correct, and shows conclusively that no de-livery is contemplated by the parties to the transaction, but

that it is gambling pure and simple.

If additional proof were necessary, Mr. President, to establish the fact that this future dealing in cotton is but a gambling transaction, I may quote more liberally from the report of the Senate committee above referred to. This report is based upon the testimony of cotton experts, cotton growers, cotton merchants, and men schooled in every phase of cotton production in each of the ten States that grow cotton. This testimony is full and complete and covers more than 500 pages of printed matter in the Senate document to which I have referred. In the testimony taken before this committee it is contended by the advocates of future gambling that there is or can be an actual delivery in each of these future sales. The committee, however, says, after a careful analysis of this testimony:

However, says, after a carrein analysis of this testimony.

It is shown very conclusively that the actual deliveries, as they are claimed to be, are, in fact, fictitious. It is shown that a certain number of bales are classed, weighed, and certificated, and deposited in a warehouse. Each certificate is for 100 bales and is a legal tender for

delivery under one of these contracts. It is negotiable and passes around from hand to hand, as other negotiable paper. It is tendered and accepted on an average at least 30 times before it rests. In this way it is claimed 3,000 bales are delivered to one certificate, yet, in all these various transactions, not a bale of cotton is seen or actually passes from one man to another.

The cotton all the time rests in the warehouse for delivery, it is true, to the holder of the certificate, but the holder is a mere gambler in futures and does not want the cotton any more than the purchaser under the futures contract wants it. So he does not call for the delivery, but makes it the basis of further dealings in futures. He makes other sales and, in compliance with these, delivers the same certificate; and it thus goes the active round of transfer and the negotiation till it settles another 3,000 bales or more, and so continues till the twelve months for which it runs has expired. Nor does this necessarily end it. It may be certificated again for another twelve months, and so on ad infinitum, or until, having performed its office in being the foundation for innumerable pseudo deliveries, it may be retired from active business by a real sale and delivery to the paper manufacturer or some other user of inferior cotton.

The ingenuity of these dealers thus, in the settlement as in the making of contracts, simulates real transactions so well as to give color to their claim that these dealings are not, as they are in law, pure gambling on the future price of cotton. In the contracts the stipulation to deliver is mere sham, never intended to be fulfilled, compliance being evaded by ring settlements and by the sham deliveries we have described, the certificates alluded to being less in real substance than the gambler's checks, which, as representatives of money, go through many transfers, according to the varying fortunes of the game, but are supposed to be redeemable in actual money at the end of the play.

I am willing to rest my case, Mr. President, upon this point in the controversy, on the findings of the Senate committee, which, in my judgment, shows conclusively that this buying and selling of cotton futures is gambling of the worst type. the worst type? Because it is gambling not only in the products of the soil, but it is gambling in the flesh, in the blood, and in the bones of the women and children of the South, who are forced by the robbery and spoliation of these gamblers to toil from daylight until dark to produce the subject-matter of this gambling transaction. It will be noted, Mr. President, that the bill under consideration does not make it a crime or attempt to punish these gambling transactions per se, for the reason that it would be difficult to locate the situs or body of the offense. It is a divided transaction, occurring partly in New York and partly in the State where the buyer may reside, and it would be difficult for the courts of the country to determine just where the jurisdiction rests that might punish this offense. But, sir, the bill under consideration seeks to destroy the means of communication between the gambler and his patron, to inflict such penalties for the use of the mail, the telegraph and telephone systems for this unlawful gambling transaction as that it may leave the gambler, the stockjobber, the perpetrator of this gambling device without a means of reaching his customer for the purpose of plying his wicked vocation. If this bill shall become a law, it will be easy to locate the jurisdiction that shall have power to punish the offenses, and I apprehend that but few that now fritter away their substance chasing this will-o'-the-wisp, cotton-future gambling, will dare take a chance to run amuck the penalties of the law, as provided in this bill.

The best method, Mr. President, to break up a gambling house is not to fine the proprietor at stated intervals for the privilege of running the game, but arrest and punish the frequenters of the gambling resort; and when this is known and understood there will be but few players. That is the object and purpose of my bill, to make it burdensome to the player as well as to the proprietor, and burdensome to the corporations— the great telegraph and telephone systems—who permit their wires to be used for the purpose of notifying players and victims of this great gambling house to be sacrificed and slaugh-tered by these gambling kings. It may be insisted, Mr. It may be insisted, President, that this character of legislation does not fall within the power of Congress to enact. Ah, sir, the Constitution of the United States provides that Congress shall have the power to regulate commerce between the States and between this Government and foreign countries. Cotton is essentially an article of commerce. The committee to whose report I have referred finds conclusively that this gambling in cotton futures is injurious to the commerce of the country and that Congress has the power, and should exercise it, to stop this character of gambling. Then, sir, I contend that if Congress has the power to punish the thing itself-that is, the gambling in cotton future it also has the power to prevent the use of the mails and the telegraph and telephone systems to carry intelligence and advice and invitations from the buyer to the seller in these gambling transactions that might be absolutely prohibited by law.

Let us consider, in the second place, the evil consequences of this character of gambling. I understand, Mr. President, that by it these gamblers fix the price of the products of the soil. They fix the price absolutely and unalterably of every bale of cotton, of every bushel of wheat, of every bushel of corn that is produced in this country. Again referring to the report of the Senate committee for proof of this proposition:

The corporation (meaning the New York Cotton Exchange) has absolute power over the dealings. All disputes and controversies are set-

tled by a court established by the corporation itself, in what is called "arbitration proceedings." Neither party is allowed to call in a federal or state court. It fixes the grades of all cotton, designates the warehouses in which it shall be stored, fixes the fees and charges for storage, weighing, and all other work done in relation to cotton. It fixes the quotations of prices which are to be published to the world, and these quotations are thus fixed under its rules for months for which there were no actual sales.

It and its members have such wealth that it is claimed, in a published letter of one of the principal members, made in response to arguments made on the floor of this body, that the exchange can absolutely dominate and fix prices, as against all others, by flooding the market with offers of an unlimited supply of futures when at other places prices are, in its opinion, too high, and thus break the market; and on the other hand, when it deems prices too low at other places, may immediately buy all that can be offered.

They are, in fact, an oligarchy of wealth, self-created and self-perpetuated, which hold in subjection to their will the interests of the people of at least ten States in the Union.

In all these they assume and exercise a power of regulating interstate and foreign commerce in cotton which is vested by the Constitution in Congress alone.

This is strong language, Mr. President, deliberately expressed

This is strong language, Mr. President, deliberately expressed after months of careful study and investigation, based upon the testimony that these gamblers form an oligarchy of wealth selfcreated and self-perpetuated, which hold in subjection to their will the interests of the people of at least ten States of this Union. I say to you, sir, a fact which is well known in every cotton State in this Union, in every village, in every hamlet, in every town, that cotton, this great staple, this great commodity, can not be moved, can not be sold except at the will and bidding of this oligarchy of wealth built up by these gamblerswrung from the very heart's blood of the people of the South. The smallest farmer when he carries his cotton to town, 3 or 4 bales, perhaps, the fruits of the toil of himself and his wife and his babies, is met by the cotton buyer, who says to him:

I can not make you a price upon this, the product of your labor upon this great commodity which you are producing, until I consult the exchange; until I receive a wire telling me the price fixed upon your cotton.

By this great oligarchy of wealth, by this great gambling institution which is fast sapping the lifeblood of our people.

Sir, the great law of supply and demand that should regulate the price of all commodities has been wiped out, has been destroyed by this great combination of gamblers, this oligarchy of wealth that holds in subjection to their will the people of ten sovereign States of this Republic. Now, Mr. President and Senators, if these future dealings are gambling, and if they fix the price of the commodity, not by any law of supply and demand, but by the law of the manipulator, shall it be contended by any Senator upon this floor that this system shall longer continue? If we can not reach it by a direct law making it a crime to sell cotton futures, then, I pray you, sirs, let us reach it by this indirect method, by cutting off communication between the buyer and seller, by rendering the gambler helpless and impotent, by allowing his wicked and hellish business to die of its own filth and of its own putrid corruption.

Mr. President, it is no fulsome flattery for me to say that the agriculturist, that the farmer, is the most important factor in this great Government of ours; that he is the great basic rock upon which this great superstructure rests; that upon his shoulders rest the burdens of the Government. Ah, Mr. President, we can do without the merchant, we can live without the doctor, we can live without the banker, we can live without the railroad magnate, we can live without the bondholder who clips at stated periods his coupons, we can get along without the Senate of the United States, or the President of the United States; but, sir, this Government can not last for the twinkling of an eye without the man who toils, who labors, and who sweats. This Government can not exist for one minute with-out the man who feeds and clothes the toiling millions of the earth; it can not exist, Mr. President, without the farmer. Upon his efforts, upon his exertions, upon his daily toil we all depend, not only for the sustenance of life, for the very clothes we wear, for the food we eat, but the luxuries that surround us to-day, because from his labors and from his alone spring all the blessings of life. Then shall it be said, sir, that the Congress of the United States, the servants of the people, shall sit here in stolid silence and close their eyes to this great evil, refusing to enact a law that will give to this great wealthproducing class their just rights under this Government, that will tear down this oligarchy of wealth built up by these gamblers, and restore to the people the great law of supply and demand to regulate the sale of their products.

Mr. President, I plead with this Congress to-day to enact a law that will take the white women and white children of the South out of the cotton fields, that will give to the producers of this great commodity a fair return for their husbandry and their toil, that will build up schoolhouses and churches in the waste places of our land, that will make better citizenship, that will give better opportunities for education and development, that will make the Southland, the fairest spot on God's green

footstool, bloom and blossom like the roses, and will return to honest husbandmen a fair compensation for their industry and

their labor.

Mr. President, there is another great agency for evil so closely connected, so closely allied with gambling in futures that one can not be discussed independently of the other, and while the bill under consideration is not directly leveled at the New York Stock Exchange, yet, sir, to properly understand the one a consideration of the other becomes necessary. The New York Stock Exchange is a voluntary association of persons and is not incorporated, with a membership limited to 1,100. These memberships are known as "seats," and are sold at varying prices—in 1900 as low as \$14,000 a seat, and prior to that time as high as \$95,000 a seat. The membership of these two exchanges is almost identical, one, of course, not having as many members as the other, but they together embrace the richest, the most influential, the most powerful moneyed men of the the most influential, the most powerful moneyed men of the country. The dealings of each and both ramify every avenue of business and trade, are seen and felt in every feature of our commercial life, and control either directly or indirectly every business transaction of our country which shapes and de-termines its destiny. The combined wealth of the members of these two great exchanges whose interests interlock and entwine is fabulous, indeed, and staggers the mind of ordinary men to comprehend it.

From official sources, Mr. President, I have prepared a short statistical abstract of the origin, history, and dealings of the New York Stock Exchange, with its membership and their holdings and their methods of business, which I ask to have printed as a part of my remarks on this occasion, without taking the time of the Senate for its reading.

The VICE-PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

THE NEW YORK STOCK EXCHANGE.

The matter referred to is as follows:

This exchange was formed in 1792 by 24 brokers in the city of New York, under a tree near the present number, 60 Wall street. In 1817 the New York Stock and Exchange Board was constituted by 25 men. From that time down to 1853 it had its quarters in the Merhants' Exchange, at Wall and William streets. In the latter year it removed to Beaver and Wall streets, and in 1865 to its present location on Broad street.

It it a voluntary association and not incorporated, with a membership limited to 1,100. Members are elected and must be nominated by 2 men, who must say that they would accept the uncertified check of the nominee for \$20,000. The initiation fee is \$20,000. The dues are about \$50. These memberships are known as "seats," and are sold or transferred at varying prices. In the seven years prior to 1900 these seats were sold as low as \$14,000. In 1900 they were quoted at from \$38,000 to \$41,000. Prior to 1900 the highest price of a seat was about \$95,000. In April, 1906, a seat sold for \$84,000, and in March, 1907, for \$73,000.

The original object and purpose of the exchange was to obtain unform commissions for the buying and selling of stocks, but this object and purpose has been enlarged during the one hundred and sixteen years of the existence of the exchange so as to include the purchase and sale of all and every variety of stocks, bonds, and securities, national, state, county, and municipal, industrial, public, and private; their manipulation, so as to control prices, and, in short, every form of speculation, legitimate and illegitimate, from the purchase and sale of stocks and bonds, with an honest delivery, to the wildest form of stock gambling and stock jobbing. The members of the New York Stock Exchange, as given by Moody for the year 1907, the latest available, together with the officers for that year, are as follows:

OFFICERS.

	1907.
H. K. Pomroy	President.
C. W. Maury	Vice-president.
F. W. Gilley	Treasurer.
Geo. W. Ely	Secretary.
Jno. C. Burns	Assistant secretary.
H. S. Martin	Second assistant secretary.
B. G. Talbert	Chairman.

Adams, Edw. L.
Adams, F. F.
Adsit, Chas. C.
Alexander, J. Henry, jr.
Alexander, L. D.
Alley, Wm. S.
Altschul, Chas.
Alvord, Edwin B.
Amory, J. M.
Amy, L. H.
Anderson, W. C.
Andrews, Chas. Lee.
Andrews, Jas. F.
Anness, Edw. C.
Andrews, Edw. C.
Anthony, S. Reed.
Arents, George.
Arents, George.
Arents, George.
Archicloss, C. R.
Auchincloss, C. R.
Auchincloss, C. R.
Auchincloss, Edgar S.
Auerbach, Jno. H.
Bancock, S. D.
Bach, Joe S.
Bacon, Daniel.
Bagley, Geo. C.
Baker, Affred L.
Baker, Geo. F., jr.

Baker, J. H.
Ballard, F. E.
Bamberger, Harry.
Bamberger, William.
Banks, A.
Banks, Theo. H.
Barclay, Robert S.
Barnes, James.
Barnes, James.
Barnes, Jewert.
Barrel, Finley.
Barstow, Rogers L.
Bartol, Henry G.
Barton, Chas,
Baruch, Bernard M.
Baruch, Bernard M.
Baruch, Salling W.
Bass, Walter A.
Bates, Jno. G.
Bates, T. Towar.
Battelle, Seavey.
Bayer, Stephen D.
Baylis, William.
Baylis, William.
Baylis, William.
Baylis, William.
Bean, Chas. H.
Bearns, J. S.
Bebee, Wm. E. O.

Beeckman, R. L.
Beers, Jno. W.
Belden, Wm. A.
Belmont, August.
Benedict, Wm. A.
Belmont, August.
Benedict, E. C.
Benedict, Legrd. L.
Benedict, Legrd. L.
Benedict, Lemuel C.
Benjamin, Hamilton F.
Benkard, Harry H.
Benkard, J. Philip.
Benson, R. Lawrence.
Berdan, Temple T.
Berner, Chas. E.
Berg, William J.
Betts, W. Rosseter.
Bianchi, John.
Bishop, W. F.
Bissell, R. H.
Black, Jno. A.
Blagden, Dexter.
Blair, C. Ledyard.
Blandy, Graham F.
Bliss, Walter P.
Block, Henry.
Blood, S. L.
Blumenthal, H.
Blumenthal, H.
Blumenthal, H.
Blumenthal, G. D. B.
Boardman, Lansdale.
Bogert, Eugene T.
Bogy, Ramsay C.
Bonbright, G. D. B.
Bond, Geo. W.
Bonner, Charles W.
Bonner, Charles W.
Bonner, Charles W.
Bonner, E. H.
Booteou, Frederic T.
Boocock, S. W.
Boody, Henry T.
Borland, J. Nelson.
Borland, J. Nelson.
Borland, William Gibson.
Borland, J. Nelson.
Borland, J. Nelson.
Borland, J. Sensel.
Bouvier, John V.
Bouvier, M. C.
Booyd, A. B.
Bragaw, E. T.
Braine, Theodore.
Braman, Oliver B.
Brando, John P.
Brand, O. J.
Brewster, Walter S.
Bridgman, Oliver B.
Bright, Edgar H.
Britton, Charles P.
Bronk, George C.
Broun, Campbell C.
Brown, A. L.
Brown, Frederick W.
Brown, Gardner W.
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Brown, Gardner W.
Brown, Herbert P.
Brown, Philip T.
Brown, Philip T.
Brown, Richard R.
Brown, Philip T.
Brown, Richard R.
Brown, Stephen H.
Brown, Waldron P.
Brown, Waldron P.
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Brown, Waldron P.
Brown, Benjamin B.
Buchanan, Geo. Briggs.
Buck. Thos. C.
Buckhout, E. W.
Brown, Stephen H.
Brown, Stephen H.
Brown, Waldron P.
Brown, J. E.
Brown, Philip T.
Cahn, Frank B.
Cahn, James M.
Callaghan, W. P.
Calmboell, Henry G.
Canpbell, Henry G.
Canpbe Casilear, Geo. F.

Caspary, Alfred H.
Cave, E. M.
Chambers, Robert.
Chandler, F. F.
Chandler, F. F.
Chandler, Simeon B.
Chapman, Clarence C.
Chapman, Clarence C.
Chapman, Clarence C.
Chapman, Clarence C.
Chapman, John D.
Chauncey, Daniel.
Childs, James H.
Chisholm, E. de C.
Churchill, George A.
Clark, Alex. S.
Clark, E. W., jr.
Clark, Henry I.
Clark, John M.
Clark, Josiah H.
Clark, Josiah H.
Clark, Josiah H.
Clark, Josiah H.
Clark, John M.
Clews, John H.
Comen, Waldo P.
Clews, Henry.
Clews, John H.
Codman, Alfred.
Cohen, Clarence M.
Cohen, William W.
Cohn, Allan F.
Colbron, W. T.
Colern, William H.
Combs, A. H.
Conce, Henry H.
Connor, E. S.
Connor, W. E.
Content, Walter.
Cooper, L. A.
Cooper, W. Start, Walter.
Cornwell, John W.
Coster, W. B.
Cox, E. V. D.
Cramp, Theodore W.
Criss, Hugh F.
Crocker, George.
Cromwell, S. L.
Crutikshank, S. A.
Crutchfield, David.
Cummings, G. F.
Currie, Cameron.
Currie, Walter J.
Curtis, Allen.
Curtis, Flilip.
Cutting, J. D. W.
Dabney, Frederick L.
Dalgren, E. B.
Damerel, Wm. G.
Dannenberg, M. J.
Danzig, Jerome J.
Darr, George W.
Davis, Fellowes.
Davis, H. Townsend.
Davis, J. Edward.
Davis, J. Edward.
Davis, J. Edward.
Davis, Robert, ir.
Day, Charles S.
Day, Frank A.
Davis, Robert, ir.
Day, Charles S.
Day, Frank A.
Davis, Robert, Ir.
Day, Charles S.
Day, Frank A.
De Coppet, Louis C.
De Cordova, A.
De Russy, Rene A.
De Waut, Frederick L.
Dalgren, E. B.
Damerel, Wm. G.
Dannenberg, M. J.
Danzig, Jerome J.
Darr, George W.
Davis, Fellowes.
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Davis, Fellowes.
Davis, Fellowes.
Davis, Fellowes.
Davis, Frederick L.
Dalgren, E. B.
Damerel, Wm. G.
Dannenberg, M. J.
Danzig, Jerome J.
Darr, George W.
Davis, Fellowes.
Davis, Fellowes.
Davis, Fellowes.
Davis, Goordon.
Drake, Tordon, F.
Decordova, A.
De Cordova, A.
De Cordova, A.
De Cordova, A.
De Cordova, Cyrll V.
De Haven, William B.
De Mauriac, E. A.
De Witt, Clarench.
Decordova, Cyrll V.
De Haven, William B.
De Mauriac, E.
Decordova, Cyrll V.
De Haven, William B.
De Mauriac, E.
Decordova, Cyr

Eckstein, H. Eugene,
Eckstein, Alfred.
Edgerly, Walter H.
Eelis, Richard L.
Ehrick, William J.
Einstein Samuel.
Ellas, Albert J.
Elkins, William M.
Ellinger, Max.
Emerson, W. K. B.
Emmons, Kintzing B.
Erdman, William.
Estabrook, A. F.
Eustis, George D.
Evans, William J.
Fahnestock. William J.
Fairbairn, Robert A.
Fairchild, Charles Nelson,
Fairchild, Ernest A.
Farichild, Ernest A.
Ferris, A. F.
Feuchtwanger, H.
Fiedler, Edward C.
Field, Jacob.
Fincke, Reginald.
Fish, Harold L.
Fisher, L. G.
Fiske, Josiah M.
Fitch, Henry.
Fleisher, Benjamin.
Fleming, W.
Flower, A. R.
Flower, F. S.
Flower, F. S.
Flower, N. M.
Floyd, Wm. T.
Floyd-Jones, W. C.
Forbes, James D.
Forrest, T. F.
Foster, H. C.
Foster, J. D. Perry.
Francke, Albert.
Frank, Charles A.
Frank, Nathan.
Frankenheimer, L. S.
Frankenheimer, L. S.
Frankenheimer, L. S.
Frankenheimer, William.
Freed, David A.
Freeland, John.
Frenaye, William E.
French, S. B.
Fridenberg, M. S.
Frost, Le Roy.
Frothingham, H. P.
Fuller, M. B.
Furbeck, Rollin J.
Gallatin, Frederick, jr.
Gardiner, Thomas A.
Gates, Charles G.
Geddes, Donald G.
Germond, H. S.
Gilbert, Leon.
Gibson, Robert, G.
Gilsert, Leon.
Gibson, Robert, G.
Gadser, Morris.
Glazier, Henry F.
Goldsmith, S. M.
Goodbody, Robert,
Goodchild, John.
Goodhart, P. J.
Gould, Edward W.
Gould, Edward W.
Gould, Frank Jay.
Gould, Edward W.
Gould, Frank Jay.
Gould, Henry, F.
Goldsmith, S. M.
Greer, William A.
Greer

Haight, E.
Hainey, Henry F.
Hale, Eugene, jr.
Halle, J. S.
Hallock, George D.
Halsey, R. T. H.
Halsted, E. Bayard.
Halsted, E. Bayard.
Halsted, E. Harrison, B.
Hammill, Caleb W.
Harding, P. W.
Harker, L. E.
Harriman, E. H.
Harriman, J. B.
Harris, John F.
Harrison, Bernard J.
Hartshorne, Hugh.
Hatch, E. Sanford.
Hatch, Henry P.
Hatch, E. Sanford.
Hatch, Henry P.
Hatch, William D.
Hatzfeld, Louis E.
Hawens, E. B.
Hawley, Edwin.
Hayden, Charles.
Hays, E. St. John.
Hays, William H.
Hazard, Charles.
Hearn, Hudson H.
Heaton, William W.
Heaton, William W.
Hendro, Wilson.
Heidelbach, A. S.
Heineman, Louis.
Hendrickson, G. S.
Henning, Joseph W.
Hendrickson, G. S.
Henning, Joseph W.
Henning, Samuel C.
Hendricks, A.
Hendricks, A.
Herzfeld, F.
Hendricks, A.
Herzfeld, F.
Hendricks, A.
Herzfeld, F.
Hendricks, A.
Hend

Kearny, Philip.
Kelley, Austin P.
Kelley, Austin P.
Kelley, J. Prentice.
Kelly, John Jerome.
Kendall, W. B.
Kennedy, William L.
Keppler, Rudolph.
Kerr, Louis S.
Kerr, Thomas H.
Kerst, Alfred.
Ketcham, Charles B.
Kilborne, A. W.
Kimball, Frederick P.
Kimball, Samuel F.
Kimball, W. Eugene.
King, David James.
King, John C.
King, Nathaniel.
King, Richard.
Kinsford, Daniel P.
Kinnicutt, G. Herman.
Kip, Ira A., jr.
Kirkner, J.
Kissam, Samuel H.
Knapp, Edward S.
Kneeland, Lorenzo D.
Knoblauch, C. E.
Knox, H. H.
Kollstede, Charles A.
Kraus, Harry.
Kretchmar, H. C.
Laidlaw, E. J.
Laimbeer, William I.
La Montagne, E., jr.
Lamprecht, William H.
Landon, George I.
Langhaar, H. L.
Lander, J. F. D.
Lansburgh, R. S.
Lapsley, David.
Latham, John C.
Latham, John Howard.
Lathrop, L. C.
Lattin, Homer A.
Laner, William E.
Lawrence, Arthur M.
Lawrence, Arthur M.
Lawrence, Henry C.
Lawrence, William S.
Leask, Edwin M.
Lawrence, William T.
Lawrence, William T.
Lawrence, William S.
Leask, Edwin M.
Leech, J. Elder.
Lehman, S. M.
Leland, C. H.
Lemmon, William S.
Leask, Edwin M.
Leev, George H.
Levy, Leo.
Levy, Leo.
Levy, Leonard C.
Levy, Louis, John W.
Maclond, C. H.B.
Lockwood, W. B.

Masten, Alvin E.
Mathews, E. Roscoe.
Mathews, James F.
Maury, Charles W.
Maxwell, George T.
Maxwell, George T.
Mayer, Jesse.
McAlpin, David H., 2d.
McAnerney, M. J.
McCauley, W. F.
McClellan, George A.
McClure, William.
McCormick, Willis S.
McCullough, Edward A.
McGraw, Stanley D.
McHarg, Henry K.
McIntire, Paul G.
McIntyre, John G.
McLane, Guy R.
McNeir, Burrows.
McVickar, E. S. J.
Mearns, William A.
Mellick, George P.
Mendham, M. B.
Meredith, William A.
Mellick, George P.
Mendham, M. B.
Meredith, William A.
Mestre, Alfred.
Meyer, Eugene, jr.
Meyer, Harry H.
Miller, E. Clarence.
Miller, E. M. F.
Miller, G. Clinton,
Miller, G. Clinton,
Miller, H. William, jr.
Mills, Paul D.
Mills, Philip O.
Millin, Philip O.
Morgan, E., jr.
Morgan, E., jr.
Morgan, E., jr.
Morgan, E. W.
Morse, Anthony W.
Morse, H. J.
Morgan, P. Pierpont, jr.
Morgan, P. Pierpont, jr.
Morgan, P. Pierpont, jr.
Morgan, E. W.
Morse, H. J.
Morgan, E. Mr.
Morrison, Andrew.
Mo

Pell, Howland Haggerty.
Perkins, Erickson.
Perry, Frederick W.
Philbrick, Alan E.
Pierce, James F., fr.
Pierson, J. Fred, jr.
Pierson, J. Fred, jr.
Planton, W. R. J.
Pomroy, H. K.
Poor, Henry W.
Popper, Edward.
Posner, Alfred P.
Post, George B., jr.
Post, Henry M.
Post, Sylvester.
Potter, Clarkson.
Potter, Edward C.
Potter, Fuller.
Potts, George H.
Potts, Robert B.
Potts, William B.
Prall, John H.
Prentice, W. S. P.
Prentiss, George H.
Preston, Ord.
Prince, Frederick H.
Prince, Leo M.
Prince, Leo M.
Prince, S. S.
Prior, Leland W.
Probst, Arnold M.
Probst, Arnold M.
Probst, J. D.
Provost, C. W.
Putnam, W. A.
Quackenbush, S.
Quigley, James M.
Quincey, Charles E.
Quinn, Martin J.
Randolph, Edmund.
Rankin, James A.
Rasmus, William.
Rawlins, G. Foster.
Rawlins, Herbert N.
Raymond, Henry S.
Reichenberger, V. M.
Reilly, William B.
Reimer, O. Eugene.
Renick, William H.
Red, W. G.
Redmond, Henry S.
Reichenberger, V. M.
Reilly, William B.
Reimer, O. Eugene.
Renick, William H.
Rosenfeld, Herbert N.
Raymond, Alex. C.
Robinson, Arthur.
Robinson, Arthur.
Robinson, Arthur.
Robinson, Akthur.
Robinson, Attmore.
Robinson, Heret L.
Robins, Ed. A.
Rossenblatt, Edgar S.
Rosenblatt, Edga

Schott, C. M., jr.
Schott, Hubert M.
Schott, Ralph P.
Schultze, Max. H.
Schuyler, S. S.
Scott, George I.
Scott, Frederic W.
Scott, George I.
Scott, Stuart.
Scott, William S.
Scoville, John H.
Seligman, De Witt J.
Seligman, James.
Seligman, James.
Seligman, James.
Seligman, Samuel J.
Seligman, Samuel J.
Seligman, Maurice.
Seligsberg, F. L.
Sharp, S. W.
Sharp, W. W.
Shaw, John W.
Sheldon, William C.
Sichel, Eugene A.
Sidenberg, Gost.
Simons, Charles D., jr.
Simons, E. H. H.
Simons, William R.
Sinsheimer, Alex., L.
Slayback, E. H.
Slayback, E. H.
Slayback, William A.
Sloan, Benson B.
Smith, D. Henry.
Smith, H. K.
Smith, Harold C.
Smith, Harold C.
Smith, Harold C.
Smith, William Alex.
Smith, James D.
Smith, Hilli L.
Smith, James D.
Smith, William Alex.
Smith, Palmer.
Smith, Falmer.
Smith, Falmer.
Smith, W. Schuyler.
Smithers, C. H.
Smithers, Herbert B.
Smyth, Sidney L.
Sondheim, Lewis H.
Sonn, Herbert H.
Sparks, John W.
Spencer, George H.
Speyer, Leo.
Spergelberg, I. N.
Sproul, P. N.
Stafford, William Fred.
Starr, W. Thompson.
Sterling, Duncan.
Sterling, Duncan.
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Sterling, Duncan.
Sternbach, Sidney M.
Sternberger, M. M.
Stevens, Eben.
Sternbach, Sidney M.
Sternberger, Henry S.
Sternbach, Sidney M.
Sternberger, Henry S.
Sternberger, H.
Stokes, Walter C.
Stokes, Walter C.
Stokes, Walter C.
Taylor, James B.
Talbert, Joseph H.
Sussdorff, Lindsley.
Taylor, Henry F.
Taylor, Henry E.
Taylor, James A.
Taylor, Henry E.
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Taylor, Henry E.
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Taylor, Henry E.
Thompson, W. Ledy'd.
Thorne, T. W.
Thurnaler, George B.
Tillinghar, N. Townsend.
Thieriot, Charles H.
Thompson, George W.
Thompson, George

Turner, Coll. J.
Turner, Wallis S.
Ulman, Joseph S.
Underhill, Rawson.
Untermeyer, Milton F.
Upham, John P.
Van Antwerp, William C.
Van Beuran, Michael M.
Van Boskerck, L. J.
Van Cortlandt, R. B.
Van Emburgh, D. B.
Van Schaick, J. B.
Van Schaick, J. B.
Vane, William M.
Vaughan, W. W.
Vernam, A. H.
Veit, J. Nelson.
Vollmer, E. R.
Vredenburgh, Peter, 2d.
Wadsworth, C. D.
Wadsworth, W. B.
Wadsworth, W. J.
Waggoner, I. H.
Wagner, Otto.
Wainwright, James H.
Walker, George H.
Walker, George H.
Walker, Joseph.
Walker, Robert, fr.
Walker, George H.
Walker, Bobert, fr.
Walsh, James W.
Walsh, James F.
Ward, Marshall R.
Ward, Marshall R.
Ward, Marshall R.
Ward, Marshall R.
Ward, Henry L.
Warner, Henry W.
Warner, Henry W.
Warner, Henry W.
Warnen, E. D. Morgan.
Watson, Charles F., jr.
Watson, Louis F.
Watson, Louis F.
Watson, Louis F.
Watson, Louis F.
Watson, Charles H.
Weisl, Henry,
Wertheim, Henri P.
West, William.
Wharton, William F.
Wheeler, Albert G., jr.
Whelen, Charles S.

Whicher, Louis E.
White, Alex. M., jr.
White, Leonard D.
White, R. K.
Whitehouse, Charles A.
Whitehouse, J. H.
Whitehouse, William F.
Whitehouse, William F.
Whitely, Milton J.
Whitney, Arthur.
Whitney, George I.
Whitney, Gerard N.
Whitney, Henry N.
Whitney, Stanton.
Wilcox, C. H.
Wilcox, T. Ferdinand.
Wilder, George H.
Wilcox, T. Ferdinand.
Wilder, George H.
Wiley, W. G.
Williams, Blair S.
Williams, Blair S.
Williamson, S. T. S.
Williamson, S. T. S.
Williamson, S. T. S.
Williamson, R. T., Jr.
Wilson, H. Sawyer, jr.
Wilson, J. Sawyer, jr.
Wilson, J. Sawyer, jr.
Wilson, Theodore.
Wilson, F. D.
Winshow, Ed D.
Winshow, F. D.
Winshow, F. D.
Winshow, F. D.
Wood, H. Duncan.
Wood, Willis D.
Wood, H. Duncan.
Wood, Willis D.
Woodley, Arthur G.
Woolsey, George M.
Worden, J. Lorimer.
Wormser, Isidor, jr.

THE WEALTH AND INFLUENCE OF THESE MEN.

Mr. DAVIS. Mr. President, of the original 24 founders, no one of them was a millionaire, and their combined wealth was less than one-fourth of what it now costs for a hundred seats. The eleven hundred members of the New York Stock Exchange comprise among its numbers the richest men of the world, but it has been said by several writers that many of them are very poor. It takes \$20,000, however, to join, and at this rate per member, the New York Stock Exchange denotes an investment of \$22,000,000. Thirteen of its members, beginning with John D. Rockefeller, are credited with the fabulous wealth of \$1,355,000,000, as estimated in the table of the 51 plutocrats heretofore enumerated by me. The New York Stock Exchange, then, through 13 of its members, represents a wealth of more than \$1,000,000,000, and the other 1,087 members may be safely credited with ten times this amount, or \$13,550,000,000, in all about \$15,000,000,000, or about one-seventh of all the wealth owned by the 90,000,000 people that constitute the United States. This is their estimated actual wealth. The ramifications of the membership of the Stock Exchange with other business enterprises make the influence of the exchange enormously greater. In the first place nearly every one of the members of the exchange is put down as a member of a firm or corporation, so that he represents, not only his own, but the aggregate wealth and interest of the firm or corporations or trusts, a fact which seems to give them the controlling influence in financial matters in the United States, an influence eagerly desired by the exchange and an influence which history proclaims has been exercised with very great frequency in the manipulation of prices, the cornering of stocks, the organization and management of panies, and, in fact, the exploitation of every species of stock gambling and stockjobing known to man. The financial history of the country teems with accounts, not only of the individual wrecks caused by the New York Stock Exchange, but also of the cyclonic pani

For instance, William Rockefeller is credited with an individual wealth of \$100,000,000; he is also a member of the most gigantic corporation in the world—the Standard Oil trust; he is a director of the Lake Shore and Michigan Southern Railroad, whose capital stock is \$50,000,000, and which owns \$92, 000,000 of stocks and bonds in 45 subsidiary companies of the Lake Shore and Michigan Southern; he is also a director of the Michigan Central, the New York, Chicago and St. Louis Railroad, and the Pittsburg and Lake Erie Railroad, whose aggregate capital is about \$33,000,000 and whose aggregate mileage is about 2,500 miles; he is also a director of the New York, New Haven and Hartford Railroad, with a capital of \$100,000, 000 and mileage of 3,500 miles, controlling 34 constituent companies; he is also a director of the Delaware and Lackawanna Railroad, with a capital of \$26,000,000; also a director of the New York Central Railroad, with a capital of \$180,000,000, and operating 12,000 miles of road. This road owned stocks or bonds on December 31, 1906, amounting to \$147,000,000 in 75 constituent lines. The influence of this man alone, when interested in the manipulation of the prices of transportation in the United States, is enormous and becomes simply fabulous when united with the interests of other corporation magnates and trust sharks who desire to rob the public by bankrupting smaller and competing roads.

J. Pierpont Morgan is not a member of the Stock Exchange, but his son, J. Pierpont Morgan, jr., of the firm of J. P. Morgan & Co., represents the firm in the Stock Exchange. J. P. Morgan is a director in all the roads of which William Rockefeller is a director, with the exception of the Delaware and Lackawanna. To make up for this, he is a director of the Northern Pacific Railroad, with its 6,000 miles of road and \$155,000,000 of

capital.

H. H. Rogers is not a member of the Stock Exchange, but is a member of the Consolidated Stock and Petroleum Exchange. He is a director, also, of the Atchison, Topeka and Santa Fe Railroad, with a capital of \$382,000,000; also a director of the Chicago, Milwaukee and St. Paul Railroad, of 10,000 miles and a capital of \$50,000,000; and he is also a director of the United States Steel Corporation and many other corporations and trusts.

August Belmont is a member of the exchange, representing himself and the combined Belmont interests. He is a director of the Louisville and Nashville Railroad, with its \$60,000,000 capital and controlling about 7,000 miles of road, besides representing scores of other corporations and trusts in the same

capacity.

E. H. Harriman is a member of the exchange; a director of the Baltimore and Ohio, with its capital of \$212,750,000 and operating 4,500 miles of road; also a director of the Chicago and Alton Railroad, with its \$40,000,000 capital; also of the Erie Railroad Company, with its \$217,000,000 capital; also of the Illinois Central, with \$105,000,000 capital, and at the same time of the Union Pacific, made up of the Union Pacific, the Southern Pacific, and the Leavenworth, Kansas and Western railroads, operating 15,000 miles of road, with a combined capital of \$396,000,000.

George J. Gould is a member of the exchange and a director of the Denver and Rio Grande Railroad, with a capital of \$88,000,000; also a director of the International and Great Northern Railroad, with a capital of \$25,000,000; also of the Missouri Pacific Railroad, with a capital of \$150,000,000, including the St. Louis, Iron Mountain and Southern; also of the Texas Pacific Railroad, with a capital of \$50,000,000.

Others of the stock exchange membership are either officers or directors of other railroads throughout the country, and their combined influence in the exchange makes it possible to murder or main any small railroad in the country at pleasure, as the various demands of stock gambling in the exchange may require. In this way not only the stocks and bonds of the smaller railroads of the country are placed at the mercy of the stock gamblers and robbers of the exchange, but the transpor-

tation of the whole country injuriously affected.

Not only does this membership of the exchange manipulate the question of transportation and transportation charges in its own interests and against the interests of the people, but it also exercises a tremendous influence on the telegraphic and telephonic connection of the country. On the directorate of the Western Union Telegraph Company, in bold relief, you will find the names of George J. Gould, J. P. Morgan, and E. H. Harriman. On the directorate of the United States Steel Corporation you will find the names of the United States Steel Corporation you will find the names of J. P. Morgan, John D. Rockefeller, jr., and H. H. Rogers. The names of these eleven hundred men, or at least the names of those representing its greatest wealth, may be found as officers and directors of iron trusts, steel trusts, lumber trusts, paper trusts, leather trusts, and all and every

species of trusts known to mankind, besides being intimately connected with corporations allied to trusts and to corporations not so allied. They are officers and directors of the great national banks of their country and can manipulate a money panic whenever their greed demands. The Stock Exchange has its legitimate function, but stock jobbing and stock gambling form

no part of this function.

There are economical writers who so far prostitute their talents under the seductive influence of corporation gold as to claim that there is no stock gambling and no stock jobbing in the New York Stock Exchange or the various other exchanges of the country. There are other economic writers who, under the same pay, admit what can not be denied, that a very large portion, in fact the greatest part, of the business of all of the exchanges is gambling pure and simple, but justify it on the ground of its necessity. Almost every great newspaper of the country keeps an editor, reporter, or correspondent at headquarters in Wall street ostensibly to keep the people informed as to the news, but really, under the pay of corporations, to gloss over the knavery of exchange transactions and to write stilted reviews of exchange dishonesty and fraud.

In the Washington Post of December 29 1908, one of these

financial owls" had the following to say:

Ten points down and 10 points up—that is the record of Union Pacific performance in the last two weeks. On Monday, December 14, the stock sold at 1844, practically the highest of the year. A week later, on Monday, December 21, it fell to 1744. To-day it got up again to the starting point and a fraction beyond. Naturally many persons are asking who engineered the shake out. Even the most experienced operator is forced to admit it was clever, and if, following that, he said things that were not complimentary, it was because he had been bumped.

There is not a word in the article concerning the morality or legality of the transaction; on the contrary, the whole article is a silent tribute to the masterly rascality of the members of the close corporation, the New York Stock Exchange. I would like to ask any person who believes that there is no gambling in the exchanges of the country a simple question. By what right, moral or legal, does any man sell the stocks or bonds of a corporation in which he owns no share of stock, nor in the sale of which does he propose to buy in order to comply with the terms of sale? By what authority does any man sell stocks or bonds in a corporation which he does not own and which he does not propose to buy in order to make a delivery? I know that the rules of the New York Stock Exchange require a delivery in order to make the transaction show some shade of honesty. I also know that the very largest proportion of these transactions carry no real delivery—stocks are borrowed to meet the demands of the exchange rule, profits pocketed, and the stocks returned without a semblance of ownership in them, save that which is necessary to cover a gambling deal.

So notorious was this gambling device, "borrowing to perfect a gambling deal," that the legislature of New York was asked to make an investigation. This virtuous body, consorting with race-track gamblers of that State, refused to make the investigation. The governor of that Commonwealth, however, smarting under the charges made against the New York Stock Exchange with reference to the panic of 1907, and to keep a consistent record with himself as to all forms of gambling, Wall street, as well as race tracks, felt it incumbent upon him to make an investigation notwithstanding the failure of the legislature to authorize it. To his credit be it said that he has found competent men who are willing to serve without pay to act as a committee of investigation, and despite the handicap of such an investigation, it is to be hoped that this committee will ascertain who engineered the shakedown in the case of the Union Pacific of December, 1908, the greater shakedown of March, 1907, and the thousands of other shakedowns that go on day by day under the sanctity of the New York Stock Exchange.

In 1707, more than two hundred years ago, a great writer in London, in a remarkable pamphlet, attacked the London Stock Exchange as a band of thieves and robbers, and held that it was high treason against the Kingdom of England to be a member of that body. He argued and proved that every panic known to English history owed its origin to the thieves and robbers who made up the London Stock Exchange.

In 1871, J. F. Richmond, for years city missionary of the city of New York, and who has written a splendid little book on early life in New York City, has this to say of the New York

Stock Exchange:

The board of brokers claims to be composed of honest and honorable men only. Besides this board there are various other specific boards of all kinds of speculators—stock brokers, gold brokers, oil brokers, and cliques—uniting and resolving as occasion may offer opportunities of gain to ambitious and unscrupulous men. Among these originate the gold scrambles, the railroad wars, the raids on the banks, and other

panics which crowd the streets with well-dressed but frenzied men, some flushed and violent, some pale and staggering, turning prematurely gray over the wreck of their earthly hopes.

I might multiply these quotations indefinitely, but this one covers the whole case. The laws of all States are severe in penalty as to pure gambling, which has led a noted writer, in a book quoted by Charles A. Conant, to use the following language:

If, instead of betting on something so small as falling dice, one bets on the rise and fall of stocks or on the price which wheat will reach some months hence, and if by such betting one corners the community in an article essential to its welfare, throwing a continent into confusion, the law will not pay the slightest attention. A gambling house for these larger purposes may be built conspicuously in any city, the sign "Stock Exchange" be set over its door, influential men appointed its officers, and the law will protect them as it does the churches. How infamous to forbid gambling on a small scale and almost encourage it on a large.

Charles A. Conant answered, or attempted to answer, it in the Atlantic Monthly for April, 1903. He admitted, frankly and purposely, that betting on the rise and fall of stocks as carried on in the New York Stock Exchange was gambling, but that it was nevertheless true that betting on the fall of a dice was wrong, while betting on the fall of a stock was right. This shrewd economist justified the righteousness of stock gambling on the basis of its necessity. That such gambling entered into the business relations of the entire country and could not be disassociated therefrom without a revolution, which would bring universal disaster. He argued further that there was no pure betting in the New York Stock Exchange, while admitting that a large part of the transactions partook of the nature of gambling. In other words, he differentiated gambling into two forms, pure and mixed. Pure betting, he said, was done in bucket shops, admitted that it was of no use to the community, and charged that it was destructive to the morals and pockets of young men, and argued that it could not be too highly censured.

Right here Charles A. Conant aligns himself with me, our difference being that what he calls the "mixed gambling" of the exchanges is nothing but bucket-shop gambling, and my bill seeks to drive out this form of unrighteous speculation from the exchanges of the country dealing in the products of the soil. We are all opposed to an open bucket shop, and we should be opposed to the same bucket shop disguised as an influential stock exchange. For I hold, and I think it can not be successfully denied, that every bet on the rise or fall of stock where no delivery is made or intended to be made or even thought of, except as borrowing enables the gambler to semble righteousness, is nothing but a pure bet, nothing but a bucket-shop transaction

In all speculation there is, first, the actual investor; he buys for two purposes, the interest and the probable rise, and exacts a delivery of the stock. This is not gambling, and my bill does not propose to interfere with it. This is honest business, honestly conducted, and deserves no reprimand at my hands. There is, second, the semi-investor, who buys on a wide percentage of margin, but keeps an eye to the interest and exacts an actual This man is something of a shark, but I can not say that my bill seeks to limit his sphere of operation. Then there is the margin investor, who pays no regard to the interest of the stock, does not intend to exact a delivery, except so far as the rules demand a delivery, and which will be met by borrowingone who buys and sells purely upon the possible rising and falling of the stock, looking to this rise or fall for his profit. is pure betting, pure bucket-shop dealing, and the New York Stock Exchange and other exchanges show a far greater number of deals of this kind than of the two others combined. It is this phase of exchange operations that has induced so many plutocrats to join the New York Stock Exchange.

McConihe & Co., of New York, in their little book issued in 1906, used these words:

Of recent years, however, and since the country at large has grown enormously rich, there has arisen a set of what might be called "millionaire speculators." They have more surplus money than they need to live upon and are men of big ideas. They like quick results on their transactions, and in no other form can they obtain them so readily as through the purchase and sale of stocks. These men will buy or sell thousands of shares at a time and have recently become one of the biggest factors in the market.

These are the millionaire gamblers, the colossal bucket-shop bettors of the exchanges, who are lauded to the skies by subsidized literary men, while the little nigger shooting craps is picked up and sent to jail.

I know that it is difficult to draw with exactness the line between bona fide business and business gambling, but at the same time it is not difficult to define the thousands of gambling devices that go unchecked under the cover of the sanctity of the New York Stock Exchange. Arthur Crump, in his "Theory of Stock Exchange Speculation," says:

Because it is difficult for governments to define in stock-exchange gambling where bona fide business ends and the gambling begins, the most injurious of all the games of chance is played year after year upon an increasing scale.

Because of the difficulty we, as legislators, are not to be excused if we permit these most injurious games of chance to be played year after year, and I think that a careful study of my bill will disclose a remedy for the wrong; and I believe that if it shall be enacted it will at once put a curb to the disgraceful and disastrous gambling features of the New York Cotton Exchange and the other exchanges of the country. It is almost universally admitted that gambling of the worst kind goes on under cover of these exchanges, and it is our duty, as I see it, so far as we have the power, to minimize its ferocity, even though we may not be able to entirely destroy its frenzy.

though we may not be able to entirely destroy its frenzy.

A careful analysis of this abstract, Mr. President, will show that 13 members of the New York Stock Exchange are accredited with a wealth of more than \$1,300,000,000, and the other 1,087 members may be safely estimated at ten times this amount, or \$13,550,000,000; in all, about \$15,000,000,000, or 7 per cent of the entire wealth of the 90,000,000 people that constitute this United States. Add to that, sir, the wealth of the membership of the New York Cotton Exchange and you have a sum that equals at least 15 per cent of the entire wealth of this Nation; add to this the wealth of the men directly and indirectly assoclated and affiliated in business relations with these two great exchanges and you have 51 men whose wealth equals 35 per cent of the entire wealth of the United States, and 4,051 men whose wealth equals $87\frac{1}{2}$ per cent of the entire wealth of the Government, a list of which was given by me in a speech delivered on December 11, 1907. Seeing, Mr. President, this great combination of wealth of these two great gambling institutions and their allied forces, that control 871 per cent of the wealth of this entire Nation, is it a wonder that the committee of this Senate, headed by Senator George, found that the New York Cotton Exchange, one of the tentacles of this great octopus, had built up an oligarchy of wealth that held subject to its will the chief product of 10 of the sovereign States of this Republic. Not only so, Mr. President, but this combined force of gamblers can murder and stifle competition, can bring about a panic at will in the money markets of the country, can cause stagnation in business at will, and thus reap golden harvests by means of their illegal transactions.

The bill which I here present, and for which I bespeak the careful consideration of the Senate, is directed at the lesser of these two great evils and is intended to so cripple it and so destroy its power of communication with its patrons that its evil effect may be destroyed. Gentlemen of the Senate, can there be any wrong in this bill? In your own hearts and consciences answer me the question, Ought not this great gambling institution to be destroyed? It may be said that the penalties of this act are too severe. I think not, Mr. President. If a postal official, knowing the illegal character of a letter that is being transmitted through the mails, fails to arrest it and place it in the hands of the proper official, he shall be fined not less than \$100 nor more than \$5,000; shall be removed from office and not allowed to again hold an office of profit or trust under the Government. If the ordinary individual shall violate the provisions of this act by sending a letter or by using the telegraph or the telephone for the purpose of engaging in this illegal transaction, he shall be adjudged guilty of a felony and, upon conviction, sentenced to imprisonment in the penitentiary for not less than five nor more than fifteen years. If a corporation running one of these gambling institutions or owning a telegraph or telephone system shall be guilty of violating any of the provisions of this act, they shall be fined in any sum not less than \$10,000 nor more than \$100,000, one-half of which shall be paid to the informant.

Ah, Mr. President, if we would destroy this evil we must lay the ax at its very root; we must, by penalties sufficiently severe, dig it up root and branch and make a participation in this gambling transaction so hazardous, indeed, that none will dare to risk the penalties of this statute. Mr. President, the suppression of this great evil and the consequent crippling of the New York Stock Exchange means not only a relief for the Southland, but for the great West as well. Ah, it means more than this, Mr. President; it means a brighter day for this Republic, and renewed hopes for our toiling people. Let us for a moment consider the condition of our Government to-day. It may be repetition, Mr. President, but I say it without fear of successful contradiction, that the money power of the country has so tightened its grasp upon the arteries of trade and

commerce, has so stifled competition that the Government itself is upon its knees to-day begging quarter at their hands. What is the wealth of this Government, Mr. President, and of what is it composed? I submit, sir, a table taken from government statistics showing the wealth of this Government, which I ask to have printed in my remarks without reading.

The VICE-PRESIDENT. If there be no objection, permission is granted.

The matter referred to is as follows:

Forms of wealth.

Forms of weath.	
	1904.
Real property and improvements, taxed	\$55, 510, 247, 564
Real property and improvements, exempt	6, 831, 244, 570
Railroads and their equipment	11, 244, 752, 000
Street railways	2, 219, 966, 000
Telegraph systems	227, 400, 000
Telephone systems Pullman and private cars	585, 840, 000
Shipping and canals	123, 000, 000 846, 489, 804
Privately owned waterworks	275, 000, 000
Privately owned central electric light and power sta-	210,000,000
	562, 851, 105
tionsLive stock	4, 073, 791, 736
Farm implements and machinery	844, 989, 863
Manufacturing machinery, tools, and implements	3, 297, 754, 180
Agricultural products Manufactured products	1, 899, 379, 652
Manufactured products	7, 409, 291, 668
Imported merchandise	495, 543, 685 408, 966, 787
Mining products Gold and silver coin and bullion	1, 998, 603, 303
Clothing and personal adornment	2, 500, 000, 000
Furniture, carriages, and kindred property	5, 750, 000, 000
Total	107, 104, 211, 917

Mr. DAVIS. This table, sir, shows in round numbers that the wealth of this Government is \$107,000,000,000. How is this wealth of this Government is \$101,000,000. How is its wealth divided? How is it distributed among the 90,000,000 people of this Republic? As has been shown by me upon a former occasion, 51 men, all of whom are directly or indirectly connected with these two great gambling institutions, own 35 per cent of this wealth, and 4,000 other men, who own not as much as twenty millions in wealth, but more than one million, added to the 51 men and their holdings, makes the alarming showing that 4,051 men own 871 per cent of the entire wealth of this Government. How did this condition occur, Mr. President? How was it brought about? There is a reason for it. Nothing ever happened in this world but that behind it is a prompting and promoting cause, and as I see it to-day the cause of this great concentration of wealth lies chiefly along these lines. Our people, sir, as a whole-North, South, East, and West-were more prosperous and happy just subsequent to the great civil war than now. It is true that the Southland, from which I hail, in this great conflict had been laid waste and made barren; our homes had been destroyed, our fortunes had been dissipated: but the confederate soldier, as brave and as true and as gentle as ever lived upon God's green footstool, returned to his desolated home, and with a bravery and chivalry unequaled in modern history, that challenged at once the wonder and admiration of the world, set about to restore his fallen fortune, and how well he has succeeded history itself may repeat.

But the people of this entire Government, I contend, were more prosperous, taken as a whole, just subsequent to the civil war than they are to-day. We had few tramps then. lionaires of this Government, Mr. President, at that time might be numbered upon my one hand. The people, as a rule, were prosperous, contented, and happy. They naturally were divided into two great classes, working in two different fields of indus-The one class, upon my right, the larger class numerically, set about to work in the fields of human endeavor, the fields of human enterprise. Every implement of human industry that could be contrived was brought into play whereby this great army of industrial workers might earn bread, as God commanded, in the sweat of their faces. They worked in the fields, they worked in the shops, they worked in the mines, they worked behind the counters, they did everything whereby an honest penny might be turned for the support of themselves and those dependent upon them. The other crowd, upon my left, smaller in number, viewing the situation from a human standpoint of selfishness, from a standpoint of greed and avarice, chose to work in other fields, the field of legislation. They sought, Mr. President, to gain public favor, to secure blessings and benefit through the legislative branch of this Government not enjoyed by the toilers in the fields of human endeavor. What has been the result? In your mind view the two crowds to-day. See the workers in the fields of human industry; see how their backs are bended beneath the burdens of government; see how their breasts and arms are bared to the heat and burden of the day; see how they toil and sweat. On the other hand, view the crowd that has chosen to work the fields of legislation. They toiled not, neither did they spin, yet Solomon in all his glory was not arrayed like one of these,

This crowd working in the field of legislation first came to the Government, I shall not say directly or by improper influences, and they asked of the Government a great benefit, a great blessing, that was not enjoyed by the other crowd working the fields of human endeavor. They asked, Mr. President, to be permitted to issue the money of the country. In my imagination I can hear the servants of the people, the Congress of the United States, denying this request. I can hear the reply that this is in direct violation of the Constitution of the United States, which provides that Congress alone shall have power to coin money and regulate the value thereof, but by importunities, sir, by continued asking, the Government finally yielded, and in June, 1864, the Government of the United States turned over to this crowd, working the fields of legislation, the most important function of the Government-that is, the power to issue the money of the country. To the national banks was surrendered this important function, and from time to time they have issued sums varying in amount, but there is outstanding to-day money issued contrary to the Constitution, an amount equal to \$700,000,000. Mr. President, why was this blessing asked by the crowd working the fields of legislation? Because they knew the power of money; they knew its controlling influences; they knew that if they could get a corner on this important function of the Government they themselves could control the Government. Well did they know that money is the blood of commerce; that this blood must circulate freely from the center to the extremities and back again in a free and healthy circulation, if a healthy body politic should obtain. Looking far into the future, knowing the power that money would give to them, and a still greater power by controlling the circulating medium of the country, they asked and obtained this great benefit from the Government of the United States.

Ah, Mr. President, it would seem that this blessing, that this benefit thus acquired by them, as against their brethren that worked the fields of human industry, ought to have satisfied this crowd that worked the fields of legislation; but, sir, human experience has taught, the history of all republics that have gone the ways of the world, have fully demonstrated that it is difficult to satisfy the maw of greed and avarice; so this crowd, working the fields of legislation, desired a still further and a closer corner upon the blood of commerce and the money of the land; they turned again to the Government and said: "Mr. Government, give us yet another blessing, give us yet another favor, not enjoyed by the toilers of the earth. Place a tax on all state banks that are empowered to issue money; place a tax of 10 per cent thereon. This will drive these little banks out of the money-issuing business and will give us yet a tighter grasp on the control of the money of this Government.' Mr. President, in February, 1875, Congress acceded to their wish; taxed out of existence the little state banks that were in competition with this crowd that worked the fields of legisla-This, it seems, sir, should have satisfied this crowd, but it did not do so. They again returned to the Government and they said: "Mr. Government, we want yet a closer corner on money; we want yet a closer corner upon the wealth of this land. We ask that you retire the greenbacks of the country, that they may no longer be a circulating medium among this crowd that works the fields of human endeavor." In my imagination I can hear the voice of Congress when it said: No; this shall not be done. Greenbacks-it is the money of the plain common people of the land; it is the money of the laborer and wage-earner; it is the money of this crowd that work the fields of human endeavor; it shall not be retired; it shall be left to them as their money." But the crowd working the field of legislation, still persistent, procured an act passed by Congress in January, 1875, withdrawing the money of the people from circulation. While it is insisted that three hundred people from circulation. While it is insisted that three hundred millions of this money is in circulation to-day, yet, sir, I appeal to the American people, I appeal to the workmen in the fields of human endeavor, to say to me whether or not this is true.

Ah, Mr. President, it would seem that this crowd, working the field of legislation, having acquired so many benefits, so many advantages, might at this point stay their hand and the further withering, blighting influence of their ill-gotten gains, but not so. I shall not, Mr. President, attempt from memory to give these events in chronological order, but they again return to the Government and say: "Mr. Government, give us another benefit, give us another blessing, give us another advantage not enjoyed by the crowd working the fields of human endeavor. We nesk that silver be struck down; we ask that silver be demonetized; we ask that gold be made the money of final redemption, and that silver be made redeemable in gold." No one was found bold enough, Mr. President, to attempt this great atrocity; no one was found bold enough to place upon record a measure that would bring about this diabolical and dastardly crime, bearing his name, or assume its authorship; but, like a thief in the night,

with cat-like tread, the measure was slipped through the Congress of the United States under a false pretext, under a false guise, striking down the money of the laborer, striking down the money of the wage-earner, striking down the money of the crowd that works the field of human endeavor, striking down the money of the Constitution, giving to the crowd that work the field of legislation yet a closer grasp, yet a tighter corner on the great volume of the money of the land, a closer corner on the blood of commerce. Ah, Mr. President, with these advan-tages, with these benefits not enjoyed by their brethren in the field of human endeavor, is it a matter of astonishment, is it a matter of wonder that to-day 51 men own 35 per cent of the entire wealth of this Nation, and 4,051 men own 871 per cent, and the average American citizen, the average man among the remaining 89,000,000 people, owns less than \$500 in property

Ah, Mr. President, when will this crowd of cormorants, this crowd of avaricious thieves and gamblers reach out their long, bony fingers to grasp the remaining 121 per cent of the wealth of this Nation? Just when they feel so secure in their position that they think the American people will stand it. Ah, Mr. President, it would seem that this should have satisfied this crowd working the field of legislation; but not so. They again return to the Government and, having grown strong and bold, on July 24, 1897, they demand of the Government that they be permitted to tax every article consumed by the crowd working the field of human endeavor. In my imagination I can hear the Government say that already this crowd is laden with bur-dens grievous to be borne, and if further burdens are placed upon them it must be so disguised that they will not understand it, that they will not appreciate it. This crowd of de-spoilers working the field of legislation reply: Let us so sugar coat it, so capsule it as that they will not understand it. We will place a tax ostensibly only upon foreign-made articles brought into this country for consumption. Certainly no objection can be raised to this, and we will do this under the guise and specious pretext that it is for the purpose of protecting American labor employed in the factories of the East and North. The Dingley bill was passed; a tax was laid upon the consumers of the land, upon the toilers, upon the shoulders of the men who are the foundation and support of the Govern-

Mr. President, I pause for the purpose of saying that if the tax of the people of this Government, paid not for the purpose of revenue, but to enrich the coffers of this crowd that work the field of legislation, were paid directly, like our state and county taxes are paid, to the sheriffs, the American people would not stand it for twenty-four hours. There would be such a revolu-tion in this country as would shake it from center to circumfer-ence; but under this pretext that this burden was laid for the purpose of helping the American laborer and to support the Government, the crowd that works the field of human endeavor, long-suffering and patient, have thus far borne this burden. How does this tax, Mr. President, make the rich richer and the poor poorer? Is it a tax only upon imported article? I say "No." most positively, "No." The American manufacturer is permitted. under this form of legislation, to charge for an American product a price just a little lower than the foreign article with the tax added, and thereby reap not only a wholesome profit but the benefit of the tax as well; and if this did, in fact, help the laborers of the East and North, it might, in a sense, be justified, because God commands that we bear one another's burdens; but, sir, I deny that it benefits the laborer. In 1907 the farmers of the South and West were fairly prosperous, the god of the harvest had blessed them with bountiful crops, their barns were full, their stores laid in for the winter, the little country mer-chant had bought his goods for the coming season, his credit was fairly good, the local banks throughout the South and West were reasonably prosperous, and their money was scattered from the home bank to the great money centers of New York to cover their bills of exchange. Everything was moving along in its usual normal condition, but the South and West awoke one morning in the fall of 1907 to find itself in the cold, merciless grasp of one of the most terrible panics that had ever occurred

in this country.

This panic, Mr. President, was organized on less than 5 acres of ground in New York, where these two gigantic gambling institutions ply their wicked vocations. If I am told that this tax laid upon the crowd that works the field of human endeavor is for the benefit of the laboring man of the North and East, I ask you to go with me to the great cities and there inspect the great army of the unemployed as it marches with sober, grum, threatening mien in full review; go with me to New York, if you please, stand with me on the Brooklyn Bridge at the close of the day and see the great throng of humanity as it surges across that great thoroughfare; see the little children that ought to be in school or around their mother's knee coming grimy and dirty from the sweatshop; see the poor mother with babe in her arms, who has been trudging the streets all day begging for bread, going to her hovel of squalid poverty and want; see the laboring men out of employment, with desperation written upon their faces, returning empty-handed to their helpless, dependent families; go to the homes of the poor, go to the homes of the unemployed, go to this great army that is marching up and down the land to-day begging not for bread, not for a hand-out at your back door, but an opportunity to work, for an opportunity to earn their bread as God commanded, in the sweat of their face; for an opportunity to run the race of life freely, unshackled, and unhindered; and tell me, if you will, that this tax has brought blessings to the laboring man of the North and the East.

Ah, Mr. President, this oligarchy of wealth, builded by legislation, and legislation alone, has reduced to almost serfdom the laborers of this section of our country. They have reached that point in the history of the laboring world that they can say to this man, "Go," and he goeth; and to another, "Come," and he cometh. They dare not resist their master's will; and not satisfied with their power there, they are yet conspiring to subjugate the laborers of the South and the West and to bring them under the yoke of their bondage by means of advantages gained in working the field of legislation. Ah, Mr. President, this is a dark picture. I know not what the result may be. For the past twelve months the country has been regaled with an exhaustive and learned argument as to whether or not the President of the United States had the right to discharge a lot of kinkyheaded niggers from the army, who, in a drunken riot, shot up a helpless and defenseless people. And more recently we have been urged to increase the salary of all our public officials, that they might more closely imitate royalty.

We stand to-day face to face with a deficit in our Public Treasury of \$150,000,000. Our Government is bankrupt, yet we are appropriating the money of the people at the rate of perhaps a million dollars an hour. The majority in Congress seem to be drunk on the wine of success. They fiddle and dance and make merry while Rome burns. I say to you, Mr. President, that it is time we were calling a halt, and that the Congress of the United States legislate for a little while in the interest of "Old Man People." He is a good old man, bowed and bent with years; venerable, with long, flowing beard. You have each met him. Simple and confiding, trustful and hopeful, he looks to this Congress for some relief, and I ask the Senators here to lend an attentive ear to his demands before it is everlastingly

too late.

Mr. President, to what extremes will this oligarchy of wealth go in their desperation and madness? It can be best illustrated by a brief study of ancient history. One of the greatest reformers that lived in ancient times was Julius Cæsar. He loved the poor people of Rome, and when he returned from the wars of foreign conquests, laden with rich treasure, he found great throngs of poor people in the streets of Rome feeding from the public coffers. Did he use this treasure, Mr. President, in riotous living, in great feats and entertainments? No; he commanded that the rich land along the Tiber be bought with public funds, divided into small tracts and given bought with public funds, divided into small tracts and given to the people that they might earn their bread in the sweat of their face. Cæsar found that a conspiracy against the poor had been formed by Brutus, Cassius, and Casca, and the Roman nobility. He found that they were lending money at the ruinous interest of 49 per cent; he found that the rich were hoarding their wealth and that money, the blood of commerce, was not circulating freely among the people. Cæsar's will was law, and he said to this crowd of conspirators by legislation, "You hall not charge a greater rate of interest them 121 per cent shall not charge a greater rate of interest than 121 per cent for the use of your money, and shall not lend a greater sum than one-half the amount you have invested in property; you shall not hoard more than \$3,000. If you do you shall be subjected to the heavy penalties of the law." Would to God we had Cæsar in the White House to-day! This enraged the conspirators, the Roman Senate, and when Cæsar, upon that fateful day, walked into their midst believing that he was among his friends, surrounded by the treachery of the money power, twenty-three knife wounds pierced his body, and when he saw the blade of Brutus his trusted friend, raised high in air, he drew the mantle of his cloak about his face and in his dying breath exclaimed, "And thou, too, Brutus!" and fell dead at the feet of the statue of Pompey. This, sir, is a brief history of Rome and its great reformer, illustrating the terrible fate that lies in the path of any part of the status that lies in the path of any man who seeks to shake loose from the throat of this Government these parasites of wealth, these stock gamblers, these stock jobbers that attempt to control the destinies of the Government.

Ah, Mr. President, the money power may be pressing the

American people too far. In some evil hour, in some unguarded moment, a match may be touched to the fuse that connects with the hidden mine of discontent and dismay that is planted beneath

this Republic, and I shudder for the consequences.

I read a little story in a New York paper recently, illustrating aptly, I think, the recklessness and wanton disregard of the people's rights by the money power of the Government. It is said that a beautiful Italian girl with considerable property married one of her countrymen, believing that he was all that her young heart had pictured him to be. Soon she discovered he was addicted to that terrible vice, the liquor habit. Their home soon became a drunkard's home, her property was squandered, poverty in all of its hideous forms knocked at their door, until finally she was compelled to go out and earn a living for her drunken husband. She was finally brought into court and tried, and to the judge she said:

Judge, he finally suggested that I sell myself for his support; he pressed me too far, Judge, and I killed him.

Ah, Mr. President, the money power of this Government is treading upon dangerous ground. They do not know, or else they do not care, that the people are already ground down with taxation and the weight of Government until their backs are almost broken beneath its load. They do not seem to appreciate the fact that in his power and strength "Old Man People" may rise and smite them. I would not be an alarmist, sir, but I predict here and now that unless conditions change, that unless the Congress of the United States turns a listening ear to the lamentations of an outraged public, that within ten years there may be another Shenandoah Valley, there may be another Gettysburg; the red broom of war may sweep this Government as it has never been swept before, and when that day shall break in all its fury, woe to the crowd working the field of legislation that have laid these grievous burdens upon the backs of the crowd working the field of human endeavor.

Mr. President, we of the South make but a simple request; we ask only the passage of a law that will protect the products of our soil; we ask a law that will stay the ruthless hand of the gambler, and give to the men and women of the South a just return for their labor and toil.

And to this end, sir, I submit the bill under consideration, and ask that it be referred to the Committee on Agriculture and Forestry

The VICE-PRESIDENT. The bill will be so referred.

During the delivery of Mr. Davis's speech, The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings

banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. WARREN. I do not see the Senator in charge of the bill

present, but I am sure that he would wish to lay it aside temporarily so that the Senator from Arkansas may proceed with I make that request.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered, and the Senator from Arkansas will proceed.

Mr. DAVIS. I am grateful to the Senator from Wyoming. promise that I shall consume but a few more moments of the

Senate's time.

At the conclusion of Mr. Davis's speech,

INDIAN SCHOOL AT MORRIS, MINN.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 7472) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, on page 5, line 10, after the words "by a," to strike out the words "bill or joint resolution," and insert "legislative act;" in line 13, after the word "act," to strike out "or joint resolution;" in line 16, after the word "act," to strike out "or joint resolution;" and in line 21, after the word "act," to strike out "or joint resolution;" and in line 21, after the word "act," to strike out "or joint resolution," so as to make the clause read:

Provided further, That this grant shall be effective on July 1, 1909, if before that date the State of Minnesota, by its legislature, shall, by a legislative act, accept the terms of this grant, and in said event the said State of Minnesota shall file with the Secretary of the Interior a certified copy of said act, whereupon this grant shall take effect without further act; and the indorsement of the Secretary of the Interior upon a certified copy of said act of the legislature of the State of Minnesota, showing the date of the filing thereof with the said Secretary of the Interior, and showing said date to be prior to July 1, 1909, shall be competent proof in all courts of record of the filing of such certified copy of such act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON TO MARSHALL COUNTY, W. VA.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 24151) to authorize the Secretary of War to donate two condemned brass or bronze cannon or field pieces and cannon balls to the county court of Marshall County, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 11, after the word "That," to strike out the words "the articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance and;" and on page 2, line 4, after the word "in," to strike out the words "the delivery of the same" and insert "connection with the donation of the above-mentioned articles or ordnance property," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Marshall County, W. Va., two condemned brass or bronze cannon or field pieces, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed about a monument in honor of the soldiers from that county who served in the civil war, erected on the court-house grounds of said county, and for which the said county court are trustees: Provided, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DEMETRIO CASTILLO, JR., OF CUBA.

Mr. WARREN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 108) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba. It is a very short joint resolution, and it is very important that it should be passed at this time.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of the joint

resolution named by him. Is there objection?

Mr. FULTON. I do not care to object to the consideration of the joint resolution, but I simply wish to say that, after it is disposed of, I shall call up the regular order, which is the omnibus claims bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to permit Demetrio Castillo, jr., of Cuba, to receive instruction at the Military Academy at West Point, but no expense shall be caused to the United States thereby, and the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended for this purpose.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read

the third time, and passed.

POSTAL SAVINGS BANKS.

Mr. FULTON. I now understand that the Senator from Montana [Mr. Carter] wishes to have the unfinished business taken up. I did not understand that when I made the announcement I made a few moments ago.

Mr. CARTER. It is my desire that the unfinished business be laid before the Senate for the purpose of permitting the Senator from Iowa [Mr. CUMMINS] to present an amendment

and to submit some remarks on the bill.

The VICE-PRESIDENT. The Chair lays before the Senate

the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, with the consent of the Senate, I desire to modify the amendment that I have heretofore

the words "ratably according to their capital."

The VICE-PRESIDENT. The Senator from Iowa modifies his amendment. The modification will be stated.

The SECRETARY. At the end of line 8, on page 1 of the amendment, after the word "village," it is proposed to insert "ratably according to their capital," so as to read:

ment, after the word "village," it is proposed to insert "ratably according to their capital," so as to read:

SEC. 10. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law or a state or territorial law and doing business in such city, town, or village, ratably according to their capital; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory: Provided, however, That no depository funds shall be deposited in any bank organized under a state or territorial law unless the laws of the State or Territory in which it is located require public supervision and examination: And provided further, That such examination shows the bank to be solvent not only as to creditors, but with unimpaired capital.

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at the rate of not less than 2½ per cent per annum. Each bank receiving deposits under the authority of this act shall from time to time give such suitable bond or bonds, with surety or sureties to be approved by the Postmaster-General, as will indemnify the Government against loss. If the banks herein described as the banks in which the funds are to be deposited refuse to accept a deposit or deposits upon the terms and conditions above described, then and in such case the Postmaster-General may use any bank designated by him and complying with said terms and conditions for such deposit or deposits; or he may invest the same in state, territorial, county, or municipal bonds to be selected by him with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings dep

Mr. CUMMINS. Mr. President, in view of my very brief service in this body, it is with great reluctance that I ask attention for a little while to the amendments I have proposed, and were it not that I believe that the State which I have the honor, in part, to represent is peculiarly interested in this measure I would not attempt to impose my opinion upon Senators of wider experience and more extended observation.

The truth, however, is that Iowa, although not the most populous State in the Union, although not the richest State in the Union, has more banking institutions than any other State in the Republic; and it is because I am profoundly convinced that this measure, if adopted in the form presented by the committee, would seriously endanger those financial institutions, and, if not destroy, at least disturb a condition which has heretofore been found safe in our State, that I venture to discuss the amendments which have already been submitted.

First, as to my personal attitude toward this bill. These amendments are not proposed from a hostile point of view. have two reasons for favoring a postal bank or postal depository system. The first is that I believe it is the duty of the Government of the United States to provide a safe and convenient depository for its poorer people, and, second, because I belong to a political organization that has pledged its faith to the people of the United States for the establishment of a postal savings system.

I quite agree with the Senator from Idaho [Mr. HEYBURN], who yesterday said that the pledge in our platform did not commit anyone to a specific measure, but as I view the obligation which I have undertaken, it does commit members of our political organization to an honest effort to agree as between themselves upon the terms of a postal savings bank measure; and if the particular bill reported by the committee has objections that make against it, then it seems to me that it is the duty of every Republican Senator at least to remove those objections if he can. It is because I have felt such an obligation resting upon me, especially in the interests of my own people, that I have already presented the amendments to which I now call the attention of the Senate.

This bill, as is apparent to anyone who has given it the most casual reading, may be divided into two general parts. First, it provides a system for the deposit of the money of those who desire to take advantage of its provisions. I am not wholly persuaded that the machinery which has been devised in the bell, as reported by the committee, is the best machinery that can be provided for this purpose. I do not intend, however, at this time to comment upon any objections to the details of the plan as outlined in that part of the measure.

The second grand division of the measure relates to the disposition of the money collected by the Government at its postoffices, and after having given the subject some study, it is my opinion that the plan outlined, and somewhat specifically provided for in this division of the bill, would destroy the banking and industrial conditions which prevail throughout a large part of the United States.

I wish to be clearly understood. I intend to vote for this bill if it can be so amended that it will serve and promote the object

which I know its author had in view without destroying the financial and industrial conditions as they now exist.

With that explanation I call attention to my amendments. The first of them seeks to strike out wholly section 10 of the This section presents four distinct propositions, the first of them being, quoting from the bill:

That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor.

This clause of section 10 is supplemented and completed by a further clause in section 11, which reads as follows:

If any bank in which such funds as so deposited shall become insolvent, such funds shall be a prior lien upon its assets and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever.

I am unalterably opposed to this feature of the bill. I believe it is fundamentally wrong to give these deposits a priority in payment over the ordinary depositors of a bank. It is not fair to make the ordinary depositor guarantee the payment of the savings depositor, and if that injustice is not so manifest that it becomes obvious to every mind upon the mere reading of that part of the bill, I despair of deepening the impression.

I shall not at this time speak of the wisdom of the general statute which gives to public deposits a preference over other deposits. It may be that something can be said-I doubt not something can well be said-in favor of the general policy of making moneys that are collected from the people for the purposes of defraying the ordinary expenses of the Government a prior lien upon the assets of the banks in which they are de-I have no suggestion to make with regard to that policy which has heretofore, as I understand, been pursued by the Government of the United States.

These moneys, however, are of an entirely different character. The Government of the country undertakes to receive from the savings depositor his money from time to time and hold it safely and return it to him upon demand. When the Government deposits funds of that character in a bank they ought not to become a lien upon the money of an ordinary depositor who seeks to do business with that bank. I can not conceive of any reason which should give to such depositors or to the Government as their agent this advantage over the ordinary commercial population of the land.

Nor, as it will presently appear, is it necessary that there shall be this security given to the government deposits. There are other ways of indemnifying the Government against loss. We are establishing this system—if we do establish it; and I hope the prophecy of the Senator from Idaho [Mr. HEYBURN] will not be fulfilled-for the general good and to promote the general welfare, and if there be losses entailed in carrying on this business, those losses ought to be borne by the people for whose benefit this system is established, and they ought not to be borne by a particular class of creditors or of depositors who may find it necessary to seek these banks in the transaction of their business. I have therefore sought to eliminate entirely this feature from the bill.

The second proposition suggested in section 10 is as follows: After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof.

I believe this is also essentially wrong and unjust. not at this moment undertake to declare whether it is or is not in the power of Congress to exempt these funds from such process as the State may legally employ to reach them. It is well known to every lawyer that the United States is not suable, and therefore this clause is not necessary to exempt the Government of our country from suit, and I believe it ought to be the opinion of Congress that the question whether these deposits shall be exempt from the payment of the debts of those who make the deposits should be remitted to the several States. It is a subject concerning which the States alone should legislate. It is the policy of the Commonwealths which should control upon such a subject, and not the policy of the General Government.

The third division of this section is as follows:

Such funds shall not be subject to taxation by the United States or my State, county, or municipality.

The most immature reflection, as it seems to me, upon this provision ought to exhibit its weakness. I believe there is not a lawyer in this body who will not agree with me upon this proposition: The States have absolute power of taxation upon all the property and all the persons within their borders, except as their right and power are limited by the Constitution of the United States. It is not possible that it will be insisted upon at this time, and in the illumination upon this subject, which can be seen throughout a long course of the decisions of the Supreme Court of the United States, that Congress has the power to withdraw any property whatsoever from the taxation

The Constitution of the country, which is paramount not only over Congress, but over the States, has exempted certain property from the right of taxation on the part of the States. That exemption, however, can not be extended by any act of If the postal savings bank deposits, viewed from the standpoint of the depositor or the standpoint of the Government, are means for the accomplishment or execution of lawful powers of the United States, then they are exempt by virtue of the Constitution itself. Whether they are so exempt is not a legislative question. It is purely a judicial question. Congress can not determine it. The courts will necessarily determine it whenever a suitable case is presented to them for decision. Therefore I have sought to eliminate from this bill a provision which, as it seems to me, passes far beyond the constitutional power of Congress to incorporate in it.

The fourth division of section 10 is one concerning which I have but little to say:

And no person connected with the Post-Office Department shall dis-close to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

My observation is that the operations of the Government are sufficiently secretive not to need any additional safeguard of this kind. I know of no reason for suppressing this informa-tion from anyone who legitimately inquires after it, and therefore it seems to me this also should be eliminated from the measure.

I have now passed over the four features of section 10. Not a single one of them ought to remain in the bill. Not one of them is necessary to accomplish the purpose which the American people had in view in declaring for a postal savings bank measure, and some of them I believe would so embarrass the operation of the law that we would not be able to do the things that those who favor any postal-bank measure desire to accomplish.

I now pass to my second amendment, which is a substitute for section 11. I need not read it as a whole, for I can state it with more brevity. The bill as reported by the committee commands the Postmaster-General to deposit in the nearest practicable national bank the moneys collected at the several My objection to it is that the Postmaster-General is limited in the selection of his depositories to national banks, and it is this feature of the measure to which I referred a few moments ago when I said that I believed that if it would not destroy it would unnecessarily and seriously disturb existing conditions.

My amendment proposes to extend the privilege to all state banks, to all banks organized under state laws which are, according to the laws of the States in which they are organized, subject to public examination and supervision. Possibly it would be well to read the first few lines of the substitute I have offered for section 10.

That the Postmaster-General shall, as herein provided, deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law or a state of territorial law and doing business in such city, town, or village ratably according to their capital; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory.

The first suggestion, I am sure, that will occur to those who do not favor this enlargement of the depositories is that there would be danger of loss to these funds if they were deposited in banks over which the National Government itself did not exercise the power of supervision and examination. I will be compelled in answering this objection to refer to the history of my own State. I have not extended my examination in this respect to other States. It may be taken for granted, however, that all of the States exercise that wise authority over such institutions as insures the safety of their deposits.

I said a moment ago that Iowa had more banks than any other State in the Union. With our 2,300,000 people, we have more banks than the State of New York or the State of Pennsylvania or any other community in the world of equal number. We have at the present time—and I will give round numbers only-1,300 state banks and national banks. We have 300 and more private banking institutions. The amendment I propose, however, does not extend the privilege to private banking It limits the privileges to the banks organized under the law and subject by the law to examination.

I have before me a brief statement which I ask to include in the discussion to which I am now passing. It may be of interest to those who do me the honor to give me their attention. At the close of the year 1908 there were in Iowa 872 state

business. To these institutions are to be added, in making up the total that I gave a moment ago, the national banks of the State. I am now, however, dealing only with state banks.

The average amount on deposit in the state banks, including savings banks, for six years has been \$200,995,890.78. In the six years from 1902 to 1908, both inclusive, nine of these banks have failed, which have paid less than 100 per cent to depositors. The aggregate amount on deposit in these nine banks at the time they suspended was \$960,999.05. The percentage of deposits in failing banks paying less than 100 per cent to the total deposits for six years is a little less than one-half of 1 per cent. The percentage for one year—and, mark you, I am now comparing the total on deposit in the failing banks with the aggregate average deposit of all the banks—is one-twelfth of 1 per cent. The average paid to depositors by these failing banks has been 72.54 per cent. So the percentage of loss per year to depositors has been a trifle less than one forty-fifth of 1 per cent. Reducing this to concrete form and assuming that the Government might have at the end of a few years on deposit in the state banks of Iowa \$10,000,000, the yearly loss, if it had no indemnity whatever, would be \$2,200.

The bill that we are now considering would involve at once the employment in the city of Washington of more than 500 additional clerks. So the loss in the State which I in part represent in a whole year would be scarcely more than the salary of a single one of these clerks for that year. I trust that upon this statement all fear that any serious menace to the interests of the Government is involved in the suggestion that these depositories be enlarged will be at once dismissed.

May I continue this comparison for a moment? deposit in national banks in Iowa from 1902 to 1908, both inclusive, was \$75,851,000. Four banks have failed in this period, with deposits amounting to \$1,483,965. They have not been wholly liquidated; but up to October 31, 1908, dividends had been paid aggregating \$306,694. The loss to depositors, therehas been \$1,177,271. The percentage of loss, compared with the average deposit for seven years, is 1.54 per cent; or, for one year, a little more than double the percentage of loss suffered by the depositors in state and savings banks.

Therefore, if you are seeking places in which these moneys will be safest, without exacting any security whatever, it is obvious that you will seek, not the national banks, but the state and the savings banks, organized under state laws. In what I have said I have assumed that every State is equally watchful, that every State attends to its honor with the same care and the same concern. Far be it from me to attempt to elevate in this presence the Commonwealth which I have the honor in part to represent, above any other Commonwealth represented upon the floor of the Senate.

It seems to me, therefore, entirely apart from the matter of security, I have shown as conclusively as history can show, that it will be safe for the Government of the United States to deposit these funds in state banks as well as in national banks.

And there is a high imperative reason for so doing. There is in my State not a village of 200 people-I think I may safely make the absolute assertion-that has not at least one bank. The business of the State has gathered around these banks. The commerce of the communities depends upon these banks. The advantages which they give to the people in their localities are essential to the industrial and the agricultural life of a State like mine.

Any proposition which will take the moneys which naturally flow into these localities under the laws of trade and commerce and business and artificially remove the moneys to any other place must be fatal to the best interests of the country

I will not paint so beautiful a picture as appeared before my eyes under the stirring eloquence of my friend the Senator from Idaho [Mr. Heyburn], but I can imagine in a day of stress and storm, when suspicion is filling the air, this same company of depositors, not in the post-offices, but in the little banks, marching up to take their money from the bank and deposit it in the post-office.

I have no objection to that, for I desire above all things to fortify the confidence of people in the return of the moneys which they save; but if, being so withdrawn, the post-office takes the money and sends it 50 or 200 miles away, then the whole life of that community is at once paralyzed, and the banks will find it less easy to perform their natural functions than they have in former years; whereas if, when the days of trouble come and the depositor in the bank feels that he ought to have greater security and safety for his savings than in the bank, and he appears and draws his money from these institutions and takes it to the post-office, and if in twenty-four hours banks, savings banks, and trust companies doing a banking or in five hours or in one hour, according to the administrative

work of this machine, the money is again deposited in the very bank from which it came, you have restored the normal condition in that community and you have permitted it to resume its financial or its commercial energy in the usual way.

I can not conceive why anyone should desire to take from these communities the money which gathers there under an imperial law that Congress can neither amend nor repeal, and at the very moment at which it is most needed carry it away to a bank that, whether 25 or 50 miles distant, is foreign to the

life of that particular locality.

I understand perfectly the general objection that arises in-stinctively in the mind, and that is the possible loss to the General Government. That does not terrify me. We are doing something here, we assume, for the general good, and I would vastly rather see these losses repaired from the general revenues of the Republic than to see the money with which the country must do its business forcibly torn away from its

natural place and deposited in a foreign institution.

But recognizing the force of that feeling, which I assume must be in the minds of many Senators, the amendment which I now submit provides absolute indemnity to the General Government. I have adopted in this amendment the practice with which I have been familiar for many years. If you will pardon me, I will refer to my own experience as governor of the State of Iowa. When the State of Iowa has money to deposit in her banks—and the State of Iowa has money to deposit in her banks—she takes from the bank an indemnifying bond. The State of Iowa would not fasten upon the assets of the bank a lien for the moneys that she deposits, but she requires those who are pecuniarily interested in the bank-those who make a profit out of the operations of the bank, and who are therefore concerned in its prosperity-to give a bond that if the bank fails to return the deposit on demand, then they will make the return. In all the history of the State there is not a single suggesion of a loss of public moneys, and therefore the amendment which I proposed contains this provision:

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at the rate of not less than 24 per cent per annum.

It is not pertinent to the present discussion, but I do not desire to be foreclosed upon the rate of interest. that rate because it is the one provided for in the bill, and I do not care to raise any question about it. As I look at the matter-of course, from an inexperienced standpoint-I think the rate of interest is higher than the practice will warrant; but it is not necessary to suspend a great measure like this for such criticism.

Each bank receiving deposits under the authority of this act shall from time to time give such suitable bond or bonds, with surety or sureties to be approved by the Postmaster-General, as will indemnify the Government against loss.

This is the suggestion I have incorporated into my amendment as a substitute for that part of the pending bill which makes these deposits a lien upon the general resources of the

I repeat, the people of this country will repudiate a measure which compels the ordinary depositor, who receives no profit in the transaction, to guarantee the payment of the savings deposited. I am not averse to the Government guaranteeing the savings deposited. I am in the habit of stripping things and I recognize, and every Senator must recognize, in this bill a device which is the equivalent of a government guaranty of savings-bank deposits. I am quite willing to meet and acknowledge that avowed purpose of the bill. I have no hesitation in giving my vote to the project that the Government shall provide a place absolutely safe in which those who have suspicion of the banks may deposit their savings, and thus promote their own welfare and secure their own happiness; but I have not deceived myself with regard to the real character of this

Mr. President, having thus submitted the amendments that I have proposed, at the proper time—whenever those who wish to speak upon the amendments shall have said all that they

desire to say-I shall ask for a vote upon them.

Mr. CARTER. Mr. President, the amendment presented by the Senator from Iowa [Mr. Cummins] is divisible into four parts, and at the proper time, when approaching a vote, I shall call for the division, which, I believe, is allowable under the rules of the Senate.

I doubt if upon full consideration the Senator from Iowa will insist upon the first part of his amendment. Section 10 he proposes to strike out entirely. The subdivision which may be denominated "subdivision No. 1" provides—

that postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor.

That is a definite and distinct proposition. Probably the language employed is not happy, and it may be that it does not accomplish the purpose in view. The real underlying thought connected with that sentence was to avoid the reenactment of numerous provisions of our laws relating to the protection of public funds, the punishment of embezzlement, and the

The volume of law relating to the misappropriation, embezzlement, and other criminal disposition of public funds is quite extensive, and it is manifestly desirable to avoid the enactment of the various statutes for their incorporation in this bill; and yet in the absence of any statutory provision for the protection of these funds we would be driven to the ordinary sections relating to larceny and embezzlement as applicable to funds gen-

Mr. CUMMINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.
Mr. CUMMINS. I certainly did not make myself wholly My view of it is that Congress can not make a bay horse white by calling it white. If these moneys collected, as they are to be collected, are public moneys, they will receive all the benefits and have all the safeguards of public moneys, and the mere characterization of the moneys as public moneys would not accomplish the fact,

Mr. CARTER. The statute might undoubtedly provide that all safeguards for public moneys would be applicable to the moneys received at the post-offices in the course of the operation of this law, without any reference to characterization or attempt to create a new or different substance by mere name.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly. Mr. HEYBURN. I should like to submit a question to the Senator. Could the credit which the Government receives at a national bank when it deposits any class of money there be public funds under the decision of the Supreme Court of the United States, which has defined the character of money depos-ited in a bank of any kind? When it was deposited in a bank, then the Government would become a creditor of the bank, because the bank, by the terms of the bill, is authorized to mix the government moneys with its own and deal with it and loan it out as it would deal with and loan its own.

Mr. CARTER. Unquestionably the relation of debtor and creditor would be created between the Government and the bank

in which the deposit was made.

Mr. HEYBURN. Then, if I may be pardoned—
Mr. CARTER. But there is no attempt in this section to follow the money into the bank, where it becomes commingled with other deposits, with a view to attaching to it permanently the character of public money. It will there be subject to the contract relation between the bank and the depositor in the

Mr. HEYBURN. Then, Mr. President, under the provisions of the bill, with the permission of the Senator, it ceases to become public money as soon as it is deposited in the banks.

Mr. CARTER. The money to the credit of the Government is there.

Mr. HEYBURN. But it ceases to be public money.

Mr. CARTER. But the section we are discussing has no relation whatever to the contract which will arise between the United States and the bank in which the money is deposited any more than is the character of public money preserved in a bank where it is deposited now. The relation of debtor and creditor arises where money is deposited in a national bank to-day in New York, New Orleans, or any other part of the country.

But, Mr. President, we wander from the purposes of this particular part of the proposed law. The postmaster, for instance, sells a money order and receives the amount of the face plus the commission provided by law. That is money in the hands of the Government for the purpose of executing a scheme of exchange or transmission, and yet by law it is made public money in so far as the safeguard provided for public money may be concerned.

It is the purpose of this particular section to have a like character stamped upon these postal receipts. For instance, the postmaster at a given place receives \$1 for postage stamps, \$1 for a money order, and another dollar for a postal deposit. All of this money is to be regarded in the light of the criminal statutes relating to the embezzlement or misappropriation of any part of it as public money.

Mr. HEYBURN. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. Would the Senator from Montana object to striking out the word "deposit" and substituting the word "loan," so that the Government shall loan this money to the

Mr. CARTER. While discussing this particular feature of the bill the Senator, I am sure, will excuse me from entering

upon another and entirely independent proposition.

I challenge the attention of the Senator from Iowa to the purpose which I have stated as attached to the first part of section 10, to which he takes exception. It has no other purpose than to make applicable to these funds in the hands of United States officers the penal statute providing for the protection of public funds.

Mr. CUMMINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.
Mr. CUMMINS. I think that is true; and I do not mean to be otherwise understood, save in this respect: You have used the word "preferences" in the last part of the sentence. I believe that that is intended to give the government deposit a preference, and I assumed that the first part of the sentence was not necessary, because in the very nature of things this is public money, and therefore is entitled to the safeguard to which you refer. You can not make it Mr. CARTER. Mr. President-You can not make it other than public money.

Mr. CUMMINS. But I have no objection to that part of the

Section remaining in.

Mr. CARTER. There can be no injury flowing from the specific statement of that which may be taken for granted by inference. That portion of the section might well be rewritten so as to read-

That postal savings depository funds shall be entitled and subject to the safeguards and protection and preferences provided by statute for public moneys of the United States.

Passing, then, from that section, which is the portion of the section which I understand the Senator from Iowa does not expressly object to

Mr. BAILEY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. Certainly.

Mr. BAILEY. I simply desire to ask the Senator if he does not recognize a very important difference between the public mouey as ordinarily understood and the money provided for in this bill? It is sensible enough to give the Government a prior lien for deposits of public moneys, and it proceeds upon the theory that the Government collects simply what it needs to support itself and could not be postponed in the use of those funds; otherwise it might seriously interfere with the ordinary operations of the Government. But no such reasoning as that could possibly apply to the moneys collected and deposited under this bill. Such moneys would have no relation to the ordinary conduct and expenditures of the General Government.

Mr. CARTER. Mr. President, they have very apt relation to

the operations of this law if passed by Congress.

Mr. CUMMINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.
Mr. CUMMINS. I am solicitous about one thing. The Senator suggested a moment ago that I would yield my amendment with regard to this sentence. I beg that he will not so understand. I insist upon my amendment with regard to the sentence, because it has the effect of giving the deposit a preference over other deposits in the bank.

Mr. CARTER. Mr. President, passing from that, I shall not now consume much time, save to point out what I conceive to be objections to the Senator's amendments, as there happens to be other business which is in the view of Senators somewhat

pressing this afternoon.

As to the second subdivision of the Senator's amendment, that which provides for striking out the portion of section 10 exempting these funds from garnishment, I take direct issue, and I believe that, independent of any specific provision in this bill exempting the funds or any part of them from garnishment, they would be exempt under the rule of law laid down in Buchanan v. Alexander, in 4 Howard, to which I wish to direct the attention of the Senate.
Mr. CULLOM. Mr. President-

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER, Yes. Mr. CULLOM. If the Senator will allow me to interrupt him, I will say that I should like very much to have an executive session this afternoon. Will the Senator be kind enough to lay aside the unfinished business for that purpose?

Mr. CARTER. Mr. President, realizing the earnest desire of the Senator from Illinois to have an executive session, I will forego further observations with reference to the amendment

at this time, and yield to the Senator from Illinois.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 27, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1909.

POSTMASTERS.

ARIZONA.

W. H. Knight to be postmaster at Humboldt, Ariz., in place of William F. Buckingham, removed.

ARKANSAS.

Benjamin W. Allen to be postmaster at Hamburg, Ark., in place of Benjamin W. Allen. Incumbent's commission expired January 20, 1909.

CALIFORNIA.

John L. Butler to be postmaster at Colfax, Cal., in place of Cora B. Wales. Incumbent's commission expired December 12, 1908.

Flora S. Knauer to be postmaster at Reedley, Cal., in place of Flora S. Knauer. Incumbent's commission expired January 20, 1909.

HAWAII.

Charles A. De Cew to be postmaster at Waialua, Hawaii, in place of William W. Goodale, resigned.

Jacob H. Koch to be postmaster at New Athens, Ill. Office became presidential January 1, 1909.

John C. Bartindale to be postmaster at Otterbein, Ind., in place of John C. Bartindale. Incumbent's commission expires February 23, 1909.

John B. Davis to be postmaster at Poseyville, Ind. Office be-

came presidential January 1, 1909.

Leonard E. Moore to be postmaster at Shirley, Ind., in place of Lucius L. Camplin. Incumbent's commission expires January 30, 1909.

IOWA.

George H. Otis to be postmaster at Monona, Iowa, in place of George H. Otis. Incumbent's commission expired December 14,

James R. Williams to be postmaster at Larchwood, Iowa. Office became presidential January 1, 1909.

William H. Stevens, jr., to be postmaster at Hurlock, Md. Office became presidential January 1, 1909.

Benjamin Derby, jr., to be postmaster at Concord Junction, Mass., in place of Benjamin Derby, jr. Incumbent's commission expires February 14, 1909.

Charles C. Phelps to be postmaster at Gilbertville, Mass., in place of John W. McElwie, resigned.

MINNESOTA.

Herman Ohde to be postmaster at Henderson, Minn. Office became presidential October 1, 1908.

James W. Bell to be postmaster at Pontotoc, Miss., in place of James W. Bell. Incumbent's commission expired January 19, 1909.

NEBRASKA.

Charles F. Clawges to be postmaster at Bridgeport, Nebr. Office became presidential January 1, 1909.

NEW MEXICO.

Frank W. Shearon to be postmaster at Santa Fe, N. Mex., in place of Paul A. F. Walter, resigned.

NEW YORK.

Edwin B. Hughes to be postmaster at Staatsburg, N. Y. Office

became presidential July 1, 1908.

Phil S. Spaulding to be postmaster at Whitesboro, N. Y., in place of Phil S. Spaulding. Incumbent's commission expires January 30, 1909.

NORTH DAKOTA.

Hans McC. Paulson to be postmaster at Crosby, N. Dak. Office became presidential January 1, 1909.

OHIO.

Edmund L. McCallay to be postmaster at Middletown, Ohio, in place of Edmund L. McCallay. Incumbent's commission expired December 16, 1908.

OKLAHOMA.

Frank Gallop to be postmaster at Clinton, Okla., in place of Charles H. Nash, resigned.

PENNSYLVANIA.

John S. Longenecker to be postmaster at Middletown, Pa., in place of Edward K. Demmy. Incumbent's commission expires February 3, 1909.

J. C. McLain to be postmaster at Indiana, Pa., in place of James C. McGregor. Incumbent's commission expired December

James B. Mates to be postmaster at Butler, Pa., in place of Eli D. Robinson. Incumbent's commission expired January 20,

John J. Riddle to be postmaster at Bala, Pa. Office became presidential January 1, 1909.

SOUTH CAROLINA.

Joseph H. Abbey to be postmaster at St. George, S. C., in place of Joseph H. Abbey. Incumbent's commission expired January 10, 1909.

SOUTH DAKOTA.

Joseph Kubler to be postmaster at Custer, S. Dak., in place of Joseph Kubler. Incumbent's commission expired April 27,

TEXAS.

George Keck to be postmaster at Plainview, Tex., in place of James C. Newman, deceased.

Jeff Potter to be postmaster at Tulia, Tex. Office became

presidential July 1, 1908.

Adelia C. Pruitt to be postmaster at Lindale, Tex., in place of Adelia C. Pruitt. Incumbent's commission expired January 10, 1909.

WASHINGTON.

William H. McCoy to be postmaster at Reardan, Wash. Office became presidential January 1, 1909.

WISCONSIN.

Fred J. Buell to be postmaster at Burlington, Wis., in place of Fred J. Buell. Incumbent's commission expired January 9,

James R. Shaver to be postmaster at Augusta, Wis., in place of James R. Shaver. Incumbent's commission expires February 8, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1909. PUBLIC PRINTER.

Samuel B. Donnelly, of New York, to be Public Printer.

UNITED STATES MARSHAL.

William R. Compton, of New York, to be United States marshal for the western district of New York.

APPOINTMENTS IN THE NAVY.

TO BE SECOND LIEUTENANTS IN THE UNITED STATES MARINE CORPS.

Roy S. Geiger, United States Marine Corps; Ernest C. Williams, United States Marine Corps; Richard H. Tebbs, jr., a citizen of Virginia; Pere Wilmer, a citizen of Maryland; Ernest V. B. Douredoure, a citizen of Pennsylvania; Robert E. Messersmith, a citizen of Pennsylvania; Frank L. Martin, a citizen of Pennsylvania; and George W. Van Hoose, jr., a citizen of Alabama.

POSTMASTERS.

CALIFORNIA.

Presentation M. Soto to be postmaster at Concord, Cal. FLORIDA.

Carrie S. Abbie to be postmaster at Sarasota, Fla. James H. Lundy to be postmaster at Perry, Fla. Charles C. Peck to be postmaster at Brooksville, Fla. GEORGIA.

Mary L. Darden to be postmaster at Hogansville, Ga. Claude E. Smith to be postmaster at Carrollton, Ga. ILLINOIS.

Sadie A. Case to be postmaster at Pawpaw, Ill. Wallace Diver to be postmaster at Dallas City, Ill. Eva J. Harrison to be postmaster at Johnston City, Ill. Charles H. Hurt to be postmaster at Barry, Ill. Amzi A. Junkins to be postmaster at Noble, Ill.

IOWA.

Robert A. Gardner to be postmaster at West Point, Iowa. John Q. Graham to be postmaster at Emerson, Iowa. William D. Jacobsen to be postmaster at Lyons, Iowa. Joseph J. Marsh to be postmaster at Decorah, Iowa. Philip M. Mosher to be postmaster at Riceville, Iowa. Frank A. Nimocks to be postmaster at Ottumwa, Iowa. Roscoe C. Saunders to be postmaster at Manilla, Iowa. Fred B. Wolf to be postmaster at Primghar, Iowa.

MASSACHUSETTS.

Charles W. Bemis to be postmaster at Foxboro, Mass. MISSISSIPPI.

David G. Dunlap to be postmaster at Sardis, Miss. MISSOURI.

Z. P. Caneer to be postmaster at Senath, Mo. Leonard D. Kennedy to be postmaster at Frankford, Mo. William E. Templeton to be postmaster at Excelsior Springs,

MONTANA.

Edward L. Fenton to be postmaster at Laurel, Mont. Grace Lamont to be postmaster at Dillon, Mont. E. B. Thayer to be postmaster at Columbus, Mont. NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, N. H.

Ezra F. Ferris, sr., to be postmaster at Chatham, N. J. Charles Morganweck to be postmaster at Egg Harbor City,

NEW MEXICO.

Frank W. Shearon to be postmaster at Santa Fe, N. Mex. NEW YORK.

John N. Van Antwerp to be postmaster at Fultonville, N. Y. Frederick H. Coggeshall to be postmaster at Waterville, N. Y.

Walter Elliott to be postmaster at Ada, Ohio. Ford H. Laning to be postmaster at Norwalk, Ohio. Lee G. Pennock to be postmaster at Urbana, Ohio. Theodore Totten to be postmaster at Findlay, Ohio.

OKLAHOMA. W. Story Sherman to be postmaster at Shattuck, Okla.

John D. Wilkins to be postmaster at Pryor (late Pryor Creek),

OREGON.

Frank J. Carney to be postmaster at Astoria, Oreg. PENNSYLVANIA.

Samuel W. Hamilton to be postmaster at Vandergrift, Pa. Alfred R. Houck to be postmaster at Lebanon, Pa.

SOUTH DAKOTA.

Boyd Wales to be postmaster at Howard, S. Dak.

WISCONSIN.

John W. Benn to be postmaster at Medford, Wis. Joseph M. Garlick to be postmaster at Independence, Wis. George Green to be postmaster at Loyal, Wis.

HOUSE OF REPRESENTATIVES.

Tuesday, January 26, 1909.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26399. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 202) authorizing the granting of permits to the committee on inaugural cere-monies on the occasion of the inauguration of the Presidentelect on March 4, 1909, etc.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the con-

currence of the House of Representatives was requested: S. 8302. An act to incorporate the "Descendants of the Signers"

S. 7325. An act for the relief of Cadmus E. Crabill;

S. 6550. An act granting an honorable discharge to Thompson

B. Pollard; and S. R. 119. Joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts [Mr. McCall] asks unanimous consent for the present consideration of a resolution reported by the Committee on the Library. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (No. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes. Resolved, etc., That the 12th day of February, 1909, the same being the centennial anniversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories of the United States: Be it further Resolved, That the President be authorized to issue a proclamation in accordance with the foregoing, setting apart the 12th day of February, 1909, as a special legal holiday.

The SPEAKER—Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether this is the only method which it is expected will be adopted for the honoring of the one hundredth anniversary of the birth of Abraham Lincoln?

Mr. McCall. Mr. Speaker, that is a very pertinent question. I trust it will not be the only method. There is a difference of opinion about the character of a memorial which should be erected to Abraham Lincoln, and also as to its location.

Mr. MANN. In that connection, may I say to the gentleman that a very distinguished fellow-townsman of mine, Mr. Burnham, one of the recognized authorities in the world, has made some suggestions in reference to that, according to the newspapers, and I would like to know if the gentleman can in-

Mr. McCALL. I was coming to that. I would say that there is a difference of opinion as to the character and location of the memorial, but there is no difference of opinion whatever as to the propriety of making the 12th of February, 1909, a legal holiday. So we reported this resolution, which should pass at once, in order that a proclamation may immediately be issued.

With reference to what the gentleman has said, I do not wonder that he is somewhat confused on account of the multitude of protests, so called, that have been printed in the newspapers against a scheme which does not exist. There is a great advantage in not knowing anything about one's subject, because one is not hampered by facts, but can give free rein to his imagination; and these various protests that have been recently printed from architects throughout the country are not directed to anything pending in the House of Representatives.

During last May the Committee on the Library reported a bill for a memorial to Lincoln which contemplated doubling the size of the Capitol grounds, something that is very desirable because of the fact that the long axis of the grounds is too short, and needed also to give the appropriate entrance to the Capitol; and we believed that somewhere on that 40 acres of land the resources of American art might be equal to devising and building some appropriate memorial to Abraham Lincoln. This bill was

reported last May, and public attention was directed to it in the newspapers of the country. There was ample opportunity for the development of indignation then, but none came. no ripple of indignation seen during the summer or fall.

On a sudden, during a single week in January, seven months afterwards, societies of architects in widely separated parts of the country—in Boston and Seattle, in New York and New Orleans—all decided to become indignant at the same time. [Laughter.] This would be a curious psychological phenomenon if gentlemen had not had some experience. When you find that indignation has been triumphantly repressed during seven months, and it then comes from everywhere all at once, you know that somebody has pressed a button [laughter], and that is simply what has been done in this case. The man who pressed the button did not know anything about the subject [laughter]. and he communicated his ignorance to the rest of the country. [Laughter and applause.]

Mr. Speaker, as I have said, there are three or more propositions for memorials to Lincoln. One is by the construction of a road to Gettysburg; another is a memorial upon a location down below the Washington Monument, and almost under its shadow, on the Potomac; and still another is upon the location to which I have called the attention of the House. The location on the Potomac River is one that appears in the so-called "Burnham plan" for the artistic development of Washington, and undoubtedly in the scheme of that park it is a location fitted to some admirable work. When it is a question of the fitness of a work of art to a given location, that is one thing, and the opinion of artists upon it is of very great value; but when they come and say the place shall be to Lincoln, or to any other particular statesman, that is a question that appeals to the historical imagination, of which the artist has no monopoly.

There is something I think important to bring to the atten-

tion of the House and the country, which may somewhat sur-prise some gentlemen who are so simultaneously and unanimously defending the Burnham plan, and that is a cablegram received some days ago from a gentleman to whom my friend from Illinois alluded, Mr. Burnham, one of the great architects of the world, a man who, probably more carefully than any other architect, has made a study of the question how to beautify Washington, a man whose own name is imperishably identified. fied with the plan to which I have alluded. Here is his cable-

gram:

LONDON, January 22, 1909.

Three or four different ways of memorializing Lincoln have been proposed. The choice depends largely on sentiment, of which Congress itself is the best judge.

But entirely apart from sentiment, a monumental architectural treatment of the entrance way to the Capitol is demanded by every consideration of artistic unity and of sober propriety; and there is not a shadow of a doubt that a peristyle extending around the plaza and up Delaware avenue, as shown by us before I left for Europe, is the right solution. This design should be carried out, no matter what name it bears.

That is signed by D. H. Burnham, and I commend it to the attention of some of our architectural brethren as bearing upon the question whether that portion of the city is susceptible of artistic treatment.

Now, Mr. Speaker, the Committee on Library has not recom-mended a peristyle; they have not recommended an arch nor any other form of art nor any location except in the most general way, but they believe when this necessary extension of the Capitol grounds is made, when we provide for a proper approach of the Nation to its Capitol, the artists of the country may be able to erect upon some portion of it a suitable memorial to Lincoln. But we are willing to avail ourselves of any new light, and none certainly has been shed by the angry denunciation of some of the architects. The so-called "Burnham plan" shows a memorial to Lincoln near the banks of the Potomac. same place might also be devoted to some other great character. Why, it might be asked, should Lincoln be fronting the South? He had no designs upon the South; he was supremely a friend of the South. He is almost the one man among the antislavery men who in all that controversy said no bitter word about the masters, but who recognized the burden of the inheritance of slavery which they had received from past generations, and whose desire it was to break the chains that bound the master and the slave in a common bondage.

Why should he not be placed, so far now as sentiment is concerned, where he may face the whole country, near the gateway to the Capitol, through which millions of his countrymen shall pass each year in time of peace, and through which, too, if, unhappily, war shall ever come again, the youth of the country shall enter, coming from the North and the East, the West and the South, thank God, to defend the country? And will it not be fitting also that their first glance shall take in at once the memorial of the man who saved the Nation and the Dome of its Capitol? [Applause.]

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BIL

Mr. BINGHAM. Mr. Speaker, I request unanimous consent that the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government be disagreed to, and that a conference be requested of the Senate.

Pending that, I desire to make this brief statement to the House: There are 205 amendments to the bill, involving in the aggregate \$664,224. Excepting the amendments increasing the compensation of the Speaker of the House, the President, the Vice-President, the judges of the Supreme Court and other judges of the United States, the additions to the public service proposed by the amendments of the Senate are not unique or extraordinary, and there is no doubt but that a conference committee can reconcile such differences

If this request is agreed to by the House, I am prepared to give assurance that no final agreement will be reached on the amendments indicated without affording the House an opportunity of a separate vote on each one of the four amendments.

I therefore present my request for unanimous consent.

The SPEAKER. The Chair lays before the House the legislative appropriation bill, with Senate amendments, from the Speaker's table, and the gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent that the House disagree to the amendments of the Senate and request a conference. there objection?

There was no objection, and the Speaker announced as conferees on the part of the House Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON.

HARBOR OF TACOMA, WASH.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25406) authorizing the settlement or adjustment of legal disputes concerning tide lands adjacent to the harbor of the city of Tacoma.

The bill was read.

The SPEAKER. Is there objection? Mr. CLARK of Missouri. Mr. Speaker, I object.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the post-office appropriation bill; and pending that I should be glad to see if an arrangement can not be made to limit the time of general debate. suggest to the gentleman from Tennessee [Mr. Moon] that debate close at 1.30 o'clock to-morrow.

Mr. MOON of Tennessee. I suggest to the gentleman from Indiana that we go on without limit to-day and determine that

question to-morrow

Mr. OVERSTREET. I have no serious objection to that. Then, I will make the motion, first asking unanimous consent that the time of general debate be divided equally, one half to be controlled by the gentleman from Tennessee [Mr. Moon] and the other half by myself.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. Overstreet was agreed to.
Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the post-office appropriation bill (H. R. 26305), with Mr. Currier

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, it is not my purpose to make an extended comment on the bill; but I do desire to explain, very briefly, to such of the Members as care to hear, the general features of the bill and increases made necessary, in the judgment of the committee, on account of probable increase of service during the next fiscal year.

The appropriation for the postal service for the current fiscal year ending June 30, 1909, carried \$222,960,892. The bill which is now presented aggregates \$234,534,370. It is an increase over the current appropriation of \$11,573,478, or an increase of 5.19

In the items of appropriation which the analysis of the bill will disclose the committee has followed the usual order of

appropriations so as to furnish what, in its judgment, will be amply sufficient for the various branches of the service

A large proportion of the appropriation for the postal service must naturally and necessarily involve the payment and compensation of officers and employees. That, of course, must be given attention, as well as the additional appropriation made necessary by the probable increase in the service for the fiscal year for which the appropriations are now made. We have, however, been careful in our efforts to provide sufficient funds in making computations so that the increased service will not occasion any impairment of that high standard of efficiency which the service has enjoyed for so many years last past.

Naturally, Members are interested in knowing what provision may be made for increased salaries of employees. On account of the importunities of the various employees of the service, evidenced by the insistence to members of the committee to increase salaries of employees, I have sometimes thought it might be proper to change the title of the bill and let it read "making appropriations for the increased salaries of postal em-But the committee have not been unmindful of the necessities of increasing the salaries as a factor and important

element in determining the standard of efficiency. The classification act relative to clerks and carriers in the first and second class offices enacted into law a short while ago makes necessary increased appropriations to provide for the classification and make the automatic promotion provided for in the classification act. We are unable to determine in advance how many employees will become eligible to promotion under the classification act during the fiscal year by reason of the requirements of the full annual service in the next lower grade and an efficiency grade. But we assume that practically 100 per cent will be entitled to promotion under the classification act, and therefore make provision, so far as the automatic features of the classification could control, for that many promo-tions under the classification act. As a matter of fact, the full 100 per cent are never advanced, because the full 100 per cent never meets the requirements of the law as to continuous twelve months' service or the maintenance of a proper grade of efficiency. That usually runs, according to experience; in the limited time of the operation of the classification act, from 93 to 98 per cent. There is in this bill ample provision for 98 per cent of clerks and carriers who will be promoted under the automatic provision of the classification act, assuming that all of them would be able and efficient for twelve months' continuous service in the next lower grade, and enjoying a proper efficiency record during that time.

This measure would carry, therefore, in addition to the annual rate of expenditure of the various employees based upon the salaries that they drew on the first day of the fiscal year, and also in addition to the new employees of the various branches made necessary by the increased service, a very goodly sum to meet the requirements of the automatic promotion under the classification act.

It is estimated, Mr. Chairman, that, speaking in round numbers, there are practically 30,000 employees in offices of the first and second classes. This legislation carries sufficient appropriation to promote almost two-thirds of those clerks in offices of the first and second classes. There are approximately 26,000 carriers in offices of the first and second classes, and this legislation carries sufficient appropriation to promote 13,000 carriers of the first and second class offices. There are 15,000, approximately, carriers of the Railway Mail Service, and this provides for the promotion of about 6,000 of those.

These promotions I have enumerated of the three divisions of the service are in addition to the salaries which they would be drawing at the end of the current fiscal year, and I believe, therefore, that the committee has been unusually liberal in its recommendations purely for promotion purposes of the employees, when we take into consideration the condition of the revenues, not only of the general fund of the Treasury, but

the revenues of the postal service as well. It is estimated by the Postmaster-General in his last annual report that the revenues of the postal service for the current fiscal year will increase 8 per cent. I may say, in passing that the per cent of increase estimated in the reports of former Postmasters-General has been 9 per cent and not 8 per cent; but in the last annual report he estimates that the increase during the current fiscal year of postal receipts will be 8 per cent. Taking that as a basis and his estimates for the expenditures of the current fiscal year, he estimates that the deficit in the postal revenues, the difference between the receipts and the expenditures for the current fiscal year, will be approximately \$16,000,000. Unfortunately the panic under which the business of the country suffered so severely, beginning with the com-mencement of the panic in the month of October, 1907, lasted

longer than was anticipated, and business did not rally so that the business conditions were restored to normal as rapidly as those who have given attention to such subjects believe the business conditions would be restored. Assuming, therefore, in the month of October last that business conditions would be greatly benefited prior to the beginning of the next fiscal year, the Postmaster-General no doubt was justified in basing his estimate upon the probable increase of revenues during the current year of 8 per cent. Most unfortunately, Mr. Chairman, later developments disclose that the per cent named is much too high.

On the 1st day of January of the present year, taking the basis of inquiry which is used generally by the postal officials in ascertaining the estimates for the revenues, it appeared that for the first half of the current fiscal year instead of the revenues increasing at the rate of 8 per cent, the per cent of increase was but 2.56 per cent. Therefore, assuming 2.56 per cent as the basis of the increase of the postal revenues for the entire fiscal year ending June 30 next, instead of the postal deficit being as estimated in October last by the Postmaster-General approximately \$16,000,000, it would exceed \$26,000,000. I hope that the revenues will increase more than the 2.56 per cent, and of course would rejoice if they should reach the maximum of 8 per cent; but in the month of January, on the 26th day of that month, we will be justified in challenging the attention of the House and the committee to the probability at least of the revenues not increasing during the remainder of the fiscal year by 8 per cent. Therefore your committee, framing this measure as it did two or three weeks ago, feeling that the revenues would not increase 8 per cent during the fiscal year, gave the most careful attention to the items of appropriation in order that, first, the efficiency of the service might not be impaired by a curtailing of the appropriations; and, second, with a due regard to the proprieties, to the necessities, and to the merits of the various employees, that they should be afforded fair treatment in the items peculiarly applicable to the promotions.

The Postmaster-General, in that same report, estimated the increased revenues for the approaching fiscal year by 8 per cent, assuming that the revenues during the current year should increase 8 per cent, and during the next fiscal year should increase another 8 per cent, basing his estimates for expenditures upon his recommendations, made the calculation that the postal deficit for the fiscal year 1910 would be approximately \$16,000,000. I think there is far better reason to anticipate an increased per cent of the revenues during the fiscal year 1910 than during the current year, and therefore your committee has taken that element into account, and notwithstanding the heavy losses in the postal receipts and the probable heavy deficit during the current fiscal year, has made a very liberal recommendation for promotion purposes solely, and ample recommendation in its judgment to care for all the needed service so as not to impair its efficiency during the fiscal year 1910.

I think, Mr. Chairman, in a general way that will explain the general scope of this bill. The various items, many in number, and varying in degree, will be reached under the five-minute rule in the reading of the bill, and there would be perhaps more appropriate places to direct special attention to them. I will not undertake a detailed recital of these various items of the bill, but I suggest that after many weeks of inquiry and careful scrutiny of all of the estimates, the committee has come to a wise conclusion in its recommendations and makes such provision that it believes the House can justify its action in giving the bill the support of the House. I reserve the balance of my [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I desire only a few minutes on this bill. The House will observe that this is the largest bill ever presented for appropriations to the Post-Office Department since the Government began. Ten or twelve years ago the appropriation for the Post-Office Department was about \$89,000,000 per annum. This bill carries some two hundred and thirty-odd millions of money, and yet the postal facilities for the people of the United States are by no means adequate. If I were to prophesy, I should predict that if the people of the United States obtain the benefits from the mail service to which they are entitled within the next ten years, if this country progresses in population and material interests as it has in the past, this House will have presented to it a bill of not less than four hundred millions of money for the postal service. There is no extravagance, in my opinion, in the bill now presented. It is, perhaps, one of the cleanest bills that has ever There are no appropriations that have come to this House. been made, in my opinion, which could have been well left off and the public service properly subserved. There are many things it would have been well to have done which can not be done under this bill. We would have been pleased if the whole postal system and business methods of this department could service the best that is in them, and the men who, in a large

have been revised in this bill, but that is impossible under our The postal commission has reported already, however, a bill for the purpose of codifying and revising the postal laws of the United States and establishing a modern system in place of the antiquated system now in vogue, which we hope to I do not believe that under the present system of administration of the postal affairs of the United States, both in the department and postal service, that it would be possible, considering the question of transportation and all kindred questions connected with it in the Government, to come within ten or fifteen millions of dollars of what ought to be paid for the service that is rendered to this Government, not taking into consideration those ordinary errors in the service which always occur. At a later day of this session this committee hopes to present to the House the reorganization bill mentioned for the whole of this department, and in view of that fact there are many features which might have been attached to this bill which are not now necessary to be considered. There are some minor matters I shall refer to I would be glad to have seen in this bill if it were possible—an increase of salaries of clerks in post-offices and city and rural free-delivery carriers of the Government. I should have been much pleased to have seen that class of government employees called the "railway mail receive some further consideration at the hands of this Government. The great hazardous work that they undertake It has been suggested that this Government shall pay to railway mail clerks a sum of money that will cover traveling expenses. Again, others are contending that the Government shall keep an account of the expenses of railway mail clerks and provide for the same.

I am not averse to an increase of the salaries of these clerks so as to cover any part of their proper expenses, or all, if the Federal Treasury were in a situation to bear every strain in the way of increase that has been suggested, but it is not in such a condition at this time, and any increase in salaries is not proper to any great extent. I do not like the suggestion by some gentlemen that we shall keep an account of the meals and lodgings of employees of the Government. It suggests an idea of care and paternalism on the part of the Federal Government over its employees that does not strike me kindly. believe it would be better when we come to consider this question to give an increase of salary, so that these men may have the benefits of the suggestion that is made to grant them their expenses and yet leave them as competent and honorable men ought to live in the service, without being subject to the petty annoyance of keeping accounts themselves or to have accounts kept for them for their expenses. But these are suggestions in passing merely. We are told by the Committee on Appropriapassing merely. We are told by the Committee on Appropria-tions that the Government is facing a very large deficit. It is insisted, and properly insisted, that each and all of the departments of this Government ought to retrench and reform as far as possible in expenses. The Committee on Post-Offices and Post-Roads concurred with the suggestion, and whatever the cause of the deficit may be, whatever may have brought it about, to whatever it may be traceable, it seemed to us that our patriotic duty was to make this bill as light as we could (although it is the largest bill ever made) consistent with the interests and welfare of the people, and to avoid all possible extravagance in administration. We felt that this committee, as the Rivers and Harbors Committee is compelled to do, as other committees of this House are compelled to do, must retrench as far as possible, so that the Government may meet properly the deficit, that the incoming administration shall be embarrassed as little as possible in conducting the affairs of It is not necessary that I go over the various features of this bill, so lucidly explained by the gentleman from Indiana, the chairman, although in general terms. can safely submit this measure to the House with the hope that there will be no serious effort to add to it a greater burden of expense to be borne by the Government than it contains, which we feel would be improper to be done under present conditions. [Applause.]

Mr. Chairman, I reserve the balance of my time, and now yield to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Chairman, I yield twenty minutes to the gentleman from Connecticut [Mr. SPERRY],

Mr. SPERRY. Mr. Chairman, in the few minutes I am going to occupy the attention of the House on the appropriation bill now before us, I shall devote myself only to the salaries and conditions of the postal employees, the men who are the backbone of the entire system, our carriers and post-office clerks, supervisors, and railway mail clerks. These are the men who make it possible for us to receive our daily letters, our newspapers, and our packages. They are the men who, in all kinds of weather and under all sorts of conditions, give to the postal measure, are responsible for the efficiency of our system. And I venture to say that there is nowhere a better set of men, a more faithful body of workers, nor, as a whole, a more honest force than these same clerks. I do not claim that they are perfect and that they do not make mistakes, but when you stop to consider the thousands upon thousands of letters and other matter going through the mails and note the few losses chargeable to the clerks who handle this mail matter, you marvel at the efficiency and the skill of these workers.

I may be pardoned for speaking perhaps from sentiment. I

am intimately acquainted with the postal service. For nearly half a century I have been connected with postal affairs. I was for almost thirty years postmaster of New Haven, Conn., and ever since coming to Congress I have been on the Post-Office Committee. It is through this experience I have learned to love and honor the "boys" of the service. [Applause.] I am ready at all times to assist them, and to defend them when they need it. Ever since I have been a Member of this House I have advocated measures that I believe to be for their benefit and for the good of the public service.

Their requests this year—as is also true of former years—are not unreasonable. The clerks and carriers in our large postoffices were, a couple of sessions ago, divided into classes rang-

ing from \$600 a year to \$1,200, but each year we are called upon to appropriate money enough to carry out this provision from the \$1,100 to the \$1,200 grade. This year we have appropriated enough in this bill to promote about 50 per cent of the clerks and carriers in the \$1,100 grade to the higher one. wish it were a hundred per cent, but the committee decided otherwise, and I understand the clerks and carriers are not

urging a change before the House at this time.

A peculiar condition of affairs arises in many instances in the case of supervisory clerks, those who direct the work of others, or those who have charge of stations. In my own district, especially in the city of New Haven, we have a number of very important stations of the main office. Some of these stations have carriers; one of them in particular does a very large money-order and registry business. The work of the superintendent in charge in all cases is very important and responsible, more so than in many of the post-offices where the postmaster's salary is \$2,000. And yet not a single man in my district in charge of a station gets more than \$1,200 a year. Some of the clerks under him get that much. The same conditions prevail in other sections of the country. It is not conducive to good discipline and to good service to have this state of affairs continue, and so the present bill, at least to a certain extent, takes I am told, from the calculation of the Post-Office Department, that between the grades of \$1,200 and \$1,800 there will be something like 400 promotions under this bill. also ought to give to many superintendents in the main offices and their assistants increased salaries, all of which tends to improve the service.

While we have therefore increased and equalized the salaries of a great many of those employed in our post-offices in the present bill, the committee refused to grant the request of the railway mail clerks, which was for their per diem expenses while away from home. This proposition was voted down in committee, and I regret this action very much, for the clerks on our railway mail cars are perhaps the hardest worked of all. Their work is certainly more dangerous, more wearing, and they

have to constantly keep studying.

There are about 14,000 of these clerks. In the last five years it is estimated that 76 men have been killed on duty, 541 have been seriously injured, and 2,346 slightly injured, making a total of 2,963 killed or injured. They get on an average a salary of \$1,152 a year. Out of this they have to pay for their own meals, and so forth, when away from home. Last summer the Post-Office Department ordered the clerks to keep track of their daily expenses, and from the facts gathered it was estimated that each man averaged \$132 per annum, making their total net salaries per man about \$1,000. These figures, as well as others I have mentioned, are furnished by the department.

What they were seeking from the committee was an allowance of not more than \$1 a day per man, little enough for each one; but, unfortunately, this amounts in the aggregate to \$2,000,000 a year, a large lump sum, but very small when you consider it is divided up among men all over the country. Their claim, in my opinion, is just and fair, and ought to be granted. I hope to see the day when this House votes to give these men the amount they now ask for, and I stand ready at any time to vote The Post-Office Department favors it, and would see to it that the distribution of the funds would be fair and equitable. We ought to give the clerks this encouragement, and show them that we appreciate the good work they have done, in many instances under adverse conditions.

Now, let me call attention to the business side of this proposi-When a young man enters the postal service he expects to make it his life work. Each year increases his efficiency and his worth to the people he serves. But to keep him in the service, we must pay him money enough, otherwise he will leave, and a new man takes his place. This is bad for the post-office where he works or the postal route on which he distributes letters, and the service necessarily suffers in consequence. The people want their mail delivered promptly and correctly, and they are willing to pay for it. Keep the men we have in the service, the men who have learned the business, and the only way we can do this is by paying them fair wages and by treating them with the consideration they deserve.

I am one of those who believe that the postal service will

never be self-supporting, certainly not under present conditions. We may cry economy here in Congress-and as a general proposition it is a good cry-but one thing is certain, the people do not want their mail facilities curtailed. They want creased, if anything, and are willing to pay for it. Look at our rural free delivery, for instance. When we started that the cry went up that it would cost a great deal of money. It does; no doubt about that. But would our farmers and our citizens in the smaller towns and villages go back to the old system? I know they would not, and after all they pay for it and are

entitled to it. [Applause.]

The people want to see their servants well paid. This great Government of ours does not want to get the reputation of being a close-fisted master. There is no department of the Government so close to the people as the Post-Office Department. We are all interested in it and want to see it grow and develop. We do not want to be in the same class with a gentleman in New Haven in the early sixties, who said that I ought to be hanged for trying to install letter boxes at the street We want the best there is everywhere. The people demand it and will have it. And we, as the servants of the people, ought to give it to them. [Loud applause.]

Mr. OVERSTREET. Mr. Chairman, I yield ten minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Chairman, I am especially interested in this post-office appropriation bill. As has been said by my colleague [Mr. Moon of Tennessee] on the other side of the Chamber, it carries a greater appropriation than any bill of the kind has ever carried in the history of the Government. I see that for the year 1909 the amount is \$222,960,892. For 1910 the estimate is put at \$233,978,560, and there has been recommended for 1910 \$234,534,370. It is true that this is a large sum, but this is now a very large country. The interests and the demands of the people of the United States are such as to demand just such business as is shown by the report of the committee on this appropriation bill. Certainly no one is going to regard these items as extravagance, for there is certainly not an item in all the figures that are presented in this report that shows any extravagance whatever. It costs about this amount of money undoubtedly to do the postal business of the United States so that the people may have the proper interchange of opinion and the knowledge of the matters which they have a right to have in the course of the business operations of the country.

want especially to call attention to the fact that in this bill there is no provision for paying any of the expenses of the railway mail clerks. These clerks have an expense each year of about \$152 to the man. Just why they should be expected to bear their own expenses when traveling and away from home in the interest of the United States is not exactly plain. And I, with the gentleman who has just taken his seat, believe there ought to be provision made to pay the expenses of the railway mail clerks. I understand there are about 14,000 of them in the service, and if we were to take what is shown to be their actual annual expenses, the amount appropriated should be \$2,128,000. Now, there is not a cent appropriated to pay the expenses of these clerks. I am certainly in favor, and I think the country would indorse it, of the proposition to pay their actual expenses. It is said that it will require a good deal of bookkeeping to find out just what the actual expenses are. It is no trouble to find out what the actual expenses are of clerks in the other departments. Certainly it requires some bookkeeping and requires some attention, but after all there are plenty of persons engaged for this purpose now drawing worthy salaries from the Government, and the Post-Office Department particularly, who could do this. Let these expense accounts be made out as other expense accounts, and sworn to. The railway mail clerks do not get a very large salary. It averages about eleven hundred and fifty dollars a year, and the amount I have mentioned-of \$152 a year in expensescomes out of that salary. They necessarily are at this expense when away from their homes. There is not a dollar or a cent of

the above-mentioned expense charged up for any of their expenses when at home. Every one of the other traveling postoffice people, as has been suggested-all the superintendents, special agents, and inspectors-have their expenses paid when

they are on duty away from home.

Now, these clerks are such important persons that they attend to the details of all of the people's postal business. The people of the United States are more interested in getting their mail promptly and in getting it without mistakes than they are in any other branch of the service, and we all have to depend upon the accuracy and the promptness of the Railway Mail Service. lieve railway mail clerks as a class of men rank as high in their branch of the service as any class of men in all the services of the Government. Many of these men have "long runs" and necessarily are away from home a considerable portion of their

This section of the bill, on page 20, from line 11 to line 16, could be amended so as to include these clerks. I will read that paragraph of the bill as I should like to see it amended:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks. Railway Mail Service, and railway postal clerks while actually traveling on the business of the Post-Office Department and away from their several designated quarters, \$2,023,000.

Instead of \$23,000, as here specified, it should be the amount I have named. I have added the two millions, which would be the amount calculated for each man at an expense of \$152 a year when away from home. I am therefore in favor of this traveling allowance item, which I have mentioned in connection with this bill. The railway postal clerks are certainly entitled

with this bill. The railway postal cierks are certainly children to our serious consideration, and I agree with my friend from Connecticut [Mr. Sperry] and indorse every word he has said.

The Railway Mail Service is probably the most nerve-racking occupation in the government service. Those in this service must keep their geography well in mind. They must study well the least the country: they must also locations of all the post-offices in the country; they must also note the changes in the railroad schedules while off duty as well as on duty. Therefore they are proceed by power off duty. Therefore they are practically never off duty. They are expected to dispatch the mail of the business world with accuracy and promptness. Then we might consider the hazard of this great work, as also suggested by the gentleman from Connecticut. The official records of the Post-Office Department, as I have been able to investigate them, give us the figures by which we can authoritatively state the situation in which those men are placed. The records of the Post-Office Department during the last five years do show that 76 clerks have been killed outright. Some of those clerks have been actually cremated in the burning wreck of the railroad cars on which they were traveling in the discharge of their duty. Others have been very greatly tortured, if not cremated, and maimed for life. I have in mind a railway mail clerk who lives in my congressional district, who was actually pinned down under a car for hours before he was released, and he was so seriously injured that he will never again be able to travel on a railroad car as a mail clerk; and out of considera-tion for his excellent services theretofore and the serious nature of his injuries he has been put in the railway mail office in Cincinnati, Ohio, in order that he may not be turned out like an old horse to die.

It is also stated, as suggested by my friend from Connecticut, that 541 clerks of the Railway Mail Service were seriously injured, 2,346 of them were slightly injured, making a grand total of 2,963 railway mail clerks either killed or injured in the discharge of their duty during that period of time. The railway mail clerks have a beneficial association through which they provide for the injured clerks and the families of those who are

I understand also that this organization has dispersed in the course of the charitable operations of that organization over That, of course, came out of their salaries. the Post-Office Department, as I understand, in order to simply reimburse that investment, recommend that the expenses of the railway mail clerks be provided for. In the course of the investigation made by the department it appears that the personal expenses of these men in the course of the necessary travel amount to nearly \$2,000,000 annually while away from their homes and terminals in the discharge of duty.

Mr. HEPBURN. Will the gentleman yield to me for a ques-

tion?

Mr. CHANEY. Certainly.
Mr. HEPBURN. I would like to know what number of these 15,000 postal clerks are off duty one-half of the time? large proportion of them I know are; and I want to know if it is not the uniform practice of the department to let them run a week, or the week days of a week, and then give them a lay off for the next eight days. I know it is so in a large number of instances, but I do not know how extensive that is.

Mr. CHANEY. I am not able to answer the gentleman's question as to the extent of it. There is some arrangement of

Mr. HEPBURN. I have an impression that a large proportion of these men work less than half the time.

Mr. CHANEY. Well, I think it only operates when these railroad mail clerks have very long runs, where provision was made for them to be off duty for any specific length of time.

The gentleman must be thinking of a regulation which existed several years ago.

Mr. LANDIS. Will my colleague permit a question?
Mr. CHANEY. Certainly.
Mr. LANDIS. Is it not true that during this period that the clerks are off duty, as the gentleman from Iowa suggests, that they put in that time in study of what is known as "the scheme," and that as a matter of fact the duty they perform when they are alleged to be off duty is almost as onerous as when on the train?

Mr. CHANEY. That is actually so.
Mr. LANDIS. I will state in this connection that at one time I had a brother in the Railway Mail Service who had six days off and six days on.

Mr. HEPBURN. Eight days off.

Mr. LANDIS. Six days off and six days on or eight days off and eight days on; and during the period that he was alleged to be off duty he worked continually. As a matter of fact, he worked harder then than when on the train performing the work of a railway mail clerk in distributing the mail.

Mr. SULLOWAY. May I suggest that he worked more than

eight hours when out on a run.

Mr. LANDIS. Yes; his term of service while he was on the road was fourteen hours at a stretch.

Mr. SULLOWAY. Almost two days in one. Mr. CHANEY. I think there is no question but that the remarks of these gentlemen fit very well into the speech which I am making

Mr. OVERSTREET. I wish to suggest that this conversation relates to an antiquated state of affairs in the postal service as

it formerly existed, and not to modern practices

Mr. CHANEY. It may be said by some one that this proposition amounts to an increase of the salaries of these clerks, but I beg to say that it is in no respect an increase of salary; it is simply an appropriation of money by which they may be able to retain their present salaries. It is, therefore, simply a matter of justice, even-handed justice; for there is no reason why these people should, while serving the Government, pay their own expenses and pay out more than clerks who necessarily travel in the discharge of their respective duties in other departments of the Government. It seems to me that there can be no objection to granting to these valuable servants of the Government the amount of their expenses which they necessarily sustain. [Applause.]

Mr. OVERSTREET. I yield twenty minutes to the gentleman from Kansas [Mr. Murbock].

Mr. MURDOCK. Mr. Chairman, under the control of the Speaker of the House and the enormous power with which he is armed, can the individual Member properly discharge his duties to the Nation?

All important general legislation here may be properly divided into two kinds: General legislation which permanent law, general legislation making appropriations for the current conduct of government. The rate law and the purefood law, for instance, come under the first heading. The annual and permanent appropriations for the navy, the postal service, and other departments under the other.

I desire to confine myself to-day to the limitations of the Member in the matter of legislation making appropriations. There is a minimum of politics in this kind of legislation and there ought to be. Under the present system the responsibility of this legislation is confined largely to the Speaker and his cabinet; that is, the chairmen of the various appropriation committees. The individual Member has very little that is vital to do with it; and under the present rules and practices of

the House he can not have.

And yet the matter of appropriations should be the concern of all. The one appalling thing in this Government is the tendency toward extravagance. The consideration of bills which open the doors of the Treasury occupies a major portion of the time of the body. The Members of the House are peculiarly the guardians of the public money. It is the House which originates these bills and first examines those branches of government which are asking for the right to expend. The several appropriation committees have hearings, consider the bill in hand, section by section, and report to the House. The chairman of the committee reporting a bill is the special champion of the reported measure. He feels called upon to protect it from change. He combats amendments and he is usually able to defeat amendments, if out of order, by the power of a rule, and if in order, by the fact that the organization is able to bring quickly to the House an attendance which, by practice, with the committee," which means that those who rush into the Chamber when a crisis has been reached in a contest vote "with the chairman."

It is therefore of prime importance to the mover of an amendment that he win over, not the House, but the chairman, for the

chairman will deliver a majority of the House.

The chairmen are loyal to the Speaker. His request is powerful. Few chairmen would resist a suggestion from the Therefore the Member who desired the chairman's favor of an amendment, if it is refused, has one appeal. The appeal is not to the House. It is to the Speaker.

Now, it happens that the average individual who comes to Congress has an idea of service to the Nation. Ordinarily he will run across some item of appropriation which he thinks should be changed. If he will go to the chairman and the Speaker, he may have the change effected. If he goes to the House, it is not at all likely that he will obtain a correction.

And some men will not go to the Speaker or to the chairman. The House is the most representative branch of the democracy. There is presumed to be a measure of equality for initiative action in the body. A fair presentation of any subject to the House was contemplated in the Constitution, a majority to reject or adopt. A petition of a Congressman to the Speaker or to a chairman-that is, a petition in the form of begging a favorwas not. And when a Congressman becomes a petitioner he is surrendering not only his own rights, but the rights of his constituency. Let no one deceive himself with the illusory hope that under a chance call of committees, as at present managed, and after the expiration of an hour, he has the floor in his own right. That is one chance in a lifetime, a chance that does not occur five times in a Congress.

Now, to some concrete cases. In 1907 Congress created an Immigration Commission. It is composed of three Congressmen, three Senators, and three citizens. It has already spent, according to the auditor, the enormous sum of \$333,000. This included a trip to Europe by some of the Members, the expenses of the trip, I am informed, being within bounds. There is no limit of time on the life of the commission. It has a large corps of employees, and their expenses are paid, not by specific appropriation, but out of a permanent fund supplied by the payment of

a \$4 head tax on aliens.

Among the employees of the commission, I am told at the auditor's office, appears the name of Michael Clayton, who is engaged in secret-service work of some kind. He is paid over \$28 a day; that is, he has been paid \$20 a day compensation-\$8 per diem and traveling expenses in addition. His voucher for the month of March, 1908, is for \$1,025; that is, \$620, compensation; \$248, per diem; and \$157, traveling expenses. This is our secret-service man and not the President's. Now, I believe this is too high a wage for secret service. I think the majority of men in Congress so believe. Suppose, now, that so believing, I desired, not by supplicating anybody, but through legislation, to attempt to cut down this expenditure and any others like it I might find, how could I reach it? I might introduce a bill repealing a portion of the original law. I might even get my bill on the calendar. And I might then go to the Speaker for recognition to call it up. And that I will not do, because I believe that when I do I am contributing to a denial of representative government. I was sent down here in a representative capacity, not as a petitioner.

Now, for another concrete case. Part of the Michigan Central Railroad runs across a bridge below Niagara which, about thirty years ago, was made by act of Congress a post route. Part of the United States mail between Buffalo and Detroit passes over this bridge. On account of the bridge being expensive the railroad company asked both the United States and Canada for extra compensation. Canada refused this; the United States granted the railroad's demand. H. B. Ledyard, its president, was made a mail messenger, and the Michigan Central has been paid \$1,000 a year extra; that is, over and above the regular compensation. In twenty-three years \$23,000 has been so paid. A mail messenger is a man who carries the mail. Under no interpretation of the law can mail-messenger service be a railway postal route. I believe this payment is wrong. I believe the great majority here would so believe if they knew of it.

Mr. MADDEN. Will the gentleman permit a question?
Mr. MURDOCK. Yes.
Mr. MADDEN. Is the payment for this messenger specifically provided for in the post-office bill?

Mr. MURDOCK. Not at all. Mr. MADDEN. Who authorizes it?

Mr. MURDOCK. I do not know.

Mr. MADDEN. Is it authorized by the Post-Office Committee or the House?

Mr. MURDOCK. Oh, not at all. It is not authorized by either. But suppose I attempted to correct it. I might write an amendment limiting the appropriation in the postal-supply But if a point of order were made, I would be defeated by a ruling from the Chair, as I was when I attempted to have the House order the use of a correct divisor in the weighing of the mails, for the payment of this money to Mr. Ledyard has behind it, as that had, the long-continued practice of the department, and my amendment would be the fatal "change of law" not permitted on an appropriation bill.

Here is another case. We pay \$50,000 a year, by statute, for the carriage of the mails across the Eads Bridge, at St. Louis. We began this when this was the only bridge at St. Louis. If we paid for this service at regular rates for weight and car space, we would be paying something like \$15,000 a year. Since the passage of this law another bridge, the Merchants', has been built at St. Louis, and it is now owned by the same company which owns the Eads Bridge. Many railroads use it, and we pay in regular rates \$13,000 a year for the Merchants' Bridge. Now, \$50,000 a year is too great an expenditure for that service on the Eads Bridge by at least \$35,000.

Mr. BARTHOLDT. The bridge to which the gentleman has

been referring is the very octopus that the people of St. Louis complain of; and for that reason I had to ask the House twice or three times for an extension of a charter, which has been granted by Congress, to enable the people of St. Louis to build a third bridge, in order to be relieved of that monopoly

Mr. MURDOCK. I hope, when the third bridge is built, we will not continue to pay \$50,000 a year to the Eads Bridge on the theory that it is the only bridge across the Mississippi River. Now, suppose I should attempt to change that by amendment

Mr. BENNET of New York. Will the gentleman yield to me

for just a suggestion?

Mr. MURDOCK. Certainly.

Mr. BENNET of New York. I understand that a moment ago the gentleman made a little criticism of a rather high-priced man employed by the Immigration Commission.

Mr. MURDOCK. Let me get through with this proposition,

and then I shall be glad to return to that subject.

Mr. BENNET of New York. Very well.

Mr. MURDOCK. Suppose I should attempt to change it by an amendment on the postal appropriation bill. A point of order would defeat it. Suppose I introduced a bill changing this bridge pay, succeeded in getting the bill out of committee and in the calendar. In the capacity of a suppliant I might be able to rise in my place and, having made previous arrangements, obtain recognition calling the bill up for consideration, But as I am not on the floor a petitioner, and as I would rise as a Representative or not at all, I would not be recognized "for that purpose."

Coming nearer home, every year the Members of this body sign for their mileage. A receipt is prepared in which, in a printed form, the distance a Member travels is entered. preparation of the entire number of receipts is not more than a preparation of the entire number of receipts is not more than a week's work, if that. The Sergeant-at-Arms' office has a full complement of clerks. But we pay yearly for this service an additional sum of \$500. This, beside millions which are appropriated, may seem trivial. It could not be given very serious consideration by the House, I know. But suppose I desired to do away with it. Having found it and identified it, I would have the right to attack it. But I would meet the opposition of a powerful chairman, the indifference of the House, or its inclination to "vote with the chairman." And in the end I would meetly have my trouble for my pains. It would be infinitely clination to "vote with the chairman." And in the end I would merely have my trouble for my pains. It would be infinitely more effective for me to prefer my objection to the item to the chairman as a petition. But I am not a petitioner.

No Member here ought to be a suppliant. His constituency's part in representative government is diminished by just so much

when he becomes one.

Through the power of recognition, through the appointment of committees, and through the right of reference and his management of procedure, the Speaker has the control here. He exercises it through the chairmen. Of chairmen, loyalty to the Speaker is expected. Of Members, loyalty to the chairmen is expected. The control runs, not upward from the Members to the Speaker; it runs downward from the Speaker to the chairmen. These represent. The others petition. Now, the right of petition is a sacred one which I greatly value. But the right of representation is another matter. One carries a request. other carries action in response to request. We as Representa-tives are supposed not to ask, but to act.

And now I challenge any Member of this body who is not a chairman of an appropriation committee to secure a correction,

through congressional action, in these four items I cited, over the opposition of the Speaker or without his consent or that of any of the chairmen. So far as I know, these items have not been presented before to Congress. The field is open. The trial can be made by amendments and by change of law. But there can be no successful issue of the trial unless the chairman of a committee consents in the case of the amendments, and unless the Speaker agrees to recognition in case of change of law. If no one will attempt it, I will myself later, but with no hope of

Now I will yield to the gentleman from New York.

Mr. BENNET of New York. I understood the gentleman's statement was that the immigration commission employed a

man at \$20 a day and expenses for a short time.

Mr. MURDOCK. Let me give it to the gentleman correctly. They have paid \$20 a day compensation, \$8 per diem, and traveling expenses beside. I got hold of only one voucher, and I went through it carefully; it was for the month of March, 1908. It showed that this man had been paid \$620 compensation for the month, \$248 per diem, and \$157 traveling expenses in addi-

Mr. BENNET of New York. The gentleman's statement, I assume, is substantially correct. We did employ a high-priced man for a short time. We took him from where he was having a salary nearly, if not quite, as large as that, and two days after he left he was receiving the same salary. As a result of his work the entire Chinese inspection board from the southern boundary of California was removed and a new set appointed. The result has been that the steamer that has been bringing to the little Mexican port south of the California border 50 Chinamen a week, to be smuggled into our territory, now brings 6 7, and the Chinese are being smuggled in another way, which we are also onto. By using that man we have been able to make reforms, which will be reported to the House, saving as much as \$100,000.

Mr. MURDOCK. Does the gentleman contend that any member of the Secret Service is worth a wage of \$1,000 a month?

Mr. BENNET of New York. He is worth as much to this Government, or any other, as he is worth to the outside public.
Mr. MURDOCK. Then why did not you give him \$1,000 per

month? Why did you give him the compensation of \$20, and on top of that an extra per diem of \$8, which I think is extravagant, and then on top of that traveling expenses?

Mr. BENNET of New York. Because that is the sum, or the rate of compensation, that he was drawing from private people, and is getting from the private people now, and doing the same kind of work. Where a man draws that compensation for doing that kind of work for private people, it is our business to pay him the same.

Mr. NORRIS. I would like to ask the gentleman a question.

Mr. MURDOCK. I will yield to the gentleman.

Mr. NORRIS. In the private service in which this man was engaged was his compensation paid in that way?

Mr. BENNET of New York. It amounts up to more than that. Mr. NORRIS. Yes; but does he get a big salary and then a per diem, and then expenses besides?

Mr. BENNET of New York. Of that I am not advised. I know that within two days after he left us he went into new

service where the compensation was greater.

Mr. MURDOCK. Then detectives are paid a great deal more than I thought they were. Now, the chief secret service of the United States is in the Post-Office Department, and I venture the assertion that the gentleman can not find a parallel case to that, and I doubt very much whether he can find, save at the head of the Pinkertons or at the head of the bureau, any man receiving a salary equal to that.

Mr. BENNET of New York. This man was as good as the

chief of any agency.

Mr. MURDOCK. He ought to have been better.

Mr. BENNET of New York. I do not know but that he was. The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman have ten minutes more.

The CHAIRMAN. The time is within the control of the gentleman from Indiana and the gentleman from Tennessee

Mr. MOON of Tennessee. Mr. Chairman, I will yield to the

mr. MOON of Tennessee. Mr. Chairman, I will yield to the gentleman ten minutes of my time.

Mr. OLMSTED. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. OLMSTED. I wish to ask the gentleman whether it is his inference, or if he means to convey to the committee the idea that the chairman of the committee would be without influence in the House if appointed otherwise than by the Speaker? | none.

Mr. MURDOCK. Not at all; and none of the proposed rules that I have seen would tend to tear down the individual in this One of the purposes of a change of rules is to build

Mr. OLMSTED. Does not the gentleman think that the influence of the chairman results from the fact that he has been for a long time on the committee and is more familiar with the subject-matter of the bill, and is so recognized by the other Members on the floor?

Mr. MURDOCK. In part; but superimposed upon that is also the arbitrary power that comes through the processes which I have been explaining.

Mr. BARTHOLDT. Will the gentleman permit another interruption?

Mr. MURDOCK. Yes; if you do not take up too much of my time.

Mr. BARTHOLDT. The gentleman says that he would not go to the Speaker or the chairman of a committee for fear he might thereby regard himself as a petitioner. Would he regard it in that light if he were to familiarize the chairman of the committee with the facts of the necessity of a public building in his district? Would that be a petition, or would it be a performance of his duty as a Member of the House?

Mr. MURDOCK. Not at all. In case of a contest, the only way to present any proposition is to present it in order, and under the rules, whatever the rules may be; and a Member ought to have the right, and it ought to be his sole privilege, to reach any proposition upon which there is a contest in order, and without superimposing upon the one duty the other private duty of personal appeal.

I know there are many Members here who believe in the present rules and their administration. I ask any one of these not a chairman of an appropriation committee to take his choice of any one of the items and attempt to make a change without asking permission. He may change his mind about the rules before he is through. Disraeli said the way to learn the rules of the House of Commons was by breaking them. The way to come to a full realization of the autocratic control of legislative power in the House of Representatives is to attempt a vital change without first asking the consent of the leadership.

There are several ways to break up the present system. If the House should select its own committees, and make the call of committees frequent and compulsory, the whole nature of the situation would change. The Speaker would lose power and the Member would have restored to him a measure of his original initiative. With a calendar under the control of the House, the Speaker would not have his present control over reported bills, and the individual Member would have occasionally the right of consideration for his reported measures without asking anybody's consent but the majority's. And the day will come when no Speaker will have the right to pass upon the purpose of a Member's request for recognition when the Member is in order, and another day will see open committee meetings. was intended that this House should be the most characteristically representative branch of this representative Government. It can not be that with the concentration of control in the hands of a few men. A challenge of that control brings, and has brought at this session, a measure of relaxation in absolutism. A successful attack upon that control will lead to actual representation in fact. It is a consummation devoutly to be wished, and as popular desire in this country does ultimately prevail, it is a consummation that is inevitable. [Applause.]

Mr. MADDEN. I would like to ask the gentleman if by any rule that could be created the power of recognition could be taken away from the Speaker?

Mr. MURDOCK. I think that the House could limit the power of recognition in the Speaker.

Mr. MADDEN. The gentleman would not assume to say that the Speaker would not have the right to designate either of two men who rose at the same time asking for recognition.

Mr. MURDOCK. Certainly not; and in no legislative body in the world can the Speaker be prevented from choosing between two men who rise simultaneously.

Mr. MOON of Tennessee. Mr. Chairman, I now yield one hour

to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, before starting in my argument, in order that I may not take up unnecessarily the time of the House, I ask permission now to revise and extend my remarks, and to print as an appendix to the same certain documents, letters, and other data to which I propose to refer and which I do not desire to read in full.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears

Mr. RAINEY. Mr. Chairman, the building of a canal across the American Isthmus has occupied the attention of the world for four hundred years. While yet the sailors who crossed the sea with Columbus in his caravels were living and in all the vigor of mature manhood, a Spanish engineer drew the plans for an artificial waterway across the Isthmus and submitted them to the King of Spain. From that time to this the building of the Isthmian Canal has been the absorbing question in that part of the western world. On account of this undertaking, thousands of lives have been sacrificed, millions of treasure have been squandered and lost, and the dream of the centuries has not yet been realized.

In 1881 the French actually commenced the building of the canal. Flushed with his success in building the Suez Canal, the great French engineer, De Lesseps, as the head of the French company, entered enthusiastically upon the work. For seven years the work proceeded, and then the crash came and the scandals that astounded the world. In attempting to build the canal a tremendous sum of money had been expended. The judicial proceedings following the failure of the first French company disclose an orgy of corruption such as the world had never seen before. One hundred senators and deputies were charged with taking bribes. Ten senators were actually brought to trial, and De Lesseps himself was sentenced to five years in prison. The great engineer M. Eiffel was sentenced to two years in prison. Some capitalists committed suicide; others became extles from France.

The French company failed on account of the graft which permeated it. Every person in France who had anything to sell, when no other purchaser could be found, sold it to the French company, and the officers of the company divided the graft among themselves. They built a house on the Isthmus of Panama for the director-general at an alleged cost of \$100,000. They built for him a summer home at La Boca, and the records show it cost \$150,000 to build it.

They fixed his salary at \$50,000 per year and then gave him an extra allowance of \$50 a day. Thousands of snow shovels were sold to the company and taken to the Isthmus of Panama for the purpose of shoveling snow off the right of way of the canal. They sent to the Isthmus 15,000 kerosene torches to be used in celebrating the completion of the canal. They set up a great dredge costing many thousands of dollars in the Culebra cut, to be used in dredging the cut, when the canal was sufficiently completed to admit water from the sea to that part of the canal. You can yet see in the jungles across the Isthmus great steel steamships brought from France, put together along the route of the canal, waiting now for the completion of the canal.

The organization of the New Panama Canal Company was effected in France on the 21st day of October, 1893, or perhaps it was actually organized a little later than that. This company was organized with a capital of \$13,000,000, largely contributed by penalized stockholders. Distinguished French citizens who had stolen money from the first company were compelled to disgorge and to use the money so stolen in the purchase of stock in the new company. The company in its operations may have expended its capital; they may have expended something in addition to that. How much they expended in addition to their capital can not be ascertained in this country at the present time from reliable data. The New Panama Company continued its operations until the date of the conveyance to the United States on the 23d day of April, 1904.

The expenditures made by the two French canal companies startled the world. The first company actually expended on the canal \$201,505,000. The amount expended by the new company can not be ascertained. It is hardly fair to call the \$13,000,000 contributed principally by penalized stockholders an additional expenditure, even if it was all paid in.

We have been operating on the Canal Zone now a little over four years, and we have appropriated to date on account of this enterprise \$170,964,468.58. The urgent deficiency estimate just made by our Canal Commission shows that, in addition to the above enormous appropriation, it will take \$5,458,000 to carry on the work on the canal to June 30, 1909, the end of this fiscal year. In other words, on the 30th day of June of this year we will have expended on the canal \$176,422,468.58. The expenditures made by the French in this enterprise startled the world, but we are face to face now with the fact that, assuming the French company got the \$40,000,000 we paid for it, we have expended now, in a little over four years, as much money as both the French companies expended in twenty-three years, and we have not lowered the bed of the canal an inch from where the French left it.

At the end of this fiscal year we will have expended on this canal more money than our engineers advised us, when the

canal rights were purchased from the French, would be required to complete the entire work, and no engineer is courageous enough now to say how much it will cost to build this canal. It has been earnestly insisted that \$500,000,000 will be required for the purpose of completing the work, and the junior Senator from Illinois, apparently at the suggestion of the administration, has introduced in the Senate a bill providing for a bond issue of \$500,000,000 for that purpose.

We entered upon the building of the canal with splendid enthusiasm. We believed we were about to realize the dream of centuries by joining the two great oceans of the world. We yielded to the romance of the situation. From far-off Spanish-American lands there came the lure of lost gold mines and buried gold. But the romance connected with operating among groves of mango trees and palm trees under southern skies is wearing off, and we are face to face with the real problems of canal construction. After spending this enormous sum, we are just beginning to realize that we have not yet been able to ascertain whether we propose to build a lock canal or a sealevel canal. We are just beginning to realize that we have but commenced the most stupendous task ever undertaken by any nation in the history of the world.

Our national honor is committed, however, to the building of this canal. It is impossible to turn back, even if we wanted to do so. If we find it impossible to build a lock canal at this point, we can build a sea-level canal. If we find it impossible to build even a sea-level canal at this point, there are other routes. [Applause.]

We propose to build this canal, but we are beginning to realize that we can complete it only at a cost that will astound the nations of the world.

If we are to carry this project through to a successful conclusion, we must avoid the graft which destroyed the French companies. It is not the part of wise statesmanship to dispose of resolutions asking for an investigation of any phase of the canal question with the sweeping and absolutely unsupported official declaration that there is nothing to investigate. It is not the part of sound statesmanship and true patriotism to attempt to revive the obsolete common-law remedies of two hundred years ago and to employ all the tremendous agencies of the Government in attempting to crush newspapers which have had the courage to call attention to a questionable transaction in connection with the canal. Public opinion even in Germany would not permit the German Emperor to do there at the present time what the President of the United States is trying to do here. Before I get through this afternoon I expect to demonstrate that there are things connected with our canal operations which need investigation-important matters affecting this administration and the next administration. [Applause on the Democratic side. 1

It is to be regretted that the time of the President of the United States has been so much taken up with outdoor sports and among the pleasures of the lighter literature. He knows nothing of the drudgery, physical or mental, that is required to arrive at matters of fundamental importance.

Declarations of alleged facts that come with so much assurance and such frequency from the White House are not always entitled to the weight we would like to give to communications from the Chief Executive of the Nation. [Applause on the Democratic side.]

His statements with reference to Panama Canal matters are sometimes particularly inaccurate. To illustrate, I call attention to his special message of December 17, 1906, concerning the Panama Canal, sent to Congress soon after the President's return from his brief visit to the Isthmus in that year.

In this message, among other statements, he makes the following:

On the top notch of the Culebra cut the prism is as wide as it will be; all told, the canal bed at this point has now been sunk about 200 feet below what it originally was. It will have to be sunk about 130 feet farther.

The extract I have read contains three misstatements of fact. It could not contain more, for the simple reason that it contains only three statements of alleged fact. [Applause and laughter on the Democratic side.] In the first place, on the top notch of the Culebra cut the prism was not as wide then, and is not as wide now, as it will be necessary to make it. Secondly, the canal bed at this point at that time had not been lowered an inch, and it has not until a recent date been lowered an inch, at any point in the Culebra cut from the place where the French left it. Thirdly, it will not be necessary to sink the prism here 130 feet farther, even if we build a sea-level canal. [Applause.]

I simply mention this to show that the frequent hastily formed conclusions and ill-considered statements of the President are not always entitled to the respect we would like to give to the utterances of the Chief Executive of this great Nation.

When we are confronted with such possibilities as to the legitimate expenditure of public funds in this enterprise, we ought to carefully avoid the pitfalls and the graft which contributed to the defeat of the French. In a great national enterprise of this kind, involving large appropriations, we ought to start out by condemning in the strongest terms any effort to sell machinery, ships, or other supplies to the Government simply because some individual or company wants to get rid of them. It will take enough money to buy the things we actually need. I want to call attention to the fact that we have already started in the direction of the rocks upon which the French companies were wrecked.

The sundry civil appropriation act of May 27 last carried \$1,550,000 for the purpose of enabling the Secretary of War to purchase two steamships for the Panama Railroad Company. This item was not in the bill when it left the House. carefully searched the estimates for this fiscal year, and it appears that the Panama Canal Commission did not even ask for these ships. The commission asked for \$122,500 for floating equipment. They got over a million and a half dollars for the The commission asked for \$122,500 for floating purpose of buying something they had not asked for, did not expect, and did not need. A careful examination of this item in the bill discloses the fact that it is so worded as to apply to only Under this appropriation it was possible to buy only two certain definite ships in all the world, the Shawmut and the Tremont. The Secretary of War was allowed absolutely no option. He was compelled by this clause in the law to buy these ships and to buy no others. The law required the Secretary to buy ships of not less than 9,000 gross registered tonnage, and of American registry. There are only three ships in the American merchant navy having over 9,000 gross registered tonnage and less than 10,786 gross registered tonnage. Two of these vessels are the ships owned by the Boston Steamship Company—the ships that were actually purchased. The third one is the steamship Samland, of the Red Star Line, owned by the International Mercantile Marine Company, of New Jersey This vessel was not for sale, and even if it had been that fact would not have relieved the situation.

The law required the Secretary to buy two ships of this character, and the Boston Steamship Company were in a position to refuse to sell him either of their ships unless he bought both. The Tremont and the Shawmut were out of commission and tied up at the wharf in Seattle and were for sale. The Secretary bought them. He could do nothing else. If this item in the sundry civil bill had required the Secretary to buy ships of 5,000 gross registered tonnage and upward, he would have had 25 or 30 vessels owned by different companies to select from. If the act had required him to buy vessels of 2,500 tons and upward, vessels of the Finance and Advance type, he would have had over 80 vessels to select from. The announced policy of the commission has always been to purchase vessels of 6,000 gross registered tonnage and under that, and no vessel in the service owned by the railroad company is of a larger type than this. In fact, the best service seems to be obtained by the use of 2,500-ton vessels. Not long ago I made a trip to the Isthmus of Panama on the Colon, one of the ships purchased from the Ward Line, having a gross registered tonnage of a little less than 6,000, and it seemed to me this vessel had considerable difficulty following the winding channel into the harbor of Colon, and I was told that frequently when the wind was blowing from the north it was impossible for vessels even of this type to enter the harbor.

This expenditure for ships we do not want will eventually, in the near future, make necessary large appropriations for the purpose of dredging the harbor at Colon in order to enable them to enter. Our shipments of engines and heavy machinery to the Canal Zone ought not to be as heavy in the future as they have been heretofore. The vessels in commission are ample for the purpose of carrying men and supplies to the Isthmus. The expenditure of this money was absolutely unwarranted.

It may be interesting to know how this provision got in the bill. On the 28th day of January, 1908, the senior Senator from Massachusetts proposed an amendment to the sundry civil bill, and introduced the same in accordance with the rules of the Senate providing for the appropriation of \$1,600,000 for this purpose, specifying that the vessels so purchased must be vessels of at least 9,000 gross registered tonnage. On the 28th day of April, 1908, the same Senator again introduced an amendment, differently worded, but having in view the same object. When the bill finally passed, through the efforts of the

senior Senator from Massachusetts, it contained the clause to which I call attention, and so we are face to face, in the circumstances surrounding this appropriation, with the fact that the Canal Commission did not want and did not need the ships, but the constituents of the senior Senator from Massachusetts wanted to sell them, and therefore this enormous sum has been added to the Panama Canal expenditures.

In our merchant marine there are only the three steamships I have mentioned with a gross registered tonnage of between 9,000 and 10,786. The *Philadelphia* comes next with a registered tonnage of 10,786. Then comes the *New York* with a registered tonnage of 10,798. It would not be possible to buy these two ships for the amount appropriated, even if they were for sale, and there are at present in our merchant marine only seven vessels larger than the *New York*. It would not of course be possible to buy any two of them for the amount appropriated in this bill. These two vessels, out of commission—they were of no use whatever to their owners—tied up at the wharf at Seattle, were delivered to the Government on the first day of this month at Seattle. The statement made by the Isthmian Canal Commission recently is that they will probably require considerable repairs and changes in order to make them serviceable. These necessary repairs and changes will, in all probability, make necessary a larger appropriation than the total amount requested by the commission for floating equipment.

The somewhat astonishing statement is made by the Isthmian Canal Commission that the company selling them would not undertake the risk of bringing these abandoned ships around to New York unless the Government would agree to pay to the company the sum of \$56,000 for taking the rick.

company the sum of \$56,000 for taking the risk.

For some weeks the secret agencies of the Government have been at work investigating the senior Senator from South Carolina. They have succeeded in discovering that he used his frank inadvertently in private correspondence, and so deprived the Government of revenues to the amount of 2 cents, and the matter was considered important enough to be embodied in a special message from the President to Congress. The senior Senator from Massachusetts, I believe, is still invited to White House dinners, is the President's friend and adviser and the Cabinet maker for the incoming President. I have not heard of any secret-service agents disturbing the senior Senator from Massachusetts, and yet he is, of record, directly, individually, and solely responsible for the fact that on the 1st day of January of this year, for the purposes I have named, there was taken out of the Treasury of the United States over \$1,000,000.

We have embarked now upon the stormy seas of Central American politics. Our flag is floating now on the Isthmus of Panama. It seems that the Constitution does not always follow the flag. In fact, it has not followed it at all in its recent ramblings, but a certain class of New York City financiers follow it and flock around it like vultures wherever it goes. They have followed it to the Isthmus of Panama and have already, under its sheltering folds, pounced down upon that deformed the country. [Applicated]

defenseless little country. [Applause.]

They have taken everything in this country that is not nailed down, and now they have commenced their operations on the Isthmus of Panama. [Applause.]

I am making this speech for the purpose, among other things, of serving notice on certain gentlemen in New York City and elsewhere that I am not far from the right track. [Applause.]

It becomes necessary now to know something about Central American politics, and I desire to introduce to the country Señor Don Jose Domingo de Obaldia. [Laughter.] It is important to know something about the career of this interesting Spanish-American statesman.

He was born in David, Panama, in 1845. William Nelson Cromwell became attorney for the railroad company about the year 1904, and three or four years later he became general counsel in the United States and in Spanish-American countries for the new French Panama Canal Company. About the time of his latter employment he met Obaldia, and they have been closely and inscensably connected in canal matters.

have been closely and inseparably connected in canal matters ever since. Without Obaldia, Cromwell's career would have been impossible. Without Cromwell, Obaldia would have been impossible. Obaldia represents as no other Spanish-American statesman in his generation all that is corrupt in Spanish-American politics. Cromwell represents and stands for all that is most strongly to be condemned in present New York City financial methods. [Applause.]

His specialty is revolutions and canals. It is not possible now to say just what the connection of Cromwell was with the recent bloodless revolution in Panama, and with the equally necessary prior revolution in Colombia, which cost that country

thousands of lives and millions of treasure.

In his examination before the Senate investigating committee he refused to reveal his connection with these events, upon the theory that he could not do so without betraying the confidence busters and buccaneers come down, arm in arm, through ten years of bloodshed and bribery and corruption and occupy today the center of the stage, high in the confidence of the present administration and the charge high in the confidence of the present his clients had reposed in him. And so these two modern filiadministration and the chosen advisers of the incoming President. [Applause on the Democratic side.]

I propose now to reveal the connection of these two gentlemen and of other gentlemen, whom I shall name hereafter, with a most atrocious attempt to ruin and despoil the little Republic of Panama and indirectly to rob the Treasury of the United States. I expect, as I go along, to submit the evidence sustain-

ing what I propose to say.

The active public career of Obaldia commenced in 1903. It was necessary at that time, in order to carry out the plans of Cromwell, that Obaldia be elected to the Colombian Senate, and he was elected as a senator from the province of Panama to the Colombian legislature. The franchise of the New Panama Canal Company was about to expire and the Hay-Herran treaty was pending. There is nothing materially different in the Hay Herran treaty from the convention that afterwards was entered into with the new Republic of Panama. The contemplated expenditure of money on our part was about the same. But the Hay-Herran treaty was defeated, principally because Colombia did not want to act through Cromwell as its fiscal agent, and Cromwell would not permit any part of the forty millions we were willing to pay the French canal company to go to the Republic of Colombia. The Colombian Congress were demanding, inasmuch as the franchise granted to the canal company expired in less than a year, and inasmuch as at that time the entire French holdings on the Isthmus would be forfeited to Colombia, that she, Colombia, ought to be permitted to collect from the canal company some portion of the \$40,000,000 we proposed to pay. It is interesting to note in this connection that among all the members of the Senate of Colombia, Obaldia was the only man who was willing to betray his country.

He was the only senator who supported in the Colombian Senate the Hay-Herran treaty, the only senator who denied to his country the right to demand any money from the new French Panama Canal Company in return for the \$40,000,000 worth of property that would, in less than twelve months, belong absolutely to Colombia. As soon as the treaty was defeated he resigned his place in the Colombian Senate. It is not a difficult matter for New York financiers of the Cromwell type to influence Spanish-American presidents, and immediately after the resignation of Obaldia from his position as a member of the Colombian Senate, President Marroquin, of Colombia, was persuaded to appoint him governor of the Province of Panama, and he was there— Johnny on the spot-in command of the armies of Panama, in charge of the arsenals, the armories, and the fortresses when the revolution of Cromwell occurred. [Applause.]
The Colombian Congress adjourned October 31, 1903, without

confirming the Hay-Herran treaty. On November 2 the Nash-ville arrived at Colon ready to land a strong force of marines. November 3 was a red-letter day in the history of American diplomacy. On that day, the so-called "revolution" in Panama was pulled off. At 3.40 o'clock on the afternoon of November 3, the United States consul at Panama received from Mr. Loomis, the Assistant Secretary of State, the following telegram:

We are informed there has been an uprising on the Isthmus. Keep the department informed of everything without delay.

The consul of the United States at Panama immediately re-

The uprising has not occurred yet. It is announced that it will take place this evening.

[Laughter.]

And at 9.50 o'clock on the evening of November 3 the Department of State received a telegram from our representative in Panama, which read:

The revolt took place this evening at 6. There has been no bloodshed.

[Laughter and applause.]

We recognized the independence of Panama at once, and entered into a convention with the new Republic, forever guarantee-

ing the independence of the Republic of Panama.

But the usefulness of Obaldia did not end there. After spending about two weeks quite comfortably in prison, he was promoted to the position of Second Vice-President of Panama, and soon afterwards, on the advice of Mr. Cromwell, was made the minister from the Republic of Panama to the United States, succeeding Bunau-Varilla. During the recent visit of Doctor Amador, until last October President of Panama, to the United

States and to Europe. Obaldia returned to Panama and acted as President of the Republic. On July 12, 1908, through the efforts of William Nelson Cromwell, ably assisted by Secretary Taft and the present administration, Obaldia was forced as President upon the Republic of Panama. It was absolutely necessary to do this in order to make possible the gigantic schemes for robbing and despoiling the Republic of Panama, and indirectly the Treasury of the United States, which I propose now to disclose.

But before proceeding with the discussion of that phase of the question it becomes necessary to get better acquainted with William Nelson Cromwell, and I will try to discuss that gentleman without libeling the Government of the United States, if

it is possible to do so.

Mr. Cromwell was general counsel for the New Panama Canal Company in its relations with Colombia. After the independence of Panama he was the general counsel of the same company in its relations with Panama. He was in 1893 and is at the present time general counsel for the New Panama Canal Company in its relations with the United States. During a large portion of the last ten years, and at the present time, he was also of counsel for Mr. Harriman and his transcontinental railroads. How it is possible for a conscientious attorney to represent these conflicting interests is not apparent to an average lawyer like myself. [Applause.] He is also general counsel for the Panama Republic, and has held that position from the beginning of the career of the Panama Republic. He has been counsel for the Panama Railroad from about 1893 to the present time. He was counsel for the railroad company when the new French canal company owned over 68,000 of the 70,000 shares of that company. He is counsel now for the Panama Railroad Company, when the United States Government owns every one of the shares. He is also one of the directors of the Panama Railroad Company and Steamship Line.

These positions make him, as a matter of fact, an official of the United States Government. He acts as the fiscal agent of the Panama Republic. In 1899 and 1900 he held a power of attorney for the New Panama Canal Company to sell all the holdings of that company to any purchaser he might select for any sum he might be able to get. Immediately after obtaining this authority he started to organize an American syndicate to exploit the canal properties, the capital stock of the syndicate to be \$5,000,000. But about that time he succeeded in interesting prominent American politicians in his canal and in diverting attention from the Nicaragua project; and after having easily succeeded in getting \$3,000,000 out of the \$5,000,000 subscribed, he abandoned that project and commenced an attempt to sell to the United States Government for \$109,000,000. In an hour he dropped in price from \$109,000,000 to \$40,000,000, and the

deal went through on that basis.

I propose hereafter to discuss the question as to how much of this \$40,000,000 ever reached the creditors and the share-

holders of the French companies. [Applause.]

As a result of the purchase of the canal properties, the United States Government acquired nearly 69,000 shares of the Panama Railroad Company, and Mr. Cromwell, under the new ownership of the company, continued as general counsel of the company and as a director of the company, thereby becoming, in fact, one of the attorneys for the United States Government and an

official of the Government.

This advisory capacity to the Government of the United States did not interrupt his activities as attorney for the new French canal company. A year after the \$40,000,000 had been apparently paid to the French companies, we find him as attorney for the new canal company, prosecuting a claim against the Government of the United States for \$2,200,000 more, which he claimed the company had expended upon their properties after the contract to sell was made with the United States, and before the money was actually paid by the United States. In the time which elapsed after the contract was made to sell and deliver the canal properties for \$40,000,000 to the United States and the time the delivery was made, we find that, under his administration of affairs, the French company sweated the properties—making no repairs except what were absolutely necessary—permitting the steamships owned by the company to fall into a condition of bad repair, in order to be able to pay on the canal shares the largest dividend ever paid.

During this interval, under his administration and control of the railroad properties, the railroad paid to the French canal company \$100,000 more than it earned. During this interval, while these tremendous dividends were being paid, the French company sold bonds from its treasury to make necessary repairs on the ships of the company. In other words, after the contract to sell was made to the United States Government and before the delivery was made, through the manipulations of Mr. Crom-

well, the French canal company was permitted to steal from the United States Government a million dollars or so, and tried to steal more than that. After the transfer was actually made and after he had become an officer in fact of the United States he became a party to an attempt to collect from the United States Government a fraudulent claim on the part of the canal company of \$2,200,000.

It is not readily apparent to the honest lawyer devoted to the ethics of his profession how an attorney making any sort of claims to ordinary common honesty and decency could undertake

these various matters. [Applause.]

And through all the career I have described Mr. Cromwell has remained the trusted adviser of Secretary Taft and of the administration in all matters pertaining to the Isthmian Canal.

At his request John F. Wallace was appointed general super-intendent of the Panama Railroad. On his advice and through his efforts that great engineer was humiliated and compelled to resign his positions on the Isthmus of Panama. Under his advice and through his efforts we bought the outstanding shares of the Panama Railroad Company, paying for some of them, according to his own statements, two or three times as much as shares in this railroad company had ever brought on any market.

He is the gentleman who keeps the minutes of the meetings of the board of directors of the Panama Railroad Company, and writes them up at his leisure and to suit himself after the adjournment of the board. He procured the appointment of his confidential clerk, Roger L. Farnham, as a member of the board of directors of the Panama Railroad. He owns 22 per cent of the shares in the ice plant and electric light plant upon the Isthmus of Panama. All interests in Panama look upon him as a friend at court. Through his influence his confidential clerk, Roger L. Farnham, was sent abroad on a commission, having for its object the expenditure of millions of dollars for the purchase of steamships for the Panama Railroad service. The sworn officers of the Government were for some reason disqualified for this service. And he also, in the United States, while Obaldia was here, acted as his general counsel.

I have stated only some of the functions this versatile attorney exercises in connection with our canal operations on the Isthmus of Panama, but I have stated enough to indicate the important connection of this gentleman with the present ad-

ministration. [Applause on the Democratic side.]

It is not hard to explain why all the agencies of the Government are now being used in an attempt to indict certain newspapers for saying unkind things about Mr. Cromwell and some others. I will show before I get through this afternoon that Mr. Cromwell and some others, who seem to be peculiarly sensitive to newspaper criticism, are especially deserving of it. [Applause.]

Roger L. Farnham, the confidential clerk in the office of William Nelson Cromwell, was drawing two years ago only \$3,500 per year. His usefulness has increased to such an extent that if he is not now worth several million dollars, he soon will be.

Another gentleman I expect to mention later is so well known and has been so prominent in the public eye that it is not nec-

essary to introduce him at the present time. The situation on the Isthmus of Panama can not be under-

stood without some information as to the method of conducting the Panama Railroad properties and the steamships owned by that company.

We own every share of the 70,000 shares of this railroad company. It is a New York corporation, supposed to be operated under the laws of that State. The charter of the organization and the law of the State of New York require that its directors be also shareholders in the organization. There are 13 directors, but every share of stock is locked up in the vaults of the Treasury building here in Washington, under direct control of the Secretary of War. In order to apparently comply with the law, each director is required to purchase a share of stock, upon which he pays \$10. He is then required to deposit his share of stock with the Secretary of War as security for the other \$90 due on the stock. If it becomes necessary to remove a director, the position taken is that the Secretary of War can immediately foreclose on the share so deposited for the deferred payment. Inasmuch as a director must be a shareholder, he can be in this way, if it becomes necessary, removed from the board without a moment's notice.

The deferred payments on the stock due from the directors were due the moment the stock was deposited to secure it. The theory is that the directors manage and control the railroad. In this way this Government studiously avoids the position of being the owner of the busiest railroad in all the world and the owner and operator of a line of steamships.

Stockholders' meetings, provided for in the charter, are held in an office in New York convenient to the office of William Nelson Cromwell. The Secretary of War appears at these meetings as the owner of every share of the 70,000 shares of stock except 13 shares, and these nominally stand in the names of the 13 directors of the railroad. Inasmuch as Mr. Cromwell writes up the minutes of both the stockholders' meetings and the directors' meetings after the meetings and when it is convenient for him to do so, what transpires at those meetings depends largely upon the accuracy of the memory of Mr. Cromwell. [Laughter and applause.] The directors' meetings are held in the same place.

Every member of the Isthmian Canal Commission is required to be also a director of the railroad and make a \$10 deposit on one share of stock. This disposes of seven of these places. There are six others to be filled. It goes without saying that William Nelson Cromwell is one of the six. His clerk and confidential secretary, Roger L. Farnham, is another, of course, and the interesting brotherly alliance between Mr. Cromwell and Señor Don Jose Domingo de Obaldia also continues, and our old friend Obaldia is a member also of the railroad com-mission. [Laughter.] Mr. E. A. Drake, who is at present, I think, superintendent of the railroad on the Isthmus, is, or was until recently, another director. None of these four are members of the Isthmian Canal Commission. It is necessary that there be the closest relations of trust and confidence between the Secretary of War and the directors of this railroad.

I will have occasion later on to refer again to Cromwell,

Farnham, Obaldia, and Drake. [Applause.]

A year or two after the independence of Panama, the officials of that little Republic commenced to absorb ideas of patriotism peculiarly distasteful to Mr. Cromwell. They commenced to proceed upon the theory that the Republic they had helped to create really had some claims for existence and was destined to become of some importance in the western world. they commenced to develop these ideas of civic duty and honesty, Mr. Cromwell determined to displace Doctor Amador and the other leaders of the Constitutional party in Panama and to put in as president some more pliant personage, less devoted to high ideals, and of course in such an emergency as that his attention was directed to his old friend and ally, Don Jose Domingo de Obaldia. Obaldia was a man after Cromwell's own heart; and so it was determined that Obaldia should abandon his very pleasant position in the city of Washington and become the president of the Republic of Panama. Cromwell and his friends had developed certain methods for despoiling and robbing that little country, and they did not propose to be interrupted in any way by the awakened public patriotism and honesty of Doctor Amador and his friends. [Laughter and applause.]

Obaldia was nominated for President by a very small and unimportant faction of the Constitutional party in Panama. There was no Liberal party at that time. In the enthusiasm following the independence of Panama, both parties had united. Obaldia had rough sailing. He received but little encouragement. Mr. Arias was the friend of the administration and the candidate of the Constitutional party. He had held an important position in the cabinet of President Amador and also entertained similar ideas with Doctor Amador, and was devoted to the same ideals as to his duty to his country. Amador had been requested to agree to certain plans determined upon by Cromwell for the spoliation of Panama. He had refused his official sanction, and it was well known on the Isthmus of Panama that Arias would also decline to be a tool in the

hands of any man for the ruin of his country.

The campaign occurred on the Isthmus of Panama last summer, while this country was in the throes of the great battle for the Presidency. It attracted but little attention here. Just about the time Mr. Taft's campaign for the Presidency really opened up in earnest in this country, he left for Panama. He arrived on the Isthmus of Panama May 6 and left there May 18. His absence from the United States at that critical time in his career excited considerable comment in this country. The object of his visit to Panama does not appear of recordapparently at that time it was absolutely unnecessary. He did nothing on the Isthmus of Panama except to openly push the candidacy of Obaldia for the Presidency. His visit was regarded in that light by the citizens of Panama, and I have here a number of clippings from newspapers on the Isthmus of Pan-ama bearing out this theory.

On the 11th day of May, 1908, the Panama Star and Herald commented editorially upon Mr. Taft's visit, and intimated that

he was there in connection with the political situation. here a number of clippings on this subject from Panamanian newspapers, showing almost conclusively that Mr. Taft was on the Isthmus of Panama in the interest of Obaldia. I will insert a number of them in the appendix to my speech.

The election for President of Panama occurred on the 12th day of July, 1908. On the 28th day of June, 1908, the battle ship New Hampshire and the battle ship Idaho arrived at Colon. Over a thousand marines were soon afterwards landed. The Tivoli Hotel was filled with United States Army officers, registered as civilians. On the 18th day of May Secretary Taft notified President Amador of the intention of the United States to place marines at the polls and to conduct the election for the citizens of Panama. I will publish extracts from this letter in the appendix to my speech. The proposition to President Amador was to station two Americans at every poll. This, of course, meant two American soldiers or marines: An American soldier or an American marine commands as much respect on the Isthmus of Panama as the average New York or Chicago policeman commands in the slum districts of those cities. It is no trouble to get men to vote in some wards in our cities as the police dictate. American marines stationed at every polling place in the Republic of Panama, every one of them for Obaldia, would mean, of course, the election of Obaldia.

Mr. Squires, the American minister to Panama, was openly for Arias. After the return of Mr. Taft to the United States, Mr. Squires was required to come to Washington. He went back to Panama openly for Obaldia. His visit to Washington at that time was made necessary by no other fact than the fact that it was necessary to have him become openly an adherent of

Obaldia.

There is contained in the letter from Secretary Taft to Doctor Amador a very thinly veiled threat to seize the Republic of Panama if Obaldia was not elected. In order to prevent this, Arias withdrew on the 4th day of July last, just eight days before the election. I have secured a copy of his letter of withdrawal, and I will publish it in full in the appendix to my speech. He withdrew from the race on account of the interference of Secretary Taft in the elections in Panama. This left Obaldia with no opponent at all. A very small vote was cast at the elections. Obaldia was elected, and in October, 1908, was inaugurated. Immediately following the withdrawal of Mr. Arias from the race, Cromwell gave out to the New York Herald an interview expressing the greatest gratification over the withdrawal of Mr. Arias. [Laughter.]

On the 1st day of September, 1908, President Amador sent his

On the 1st day of September, 1908, President Amador sent his farewell message to the general assembly of Panama. That message marks the withdrawal of this old statesman from the stormy politics of Central America. I will publish in the appendix to my speech some extracts from his message. In his message he directly charges Secretary Taft with forcing the Constitutional party from the field in Panama and with compelling the election of Obaldia. The proof I have here, and which I will print in full in the Record, establishes absolutely the combination between Secretary Taft, representing this Government, and Cromwell and his friends to force upon Panama the election of Obaldia. [Applause on the Democratic side.]

Mr. Cromwell's plans for the spoliation of that country are

now in operation on the Isthmus of Panama.

Not long ago Mr. Cromwell testified before the Senate investigating committee that he received no compensation for his services as attorney for the Republic of Panama. In reply to a question asked by Senator Simmons as to what the inducement was that prompted him to render that service to the Republic his reply was:

The broad instinct of good nature which has prompted me to do so much work for that cause, Senator, and the other consideration that I have more money than I need, unfortunately.

I regret exceedingly that I can not agree with Mr. Cromwell as to the motives for his activity in connection with this little Republic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield thirty minutes more to the gentleman from Illinois.

Mr. RAINEY. The Republic of Panama possesses two sources of income, and only two—her immense forests and the income she gets from her invested funds. Under a clause in the constitution of Panama, \$6,000,000 of the \$10,000,000 we paid her for canal rights is invested in New York securities. It is unnecessary for me to say that William Nelson Cromwell is the gentleman who has charge and absolute control of this enormous investment. It yields about \$265,000 a year. This investment is to continue a sacred trust forever. In the year 1913, under the Hay-Bunau-Varilla treaty, we commence to pay as rental for the Canal Zone, to the Republic of Panama, \$250,000 per year. In this way we seek to prevent the Republic of Panama from becom-

ing a charge on our revenues. Having guaranteed the independence of the Republic of Panama, it becomes necessary for us, as a matter of common honesty, to protect the revenues of that little Government until they are able to take care of themselves.

The plan of Mr. Cromwell and his associates is to absolutely appropriate to their own use the revenues of the Republic and to steal the forests and the public lands. The necessity for Mr. Taft's interference and for the election of Obaldia becomes now as plain as day.

There is pending now in the General Assembly of Panama the most infamous railroad proposition ever submitted to any Government. That infant Republic has had no experience in building or managing railroads. This proposition is being seriously considered and about to be adopted by the General Assembly.

considered and about to be adopted by the General Assembly.

Randolph G. Ward, of the city of New York, is the person who appears of record in the matter, and who seeks to get for his successors, his heirs or assigns, most valuable concessions. His proposition is to build a railroad from Panama to David, a distance of 441.59 kilometers. The proposed charter, however, provides that the railroad may be 450 kilometers long. In fact, the charter provides for a number of spurs and extensions.

The road is to be built along the line of the survey for the Pan-American Railroad. The Pan-American Railroad as surveyed runs through the present Republic of Panama from Costa Rica to Colombia on the Pacific slope. David is a small city near the boundary of Costa Rica west of the city of Panama. The proposition provides for a grant of 1,000 hectares of land for each kilometer of railroad built. If they only build the line from David to Panama, this means a grant of 450,000 hectares of land. For building this line alone this company is to get over 1,125,000 acres of land, and they are to be permitted locate the land where they please along the line of the survey of the Pan-American Railroad from Panama to Colombia. In other words, with their right of way and tracks, they appropriate the line of survey from Panama west to Costa Rica, and then are to be permitted to take possession of over a million acres of land along the line of the survey east from Panama to Colombia, where they do not propose now to build a railroad, thus shutting out any rival east-to-west railroad on the Isthmus of Panama, and there is only room for one east-to-west road on that narrow strip of land.

The timber in the Republic of Panama is the best and most valuable in all the world at the present time. It will be easier and cheaper to get lumber from the Republic of Panama to our Atlantic coast cities than it is now to get lumber from our

States in the West and Northwest to those points.

No surveys of any importance have ever been made in Panama. It is impossible to state the extent of her immense forests. If the Gatun dam is a possibility, it will create a lake covering 225 square miles, reaching valuable timber lands. The area of forests in the district of Colon alone comprise 15,000 square miles. The forests are all owned by the Government. An effort was made by the Bureau of Forestry last year to obtain information with reference to the forests of Panama. Mr. Kellogg, our consul at Colon, complied with the request and sent what available data there was. Mr. Arnold Shanklin, the American consul-general at Panama, failed to make any report at all. Mr. Shanklin evidently feels that he owes his position there to William Nelson Cromwell. On account of his failure to report, no man in this country knows, except Mr. Cromwell and his associates, anything about the immense timber resources of that section of the Republic of Panama.

The timber in Panama does not grow on inaccessible mountain slopes and in valleys difficult to reach. The country is not particularly mountainous. Roads are not difficult to build. The building of a few roads opening up the immense forests of Panama ought to make the timber alone on the public lands in Panama worth an immense sum—more than the timber is worth

upon our own timbered lands in the West.

The forests sought to be obtained by this concession ought to yield in the course of the next fifty years between five

hundred million and one billion dollars.

The charter provides for an issue of bonds known as "class A bonds" to the amount of \$3,300,000, and for an issue of bonds known as "class B bonds" amounting to \$5,500,000. Both bond issues draw interest at 4½ per cent. The Government is asked to pledge the entire revenue from its fixed investments in New York to the payment of the interest on the class B bonds. The class B bonds, according to the report of the Pan-American survey, are sufficient in amount to pay the entire expenses of building this railroad except the expense for steel rails and laying the same. It is only proposed to lay 56-pound rails. To pay the interest on the class B bonds would require every year \$247,500. In other words, the New York

investments of the Republic of Panama would yield just about enough money to pay the interest on these bonds.

It would be easy, of course, under these circumstances to build this road. In addition to these propositions the charter proposed provides for a grant to the railroad of the entire water front of the city of Panama—

From the northeast bastion of the city southward and westward along the present boundaries of the city to an intersection with the boundary of the Canal Zone at the extremity of a point of land projecting out into the sea in the direction of a small island.

The proposed charter gives the company the right to fill-up the harbor of Panama for an indefinite distance out into the sea. It authorizes the company to build there its railroad terminals, shops, and so forth, and to use the reclaimed land for any purpose the railroad may desire, including dry docks. The charter authorizes the company to build subways under the present city of Panama in order to reach this proposed reclaimed section. In other words, this infamous proposal contemplates shutting out the present city of Panama from the sea and building in front of it, along the most beautiful bay in the world, a new city, to be owned absolutely by this railroad company.

The city of Panama is not in the Canal Zone. It is especially exempted by the Hay-Bunau-Varilla treaty. The Canal Zone extends across the Isthmus occupying a strip of land 5 miles wide on each side of the "canal to be built." The cities of Panama and Colon would be included within this strip if it were not for the fact that the treaty contains the proviso that these cities are not to be included in the Canal Zone. railroad company we own very recently expended \$2,000,000 in building a pier out into the sea so as to enable vessels to take on freight and discharge freight in a convenient manner. I think some of the bonds issued for this purpose are still outstanding. The concession sought will deprive us of valuable privileges and to a large extent, perhaps completely, would destroy the utility of the great dock we have built there and own. The voice of this administration has not been heard protesting against this infamous proposal.

The reclaimed land reaches the old site of the proposed Sosa locks and dam just at the Pacific Ocean shore line. The plan for building locks here, however, seems to be temporarly abandoned. But if we propose to build dry docks to be operated in connection with the canal, there is no better place than this to build them. This company, however, proposes to occupy this site themselves, and the United States Government hereafter can acquire rights there, if this proposition goes through, only by condemnation proceedings.

Let me call attention to the fact that the gentlemen who are back of this railroad scheme, if they stand in with the administration here and with the Canal Commission, can get this land reclaimed with no expense whatever to them.

Immense excavations are to be made on the site of the locks nearest the Pacific Ocean shore line, and there will be considerable excavation between the Pacific Ocean shore line and the site of the Pedro-Miguel locks and dam. Then there is the great Culebra Cut only 6 miles away, with its limitless supply of material for filling in the ocean front of the city of Panama. The harbor of Panama is not a particularly inconvenient place for dumping clay and sand and rock excavated from the Culebra and Obispo cuts. I simply make this suggestion in order to show the possibilities connected with this infamous proposal.

The charter provides that the revenues derived from the sale of reclaimed lands in the Bay of Panama shall be applied, first, to the cost of reclaiming the lands, and then to the payment of the interest and the principal on the class A bonds. In other words, by this proposition these gentlemen expect to obtain the forests and all the public lands of any value on the Pacific slope of the Republic of Panama and to absorb all the revenue the Republic derives from its New York investments. This is the only definite and sure source of income the Republic has at the present time. And the gentlemen back of this scheme also expect to get the entire water front of the city of Panama for an indefinite distance out in the sea, and to build there on lands that will be among the most valuable in the world, when the canal is completed, a city of their own. They propose to stand there at the Pacific gateway of the canal, which the people of this country expect to build at an enormous cost, and to levy tribute upon the canal and the city and Kepublic of Panama, and indirectly upon the people of the United States. This proposition is being seriously considered in the general assembly of Panama; and if the speech I am now making does not awaken the public conscience in this country and in Panama, the charter will be agreed to at an early date. I will publish this proposed charter in full in the appendix to my speech.

In addition to all this, a group of American financiers is seeking to obtain possession of all the timbered lands in the Republic of Panama on the Atlantic slope. This project for the spoliation of the country is not having such clear sailing as the other. Some opposition to it has been occasioned by the fact that the people of Panama have learned of efforts to bribe the officials of the former administration by the gentlemen interested in this project, and on account of that fact they are suspicious. They do not realize yet that the immense timber resources of Panama are of any value to the country. The forests have never been exploited, and what little timber has been taken out and shipped to New York was rudely fashioned with the ax for shipment. There are no sawmills on the Isthmus of Panama of any importance.

These two schemes are proceeding with such absolute harmony, and there seems to be such a concerted agreement, that neither is to impling upon the other, that I am driven to the conclusion that are being proposed by the same gentlement.

conclusion they are being promoted by the same gentlemen.

It will be interesting to know who the gentlemen are who are attempting in this way to impoverish the Republic of Panama. The proposition is not a new one. John Ehrman, the son-in-law of Doctor Amador, presented the contract to Doctor Amador for his approval before the expiration of his term of office as president of Panama. Doctor Amador refused to approve it. This was one of the things which brought about the activity of Mr. Cromwell in the elections of last July, resulting in the success of Obaldia. After the term of office of Obaldia commenced, the contract was presented to Obaldia and it has now been signed by that gentleman.

They have a law on the Isthmus of Panama which prevents the President from giving away over 5,000 hectares of land. This makes it probably necessary, as I understand the situation, to get the approval of the General Assembly for this proposed grant. At any rate the promoters of this scheme think it would be safer to have it, and they are trying now to get it.

On the night of Sunday, December 27, certain members of the General Assembly of Panama were invited to the palace of the President. The President explained to them the conditions of the proposed timber concession. Some inquisitive members of the assembly on that occasion demanded that they be permitted to know the names of the responsible parties back of John Ehrman. They insisted they had the right to know who Ehrman really represented. At that time and on that occasion Obaldia told them that Mr. Ehrman represented the following citizens of the United States—

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MOON of Tennessee. I will yield to the gentleman ten minutes more.

Mr. OVERSTREET. How far has the time been used, Mr. Chairman? What is the division?

The CHAIRMAN. The gentleman from Indiana has used one hour and fifteen minutes and the gentleman from Tennessee has used one hour and forty-six minutes.

Mr. OVERSTREET. I think the other side is rather encroaching upon the time. We are endeavoring to divide the time equally, and there are several gentlemen who wish to speak.

Mr. RAINEY. I think I will get through in ten minutes.
Mr. OVERSTREET. Will the gentleman say that he will not ask for another increase of time?

Mr. RAINEY. The gentleman ought not to ask me to make that pledge.

Mr. MOON of Tennessee. I have yielded ten minutes to the gentleman.

The CHAIRMAN. The Chair desires to state that under the rules of the House not more than an hour can be yielded to any one man without unanimous consent.

Mr. RAINEY. I will get through in ten minutes.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for ten minutes.

Mr. RAINEY. Mr. Chairman, I want to say that this is not the last speech I am going to make on the Panama Canal question. [Applause on the Democratic side.]

On Sunday night, the 27th day of December, Obaldia called to his palace certain members of the general assembly, and they then and at that time demanded of him to know who the men were back of John Ehrman, representing that John Ehrman had no particular financial standing, and at that time they were told that the men who were back of this infamous, outrageous scheme were William Nelson Cromwell; Roger L. Farnham, his confidential clerk; W. S. Harvey; and Charles P. Taft. [Applause on the Democratic side.]

Meetings are now being held in the public parks of Panama protesting against the proposed contract. It is being vigorously defended by the administration. It is not difficult to influence some Spanish-American statesmen. Efforts to bribe the former administration in this particular are openly discussed and practically admitted in Panama, and it may be that the potent influ-

ences of Mr. Cromwell will yet prevail.

I incorporate in the appendix to my speech a number of letters on this subject. Among others, a letter from La Guardia, one of Obaldia's opponents, charging that the attempt is to secure this valuable concession for the benefit of a foreign syndicate, and calling attention to the attempts to bribe government officials in the matter. This letter brought a reply from Ramon M. Valdes, a member of the cabinet of Obaldia, on behalf of Obaldia. I have had the reply translated, and I incorporate

Señor Valdes states that Obaldia, on account of his high position as President of the Republic of Panama, can not reply to his critics. Therefore he, Valdes, makes the reply for him. It will be noted in this connection that the present President of the United States is not afflicted with any delicacy of this character. Valdes in his reply simply bases his defense upon a letter written by Doctor Amador on the 31st day of December, I will also print this letter in the appendix to my speech.

In this letter this old statesman declines to go further than

to say:

I never told anyone that a sum of money was offered to me.

He does not deny that the attempt to bribe was made. He states that Mr. Drake, a former member of the board of directors of the Panama Railroad Company, was active in attempting to get him to sign the contract, and his letter contains the following significant statement with reference to the private secretary and the confidential agent of William Nelson Cromwell:

It was Mr. Farnham who on many accounts insisted that I should make the contract, assuring me in a short time he and his family would e very rich.

Doctor Amador also states that Ramon M. Valdes, while a private citizen, was active in promoting this particular contract, and it is interesting in this connection to note that Ramon M. Valdes was so useful to Mr. Cromwell that in the changes effected there by him in the recent elections Señor Valdes became the secretary of state for Obaldia, and it is Señor Valdes who makes

the defense for Obaldia.

Unless public sentiment is awakened in this country at once. and unless this administration interferes in some way on the Isthmus of Panama, both of these contracts will go through and the complete impoverishment of that country will follow as a The Panamanians are wards of this Governmatter of course. We ought to protect them until they are able to take themselves. We have guaranteed forever the independcare of themselves. ence of the Republic of Panama. In good faith we ought to enforce this provision not only as against all other governments, but as against those citizens of the United States, the friends and advisers of this administration and the next administration, who are proposing these infamous schemes.

Since the election of last November bread lines have commenced to form in the streets of our principal cities, and to-day in the Capital City, on Pennsylvania avenue, under the shadow of the Dome of the Capitol, a bread line appears daily, constantly increasing in length. If we permit the scheme of William Nelson Cromwell, Roger L. Farnham, and the others to go through on the Isthmus of Panama, this Government will have there a bread line containing 400,000 people.

The men who are attempting to steal and to appropriate to their own use the revenues of this Republic are in reality about to impose enormous additional burdens upon the Treasury of the United States. To-day the deficit in the Treasury is over \$74,000,000. If we permit these men to rob the Republic of Panama, we will place upon the United States the oppressive burden of providing a government for 400,000 people there.

Over three hundred years ago Morgan, the buccaneer, the original buccaneer on this continent, advanced across the Isthmus of Panama with fire and with sword, murdering men, torturing women and children, leaving in his wake the smoking ruins of destroyed cities. But he did not work half as much destruction on the Isthmus of Panama as these modern buccaneers of finance are trying to work.

Now, our duty ought to be plain. We guaranteed their independence on the Isthmus of Panama against all nations of the world. We ought to guarantee their independence against the outrageous demands of these modern buccaneers of finance.

[Applause on the Democratic side.]

I do not charge that the gentleman who will be inaugurated President of the United States on the 4th day of March is a party to this infamous scheme for robbing this little coun-

try. I have only presented the evidence. His friendship for Cromwell; his selection of Cromwell, Farnham, Drake, and Obaldia as members of the board of directors of the Panama Railroad; his continued indorsements of both Cromwell and Farnham; his interference on the Isthmus of Panama, which compelled the election of a corrupt statesman, absolutely under the control of Cromwell, as President of that Republic-all these things and other things for which the present administration is responsible-made possible the signing of the contract by Obaldia which may bring to the gentlemen interested therein riches beyond the dreams of avarice. It will not be long, if this scheme goes through, before the campaign contributions made by some of the gentlemen interested in this enterprise will be returned a hundredfold.

There are pending to-day in the Senate of the United States certain treaties affecting Colombia and Panama. It is impossible to tell just what these treaties contain—no man knows except officials connected with the State Department and members of the Committee on Foreign Relations of the Senate. I might say, however, that William Nelson Cromwell and his secretary, Roger L. Farnham, while not connected with the State Department, have been actively engaged here with the representatives of Colombia and Panama for two or three

weeks promoting these treaties.

It is understood that these treaties are for the purpose of adjusting certain boundary-line disputes between Panama and Colombia, and a certain claim on the part of Colombia that Panama should contribute to the payment of the public debt of Colombia, as it stood at the time of the independence of Panama. It is currently reported that in these treaties, which await now the confirmation of the Senate of the United States, and after that the confirmation of the Senate of Colombia, there is a provision that Panama within a definite period, probably within the next ten years, must pay to Colombia an indemnity of a million dollars or more, and it is also understood that the United States guarantees the payment of this immense sum. We are therefore already assuming the burden of providing out of our Treasury for the Republic of Panama.

If we permit the plans of Mr. Cromwell and his associates to go through on the Isthmus of Panama, and if these treaties are confirmed, there will be no revenues in Panama out of which to pay this indemnity. The United States Government will be called upon to pay it all, and if these plans for the spoliation of Panama proceed to a successful conclusion it will not be long until immense burdens of a different character connected with

Panama will be imposed upon our Treasury.

These patriotic gentlemen, therefore, are being permitted not only to rob the Republic of Panama, but indirectly to rob the Treasury of the United States, and in their efforts in this direction they have had so far the complete cooperation and the active assistance of the present administration and of the next President of the United States. [Long-continued applause.]

APPENDIX.

THE TIMBER RESOURCES OF PANAMA.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF MANUFACTURES,
Washington, January 15, 1999.

Hon. Henry T. Rainey,

House of Representatives.

Dear Mr. Rainey; Your letter of the 11th instant, addressed to the Chief of the Bureau of Statistics, has been referred to this office for reply. The timber resources of the various countries of the world was the subject of a special investigation last year, which was made upon the request of the Bureau of Forestry and ordered by the State Department, the investigations and reports being made by the various consular officers stationed abroad. These reports from some countries are very complete, while from others the information is rather vague. Some consular officers made no reports, including Mr. Arnold Shanklin, the American consul-general at Panama. A brief report on Panama was made by Consul James C. Kellog, at Colon, which I take pleasure in forwarding to you herewith for perusal. The Forestry Bureau made very limited use of these reports, and this bureau has under consideration their publication in extenso. Would ask, therefore, that you kindly return the report within a few days.

Very truly, yours,

John M. Carson,

Chief of Bureau.

John M. Carson, Chief of Bureau.

SUPPLY AND DEMAND FOR LUMBER IN FOREIGN COUNTRIES. [Copy of report forwarded with above letter.]

[Copy of report forwarded with above letter.]

1. For several years no wood has been exported from the district of Colon. The estimated amount imported during the year 1907 was 4,486 tons, all of which came from the United States, and in the form of boards, planks, scantling, and flooring, the latter rough or planed with tongue and groove, which costs in the local markets from 4 to 5 cents a square foot. In addition ready-made doors and blinds are imported from the United States, which cost from \$4 to \$7 a pair.

2. Formerly logs of cedar, cocobolo, and mahogany were exported to the United States and England, the larger portion going to England. These logs were sold for 50 cents a cubic foot. Until recently a small sawmill located at Porto Bello cut up cedar logs into boards and scantling for the local market, which sold for 4 cents a square foot.

This mill has, however, suspended operations on account of scarcity of labor and lack of roads.

3. All of the wood imported comes from the United States with the exception of a small amount of cedar and other hard woods, which is exported from the Atrato River, Colombia, cut up into boards, scantling, and flooring, retailing at the same price as the American lumber, which latter consists of pitch pine, with the exception of a small amount of planed boards of white pine.

4. The Republic of Panama is fully capable of producing all the wood consumed at home.

5. The only measures necessary in order to supply the demand are securing more labor and building proper roads through the forests, which are immense in extent, virtually intact, and requiring no measures to increase their productiveness.

7. Judging from the vast areas of virgin forests to be found in the countries of South and Central America, it is reasonable to suppose that those countries would be able, for generations, to supply the demand of the nations for wood. Of course, in time, their supply would be diminished, and it would become necessary, in order that their forest resources should not become totally exhausted, to inaugurate a system of forestry supervision, as has been practiced in France and Germany for many years, and which, during the last twenty years, has also been adopted in the United States.

8. The area of forests in the district of Colon comprises about 15,000 square miles, and contains enough wood to supply the Republic of Panama, so I am told, for hundreds of years. The only reason why lumber is imported is because there is a lack of labor, public roads, and machinery; the little that has been exported has been shaped with axes. The forests are owned by the Government, and the expenditures and revenues on them amount to practically nothing. There are no statistics showing the yield in wood, nor the extent of the present stand. As far as I can ascertain, there is very little exploiting of the forests either by the Government or pr

JAMES C. KELLOGG, Consul.

COLON, PANAMA, July 4, 1908.

HOW THE UNITED STATES DOES NOT OWN A RAILROAD AND A LINE OF STEAMSHIPS.

Extract from the hearings before the Committee on Interoceanic Canals, in the United States Senate, February 27, 1906:

"Senator Morgan. We own the railroad absolutely, do we not?

"Mr. Cromwell. Of course you know—you do not mean that, speaking as a lawyer? You mean that in colloquial terms we own it?

"Senator Morgan. Is there anything about it that we do not own?

"Mr. Cromwell. No, sir; I am speaking only as a matter of law. Of course the United States does not own the railroad.

"Senator Morgan. Is there any piece of property down there belonging to the railroad company that we do not own?

"Mr. Cromwell. It is all covered by the capital stock of the corporation, and the United States Government owns every single share of that capital stock.

"Senator Morgan. Is it covered by the capital stock?

"Mr. Cromwell. Yes, sir.

"Senator Morgan. But we have also got the actual possession of all the property that belongs to that railroad?

"Mr. Cromwell. The railroad has possession of the railroad through the ownership of the stock.

"Senator Morgan. Yes. Well, it is hard to divide between the two. The railroad owns the property?

"Mr. Cromwell. How is it, any more than it is to consider the ownership of a bank? Suppose you own some shares in the stock of a bank. If you own all the shares, you do not own the bank, but you own the shares.

"Senator Morgan. If you own the bank and all the money in the bank and all its cash—

"Mr. Cromwell. No, sir; of course not. You can not violate law and disregard the legal relations. Of course not.

"Senator Morgan. We seem to have done it.

"Mr. Cromwell. No, sir; of course not.

"Senator Morgan. The United States owns all the stock?

"Mr. Cromwell. No, sir; of course not.

"Senator Morgan. We seem to have done it.

"Mr. Cromwell. We see

served it with greatest respect. The United States has preserved its status.

"Senator Morgan. The United States owns all the stock?

"Mr. Cromwell. Yes.

"Senator Morgan. And all the stock covers all the property?

"Mr. Cromwell. Yes.

"Senator Morgan. And the United States is not the owner of the property, either in law or in equity?

"Mr. Cromwell. I did not say in equity.

"Senator Morgan. I am asking about law and equity both.

"Mr. Cromwell. I was talking of law.

"Senator Morgan. I am quite willing.

"Senator Morgan. The United States owns all the stock?

"Mr. Cromwell. I am quite willing.

"Senator Morgan. And the stock covers all the property?

"Mr. Cromwell. Yes, sir.

"Senator Morgan. How is it that the United States, either in law or in equity, is not the owner of the stock and property?

"Mr. Cromwell. Because there is a legal entity intervening, and that legal entity is the Panama Railroad Corporation, a regularly chartered corporation of the State of New York, having its duties to the State of New York, its duties as a common carrier, and all the obligations of a corporation.

"Senator Morgan. Is it that legal entity that you represent as a director?

"Mr. Cromwell. I am a director, one of the thirteen; yes, sir.

director?

"Mr. Cromwell. I am a director, one of the thirteen; yes, sir.

"Senator Morgan. Representing that legal entity?

"Mr. Cromwell. Representing that corporation, that legal entity.

"Senator Morgan. How about the legal entity you have just described? Do you represent that?

- "Mr. Cromwell. I am one of thirteen directors of that legal entity. "Senator Morgan. How much stock do you own in the railroad? "Mr. Cromwell. One share, sir. "Senator Morgan. I thought you said that the United States owned it all? "Mr. Cromwell. I will now proceed to describe to you how I own that one share.

"Mr. Cromwell. I will now proceed to describe to you how I own that one share.

"Senator Morgan. No; you said yesterday very emphatically, and repeated it two or three times, that the United States owned every share of the stock in that company?

"Mr. Cromwell. It does own every share.

"Senator Morgan. Then, if it belongs to the United States, it does not belong to you.

"Mr. Cromwell. I told you, also, that I would describe to you how we had qualified the thirteen directors.

"Senator Morgan. Let us see how that was done. That is a process that I wanted to understand.

"Mr. Cromwell. Yes, sir.

"Senator Morgan. Let us see how that was done. Under the laws—and I question the wisdom of my making this statement, as a matter of public record, but I am called upon to do it.

"Senator Morgan. It is always wiser to tell the truth, if you can do it.

do it. "Mr. Cromwell. It is sometimes imprudent to disclose your affairs

"Senator Morgan. It is sometimes imprudent to disclose your affairs to the public.

"Senntor Morgan. Yes.

"Mr. Cromwell. But the responsibility is upon you and not upon me for that.

"Senator Morgan. You are not under any professional obligation not to do it?

"Mr. Cromwell. No, sir.

"Senator Morgan. Go ahead, then. That is the first time I have found you free.

"Mr. Cromwell. In order to maintain the legal entity intact and the corporate functions it is necessary that each director be in law an owner of at least one share of stock.

"Senator Morgan. Under what law is that?

"Mr. Cromwell. The New York state law.

"Senator Morgan. Yes.

"Mr. Cromwell. Accordingly, each, of the 13 directors has made an agreement with the United States Government, in writing, by which they agree to deliver that share to the United States at any time, upon the call of the United States, and have indorsed the certificate therefor and returned and delivered it to the Treasury of the United States.

"Senator Morgan. And have delivered it?

"Mr. Cromwell. Certainly; so that the United States, in its Treasury—and you may walk over there in five minutes and see them in the Treasury Department—has every single physical share of the stock. Thirteen of them, however, stand in the names of the 13 directors, who have paid upon account a small sum, in order to make the transaction one of absolute legality, with the right and option upon the part of the United States to take back the share upon payment of the balance, the United States to take back the share upon payment of the certificate of stock itself, indorsed by each director. That transaction qualifies each director under the law, but protects the United States in the possession of the certificates.

"Senator Morgan. So to speak. I do not believe it.

"Senator Tallaferro. Does not the law require bona fide ownership?

"Mr. Cromwell. I think that is bona fide ownership in the sense that each director raid upon account a certain

"Senator Taliaferro. Does not the law require bona fide ownership?
"Mr. Cromwell. I think that is bona fide ownership in the sense of the law, in the sense that each director paid upon account a certain sum, giving to the United States the right to call for the share and take it by paying the balance.

"Senator Morgan. Did you prepare this arrangement?
"Mr. Cromwell. I assisted the Secretary of War in making the arrangement.
"Senator Morgan. As counsel of the Panama Railroad?
"Mr. Cromwell. As counsel of the Panama Railroad?
"Mr. Cromwell. It was it not your plan?
"Mr. Cromwell. It was a joint discussion as to how we should qualify the directors.
"Senator Morgan. You prepared the plan and then discussed it with the Secretary of War, did you not?
"Mr. Cromwell. We discussed it and I projected it. I prepared the draft paper: yes.

"Senator Morgan. You prepared the plan and then discussed it with the Secretary of War, did you not?

"Mr. Cromwell. We discussed it and I projected it. I prepared the draft paper: yes.

"Senator Morgan. You prepared the paper and discussed it with the Secretary of War; so that it was your invention?

"Mr. Cromwell. It was no invention. It is a common practice. There was nothing original about it, Senator. I do not claim any patent upon it.

"Senator Morgan. It may be a common practice, but I can say that it is the first time I have ever heard of it. You have not got the physical possession, as you call it, of that certificate of stock?

"Mr. Cromwell. Individually? Persohally, you mean?

"Senator Morgan. Yes.

"Mr. Cromwell. No, sir.

"Senator Morgan. And you have indorsed it to the Government?

"Mr. Cromwell. Absolutely.

"Senator Morgan. And it is in the Treasury of the United States?

"Mr. Cromwell. Every share.

"Senator Morgan. What more, then, do you hold in regard to your office of director than a power of attorney from the United States Government to act as director in that railroad?

"Mr. Cromwell. I would not care to qualify it, sir, otherwise than as I have mentioned.

"Senator Morgan. How about Mr. Farnham's stock?

"Mr. Cromwell. The same thing.

"Senator Morgan. He same thing.

"Senator Morgan. He got the stock?

"Mr. Cromwell. At the last annual meeting he was qualified in the same way that I have described.

"Senator Morgan. He got the stock?

"Mr. Cromwell. No, sir.

"Senator Morgan. He got the stock?

"Mr. Cromwell. No, sir.

"Senator Morgan. He got his one share under exactly the circumstances that you got yours?

"Mr. Cromwell. No, sir.

"Senator Morgan. Who issued that share to him?

"Mr. Cromwell. The department.

1909.	CONGRESSIONAL
"Senator Morgan. The Mr. Cromwell. Yes, s	department?
"Mr. CROMWELL. Yes, s "Senator Morgan, Out "Mr. CROMWELL, Yes, s	ir. of the stock owned by the United States?
"Senator Morgan, Wha	of the stock owned by the United States? sir. t did he pay for it? ransaction was as I have described. you know the particular share of stock that
"Mr Crosswarz The	no obovo 9
"Mr. CROMWELL. The no "Senator Morgan. Who "Mr. Cromwell. The G- "Senator Morgan. Who	umber can be furnished; certainly, owned that stock before he got the right to it? overnment of the United States, did the Government get it from? a part of these shares that it acquired from
"Mr. CROMWELL, It was	s a part of these shares that it acquired from as a part of the shares that came over from
the canal company?	they qualified the 13 directors in that way.
"Senator Morgan. The of the stock—	Government of the United States took a share
"Mr. CROMWELL. And q "Senator Morgan. Wait keep up with you, so I hop "Mr. Cromwell. I hee	ualified each one of the directors. a minute. I am an old man, and I can not be you will allow me to finish my question, your pardon.
"Senator Morgan. The the shares that it had rec that had been delivered in "Mr. Cromwell. Yes: a	ualined each one of the directors. a minute. I am an old man, and I can not be you will allow me to finish my question, your pardon. Government of the United States, then, out of ceived from the Panama Canal Company, and to what you call its physical possession— tetual possession— tetual possession— tetual possession—
" Senator Morgan (conti of Mr. Farnham?	actual possession. nuing). Put one of these shares in the hands
"Mr. CROMWELL. It did "Senator Morgan. Wha	not put it in his hands at all, then? name.
"Mr Crowwell Voe	it it in his hamer
"Mr. CROMWELL Certai	gave him authority to vote it as a director?
mana 9	whom was he elected a director on that past-
"Mr. CROMWELL. By the Senator Morgan. Whee "Mr. Cromwell. At the	ne stockholders. n? e last annual meeting—April, 1905.
"Senator Morgan. Whe "Mr. Cromwell. At Ne "Senator Morgan. Wha	ne stockholders. n? e last annual meeting—April, 1905. re was that held? w York City, the office of the company. t stockholders were present? ne stock. the stock was represented?
"Senator Morgan, All "Mr. Cromwell. Every "Senator Morgan By	single share was represented? single share was represented. the owner or by proxies? wner, by proxy, being the United States Gov-
"Mr. CROMWELL. The o	wner, by proxy, being the United States Gov-
"Senator Morgan. The all these shares? "Mr. Cromwell. I thin	United States Government at that time owned
"Mr. CROMWELL. I thin "Senator Morgan. And "Mr. Cromwell. Yes.	ik they did. its commissioners were all directors?
"Senator Morgan, Com "Mr. Cromwell, Seven "Senator Morgan, They	its commissioners were all directors? prising seven? , and qualified in precisely the same way. were there? ir. you were there?
"Mr. CROMWELL. Yes, s	sir.
"Senator Morgan. Who That made eight." (S. De	at other outside stockholders were there? oc. 401, 2d sess., 59th Cong., vol. 2, p. 1125.)
HOW MUCH WE HA	WE EXPENDED ON THE PANAMA CANAL.
Hon. HENRY T. RAINEY,	ISTHMIAN CANAL COMMISSION, Washington Office, January 19, 1909. tives, Washington, D. C.
House of Represental Sir: In compliance with 16th instant, I have the h the total appropriations n Isthmian Canal to date, a Very respectfully,	tives, Washington, D. C. h the request contained in your letter of the onor to inclose herewith a statement showing made by Congress for the construction of the nd the balance unexpended December 1, 1908.
	RUFUS A. LANE, Assistant to the Chief of Office. congress for the construction of the Isthmian
Purchase of canal rights	Canal.

A	ssistant to the	Chief of Office.
Appropriations made by Congress for t	he construction	of the Isthmian
Purchase of canal rights, June 28, 190; Purchase of Canal Zone rights, April 28 Construction of canal, June 28, 1902— Construction of canal, December 21, 190	3, 1904 05	10, 000, 000. 00 10, 000, 000. 00 11, 000, 000. 00
Construction of canal, February 27, 196 Construction of canal, June 30, 1906: Expenses in the United States	06	5, 990, 786. 00
Construction, engineering, and ad-		
ministration	968, 200, 00	
Sanitation and hospitals Reequipment of Panama Railroad_	1, 000, 000. 00	
TotalConstruction of canal, March 4, 1907:	050 000 00	25, 456, 415. 08
Expenses in the United States Construction, engineering, and ad-	253, 000. 00	
Civil administration	20, 366, 000, 00 825, 000, 00 2, 034, 000, 00	
Reequipment of Panama Railroad	1, 385, 000. 00	
Purchase of Panama Railroad bonds		
Total Total Construction of canal, February 15,		27, 161, 367, 50
1908: Expenses in the United States Construction, engineering, and ad-	18, 600. 00	
ministration Sanitation and hospitals	11, 990, 400. 00	
Total		12, 178, 900. 00

Construction of canal, May 27, 1908: Expenses in the United States Construction, engineering, and administration Civil administration Sanitation and hospitals. Purchase of two ships for Panama Railroad Company Reequipment of Panama Railroad Company	\$176, 000. 00 24, 535, 000. 00 241, 000. 00 1, 575, 000. 00 1, 550, 000. 00 1, 100, 000. 00	
Total		\$29, 177, 000. 00
Total appropriations to date		170, 964, 468, 58
		\$21, 844, 700, 45 2, 317, 369, 81
Total		24, 162, 070, 26

MEMORANDUM.—To the above total should be added the amount of the estimated deficiency for this fiscal year, to wit, \$5,456,000, in order to obtain the total that will be appropriated on the 30th day of June of

HENRY T. RAINEY.

SECRETARY TAFT'S VISIT TO ISTHMUS.

FECRETARY TAPT'S VISIT TO ISTHMUS.

[Panama Star and Herald, May 11, 1908.]

The visit to the Isthmus of the Hon. William H. Taft, United States Secretary of War, is an event out of the ordinary and one that has given rise to much speculation. * * It has been asserted, for instance, that Mr. Taft's visit here is in connection with the political situation. It is true that the presidential campaign is being conducted with some fervor, but it is not easy to see why this should attract the attention of the United States Minister, as no American interests are involved and no overt violation of any treaty arrangement or breach of public order has occurred or is likely.

MR. SQUIRES'S VISIT.

[Panama Star and Herald, June 15, 1908.]

In view of the delicate political situation in the country when probable American intervention is the topic of the hour, it is easy to understand that the presence of Minister Squires is necessary at the State Department, in order that he may furnish detailed information regarding the conditions here such as could not well be communicated over

PANAMA TO BE SEIZED BY AMERICAN ARMY.

WASHINGTON, D. C., June 22, 1908.

After a fevered existence of four years, the Republic of Panama is to be snuffed out, in fact if not in name. An American army is to be dispatched to the Isthmus as soon as Secretaries Taft and Metcalf can make the arrangements.

The Republic is to be seized, all right. The only question is as to how the work of straightening out its affairs is to be done. Secretary Taft and William Nelson Cromwell, the administration's Pooh-Bah on Panama affairs, decided that the seizure could not be longer delayed.

SIX HUNDRED MARINES FOR PANAMA. [Panama Journal, June 24, 1908.]

WASHINGTON.

In anticipation of election riots in Panama, President Roosevelt has ordered 600 additional officers and enlisted men of the Marine Corps to proceed at once to the Canal Zone. Besides this, there are 300 marines on board the Tacoma and Prairie sailing for there. They will be placed at various places, a certain number being placed at each polling precinct to prevent fraud. The battle ships New Hampshire and Idaho are ordered to leave New York for Colon on Sunday.

HURRYING MARINES TO ISTHMUS MAY SUPPRESS REPUBLIC. [Panama Journal, June 27, 1908.]

WASHINGTON, D. C.

A force of 1,800 marines will be assembled in the Canal Zone in less than a month to overhaul President Amador, of Panama, and if warrant is found, to selze the toy Republic and establish a provisional government. Two hundred of the expeditionary force are on their way now. The first detachment started from Philadelphia on the auxiliary cruiser Prairie on June S, and the second hundred on the cruiser Tacoma from the same station.

AMERICANS AT THE POLLS. [Panama Journal, June 25, 1908.]

[Panama Journal, June 25, 1908.]

Now that the talk of American intervention in Panama has subsided, we now give the exact position which these Yankees will occupy at the forthcoming elections. We have been told by well-informed persons that every launch in the service of the Ishmian Canal Commission has been requisitioned by the Zone Government to convey saliors or United. States marines to the different electoral districts of the Republic, where they will preside at the polls during the 28th instant and the 12th of July next in numbers of from 5 to 20 at each poll, while others will be in the districts held in readiness for any emergency during the elections, and it is stated that at least 100 United States blue jackets will be stationed in Panama rendy for any duty. The days are now counted by hours, and we will watch every action in this matter with the keenest interest for the benefit of our readers.

AMERICAN INTERVENTION.

[Panama Star and Herald, June 15, 1908.]

Article 136 of the national constitution reads:
"The Government of the United States of America can intervene in any part of the Republic of Panama for the purpose of establishing the public peace and constitutional order in event of same having been dis-

turbed, in case, by virtue of public treaty, that nation assumes, or will have assumed, the obligation to guarantee the independence and sovereignty of this Republic."

In view of the above and the history-making epoch through which the Republic of Panama is at present laboring, the following questions present themselves to us and require thorough elucidation:

"Is American intervention in the Republic of Panama constitutionally legal? Most certainly, yes.

"Can the American Government intervene at will? No; because according to article 136, quoted above, the only object of intervention is the restoration of public peace and order, when that peace and order have been disturbed.

"Has the public peace of Panama been disturbed? No.

"Has even the constitutional order been violated? No; emphatically, no.

ally, no.

"Then for what reason or on account of what occurrences has American intervention been forced upon us at the present time?"

This last question is the question constantly before all Isthmians, with the exception of the followers of Mr. Obaldia, who have really sought and requested this intervention as a weapon in the coming electoral battle.

On election day, God forbid it, there may pass in Panama something which, like the explosion of the *Maine* in Cuba, may serve as a cause so that all of us remain enmeshed in the common conflagration, for it is not true that the Americans are to-day, in the world, the heralds of purity of suffrage, and that solely through love of this purity do they come to break lances in a foreign land, whilst in their own country the recollection that ballot boxes, full of ballots, were thrown into the muddy waters of the Mississippi still remains fresh.

THE MARINES LANDED AT COLON.

[The New York Herald, Sunday, June 28, 1908.]

COLON, PANAMA, Saturday.

The American battle ship New Hampshire arrived here at twenty minutes to 8 o'clock last night, and the battle ship Idaho came in at 7 o'clock this morning. Both vessels are anchored in the roadstead and have large contingents of marines on board. Three hundred marines from the battle ships were landed at Cristobal this morning and sent to Mount Hope, where the Isthmian Canal Commission storehouse containing United States property valued at more than a million dollars is located, and at other points along the line.

The cruiser Prairie is now lying alongside pier No. 11 at Cristobal with a full complement of men in readiness to protect property at that place. Col. E. K. Cole is in command of the American troops on the Isthmus.

ARMY SECRETLY WATCHES PANAMA.

[New York Herald, Tuesday, June 30, 1908.]

(By Mexican cable to the Herald, Panama, via Galveston, Tex., Monday.)

These United States Army officers here on a secret-service mission have been at the Hotel Tivoll since last Tuesday, registered as civilians under correct names, but from different cities:

"Lieut. Col. Benjamin Alvord, Capt. W. S. Scott, Lieut. J. S. Johnson, Capt. M. B. Stokes, Capt. H. D. Wise, Capt. H. P. Miller, Capt. Wert Robinson, Capt. T. W. Darrah, Capt. P. E. Traub, Capt. Arthur Thayer, and Captain Mechan."

The above paper also announces that officers are stationed at the Hotel Tivoli, registered as private citizens. When their identity was discovered, they asked that their identity be not made known.

EXTRACTS FROM LETTER OF WILLIAM H. TAFT, THREATENING INTER-VENTION.

I venture to suggest to your excellency, therefore, that in view of the charges which have been made, the wisest course for your Government to take is to give into the hands of a person admittedly impartial, as between Señor Arias and Señor Obaldia, the administration of the interior department having control of the election machinery, and that you arrange with the zone authorities to allow two Americans at each polling district in the Republic to be present in the booths to watch the voting and to witness the count, so that there may be available impartial witnesses as to the fairness of the election.

You are authorized to say to President Amador that the Government of the United States will consider any attempt at the election of a successor by fraudulent methods, which deny to a large part of the people opportunity to vote, constitutes a disturbance of public order which under Panama's constitution requires intervention, and this Government will not permit Panama to pass into the hands of one so elected.

I submit this memorandum to your excellency in the presence of the American minister, Mr. Squires, and Commissioner Blackburn, the one representing the State Department and the other the commission.

With the earnest hope that the great catastrophe of a fraudulent election may be avoided, I beg to subscribe myself, most sincerely, Your excellency's obedient servant,

WILLIAM H. TAFT.

The above extracts are from the letter of Secretary Taft while on the Isthmus of Panama, directed to President Amador, and dated at Culebra, Canal Zone, May 18, 1908, published in Panama Star and Herald, June 22, 1908.

SEÑOR ARIAS'S RENUNCIATION.

[Panama Star and Herald, July 6, 1908.]

Yesterday Señor Don Recardo Arias, candidate of the Constitutional party for the presidency, on perceiving that American intervention was near, it being very probable that trouble would ensue during the coming election, and the Liberal party refusing to come to a harmonious agreement, and desiring above all not to imperit the political independence of his country, declared his intention of withdrawing from

Señor Arias's letter of renunciation, addressed to the directorate of the Constitutional party, follows:

PANAMA, July 4, 1908.

To the Members of the National Directorate of the Constitutional Party.

To the Members of the National Directorate of the Constitutional Party.

Gentemen: The events which have come to pass in the present electoral campaign, bearing as they do an international aspect, are well known and do not require recounting.

These events plainly demonstrate the imminent peril of the military occupation of this country by forces of the United States of America, the which would be a death blow to our national life. The whole country understands how inevitable this is, and what grave peril it involves, and for this reason it behooves us to avoid at all cost even the remotest probability of having to lament irremediable evils.

Moreover, as the sound political elements of the country, whose unanimous concurrence alone could lend aid to a stable and vigorous government, who could give impulse to the internal organization of the country, and who could present a proper solution of the grave exterior problems which confront us, are divided; and as I consider it unpartiotic to widen this breach, the possibility of my assuming the direction of the government under these conditions is to be discouraged.

In selecting me as a candidate for the presidency of this Republic you have given me a high proof of confidence, and my conscience tells me that should I not withdraw my name from the list, so that it may not serve as a cause for furthering the misfortunes of our country, I would not prove worthy of that confidence.

Therefore, after the most mature reflection, and guided solely by what I consider my patriotic duty, I have decided to present to you, as I now do present it, my renunciation of the candidacy for the presidency of the Republic with which you have honored me and to which afterwards have adhered, spontaneously and disinterestedly, the majority of the Liberal and Conservative Chiriquians and a considerable number of both parties in the other provinces of the Republic.

I take this opportunity to present, through you, to all the compatriots who have favored me with their disinterested and enthu

[The Panama Star and Herald, July 6, 1908.]

With a fine manifestation of patriotism, Mr. Arias offered to renounce his candidacy for the presidency which he has hitherto pushed with characteristic energy. Confident in a victory at the polls if the issue is dependent on the free suffrage of his countrymen, he has nevertheless elected to withdraw entirely from the contest rather than accept the result of an election conducted under circumstances which would reduce it to a farce and render the victorious candidate, whoever he may be, a puppet for the world's riddeule. * * *

The result of the action of Mr. Arias may mean the loss to the country of a firm and capable ruler.

By his renunciation the country loses, but if his continuance in the race would bring about the irreparable disaster which now threatens, the country is even more indebted to him for his unselfish action. * * We can but express the hope that the patriotic action of Mr. Ricardo Arias and the Constitutional Party may yet be the means of averting the loss of independence which now threatens the Republic.

VIEWS OF MR. CROMWELL.

The New York Herald reviews the situation at length. In its issue of the 6th instant it publishes the following:

"William Nelson Cromwell expressed the greatest gratification to-day when he learned from a Herald correspondent that Secretary Arias had withdrawn as a candidate for the presidency of the Republic of Panama, leaving the way clear for Don Domingo Obaldia." * * *

TAFT DENIES THAT HE THREATENED.

[Panama Star and Herald, July 20, 1908.]

HOT SPRINGS, VA., July 5.

Positive and unqualified denial was given to-night by William H. Taft of the statements and reports from Panama that he had warned Secretary Arias that Vice-President Obaldia was the only presidential possibility for that Republic.

Two radical steps have been taken by the War Department by the direction of Mr. Taft, after consultation with President Roosevelt. The first was the ordering of a large force of marines to the Isthums for the purpose of insuring a fair election, to which was added the additional precaution of sending officers of the army under orders not to disclose their identity to observe conditions prevailing on election day.

The New York Herald says:

"* * Obaldia quarreled with the Amador crowd, who put up Arlas against him. Obaldia, however, found means of obtaining the powerful assistance of Mr. Cromwell and later on the United States Government lined up with Cromwell and Obaldia. * * Whether Mr. Traft did or not send the ultimatum, Obaldia or intervention, there is little doubt that somebody made it clear to Arias and Amador that the pins were set up for Obaldia to win. The position of the United States Government was made clear to everyone in Panama when Minister Squires, official mouthpiece of the United States in its relations with the Panama Republic, was summoned to Washington. Squires had been favorable to the Amador party. He was ordered to report to Mr. Root and Mr. Taft, and returned to the Isthums, it is alleged, an almost open supporter of Obaldia."

Although no direct pressure was brought to bear from Washington which can be assigned as a cause for the resignation of Señor Arias as a candidate for the Presidency of Panama, it is stated authoritatively to-day at the War Department that the known attitude of Mr. Taft and the United States Government had something to do with Señor Arias having given up the race.

EXTRACT FROM A NEW YORK PAPER NOT AS YET CHARGED WITH LIBELING THE GOVERNMENT.

[The Evening Post, New York, Thursday, July 16, 1908.]

The mystery of the sudden withdrawal of Señor Arias from the presidential race in Panama is solved. It is precisely as we had suspected. The king, or, rather, president maker of this administration did it. When Señor Arias's friends got dispatches from William Nelson Cromwell, notifying them that if he did not withdraw the United States would probably intervene and establish a provisional government, because of the danger of serious disorder, Señor Arias promptly removed himself from the presidential race. It became a walk-over for his rival, and the 1,400 United States marines, 1,000 of whom had been hastily rushed to Panama, had nothing to do but sit in their barracks.

barracks.

What better illustration of the bogus nature of the Roosevelt Republic of Panama could there be? What a fraud upon the great American people is there being perpetrated by the President, with the aid of Mr. Taft's connivance, up to the date of his retirement from office! If Señor Arias was a bona fide candidate, his being forced out was a gross wrong to his supporters as well as to him. Why go through the farce of holding elections in Panama? Let the President appoint whenever his Panamanian colleague's term expires. And what kind of disorders were threatened? They must have been serious, indeed, if fourteen hundred marines could not cope with them, backed by the crews of several warships. Conceived in corruption, the bastard republic of Messrs. Cromwell and Roosevelt fiourishes as an absolute humbug and fraud. humbug and fraud.

FROM PRESIDENT AMADOR'S MESSAGE TO THE GENERAL ASSEMBLY OF PAN-AMA—SECRETARY TAFT FORCED OBALDIA TO WITHDRAW FROM THE CONTEST.

[Message of September 1, 1908, of M. Amador, President of Panama, to the Assembly, as published in the Panama Star and Herald September 7, 1908.]

tember 7, 1908.]

Circumstances which we deplore, known to all of us, forced the Executive to appeal to and invite the American Government to ald us in an electoral investigation, which took place all over the land, so as to avoid greater irremediable evils.

The results of that electoral investigation, as you well know yourselves, proved how exaggerated the charges against this Government had been, as made by William H. Taft, who was then the Secretary of War of the United States, in the memorandum which is known to you, and demonstrated likewise that the two great parties in which the land found itself divided when the time of the elections drew near were equally divided in the electoral college, over which the Executive has not and could not legally have any control whatever.

Nevertheless, the situation as created by that memorandum, and the subsequent measures, which threaten seriously the very existence of the Republic, forced one of these great parties to leave the field in an absolute and patriotic manner, so that the returns of the polling places have not made known the will of the people.

OBALDIA'S CAREER.

[Memoranda from article in Panama Star and Herald October 5, 1908.]

Señor Don Jose Domingo de Obaldia, born at David, Panama, January,

Señor Don Jose Domingo de Obaldia, born at David, Panama, January, 1845.

1903 elected Senator, and was the only member of the Senate to support the Hay-Herran treaty. When this measure was defeated, he withdrew from the Colombian Congress.

Two months before declaration of Panamanian independence, became governor of Panama under President Marroquin.

After the independence of Panama, was imprisoned for two weeks, he being a Colombian official.

Soon afterwards reentered public life, having accepted the independence movement. Was named second vice-president under first administration, and soon after appointed by President Amador as minister of Panama to the United States.

During Doctor Amador's sojourn in Europe, in June of last year, he was recalled from Washington to act as President, he being at that time also first vice-president of Panama.

In February of this year he was nominated by a few members of the Constitutional party as candidate for President. The majority of that party was in favor of Mr. Arias, and in the early stages of the campaign the outlook was discouraging for Mr. Obaldia. He could muster only two-sevenths of the constitutional vote, but early in May the Liberal party adopted his candidacy, and this brought a decided improvement in his prospects.

At a mass meeting of Liberals in this city, Mr. Obaldia's programme was formally indorsed and a committee of the party notified the Hon. William H. Taft, then American Secretary of War, of their choice. Thereafter, Mr. Obaldia's prospects grew roseate. On the 4th of July, when party feeling was at its highest and fears of armed intervention by the United States were current, Mr. Arias averted a crisis by withdrawing his candidacy. The retirement of the Constitutional candidate left him in undisputed possession of the field. He now had a following among the Constitutional party and the bulk of the Liberals, and as the time was too short to allow the third candidate being brought forward with any likelihood of success, it was realized that his el

LETTER FROM LA GUARDIA TO OBALDIA WITH REFERENCE TO THE TIMBER CONTRACT CONTAINING SERIOUS CHARGES.

[Published in Panama Daily Star and Herald January 3, 1909.] Open letter.

PANAMA, December 29, 1908.

To His Excellency José Domingo de Obaldia,

President of the Republic, H. O.

Mr. President: After serene reflection I have the honor of sending you this letter with all the respect that you inspire me as the first magistrate of the nation.

May be you have seen that, after the past electoral campaign, during which I was one of your political opponents, I have limited my attitude to expectation and silence and consecrated myself entirely to the exercise of tasks that concern me as attorney-general, for which post I was nominated by your predecessor.

I say again that I have not taken part in active politics. I have waited to exercise this right, because I think that, after the effervescence of the presidential election, all citizens who aspire sincerely to the change of old and hereditary customs of bad government must accept the facts, deferring to the new executive during a prudential time, so he may begin and extend his plans, because I believe that systematic opposition will never be good for the country: they are absurb, they are not patriotic, they are "contraproducentem." So do not think that I am going to make an inopportune review of your government. It is not blameless, but this is not the occasion to censure it. censure it.

not think that I am going to make an inopportune review of your government. It is not blameless, but this is not the occasion to censure it.

I am not going to treat about politics.

This that exercises my mind is something most serious; something that affects the country itself, which obliges me to break my voluntary silence. I am going to speak about the contract that a foreign syndicate wants to obtain in order to get a wide, a new, and very big zone of our territory to exploit for fifty years, the woods of our Atlantic coast. This syndicate is represented by two of our countrymen, whom it is not necessary to name. They want this contract not for themselves, but to give it to other men. But it would be better that if they get it it were for them, because this grace, that may better be called national disgrace, would so remain within the family and would not inherit the danger of diplomatic reclamations, so terrible for weak countries. It is accustomed to-day by the great powers that the principle of not asking a reclamation, although signed by the parties, is not a guaranty enough of security. The strong governments, as the North American, allow themselves the right of caring for the citizens, no matter if these citizens have signed renunciation to protection. So it is necessary to closely keep our rights from people backed by such governments.

That contract is bad, your excellency, because we know that it is intended with it to sweeten our deep wishes of extending the public riches of the country. They want us to see it under a false aspect. They offer to buy our fine woods at a better price than in other parts, and our inferior woods at a lower price. It seems as if they say: "We will buy also your ashes." But here, precisely, is the deceit.

The great commercial men are masters in concealing their sentiments. They have introduced and they practice in the world of finance the maxim that "business is business." The meaning of this is that, keeping safe from the dangers of the penal code, all is allowed; th

with this opprobrium all commercial men, or even the majority. Of these men, there are exemplars for good and for bad. But generally they are dangerous, and it is convenient to take with them all kinds of precautions.

Remember, sir, that our country is not yet of legal age.

That contract is bad, Mr. President, because its essence is to utilize at a laughable price our inferior woods for the manufacture of boxes, of very many thousands of boxes, that every day are greatly used in a way that is out of statistics to contain one so gigantic production as the North American. This production grows and grows every hour to meet the domestic and the international consumption. That business, such as conceived by the discoverers, has a face of patriotism but for them. They treat to economize his pine groves, which, no matter the cultivation, begin to resent from the axe and the industrial saw.

It is demonstrated by the high price the woods have reached on account of the enormous demands required by the reconstruction of San Fraucisco after the earthquake, those asked by the interoceanic canal, and many colossal enterprises now in execution or in project. Most of them are superior to the Panama Canal. This is not the greatest one unfolded, as many of our ill-informed countrymen believe. But it is not necessary to go deep to denounce as infamous a contract that was initiated at Paris under the delinquent auspices of an attempt at bribery.

That contract was born with the stigma, with the I. N. R. I. of dishonor in its pasteboards.

Here is, yet alive, the respectable old gentleman who preceded you in the supreme command. He is near to the tomb. But he will be covered by his sweat cloth at the same time that with the nimbus of having returned the infamous proposal with which he was tempted. There is also, full of youthfulness and life, the present deputy and secretary of public works at the same time. He can inform you that he was the messenger with whom the expresident, Amador, sent back the papers of the Infamous offer.

LETTER FROM DOCTOR AMADOR, FORMER PRESIDENT OF PANAMA, WITH REFERENCE TO THE TIMBER CONCESSION AND FARNHAM'S CONNECTION WITH IT.

[This letter was dated December 31, 1908, and was published in the Panama Journal January 5, 1909.]

SEÑOR DON JOSE DOMINGO DE OBALDIA.

SIR: I have carefully read your letter, in which you refer to the open letter of Señor Don Santiago de la Guardia.

I regret this incident which forces me to take part in a discussion from which I was anxious to remain entirely apart, both on account of my health and of the inconvenience to which it may put me.

To-day I am feeling so weak that I can hardly dictate these lines.

About a year ago, on my return from Europe, I spoke to various friends about the contract which had been proposed to me in Paris, and I related, without comments, how the matter stood, adding that I had refused the proposition because I thought it disadvantageous for our country.

This contract was proposed to me after an opinion had been given on it by a Panamanian lawyer, who, I believe, was Doctor Ramon M. Valdes, now secretary of state.

Manuel Obaidia was only present on one of the many interviews I had with the interested parties.

Mr. Drake, a man whom I highly esteem, spoke to me very little about the contract, confining himself to showing me its legality and advantages.

about the contract, comming ministr to showing me its legality and advantages.

It was Mr. Farnham who, on many accounts, insisted that I should make the contract, assuring me in a short time he and his family would be very rich.

I never told anyone that a sum of money was offered to me, and this

I never told anyone that a sum of money was offered to me, and this is what several persons have asked me, and what I have always said.

Your affectionate friend,

DR. AMADOR GURRERO.

LETTER FROM VALDES TO GUARDIA.

[Printed in the Diario, a Panama newspaper, January 4, 1909.] The feature of the day.

PANAMA, January 2, 1909.

The feature of the day.

The feature of the day.

PARAMA, January 2, 1909.

Selior don Santiago de La Gurdina.

Parama, January 2, 1909.

Bear Stra and Friend. Hashmach as it is notifine proper nor fitting the feature of the day.

Dear Stra and Friend. Hashmach as it is notifine proper nor fitting the secretaries of state are the organs of communication of the President, Señor Don J. D. de Obaldia, Invested as he is with the dignity of directly and personally with respect to the Carta Abiorta, which you have thought well to address him with reference to the contract which the Government effected with Señor Juan Everman, relative to the purchase of the timber of the forests situated on the Atlantic stope, and However, the position you occupy in society and the Government and the importance of the point under discussion are sufficient motives for leading attention to your words and for analyzing and replying to the reasons you addrese against aforesaid contract.

If the first the Transury, leasunch as it treats of a fiscal matter, but since in the actions of the Government, the moral responsibility is solely upon the members of the Government, the moral responsibility is solely upon the member to defend the projected negotiation, and therefore you will occuse me if I take it upon mysel for open of deal with political matters, and what interests you is something more serious—that is, the country itself, which obliges you to break your voluntary silence. Upon reading this preamble, which expresses protound and particule in produce in the readers an intense and painful excitement, which almost assures one that you have found something not even suspected by the others, that you are going to lift all the vells that envelope this danger and show it to us in its magnitude, with all its vicious consequences and show it to us in its magnitude, with all its vicious consequences and show it to us in its magnitude, with all its vicious consequences and show it to us in its magnitude, with all its vicious consequences and sho

The attempt at bribery in this matter of timber has never taken place, neither with ex-President Amador nor with anyone else, as I am going to prove with his own reply, given by him in a letter of Señor Obaldia, a

The attempt at bribery in this matter of timber has never taken place, neither with ex-President Amador nor with anyone else, as I am going to prove with his own reply, given by him in a letter of Señor Obaldia, a copy of which follows.

(Here follows letter of Amador, which is above printed.)

Those interested in this business of the purchase of timber are Messrs. W. S. Harvey, Alfred E. Drake, and Jonas E. Whitley, of the United States. Mr. Farnham had no part in this business, so far as I know, and there is no reason whatever to consider him as the attorney or representative of the gentlemen just named, because they have never accredited him as such before the President of Panama nor before any functionary of this Republic. So that his action with Doctor Amador, and his zeal, if really he showed it, to induce him to accept this contract has the character of an officious action, which compromised no one, and had no more force than that arising from the personal consideration which Doctor Amador professed for him. The circumstance that Mr. Farnham should have assured the expresident, as he says, that in a short time he and his family would be very wealthy, if he granted the concession, can in no way change the conclusion which I have deduced. Because those vague words are not an offer of money, and because they were not used by those truly and really interested, who attempted thus to persuade Doctor Amador Guerrero. He himself declares that Mr. Drake limited himself to showing the legality and desirability of the contract. This is a curious psychological case and resembles very much another one that I know of with respect to Doctor Amador, which occurred at the commencing of the electoral campaign. He affirmed to various persons that Dr. Belisario Porras and remembles very much another one that I know of with respect to Doctor Amador, which occurred at the commencing of the electoral campaign. He affirmed to various persons that Dr. Belisario Porras at one time offered him his assistance toward his reelection

of the country? You can give no sufficient reasons in support of your idea.

These gratuitous and offensive conjectures regarding the good name of the personnel of the present government furnish the proof of political hostility which your party is showing in the discussion of this matter, and I find in it a revelation of the inexperience and ignorance of those who suddenly find themselves perchance for the first time in the camp of the opposition. When we were the opposing party, we never made a charge that we could not substantiate in regard to the actions of those who were in power. You wish to condemn us for actions that are not ours, and content yourselves with the conjectures and suggestions of envy and with gratuitous incrimination. You do not see how advantageous is the position of those who have just taken over the government, with unblemished records and an honorable past, which constitutes their best defense.

I should not end this without treating, at least briefly, on the allusion Doctor Amador makes in his above letter regarding me.

It is true in the first haif of the year just past Messrs. Harvey, Drake, and Whitley desired to know the opinion of an attorney of Panama with respect to the legal possibility of the matter of the timber and solicited mine when I was a simple individual, which I gave in the form that you and the other readers of the Diario will find in another place in to-day's issue.

It will be clearly seen that in giving my opinion I was guided by

you and the other readers of to-day's issue.

It will be clearly seen that in giving my opinion I was guided by my knowledge of the laws of geography, not less than my duty and by my desire as a Panamanian to bring the greatest benefit to the country. Since that time I have had no connection with those interested operation.

my desire as a Panamanian to bring the greatest benefit to the country. Since that time I have had no connection with those interested in this business.

As a member of the Government, I favor the projected operation, because I think it advantageous for the country, and because I am inspired by the natural zeal of the administration, of which I form a part, to free itself from the sin of indolence which I attribute to the past administration, in all things related to the progress of our Republic.

Pardon me, esteemed gentlemen, for the unwarranted length of this letter, and accept the assurance of my sincere appreciation and consideration. I am,
Yours, truly,

RAMON M. VALDES.

THE PROPOSED RAILWAY CONTRACT.

ARTICLE 1.

The following agreement and contract is, this day and date, made and entered into by and between the Government of the Republic of Panama and Randolph G. Ward, of the city and State of New York, United States of America, for himself, his associates, heirs, or assigns; and it is mutually agreed and understood that the rights, privileges, and benefits granted and acquired by the terms and conditions of this contract shall not be transferred or assigned to any foreign government.

ARTICLE 2.

The Intercontinental Railway shall be located between the cities of Panama and David, substantially along the route surveyed for the International Pan-American Railroad. The total length of the line from Panama to David, as determined by surveys made under the direction of the International Railway Commission, is given as 441.59

12,500

35,000

kilometers. For the purposes of this contract, however, it is estimated and agreed that a line can and shall be located between the two cities mentioned, which shall have lighter grades and easier curves than those contemplated in the surveys made for the International Rallway referred to, and that such line shall not exceed 450 kilometers in length. It is further agreed that the surveys for this line, as completed, in sections of not less than 50 kilometers, shall be submitted to and approved by the authorized officer or officers of the Government of the Republic of Panama before construction shall be commenced on such line.

ARTICLE 3.

The Intercontinental Railway, in order that it may constitute and become a link in an ultimately complete chain of railways providing continuous and uninterrupted service from Panama through Central America and Mexico to the United States and Canada, shall be of "standard gauge" (4 feet 8½ inches) and laid with 56-pound steel rails upon imported pine, cypress, or redwood cross-ties, which cross-ties, when renewed, shall be replaced with native hardwood cross-ties. The cuts, fills, bridges, culverts, shops, stations, motive power and other equipment shall be of a character, capacity, and quality fully up to the standard of railroads built and operated under substantially similar circumstances throughout the United States, Canada, and Mexico; and it is mutually understood and agreed that during construction and thereafter when in operation at least 50 per cent of the number of employees on the Intercontinental Railway shall be citizens of the Republic of Panama, unless after diligent effort and public advertisement it shall be found to be impossible to obtain so large a proportion qualified and willing to perform the services required.

ARTICLE 4.

ARTICLE 4.

The standard gold dollar of the United States is the unit of value referred to and employed in this contract. The permanent ownership by railway corporations of lands other than such as may be strictly necessary for transportation and terminal purposes is mutually recognized as wrong in principle and an unwise policy. Therefore, subscribing to this theory, it is understood and agreed that the surplus lands mentioned in articles 13 and 14 of this contract shall be disposed of absolutely as soon as it shall be practicable and advantageous to do so in the manner and for the purposes stated in said articles.

ARTICLE 5.

To provide the necessary capital with which to construct, equip, and put into operation the Intercontinental Railway, in accordance with the terms and stipulations of this contract, Randolph G. Ward, for himself, his associates, heirs, or assigns, agrees to organize, under the laws of the State of New Jersey, United States of America, a stock company, which stock company shall be known as the "Intercontinental Railway Company." The capitalization of said railway company shall consist of common stock, in amount equivalent to \$7,500 per kilometer of railroad built, and 5 per cent noncumulative preferred stock, retirable at par, in amount equivalent also to \$7,500 per kilometer of railroad built; also, first-mortgage bonds, in amount equivalent to \$20,000 per kilometer of railroad built; such bonds to run for a period of fifty years, and to bear interest at the rate of 4½ per cent per annum, payable semiannually. These first-mortgage bonds shall be divided into two classes, to be known as class "A" and class "B," respectively. Bonds of class A shall be issued in amount equivalent to \$7,500 per kilometer, and bonds of class B shall be issued in amount equivalent to \$12,500 per kilometer of railroad built.

Capitalization recapitulated and explained.

Capitalization	n recapitulated	and	explained.

Note.—This common stock shall represent the ownership of the property and the control and administration of the affairs of the railway company. (See arts. 6, 7, 8, 18, and 20.)	\$1,000
Preferred stock, per kilometer of railroad built	7, 500
in the control of the affairs of the railway company, but it shall be entitled to an annual dividend of 5 per cent, when earned. When not earned, however, such dividends	

shall not be payable; and when not paid, they shall not accumulate or constitute a liability against the railway company. (See arts. 6, 8, and 20.) mortgage bonds, class A, per kilometer of railroad

built

NOTE.—See articles 6, 8, 9, 10, 13, and 20. rst mortgage bonds, class B, per kilometer of railroad built

Note.—See articles 6, 8, 9, 10, 14, and 20.

Total capitalization, per kilometer of railroad built_. Capitalization approximated and summarized. Assuming the line to be 440 kilometers in length:

Common stock
Preferred stock
First mortgage bonds, class A
First mortgage bonds, class B \$3, 300, 000 8, 300, 000 3, 300, 000 5, 500, 000

ARTICLE 6.

Forty-nine per cent of the common stock of the Intercontinental Railway Company shall be delivered to the Government of the Republic of Panama, for and in consideration of the rights, privileges, exemptions, guaranties, and concessions granted and contained in this contract. The remaining 51 per cent of such common stock, together with the entire issue of preferred stock, and of first mortgage bonds shall be retained by Randolph G. Ward, his associates, heirs, or assigns, as consideration for services rendered and capital required and provided to construct, equip, and put into operation the Intercontinental Railway, according to the stipulations of this contract.

ARTICLE 7.

Subject to the terms and conditions specified in this contract, the Government of the Republic of Panama grants to Randolph G. Ward, his associates, heirs, or assigns, the right to construct, equip, and operate the Intercontinental Railway during a period of ninety-nine years from the date of the approval of this contract; at the expiration of which period of time the 51 per cent of the common stock of the In-

tercontinental Railway Company, held by said Randolph G. Ward, his associates, heirs, or assigns, shall be delivered to and become the property of the Government of the Republic of Panama, without further compensation or consideration. And it is mutually understood and agreed that the Government of the Republic of Panama shall have the right, at any time after fifty years from the date of this contract, to acquire by purchase and at a fair valuation the 51 per cent of said common stock held by said Randolph G. Ward, his associates, heirs, or assigns; or, by adding 25 per cent to the amount of such fair valuation, the Government of the Republic of Panama shall have the right to acquire such common stock at any time after the expiration of twenty-five years from the date of this contract; and, finally, by paying its face or par value, the Government of the Republic of Panama shall have the right to acquire such common stock at any time after ten years following the date of this contract.

ARTICLE 8.

ARTICLE 8.

ARTICLE 8.

It is mutually understood and agreed that the annual earnings of the Intercontinental Railway, when completed and put into operation, shall be disbursed for the following purposes and in the order specified:

First. The payment of all expenses of operation, including maintenance of the property.

Second. The payment into a sinking fund of an amount equivalent to 1 per cent upon the principal of any and all outstanding unpaid firstmortgage bonds.

Third. The payment of the interest due upon any and all outstanding class A firstmortgage bonds.

Fourth. The payment of the interest due upon any and all outstanding class B first-mortgage bonds.

Fifth. The payment, when earned, of the 5 per cent noncumulative dividend upon any and all outstanding preferred stock.

Sixth. The payment of dividends upon the common stock.

ARTICLE 9.

The Government of the Republic of Panama authorizes the issue of first-mortgage bonds upon the franchise and property of the Intercontinental Railway, as determined by the stipulations of this contract, to the amount, for the term of years, at the rate of interests, and in the classes specified in article 5; and it appropriates such portion of the revenues of the Republic derived from its constitutionally invested capital (see art. 138 of the constitution of the Republic of Panama) and to be derived from the annual rental payable by the Government of the United States on account of the Panama Canal (see art. 15 of the Hay-Bunau-Varilla treaty) as may be necessary to secure and guarantee the payment of interest upon the class "B" subdivision of such first-mortgage bonds in amount equivalent to \$12,500 per kilometer of raifroad built. The Government of the Republic of Panama does not, however, guarantee the payment of interest upon the class "A" subdivision of first-mortgage bonds authorized, but it recognizes the priority given to such bonds in the disbursement of the annual revenues of the Intercontinental Railway as specified in article 8.

ARTICLE 10.

ARTICLE 10.

The entire issue of first-mortgage bonds provided for in article 5 shall be emitted upon one and the same date, and each of the class B bonds shall bear on its face the guaranty of the Government of the Republic of Panama stipulated in article 9 of this contract. The first-mortgage bonds of both classes, when executed by the proper officers of the Intercontinental Railway Company and indorsed by the proper officers of the Government of the Republic of Panama, respectively, shall be deposited with a responsible trust company in the city of New York, United States of America, by which trust company they shall be delivered to the said Randolph G. Ward, his associates, heirs, or assigns, in proportion as the work of constructing and equipping the Intercontinental Railway shall progress, such deliveries being made upon orders drawn by the proper officers of the Intercontinental Railway Company and approved by the proper officers of the Government of the Republic of Panama. It is, however, understood and agreed that all past due interest coupons attached to such bonds at the time of such delivery or deliveries shall be detached and canceled by said trust company.

Article 11.

ARTICLE 11.

The Government of the Republic of Panama grants to Randolph G. Ward, his associates, heirs, or assigns, the necessary right of way over all public lands and highways, and agrees to expropriate for account of the Intercontinental Railway Company any and all right of way that may be required over private property for the building of the Intercontinental Railway. It also grants and agrees to expropriate, as the case may require, all public and private lands that may be necessary for the building of stations, shops, and terminals required by said railway.

ARTICLE 19

The Government of the Republic of Panama agrees that, during the life of this contract, all materials required for the construction, maintenance, or operation of the Intercontinental Railway shall be imported free of duty, and that no tax—national, provincial, or municipal—shall be imposed upon any property belonging to the Intercontinental Railway Company, or upon any of the stocks, bonds, or other securities issued by such company, or upon any negotiation or transaction that may be necessary and essential to the construction, equipment, maintenance, or operation of such railway. It is, however, understood and agreed that the exemptions contained in this article shall not apply to any property, stock, bond, security, negotiation, or transaction that shall be other than strictly necessary and essential to such purposes. And it is especially agreed that these exemptions do not apply to any of the lands mentioned in articles 13 and 14, except such as may come to be used for railway or terminal purposes, as provided, nor to commissary supplies of any kind or description, which commissary supplies, it is mutually stipulated, shall, when required, be purchased in the local market.

ARTICLE 13.

In order to make it possible to locate and establish suitable railroad

In order to make it possible to locate and establish suitable railroad and maritime terminals for the Intercontinental Railway, which shall be within the limits and in the Immediate vicinity of the city of Panama, the Government of the Republic of Panama grants to Randolph G. Ward, his associates, heirs, or assigns, all those alternately submerged and flooded lands lying between the high-water and low-water levels, and extending outward from the northeast bastion of the city of Panama southward and westward, along the present boundaries of the city, to an intersection with the boundary of the Canal Zone at the extremity of a point of land projecting out into the sea in the direction of a small island; together with the right to reclaim, occupy, and possess such lands in the manner, for the purposes, and subject to the condi-

tions herein stipulated. It is understood and agreed that these lands shall be surrounded by suitable dikes, or retaining walls, and filled in to a safe level above high-water mark; that there shall be located thereon the raliroad and maritime terminals herein referred to, which shall include ample yards and well-equipped shops for raliway and marine purposes; a dry dock and a marine raliway for cleaning and repairing coasting steamers and other seagoing craft; and deep-water docks for maritime commercial uses, of the type known as "wet docks," such as are employed at Liverpool, at Cardiff, and at Havre, where the rise and fall of tide is approximately the same as at Panama. It is understood and agreed that these "wet docks" shall be of a size, depth, and capacity calculated to meet the commercial requirements of the port of Panama in such manner as to render it independent of all other ports; and that they shall be designed and equipped with special reference to the facilitation of national and international construse trade, including the erection of a coaling station—and of warehouses of ample capacity to accommodate such trade. It is also understood and agreed that the proceeds resulting from the sale, rental, or other disposition of the lands thus reclaimed, together with the net revenues to be derived from the operation of the terminal facilities and improvements specified in this article, shall be applied to the repayment of the costs of reclaiming such lands and executing such works, until such costs shall have been fully repaid and extinguished; and thereafter, should there remain any balance in excess of such costs, then such balance is to be applied to the payment of the interest upon the class "A" first-mortgage bonds. It is further understood and agreed that surveys and plans locating and illustrating the works and terminal improvements herein specified, and also showing the manner of laying out and developing, into an annex or extension of the city of Panama, such lands as may not be required for s

Intercontinental Railway to construct a tunnel under and across the city of Panama to facilitate and accomplish such purposes.

ARTICLE 14.

Adopting the methods wisely and usually employed by other American governments in promoting the construction of railroads for the development of the natural resources and industrial and commercial possibilities of their respective countries, and, as an inducement to capitalists to provide the necessary funds with which to construct, equip, and put into operation the Intercontinental Railway the Government of the Republic of Panama grants to Randolph G. Ward, his associates, heirs, or assigns, public lands, in amount equivalent to 1,000 hectares per kilometer of railroad to be built in accordance with the terms and stipulations of this contract, which lands shall be located in that section of the Republic of Panama which lies enstward of the Canal Zone, and, in a general way, along the route of and more or less adjacent to the line of surveys provided for in article 21. It is understood and agreed that the lands mentioned in this article are granted subject to all the terms and conditions prescribed by the laws of the Republic of Panama relating to the disposition of public lands, except that no consideration shall be paid therefor other than the consideration specified in article 6, and implied in the terms and conditions of this contract. It is further understood and agreed that the proceeds resulting from the sale, rental, or other disposition of the lands mentioned in this article 8 and created to provide for the repayment of the principal of the first-mortgage bonds of the Intercontinental Railway Company specified in and authorized by the terms and conditions of this contract.

ARTICLE 15.

To facilitate the business of constructing, equipping, and operating the Intercontinental Rallway, the Government of the Republic of Panama grants to Randolph G. Ward, his associates, heirs, or assigns, the free use of the national mails and telegraph lines.

ARTICLE 16.

ARTICLE 16.

It is mutually understood and agreed that during the life of this contract all public mails shall be transported over the lines of the Intercontinental Railway free of charge to the Government of the Republic of Panama; and further, that all national, provincial, and municipal officials, traveling in the performance of their proper and legitimate duties, shall be entitled to free transportation over the lines of the Intercontinental Railway, when completed and put into operation for public service. To protect the Government of the Republic of Panama, and also Randolph G. Ward, his associates, heirs, or assigns, as joint stockholders in the Intercontinental Railway, according to the terms of article 6, against a possible abuse of the right of free transportation stipulated in the article, it is mutually agreed that the Government of the Republic shall furnish annually to the Intercontinental Railway Company a list of such officials entitled to such transportation.

ARTICLE 17.

ARTICLE 17.

The principal office of the Intercontinental Railway Company shall be located in the city of New York, United States of America, but the general operating office of the company shall be located in the city of Panama, Republic of Panama, or at some other more suitable and convenient point on the line of the Intercontinental Railway itself; and at all times there shall be located within the Republic of Panama an officer of the Intercontinental Railway Company having full power of attorney to transact any business that may be required of the railway.

ARTICLE 18.

The business of the Intercontinental Railway shall be conducted by a board of directors consisting of 7 members, 3 of whom shall be appointed by the Government of the Republic of Panama, and 4 of whom shall be elected by the holders of the 51 per cent of the common stock of that company retained by Randolph G. Ward, his associates, heirs, or assigns.

ARTICLE 19.

It is agreed by Randolph G. Ward, for himself, his associates, heirs, or assigns, that the Intercontinental Railway Company shall be organized within three months; that the surveys of the Intercontinental Railway shall be begun within six months and completed within eighteen months; and that the construction and equipment of such railway shall be begun within one year and completed within four years from the date of the approval of this contract. And as evidence of his ability to comply with the stipulations contained in this article and in all other articles of this contract, except as to article 13, the penalty for failure to comply with which is therein stipulated, the said Randolph G. Ward, for himself, his associates, heirs, or assigns, agrees, within three months from the date of the approval of this contract, to file with the Government of the Republic of Panama a bond in the sum of \$100,000, such bond to be issued by a responsible and reliable bonding company of the United States or to be indorsed by such individual sureties as shall be satisfactory to the Government of the Republic of Panama, it being understood and mutually agreed that such bond or such sureties once given and accepted, this contract shall become binding upon both parties hereto subscribing.

ARTICLE 20.

ARTICLE 20.

It is mutually understood and agreed that should Randolph G. Ward, for himself, his associates, heirs, or assigns, fail to comply with any one of the stipulations specified in article 19, then this contract shall become null and void in so far as it shall relate to the said Randolph G. Ward, his associates, heirs, or assigns, and the bond referred to in article 19 and given by said Randolph G. Ward, for himself, his associates, heirs, or assigns, as a guaranty for his and their ability to comply with the stipulations contained in this contract, shall become forfeited and shall be paid over to the Government of the Republic of Panama; and in such event, should such stock have been issued, the 51 percent of the common stock of the Intercontinental Railway Company, held by the said Randolph G. Ward, his associates, heirs, or assigns, shall also be delivered to the Government of the Republic of Panama without any compensation or consideration whatsoever. The cancellation of this contract under such circumstances shall not, however, be permitted to operate to the detriment of the rights of third and innocent parties who, acting in good faith and under authority of the Government of the Republic of Panama, shall have become possessed of any of the first-mortgage bonds or preferred stock of the Intercontinental Railway Company, or of any of the lands referred to in articles 13 and 14 of this contract.

ARTICLE 21.

Finally, it is mutually understood and agreed that, terms and conditions being fair and equal, the Intercontinental Railway Company shall have preference in the extension of its line westward from the city of David to the boundaries of the Republic of Costa Rica, and eastward from the city of Panama to the boundaries of the Republic of Colombia, including also the right to construct branch lines southward into the peninsula of Veraguas, and elsewhere, as found necessary or desirable; and the Government of the Republic of Panama hereby authorizes Randolph G. Ward, for himself, his associates, heirs, or assigns, to make such surveys as may be necessary to develop the railway possibilities and requirements of the eastern section of the Republic, and which may be essential to locate the lands granted in article 14, and hereby appropriates a sum not to exceed \$100,000 to defray the cost and expenses of such surveys, it being understood that such surveys, when completed, shall be the property of the Government of the Republic of Panama. It is, however, agreed that the Intercontinental Railway Company shall repay the cost of these surveys should the extension of the Intercontinental Railway eastward of Panama be hereafter authorized.

**Company terms of the Republic of Panama Panama be hereafter surprised. Signatures:

GOVERNMENT OF THE REPUBLIC OF PANAMA. RANDOLPH G. WARD.

REFERENCES

Total (274.4 miles), 441.59 kilometers ____

Being at the average rate of about \$10,546 per kilometer, and \$16,971

Being at the average rate of about \$10,546 per kilometer, and \$16,971 per mile.

Article 138 of the constitution of the Republic of Panama:

"In order to guarantee to posterity a part of the pecuniary benefits derived from the negotiation for the opening of the interoceanic canal, the sum of \$6,000,000 is to be reserved which will be inverted (invested) into securities producing a fixed annual revenue. The law will regulate this inversion."

Article 14 of the Hay-Bunau-Varilla treaty:

"As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of \$10,000,000 in gold coin of the United States on the exchange of the ratification of this convention; and also an annual payment during the life of this convention (which is perpetual) of \$250,000 in like gold coin, beginning nine years after the date (December 2, 1903) aforesaid."

REMARKS.

The above is submitted as the draft of a contract believed to be mutually advantageous to the Government of the Republic of Panama and to the undersigned, his associates, heirs, or assigns. Under this arrangement, should the line reach the full limit of 450 kilometers in length, prescribed in article 2, the maximum liability of the Government in any one year would amount to only \$253,125; which would be considerably less than the sum of the revenues derived by the Republic

of Panama from its constitutionally invested capital alone. Assuming, however, that the line when completed shall not exceed 440 kilometers in length, the maximum liability of the Government in any one year would amount to only \$247,500: which would be less than the amount of the annual revenue alone that will be received by the Republic of Iranama from the United States on account of the rental of the Panama Canal.

The actual annual liability of the Government of the Republic of Panama, under the terms and conditions of the above proposed contract, is estimated as follows, calculating from the date of the approval of such contract:

For the first year
For the second year
For the third year
For the fourth, fifth and sixth years

United States Department of Agriculture, Forest Service, Washington, January 23, 1909.

Washington, January 23, 1909.

Hon. Henry T. Rainey,
United States House of Representatives.

Dear Sir: In further reply to your letter of January 11:
I take pleasure in inclosing a memorandum in regard to the forest resources of Panama and the qualities and uses of some of the woods that are found there. I regret that I am unable to furnish you with more comprehensive information on this subject and also that the Forest Service files contain no data in regard to the amount of forested land in Panama that is still public land. In regard to the latter point, Mr. John Barrett, Director of the International Bureau of American Republics, or the ambassador from Panama may be able to give you just the information you desire.

Very truly, yours,

Overton W. Price,
Associate Forester.

OVERTON W. PRICE, Associate Forester.

FORESTS OF PANAMA.

Porests of Panama.

Panama has an area of 31,570 square miles. Its climate is tropical, the daily temperature maintaining the following averages: In the interior, in the dry season, from 72° to 81° F; in the wet season, from 74° to 85°. On the south coast, dry season, from 75° to 86°; wet season, from 75° to 84°. The rainfall is exceedingly heavy on the Atlantic coast, averaging there 140 inches per annum, while it averages 60 inches on the Pacific coast, and 93 inches in the interior. The dry season begins in December and continues until the middle of April.

The larger part of the surface of the country consists of short, irregular ranges, whose summits vary from 1,600 to 11,740 feet in altitude. The most westerly of these ranges is the Sierra de Chiriqui entering Panama from Costa Rica. It contains near the western boundary of Panama the volcances Chiriqui of 11,265 feet elevation; Pico Blanco, 11,740 feet; and Rovalo, 7,020 feet, and then trends eastwardly nearer the Atlantic than the Pacific for some distance. It merges into the Sierra de Veragua, which is nearer the Pacific coast and contains three high peaks ranging from 4,600 to 9,275 feet in altitude. The mountain system of the peninsula containing the province of Veraguas is separated from the Sierra de Veragua by low valleys and grass-covered hills of 500 feet elevation. The system culminates in the southwest in bold headlands of 3,000 feet elevation.

East of Sierra de Veragua is Sierra de Panama, the lowest country of the Isthums, powhere of more than 100 feet elevation.

East of Sierra de Veragua is Sierra de Panama, the lowest country of the Isthmus, nowhere of more than 1,600 feet elevation, and containing the Culebra Pass, in the Canal Zone, of 290 feet elevation. It is a rolling, irregular country, with the watershed very near the Pacific coast. The mountain system east of the Canal Zone consists of higher, irregular ranges, which east of the Chepo River resolve themselves into

The south coast from David to Panama is 292 miles long. It consists of sloping plain and sea flat, with mountain spurs from the Cordillera at Tole and La Mesa, and an approach of the Cordillera itself to the Pacific near Capira. Timber for railroad use is abundant. From David to Rio Chorca it is nearly all prairie, passing through forests only at stream crossings, but the prairies themselves are lakes of grass bordered by irregular shores of forest. Between Chorcas and Boca del Monte the trall held to the crest of a ridge in a close wilderness, with an undergrowth of palms and platanitos, which issued at the latter point onto ridge prairies, which extended thence in widening and declining expanses to a level plain at San Lorenzo. The country is the same to Capira Mountain, where heavy timber reappears, and east of that the same country to Panama. The plains are diversified by islands and capes of low forest on Chame Plains near Panama.

The part of the Isthmus known as "Darien" is an unexplored wilderness and but little known. The whole is covered with a vast primeval growth from its swamps to the top of its highest peaks. This thick forest, which covers the whole surface of the country except a few Indian plantations near the coast, is abundantly tangled with vines, and is of such rapid growth that it easily holds in check the feeble efforts of the Indians at cultivation. The higher parts of the ridge are hard to reach on account of the rugged nature of the ravines and the labor of cutting trails. It is necessary to camp near the summit. The valley of the Carti River is reached in 7 miles from the Mercalaqua River by a broken line, following the most favorable ridges to facilitate progress and to meet the requirements of a simple connecting line. These ridges are composed of rocky spurs reaching a maximum elevation of 420 feet, thinly covered with the residual yellow clay, but affording foothold for the enshrouding tropical forest that is existent from ocean to ocean. For the first mile and a half the low, and

Indians, in some localities, at least, are unconquered savages and hostile. With such obstacles to overcome it would seem, on the whole, that the interior of the Isthmus presents difficulties almost, if not quite, insuperable to extensive and continuous exploration or passage along its length.

Isthmus is given by the following description by M. Wagner, in Petermann's Mittheilungen, of the forest cover along the Panama Railroad as one passes from the Atlantic to the Pacific ocean.

At present the primeval forest begins quite a distance back from the railroad on both sides, owing to the clearing effected by the canal work. The area cleared there is now grown up to low, scrubby woods. On the ocean edge of Manzanillo Island and Limon Bay appears the failroad on both sides of Manzanillo Island and Limon Bay appears the famingroves (Rhizophoras and Avicenaes), the calabash or gourd bush (Crescentia cucurbitina L), the manzanillo tree (Hippmane manchella L.), buttonwood (Coccarpus erectus L.), and white mangrove (Chapuncularia racemosa).

These trees grow in the sait water, and by various appliances, such as branches which take root and seeds which sprout before leaving the marshy soil and even to extend the coast line continually. On higher ground, on both the island and mainland, the coccanut palm occurs, but, like the mangroves, is not so plentiful at the Atlantic as at the Pacific end of the railroad. This growth is continued inland until Monkey Hill is reached.

The planns of Mind the tween the low hills of Slerra Mindl and the Racilic end of the railroad. This growth is continued inland until Monkey Hill is reached.

The planns of Mindl was a proper to the sample of the sample of the part of the sample of

ence of greater light favors on the bluffs a most luxuriant growth of shrubby vegetation. From Obispo Valley to Paraiso, at an aittude of 137 feet, the forest flora assumes more and more the character which distinguishes the southern Isthmian flora from the northern. This consists of a decrease of the number of genera and species, of shade-loving plants, and evergeen shrubs, and in the increase of light-loving plants and of trees and shrubs which are deciduous. The influence of lower rainfall and greater length of the dry season become constantly more apparent. Plants decreasing in numbers are palms, tree ferns, Canacca, bannans, Aroids; increasing are Leguminosea. Malvacea, Dilleniacea, Malpiphiacea, Verbenacea, Bütheriacea. In the forests the following families are still prominent; Euphorbiacea, Sterouliacea, Melastomacea, Rubiacea, Tiliacea.

At Pedro Miguel, 41 miles from Colon, altitude S8 feet, appears first the tropical flora of the southern zone of the Isthmus. The effect of the dry climate on the forest and chaparral flora is very noticeable. Many forest and shade-loving plants of the lower story of the northern (Atlantic) zone disappear entirely, while characteristic species of the shrubby forest of the savanna, light-loving plants, appear in continually greater numbers.

At Rio Grande station, 43 miles from Colon, at an altitude of 17 feet, the flora assumes the definite character of the savanna zone, which is characteristic of the coast plains of the southern zone, between the forest zone of the interior and the sandhills along the coast, grassy plains with island like groups of trees and shrubs which belong to the tropical genera, which love long-enduring heat and strong light. Only near rivers does the tropical virgin forest retain its luxuriance and splendor, and there many species that belong to the northern zone have wandered down. In the prevailing dry type of the savanna islands the following trees are characteristic: Palo quadrado (Cornutia pyramidate L.). Curactia (Curactella americana), Na

LIST OF TIMBER TREES OF PANAMA.

species (than in the interior) are common to both the Atlantic and Pacific coast floras of Panama, Veragua, Chiriqui, and Darien.

LIST OF TIMBER TREES OF PANAMA.

Achras sapota L. (Nispero, Sapodilla).—A large tree 50 feet high; the wood is rather brittle and requires caution in felling; the wood resembles that of the cherry of the north, and is about the same color, weight, and hardness. It is very straight grained, not easy to work, not especially durable in out-of-door works, is not attacked by insects, and is esteemed for its resistance to transverse strain. It is a very fine timber and is extensively used for building and boarding. There are several varieties, of which Nispero real and Nispero de Montana are most esteemed. At San Lorenzo Castle, near Chagres, and among old works at Porto Bello there are great quantities which have endured for fifty years and over. It grows wild in most of the forests of the country, and is plentiful on Almirante Bay. It is also cultivated for fruit.

Alcornoque or cork tree.—A very large tree, which will give large beams and wears well.

Alfahillo.—Very durable and available for inlaid work.

Alfahillo.—Very durable and available for inlaid work.

Alfahillo.—Very durable and esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as much esteemed by carpenters for building and polishing who as a proper season to believe that the wood sold in Panama under the name of 'Mcason to believe that the wood sold in Panama under the name of 'Mcason to believe that the wood sold in Panama under the name of 'Mcason to believe that the wood of this trees,' (See

Cedro cebolla.—A large tree, rather crooked, in other respects similar to Bombax fendleri. The wood is durable, is excellent for furniture, and proof against worms. "Cedar is plentiful on Almirante Bay (Shepherd Harbor), where it grows to great size and perfection, and is used in the construction of large canoes, dories, and pitpans."

Cedro real.—An excellent furniture wood, proof against worms. Chrysobalanus Leaco L. (Leaco).—A common tree of the coast forest on both coasts. High trees are found on Icacos Cay, in the Gulf of San Blas.

(Shepherd Harbor), where it grows to great size and perfection, and is used in the construction of large canoes, dorles, and pitpans."

Cetro real.—An excellent furniture wood, prof against worms. **Chrysolalanus Ieaco L. (Icaco).**—A common tree of the coast forest on both coasts. High trees are found on Icacos Cay, in the Gulf of Chrysophyllum cointo L. (Canidato).*—It grows wild in various parts, and is also cultivated for fruit; the wood is used for polishing work and building.

Clusia minor L. (Cope chico).—A handsome tree, generally terrestrial, about 18 feet in height. The leaves are used as writing material. It is about an excess a summon and the common of the control of

outskirts of forests between fore and Davis, and Davis, of Veraguas.

Luchea rufescens St. Hil. (Guazimo colorado).—A valuable tree found in the southern part of Veraguas in forests.

Maderon.—The wood is very durable and is available for inlaid work.

Malpighia glabra L. (?) (Cerezo).—Excellent for polished work and

Malpighia glabra L. (?) (Čerezo).—Excellent for polished work and building.

Mal-vicino.—Named from the extreme hardness of the wood and its great size. The wood is yellow in color and is durable. It is abundant and is much used in building, in spite of great expense of cutting.

Mangle caballero or cavalero.—Considered as good as nispero. It generally grows at the water's edge, is very abundant, and will give pieces from 35 to 40 feet long and 1 foot square.

Manicaria saccifera Gaertn. (Sack palm).—A tree from 15 to 20 feet high with a crooked trunk and a spathe used for a bag. It grows in Panama, south shores of Darlen, and as far as the Amazon.

Maria Guttifera.—A good timber used for masts.

Miconia argyrophylla D. C.—Used for building.

Miconia prasina D. C.—Used for building. It is common all over the country.

Miconia prasina D. C.—Used for building. It is considered country.

Musa sapientum L. (Guiner, banana).—Cultivated on a large scale. Narangito.—A fine, strong timber, fit for the wheelwright.

Nazareno.—A beautiful bluish fancy wood, which yields purple dye. Ochroma lagopus Sw. (Balsa, corkwood).—Used for corks and rafts at the time of the discovery of America and at the present day. It is found on the coasts of South America and the West Indies, and is common in most of the forests of Panama. The down from the seeds is used for stuffing. Another similar wood is Bonga, unknown botanically.

Oncoba laurino Presl. (Carbonero).—The wood is hard and is used in building. It is common in Veraguas, in forests, and along the Chagres

building. It is common in Veraguas, in forests, and along the Chagres River.

Oreodoxa regia Humb. & Kth. (Maquenqui, Palma real, royal palm).—
Common in Panama about Cruces, Gargona, and San Juan.

Ormosia Panamensis, Benth. (Peronil).—A tree 50 feet high with durable wood, which is used for building. The leaves are 1 foot long. It is reported from the village of Remedios, Veraguas.

Pachira Barrigon Seem. (Barrigon).—A tree 40 feet high, used for carpentry. It is common in Panama and Veraguas.

Parmentiera cereifeia Seem. (Palo de velas or Candletree).—Fruits cylindrical, yellow. They are used for cattle fodder. The tree is 20 feet high. It is confined to the valley of the Chagres, where it forms entire forests.

Phytelephas macrocarpa Ruiz. & Pav. (Marfil vegetal, Anta, vegetable

entire forests.

Phytelephas macrocarpa Ruiz. & Pav. (Marfil vegetal, Anta, vegetable ivory).—Found on the banks of rivers of southern Darien, where it forms extensive groves by itself. It is confined to South America, between 80° and 90° north latitude, and 70° and 79° west longitude.

Pithecolobium glomeratum, Benth. or var. spicatum Seem. (Guarito cansaboea).—A tree with valuable wood, found on the banks of all the rivers of the Isthmus.

Platumiscium solvetechnum Benth. (Outra, or a kind of Cocoballo).—

Platymiscium polystachyum Benth. (Quira, or a kind of Cocobollo).—
A fine tree with beautiful hard wood, streaked black and red. The wood is hard, heavy, difficult to work, resists friction, and is much used. It grows at David, Province of Veraguas, and in Trinidad and Santa-

Quassia amare L. (Guavito amargo.)—The bark is a febrifuge. The tree is found in the island of Taboga and in Veraguas.

Quercus bumelioides, Liebm.—Found on the volcano of Chiriqui, Vera-

Quercus suemanni Liebm.—Grows on the volcano of Chiriqui, Veraguas.

Quercus seemanni Liebm.—Grows on the volcano of Chiriqui, in Veraguas.

"In the mountains of western Veraguas, the oaks, like most tropical ones, are scarcely higher than 30 feet, with smooth branches." Quercus vearseeviczii, Liebm.—Found in Guatemala, Costa Rica, and the volcano of Chiriqui, Veraguas.

Rhizophora Mangle L. (Mangle salado, mangle colorado).—Used for railroad ties, boat building, hogsheads, etc. The wood is very durable in water, and yields a tanning substance. It is very common on seashores, with Avicennias and Lacuncularias.

Simaba cedron Planch. (Cedron).—A tree 15 feet high, with a pollarded appearance. All parts, and especially the seed, produce cedron, an antidote for snake bite, which is of commercial importance. It grows on outskirts of forests, banks of rivers, and the seashore in Darlen, Panama, and Veraguas.

Sloanea quadrivalis Seem. (Terciopelo).—A forest tree, 60 feet high. It is useful as timber and in carpentry. It grows in the southern parts of Veraguas.

Socrates exorrhiza H. Wendl. (Zanora palm).—The spiney aerial roots are used as graters. It is found in the woods of Panama Province and Darien territory.

Spondias lutea L. (Jobo or Hobo).—A colossal tree, with durable wood. It is cultivated for fruit and naturalized in some parts of the country.

Spondias, sp. (Hobo de cerco).—Used in carpentry.

Spondias, sp. (Hobo de cerco).—Is spanish elm (Caparo).—A tree from 3 to 4 feet in diameter and from 50 to 60 fe

excellent timber. It is found on the island of Taboga and in woods near Panama.

Svictenia mahagoni Linn. (Caoba, or mahogany).—The wood is black, red, or veined. It is common in high woods and is one of the two woods at present exported in large quantities from Panama. It is shipped from the Gulf of San Miquel.

Tabebuia guayacan Hemsl. (Guayacan, lignum-vitæ).—One of the two most durable woods of Panama, the other being T. pentaphylla. It is highly esteemed for hard, durable timbers exposed to weather. In the ruins of the cathedral of old Panama beams exposed to the weather since 1677 are still sound. The figures of the Apostles on the front of Panama Cathedral are of lignum-vitæ and are from 90 to 95 years old. It grows in Panama Province and is common about Cruces and Gorgona.

Tabebuia Pentaphylla Hemsl. (Roble).—A most durable timber, used for ship timbers. Nata, Province of Panama.

Thrinax argentea Lodd. (Palma de escoba, Fan palm).—The leaves are used for brooms. It forms an underwood in forests.

Torno.—A beautiful wood, used in cabinetmaking.

Totuna.—A fine, strong wood, fit for use by the wheelwright. It is white and resembles hickory. Mortices made in it never split. The tree is small and of irregular growth.

Xanthoxylum spinosum Sw. (?) (Acabu).—The wood is durable and is used for building.

Xanthoxylum, sp. (Amarillo or Espino amarillo).—A tree from 45 to 50 feet high, with a diameter of from 15 to 20 inches. It is not very abundant. The wood is yellowish, straight grained, easy to work, of light weight, and not liable to decay nor insect attack. It is good for constructions in water and for lumber. There are seven kinds or amarillo, all good timber. Sp. gr., 0.556.

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By permission of the House, I have printed as an appendix to my re-

By permission of the House, I have printed as an appendix to my remarks on the Panama question, the above letters, extracts from newspapers, documents, and so forth, to which I have referred in the course of my remarks, all of which is respectfully submitted.

Henry T. Rainey.

Mr. OVERSTREET. Mr. Chairman, I yield ten minutes to

the gentleman from Minnesota [Mr. STEVENS].
Mr. STEVENS of Minnesota. Mr. Chairman, it is extremely regrettable that any Member of this House should feel called upon to rise in his place and slander the ruler of a friendly republic and defame the administration of his own country, and the administration that will follow the present one.

Mr. SHACKLEFORD. Mr. Chairman, I rise to a point of order. I object to the word "slander," as used by the gentle-

man from Minnesota,
man from Minnesota,
The CHAIRMAN. The gentleman from Minnesota must not indulge in personalities when referring to a Member of the The gentleman will proceed in order. House.

Mr. STEVENS of Minnesota. Mr. Chairman, I desire to keep entirely within the rules of the House, and will try to state to the House

Mr. SHACKLEFORD. I move that the gentleman be allowed to proceed in order, Mr. Chairman.

The CHAIRMAN. The gentleman has already proceeded in

Mr. STAFFORD. Mr. Chairman, I make the point of order to the request of the gentleman from Missouri [Mr. Shackle-FORD], that it is not in order at this time for him to make that

The CHAIRMAN. The Chair has passed on that motion. The gentleman from Minnesota will proceed in order.

Mr. STEVENS of Minnesota. Mr. Chairman, in the short time allotted to me, I only desire to call the attention of this committee to the facts set forth in the remarks of the gentleman from Illinois, so far as this Government and its affairs are concerned. It is no business of ours what any other government shall do with the persons or with the property under its dominion, providing it does not affect our rights or our interests It is our business to look after our own affairs, our own citizens, and our own administration, and it is no concern of this Congress to discuss the forestry policy of the Republic of Panama, even though we may regret and disapprove it. First of all, I wish to state that there is no foundation in fact that there was any interference by Secretary Taft or any other of our officials with the national elections at Panama last year, any more than the keeping of order there, as was provided by the treaty between the United States and Panama. Section 7 of that treaty provides:

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto, in case the Republic of Panama should not, in the judgment of the United States, be able to maintain such order.

The gentleman from Illinois [Mr. RAINEY] was mistaken in the statement that there was no political party behind the candidacy of Obaldia. I know not the facts only as I remember to have read them from the newspapers last spring, and I am sure that the files of the newspapers of New York and of Washington can be found in the Library to substantiate my statement, and as I heard them upon the recent trip to Panama of the Committee on Interstate and Foreign Commerce of this House.

Mr. RAINEY. Mr. Chairman—
Mr. STEVENS of Minnesota. I can not allow any interruption; I have only ten minutes. The facts are stated as I recall them now, without any opportunity to refresh my memory, as follows: There were two parties in Panama, the Liberals and the Conservatives. The Conservatives, rich and powerful, were intrenched in power and anxious to remain in charge of the Government. The Liberals were anxious to secure power there, as in all other governments. The Liberals were in the majority among the people of the Republic of Panama and they belonged to the uncultured and poorer classes.

The Conservatives, in order to intrench themselves under Doctor Amador and Arias, were preparing to exclude the Liberals from registering, as provided by the Panamanian law, and from par-ticipating in the elections. It is evident this would insure the triumph of the minority party in the election of Mr. Arias. For that reason the Liberal party and other citizens who desired peace and order in the Republic formally asked that the United States interfere in order to prevent bloodshed, that riot and revolution should not be allowed, and that all parties should have fair elections. The matter was considered by the administration, which evidently foresaw and knew that there would be bloodshed if a considerable party be excluded from the elections and that a minority be allowed to triumph by means of force, fraud, and corruption; and any condition by which there would be unfair elections, fraud at the registration and elections, bloodshed at the polls and elsewhere would almost mean possible intervention and possible subversion of the Government of Panama, and that would mean inevitably another distant tropical province for us to govern with all of its attend-

ant evils. In order to insure fair elections, just exactly as was done so recently in Cuba by Governor Magoon and Secretary Taft, there were some marines sent into Panama to comply with the provisions of the treaty. They took no part in the elec-They interfered in behalf of nobody and interfered only with fraud and corruption. Nobody pretended they did anything else.

Nobody charged or dared to charge in Panama when we were there, less than three weeks ago, that our Government in any way violated either our treaty rights or rules of decency and fair play in its handling of our troops on Panama's soil. Arias knew that his party was in the minority, and because he knew it and that he and his party had no chance to prevail where fair elections were guaranteed, where the people were allowed to register and vote as they pleased, he withdrew; and there was no fraud, no interference by our marines, and no influence from them at the polls, so graphically described by the gentleman from Illinois. Now, that is the sole reason of the intervention of Mr. Taft and the administration in Panama—in order to have fair elections and assure the continuance of the Republic of Panama-and that was exactly what was accomplished, to the satisfaction of the majority of the people of that Republic; and we then withdrew at once, to the credit of our own Government.

Another statement that the gentleman makes was that the spoil of the excavation from the locks at Sosa would be used to fill the water front at Panama. Mr. Chairman, there will be no locks at Sosa at all. The gentleman does not know what he is talking about. That plan of locks at Sosa was abandoned nearly a year ago, and the gentleman does not know it.

plause on the Republican side.]

I want to tell him some of the facts that he evidently cares not to know or has overlooked. As a matter of fact, the material which will be taken out of the locks back of Sosa at Miraflores will be used to fill a huge breakwater extending from a point on the mainland out to the island of Naos belonging to the Canal Zone. Nearly 2 miles of breakwater must be constructed that will protect the harbor of La Boca and the Pacific entrance to the canal. Neither report nor engineers even hinted that any of the surplus dirt or rock would be used in Panama at all, and if anybody hinted it to the engineers in charge down there there would be trouble. That breakwater will take a vast amount of material, because some of the water is deep, so that nearly all that can be used reasonably, from the locks at Miraflores and back to Pedro Miguel, can be used on our own property upon the Pacific, and that is where the material will The long dock that is now used is the old Panama steamship dock acquired with the steamship company, and is not newly constructed, as the gentleman alleges. Now, just a word more about the Culebra Cut.

Anybody who has been there can see that that cut is being lowered at the rate of nearly 2,000,000 yards a month—about 1,600,000 yards in December, I think. It is the busiest place of its kind in the world. They are excavating there, just exactly as the President of the United States says they were, and are doing this truly wonderful work he described, and my own recollection is about 1,600,000 yards a month is being eaten out of the heart of that great mountain. The work has so progressed that in four years that great bugbear of the canal will be ready for the water. It will not be the Culebra Cut which will delay the completion of the work. The skill and energy and effectiveness of the work there is marvelous to those who witness it.

Mr. RAINEY rose.

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. STEVENS of Minnesota.. I decline to yield.

The CHAIRMAN. The gentleman from Minnesota declines to yield.

Mr. STEVENS of Minnesota. Just a word about the ships of which the gentleman spoke. I do not know whether it was a good bargain or not; I am not pretending to argue as to that; but what I do know is this: That the main delay in constructing that canal will be the construction of the great locks at Gatun and Pedro Miguel and Miraflores, which will require about four and a half million barrels of cement and about 300,000 barrels more for other construction; nearly 5,000,000 barrels of cement in all must be taken to the Canal Zone in about four years-upward of a hundred thousand a month-in order to complete the canal on time by 1915. The only way to get it there regularly must be by steamers; sail vessels can not be depended upon. In order to construct these locks, they must lay nearly 2,000 yards a day. It will require 100,000 barrels a month to do that work. It was deemed best that steamers should be purchased which could get that cement there surely and safely and not trust anyone else, so it could be laid as it should be needed. It is economy of time to do it. Before we get through it may be economy of money also. The two steamers that were purchased will do the main part of that work, and that is the main reason for which they were purchased. There is another reason. The bill provides that in case the Panama Canal Company does not use them, or when it shall cease to use them, they shall be turned over to the navy, and Heaven knows the navy needs just about that kind of steamers.

Now, there is another thing that may occur and make these steamers valuable. It is possible always since the traffic connection was terminated several years ago between the Panama Railroad Company and the Pacific Mail Company that this Government may at any time be obliged to use its steamers upon the Pacific to protect its commercial interests and in order to get supplies cheaper and better from the Pacific coast. It may sometimes be that the connection between the Atlantic and Pacific coasts may need to be improved, that it may be necessary for the Government to protect its own interests on the Pacific and the interests of the people of this country by using these steamers for freight and passenger business on the Pacific. always a club to keep the transcontinental railroad lines from exacting unjust charges from our people, because we always have a chance for protecting the interests of our own property and our own people. It is always possible that these steamers may be used for those very purposes.

Now, Mr. Chairman, I have not had an opportunity to examine the various facts alleged by the gentleman from Illinois to be facts as the basis for his speech. It is only from my recollection that I have briefly covered the few salient points affecting the greatest enterprise of this Government and, indeed, of any in the world. Some of us have had recently a good opportunity to see and know, and we do know that no work in the world is being prosecuted as efficiently, as honestly, and as economically as the great work of excavating the Panama Canal. [Applause.] It is the best adminstrative body of most loyal, enthusiastic, and efficient workers in the world. It is being prosecuted without graft, without thought of self-interest by the men who are doing that great work. They are dedicating themselves to the honor, to the glory of their country, and they are doing it in spite of the detraction at home in the newspapers, by public men, and by those who have other ends to serve. [Loud applause.] I yield back the balance of my time.

Mr. KÜSTERMANN. Mr. Chairman, before entering on the subject upon which I wish to talk I desire to say a few words about the remarks made by the gentleman from Illinois [Mr. RAINEY]. I do not in the least approve of the slighting remarks that have been made about the President of the United States. It seems to me to be rather fashionable nowadays to talk disparagingly of the head of our great country. I know that he is not infallible, no one is, but I believe and I am convinced that in all he did and all he uttered he meant to do what was right or what he though was right. He has his faults the same as anyone else, but I say to you those faults are far overshadowed by his good qualities. [Applause.] I believe to-day that the gentlemen on the Democratic side of the House would be most happy to claim Theodore Roosevelt as a Democratic President. When he leaves the White House I know that he will be accompanied by the good wishes of the people, and I know that he will be always recorded in history as one of the best Presidents that this country has ever had.

He will be written in history as an American citizen of great courage, exceptional independence, and unquestioned fearlessness—a man who saw his duty clearly and was unwavering in his performance of it. [Great applause.]

Mr. Chairman, while considering the post-office appropriation bill, I think it is most opportune to speak of something that is directly connected with it, namely, the merchant marine. [Applause.] I have, after careful study, thought up a plan that will build up our merchant marine and eventually give us American ships in which to carry our mails to foreign countries.

In 1853 the New York Herald, in an editorial, said:

It must be a matter of sincere satisfaction to know that in sailing and steam vessels we have surpassed the whole world.

James Buchanan, when President of the United States, said, in a speech delivered by him:

Our commerce now covers every ocean; our mercantile marine is the largest in the world.

Alexander H. Stephens referred to our merchant-marine service as follows:

We have now an amount of shipping, not only coastwise but to foreign countries, which puts us in the front rank of the nations of the world. Mr. GRIGGS. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Wisconsin [Mr. KÜSTERMANN] yield to the gentleman from Georgia?

Mr. KÜSTERMANN. If it does not take too much of my

Mr. GRIGGS. Is the gentleman defending the President or the merchant marine?

Mr. KÜSTERMANN. Both.

In 1859, 66.9 per cent of all foreign commerce of the United States was carried in American vessels. In 1865 this was reduced to 27.5 per cent; in 1901, to 10.3 per cent, and at the present time less than 8 per cent of the goods exported from this country are carried in ships sailing under the American flag.

Our merchant marine has almost disappeared from the oceans. A number of our people, many of whom no doubt are well-meaning and honest, think that the best way to restore our merchant marine to its former rank among the nations is by subsidies, either by direct gift or by paying large sums for carrying the United States mail to foreign countries, which sums are entirely out of proportion to the service rendered.

It is true that some foreign countries are paying subsidies. Germany, for instance, subsidizes some steamship lines that run to the Far East, giving \$1,400,000 to the mail steamers running to East Asia and Australia and \$435,000 for steamships running to East and South Africa. Not one cent of subsidy is paid to the Hamburg and Bremen lines plying between Germany and the United States, and only a fair amount is given for carrying the mail.

As evidence that the subsidies paid by the German Government are not excessive and do not particularly add to the success of the steamship lines is seen from the fact that the North German Lloyd, which, on account of its line to the Far East, enjoys the greatest subsidy, declared in 1907 to their stockholders a dividend of only 4 per cent, while the Hamburg-America Line, which practically receives no subsidies, paid 7 per cent during the same period.

Great Britain pays about \$5,000,000 per year for carrying its mail to foreign countries. Some of these lines receive sums somewhat above the regular price paid for carrying the mail, on account of their being classed as auxiliaries to the navy.

Not one dollar extra, however, is paid to the British ships to and from South America. Therefore American ships wishing to engage in commerce with the South American countries are at no disadvantage, for there are no British ships enjoying subsidies to compete with.

The great ocean carrier of freight to-day is the British tramp steamship, on the lookout for cargoes wherever obtainable, and no subsidies are paid to it.

The bulk of the carrying or freight trade goes to these unsubsidized ships that pay no more attention to international trade competition and show no more preference in taking and delivering goods than our express companies do between competing business houses.

A committee appointed by the British Parliament in 1902 for the purpose of looking into the value of subsidies, came to the conclusion that a general system of subsidies other than an expenditure of a specified sum for the cost of the actual services rendered is inexpedient and costly; further, that subsidies were a minor factor in the development of the British shipping trade, and that it was due mainly to commercial industry and skill.

The only two European countries that pay a subvention to their mail ships far in excess of a fair remuneration for services rendered are France and Italy.

The French merchant marine, in spite of its subsidies, is losing ground every year, and the subsidized Italian lines find great difficulty in even holding their own on the Mediterranean, their own ground, in competition with the nonsubsidized German ships.

While the United States does not admit paying any subsidies outright, the extraordinary high prices paid to American companies for carrying the mail show that we to-day subsidize in effect, if not in name, thereby keeping nearly even with foreign countries in this respect, but simply refraining from calling this kind of subvention by its right name.

To illustrate: The United States pays to the American Atlantic Line \$1.60 per pound for carrying mail matter, while the German lines receive but 44 cents per pound from the United States Government for carrying mail practically the same distance and on equally fast steamers.

same distance and on equally fast steamers.

This means a subsidy of \$1.16 per pound, now paid the American lines.

In a report submitted by the Commissioner of Navigation a few years ago it is shown that with the price paid by the United States Government for carrying mails, the Cunard and White Star lines, if their ships were built and registered in the United States would receive \$1,359,108 per year for the same service for which they are now receiving \$1,041,000 from the British Government, a difference of \$318,108, which sum would aid materially in equalizing the wages paid to British and American crews.

In speaking of crews, it may be of interest to know just what proportion of the crew of an American mail steamer must be citizens of the United States. I cite the law for the benefit of those who are under the erroneous impression that the majority of the crew of an American mail ship must be Americans. The law reads:

The vessels employed in the mail service under the provisions of this act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract, at least one-half thereof.

In spite of the liberal sums paid to the few American mail steamers still remaining, it has not helped to build up our merchant marine, and even if more subsidies were paid, as is so frequently suggested, it would not materially increase the number of our ships. It would not lessen our freight rates, because competition regulates this matter; nor would it bring any direct advantage to the people of the United States.

The advocates of subsidies are daily appealing to the pride and patriotism of the American people and insisting that the greatness and glory of our country will be furthered thereby; but I maintain that the only satisfaction we, the American people, will get will be the glory of paying a few million dollars a year to some special interests, sums that these interests can not legitimately and honestly earn.

Of course every citizen of the United States desires the American merchant marine to again play an important part in the world's commerce.

Everyone would rejoice to see the number of ships sailing the oceans under the American flag greatly increased, but only in case this can be brought about in a legitimate way.

It is universally conceded to be a great detriment, sentimentally and practically, to have our merchant marine in foreign trade decreased almost to a vanishing point; to see our battle ships coaled by foreign steamers; to have our coaling stations filled with American coal by British, Norwegian, German, and other foreign ships.

Our merchant marine should be an adjunct to our navy in case of need, but under the present conditions it can not be. Now, the question arises, how can the merchant marine be

Now, the question arises, how can the merchant marine be built up without resorting to artificial means; how can the American flag be restored to the seas without paying the shipowners large sums for thus displaying their patriotism?

It can be said right here that we are all willing that fair and reasonable compensation shall be paid to all ships performing a service for the Government, whether it be for carrying mail or coal.

The remedy I suggest to offset this subsidy evil is not expensive, nor will it do harm to any American industry. It is simply, in effect, to try similar means that resulted so successfully in building up the merchant marine of Great Britain and Germany.

Let us change our navigation laws so that ships sailing between this and foreign countries are entitled to American registry, even though not built in this country nor entirely owned by American citizens.

Fifty years ago the British navigation laws were as restricted as those of the United States to-day. A few years later the laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time dates the restoration of the British flag to the command of the seas.

Some thirty years ago Germany followed the example of Great Britain and gave her citizens the right to buy ships anywhere in the world and place them under the German flag, and this continues to be Germany's policy to-day.

this continues to be Germany's policy to-day.

It has resulted in Germany having the second largest merchant marine in the world.

As Germany became a ship-owning nation, her shipyards commenced to grow and to-day Germany is the greatest competitor of Great Britain in the shipbuilding industry.

Seagoing vessels have not been built so cheaply in the United States as in European countries, for labor and capital in this country have found more profitable employment in other lines.

It is said that large vessels are being built at 30 to 50 per cent less in Europe than in the United States.

Our strict navigation laws affecting foreign-built vessels have not brought satisfactory results, and the building of oceangoing vessels in the United States has almost ceased in spite of these restrictions.

Would it, then, not be advisable to remove the barriers and let Americans buy their ships, to be employed in foreign trade, wherever they please?

In case a corporation wishes to establish a number of steamers under the American flag, allow such company to do so, even if part of the stock in such corporations is owned by foreign capitalists.

In the bill introduced by me for the purpose of removing the present shipping restrictions as relating to ships sailing between our country and foreign ports, I suggest that not to exceed 40 per cent of the stock be owned by others than citizens of the United States.

The British and German governments, in case of corporations entirely capitalized by foreigners, do not object to have these lines fly their flags. However, they do insist that the responsible officers of these companies shall reside in Great Britain or Germany, and that the office of the company be located there.

As long as we allow foreigners to hold large amounts of stock in our railroad companies, in some cases the majority of stock, there should be no objection on our part to have foreign capital help us build up our merchant marine.

With an American captain in command of the ship, with a good proportion of the crew Americans, and with the ownership wholly or nearly so in the hands of Americans, we should be satisfied to have an American flag hoisted over it.

Our patriotism will not suffer even though the ship was built in a foreign country or foreign capital is invested in it, as long as the American flag flies over it.

But our patriotism suffers, at least mine does, when I see by a report published by the Commissioner of Navigation a few years ago that Americans own 136 ocean-going ships, and on account of our restricted navigation laws they are forced to sail under British, German, Belgian, or other foreign flags.

Following is a list of the ships sailing under some foreign flag, but owned by citizens of the United States:

American ownership under foreign flags.

Name.	Flag.	American interest.	Number of steam- ships.	Gross tonnage.
Leyland Line Atlantic Trans- port.	Britishdo		44 17	277,379 123,593
Oil Tank Lines	British, Ger-	Standard Oil Co	14	50,296
Red Star and In- ternational Navigation Co. (Limited).	man. Belgian, Brit- ish.	C. A. Griscom, Philadel- phia,	15	100,219
North Atlantic Steamship Co., Limited.	British	C. and J. Hogan, New York.	11	41,441
New York and Pacific Steam- ship Co., Lim- ited.	do	Wm. R. Grace & Co., New York.	6	20,758
Chesapeake and Ohio.	do	Chesapeake and Ohio R. R.	6	20,277
		H. P. Booth, W. D Mun- son, New York.	12	19,545
Pacific Mail	British	Chas. H. Tweed, New York.	1	7,575
United Fruit Co	do	A. W. Preston, Boston; R. A. O. Smith, New York.	5	5,913
John A. Donald	Norwegian	John A. Donald, New York.	3	2,120
Fortuna Steam- ship Co.	do		1	2,965
Merritt & Chap- man.	British	Merritt & Chapman	1	374
Total			136	672,455

Pecuniary control of American-owned steam vessels with a tonnage of 672,000 tons, now under foreign flags, should cause us all to think hard.

It may not be generally known, but it is nevertheless a fact that the United States Government to-day owns 38 steamships of 102,100 tons, used as transports and colliers, which were built in foreign countries, and as such are not eligible to American registry without a special act of Congress.

Not only does the American-owned steam tonnage under foreign flags, which should be under the American flag but for our present navigation laws, greatly exceed in carrying capacity all the tonnage now under the American flag engaged in foreign trade, but it nearly equals the entire iron and steel tonnage of Norway, equals that of Spain, and exceeds that of Italy and Japan.

It is true American capital reaps the profit from these ships now under foreign flags, the same as though they were sailing

under the American flag.

Another thing that should be borne in mind is the fact that the tax in Germany and Great Britain on ocean-going vessels is somewhat lower than is charged by most of our coast States, though New York, Alabama, and Washington raise no tax on American shipping engaged exclusively in foreign trade.

To help matters, every State in the Union would probably be

willing to follow the example set by New York and the other

States mentioned.

To have such a large number of American-owned vessels on the seas under the flag and protection of foreign nations certainly means a distinct loss in national prestige.

Just as our flag on war vessels is displayed abroad, presumably to impress other nations with our power, so the display of our flag on merchant vessels in foreign ports is desirable to strengthen our position as a commercial nation. [Applause.]
Whether or not "trade follows the flag," it is certain that

the flag increases the business importance and respect for the

trader as well as his nation.

There is little doubt that all matters being equal or nearly so, these American shipowners of foreign-built vessels would readily seek American registry and have their ships under the Stars and Stripes.

Now, the bill introduced by me (No. 24633) has this very purpose of bringing back these American-owned ships into our

fold, thereby making a good showing on the seas.

If this bill is enacted into law American capitalists would not be obliged to beg of Congress to pass a special act permit-ting them to fly the American flag over some of the most beautiful ships that ever sailed the ocean, as was done in the case of the steamers New York and Philadelphia, both being built in England.

The company owning these ships had to pay dearly for their patriotism and for the privilege of hoisting the American flag.

The special act passed by Congress allowing American registry of these two ships also made it mandatory upon the company to have built in this country two other ships of equal size and capacity, the St. Paul and the St. Louis, at an expense of \$5,100,000.

According to a statement made by the president of the company before the Senate committee, the cost of these two ships built in the United States was \$1,100,000 more than the identical ships could have been procured for in England.

No wonder, then, that our American merchant marine is falling behind when such obstacles are placed in the path of our enterprising people and they are made to pay so dearly for the

privilege of sailing under the American flag.

The plea that the American shipbuilding industry would suffer by allowing American registry of ships in the foreign trade and built or purchased in foreign countries is not justified, because there are no foreign-going vessels now built in American shipyards. On the other hand, our shipbuilders would be benefited by the repairs and alterations that would from time to time become necessary on these foreign-built ships.

The same enterprise that enabled us to compete in almost every other line would enable American workmen to so improve on present shipbuilding methods in this country, and so reduce the cost, that not many years would pass before American shipyards would build the greater number of our foreign-going ships.

There is certainly nothing to lose in granting Americans the privilege of buying foreign-built vessels to be used in foreign

trade only, and give them American registry.

There is little doubt that a change in our present navigation laws would prove stimulating to the American merchant marine, and that in course of time it would completely restore the pres-

tige of America on the seas.

The experiment is certainly worth trying, and if it has the same effect upon our merchant marine as a similar change in the navigation laws of Great Britain and Germany had upon the maritime conditions of those countries, the time will certainly come when we no longer have to rely upon foreign ships to coal our war vessels, or to carry our mail.

Foreign countries will again see what our flag looks like, and

every American heart will rejoice over the greater number of ships on the seas displaying the Stars and Stripes. [Loud ap-

plause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Hubbard of West Virginia having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries:

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States; and

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WAR-REN, Mr. HEMENWAY, and Mr. TELLER as the said conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. I will ask the gentleman from Tennessee [Mr. Moon] to occupy some time.

Mr. MOON of Tennessee. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, the bill now before the committee for its consideration carries the largest budget of expense that has ever been carried in a bill of this character. The increase in the appropriation as carried in this bill over the appropriation for the current year is a little over \$11,000,000. Now, the question, to one who has not carefully investigated it, might naturally be raised as to why so large an increase in the postal expenditure. If you will carefully examine this bill, you will ascertain that nearly every expenditure in it has been provided by law or by previous bill in fixing compensation and salaries. This bill provides for more individuals as to salary than any other bill which may be presented providing for the expense of any part of the civil branch of the Government.

The salaries provided for postmasters are fixed by law. The maximum salaries provided for assistant postmasters are likewise fixed by law. The salaries for the clerks in the post-offices are determined by current law and also by the system of automatic promotions heretofore adopted. The same thing is true with reference to letter carriers in the cities. are fixed by current law, and the method of promotion has been fixed by statute previous to this Congress. The salaries of the rural letter carriers are fixed, as well as the salaries of the railway mail clerks. The latters' salaries are determined by current law. The most astounding thing that presents itself to our committee is, however, that notwithstanding the Post-Office Committee and the House, in connection with post-office matters, have been more liberal in increasing salaries than in connection with any other department of the Government, there is constantly a demand on the Post-Office Committee and the Members of the House for increase of sal-ary in the various branches of this great service. It is the policy of the Post-Office Committee at this time not to increase salaries.

There are but few increases in the current bill, because of existing conditions in the country. You are aware, of course, of the extraordinary deficit that is found at the present time in current revenue. If you will read the Treasury statement of to-day you will ascertain that there is a deficit already in the general expenses of the current year of over \$77,000,000,

and this will reach, perhaps, the sum of \$135,000,000 before the 30th day of June next. There is also, according to the estimates, a necessary deficit in the fiscal year which will begin on the 1st day of July next, the period for which this appropriation provides. How much may be the deficit for next year no one at this time can tell, but it is reasonable to say that the deficit for the year 1910 will be more than \$100,000,000possibly \$150,000,000.

Mr. COX of Indiana. In the Post-Office Department?
Mr. LLOYD. No; the general deficiency.
The deficit in 1907 on account of the post-office expenditures, that which was required to be paid out of the Treasury of the United States, was a little over \$6,000,000. The deficit for the year which ended on the 30th day of June last was \$16,000,-000. It is estimated that the deficit for the current year, which will end on the 30th day of June, will be a little over \$16,000,000, but the latest statement made by the post-office officials is to the effect that it will go far beyond \$20,000,000.

So that there is not only an increased deficit in the General Treasury, but also one in the postal branch of the service; and because of that deficit we think it is wise-and I think the committee stands together on that proposition-that at this time there shall be no marked increase in the salaries of the various departments connected with the postal service.

Mr. GOEBEL. Will the gentleman allow me to interrupt him

to ask him a question?

Mr. LLOYD. Certainly. Mr. GOEBEL. Does not he know that the largest patron of the post-office service is the Government itself, and that if a reasonable charge was made for that service there would not be a deficiency?

Mr. LLOYD. I think that is true.

Mr. GOEBEL. Therefore, is not this question of a deficiency

entirely a myth and does not exist in fact?

Mr. LLOYD. Mr. Chairman, in answer to that question, I will say that there is a sense in which it may be a myth; but as a business proposition, the fact is that the money comes out of the Treasury of the United States. If the Government was required to pay full postage on all the penalty envelopes which are sent out, and if Members of Congress were required to pay the full postage on matter now sent under their frank, then there would be no deficit.

Mr. MANN. Will the gentleman permit me to ask him a

question?

Mr. LLOYD. Certainly.

Mr. MANN. And for the same reason an express company would very greatly increase its revenue by charging itself on all its own packages and remittances.
Mr. LLOYD. Precisely so.

Mr. MANN. It seems perfectly ridiculous to talk about that.

Mr. LLOYD. But I am explaining the situation.
Mr. MANN. I understand; I agree with the gentleman.
Mr. LLOYD. The Third Assistant Postmaster-General in his report for the last fiscal year calls attention to this situation and gives an estimate of the postage required on second-class matter free in the county of publication if required to pay the usual second-class rate, the franked matter as if it were sealed and chargeable at the first-class rate, and the penalty, or departmental, mail at what would be the legal rate if full rates were paid. This table follows:

Class of matter.	Estimated weight.	Estimated postage.
Second-class matter	Pounds. 53,156,094 4,555,634 18,644,010	\$531,560.94 3,987,546.44 16,362,131.95
Total	76,355,738	20,881,239.33

This table is not fair to the Congressman, in my opinion, because it charges all franked matter as first class and at a rate of 871 cents per pound, when the greater part of it, if postage were required, would belong to the other classes of mail; but the table explains the contention here and shows that if the various departments were required to pay for their own postal service there would be no deficit.

Mr. MADDEN. Is it fair to charge it when, as a matter of

fact, the Government does its own work?

Mr. LLOYD. That is a question my good friend from Cincinnati would say "I am not quite sure about" and to which my friend from Illinois would say "yes." We all understand if the Government paid the same as anybody else for carrying the mail there would be no deficit.

The CHAIRMAN. Gentlemen will please not interrupt gentlemen without first addressing the Chair.

Mr. MADDEN. Mr. Chairman, may I interrupt the gen-

Mr. LLOYD. Yes, sir. Mr. MADDEN. The Government is charged with the amount for its own work to-day, and I will ask whether it should not be charged the amount that it would cost?

Mr. LLOYD. That is a very reasonable suggestion.
Mr. FOSTER of Vermont. Will the gentleman permit me?

Mr. LLOYD. Certainly.

Mr. FOSTER of Vermont. I take it the point the gentleman from Missouri is trying to make is that if the different departments had charged up to them the expense of carrying their mail which is now charged up to the Post-Office Department, then this deficit in the Post-Office Department itself would be wiped out.

Mr. LLOYD. Yes, sir; that is correct, but this point is injected into my remarks by queries.

Mr. PADGETT. But the expenditures of the other departments would be increased.

Mr. LLOYD. Yes, sir. Mr. GOEBEL. Now, then, is it fair to charge that up to a

deficiency in the Post-Office Department?

Mr. LLOYD. Well, I would not want to say whether it is or not. It just depends upon how you view it. My purpose was simply to call attention to the facts as they exist. In this connection, as we have gone somewhat over the question of the franking privilege and the penalty envelope, I want to call attention to something that was a very great surprise to me and it may be equally so to you, when your attention has been called to it. Out in the country districts there is a great disposition to believe that the greater part of the mail that is transported from place to place bears the frank of Members of Congress. was a weighing taken on the 1st day of July, 1907, and ending on the 31st day of December of that year, which shows that the amount of franked matter is only thirty-seven one-hundredths of 1 per cent of the whole mail.

Mr. MANN. Under the congressional frank? Mr. LLOYD. Congressional franked matter. Thirty-seven one-hundredths of 1 per cent of the mail.

Mr. HARDY. Mr. Chairman, will the gentleman allow an interruption?

Mr. LLOYD. Yes, sir. Mr. HARDY. Does that include all the stuff that they send

out—for instance, seed?

Mr. LLOYD. It includes everything a Congressman sends through the mail.

Mr. HARDY. Does it include what the departments send out at the request of a Member?

Mr. LLOYD. No; everything that bears the frank of a Congressman, and nearly everything you send out bears the frank of a Congressman. What the departments send out will be sent in a penalty envelope of the department.

Now, I also want to call attention to the fact that at that

weighing it was shown that 3.88 of 1 per cent of the mail was

carried in penalty envelopes.

That is a surprising fact also, that the proportion between that which is franked by Congressmen and that which is sent in the penalty envelopes of the departments should have so wide a divergence in amount-thirty-seven one hundredths of 1 per cent for the one and 3.88 per cent for the other.

Now, there is another fact to which I want to call your attention at this time. The mail was weighed in 1899 for a portion of the year, and, according to the estimate made, the amount of the year, and, according to the estimate made, the amount of mail carried in the United States for the full year was 1,566,000,000 pounds. At the weighing made eight years later, in 1907, the amount of mail carried was 2,172,000,000 pounds; and if this increase continues in the same ratio for the next two years as it continued for the eight years intervening between the weighings, the amount of mail carried in the year for which this bill provides will be 2,324,000,000 pounds.

And you will observe on careful examination of the two that in the ten-year period which clapsed between the weighing in 1899 and what would be the weight of the mail ten years later is an increase of 50 per cent in the weight of the mail. The increase in the weight of the mail actually between 1899 and

1907 was a fraction over 39 per cent.

It would be supposed that the cost of carrying the mail would decrease in proportion as the mail became larger in bulk, but if you will compare the weighings of the two periods and the developments of the service in the last ten years you will be astounded to know how much we are now paying for the additional mail. As a matter of fact, in 1899, at the time

of the weighing before, it cost us 62 cents per pound for every pound of mail that was transported.

Mr. MANN. Do you mean the railway cost?

Mr. LLOYD. No, sir; I mean the total cost was 63 cents per pound. To-day it is costing this Government a fraction less than 10 cents per pound for carrying the mail, including every item of expense. The Postmaster-General in his report fixed the cost in 1907 at 83 cents, and there has been an increase since.

Mr. OVERSTREET. I do not think the gentleman means it costs that to carry it. It costs that to handle and carry it.

Mr. LLOYD. I think I answered the question in accordance with the answer of the chairman of the committee. I mean all the expenses of the Post-Office Department combined.

Mr. COOPER of Wisconsin. On what articles? Mr. LLOYD. On everything that goes in the mails.

Mr. COOPER of Wisconsin. Including letters?

Mr. LLOYD. Including everything. In 1899 the amount of mail was 1,566,000,000 pounds. This year it will be 2,324,000,000 pounds. Now, the total expense in 1900 was \$107,000,000. total expense to the Government on account of postal matters this year will be \$234,000,000.

Mr. COX of Indiana. To what is that astounding increase due? Mr. LLOYD. I am going to get at that. Notice the fact, and it needs explanation. The mail has increased in volume 50 per cent in ten years, while the expense of handling it and

carrying it has increased 121 per cent.

Now, the answer given nearly always, as a reason for this extraordinary expense, is that it is because of the railway transportation charges. Is that true? Several years ago it seemed to be accepted on the floor of this House as a settled proposition that it cost 5 cents a pound to carry every pound of mail matter that was carried on railway trains. In 1899, at the time of the weighing, there were 1,347,000,000 pounds carried on railway trains, and it cost 23 cents per pound to carry that mail. It now costs 21 cents per pound to carry the mail. The fact is we are paying less per pound for carrying the mail by railroad than we paid ten years ago.

If you will examine the system of payments, you can well understand how this could be. Then, if you will remember what has happened in the last three or four years with reference to the reduction of railway mail pay and also with reference to the system of weighing, you will understand how this reduction has been made in the last ten years. The Postmaster-General, in his last report, in speaking of the cost of carrying

the mail, said of the payment to the railroads:

Of this amount, approximately 21 cents per pound is paid to the railroad companies for transportation; a few mills must be added for car service, freight on empty mail bags, etc., which items increase the total cost of railway handling of second-class matter to approximately 21 cents per pound.

This expense has been slightly reduced since that time, so that the Postmaster-General fully bears out my statement. In 1900 the railroads were paid \$37,480,000 to carry 1,347,000,000 pounds, while in 1910 it will cost \$51,368,000 to transport a little over

2,000,000,000 pounds.

If we paid the same amount per pound for carrying the mail at the present time that we paid ten years ago, this bill instead of carrying \$234,000,000 would carry \$77,000,000 less. the statement, \$77,000,000 less than it now carries. Now, why is the difference? We are expending on account of rural service \$37,000,000. This bill carries \$37,300,000. That does not account for the \$77,000,000. There is something of remuneration comes from the rural service. The estimate is usually made that it pays about 12 per cent of its cost. Another thing that occurs is that the rural service reduces expenditure on account of the star route. If you will make investigation you will ascertain that the expenses for star routes from 1900 to 1905 increased nearly 50 per cent, while since that time the expenses of the star routes have not increased appreciably. If there had been the same increase in the expenditure on account of star routes for the last five years as for the preceding five years, the expenditures on account of the star route would have been more than \$3,000,000 greater than is carried in this bill.

I think that it may be safely said that \$30,000,000 of this bill and \$30,000,000 of the \$77,000,000 increase comes from the rural service. That leaves \$47,000,000 to be accounted for. Now, that does not come from the Railway Mail Service. Where does it come from? I have called your attention to the two avenues to which nearly all individuals will point you, either to the rural service or to the transportation charge of the railroad companies. One accounts in part, but the other does not in any particular.

The increased pay to the railroad companies just about corresponds to the increased weight of the mail. The increase in expenditure to postmasters corresponds with the increase in the weight of the mail. I never investigated this matter until within the last two weeks, to ascertain whence it came. I was

surprised to find the condition. I do not know just how it is to be remedied. I do not know certainly that it is improper. it is one of the things that my friend from Indiana, the chairman of this committee, with others on the Postal Commission, will remedy, if it can be rightfully done, by recommending a business system, which will have the effect to avoid it.

Mr. Chairman, if there is the same per cent of increase in the expenditures in the Postal Department for the next eighteen years that there has been in the last ten years, the expenditure of this department alone will amount to \$1,000,000,000. friend from Tennessee [Mr. Moon] a few minutes ago said that within ten years it would reach the sum of \$400,000,000. can make the computation for yourselves. The increase in the last ten years has been 121 per cent. In order to be sure that I am right, make your own figures. One hundred and seven million dollars in 1900, \$234,000,000 provided in this bill. That is 121 per cent increase. One hundred and twenty-one per cent increase in the next ten years makes \$516,000,000. The same proportionate increase for eight years longer will make a little over \$1,000,000,000 expenditure for 1928.

Now, where is the trouble? It is accounted for to a great extent in three items, railway mail clerks, post-office clerks, and city letter carriers. The increase in expenditures for this service has been over 120 per cent in the last ten years.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman mean in the number of employees or in the amount of salaries in the aggregate?

Mr. LLOYD. I mean both. I mean that we are expending more than 120 per cent more on account of these employees than we did in 1900.

Mr. COOPER of Wisconsin. The increase of salary accounts for some of it.

Mr. LLOYD.

Mr. SABATH. Does the gentleman mean that the salaries have increased or the number of letter carriers and the number. of clerks have increased?

Mr. LLOYD. I have just explained to these other gentlemen that there has been an increase in the salary and there has been an increase in the number of employees.

Mr. SABATH. What is the increase in salaries of clerks

and letter carriers?

Mr. LLOYD. Between \$100 and \$150 each. I have not, nor can not obtain the exact figures, because of the changed form of the items of appropriation for the service.

Mr. SABATH. That would be about 15 per cent. Mr. LLOYD. Yes; something more than that. I would rather not be diverted at this time to the discussion of the question of further increase of salaries. I want to get at the fundamental question. What is the trouble in the Post-Office Department? Why this extraordinary expense? I know from private conversation that the gentleman from Illinois is interested in the increase of salaries of post-office employees.

Mr. SABATH. Yes; because it costs to-day 15 per cent more to live than it did then.

Mr. LLOYD. I do not want to go into the question whether any particular individual or individuals are getting too much or not. I am of the opinion that it is the men at the bottom in the United States Government who are not receiving enough salaries, and the disposition in legislation in connection with all salaries is to increase at the top and not to allow the fellow at the bottom to be increased. [Applause.] You will notice the cost for city letter carriers in 1900 was \$13,700,000. The amount carried in this bill is \$29,700,000.

Mr. OVERSTREET. Mr. Chairman, I think it proper to suggest to the gentleman from Missouri that there is a clerical error in the computation of that item, which I will ask to have

corrected when it is reached in the bill. Mr. LLOYD. It is only slight, however.

Mr. OVERSTREET. Yes.

Mr. LLOYD. It does not affect this.

Mr. OVERSTREET. I only wanted to call the attention of the gentleman to the fact that there is a mistake in the computation. Mr. LLOYD. It does not affect the first two figures, 29.

Mr. OVERSTREET. No; it does not.

Mr. LLOYD. You notice my figures, \$13,700,000. The bill itself without any change carries \$29,700,000.

Mr. COX of Indiana. That is for city letter carriers?

LLOYD. Yes; an increase you can readily see of \$16,000,000 ever what it was ten years ago. Now, let us take the city post-office employees. In 1900 there was expended \$12,500,000, and for the same items in this bill there are carried \$34,500,000, an increase of 176 per cent.

The CHAIRMAN. The gentleman's time has expired.

Mr. OVERSTREET. I yield to the gentleman for fifteen minutes.

Mr. LLOYD. I want to thank the chairman of the committee for this courtesy. I was remarking that the increased expenditure on account of post-office employees in ten years was 176 per cent, while the increase in business in the offices was 50 per cent. I have no complaint to make of anyone on account of this situation.

I am not charging any man anywhere with anything wrong in this connection, but I do say this, that there is something radically wrong in a system that would increase the expenses of a business so rapidly as that expense has increased. Do gentlemen realize that the increased weight of mails that is carried now beyond that of ten years ago is costing this Government 17 cents a pound? It was 62 cents a pound in 1900. The additional weight of mail now is costing 17 cents a pound to the Government to handle and transport.

Mr. SABATH. Will the gentleman yield for a question? Mr. LLOYD. Yes.

Mr. SABATH. Why do we pay nearly 300 per cent more for the additional weight now? The gentleman has stated that we were paying 64 cents for a certain portion of the mail and 17

That is the expenses that I have been calling Mr. LLOYD. attention to. One of the items of it is employees in the postoffice, and I have not said that there are too many employees.

Mr. HARDY. Will the gentleman yield?
Mr. LLOYD. Yes.
Mr. HARDY. Is not a great deal of this additional expense owing to the fact that, whereas formerly people in cities went to the post-office, now all that mail is handled a great deal more in being distributed around to private residences, mail boxes all over the big and little cities, where they were not before, and have not the facilities and the convenience of the people in cities and the country been added to largely?

Mr. LLOYD. In answer to that question I will say this: Here is a surprising fact, that the increase in the expense of the letter carriers, who are the persons that carry this mail to the people, is 118 per cent, while the increase in the employees in

the post-office is 176 per cent.

Mr. SPERRY. I would like to ask my friend a question. Will he vield?

Mr. LLOYD. With pleasure. Mr. SPERRY. The gentleman is speaking of the expense-This Government of ours is growing a the increased expenses. little, is it not? Does the gentleman know of a place anywhere in the history of the Post-Office Department where he has found that the Post-Office Department was established for the purpose of putting money into the Treasury? Rather, was it not to increase and help and assist business? [Applause.] That is what it was for.

Mr. LLOYD. In response to the statement of my good friend

from Connecticut, Mr. Chairman, I wish to say I fully concur in the statement. There is not any disposition on my part to want to cripple the service anywhere, and I have not thus far asked that a single employee shall be reduced in salary or that a single one shall be cut off. I am not in position to do that, for when I started out I expressed the view that this committee had done the best it could in connection with this situation.

But I want to call attention to a fact right here. The chairman of this committee, one of the most faithful men I ever knew in connection with the duty imposed upon him, can not tell anyone to-day of his own knowledge whether it is necessary to increase the number of employees in any given branch of the postal service to the extent that is asked by the Post-Office Department. How does he know? He does the best he can to ascertain why it is; so does every member of the Post-Office Committee, and yet this bill, the most economical brought before this Congress in recent years, is a bill which provides for over 7,000 new employees.

Mr. GARRETT. What relation does the deficit bear? What is the percentage of deficit? What relation does it bear to the per cent of increase of appropriations expended?

Mr. LLOYD. Why, I made a statement about that a while ago. I beg the gentleman's pardon, but I would rather not repeat it. I will tell the gentleman privately.

Mr. GARRETT. Certainly.

Mr. COX of Indiana. I would like to ask the gentleman a nestion. You are giving, certainly to me, some exceedingly valuable information. You have figured out here an increase of \$16,000,000, I believe, from 1900 to 1910, due to increase of expenditures. Am I correct in that? Now, is that \$16,000,000 due solely to the increase of salaries of city letter carriers or to an increase of additional-

Mr. LLOYD. I beg the gentleman's pardon. I will give the For 1900 they were \$13,700,000, and in this bill they are \$29,700,000. The gentleman can make the computa-tion himself, and he will see it will be a difference of \$16,000,000. Mr. COX of Indiana. Putting it at \$16,000,000, is that due

solely to the increased salary of city letter carriers, or is it due to that in addition to new city letter carriers?

Mr. LLOYD. It is due mainly, of course, to the increased number of letter carriers rather than the increase of salary; yet it is due to both, because in those ten years all of these employees have been increased more than \$100 in salary.

I have called your attention to the city letter carriers and postoffice employees. I wish to call attention to the railway mail clerks, which in part accounts for these extraordinary expenses.

The cost of railway mail service in 1900 was \$8,800,000. while in this bill it provides for an expenditure of \$19,500,000. an increase of nearly \$11,000,000, much more than double, a 120 per cent increase. Now, just at this juncture I see my additional fifteen minutes is about gone, but I want to call attention to a question which every Member, I suppose, on the floor is called upon to meet. You have received numerous letters calling attention to the fact that railway mail clerks ought to have some increased compensation on account of travel pay. In other words, that they should receive compensation for the expenses which they may incur while away from their homes in the discharge of their duties. At the present time the average pay of the city letter carrier or employee in the city post-office is a little less than \$1,000. The average pay carried in this bill for railway mail clerks is about \$1,165, a difference of nearly \$200. In other words, the railway mail clerks now receive nearly \$200 more compensation than does the city letter carrier or the employee in the city post-office.

Now, I wish to call attention in this connection, and it does not shed much light on it, but it is a little bit of history in which you might be interested, that in Great Britain the average amount paid the railway mail clerk is \$940; in Germany it is \$850; in France it is \$870. In Great Britain it is \$225 less than the United States, in Germany \$315 less, and in France Now, in Great Britain the railway mail carrier is \$290 less required to devote three-fourths of his time to his business. receives \$780 salary and \$160 travel pay. In Germany the salary is \$515 and a house is provided at \$135, and travel at \$200. In France a house is provided at a cost of \$80 and mileage \$180 with a salary of \$610. In the United States, as most of you know, the average railway mail clerk is required to devote one-half of his time to the service of the Government and the other half of his time he is at home with his family. During that half time, however, he is expected to devote himself to study to fit himself for the duties of the position. Now, there is another thing with reference to the railway mail clerk that does not occur to other employees. It is well known everywhere that the railway mail clerk's position is extremely hazardous. He is on the train all the time, or very nearly all of his time. It is a very dangerous position, and a very trying position to the individual standing on his feet in the performance of his duty, but the law also provides at the present time that the railway mail carriers if injured while on duty can receive one year's pay if injured and unfit for duty for as long a period as twelve months.

If misfortune should occur to such an extent as that his life is taken while in the performance of duty, a thousand dollars

is paid to his family.

Mr. OLLIE M. JAMES. If the gentleman will permit, in giving the difference between the wages paid in the United States to the railway mail clerks and the wages paid in Great Britain, of course the gentleman has not made any allowance for the difference in the cost of living. Now, is it not true that the railway mail clerk in Great Britain, when you consider the cheaper cost of living there than in the United States, gets really more for his labor than we pay here?

Mr. LLOYD. That is a question that I have gone into in part, but not to a sufficient extent to correctly answer. ally, I will answer the proposition that the cost of living is

somewhat less in those countries than it is here.

Mr. OLLIE M. JAMES. But the "somewhat" does not quite express it. Is it not true that the cost of living is 50 per cent less there than it is here?

Mr. LLOYD. Well, I would not say it is that much

Mr. OLLIE M. JAMES. But does the gentleman not know that the cost of all necessities of life is very much greater in this country

Mr. GOEBEL. Will the gentleman allow me to ask him this question? What are the hours of railway mail clerks in Great Britain, Germany, and France, and what are the hours in the United States?

Mr. LLOYD. Why, in Great Britain three-fourths of the time.

Mr. GOEBEL. I am talking of the hours. Mr. LLOYD. Well, that is three-fourths of the time—threefourths of the full time that would be expected of any other employee. In Germany he is expected to devote exactly the same time as any other employee in the service, namely, full time. In the United States, half of the time.

Mr. GOEBEL. Is it not a fact that they have very short runs and in America very long runs?

Mr. LLOYD. Of course it is true that in England or in all the European countries the run is usually shorter than in the United States, but we have some short runs in the United States.

Mr. OLLIE M. JAMES. If the gentleman will permit me, is it not also true that in the United States every year 25 per cent of the men engaged by the Government as railway mail clerks are either killed or injured, and is it not true that the per cent is not one-third that rate in England?

Mr. LLOYD. I understand from statistics there is a greater ercentage in the United States than in England or any other European country—a greater per cent killed, but I do not think there is 25 per cent in the United States killed. I think that is an overdrawn estimate.

Mr. OLLIE M. JAMES. I did not say "killed." I said "killed or injured."
The CHAIRMAN. The gentleman's time has expired.

Mr. MOON of Tennessee. I yield the gentleman five minutes

Mr. LLOYD. I was calling attention to the railway mail clerks and the question of travel pay. Our committee has not passed on the question of travel pay. It is a new proposition. There is no man on the committee, so far as I know, but who is in full sympathy with the railway mail clerks. We are ready to do what ought to be done; but at this juncture the committee, as a committee, is not prepared to pass on the question as to whether we should provide a travel pay or increased salary; and if we provided a travel pay, what it should be, and what should be the limitation of it, and what should be the method of that pay. But we have done this much for the railway mail clerks: If you will examine this bill, you will ascertain that we have provided for the promotion of 5,440 of them, or one-third of them, at an increased pay of \$100 each. The railway mail clerks have received a little recognition in increased compensation, notwithstanding the committee have not acceded in this bill to their demand for travel pay.

Mr. COX of Indiana. From what class to what class?

Mr. LLOYD. Promoting from the lower class to the higher, all the way up

Mr. SABATH. The gentleman stated a few moments ago that if the railway mail clerks are injured they receive a certain compensation, but he did not state, however, that in England, in France, and in Germany they receive the same compensation and, in addition, receive a pension.

Mr. LLOYD. I did not say anything about pensions being

given to them in England.

Mr. SABATH. They do receive compensation when they are injured, and they also receive a pension in England, in Ger-

many, in France, and in other foreign countries.

Mr. OLLIE M. JAMES. I want to ask the gentleman if it is not true that reports of the Post-Office Department show that in the last five years there have been 2,963 clerks injured or killed, and that that is at the ratio of about 1 to 4 of those employed?

Mr. LLOYD. In what time?

Mr. OLLIE M. JAMES. In the last five years.

Mr. LLOYD. I have not the figures just now with me.

Mr. OLLIE M. JAMES. I will say to the gentleman that this is information taken from the reports and submitted to me by

one who took them from the reports.

Mr. LLOYD. In 1906 there were 16 killed and 491 injured; in 1907, 21 killed and 787 injured; and in 1908, 6 killed and 640

I have not further data at hand.

Mr. OVERSTREET. I would like to state, in order that the statement of the gentleman from Kentucky may not be accepted, that I challenge that statement myself; that it can not be in accordance with the facts.

Mr. OLLIE M. JAMES. Which statement? Mr. OVERSTREET. That over 2,000 railway mail clerks have been injured in the last five years.

Mr. OLLIE M. JAMES. I have the statement submitted to

me by the president of the Railway Mail Clerks, in which he says that the total number that have been either killed or injured and slightly injured is 2,963.

Mr. OVERSTREET. I challenge that statement, no matter

who signs the letter.

Mr. OLLIE M. JAMES. I do not know whether it is correct or not. I believe it is true. It was supplied me from a perfectly trustworthy source, taken from the report of the Post-Office Department. I would say that the gentleman from Indiana, who has questioned it so much without knowing anything about it, might himself supply the record.

Mr. SABATH. I will give you information on that point. would like to say to the gentleman from Missouri I have the figures here showing how many people have been killed and injured by our railroads during the last year, and the figures

show that the people killed were 4,534.

Mr. LLOYD. I have called attention to the fact that the excesses in expenditure are largely chargeable to the rural service, the expenses in the city post-offices, city letter carriers, and the railway mail employees. This bill provides for 2,625 new clerks in city post-offices, 1,700 letter carriers and 1,056 railway mail clerks. The bill contemplates the establishment of 1.500 rural routes and the expenses of the carriers therefor. Some definite system ought to be adopted by which the Post-Office Committee and the Congress can have accurate knowledge as to the needs of the service. No patriotic citizen wishes to cripple it in the least, but, on the other hand, not a clerk should be provided that is not necessary to the postal service.

I have been interrupted a number of times. I ask leave to

revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks leave to revise his remarks in the RECORD. Is there objection? [After pause.] The Chair hears none.

Mr. MOON of Tennessee. I yield to the gentleman from

Mr. SHEPPARD. Mr. Chairman, I desire to incorporate in the Record a statement by Mr. H. E. Miles, of Racine, Wis., an eminent Republican, manufacturer, and protectionist, showing the protection given by the Dingley law to the great American

Table presented by Mr. H. E. Miles, showing protection given in the Dingley law to all the great industrial trusts in the United States. The excess of the duty above the wage cost and the ability of the trusts to do with no protection whatever is shown by their exportation of their products into the open markets of the world. Invariably these trusts charge the home consumer from 15 to 25 and sometimes 60 per cent more than their foreign customers, adding thereto a considerable part of the tariff to their prices as against the home consumer.

Company.	Duty under Dingley Act.	Ad valorem equivalent. Report of Bureau of Statistics on Com- merce and Navigation, fiscal year 1907.	Wages, per cent of cost, census of 1905.	Imports fis- cal year 1907, Report of Bureau of Statistics on Commerce and Naviga- tion, fiscal year 1907.	Value of	Exports Bu- reau of Sta- tistics, 1907, Commerce and Naviga- tion.
Standard Oil (complete control):						
Crude	Countervailing	99 per cent		\$2,134		
Refined	do	7 per cent	6 per cent	159,721	\$175,005,320	\$78,228,819
Steel trust (Morgan and Rockefeller domi-					The control of the co	200
nation, complete control);	The second second	02		20000000	SAME OF STREET	22000
Ore	40 cents a ton	17 per cent		1,212,607	a100,000,000	674,18
Pig	\$4 a ton	40 per cent		15,389,467		1,634,92
Bar	\$12 a ton \$7.84 a ton	28 per cent		1,675,424	The same and	1,889,34
Rails	\$7.84 a ton	29 per cent	15 per cent	107,308	10905,787,733	8,384,24
Steel ingots	3-10-4 7-10 cents a pound.	14 to 35 per cent		3,049,349		2,628,55
Sheet iron	9-10-5 7-10 cents a pound.	8 to 65 per cent	J	1,183,760)	2,060,42
Tin plate	1½ cents per pound	46 per cent o	7 per cent	4,648,705	35,283,360	776,55
Wire	11 to 2 cents per pound	39 to 55 per cent	8 per cent	985,706	37,914,419	8,482,07
Nails	1 to 21 cents per pound	3 to 43 per cent	19 per cent	6,043	8,922,896	3,082,589
Brass goods trust (American Brass Co.),						
per cent of control unknown:						175m27
Bars and pig (raw material)	Free	Free		1,849,625		
Goods	13, 25, 65, and 45 per cent	45 per cent	17 per cent	95,189	99,083,837	4,580,455
Car builders' trust (American Car and	Mostly 45 per cent	45 per cent	19 per cent	None.	122,019,506	+9,000,000
Foundry Co.), 65 per cent control.						((8))
Locomotive trust (American Locomotive	45 per cent	45 per cent		None.	Not separat	ely classified;
Co.), control 70 per cent.					sell freely	ab oad.

Table presented by Mr. H. E. Miles, showing protection given in the Dingley law, etc.—Continued.

The state of the s						
Company.	Duty under Dingley Act.	Ad valorem equivalent, Report of Bureau of Statistics on Com- merce and Navigation, fiscal year 1907.	Wages, per cent of cost, census of 1906.	Imports fis- cal year 1907, Report of Bureau of Statistics on Commerce and Naviga- tion, fiscal year 1907.	Value of products 1905, census of 1905,	Exports Bu- reau of Sta- tistics, 1907, Commerce and Naviga- tion.
Farming-tool trust (American Fork and	45 per cent	45 per cent		None.		+\$7,000,000
Hoe Co.), control 80 per cent. American Linseed Co. (linseed oil trust), linseed oil. United Lead Co. (lead trust) controls 85 to 95 per cent:	20 cents per gallon of 7½ pounds.	50 per cent	3 per cent	\$5,712	\$27,577,153	203,712
Ore	1½ cents per pound	79 per cent		568,057		
Bar, pigs. Sheet, pipe, etc. American Sugar Refining Co. (sugar trust) control 70 to 90 per cent:	2½ cents per pound 2½ cents per pound	79 per cent 50 per cent 49 per cent	4 per cent	1,043,166	9,277,462	
Not above No. 16 Dutch standard	0.95 cent to 1.75 cents	25 to 120 per cent		91,491,972		
(raw). Above No. 16 (refined) Tobacco trust (controls 90 per cent of American business, 40 to 60 per cent	per pound. 1.95 cents per pound	72 per cent	3 per cent	116,060	277,285,449	
foreign): Oigars and cigarettes	\$4.50 per pound plus 25 per cent.	147 to 153 per cent; 274 per cent on Philippine cigars.		4,195,983	d 331,117,681	
Tobacco, snuff, etc	55 cents per pound 35 per cent	78 to 151 per cent 35 per cent		None.	Not congrat	ely classified.
Thread trust (American Thread Co.) con- trol 50 per cent.	3 to 81 cents per pound	10 to 78 per cent		3,521,860	Do.	ciassincu.
Woolen trust (American Woolen Co.) con- trol 60 per cent: Cloth						
Dress goods		55 to 135 per cent		5,586,101 9,526,573		
Knit labrics		96 to 141 per cent	18 per cent	10,216	307,941,710	SW oolen
Flannels				60,548	801,511,110	goods.
Felts		96 per cent		111,405		
Starch	11 cents per pound	46 to 69 per cent	11 per cent	156,614	8,082,904	1,126,465
Glucose	8 cents per gross boxes or 1 cent per 1,000 matches.	55 per cent	20 per cent	4,465 207,999	24,566,932 5,646,741	3,017,527 71,035
Chemical trust company (General Chemical Co.) control 70 per cent:		151		40 110	2,122,808	
Borax Tannin	5 cents a pound	151 per cent		48,118 2,797	e 200,130	
Sulphuric ether	40 cents a pound	262 per cent		372		
Vanilin	80 cents an ounce	320 per cent		25	165,044	
Bacon and ham	5 cents a pound	23 per cent	h	102,101	1	50,169,179
Beef	2 cents a pound	18 per cent 20 per cent		41,610		31.831.263
LardMutton	do	20 per cent	5 per cent	395 31,338	801,757,137	57,497,980 83,874
Pork	do	23 per cent 14 per cent		28,857		26,598,404
Cracker trust (National Biscuit Co.) controls 70 per cent.	20 per cent	20 per cent		\$252,015		696,025
Stamped ware trust (National Enameling and Stamping Co.) controls about 55 per cent stamped, galvanized, or	45 per cent	45 per cent		\$26,635 \$26,177	}	
japanned tin and copper wares. Rubber goods trust (Rubber Goods Manufacturing Co.) controls 40 to 60 per cent.	20, 30, and 35 per cent	20, 30, and 35 per cent	15 per cent	52,812 2,265,261	62,995,909	4,983,012
Plumbing supply trust (Standard Sanitary Manufacturing Co.), 80 per cent	40 per cent	40 per cent		952,980		rately
control: Enameled ironware. Box board trust (United Box Board and Paper Co.), 90 per cent control.	25 and 35 per cent	25 and 35 per cent		Imports not given sep-		given. Do.
Cast-iron pipe trust (United States Cast Iron Pipe and Foundry Co.).	0.4 per cent			arately. 23,775		Do.
Leather trust (United States Leather Co.) controls 60 to 75 per cent.	20 per cent to 30 cents a pound plus 20 per cent.	20 to 36 per cent	THE RESERVE OF THE PARTY OF THE	14,038,915	252,620,986	82,058,217
Asphalt trust (International Salt Co.): In bags or packages	\$1.50 to \$3 a ton	90 per cent		583,422		374,476
In bulk	8 cents per 100 pounds			*380,029 3,621,061	155,903,851	1,180,415
Cement trust	do	25 per cent		0,021,001	00,000,004	2,100,410

And sausages, etc.): total export of meat products, \$195,759,282.

Note.—The items of wages in this exhibit do not include wages in prior operations, for which in most cases allowance can easily be made. In glucose and linseed, for instance, the prior labor is that of raising corn and flax. In steel the prior labor is in mining and transportation of materials. The United States Steel Corporation's total wages, covering everything from ore in ground to finished product, is just under 25 per cent of its selling price, instead of 15 per cent shown in table for steel plants only. On the other hand, protection is to be measured not by the total wage cost, but the difference in total costs here and abroad. The difference in cost is very much less than the total wage cost. The tables are therefore highly significant of the excessive protection of which American trusts take advantage.

It is to be noted that most of our great trusts control the raw materials, with the minimum of wage cost. The car builders' trust is of the other sort, controlling a highly finished product. This wage cost would be greatly increased by the wages in its supplies, atles, textiles, etc. The addition of this prior labor would still show the duty very excessive, while exportations amounting to \$9,000,000 annually show the need of little or no protection.

Most, if not all, of these large trusts charge the foreign consumer much less than the domestic consumer. They saw in the Dingley tariff not only an opportunity of great profit, but practically an invitation from the United States Congress to consolidate and add as much as they might of the excesses in the tariff to their selling prices. The hurt to the "ultimate consumer" is evident. Almost as much hurt has been done to the 175,000 independent, nontrustified manufacturers, who operate under the competitive principles and look to these trusts for supplies and to the workingmen in these nontrustified establishments, whose wages and hours of labor are affected in proportion as their employers

[©] Estimated.

B Products of blast furnaces, steel works, and rolling mills.

C 1898, 68 per cent.

Includes excise.

Tannic acid.

f Total meat imports, \$2,328,510, of which more than one-half free of duty (like bologna and sausages, etc.): total export of meat products, \$195,759,282.

Bread and biscuits.

h Tinware.
Copper ware.
Not including skins.
Dutiable.

Mr. SHEPPARD. The preceding table was prepared by Mr. Miles, and the note appended is also of his authorship.

Mr. MOON of Tennessee. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, I have here an article prepared by the vice-president of the American Letter Carriers' Association, Mr. Edward J. Gainor, which contains a great deal of thought, study, and general information on the subject of the postal deficit.

Mr. MOON of Tennessee. I yield five minutes to the gentle-

man from Porto Rico.

Mr. LARRINAGA. Mr. Chairman, I rise for the purpose of making a few remarks in connection with some cablegrams I have received from Porto Rico. Ever since the civil government was established in the island there has been a petty game started there by some people who want to keep Porto Rico in the same condition of a colony that it is now. The purpose is to make the people of the United States believe that there is a sentiment of anti-Americanism in the country. This is an old game, Mr. Chairman. It has not even the merit of being an original one. It was tried in the old times under Spain.

Whenever the liberals were in power at Madrid something was started in Porto Rico to keep the Government from improving our political condition by giving us some measure of political reform. Some artificial revolution was fabricated, some hot speech was made by somebody, perhaps paid to make it; some articles were published in the papers for that purpose; and so on. It just happens that the same policy has been going on since the Foraker Act was established in Porto Rico. The purpose is to imbue the administration and Members of Congress with the idea that there is a sentiment of anti-Americanism in the island. That there is a sentiment of discontent there is no doubt. We are not satisfied either with our political or our economic conditions, but to say that a sentiment of anti-Americanism exists is the greatest calumny on our loyal people that could have been invented.

Mr. Chairman, let me tell you from this moment on you will see the American press full of these reports from an agent there purporting to make Members of Congress believe that there is such a sentiment. In order to be ready to meet it, I

wish to expose that conspiracy right here in this House.

The agent down there in charge of sending news to the American press is to-day, and has always been, in the pay of the Government. The Government takes great care to have him always in a very good office. Already the nefarious work is begun. An unfortunate affair, one in which the honor of an old family was involved, resulted in the shooting of an officer of the police, alleged to have been the destroyer of that home. Immediately the sad occurrence was flashed to the American press under the caption "Porto Rico crime swept!"

Mr. Chairman, our criminal statistics compare very favorably with those of any State in the Union, but we must be prepared to hear more from this on. They will not stop the slanderous work on that peaceful, law-abiding people, whose

only sin is to shelter such men.

That is one of the articles of faith with the local government; but I tell you, gentlemen, that if that was true, if a sentiment of anti-Americanism existed there, I would not be representing

the people of Porto Rico in this House.

For more than forty years I have been known through the island as one of the most enthusiastic advocates of American annexation, of American principles, and one of the many who had cooperated to form that spirit of friendship with which the Americans were received on the 25th day of July, 1898, at the Port of Guanica. That was so sincere, it was so deeply rooted in the hearts of the people that, although at the time we had no grudge against the Spanish Government, for Spain had already conceded to us our self-government—a better government than that of any province in the mother country—yet they were received as friends. Mr. Chairman, that was not the whim of a moment. The people knew that the geographical and all other circumstances were such that their final destiny was to become a part of that great Nation they had been taught to admire and revere. True it is, Mr. Chairman, that we expected better treatment at the hands of this great Nation. We protested when that organic act was given to us in 1900, but that was a temporary act, and the United States had many difficult problems to solve at that time, with all the different Territories that, through accident of war, had come into their hands. We patiently have waited to see if that act was amended in a manner more in harmony with the conditions of our people and the principles of American democracy, but, as the gentleman from Ohio very justly said the other day, the time has come when our people should be granted a better form of government than that given by the present organic act.

For many years we have been putting up with all the encroachment of our masters in that executive council or upper house. For many years we have cooperated with our local government to the verge of humiliation; but the time has come, Mr. Chairman, when we are no longer disposed to allow them to go beyond the limits fixed by the organic act, narrow as those limits are, for the genuine representation of the people in the lower house. I will explain the present situation.

In 1904 the Union party, the one more strenuously opposed to the Foraker Act, carried the elections by an overwhelming majority; in 1906 we carried the whole island, electing every member to the lower house; in 1908 we swept the island from one end to the other. This shows very clearly that our people are more determined every day to stop the encroaching tendency of that upper house or executive council. Every member elected by the people belongs to the party that is no longer disposed to be ruled by those gentlemen of the executive council according to their caprice. These are the present political conditions down in Porto Rico.

In order to scare the weak-minded and to engage the sympathy of Congress, of the Executive, and of the American people, it seems that they are taking up the old game of talking of the existence of anti-Americanism in our party.

There is no such thing, Mr. Chairman; it is an unmitigated falsehood, a miserable political trick, and I solemnly denounce it right here as such. As regards the American people and the Nation, the same sentiment that existed at the landing of the Americans exists to-day.

I am elected by my people by more than 100,000 votes, and by an overwhelming majority, not because of any recognized ability in statesmanship or politics, which do not concur in me, but because of my unflinching faith in the righteousness of our cause, my devotion to the true American principles, and my love and admiration for the American people.

Mr. OVERSTREET. I yield to the gentleman from Massa-

chusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. At the appropriate time I shall offer an amendment to this bill so as to grant to 50 per cent of the highest grade (fourth grade, at \$1,000) clerks in second-class post-offices a promotion to the fifth grade at \$1,100. This increase is not included in the Treasury estimates, and will cost about \$50,000. The bill before us, reported by the Committee on Post-Offices and Post-Roads, grants to 50 per cent of the highest grade (fifth grade, at \$1,100) clerks in first-class post-offices a promotion to the sixth grade, at \$1,200. This increase is likewise not included in the Treasury estimates, and will cost about \$150,000.

If this bill is adopted without the amendment I shall offer, it will establish the precedent that there shall be a difference in salary amounting to \$200 per annum between clerks of equal standing and equal responsibility, based solely on the reason that one group of such clerks serves in small cities while the other group serves in large cities. The post-office law of 1907 distinctly repudiated the view that \$200 should mark the difference in salary between highest grade clerks and carriers in large and in small offices.

The difference was established at \$100. In my belief, even that amount of difference is unreasonable and not based on any fair measure of relative costs of living. Except in the items of rent and perhaps transportation, living expenses are no less in small cities than in large.

In view of the depleted condition of the Treasury, I should have raised no objection if the Committee on Post-Offices and Post-Roads had adhered to the Treasury estimates; but the committee has not seen fit to do so. Inasmuch as the promotion for clerks in first-class offices has been recommended, all considerations of equity would seem to require the inclusion of a corresponding promotion for clerks in second-class offices.

I especially hope that the second paragraph on page 20 of this bill will not be retained in its present shape. It is not consistent with our practices in other matters to force railway postal clerks to pay their own expenses when traveling strictly on post-office business away from their designated headquarters, No private employer would require such a sacrifice from his employees and a fortiori the United States should not do so.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26305, the post-office appropriation bill, and had come to no resolution thereon.

ALLEGED INSULT TO THE AMERICAN FLAG.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a report from the Committee on Foreign Affairs which should have accompanied a motion to lay on the table the resolution (H. Res. 493) yesterday in the House. The resolution was introduced by the gentleman from Nebraska [Mr. HITCHCOCK], and the report was not filed at that time. The report gives the reasons for the action of the

The SPEAKER. The gentleman from New York [Mr. HARRIson] asks unanimous consent to print in the RECORD the report designated by him. Is there objection?

There was no objection.

The report (No. 1926, by Mr. McKinley of Illinois) is as

The Committee on Foreign Affairs, to whom was referred the House resolution (H. Res. 493), asking that the Secretary of State report to the House any information he may have received concerning an encounter in the city of Prague, Bohemia, in which it was stated that the American flag was torn into strips and trampled in the mud, respectfully report it back to the House with the recommendation that it lie upon the table.

In support of this recommendation, attention is called to the following correspondence of the Department of State:

AMERICAN EMBASSY, Vienna, December 3, 1908.

SIR: I have the honor to inform you that martial law was declared yesterday in Prague, Bohemia. The cause of such action on the part of the Government was a riot which broke out on Monday between the Czechs (Bohemians) and the German students at the university in that

Czechs (Bohemians) and the German students at the university in that city.

Since the first outbreak on Monday, the popular feeling has found expression to such an extent that the police and gendarmes have been unable to maintain order. A serious conflict took place in one of the principal streets of Prague on Tuesday between the rioters, numbering about 20,000, and the police, during which many persons were injured, including several police officers, although no fatalities have been reported. The revolt on the part of the Czechs has not been confined to the students, the Czech population not only sympathizing but openly joining the ranks of the rioters.

It is said that the immediate cause of the present outbreak was the advertised laying of the corner stone of a new German university in Prague. The Bohemian students desire that a Bohemian university shall be built instead, in which courses of instruction shall be given in the Czech language.

shall be built instead, in which courses or instruction shall be given in the Czech language.

It is reported that similar outbreaks on a smaller scale have taken place in Laibach, Troppau, Brunn, and other places in the Austrian Empire. Austrian flags were torn down and insulted and many of the rioters sang the national songs of Servia.

I am, sir, your obedient servant,

Hon, Elihu Root,

Secretary of State, Washington, D. C.

Department of State, Washington, January 22, 1909.

Sir: Referring to my letter of the 20th instant in regard to the resolution introduced by Mr. Hitchcock, calling for information concerning the alleged insult to the American flag in Prague, I now have the honor to inform you that inquiry has been made by telegraph and reports have been received from the American consul at Prague stating that he has investigated the matter and has had an interview with the police president, and is able to say that the report of the alleged insult is without foundation. It appears from the telegrams, copies of which are appended for your information, that the American and British flags were displayed over a photograph shop, and that the British flag was torn down by a riotous procession and carried some distance, when it was taken by the police. The American flag was left undisturbed.

I have the honor to be, sir, your obedient servant,

ROBERT BACON, Acting Secretary.

. James Breck Perkins, Committee on Foreign Affairs, House of Representatives.

PRAGUE (undated). (Received 10.16 a. m., January 22, 1909.)

SECRETARY OF STATE, Washington:

American and British flags hung over photograph shop. British torn down by riotous procession, carried some distance, when taken by police, American flag absolutely undisturbed. Had an interview with police president. BRITTAIN.

PRAGUE, January 21, 1909. (Received 4.34 p. m., January 21, 1909.)

SECRETARY STATE, Washington:

Absolutely faise. British flag taken from riotous procession by police. I previously investigated. BRITTAIN.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President

of the United States, for his approval, the following bills:
H. R. 8733. An act for the relief of Walter W. Keefe;
H. R. 9969. An act for the relief of George J. Miller, of

Wenatchee, Wash.; H. R. 15218. An act for the relief of the sureties on the offi-

cial bond of the late Cornelius Van Cott;
H. R. 23849. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2024. An act to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and

referred to their appropriate committees, as indicated: S. 8302. An act to incorporate the "Descendants of the Sign-

-to the Committee on the Library.

S. 7325. An act for the relief of Cadmus E. Crabill-to the Committee on Claims.

S. 6550. An act granting an honorable discharge to Thompson

 B. Pollard—to the Committee on Military Affairs.
 S. R. 119. Joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wrightto the Committee on Military Affairs.

LIFE-PRESERVERS ON MOTOR BOATS.

Mr. GREENE. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be dis-charged from the further consideration of the bill (S. 8266) to require life-preservers on motor boats and that the same be referred to the Committee on the Merchant Marine and Fish-

The SPEAKER. The gentleman asks unanimous consent that the Committee on Interstate and Foreign Commerce be dis-charged from the further consideration of the bill indicated and that the same be referred to the Committee on the Merchant Marine and Fisheries. Is there objection?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 15452. An act to establish two or more fish-cultural sta-

tions on Puget Sound; and

H. J. Res. 202. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1908 (H. Doc. No. 1367)—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for tower clock in the Jacksonville (Fla.) post-office building (H. Doc. No. 1368)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for line riders at the Northern Cheyenne Reservation, in Montana (H. Doc. No. 1369) -to the Committee on Indian Affairs and ordered to be

printed. A letter from the president of the East Washington Heights Traction Railroad Company, transmitting the annual report for 1908 (H. Doc. No. 1370)—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 234) to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind., reported the same with amendment, accompanied by a report (No. 1938), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 241) to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill., reported the same without amendment, accompanied by a report (No. 1939), which said joint resolution and report were referred to the Committee

of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 24627) authorizing the Secretary of War to furnish two condemned brass or bronze "Napoleon" guns, carriages, and cannon balls to the Grand Army post at Lewistown, Pa., reported the same without amendment, accompanied by a report (No. 1940), which said bill and report were referred to the Committee of the Whole House on the state of

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other reported the same without amendment, accompanied by a report (No. 1941), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Washington, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 26984) extending the time for the construction by James A. Moore or his assigns of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington, reported the same without amendment, accompanied by a report (No. 1942), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 27051) authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa, reported the same without amendment, accompanied by a report (No. 1943), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 12890) to increase the efficiency of the Signal Corps of the Army, reported the same with amendments, accompanied by a report (No. 1945), which said bill and report were referred to the Committee of the Whole House

on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont., reported the same with amendment, accompanied by a report (No. 1946), which said bill and report were referred to the Committee of

the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26073) to approve and ratify the construction of a bridge across the Indian River North, in the State of Florida, by the New Smyrna Bridge and Investment Company, reported the same with amendments, accompanied by a report (No. 1935), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26466) authorizing the city of Burlington, Iowa, to construct a bridge across the Mississippi River at Burlington, Iowa, reported the same with amendments, accompanied by a report (No. 1936), which said bill and report were referred to the House Calendar.

Mr. GAINES of West Virginia, from the Committee on Election of President, Vice-President, etc., to which was referred the concurrent resolution of the Senate (S. C. Res. 57) for the counting of the electoral votes for President and Vice-President of the United States, reported the same without amendment, accompanied by a report (No. 1944), which said concurrent resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3674) for the relief of Mrs. M. E. West, reported the same without amendment, accompanied by a report (No. 1928), which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 24105) for the relief of the estate of T. J. Semmes, deceased, reported the same without amendment, accompanied by a report (No. 1929), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3670) for the relief of A. M. Darling and F. C. Darling, reported the same without amendment, accompanied by a report (No. 1930), which said bill and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred House bill 26403, reported in lieu thereof a resolution (H. Res. 510) referring to the Court of Claims the papers in the case of Horace B. Gardner, accompanied by a report (No. 1931), which said resolution and report were referred to the Private

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 5661, reported in lieu thereof a resolution (H. Res. 511) referring to the Court of Claims the papers in the case of Robert Michaels, accompanied by a report (No. 1932), which said resolution and report were referred to the Private Calendar.

Mr. FLOYD, from the Committee on War Claims, to which was referred House bill 17072, reported in lieu thereof a resolution (H. Res. 512), referring to the Court of Claims the papers in the case of Sarah E. Terrill, accompanied by a report (No. 1933), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 26312, reported in lieu thereof a resolution (H. Res. 513) referring to the Court of Claims the papers in the case of William and James Taylor, accompanied by a report (No. 1934), which said resolution and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24995) for the relief of Nathaniel Huntley, reported the same without amendment, accompanied by a report (No. 1937), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 2950) for the relief of certain officers of the United States Signal Corps, reported the same without amendment, accompanied by a report No. 1947), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn., reported the same without amendment, accompanied by a report (No. 1948), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 19579) for the relief of J. W. Patterson, reported the same with amendment, accompanied by a report (No. 1949), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary, reported the same without amendment, accompanied by a report (No. 1950), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 568) for the relief of Capt. George Van Orden, U. S. Marine Corps, reported the same without amendment, accompanied by a report (No. 1951), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska, reported the same without amendment, accompanied by a report (No. 1952), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1204) for the relief of J. M. Bloom, reported the same without amendment, accompanied by a report (No. 1953), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, reported the same without amendment, accompanied by a report (No. 1954), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance, reported the same without amendment, accompanied by a report (No. 1955), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 3723) for the relief of the Farmers' and Merchants' Bank, of Mandan, N. Dak., reported the same without amendment, accompanied by a report (No. 1956), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 3808) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, reported the same without amendment, accompanied by a report (No. 1957), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 4435) for the relief of George Q. Allen, reported the same without amendment, accompanied by a report (No. 1958), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6891) for the relief of Maj. G. S. Bingham, reported the same without amendment, accompanied by a report (No. 1959), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 7390) for the relief of Christina Rockwell, reported the same without amendment, accompanied by a report (No. 1960), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1762) for the relief of the trustees of the Davenport Female College, reported the same adversely, accompanied by a report (No. 1927), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 24955) granting an increase of pension to John N. Jennings—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26639) granting an increase of pension to Michael Kenney—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8599) granting a pension to Thomas L. Darden—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27088) granting a pension to Allen C. Wright—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9595) granting a pension to Richard M. Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KENNEDY of Ohio: A bill (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district—to the Committee on the Judiciary.

By Mr. COCKS of New York: A bill (H. R. 27140) regulating the mail pay of the Long Island Railroad—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: A bill (H. R. 27141) providing for the purchase of a painting of Abraham Lincoln—to the Committee on the Library.

By Mr. ENGLEBRIGHT: A bill (H. R. 27142) to amend section 2337 of the Revised Statutes—to the Committee on Mines and Mining.

By Mr. FERRIS (by request): A bill (H. R. 27143) to enable the Secretary of the Interior to dispose of the affairs of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 27144) regulating the purchase, sale, loan, exchange, gift, borrowing, or receiving deadly or dangerous weapons in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE: A bill (H. R. 27145) to require radio-telegraphic installations and radio telegraphers on certain ocean steamers—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOOD: A bill (H. R. 27146) providing for the erection of a public building in the town of Waynesboro, Va.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Wisconsin: A bill (H. R. 27147) to provide for payment of the claims of the Roman Catholic Church in Porto Rico—to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 27148) to enable the Secretary of the Interior to dispose of the affairs of the Cherokee, Creek, and Seminole Indians in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. OLCOTT: A bill (H. R. 27149) regulating the operation of motor vehicles within the District of Columbia or the Territories of the United States, and while regularly engaged in interstate and foreign commerce or the postal service—to the Committee on the District of Columbia.

By Mr. MARSHALL: A bill (H. R. 27150) to provide for the

By Mr. MARSHALL: A bill (H. R. 27150) to provide for the issuance of homestead patents in certain instances—to the Committee on the Public Lands.

mittee on the Fudic Lands.

By Messrs. RANSDELL of Louisiana, MOORE of Pennsylvania, SHERLEY, and BARTHOLDT: A bill (H. R. 27151) to provide for the improvement of the waterways of the United States and Territories—to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 27152) to provide for the deepening of the mouth of the Atchafalaya River, in Louisiana, to 21 feet in depth along and following the canal recently cut at the mouth of the Atchafalaya by the Atchafalaya Bay Ship Canal Company—to the Committee on Rivers and Harbors.

By Messrs. RANSDELL of Louisiana, MOORE of Pennsylvania, SHERLEY, and BARTHOLDT: A bill (H. R. 27153) authorizing the appointment of a waterways commission—to the Committee on Interstate and Foreign Commerce.

By Mr. GODWIN: Concurrent resolution (H. C. Res. 61) for a survey of the Northeast Branch of Cape Fear River, North Carolina—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 27154) to remove charge of desertion against Aaron S. Linn and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. ANSBERRY: A bill (H. R. 27155) granting an increase of pension to Rachel Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27156) granting an increase of pension to Solomon Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27157) granting an increase of pension to William M. Saer—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 27158) granting an increase of pension to Henry M. Reed—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 27159) granting an increase of pension to William Stokely—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 27160) granting an increase of pension to Joseph Heiser—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 27161) granting an increase of pension to Edward F. Harter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27162) granting an increase of pension to William H. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27163) granting an increase of pension to Theodore C. Green—to the Committee on Invalid Pensions. By Mr. BRADLEY: A bill (H. R. 27164) authorizing the set-

tlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities—to the Committee on Claims. By Mr. CANNON: A bill (H. R. 27165) granting an increase

of pension to George McMillan-to the Committee on Invalid

Pensions.

By Mr. DAVIDSON: A bill (H. R. 27166) granting an increase of pension to Walter W. Wright-to the Committee on Invalid Pensions

By Mr. DAWES: A bill (H. R. 27167) for the relief of Matthew Augenstine, Daniel Owen, and others-to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 27168) granting an increase of pension to William Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27169) granting an increase of pension to Barton W. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27170) granting an increase of pension to Gotlieb Tosky-to the Committee on Invalid Pensions. Also, a bill (H. R. 27171) granting an increase of pension to

Henry C. Myrick-to the Committee on Invalid Pensions. Also, a bill (H. R. 27172) granting an increase of pension to Alexander Clements—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27173) granting an increase of pension to

Edmund Gannon—to the Committee on Invalid Pensions. Also, a bill (H. R. 27174) granting an increase of pension to Thomas A. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27175) granting an increase of pension to Barton W. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27176) granting an increase of pension to

Silas A. Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27177) granting a pension to Laura

Brand—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27178) for the relief of Abraham Leffler-to the Committee on War Claims.

By Mr. EDWARDS of Kentucky: A bill (H. R. 27179) granting an increase of pension to William W. Matlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27180) granting an increase of pension to Harvey D. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27181) granting an increase of pension to Charles Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27182) granting an increase of pension to William H. Waddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27183) granting an increase of pension to John C. Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27184) granting an increase of pension to Daniel Parker-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27185) granting an increase of pension to Richard L. Wilson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27186) granting an increase of pension to James Campbell—to the Committee on Invalid Pensions

Also, a bill (H. R. 27187) granting an increase of pension to Hugh T. Ross-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27188) granting an increase of pension to Henry Scott-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27189) granting an increase of pension to William H. Meece—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27190) for the relief of William Wells—to

the Committee on War Claims.

Also, a bill (H. R. 27191) granting a pension to Catherine Spencer-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27192) granting a pension to Hannah E. Carroll-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27193) granting a pension to Vanna Cox-

to the Committee on Pensions.

By Mr. FAVROT: A bill (H. R. 27194) for the relief of Leonise Gonzales, administratrix of the estate of Lawrence Montero, deceased—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 27195) granting an increase of pension to John W. Loy-to the Committee on Invalid Pensions. By Mr. GLASS: A bill (H. R. 27196) providing for the payment of a specified sum to the estate of Henry Yonge, deceasedto the Committee on Claims.

By Mr. GORDON: A bill (H. R. 27197) for the relief of the estate of Edmund Dillahunty, deceased—to the Committee on

By Mr. GREGG: A bill (H. R. 27198) granting an increase of pension to Josephus Thomas-to the Committee on Invalid Pen-

By Mr. GRONNA: A bill (H. R. 27199) for the relief of certain Indians on the Fort Berthold Reservation, N. Dak.—to the Committee on Indian Affairs,

By Mr. HAMILTON of Michigan: A bill (H. R. 27200) granting an increase of pension to George A. Brown-to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 27201) granting a pension to Robert C. Grove-to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 27202) granting a pension to Luther Sargent-to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 27203) granting a pension to W. L. Buford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27204) for the relief of the heirs of William Jones, deceased—to the Committee on War Claims.

By Mr. ADDISON D. JAMES: A bill (H. R. 27205) granting a pension to Laura B. Adams-to the Committee on Invalid

Pensions. By Mr. JOHNSON of Kentucky: A bill (H. R. 27206) for the

relief of William Lair-to the Committee on War Claims. By Mr. KIMBALL: A bill (H. R. 27207) granting an increase of pension to Christopher C. Grinstead-to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 27208) to reopen and adjust the accounts for service of Brig. Gen. Thomas Ward, U. S. Army, retired, and Maj. William Silvey, U. S. Army, deceasedto the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 27209) granting an increase of pension to Edwin McPherson-to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 27210) for the relief of the heirs of George Jacob Hutmacher, deceased-to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 27211) for the relief of John

A. Oliphant—to the Committee on Claims.
By Mr. MoHENRY: A bill (H. R. 27212) granting an increase of pension to Edward Bretz-to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 27213) granting an increase of pension to John N. Chamberlin-to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 27214) for the relief of H. W.

Mavis—to the Committee on Claims.

Also, a bill (H. R. 27215) granting an increase of pension to Frank A. Hoyt—to the Committee on Invalid Pensions. By Mr. PAYNE: A bill (H. R. 27216) granting a pension to

Sarah M. Poyneer-to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 27217) granting an increase of pension to Alfred Highbarger—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 27218) granting a pension to Michael Brown-to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 27219) granting an increase of pension to Samuel M. McAnally—to the Committee on Invalid Pensions. Also, a bill (H. R. 27220) granting an increase of pension to

-to the Committee on Invalid Pensions. Benjamine Atkinson-By Mr. SHACKLEFORD: A bill (H. R. 27221) for the relief

of the Bank of Freeburg, of Freeburg, Mo .- to the Committee on

By Mr. YOUNG: A bill (H. R. 27222) granting an increase of pension to Arthur Wilson—to the Committee on Invalid Pen-

By Mr. WASHBURN: A bill (H. R. 27223) granting a pension to Sumner Cummings-to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 27224) granting an increase of pension to Edward Pfrang-to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 27225) granting an increase of pension to James A. Caldwell—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 27226) granting a pension

to Stephen D. Kennamer-to the Committee on Invalid Pensions. Also, a bill (H. R. 27227) granting a pension to S. F. Kennamer-to the Committee on Invalid Pensions,

Also, a bill (H. R. 27228) granting a pension to Jacob L. Kennamer—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27229) granting an increase of pension to Charles Carpenter-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27230) granting an increase of pension to

Lee Toms—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 27231) to correct the military record of H. C. Dunkle-to the Committee on Military Affairs.

Also, a bill (H. R. 27232) for the relief of James C. McFar-

land and heirs—to the Committee on War Claims. By Mr. LANGLEY: A bill (H. R. 27233) granting an increase of pension to Charles Franklin-to the Committee on Pensions.

Also, a bill (H. R. 27234) granting an increase of pension to John W. Faulkner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27235) for the relief of Harriet Auxier to the Committee on War Claims.

Also, a bill (H. R. 27236) to correct the military record of John Barnett—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 27237) granting an increase of pension to Oliver Raplee-to the Committee on Invalid Pensions. By Mr. LINDSAY: Resolution (H. Res. 514) for appoint-

ment of John O. Snyder as special messenger to the House of

Representatives—to the Committee on Accounts.

By Mr. FORNES: Resolution (H. Res. 515) providing for the appointment of Frederick Richter, of New York, a special messenger in and about the House, succeeding William A. Watson, deceased—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of H. M. Nevius, commander

in chief of the Grand Army of the Republic, against pension-agency consolidation—to the Committee on Appropriations.

By Mr. ANSBERRY: Petition of farmers' institute of Co-lumbus Grove, Putnam County, Ohio, favoring parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Paper to accompany bill for relief of Amos Chipmans-to the Committee on Invalid Pensions.

Also, petition favoring S. 6973, for increase of salaries to judges of federal courts-to the Committee on the Judiciary.

Also, petition of Army and Navy Union of the United States, for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service-to the Committee on Naval Affairs.

Also, petitions of American Hardware Manufacturers' Association and Lowell Manufacturing Company, of Erie, Pa., favoring less stringent patent laws—to the Committee on

Also, petition of Elk Tanning Company, favorable to removal of duty on hides—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of chamber of commerce, favoring H. R. 21848 (Lincoln farm bill)-to the Committee on Appropriations.

By Mr. BURKE: Petition of Pittsburg American Institute of Architects, favoring placing Lincoln memorial on west end of the Mall-to the Committee on the Library.

By Mr. BURLEIGH: Petition of Lamoine Grange, Patrons of Husbandry, of Maine, against establishment of postal savings banks and a parcels post-to the Committee on the Post-Office

and Post-Roads. By Mr. CALDER: Petition of bar association of New York, favoring H. R. 23464, increasing salaries of justices of the United States—to the Committee on the Judiciary.

Also, petition of F. H. Magdeburg, of Milwaukee, Wis., against consolidation of pension agencies—to the Committee on Appro-

By Mr. CASSEL: Memorial of the Lancaster County Tobacco Growers' Association, of Lancaster County, Pa., adopted December 14, 1908, and indorsed by Ezra Reist, J. Francis Dunlap, and others; also 78 other petitions of the same character, indorsed by 4,085 signers, protesting against the importation of any tobacco and cigars from the Philippine Islands free of to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of E. T. R. Tripp, N. D. Hensen, S. Sorrensen, and other citizens of Florida, against extradition of Ludowitz and Pouren and asking for the abrogation of the treaty of 1893 between the United States and Russiato the Committee on Foreign Affairs.

By Mr. DIXON: Petition of Hope Grange, No. 2101, of Aurora, Ind., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of C. E. Armstrong, relative to the parcels-post law-to the Committee on the Post-Office and Post-Roads.

By Mr. DRISCOLL: Petition of S. N. Cowles and others, favoring parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of William Wells-to the Committee on War Claims.

Also, papers to accompany bills for relief of Vanna Cox and Martha Jones—to the Committee on Pensions.

Also, petition of business men of Kentucky, favoring a par-

cels-post law-to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Catherine Spencer, Harvey D. Burnett, William W. Matlock, Thomas J. Underwood, McKager Lawhorn, Perry T. Pollard, Nathaniel J. Smith. James Campbell, Richard L. Wilson, William H. Waddle, and Charles to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: Papers to accompany bills for relief of John W. Faun (H. R. 26852) and William Wiedenmann (H. R. 24521)—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: Petition of J. R. Glass and others, against passage of Senate bill 3940-to the Committee on the District of Columbia.

By Mr. FAVROT: Papers to accompany bills for relief of heirs of J. B. Mayot and heirs of Lawrence Montero-to the Committee on War Claims.

By Mr. FORNES: Petition of the adjutant-general of New York, favoring H. R. 2671 (increase of number of officers in the army)-to the Committee on Military Affairs.

Also, petition of F. H. Magdelburg, of Milwaukee, Wis., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Omaha workmen, favoring numerical limitation to all immigrants as substitute for oriental exclusion-to the Committee on Immigration and Naturalization.

Also, petition of American Institute of Architects, relative to the location of a memorial to the late President Lincoln-to the Committee on the Library.

By Mr. FRENCH: Petition of citizens of Idaho, against legislation to establish a parcels post and postal savings bank (S. 5122 and 6484)-to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of state school of agriculture of Morrisville, N. Y., favoring legislation for enlargement of authority of Agriculural Department to furnish adequate supply

of intelligent farm labor—to the Committee on Agriculture.

Also, petition of River Improvement and Drainage Association of California, favoring H. R. 3892, for improvement of California rivers—to the Committee on Rivers and Harbors.

By Mr. GLASS: Paper to accompany bill for relief of estate of Henry Younge-to the Committee on Claims.

By Mr. GORDON: Paper to accompany bill for relief of estate of Edmund Dillahunty—to the Committee on War Claims.

By Mr. GOULDEN: Petition of American Prison Association of Richmond, Va., favoring suitable provision for meeting of International Prison Commission in Washington—to the Committee on Appropriations.

Also, petition of Public Schools Athletic League of New York City, favoring bill appropriating \$100,000 for rifle practice in public schools, colleges, etc.—to the Committee on Military

Also, petition against provision for railway connection with the Washington Navy-Yard (H. R. 24334 and 24475)-to the Committee on Naval Affairs.

Also, petition against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petitions of Merchants' Association of New York City

and Bar Association of New York City, favoring S. 6973, increasing salaries of United States judges (H. R. 23464)—to the Committee on the Judiciary.

Also, petition of American Institute of Architects, favoring integrity of the Washington improvement plan by placing the Lincoln memorial at the west end of the Mall, crowning Rond Point—to the Committee on the Library.

Also, petition of National Board of Trade, against federal

inspection of grain (S. 382)—to the Committee on Agriculture.

Also, petition of National Lumber Manufacturers' tion, for retention of present duty on lumber-to the Committee on Ways and Means.

Also, petition of F. H. Magdeburg, of Milwaukee, Wis., against consolidation of pension agencies—to the Committee on Appropriations

Also, petition of Trades League of Philadelphia, for an increase in the salaries of United States circuit and district judges-to the Committee on the Judiciary.

Also, petition of the adjutant-general's office of the State of New York, favoring S. 2671, increasing number of officers of the army—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of Western Electric Company, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of G. W. Da Cunha, favoring increase of President's salary to \$100,000 per year-to the Committee on Appropriations,

Also, petition of Pittsburg Chapter of American Institute of Architects, favoring the integrity of Washington improvements by placing Lincoln memorial at the west end of the Mall, crown-

ing Rond Point-to the Committee on the Library.

By Mr. GREENE: Petition of merchants, shipowners, pilots, insurance companies, marine societies, etc., for a survey of a channel in Nantucket Sound from Handkerchief light-vessel in a direction east-northeast-to the Committee on Rivers and Harhors.

By Mr. GRONNA: Petition of citizens of White Earth, N. Dak., favoring parcels post on rural delivery routes and establishment of postal savings banks (S. 5122 and 6484)-to the

Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Michigan: Petition of Cass County Pomona Grange, of Cass County, Mich., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

- Also, petition of citizens of Berrien Springs, Mich., against passage of Senate bill 3940—to the Committee on the District

of Columbia.

By Mr. HAYES: Petitions of A. W. Thomas and 16 other citizens of Poplarville, Miss.; R. Z. Burleson and 47 others, of Minneapolis, N. C.; Millard F. Widner and 42 other citizens of Cleveland, Ohio; Max Poralla and 95 others, of San Jose, Cal.; C. W. Schmidt and 48 others, of Baltimore, Md.; W. Roberts and 48 others, of Cleveland, Ohio; W. P. Forbes and 46 others, of Hackett, Ark.; Clinton Z. White and 49 others, of Sacramento, Cal.; and H. C. Folsom, of San Jose, Cal., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers-to the Committee on Foreign Affairs.

By Mr. HEFLIN: Paper to accompany bill for relief of heirs

of William Jones-to the Committee on War Claims.

By Mr. HILL of Connecticut: Petition of Colebrook Grange, No. 82, and Wichita Grange, No. 132, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Wichita Grange, No. 132, of Warren, Conn., favoring establishment of parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of citizens of Gochner, Nebr., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Malvina J. Swager and John W. Flowers—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Paper to accompany bill for relief of Susan

Olewiler-to the Committee on Pensions.

By Mr. LINDSAY: Petition of the adjutant-general of New York, favoring S. 2671, to increase number of officers of the army—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, for increase of salaries of judges—to the Committee on the Judiciary.

Also, petition of State School of Agriculture of New York, favoring enlarged power of Agricultural Department to supply intelligent farm labor-to the Committee on Agriculture

Also, petition of Omaha workingmen, against legislation to exclude Asiatics-to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of citizens of Midland County, Mich. favoring the parcels-post and postal savings banks system-to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Paper to accompany bill for relief of heirs of

John Owings—to the Committee on War Claims.

By Mr. MARTIN: Petition of citizens of South Dakota, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MORSE: Petition of A. Rickbusch Grocery Company, favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of citizens of California, against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of Beatrice Commercial Club, favoring paying expenses of railway mail clerks away from their initial terminal-to the Committee on the Post-Office and Post-Roads,

Also, petition of citizens of the Fifth Congressional District of Nebraska, against a parcels-post and postal savings banks bill—to the Committee on the Post-Office and Post-Roads.

By Mr. POLLARD: Petition of Military Order of the Loyal egion, of Omaha, favoring creation of volunteer officers' re-

tired list—to the Committee on Military Affairs.

Also, petition of Commercial Club of McCook, Nebr., favoring appropriation to pay railway mail clerks' expenses from their initial terminal—to the Committee on the Post-Office and Post-

By Mr. RHINOCK: Paper to accompany bill for relief of Thomas Johnson (H. R. 5804)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Frank A. Berlage (H. R. 26581)—to the Committee on Pensions.

By Mr. SHERWOOD: Petition of C. T. Hoffman and others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. SMITH of Michigan: Memorial of 14 citizens' associations of Washington, D. C., for a new plan of government for city of Washington, D. C.—to the Committee on the District of Columbia.

Also, petition of Federation of Jewish Organizations, for appointment of chaplains in army and navy of the Jewish faith-

to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill H. R. 26971 (previously referred to the Committee on Invalid Pensions) to the Committee on Claims.

By Mr. SULZER: Petition of Trades League of Philadelphia, favoring increase of salaries of United States judges-to the

Committee on the Judiciary.

Also, petition of National Board of Trade, annual meeting January 20, 1909, against federal inspection and grading of grain (S. 382)-to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants' Association of New York, favoring increase of salaries of United States judges-to the Com-

mittee on the Judiciary.

Also, petition of American Institute of Architects, favoring integrity of plan of improvement of Washington by placing the memorial of Lincoln at west end of the Mall—to the Committee on the Library.

Also, petition of Postal Savings Bank League, favoring establishment of parcels post on the rural mail-delivery routes and postal savings banks-to the Committee on the Post-Office

and Post-Roads.

Also, petition of National Lumber Manufacturers' Association, against reduction of duty on lumber-to the Committee on Ways and Means.

Also, petition of the commander in chief of the Grand Army of the Republic, against consolidation of pension agencies-to

the Committee on Appropriations.

By Mr. SWASEY: Petitions of citizens of Wiscasset, Me., favoring a national highways commission-to the Committee on Agriculture.

Also, petition of citizens of Warren and Bristol, Me., for parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petition of V. R. Warner and others, favoring establishment of parcels post and postal savings banks (S. 5122 and 6484)-to the Committee on the Post-Office and Post-Roads.

Also, petition of Harts Grove Grange, No. 1684, in favor of creation of national highways commission—to the Committee on

Agriculture.

Also, petition of G. S. Brobst, favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

Also, petition of C. A. Peck and others, favoring enactment of a law creating a national highways commission-to the Committee on Agriculture.

Also, petition of C. H. Crofut and other residents of Chardon, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Owen Smith (previously referred to the Committee on Invalid

Pensions) -to the Committee on Military Affairs. Also, paper to accompany bill for relief of Sumner Cumings—to the Committee on Invalid Pensions.

mings-

By Mr. WILSON of Pennsylvania: Petition of residents of

Erie County, Pa., for a national highways commission-to the Committee on Agriculture.

Also, petition of Board of Trade of Harrisburg, Pa., favoring the payment of railway postal clerks' expenses from their initial terminals—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, January 27, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CIVIL SERVICE COMMISSION EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, a statement showing in detail what officers or employees of the commission have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ending June 30, 1908, etc. (H. Doc. No. 1374), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. Burrows and Mr. Tillman members of the Board of Visitors on the part of the Senate to attend the next annual examination of midshipmen at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and

they were thereupon signed by the Vice-President: S. 2024. An act to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891;
H. R. 15452. An act to establish two or more fish-cultural sta-

tions on Puget Sound; and H. J. Res. 202. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the oc-casion of the inauguration of the President-elect on March 4, 1909, etc.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the International Shingle Weavers' Union of America, of Seattle, Wash., remonstrating against the decision of Judge Wright, of the supreme court of the District of Columbia, in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred

to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of sundry citizens of North Weare, Middleton, Anfrim, Hampstead, Meriden, and Troy, all in the State of New Hampshire; of Tompkins County, N. Y., and of Weld, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Albany County Cattle and Horse Growers' Association, of Laramie, Wyo., praying for the enactment of legislation providing for the control of grazing by the Government upon the public lands in the arid States and Territories, which was referred to the Committee on Public Lands.

He also presented a resolution adopted by the Albany County Cattle and Horse Growers' Association, of Laramie, Wyo., indorsing the action of the present administration in permitting the grazing of stock in the Cheyenne National Forest Reserve in that State, which was referred to the Committee on Agriculture and Forestry

Mr. GAMBLE. I present the memorial of R. H. Angell, F. C. Ackley, and 1,652 other citizens of South Dakota, North Dakota, and other northwestern States, remonstrating against the passage of the so-called "rural parcels-post" bill and praying for the reduction of letter postage to 1 cent. I move that the memorial be referred to the Committee on Post-Offices and

The motion was agreed to.

Mr. SCOTT presented a petition of sundry citizens of Pullman, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for

the surviving officers of the civil war, which was referred to the Committee on Military Affairs

Mr. FRAZIER presented an affidavit to accompany the bill (S. 8042) for the relief of the heirs of Hiram Wilhite, deceased, which was referred to the Committee on Claims.

Mr. GUGGENHEIM presented a memorial of sundry citizens of Denver, Colo., remonstrating against the enactment of legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. BOURNE presented a petition of sundry citizens of Lents, Oreg., and a petition of Local Grange No. 354, Patrons of Husbandry, of Oretown, Oreg., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of sundry citizens of Paines-ville, Franklin, North Fairfield, Leetonia, Ravenna, Coshocton, Barnesville, Lewisburg, Columbus, Lisbon, Perry County, and Stark County, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Produce Exchange and the Bostwick-Braun Company, of Toledo; of the Colonial Savings Bank and Trust Company and the Ohio Banking Association, of Fremont; of the People's Savings Bank, of Zanesville; and of the Cincinnati and Hammond Spring Company, of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Taxpayers' Association of Cincinnati, Ohio, praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented a petition of Local District No. 6, United Mine Workers of America, of Columbus, Ohio, praying for the enactment of legislation to create a bureau of mines and mining, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Federation of Jewish Organizations of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

He also presented a petition of the American Prison Association of the United States, praying that an appropriation be made for the reception of the International Prison Congress, to be held in Washington, D. C., in 1910, which was referred to the Committee on Appropriations.

He also presented a petition of the Grain Dealers' National Association of the United States, praying for the appointment of a commission to investigate the grain trade of the United States in respect to the first handling at terminal markets, and the export of grain and kindred matters, which was referred to

the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of the Federation of Jewish Organizations of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Preston City, New Canaan, Shelton, New London, Clinton, Plymouth, Sterling, Chaplin, Suffield, Cawasa, Litchfield, and Plainville, all in the State of Connecticut, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Rockland, Me., praying for the enactment of legislation to prohibit the destruction of the forests on the high watersheds of the White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Seaside Grange, No. 171, Patrons of Husbandry, of Bristol, Me., and a petition of Victor Grange, Patrons of Husbandry, of Fairfield, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 857) accompanied by a bill (S. 8898) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows

and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the fol-

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lowing Senate bills heretofore referred to that committee:
    S. 10. Isaac F. Jewett;
S. 203. William Finsley;
S. 957. Rodolph Crandall;
    S. 1271. James S. Brandsh;
S. 1271. James S. Dash;
S. 1380. Henry Lohr;
S. 1536. John F. Langley;
S. 1588. John W. Burst;
S. 1591. John C. Crawford;
     8. 1600. James T. Kent;
8. 1718. William Haines;
     S. 2702. Isaac A. Arnold;
S. 3015. William F. Windle;
S. 3327. Samuel West;
     S. 3330. Lauren Mullin
     S. 3608. James M. McKain;
     S. 3614. Robert A. McNutt;
     S. 3739. William H. Manson;
     S. 3920. John Womersley;
S. 4031. Thomas D. Osborne;
    8, 4051, Thomas D. Osborne;

8, 4119. Lois M. Price;

8, 4416. William C. George;

8, 4652. Isaac N. Van Pelt;

8, 4894. Alfred A. Gambill;

8, 5235. Albert W. Brewster;

8, 5574. Richard Pascoe;
      S. 5580. Arthur Ruble;
     S. 5884. Joseph Swarthout;
S. 6194. William Passler, alias John Kropston;
S. 6283. George W. McAllister;
S. 6379. Abraham W. Howard;
S. 6419. Isaac H. Sprague;
     8. 6419. Isaac H. Sprague;
8. 6481. Charles Hanson;
8. 6518. George F. Cook;
8. 6712. George W. Tilton;
8. 6834. Harrison J. Case;
8. 6945. Robert B. Longstaff;
8. 6992. James R. Rundlett;
      S. 7063. William Bernard;
      S. 7124. Frederick E. Sebastian;
S. 7120. Alvin W. Bunnell;
S. 7190. James M. Perkins;
      S. 7222. Peter Schang;
      S. 7227. William Condo;
      8. 7317. Florence Haggerty;
8. 7314. George D. Smith;
8. 7419. Charles N. Baker;
8. 7432. John Ackley;
      S. 7439. Luman M. Grout;
S. 7442. Francis L. Knapp;
      S. 7455. Henry K. Haskell;
S. 7507. Richard R. Davies;
      S. 7525. Marcus Daniels;
S. 7526. William A. Menor;
S. 7533. Henry C. Washburn;
S. 7539. Joseph D. Holt;
        S. 7566. Lewis Sims;
       8. 7566. Lewis Sims;

8. 7603. Robert E. Huff;

8. 7642. Robert B. Mills;

8. 7662. Wesley Hoover;

8. 7703. Irena Brown;

8. 7704. John P. Bastian;

8. 7715. Edwin B. Brewster;
        S. 7722. Edwin E. Chase;
        S. 7735. Joel E. Cox;
       S. 7735. Joel E. COX;
S. 7749. Charles H. Bassett;
S. 7831. Martin Long;
S. 7931. Samuel L. Shannon;
S. 8010. Susannah M. Magee;
S. 8019. Theophilus K. Harman;
        S. 8193. Albert Boon;
        S. 8198. William J. Renard, alias Charles A. Douglas;
S. 8283. Stephen Robinson;
        S. 8287. Mary E. Shrewsbury;
S. 8290. James S. Davis;
        S. 8291. William Bernhard;
        S. 8292. George W. Stoddard;
S. 8330. Thomas B. Stewart;
        S. 8390. John Martin;
        S. 8393. Samuel J. Taylor;
S. 8402. Napoleon B. Bowker;
S. 8426. Virginia L. Caldwell;
S. 8452. William M. Chapp;
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S. 8455. Darius S. Sanborn;

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S. 8472. John Deneen;
8. 8472. John Deneen;

8. 8501. Edward J. Golden;

8. 8536. William S. Safford;

8. 8584. Erwin C. Watkins;

8. 8589. George W. Buswell;

8. 8630. William J. Gardner;

8. 8631. Mary A. Hayward;

8. 8632. John M. Adams;

8. 8663. Thomas Entwistle;
S. 8664. Ellen R. B. Morrill;
S. 8665. Daniel M. White; and
S. 8714. Rebecca W. Carroll.
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Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 8786) to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties, Mich., reported it without amendment and submitted a report (No. 858) thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 859), accompanied by a bill pensions, submitted a report (No. 859), accompanied by a bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee: mittee:

S. 4477. Clara J. Sitton; S. 4844. Caloway G. Tucker; S. 5257. Thomas B. Stewart; S. 7803. Alanza A. Bailey; S. 8281. Caroline Oliver; S. 8633. Prudencio Ortagus; and S. 8634. Benjamin B. Turner.

Mr. FULITON, from the Committee on Claims, to whom was referred the bill (S. 4426) for the relief of Thomas C. Clark, reported it with an amendment and submitted a report (No. 860)

He also, from the same committee, to whom was referred the bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army, reported it with an amendment and submitted a report (No. 863) thereon.

He also, from the same committee, to whom was referred the

following bills, reported them severally without amendment and

submitted reports thereon:
A bill (S. 2489) for the relief of Harry G. Rupp (Report No.

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903 (Report No. 862).

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, reported it without amendment and submitted a report (No. 856) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7996) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, reported it without amendment and submitted a report (No. 864) thereon.

CONSULAR SERVICE IN SICILY.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 26709) to amend an act to provide for the reorganization of the consular service of the United States, to report it favorably without amendment. I ask for its immediate consideration.

I ask for its immediate consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to further amend the act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, as heretofore amended by striking out, in class 9, consuls, the word "Messina," and by inserting after the word "Carlsbad," in class 7, consuls, the word "Catania."

[The hill was proported to the Senate without amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL CLERK TO COMMITTEE ON THE LIBRARY.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by the Senator from Rhode Island [Mr. Wetmore], to report it favorably without amendment, and I ask for its present consideration.

The resolution (S. Res. 262) was read, as follows:

Resolved, That the Committee on the Library be, and is hereby, authorized to employ for the remainder of the Sixtieth Congress an additional clerk, to be paid from the contingent fund of the Senate, at the rate of \$120 per month.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CULBERSON. I object. I should like to have the resolution explained, and I object to its present consideration.

The VICE-PRESIDENT. The Senator from Texas objects to the present consideration of the resolution, and it will go to the calendar.

Mr. KEAN subsequently said: Some time this morning I reported a resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, giving the Committee on the Library the right to employ an additional clerk to the close of the present session. I have explained it to the Senator from Texas [Mr. Culberson], and he withdraws his objection. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

MISSOURI RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 26606) to authorize the Lewis Bridge Company to construct a bridge across the Missouri River, to report it favorably without amendment.

Mr. WARNER. I ask unanimous consent for the consideration of the bill just reported by the Senator from Virginia.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the con-struction of a bridge across the Tennessee River in Marion County, Tenn.,'" to report it favorably without amendment, and I submit a report (No. 855) thereon.

Mr. FRAZIER. I ask for the immediate consideration of the bill. It is a local measure, and it is important that action

should be taken promptly.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8846) granting an increase of pension to Francis M. Walker:

A bill (S. 8847) granting an increase of pension to James H. Weatherby;

A bill (S. 8848) granting a pension to Elizabeth Sadler; and A bill (S. 8849) granting a pension to James M. Williams.

Mr. SMITH of Michigan introduced a bill (S. 8850) naturalizing William George Drought, which was read twice by its title and, with the accompanying paper, referred to the Committee on Immigration.

He also introduced a bill (S. 8851) authorizing and directing the Secretary of War to enter on the roll of the Third Regiment of Michigan Volunteer Cavalry the name of William J. Shirley, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on

A bill (S. 8852) granting a pension to Frankie Esselstyn; and

A bill (S. 8853) granting a pension to Agnes Hunt. Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8854) granting a pension to Marianna C. Rockwell; A bill (S. 8855) granting an increase of pension to Lillia Q. Brackett:

A bill (S. 8856) granting an increase of pension to Daniel L. Ordway

A bill (S.8857) granting an increase of pension to Henry A. Read.

Mr. SMOOT introduced a bill (S. 8858) granting an increase of pension to Thomas H. Beck, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8859) concerning the transportation of passengers coastwise, which was read twice by its title and referred to the Committee on Commerce.

Mr. McCREARY introduced a bill (S. 8860) for the relief of the estate of Richard White, which was read twice by its title and referred to the Committee on Claims.

Mr. TAYLOR introduced a bill (S. 8861) granting an increase of pension to Martha E. Bradley, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8862) for the relief of Elise Trigg Shields, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 8863) granting an increase of pension to Samuel H. Askew, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 8864) granting a pension to Sarah G. Hamilton, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8865) for the relief of the estate of G. W. Glick, deceased; and
A bill (S. 8866) for the relief of John A. Oliphant.

Mr. OWEN introduced a bill (S. 8867) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. SIMMONS introduced a bill (S. 8868) for the relief of the heirs of Nancy Barfield, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8869) granting an increase of pension to Thomas H. Revis: and

A bill (S. 8870) granting an increase of pension to Edward

Mr. FRAZIER introduced a bill (S. 8871) for the relief of the legal representatives of William C. Blalock, deceased, which was read twice by its title and referred to the Committee on

Mr. STONE introduced a bill (S. 8872) granting a pension to Sarah J. Ridgeway, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8873) granting an increase of pension to Thomas J. Kirtley; and

A bill (S. 8874) granting an increase of pension to Alfred N. Webb.

Mr. STONE introduced a bill (S. 8875) for the relief of the heirs of Francis E. Bannister, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 8876) granting a pension to Helen L. Fitch, which was read twice by its title and referred to the Committee on Pensions.

Mr. BRANDEGEE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8877) granting a pension to Mary E. Smith;

A bill (S. 8878) granting an increase of pension to Horace Worthington;

A bill (S. 8879) granting an increase of pension to Miner A. Robbins:

A bill (S. 8880) granting an increase of pension to Emily J. de Behrens;

A bill (S. 8881) granting a pension to Julius Ortman; A bill (S. 8882) granting an increase of pension to Charlotte B. Bentley;

A bill (S. 8883) granting an increase of pension to Mary A.

A bill (S. 8884) granting a pension to Franklin H. Sage

A bill (S. 8885) granting an increase of pension to William

S. Ely; A bill (S. 8886) granting an increase of pension to Lucy P. Hicks: and A bill (S. 8887) granting a pension to Betsey A. Lockwood.

Mr. CRANE introduced the following bills, which were severally read twice by their titles and referred to the Committee

A bill (S. 8888) granting an increase of pension to Eliza C.

Noble; and

A bill (S. 8889) granting an increase of pension to E. H.

McDonald.

Mr. LODGE introduced a bill (S. 8890) granting an increase of pension to Elizabeth A. Basselt, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions,

Mr. STEPHENSON introduced a bill (S. 8891) to authorize the establishment of free public schools upon United States reservations, which was read twice by its title and referred to

the Committee on Education and Labor.

Mr. MARTIN introduced a bill (S. 8892) for the relief of Elise Trigg Shields, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8893) to provide for acquirement, by condemnation, of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense, which was read twice by its title and referred to the Committee on Coast Defenses

He also introduced a bill (S. 8894) granting permission to the Lynnhaven Terminal Corporation to improve the lower Chesapeake and Lynnhaven Bay by the construction of a breakwater, which was read twice by its title and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 8895) granting an increase of pension to Elton M. Durfey, which was read twice

by its title and referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced a bill (S. 8896) to incorporate the Washington, Baltimore and Annapolis Railway Company, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMITH of Michigan introduced the following bills, which were severally read twice by their titles and referred

to the Committee on Pensions:

A bill (S. 8900) granting a pension to Helen Mirrin;

A bill (S. 8901) granting a pension to Lucy Ann Palmer;

A bill (S. 8902) granting a pension to Louisa E. Lawrence; A bill (S. 8903) granting a pension to Emma R. Walters; and

A bill (S. 8904) granting a pension to Sarah Elsie Green.

COAL LANDS IN NORTH DAKOTA,

Mr. McCUMBER. Mr. President, I introduce a bill authorizing final proof and directing the Secretary of the Interior to issue patents to entrymen under the homestead laws in the State of North Dakota, notwithstanding the fact that the land entered may contain lignite coal; and I ask that the bill be referred to the Committee on Public Lands. I wish to ask the indulgence of the Senate for just one moment in a brief explanation of the bill for the benefit of the chairman of that committee.

Mr. President, a very large percentage of all the land in the western part of my State is underlaid with lignite coal. that land has been opened to settlement as agricultural land. It has been entered as agricultural land, and an immense number of entries are now being held in suspension and a vast number of final proofs are now also being held in abeyance until an investigation can be had to determine whether or not the land is coal land and whether or not it should be segregated from public entry.

This is a great hardship to the settlers in that State. The great majority of those settlers are men who have little means. It has been customary for them after maintaining a residence and cultivation of some fourteen months to make final proof and borrow enough money to pay for the purchase of teams, machinery, and so forth. Many are unable to do this under the present conditions because of the tying up of these lands.

This opens up the greater question as to whether the coal lands in the State of North Dakota should be segregated and taken from the homesteader in that State to be sold as coal lands only. I have not heard of a single instance in which any land has been sold for coal land which has brought a higher price than like land for agricultural purposes. There

may, of course, be a few isolated cases.

The coal under these lands is of the lignite variety. It is not a high grade of coal and is used for heating purposes on the farm. We have a few coal mines in the State, but none of them have been made to pay very well, as I understand. These lands are situated hundreds of miles—some of them nearly a thousand miles—from woodlands, and the settlers must depend upon the coal that they can secure under the surface of their own

land for their fuel during the winter time. The land for the most part-I am informed 95 per cent, at least, of it-is more valuable for agricultural purposes than for coal purposes

Under the land laws, patent issues, as a matter of course, upon proof of residence and cultivation at the local land office. These patents, however, have been suspended, in some instances for more than two years, in order that the department might investigate the question of the character of the coal underneath and ascertain whether the land is more valuable for coal purposes than it is for agricultural purposes. This has been a great injury to the settlers throughout the western portion of the State, and I submit to the committee that I believe all of this land should be taken the same as any other agricultural land, and that the entryman should have title to the coal that is under the land, as well as to the surface land above the coal,

We are to-day granting the right to one man to make a mineral entry. He may locate a gold mine. He may take \$50,000,000 out of that mine, every dollar of which may belong to that one man. I do not believe that all the coal in the State of North Dakota to-day could be sold for \$50,000,000, yet we are depriving all of these entrymen of the right to use the little coal that there is under that land for their benefit, while inconsistently, I think, under the idea of conserving the resources of the United States, we are allowing the gold miner to take out millions from a single mine.

Mr. WARREN. Will the Senator, before he concludes, have the bill read? It is a very interesting subject, and we should like to hear the bill read.

Mr. McCUMBER. Certainly.

Mr. President, there is no man in the Senate who is in more hearty accord with the purpose to conserve all the timber lands and the mineral resources of this country than I am, but I admit that lignite coal is not of such great value to future generations that we can afford to-day to deprive the present generation of the benefit of the use of that coal and prevent the farmers, who pass the long winters there and are to-day developing that country for the benefit and comfort of future generations, from having the coal for their own use.

I have made this statement simply that the chairman of the committee may consider the propriety of taking up the bill immediately and if possible reporting it at the present session

of Congress

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. In just one moment. The Senator from Wyoming [Mr. WARREN] asked that the bill be read. It is short and I ask for its reading.

The VICE-PRESIDENT. The Secretary will read the bill.

as requested.

The bill (S. 8897) authorizing final proof and directing the Secretary of the Interior to issue patents to entrymen under the homestead laws in the State of North Dakota, notwithstanding the fact that the lands entered may contain lignite coal, was read the first time by its title and the second time a length, as

Be it enacted, etc., That where public lands in the State of North Dakota have been heretofore, are now, or hereafter shall be, open to settlement under the homestead laws of the United States, and homestead entry made thereon and final proof of residence and improvements on the land entered by the entrymen made to the local land office, as required by law, to secure title to agricultural lands, such final proof shall be received and accepted by the local land office, and the Secretary of the Interior shall thereupon issue patent to the entrymen, notwithstanding the fact that the land embraced within the entry may contain lignite coal.

Mr. TILLMAN. Mr. President, I should like to inquire of the Senator from North Dakota whether there is any report from the Geological Survey in regard to the character of the land which he mentions?

Mr. McCUMBER. I have no doubt there have been some reports, but as I only ask that the bill be referred to the Committee on Public Lands, the committee can investigate the whole

Mr. TILLMAN. I wanted to call attention to the fact that unless we go very carefully in this matter of single entrymen getting 160 acres we will find ourselves face to face presently with men who will enter the lands in good faith and then sell them to some combination which will create a monopoly there.

If the character of coal is of the type which the Senator mentions, and is only useful for fuel, because a man can not do any better, and he wants to go down in a hole on his own ground and get some to warm himself with, I can see no objection; but if the bill is not very carefully guarded we may find ourselves with a monopoly there like that which was attempted in the Indian Territory a few years back.

Mr. McCUMBER. I do not think that the coal land within a quarter of a section there is of such value as would justify

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. WARREN. I thought the Senator was through with his remarks

Mr. McCUMBER. I was through, as far as I am concerned. except to answer questions.

Mr. WARREN. If the Senator will yield to me, I suggest that he broaden the terms of the bill beyond the confines of North Dakota and take in some of the Rocky Mountain States.

Mr. McCUMBER. I have no objection to that; but I am not familiar with the conditions in other States. It will be for the committee to consider the question.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JOHNSTON submitted an amendment authorizing the Secretary of the Navy, in his discretion, to contract for and purchase one small vessel, whose vitals are located below the normal load water line, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$2,000,000 for actual necessary traveling expenses of railway postal clerks, at not to exceed \$1 per day, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads

and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the construction by the Quartermaster's department of roads, walks, wharves, etc., from \$1,000,000 to \$1,133,000, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. FULTON submitted an amendment providing for paving

with asphalt Connecticut avenue extended from Macomb to Newark street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Colum-

bia and ordered to be printed.

Mr. MARTIN submitted an amendment providing that all employees of navy-yards, gun factories, and naval stations in addition to the leaves of absence provided for by existing law may hereafter be granted leaves of absence with pay, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment providing that the Hospital Corps of the United States Navy shall consist of chief pharmacists; pharmacists, who shall be appointed by the President; and such ratings in the enlisted branch as may be designated according to the law governing other enlisted men, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. FRYE submitted an amendment providing that the number of officers of the grade of senior captain in the Revenue-Cutter Service be increased from 6 to 12, who shall perform duty in connection with the construction of vessels and the inspection of their armament, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

FRANCIS S. NASH-WITHDRAWAL OF PAPERS.

On motion of Mr. MARTIN, it was-

Ordered, That there may be withdrawn from the files of the Senate the papers relative to the case of Francis S. Nash, Fifty-eighth Congress, second session, Senate bill 5771, there having been no adverse report thereon.

IMPROVEMENT OF HARBOR AT LEXINGTON, MICH.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 80), which, with the accompanying paper, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet and to submit a plan and estimate for such improvement.

ACCIDENTS TO RAILROAD EMPLOYEES.

Mr. CLARKE of Arkansas. I submit a resolution which I send to the desk. It is a short resolution relating to a matter that will not be contested, and I ask for its present consideration. The resolution (S. Res. 267) was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby s, directed to send to the Senate a statement showing the number of allroad employees killed and injured each year since June 30, 1901, rom the following causes:

1. Lack of, insecure, and improperly applied, sill steps;

2. Inefficient and improperly applied hand brakes;

3. Insecure and improperly applied ladders;

4. Lack of, insecure, and improperly applied, roof hand holds or grab rons; and

5. Lack of, insecure, and improperly applied, running boards.

irons; and 5. Lack of, insecure, and improperly applied, running boards.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. I should like to ask the Senator who introduced the resolution whether he believes all that vast and various the resolution whether he believes all that vast and various amount of information can be furnished by the Interstate Commerce Commission without taking, it may be, weeks and needing an additional force. It struck me as it was read that it is a resolution which calls upon the commission for a great amount of extra work. At any rate, I will object to its consideration now in order that I may examine it.

The VICE-PRESIDENT. Objection is made, and the resolu-

tion will lie over.

Mr. CLARKE of Arkansas. It would not, therefore, be proper for me to state what I think about the Senator's questions at this time?

Mr. HALE. The resolution will come up to-morrow morn-

ASSESSMENT AND COLLECTION OF TAXES.

Mr. BROWN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 265) was read, as follows:

Resolved, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 3186) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax, State, county, municipal, district, or federal, and that the same be laid before the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. FULTON. Mr. President, I think I shall have to object to the present consideration of the resolution. I wish to explain, however, briefly my reason for so doing.

The bill is one that was referred to me as a subcommittee. I am not quite certain whether there was more than one on the subcommittee or not; but it does not favor the bill. I have explained to the Senator who introduced it and has it in charge the objections to it as far as I am concerned. I expect that I am more responsible than any other member of the committee for the bill not having been reported. So far as I am concerned, I have no objection to reporting the bill unfavorably. I think we generally dislike to do that unless the Senator having the measure in charge is willing that it shall be done.

I suggest that the resolution go over, and I think the Senator can get a report on the bill. There is no disposition on the part

of the committee to prevent a report.

The VICE-PRESIDENT. Objection being made to the present consideration of the resolution, it will lie over.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, was read the first time by its title.

Mr. WETMORE. I ask for the immediate consideration of

the joint resolution.

Mr. CULLOM. If there is to be any discussion of the measure again, I shall feel constrained to object.

Mr. ALDRICH. I do not think there will be any discussion

of it.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution the second time at length, as follows:

Resolved, etc., That the 12th day of February, 1909, the same being the centennial anniversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories of the United States. Be it further Resolved, That the President be authorized to issue a proclamation in accordance with the foregoing, setting apart the 12th day of February, 1909, as a special legal holiday.

Mr. BEVERIDGE. In view of the fact that the Senator from Pennsylvania [Mr. Knox]—
Mr. ALDRICH. My colleague is going to move an amend-

ment.

Mr. HALE. Mr. President, this matter can not go through without discussion. I object to the consideration of the joint resolution.

The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. PERKINS. I wish to submit a resolution.
Mr. CULLOM. I thought morning business had been disposed of.

Mr. FULTON. I wish the Senator from Illinois would not press that motion.

The VICE-PRESIDENT. Does the Senator from Illinois yield

to the Senator from Oregon?

Mr. CULLOM. I can not yield. I gave notice yesterday that I would move an executive session at this time, and I make that

motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois.

The motion was not agreed to.

Mr. CARTER. Mr. President, I desire briefly to call attention to the joint resolution providing for the Lincoln memorial exercises. The Senator from Rhode Island [Mr. WETMORE] in conference with the Senator from Pennsylvania [Mr. Knox] has arranged to offer a substitute for the House joint resolution which has just come to the Secretary's desk. I can see no objection to that. It would put the matter in conference. I renew the request for unanimous consent that the joint resolution be now considered. I am sure it will lead to no discussion.

The VICE-PRESIDENT. The Senator from Montana requests unanimous consent for the present consideration of the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday,

and for other purposes. Is there objection?

Mr. HALE. If it gives rise to any debate I must object. The Senator from Illinois is very desirous of taking up an important treaty, and it was the understanding yesterday that we should

take it up this morning.

Mr. CULLOM. I gave notice yesterday that I would make the motion this morning immediately after the morning business. I supposed the morning business was completed when I made the

motion. Otherwise I would have deferred it.

Mr. CARTER. If the joint resolution leads to any discussion whatever, I will withdraw the request for unanimous con-

The VICE-PRESIDENT. Is there objection to the present

consideration of the joint resolution?

Mr. NEWLANDS. Mr. President—

Mr. WETMORE. I should like to offer the following as a substitute

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BEVERIDGE. Mr. President—

Mr. NEWLANDS. Mr. President, I object to the substitu-

tion of the joint resolution that was passed in the Senate the other day for the joint resolution passed by the House un-

Mr. CARTER. In view of the fact that it will lead to discussion, I withdraw the request for unanimous consent.

The VICE-PRESIDENT. The Senator from Montana withdraws the request for unanimous consent. The joint resolution will be referred to the Committee on the Library

Mr. WETMORE subsequently, from the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, reported it with an amendment.

EARTHQUAKE AT SAN FRANCISCO, CAL.

Mr. PERKINS submitted the following resolution (S. Res. 266), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be, and hereby is, requested to furnish the Senate with a copy of such consolidated report as he may have on the work of the army in connection with the San Francisco, Cal., earthquake and fire of April, 1906.

IMPROVEMENT OF THE COLUMBIA RIVER, OREGON.

Mr. FULTON. I submit a concurrent resolution, which I ask may be read.

The concurrent resolution (S. C. Res. 81) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River from the mouth of the Willamette River to the ocean, in the States of Oregon and Washington, and of the Willamette River, in the State of Oregon, from the city of Portland to the mouth of the

river, with a view to securing and maintaining a uniform depth of not less than 30 feet at the lowest stage of water in said rivers from said city of Portland to the ocean, such survey and estimates to be reported to Congress.

Mr. FULTON. I ask that the resolution be referred to the Committee on Commerce. While I have the floor I wish to take advantage of the opportunity to state that I hope the motion to go into executive session will not be pressed. I want to proceed with the consideration of the omnibus claims bill, and I hope the Senate will allow us to do so. If it does not, we can not hope to get that bill disposed of during the present session.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Commerce. Is there further morning

business?

EXECUTIVE SESSION.

Mr. CULLOM. If there is no further morning business. I move that the Senate proceed to the consideration of executive

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business. [Putting the question.]

By the sound the "noes" seem to have it.

Mr. LODGE. I ask for the yeas and nays.

Mr. CULLOM. I hope the Senate will vote to go into execu-

tive session.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McENERY (when his name was called). I am paired

with the junior Senator from New York [Mr. DEPEW].

Mr. OWEN (when has name was called). I transfer my pair with the Senator from Illinois [Mr. Hopkins] to the Senator from North Carolina [Mr. OVERMAN] and will vote. I vote nav.

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO], but as this vote does not appear to be on party lines, I will take the responsibility of voting. I vote "yea."

The roll call was concluded.

The result was announced-yeas 40, nays 31, as follows:

	YE	AS-40.	
Aldrich Bacon Beveridge Brandegee Briggs Bulkeley Burnham Burrows Carter Clark, Wyo.	Cullom Dick Dillingham Dolliver du Pont Elkins Flint Frye Gallinger Gamble	Hale Hemenway Heyburn Kean Kittredge Lodge McCreary McCumber Money Nelson AY8—31.	Nixon Page Perkins Rayner Scott Stephenson Stone Warner Warner Wetmore
Bailey Bankhead Borah Bourne Brown Burkett Clarke, Ark. Clay	Culberson Cummins Davis Dixon Foster Frazier Fulton Gary	Gore Guggenheim Johnston La Follette Martin Milton Newlands Owen	Paynter Piles Simmons Tallaferro Taylor Teller Tillman
		VOTING—21.	a manus
Ankeny Clapp Crane Curtis Daniel Denew	Foraker Hansbrough Hopkins Knox Long McEnery	McLaurin Overman Penrose Platt Richardson Smith, Md.	Smith, Mich. Smoot Sutherland

So Mr. Cullom's motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session, the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 28, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1909. APPRAISER OF MERCHANDISE.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania, in place of Fred W. Edwards, resigned.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Willits Pedrick to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from January 26, 1909, in place of Captain of Engineers Charles Frederick Coffin, retired.

Second Lieut. of Engineers William Crocket Myers to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from January 26, 1909, in place of First Lieut. of Engineers Willits Pedrick, promoted.

Third Lieut, of Engineers George Wilson Cairnes to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from January 26, 1909, in place of Second Lieut. of Engineers William Crocket Myers, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Commander William W. Gilmer to be a commander in the navy from the 7th day of January, 1909, vice Commander James C. Gilmore, promoted.

Lieut, Ivan C. Wettengel to be a lieutenant-commander in the navy from the 3d day of September, 1908, vice Lieut, Com-

mander Joseph Strauss, promoted.

Passed Asst. Surg. Charles St. J. Butler to be a surgeon in the navy from the 11th day of December, 1908, vice Surg.

George Rothganger, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1909.

SECRETARY OF STATE.

Robert Bacon, of New York, now Assistant Secretary of State, to be Secretary of State.

ASSISTANT SECRETARY OF STATE.

John Callan O'Laughlin, of the District of Columbia, to be Assistant Secretary of State.

RECEIVERS OF PUBLIC MONEYS.

Edwin G. Coleman, of Flandreau, S. Dak., to be receiver of

public moneys at Lemmon, S. Dak.

John E. Adams, of South Dakota, to be receiver of moneys at Aberdeen, S. Dak.

REGISTERS OF THE LAND OFFICE.

Cyrus C. Carpenter, of Sisseton, S. Dak., to be register of the

land office at Lemmon, S. Dak.

John L. Lockhart, of Pierre, S. Dak., to be register of the land office at Pierre, S. Dak.

PROMOTION IN THE NAVY.

Chief Sailmaker Garrett Van Mater, U. S. Navy, to be a chief sailmaker on the retired list, to rank with, but after, lieutenant (junior grade).

POSTMASTERS.

GEORGIA.

Leonora R. Allen to be postmaster at Villa Rica, Ga. John R. Barclay to be postmaster at Rome, Ga. Henry M. Bird to be postmaster at Comer, Ga. Benjamin L. Bryan to be postmaster at Union Point, Ga. Mary P. Dixon to be postmaster at West Point, Ga. Lewis R. Farmer to be postmaster at Louisville, Ga. Martha E. Gorham to be postmaster at Crawfordville, Ga. H. B. Lemcke to be postmaster at Darien, Ga. Florence McAfee to be postmaster at Norcross, Ga. Andrew D. McComb to be postmaster at Buena Vista, Ga. Vivian McCurdy to be postmaster at Stone Mountain, Ga. Mary C. McWhorter to be postmaster at Sylvester, Ga. Henry M. Miller to be postmaster at Colquitt, Ga. Howard A. Poer to be postmaster at Chipley, Ga. Walter M. Quinn to be postmaster at Whigham, Ga. John W. Saunders to be postmaster at Unadilla, Ga. Thomas M. Scovill to be postmaster at Oglethorpe, Ga. Pearl Williams to be postmaster at Greenville, Ga Clarence W. Withoft to be postmaster at Fort Valley, Ga.

MINNESOTA.

Peter J. Schwarg to be postmaster at Dodge Center, Minn. NORTH DAKOTA.

Frank I. Bonesho to be postmaster at Mott, N. Dak. Robert I. Sanerissig to be postmaster at McClusky, N. Dak. Walter A. Stafford to be postmaster at Velva, N. Dak.

OHIO.

Gomer C. Davis to be postmaster at Shawnee, Ohio. Granville W. Springer to be postmaster at Crooksville, Ohio.

TEXAS

J. W. Boynton to be postmaster at Anson, Tex. Richard L. Coleman to be postmaster at Rusk, Tex. Charles M. Diller to be postmaster at Alto, Tex. Arthur E. Foster to be postmaster at Venus, Tex. William A. Little to be postmaster at Karnes City, Tex. D. H. McCoy to be postmaster at Daingerfield, Tex. Charles Real to be postmaster at Kerrville, Tex. Virgil A. Smith to be postmaster at Kenedy, Tex.

HOUSE OF REPRESENTATIVES.

Wednesday, January 27, 1909.

The House met at 12 o'clock noon.

Prayer was offered by Rev. George L. Perin, of Boston, Mass. The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. REEDER. Mr. Speaker, I ask unanimous consent for the consideration of the following resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 517.

Resolved, That the Committee on Irrigation of Arid Lands shall have authority to order such printing as may be necessary connected with the business of said committee during this Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

BRIDGE OVER INDIAN RIVER NORTH, FLORIDA.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 26073) to approve and ratify the construction of a bridge across the Indian River North, in the State of Florida, by the New Smyrna Bridge and Investment Company.

The Clerk read the bill, as follows:

Be it enacted, etc., That the construction by the New Smyrna Bridge and Investment Company, a corporation organized under the laws of the State of Florida, of the bridge across the Indian River North from the town of New Smyrna, on the west, to the land lying on the east of said river be, and the same is hereby, approved and ratified, subject to the provisions of existing laws, and particularly subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill to legalize a bridge across Indian River North, in the State of Florida."

The committee amendments were read as follows:

Strike out all after the enacting clause and insert in lieu thereof the

Strike out all after the enacting clause and insert in neu increof the following:

"That the bridge constructed across Indian River North at the town of New Smyrna, Fla., by the New Smyrna Bridge and Investment Company be, and the same is hereby, legalized, and the consent of Congress is hereby given to its maintenance by the said corporation, its successors, or assigns: Provided, That nothing in this act shall be so construed as to exempt this bridge from the operation of the existing laws enacted by Congress for the protection of navigable waters and any changes in the said structure which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof at their own expense.

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read as follows: "To legalize a bridge across Indian River North, in the State of Florida."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

INAUGURAL CEREMONIES.

The SPEAKER. The Chair lays before the House Senate joint resolution 106, authorizing the granting of permits during inaugural ceremonies on the occasion of the inauguration of the President-elect, March 4, 1909, and so forth. Without objection, a similar bill having already passed the House, this bill will lie on the table.

There was no objection.

THE SPEECH OF MR. WILLETT.

Mr. MANN. Mr. Speaker, I rise to present a privileged resolution and report, by direction of the select committee appointed under House resolution 494, and I ask that the Clerk may read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House Report No. 1962, by Mr. Mann.

The select committee appointed under House resolution 494, which

The select committee appointed under House resolution 494, which reads as follows:

"Whereas the speech of Mr. Willett, printed in the Congressional Record of January 18, 1909, contains language improper and in violation of the privilege of debate: Therefore be it

"Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and report to the House within ten days," beg leave to respectfully report as follows:

"Your committee invited Mr. Willett to submit in writing any suggestions he desired to make in the premises, and his statement is herewith appended as Exhibit A.

"The consideration of the speech in question involves a consideration of what is not of what is not of what is not of orderly debate, in the House."

"The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to incluige in personal abuse or ridicule. The acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate should not be a subject to proper rules requiring decorum in debate should not be a subject to proper rules requiring decorum in debate should not be a subject to proper rules requiring decorum in debate should not be a subject to proper rules required to the past or those desired in the future. The right to correct abuses by legislation carled. It is not because the subject of the following the subject of the following the subject of the following the foll

resolutions, which were agreed to in the House by vote of 101 year to 36 nays:

"Resolved, That the House, deeming it a high duty that the utmost courtesy and decorum demanded by parliamentary law and precedent should mark the mutual relations of the two House of Congress, does hereby express its disapproval of the unparliamentary language used by Hon. Robert P. Kennedy, a Representative from the State of Ohio, in his speech delivered on the floor of the House on the 3d day of September, 1890, and published in the Congressional Record of September 14, 1890. And considering it impracticable to separate the unparliamentary portions of said speech from such parts thereof as may be parliamentary: Therefore, be it further

"Resolved, That the Public Printer be directed to exclude from the permanent CONGRESSIONAL RECORD the entire speech of Hon. Robert P. Kennedy in the first resolution mentioned."

"The committee therefore recommend the adoption of the following

resolution:

" 'House resolution 516.

"'Resolved, That the speech of Mr. WILLETT, printed in the daily CONGERSSIONAL RECORD of January 18, 1909, contains language improper and in violation of the privileges of debate, and that the same be stricken from the permanent RECORD."

House of Representatives, Washington, D. C., January 22, 1909.

House of Representatives,
Washington, D. C., January 22, 1909.

To the honorable special committee having in charge the matter contained in House resolution No. 44, adopted January 19, 1909.

Gentlemen: I have received information through your chairman that your committee will meet on Monday next to consider any statement in writing I may desire to present, and in pursuance therewith I desire to respectfully submit the following:

It is my serious and earnest contention that I was entirely within my rights to make the speech, under the order of general debate, and in availing myself of the freedom of debate and the uniformly recognized latitude of discussion I but followed the established custom and practice of the House, and did in nowise transcend the rules of the House as they have always heretofore been understood by the Members of the House.

It will serve no useful purpose for me to cite numerous instances where personal reference has been made by Members to nonmembers, Members to Members, and Members to the Chief Executive in the course of debate in language, taken separately or collectively, infinitely stronger than my own—this committee is composed of Members of long service in this House—and a citation of cases is unnecessary.

Freedom of speech has always been held so sacred that the utmost latitude has been allowed in debate, and I respectfully submit that to strike my speech from the record in this instance will establish a precedent extremely dangerous, because it will mean, in the light of past precedents, that the House has at last surrendered to the proposition that no Member can discuss any subject the discussion of which happens to displease the majority.

Urging again my sincere conviction that my speech should remain on record, I assure the committee of my
Sincere respect,

Mr. MANN. Mr. Speaker, I do not desire to occupy the time

Mr. MANN. Mr. Speaker, I do not desire to occupy the time of the House. The report is a unanimous report. If any gentleman desires, I will yield time, but otherwise I ask for a vote. The SPEAKER. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to. POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill. And pending that motion, I ask unanimous consent that general debate close in two hours and thirty minutes, one half to be controlled by the gentleman from Tennes-see [Mr. Moon] and the other half by myself.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that motion he asks unanimous consent that general debate close in two hours and thirty minutes, one half to be controlled by himself and the other half by the gentleman from Tennessee [Mr. Moon]. Is there objection?

There was no objection.

The motion of Mr. Overstreet was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Currier in the chair.

Mr. MOON of Tennessee. Mr. Chairman, I now yield ten minutes to the gentleman from South Carolina, Mr. Lever.

Mr. LEVER. Mr. Chairman, it will be a source of disappointment to the rural population, the farmers, of the country that the Committee on Post-Offices and Post-Roads in its wisdom did not see fit to include in the bill now under consideration provisions carrying into effect certain recommendations of Postmaster-General in his last annual report. I wish to call the attention of the committee briefly, because my time is limited, to one recommendation of the Postmaster-General which I regard as of vast importance to the fullest development of the postal service. I refer to that recommendation which contemplates the inauguration of a limited parcels post on rural routes.

I read from the Annual Report of the Postmaster-General for the fiscal year 1907:

I recommend the establishment of a special parcels-post system on rural delivery routes for packages originating on a rural delivery route or at the distributing post-office for delivery by rural carriers to patrons thereof at a rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; for 2 ounces or less, 1 cent; over 2 ounces and up to 4 ounces, 2 cents; over 4 and up to 8 ounces, 3 cents; over 8 and up to 12 ounces, 4 cents; over 12 ounces and up to 1 pound, 5 cents.

This recommendation carries the idea of giving the farmers of the country conveniences additional to those now brought to them by the rural delivery service. One of the annoyances of country life is the inconvenience involved in obtaining for use many of the small necessaries of life. Every farmer here present knows of his own experience how much time is taken in extra trips to town and city for these necessities of the home He knows that in the aggregate the waste is incalculable, and I am sure, if given an opportunity to have a direct vote upon the proposition, he would guard himself and all of the farmers of the country against its continuance. Let me illustrate: The farmer makes his usual trip to the village on Saturday to provide himself with supplies for the following week. Likely as not he has jotted down a memorandum of the various things he is to purchase. It develops on Monday morning that his good wife had overlooked the fact that she was in need of a package of soda or a pound of coffee or a few yards of cloth for the children. A plow must be stopped in the busy season of the year, it may be at the sowing or harvest time, when every hour is valuable, and some one must make the trip to town, else the bread goes without soda or the breakfast comes without its usual cup of coffee. This is not only a serious inconvenience, but, I repeat, in the aggregate amounts to a tremendous drain upon the time of the farmer, and it must be remembered that time is money to the farmer as well as to every other class.

Under the system recommended by the Postmaster-General, and which I most earnestly advocate, this inconvenience and waste of time will be obviated. A post card to his merchant setting out that a package of soda or a pound of coffee or a few yards of cloth or any other article of small weight is needed will have the desired article forthcoming by rural carrier the next morning, and at a cost which amounts practically to nothing.

This plan is so simple, so pregnant with benefits to so large a class of our population, so justified by good sense and the desire to legislate in the interest of all the people, that it must seem strange that Congress has not already authorized by law its establishment. The fact is that practically no consideration has been given it. It has been neglected, cast aside, and to that extent met unfavorable consideration.

The Postmaster-General, I take it, is not the kind of man to lose heart because of one rebuff, and in his annual report for this year he is so earnest in his insistence that this proposed plan be given the consideration to which its probable beneficent results entitle it that he asks Congress only to permit him to ascertain its practicability by allowing him to establish experimentally a limited local parcels post in not to exceed four counties in the United States. His recommendation reads:

counties in the United States. His recommendation reads:

I urge that the Postmaster-General be authorized and directed to establish experimentally a limited local parcels post, confined entirely to rural-delivery routes in not to exceed four counties in the United States for packages of fourth-class matter originating on a rural route or at its distributing post-office for delivery by rural carriers to patrons thereof at such special rates of postage and under such regulations as the Postmaster-General may deem advisable, and that no parcel shall be accepted from any person acting as representative for any person or company not a resident on such rural delivery route or in the town from which they emanate, and that only such parcels shall be received for delivery at the special rates of postage as are offered by bona fide merchants or dealers whose regular places of business are on such rural delivery routes in the ordinary and regular course of their business and in their individual capacity by residence on such routes.

Howe the Postmaster-General bees Congress to allow him to

Here the Postmaster-General begs Congress to allow him to experiment, to ascertain the facts, to see how the system works, that we, as the representatives of the people, may be the better informed as to the wisdom of enacting legislation which looks to the establishment of such a system for all rural routes throughout the country. This is not an unreasonable request, and it passes my understanding that any objections to it from any source should arise.

It may be well for gentlemen to bear in mind that we now have a general parcels post; but the system is such that it is little used by the general public, for the reason that the limit of weight for each package is only 4 pounds, and the postage per pound is 16 cents. The system proposed increases the weight of the package to 11 pounds and reduces the postage on a package of 11 pounds to a little more than 2 cents per average pound. Such a system, in my judgment, as is sought by those who agree with the recommendation of the Postmaster-General would find universal favor, and in a short time become as popular with the people even as rural delivery, and likewise as indispensable and as fruitful of benefits.

If must be remembered that it is not necessary to construct any special machinery with which to put this system into operation. We now have the machinery in the 35,000 rural delivery routes in operation and serving 18,000,000 of our rural population. This system of rural delivery is costing us \$35,000,000 per annum, and it does seem not unreasonable to ask for legislation which will give it its fullest development and bring from it its greatest possible good to the people.

The cost of putting into operation this system of limited parcels post will be met by the increased revenues arising from it. In fact, the Postmaster-General expressed the belief that the revenues arising from such a system will not only increase the salaries of fourth-class postmasters, because of augmented cancellations, but will at the same time bring such an increase in revenue to the Government as to go far in wiping out the present large postal deficit which confronts the country from year to year. In support of this idea he sets out in detail data which convince me that he is correct in this opinion, so that I have no fear that we are about to saddle upon the country an expensive system. On the contrary, I should look to it as a source of revenue.

Mr. Chairman, I call attention to the fact that Great Britain, Germany, France, and many other foreign countries have had for many years systems of general parcels post, and my information is that they have worked most admirably. I am not willing at this time, however, to go on record as favoring a general parcels post, but I do believe that it is wise that a limited parcels post should be inaugurated and that it should be done at once.

What is the opposition to such a system? Upon what reason is it founded? Who are those circulating petitions for signatures all over the country against it? When he was Postmaster-General, John Wanamaker said that "there are but four strong objections to the parcels post, and they are the four great express companies." I do not fully agree to this as it relates to a general parcels-post system, but I do agree to it as it relates to a limited parcels post, as advocated by the present Postmaster-General in his several reports upon the subject; and, I may add, that to the opposition of the express companies must be noted also the vigorous objections of the great mail-order houses.

Mr. CAULFIELD. Is it not a fact that the great mail-order houses of the country are the ones who are really in favor of the parcels post?

Mr. LEVER. Not at all. On the contrary, this plan looks to giving the merchants of local towns from which rural routes emanate the benefit of a reduced rate over merchants and companies of other cities and towns. In other words, the mailorder houses would not be able to compete with the local merchants upon the basis of the postage rates recommended by the Postmaster-General for a limited rural parcels post. The wisdom of discriminating in favor of the local merchant must be apparent to anyone who regards for a moment the danger involved in a system which would inevitably centralize the commerce of the country. Unfortunately there is too much of this at present, and every expedient should be adopted to check its growth.

But I insist, Mr. Chairman, that a great system should not be throttled and kept from consideration because, perchance, a few great corporations think they are to suffer on account of it. We are here to legislate in the interest of all the people, and here is a plan offered by which 18,000,000 people now patiently enduring many inconveniences may be helped, and it is our duty to afford the aid.

Mr. Chairman, I shall not attempt a further discussion of this most important proposition in the short time which has been allowed me, but I want to say that the opportunity is ours to authorize this experiment as is recommended, an experiment which will, in my humble opinion, bring a "direct and vital benefit to every man, woman, and child within reach of a rural route." We have been generous to the rural delivery system. It had its beginning in the teeth of the most violent opposition; it was begun as an experiment; it is now a settled policy. Who would destroy it? It is the belief of those of us supporting a limited parcels post that ten years from the first experiment with it it will prove as beneficial, as far-reaching in its influence for good, as helpful in making farm life happy and contented as has the great system of rural delivery. And, Mr. Chairman, I want to call the attention of the House to the unfortunate tendency among our rural population to drift away from the country into the towns and cities, and this is especially true of our young men and women.

The reason is the desire for more conveniences, better schools, better roads, and a closer social contact upon the part of the rural population. Whenever the day comes that our country people become dissatisfied with the conditions which surround them, and find it necessary to move into towns and cities to find the relief they seek and which they should have, it will be an evil day for this Republic. Rural delivery has had much influence in checking this tendency; the rapid inauguration of rural telephones over the country is having a large influence in the same direction; and the establishment of a system of delivering small packages at a mere nominal cost at the gates of the rural population will, in my judgment, be a most vital

agency to the same end. In fact, I doubt not that these three influences acting together, resulting in better roads, improved school facilities, easy communication, and greater conveniences for country life, will turn the tide, and the drift in the future will be from the city to the country; and this is a consummation devoutly to be wished. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. Finley].

Mr. FINLEY. Mr. Chairman, it is a matter of some regret to me that I may not be able to add very much to the sum of knowledge or information which, to my mind, the House is entitled to when a great bill carrying \$234,534,370 is under dis-The postal service of this country is a great service. It is complicated, and in some respects that service is antiquated and out of date. There has been in existence in this country for some years a Postal Commission having for its purpose the remedying of the postal service and bringing that service up to date as a business proposition. That commission has labored long. They have worked faithfully, I have no doubt, and to-day we have the result of the labors of this commission in the form of a report, and, I may add, a bill containing 293 pages with 623 sections. It is hoped by some people that the recommendations of the Postal Commission may be carried out at this session of Congress.

I for one regret to say that I do not see how this can be accomplished. It is proposed to reorganize the postal service. It would be impossible in a speech of an occasion like this to even give a fair criticism of the bill, either favorably or unfavorably. I may say that in some of the recommendations of this commission I heartily approve, but there are others to which I am unalterably opposed. I do not believe that it is possible in the short session, in the time that will elapse from now until the 4th of March, to give a great subject like this proper consideration. I think that three months in committee is the shortest time possible in which to give the bill proper consideration. Believing this, I shall oppose in every way in my power the passage of the bill at this session. I believe that this subject should be thrashed out thoroughly in the Post-Office Committee room. The time will come, so we are told, after the 15th of March, when Congress will be called in extraordinary session, to give the Republican party an opportunity to reform the tariff, as they have promised to do.

Then, if precedent is to be followed, the other committees of the House, except the Committee on Ways and Means, will have little or nothing to do. There will be ample time for the Post-Office Committee to take up the work of the Postal Commission and consider the proposed revision, codification, and amendment of the postal laws of the United States. Amongst other things, there is contained in this volume-for that is what it amounts to-recommendations for new offices and an increase of salaries. I believe it is claimed that the increases in salaries amount to only \$290,000. I do not agree to that proposition. I think that an analysis of this bill will show that the increases of salaries asked for amount to a much larger sum. Besides the new offices to be created, there is one that I have been studying to ascertain, if I can, the limitations of power conferred upon him—the director of posts. Up to this time, Mr. Chairman, I have been unable to approximate the power and authority that will be lodged in this individual.

The tendency of the times is, and I think harmfully so, to-ward centralization. The director of posts is to be the great tycoon of the Post-Office Department. I observe that the rural delivery service, a service that is of unbounded benefit to the people living in the rural sections, is attached to the bureau of post-offices, where I think it should not be, for the reason that this is the political division of the service. I will not go on with this discussion, but I want to say that to my mind there is not time at this session of Congress to take up this bill; and the statement has been made here that it is hoped that this will be done. I think that I should voice my opinion and give my reasons in a brief way why I do not believe it can be done.

Now, as to the bill under consideration, Mr. Chairman. I shall discuss very few items in that bill. The estimates of the Post-Office Department, I presume, given to us are officially passed on by the Postmaster-General. It is a fact that this individual, learned and patriotic and able man that he is, sometimes makes mistakes. He recommended \$36,243,000 for the support of the rural-delivery service this year. In committee room when this proposition was thrashed out it was found that the amount was insufficient to support the service for the next fiscal year and to inaugurate any new service. In other words, if his recommendation had been carried out there would not have been 150 rural-delivery routes inaugurated next year. So the Committee on the Post-Office and Post-Roads wisely--and I may say this is the first time there has been a unanimity of

opinion as to what the proper amount should be—brings in a bill recommending \$1,117,000 more money for the support of the rural-delivery service than was recommended by the Post-Office Department; so this accounts in some measure for the aggregate of money carried in the bill exceeding their estimate, and I think the increase a proper and necessary one.

Take the matter of salaries. We all know that to secure the best talent in the postal service you must have the very best employees obtainable, and merit and ability in a man engaged in this service are measured exactly as they are in other lines of business. You must pay people in order to secure the most efficient service. I think that Congress in recent years has been comparatively fair and liberal in this respect. I may say it is perhaps true that the rural carriers have not received the same consideration that has been shown to other employees of the postal service; but, Mr. Chairman, the time will come, and I hope shortly, when further and proper consideration will be given to them. I think that their salary should be at least \$1,000 per annum. It was found impossible to do so at this session of Congress, for the reason, we have heard so often stated, that to-day the Government is running behind in its receipts; that they are smaller than the expenditures of the Government. and the prospect is that by the end of this fiscal year the deficit will amount to anywhere from \$135,000,000 to \$165,000,000.

I do not think that considerations like this should always control; but, Mr. Chairman, they are likely to control the majority party in power. We have made some recommendations for increases of salaries by way of promotions; but they were necessary, in the main, for the good of the service. Some small allowance has been made for clerks and carriers at first and second class offices. Some little consideration has been shown to employees in the Railway Mail Service, but, in my opinion, not enough. The question whether or not there should be an allowance or expense account, so to speak, provided by law for the railway mail clerks has been agitated for many years. This is a question that appeals to the fairness of Congress. facts as they are. Every railway mail clerk in the same grade receives the same salary. Now, it is true that some of the employees in the Railway Mail Service have a travel expense each year, amounting in some instances to as much as \$360 a year. Others in the same grade have an expense account amounting to little or nothing, only a few dollars. This, in my judgment, should be remedied.

I may say that the United States is one of the few great nations of the world that does not recognize this discrepancy and does not make a proper allowance. England, France, and Ger-

many do.

Mr. Chairman, it has been argued here that the salaries paid in this country are much greater than the salaries paid in the European countries mentioned by me. This is true, measured in dollars; but when you take into consideration the cost of living in the United States and the cost of living in England, France, and Germany, I state emphatically that the railway mail clerks of the United States receive a smaller wage than they do in those countries. The cost of living in this country, practically speaking, is twice as high as in Germany, nearly twice as great as in France, and a great deal larger than in England. So, when you consider the conditions here and abroad, my opinion is that Congress should make due and proper allowance in this respect. Whether Congress will do so at this session or not, I do not know. With the permission of the committee I will incorporate in my remarks some statements as to the average wage rate and allowance and cost of living in the United States, England, France, and Germany. Our neighbor, Canada, makes an allowance, and I may say that the United States is practically the only great country in the world that does not recognize the merit of this proposition. [Applause,]

Salaries and allowances of railway postal clerks in Great Britain, Germany, and France.

Great Britai Average Mileage	n: salaryallowance	\$781. 73 156. 00	
Total		937 73	

Clerks in this service average to work three-fourths of the time, do not have to study distribution, and are advanced annually in grade until maximum salary is reached.

At age of retirement they are pensioned at expense of the Government

ment. Germany:

Clerks in this service average to work three-fourths of the time, do not have to study distribution, and are advanced in grade by three-year periods until maximum salary is reached.

They are pensioned by the Government at age of retirement.

\$610.00 180.00 Average salary____ Mileage allowance__ Residence allowance_ 80. 00 870.00

Clerks in this service have to study and learn distribution, but the requirements are not so high as in the United States—i. e., they do not have to learn so many post-offices, and the average of examinations is not so high. They also receive pension at age of retirement. United States:

Average salary, no allowances, under appropriation bill
in effect at present, 1908-9

Expenses of living in the United States, such as house rent, provisions, clothing, and all necessaries, is about twice as great as in countries above mentioned; therefore those salaries and allowances should be multiplied by 2.

Mr. Chairman, I will not take up the further time of the committee. As stated, on account of indisposition, I shall not proceed further with my remarks to-day, and I yield back the remainder of my time to the gentleman from Tennessee [Mr.

Mr. MOON of Tennessee. I yield three minutes to the gentleman from Kentucky [Mr. Ollie M. James].

Mr. OLLIE M. JAMES. Mr. Chairman, on yesterday in a colloquy with the gentleman from Indiana [Mr. Overstreet] some dispute arose in the House as to the number of railway mail clerks killed or injured, or slightly injured, during the years 1904, 1905, 1906, 1907, and 1908. The statement I made yesterday that more than 2,900 mail clerks were killed or injured in the last five years was quickly challenged by the gentleman from Indiana [Mr. OVERSTREET]. I now desire to verify the statement I then made. I have a list here now, taken from the reports of the Post-Office Department, which I desire to incorporate in the RECORD, showing the number killed or injured, or slightly injured, during the five years mentioned, to be 2.940.

Following is the statement:

Accidents in Railway Mail Service.

Year.	Total clerks.	Accidents.	Clerks killed.	Seriously injured.	Slightly injured.
1904	11,270 12,110 13,598 14,357 15,295	378 357 328 470 405	18 12 4 16 21 4 6	90 125 77 125 104	348 386 414 662 536
Total			73	521	2,346

⁶ In addition to these there was I weigher. ⁵ Two of these were civil-service substitutes.

Total killed and injured, 2,940.

Mr. MOON of Tennessee. Will the gentleman from Indiana

[Mr. Overstreet] now occupy the remainder of the time?
Mr. STAFFORD. The gentleman from Indiana [Mr. Overstreet] is not on the floor at present, but I understand he is to yield some time to the gentleman from Wisconsin [Mr. JENKINS] and the gentleman from Massachusetts [Mr. Weeks]. If the gentleman from Wisconsin is on the floor, I would suggest that he proceed. Otherwise I will yield, in conformance to the arrangement of the gentleman from Indiana [Mr. Over-STREET], to the gentleman from Massachusetts [Mr. Weeks] for ten minutes.

Mr. WEEKS. Mr. Chairman, I wish to call the attention of the committee to some statements that were made by the gentleman from Illinois [Mr. RAINEY] yesterday in referring to the sale of two ships to the United States Government to be used in connection with the Panama service. The ships were the Tremont and the Shawmut, of the Boston Shipping Company. They had been operated between Seattle and the Orient. were built for that purpose. Their original cost was between \$1,800,000 and \$1,900,000. It was estimated that their value at the time they were offered to the Government was this amount, less 3 per cent to be deducted each year that they had been in service. Therefore an appropriation of \$1,500,000 was made to purchase them. There was no secrecy about this appropriation. It was introduced in the sundry civil bill last year by an amendment offered by the senior Senator from Massachusetts. The amendment was published in all the papers. It was acted upon by the Senate; it went to conference, was approved in conference, as the conference report was by the House, and therefore it received the approval not only of the Senate but of the House, acting through the conference report.

It was intimated by the gentleman from Illinois that those ships were not needed; that they could not be used in the service for which they were purchased; that they were unfit for service; and other things which I will not refer to. As a matter of fact, Mr. Chairman, before these ships were purchased

the Secretary of War requested the Secretary of the Navy to appoint a board to pass upon the condition of the ships and their value. They were surveyed by the inspectors of the Panama Canal Commission. Both boards reported in favor of the purchase of the ships. Then, before making the purchase, the Secretary of War offered the company owning them the cost of the ships less 6 per cent deduction for every year they had been in service. In other words, he paid for the ships delivered in New York—not delivered in Seattle—\$1,150,000.

Mr. Chairman, the gentleman from Illinois forgot to state yesterday that in purchasing the ships the Secretary of War, instead of paying the amount of the appropriation, bought them for \$1,150,000 at the port of New York, delivered there by the company selling them. That was \$400,000 less than the appropriation, and it included the cost of bringing the ships around from Seattle to New York.

The gentleman from Illinois forgot to mention one other thing—that in purchasing the ships, they were bought for the Panama Canal Commission, to be used in that service as long as needed, and then to be transferred to the Navy Department, to be used as colliers or auxiliaries or some kind. Everyone knows that we employed 200,000 tons of foreign bottoms in order to send our fleet around to the Pacific coast. If we had owned these ships, and they had been in commission at that time, we would only have had to have chartered 180,000 tons of foreign bottoms for that cruise; and, further, I am informed that, based on the price at which they were purchased, the transportation of supplies for the Panama Canal Commission can be made to the Isthmus cheaper than the going rates for foreign tramps. Therefore, while it is regrettable that the company which built these ships and attempted to operate them found it necessary to make such a great sacrifice, the Government in buying them may be congratulated on obtaining a good bargain.

Furthermore, the gentleman said that there was not depth of water enough on the bar at Colon for the ships. I think he is mistaken. I went into that harbor more than 25 years ago in a ship drawing more water than do the Shavmut and Tremont. There was no difficulty at that time, and I doubt if there is any difficulty to-day. Furthermore, we are building the canal so that we may send the largest battle ships and the largest ships from one ocean to the other; if we are going to do that we must deepen the channel up to the entrance of the canal for that purpose, and therefore it need entail no unnecessary expenditure to use these ships, even if there were not water

enough there at the present time.

Taking everything into consideration, Mr. Chairman, we may conclude that the Government made a good purchase in buying these ships; there was no secrecy in connection with it; everybody knew it was being done. The purchase had the sanction of the War Department at that time, and the succeeding War Department carried out the purchase.

Now, there is just one thing more I want to call to the attention of the committee, and that is the reference which the gentleman from Illinois made to the senior Senator from Massa-

I should not take the time of the committee to refer to the character of the charges made against him if they were not involved in the statement of facts to which I have just referred. His distinguished career for the past twenty-four years in the two Houses of Congress should have protected him from such unfounded charges. Many Massachusetts men dissent from his political views. He has, as have most men, created personal opposition, if not enmity, but the people of Massachusetts, whether friendly or otherwise, political foes and political adherents alike, would unanimously resent and repudiate any aspersion against his personal integrity, or any charge of collusion on his part of an attempt to misappropriate public funds. [Applause.]

If the other so-called "facts" in the conspiracy which the gentleman from Illinois developed yesterday are as unfounded as the charges to which I have referred, the whole speech deserves

to be relegated to the realms of fancy.

Mr. OVERSTREET. Mr. Chairman, I should like to inquire of the gentleman from Tennessee if he desires to use any further time? My understanding is that the gentleman has occupied all the time he desires. I merely wanted to confirm that idea; but I observe the gentleman is not on the floor.

Mr. WEBB. I think that is right.
Mr. OVERSTREET. I had expected the gentleman from South Carolina to occupy his full time, and had granted time to one of the gentlemen on this side after the gentleman from South Carolina finished; but he finished much sooner than was expected, and the gentleman to whom I have accorded time is not present. I therefore ask for the reading of the bill under the five-minute rule.

Mr. RAINEY. Mr. Chairman—
The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. RAINEY. If the gentleman has more time at his disposal, I should like to have about five minutes.

Mr. OVERSTREET. I think I had better not yield except to those gentlemen to whom I have accorded time on this side. I ask that the reading of the bill be begun.

The Clerk read as follows:

The Clerk read as follows:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4\$ per day, \$325,000: Provided, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: And provided further, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more. or more.

Mr. GOEBEL. Mr. Chairman, I desire to reserve a point of order on the paragraph just read, and I ask unanimous consent that this paragraph, with the point of order reserved, be passed without prejudice until we have concluded the reading of page 22.

Mr. OVERSTREET. Mr. Chairman, I dislike that practice very much, and I can not grant unanimous consent to pass this matter. I do not know just what the gentleman's point of order is, nor do I know what his purpose is. Of course I have no right to ask him not to make his point of order, but I do not

agree to pass the paragraph.

Mr. GOEBEL. I thought probably the gentleman would agree that for the present we pass it. There may be some difference of opinion as to some items in this bill that may be reconciled, and I would prefer at this time that this paragraph

Mr. OVERSTREET. I would rather not do it.

The CHAIRMAN. Objection is made.

Mr. OVERSTREET. I do not know what the gentleman re-He has made no statement to me. fers to.

The CHAIRMAN. Does the gentleman from Ohio insist on

his point of order?

Mr. GOEBEL. I must insist on my point of order if the gentleman does not consent to the passing of this paragraph at

The CHAIRMAN. The gentleman from Ohio will state his

point of order.

Mr. GOEBEL. My point of order is that there is no statutory law which authorizes this appropriation. Now, I will say, Mr. Chairman, that there are other provisions in this bill relating to traveling expenses and per diem of railway mail employees. It is my purpose, if you please, to call to the attention of the Chair and of the committee the fact that on page 20 of this bill there is a provision as follows:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated head-quarters, \$23,000.

I want to be perfectly frank with the gentleman from Indiana, and will say to him that at the proper time I propose, if permitted, to offer an amendment to that provision, which amendment is as follows

Mr. OVERSTREET. Will the gentleman permit a question?

Mr. GOEBEL. Certainly.
Mr. OVERSTREET. Do I understand the gentleman from Ohio to suggest that his proposition is to let this paragraph. pass over without prejudice or action for the purpose of later in the bill offering an amendment which he thinks is equally out of order, and that if I will not make the point of order against his amendment he will not make the point of order against this paragraph?

Mr. GOEBEL. If the gentleman will permit me, I will tell him just what I propose to do.

Mr. OVERSTREET. Mr. Chairman, I desire to treat my colleague with the utmost courtesy and fairness, but I submit that he is not addressing himself to the point of order, and I can not see for the life of me why he considers this point of order in connection with a subsequent amendment.

The CHAIRMAN. Can the gentleman from Indiana furnish the Chair reference to any law upon which he thinks this para-

graph is based?

Mr. OVERSTREET. There is a statute, a permanent law, which is the real basis for this legislation, and I have just been making a search for it. Section 4017 of the Revised Statutes, I think it is. It is an old statute, authorizing the employment of special agents, and upon that statute has grown from year to year the enlargement of the number of special agents and a change of title from special agents to post-office inspectors. That has been recognized in permanent law, which is authority

of law for items in the appropriation in the postal service for post-office inspectors. I have not before me the different decisions and citations. No one has ever during my term raised a point of order on this item and therefore I do point of order on this item, and therefore I do not happen to have all the data.

Mr. GOEBEL. I would rather have the gentleman furnish

the data now

Mr. OVERSTREET. I have furnished the citation as far as I have it. I would like to have the gentleman disprove it.

Mr. GOEBEL. It is not incumbent upon me to disprove it. The CHAIRMAN. The Chair thinks that the gentleman from Indiana should call the attention of the Chair to the exist-

Mr. OVERSTREET. I may not have given the Chair the right number of the section, but that is the nearest I have to it here.

The CHAIRMAN. It is not the right section. The section the gentleman cited refers to supervisors of election.

Mr. GOEBEL. Had not the gentleman from Indiana better

let it go over?

Mr. OVERSTREET. I will not let it go over. I do not think it is proper to enter into a bargain with anybody about an amendment that may come up subsequently in the bill.

The CHAIRMAN. If the gentleman from Indiana states to

the Chair that there is existing law which would warrant this

appropriation-

Mr. OVERSTREET. That has been my understanding for four years. I regret that I can not point to the statute. And this citation given the Chair is the one the Clerk seems to have recorded for that section. I am quite sure there is a permanent statute authorizing the appointment of special agents in the postal service, and upon that statute appropriations have been made from year to year for the post-office inspection service.

The CHAIRMAN. The Chair thinks the gentleman must call

the Chair's attention to it.

Mr. OVERSTREET. I quite agree that if I can not point it out, I fail in my point. But I decline to agree to let it pass on some hazy idea of some amendment which the gentleman desires sometime and somewhere to make.

Mr. GOEBEL. The gentleman did not permit me to make a statement. It seems, however, that it would not have influenced the gentleman if I had made it. Therefore we will abide by the ruling of the Chair.

The CHAIRMAN. Does the gentleman desire a ruling on

the point of order?

Mr. OVERSTREET. I am willing that the Chair should rule. The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, \$35,000.

Mr. GOEBEL. To that, Mr. Chairman, I make a point of

Mr. OVERSTREET. That is based upon the same statute to which I have already referred.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For compensation to clerks and employees at first and second class post-offices.

Mr. MADDEN. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

On page 5, after line 17, amend by inserting the following:
"That after June 30, 1909, employees in first and second class post-offices and in other post-offices having city delivery service, may be granted leave of absence with full pay for not exceeding thirty days in a fiscal year."

Mr. OVERSTREET. I think, Mr. Chairman, the amendment would not be in order at this point because the paragraph is not completed, but I reserve a point of order on it.

Mr. MADDEN. I do not see why it would not be in order

The CHAIRMAN. The Chair thinks the amendment is in order, and the Chair sustains the point of order.

Mr. MADDEN. I did not understand the gentleman from

Indiana to make a point of order, but to reserve it.

Mr. OVERSTREET. I will reserve the point of order. Mr. MADDEN. Mr. Chairman, the purpose of this amend-

ment is simply to give the clerks and carriers the same advantages that are accorded to all other employees of the Government. It seems to me that the work performed by those in this branch of the government service is quite as important as that performed by those engaged in other branches of the service; and, if under existing laws or executive orders, employees in every other branch of the government service are entitled to thirty days' leave of absence at full pay, there is 20 good reason why that same rule ought not to apply to the peo-

ple acting in the capacity of clerks and carriers in the Post-Office Department. Recommendations have been made more than once by the postal authorities in favor of the leave of absence proposed by the amendment. It seems to me that no better investment can be made by the Government than to give the men who are engaged in the arduous duties of clerks and carriers in the Post-Office Department a few days during the year in which to recuperate. When they come back from the vacation which this amendment would permit, if it should be adopted, they would be infinitely better qualified to perform the duties devolving upon them than they can be now, where they are kept constantly at work. I hope the gentleman in charge of the bill will not insist upon his point of order and that the amendment may be adopted.

Mr. HUGHES of New Jersey. Mr. Chairman, I trust the gentleman will reserve his point of order for a moment or two, and I hope the gentleman will not insist upon it finally. As the gentleman from Illinois [Mr. MADDEN] has said, there is no class of governmental employees that I know of who are so much in need and so deserving of the thirty days' leave which is granted to all other employees as the employees legislated about in this amendment. Everybody knows the arduous work that the letter carrier does. Any man who has seen the letter carrier in his daily travels through the great cities of this country, carrying great burdens of the mail that he is compelled to carry, knows that this leave would be no more than fair, no more than proper. Throughout the departments located in this city the thirty-day leave of absence is practically universal. We know that the clerks in the post-office are confined in close quarters, compelled to breathe the vitiated atmosphere. We whow that tuberculosis is rampant among that class of employees, and we know, too, that thirty days in a year would be of great benefit to them. There are no harder worked employees in the service of the Government, no more faithful, no more honest employees than the rank and file of the Post-Office Department, and I hope the gentleman will not insist upon his point of order.

Mr. OVERSTREET. Mr. Chairman, I feel compelled to make the point of order that it is not authorized by law.

Mr. BARTHOLDT. Will the gentleman permit a question before that point is made?

Mr. OVERSTREET. Yes.

Mr. BARTHOLDT. Will the gentleman explain why it is that there is discrimination between the employees of other departments and the employees of the Post-Office Department. and why this overworked class should not be entitled to the same leave as clerks in other departments?

Mr. OVERSTREET. Mr. Chairman, that is a pertinent question asked by the gentleman from Missouri, and I shall be very glad to explain briefly the development of this situation. I have forgotten the date of the law, but for a number of years there was no limit whatever to the period of vacation which might be accorded an employee of the Government by the head of one of the departments.

There was great favoritism and discrimination. Some employees were given longer than two months and some were given almost unlimited periods of vacation, and it was not for the purpose of granting the thirty-day leave of absence annually to clerks in the departments that the law was first enacted, but for the purpose of limiting and restricting the wholesale manner in which vacations had been given theretofore. That was what prompted the enactment of the statute fixing the period of vacations to employees in the departments at Washington at not exceeding thirty days. Many individuals, I am sure, have labored under the impression, quite erroneous, that the thirty days' period of vacation granted employees of the departments at Washington was a statute which originally meant thirty days' leave of absence with pay, but instead of that it was a law passed for the purpose of limiting the wholesale manner in which many of the heads of the departments granted unneces-sarily longer leaves of absence for vacation periods than thirty days. There was not at that time any provision for leaves of absence to employees in the service in the field.

I have felt that there was on the face of things an apparent discrimination in favor of the vacation period to the employees at Washington, but I believe, Mr. Chairman, the proper way to remedy that would be to further limit the period of vacation to the employees in the departments, rather to enlarge the period of vacation to employees in the field. There is a certain element of sympathy which goes out from all of us toward any person who is employed and who ought to have some period of vacation with pay. Congress has provided that in these two instances, although with an apparent discrimination in regard to the employees in the field, that the period so given

be fifteen days, but the Post-Office Committee a year ago voluntarily recommended to the House that that period of vacation should be exclusive of Sundays and holidays, which has increased it two days, because it is impossible to give fifteen days' leave of absence without striking two Sundays, so that the period of vacation to the employees of the postal service in the field is now at least seventeen days instead of fifteen days.

Mr. WILSON of Illinois. Is there not also a thirty-day period of sick leave given the clerks here in Washington which they get with pay also?

Yes; there is a so-called "sick-leave Mr. OVERSTREET.

period," but that grew up in the same way.

Mr. WILSON of Illinois. That applies to the Washington clerks only?

Mr. OVERSTREET. Exactly. That was part of the original plan, the head of the department having unlimited authority in extending periods of vacation and of sick leave, and prompted the statute to make it not to exceed thirty days.

Mr. WILSON of Illinois. That does not apply to clerks of

any other department outside of the city of Washington?

Mr. OVERSTREET. No; it does not. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Assistant cashiers, superintendents of delivery, assistant superintendents of money order, assistant superintendents of malls, assistant superintendents of registry, assistant superintendents of stations, book-keepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of malls, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 630, at not exceeding \$1,300 each.

Mr. PARSONS. Mr. Chairman, I desire to offer an amendment, on page 10, line 2, to strike out the word "thirty" and insert the word "fifty-nine."

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 2, strike out "thirty" and insert "fifty-nine."

Mr. PARSONS. Mr. Chairman, the reason I offer this amendment is this: There are 5 superintendents of stations in the city of New York who now only receive the maximum clerk's salary of \$1,200. There are 24 assistant superintendents of stations in the city of New York who now only receive the maximum clerk's pay of \$1,200. Some of those stations in which these assistant superintendents serve have over a million dollars of receipts, and yet this bill contains no provision, so far as I am aware, by which any of these men can receive any increased compensation.

Mr. STAFFORD. Mr. Chairman, if the gentleman from New York will permit, I will state that he is laboring under a misapprehension. This bill provides for promoting 139 to \$1,300. The gentleman can have assurance of that fact; and I believe,

with that assurance, he will withdraw the amendment.

Mr. PARSONS. With that assurance, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 6,961, at not exceeding \$1,200 each.

Mr. MANN. Mr. Chairman, I move to strike out the last That is the item in regard to the number of \$1,200 clerks. Mr. OVERSTREET. The gentleman means just clerks?

I think that item only covers \$1,200 clerks, and want to ask the gentleman if he will not state to the committee just what he has included in this item?

Mr. OVERSTREET. As to the provision in that item?

Mr. MANN. Yes.

Mr. OVERSTREET. That item, Mr. Chairman, provides for appropriations sufficient to care for all the clerks of that grade who will be in the service on the last day of the fiscal year and the promotion of 50 per cent of the clerks of the \$1,100 grade.

Mr. BENNET of New York. If the gentleman will yield, I will say, as I understand the gentleman, it provides also for such incidental promotions as might come up.

Mr. OVERSTREET. Oh, certainly; whatever incidental promotions may come up. I may say, Mr. Chairman, while at that point, that I think the committee has erred on the side of liber. ality in the estimates of employees in first and second class

offices, and I refer to both offices. I really believe that the total sum could safely be reduced and still have ample money for

that purpose. Now, then, to explain a little further.

The total amount, which will be read on page 11, will be sufficient to pay all the salaries of all employees in offices of the first and second classes who are in the service on the last day of the current fiscal year and provide for the promotion under the automatic scale of the classification act of all classes, of all grades below the highest grade in these offices based upon the service in the next lower grade of at least twelve months and an efficiency record satisfactory to the department and a pro-vision for the promotion of 50 per cent of the clerks of first-class offices of the eleven-hundred-dollar grade, and in addition to that enough money for 2,250 additional clerks, and, in my judgment, have still remaining over and above all of these requirements some \$250,000 or \$300,000.

Mr. MANN. Well, that is not such a very large sum out of the total; that would not be a very large surplus out of

\$31,000,000?

Mr. OVERSTREET. Oh, no; but I am saying, counting at the maximum all of the employees at their salaries on the 30th day of next June, counting all promotions that are possible under the classification act, and counting all new employees necessary which ought to account for all service, there is still a very liberal surplus remaining.

Mr. MANN. I did not intend to go into that; but if the gentleman has the figures, and he may have them, I wish he might tell us what the total sum would be if you multiplied the salary

by the number provided for.

Mr. OVERSTREET. I have not that at hand. I yield to the gentleman from Wisconsin [Mr. STAFFORD], who may have the data.

Mr. MANN. You provide for a number of clerks at a certain salary?

Mr. OVERSTREET. If the gentleman will pardon an interruption, I think I see his trouble.

Mr. MANN. The gentleman himself went into it. Otherwise

Mr. MANN. The gentleman himself went into it. Otherwise I should not have referred to that particular thing.

Mr. OVERSTREET. What I mean is that you can not multiply the total number by the total salaries, because they are not all appointed on the first day of the year.

Mr. MANN. I understand that part of it. I asked the gentleman, if he had the figures, what would be the sum if we did multiply the solary by the number provided for because what multiply the salary by the number provided for, because what you do in the first place is to get it, and then reduce it on some scale.

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to the negative of the motion to strike out the last word. My purpose is to ask a question or two of the chairman of the Committee on Post-Office and Post-Roads. The chairman has just explained to us that this bill provides for all the automatic promotions in the highest class post-offices and all the automatic promotions in the second-class post-offices, which means that everybody who is going up in the regular scale provided by law will receive the money to which the statute entitles them. In addition, the chairman has pointed out that the bill promotes 50 per cent of the highest grade clerks in the first-class offices. In other words, as to those clerks in first-class offices who have risen as far as they can automatically the bill gives to 50 per cent of them a rise of a hundred dollars each to the sixth grade, but it gives no such rise to the corresponding clerks in the secout it gives no such rise to the corresponding clerks in the second-class offices. Am I correct that, as far as the second-class offices are concerned, there is no provision made for the promotion of 50 per cent of the highest grade clerks?

Mr. OVERSTREET. If the gentleman was listening he heard me say that in addition to all of that there was remaining a surplus of \$250,000 for these several items to be applied under

the law.

Mr. GARDNER of Massachusetts. For such purposes as that amount may be put to?

Mr. OVERSTREET. Under the law; and in my judgment that amount ought to be reduced.

Mr. MANN. Mr. Chairman, I withdraw my pro forma amend-

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the Committee on the Post-Office and Post-Roads if it is

instructions relative to rating of post-office clerks and carriers as to efficiency. I think it may be of interest to the House.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. BENNET]?

There was no objection.

The document referred to is as follows:

KEEPING EFFICIENCY RECORDS—DEPARTMENT INSTRUCTIONS RELATIVE TO RATING OF POST-OFFICE CLERKS AND CARRIERS.

The following factors shall be taken into account in rating clerks and carriers on efficiency and faithfulness:

1. The average speed with which they do their work from day to day; in other words, the quantity of work they turn out.

2. Their accuracy in performing that work.

3. Their faithfulness in observing the postal regulations and published office rules, including their punctuality and regularity in attendance.

4. Their familiarity with the regulations and instructions pertaining their work, and in the case of distributers with their distribution

QUANTITY OF WORK PERFORMED.

Comparative ratings shall be given, on a scale of 100, on the quantity of work employees turn out. Such ratings shall be based on observation of the employees' work, supplemented when practicable by actual counts of the amount done during representative brief periods. The clerks and carriers who set the standard for the office with respect to quantity of work should be rated 100, while those who do enough work to justify their promotion only on condition that their records for accuracy and faithfulness are at least average should receive a rating of 70 for quantity. Employees in the lower grades should be rated somewhat more liberally than those who have had longer service. Recommendations for ratings on quantity of work shall be submitted to the postmaster by supervisory officers on Form 3990 in duplicate. After completion in the manner described below the original copy shall be placed on file in a jacket or envelope containing all the papers relating to the employee's efficiency, while the duplicate copy shall be sent to the employee as a notice of his rating.

ACCURACY AND FAITHFULNESS.

ACCURACY AND FAITHFULNESS.

sent to the employee as a notice of his rating.

ACCURACY AND FAITHFULNESS.

Ratings on accuracy and faithfulness shall be given by imposing demerits for errors, for misconduct or unfaithfulness (including tardiness, failure to register on time recorder, etc.), and for absence in excess of thirty days in one fiscal year when not due to illness or other unavoidable cause. For every ten such demerits 1 per cent shall be deducted from the rating given for quantity of work in order to obtain the combined rating on quantity of work, accuracy, and faithfulness.

In imposing demerits postmasters shall observe the schedule on pages 5 to 8 hereof, unless there are extenuating or aggravating circumstances that make the specified penalty clearly excessive or inadequate. However, an employee who is required to perform several distinct classes of duties—as a "general utility" clerk, or a clerk at a small station or second-class office—should be given fewer demerits for any given error than one who is regularly assigned to a single class of duties. In the case of such employees one-half of the specified penalty will often be sufficient. If a grave offense is repeated, it should ordinarily be penalized more heavily the second time than the first. Errors and offenses not listed in the schedule should have the same penalties as listed delinquencies of the same gravity. In deciding on the penalty for errors not listed both the degree of carefulness indicated and the seriousness of the probable consequences should be taken into consideration.

Employees shall be notified on Form 3991 of every error and offense reported to have been committed by them and shall be given an opportunity to submit any desired explanation. This form shall be filled out in duplicate. After considering the reply the supervisory officer shall submit both copies of the form to the postmaster with a recommendation for a penalty. When final action has been taken the number of demerits imposed for errors and the number imposed for misconduct, etc., shall be t

CASE EXAMINATIONS.

All employees engaged in distributing mail shall be examined at least once in each year on their knowledge of their distribution schemes. Such examinations shall consist in sorting addressed cards representing all the possible separations called for by the schemes. Postmasters whose clerks have not been examined heretofore should apply to the First Assistant Postmaster-General for instructions.

The results of case examinations shall be reported on Form 3989 in duplicate, the carbon copy of the report being sent to the employee concerned and the original being filed in his jacket.

A record of 95 per cent correct and an average of 16 cards correctly thrown per minute shall be required on case examinations. Clerks making lower records shall be reexamined, and those finally falling to attain the required standards shall not be promoted. At the end of each year the results of the year's case examinations shall be averaged, and clerks making an average of more than 95 per cent correct and 16 cards correct per minute shall have their general yearly records increased 1 per cent for each additional per cent correct and one-fourth per cent for each additional card correct per minute.

EXAMINATIONS ON REGULATIONS AND INSTRUCTIONS.

of the Committee on the Post-Omce and Post-Indeas II it is not a fact that these promotions often, although they are called "automatic," are made on efficiency records?

Mr. OVERSTREET. That is quite correct, Mr. Chairman; upon the efficiency records and also upon twelve months' service in the next lower grade.

Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent to insert as part of my remarks the department.

those finally failing to attain the required standard shall not be promoted. Employees having average records for the year higher than 95 per cent shall receive 2 per cent credit on their general yearly ratings for each 1 per cent additional.

GENERAL RATING.

GENERAL RATING.

When an employee becomes eligible for promotion, his supervisory officer shall be called on for a recommendation as to the rating to be given him on quantity of work performed. This recommendation shall be submitted to the postmaster on Form 3990 in duplicate. Both copies of the form shall then be filled out from the records on file in the employee's jacket so as to show (1) the approved rating on quantity of work; (2) the number of demerits charged for errors and omissions, for misconduct, tardiness, etc., and for unnecessary absence in excess of thirty days in a fiscal year; (3) the average of the examination records for the year and the credits due the employee for records higher than the required standards; and (4) the resultant general rating. When an employee has served in a grade for six months a copy of Form 3990 shall be similarly filled out and sent to him as a preliminary notice of his standing. The difference between the rating shown by this preliminary notice and 60 (the required rating) will indicate the maximum number of demerits that can be charged against the employee during the remainder of the year without preventing his promotion, provided that his rating on quantity of work performed and his examination record do not improve. If the question of restoring an employee's salary after a reduction is considered and his general rating made up at the end of one quarter, the number of demerits charged against him during that period must be multiplied by 4 in order to obtain the correct number of points to be deducted from his rating for quantity of work, because he has had but one-fourth the usual time in which to commit errors and offenses. Similarly, if an employee's advancement is considered after three quarters the number of demerits charged against him must be multiplied by 2.

After an employee has reached the highest clerk or carrier grade, ratings shall be made up for him at the end of each fiscal year and preliminary notices of his standing sent him at the end of each cale

REQUIREMENTS FOR PROMOTION, ETC.

Clerks and carriers in the grades from \$600 to \$1,000 in first-class offices and from \$600 to \$900 in second-class offices shall not be promoted to the next higher grade if their general rating is less than 60. Promotions will be made to the \$1,200 clerk and carrier grade at first-class offices and to the \$1,100 clerk and carrier grade at first-class offices and to the \$1,100 clerk and carrier grade at deast offices when vacancies occur by death, resignation, removal, or reduction, and when additional positions in those grades are authorized by Congress, the employees who maintain the highest degree of efficiency being advanced; but no employee shall be promoted to the \$1,200 grade if his rating is less than 70 or retained in that grade if his rating falls below 60; and no employee in a second-class office shall be promoted to the \$1,100 grade if his rating is less than 70 or retained in that grade if his rating falls below 60.

If an employee's general rating is less than 50 when a statement of his record is made up as directed above, or if at any time he has 500 demerits charged against him, he shall be reduced to the next lower grade. If an employee's general rating is less than 30 when a statement of his record is made up, or if at any time he has 700 demerits charged against him, the case shall be submitted to the department, with a recommendation relative to his removal from or retention in the service.

with a recommendation relative to his removal from or retention in the service.

If an employee has been absent for any cause for ninety days or more during the year following his appointment or his last promotion, he shall not become eligible for the next promotion until the completion of another quarter's service. If he has been absent one hundred and fifty days or more, he shall not be eligible for promotion until the completion of two more quarters' service; if two hundred and forty days or more, not until the completion of three more quarters' service. The above instructions and the accompanying forms are designed primarily for the larger offices, but it is believed that postmasters at smaller offices should be able to adapt them to the local conditions.

Any difficulties encountered in the operation of the plan should be reported to the First Assistant Postmaster-General.

Approved.

C. P. Grandfield,

NOVEMBER 23, 1908.

C. P. Grandfield, First Assistant Postmaster-General.

Schedule of demerits to be imposed on clerks and carriers for errors and offenses. OFFENSES AGAINST DISCIPLINE AND GENERAL DELINQUENCIES.

		1
Direct disobedience or insubordination		
Disrespect or impertinence to superior officer		
Moking false statement to superior officer		- 1
Falsifying trip report or other time record		- 1
Giving information to public regarding patron of office or rega	rd-	
ing mail matter	230	- 1
Returning to patron without authority mail deposited in box	OF	
drop		
Registering on time recorder for another employee		
ntoxication on duty		- 2
Reporting for duty under the influence of liquor		
Orinking while on duty		- 4
Orinking while on duty Becoming intoxicated in public place, though off duty		
Drinking in public place, while in uniform, though off duty		2.4
Smoking while on duty		17
Discourtesy to patron of office	10	to:
Altercation with fellow-employee	10	to !
Disorderly conduct in office	10	to !
Loltering in office	10	to
Loitering on route	10	to
Loitering on route	10	to
Intidiness of person	10	10
Intidiness of desk	10	to.
osing mail		
'ailing to reply promptly to official communication	- 0	to
Vorking overtime, contrary to instructions		
'ailing to register on time recorder	-	
Absence without leave:		
First day or part thereof		- 3
Each succeeding day	5320	
Cardiness, for each minute (until the penalty for absence with	tue	
carminess, and carm manner (until the penalty for absence with	out.	
leave is reached)		

bsence in excess of thirty days in one fiscal year, when not due to illness or other unavoidable cause: For the first day or part of day For each succeeding day
Errors and omissions in performance of work. COLLECTION AND DELIVERY OF MAIL BY CARRIERS.
alling to collect from boxalling to lock box
alling to lock box
elaying delivery of letter
isdelivering letter letter lelaying delivery of letter lelaying delivery deliverable letter letter letter letter under door, or the like, without instructions from addressee letter promptly and correctly library to forward letter promptly and correctly
olding letter over for another trip
lling to forward letter promptly and correctlyling to forward letter promptly and correctlyling letter over for another tripling to report change of addressling to record change of address in route directoryling to indorse returned mail with carrier's number and correct cause of nondeliverysdelivering registered mailsdelivering registered mail
alling to obtain receipt for registered mail
rect cause of nondelivery isdelivering registered mail tiling to obtain receipt for registered mail tiling to obtain addressee's signature on registry return receipt card tiling to turn in promptly undelivered registered matter eviating from route
CEIPT AND DISPATCH OF ORDINARY MAIL, INCLUDING CANCELL POSTMARKING, DISTRIBUTION FOR DISPATCH, ETC. isdirecting, missending, or delaying dispatch of:
Pouch Sack Special delivery letter, paper, or parcel Ordinary letter, paper, or parcel isdirecting letter package issending letter package alling to place name or number on facing slip or sack label.
isdirecting letter packageissending letter package
illing to place name or number on facing slip or sack labelilling to enter correction in scheme
ailing to enter correction in scheme. illing to lock pouch securely before dispatch. illing to record receipt or dispatch of pouch illing to report nonreceipt of pouch due
illing to report nonreceipt of pouch due illing to completely empty: Pouch
Sack
hand-stamp type
issending letter to stationailing to enter correction in scheme
LIVERY OF MAIL THROUGH THE GENERAL DELIVERY AND THROUGH I
iscasing letter, paper, or parcel (G. D.) rerlooking mail on call (G. D.) isboxing letter, paper, or parcel isboxing letter, paper, or parcel
lling to return or advertise letter
sling to file or enter forwarding order correctly
iling to forward mail promptly and correctly
ISSUE OF MONEY ORDERS.
aking alternation or erasure in money order
awing order on wrong office or on office not a money-order office; making error in essential particular, such as payee's name or amount; detaching order at wrong figure; or omitting essential particular, such as postmaster's name, both M. O. B. stamp and date, etc.
stamp and date, etc
mitting unessential particular, such as remitter's name, M. O. B. stamp only or date only, etc
PAYMENT OF MONEY ORDERS, ETC.
aying unreceipted orderithdrawing wrong advice from fileslling missent advice drawn on other office
splacing advice in mes-
treated as irregular
mittances received
aking error in addition in money-order statement or memoran- dum of remittances received aking error in verifying entries or additions in money-order
statement or memorandum of remittances receivedaking error in issuing certificate of deposit
REGISTRATION OF MAIL. ccepting article insufficiently prepaid ccepting article insufficiently addressed, or not properly pre-
pared for registration
filing to postmark and cancer stamps properly
illing to positiark and cancer stamps properly
iling to follow return receipt properly sdirecting R. P. E. lling to enter registered numbers of letters or parcels on R. P. E.
isiling to fill out return receipt properly isdirecting R. P. E illing to enter registered numbers of letters or parcels on R. P. E illing to inclose gray bill with foreign matter intting county on R. P. E. illing to indexes R. P. E. "Foreign"
pared for registration— alling to postmark and cancel stamps properly— alling to fill out return receipt properly— isdirecting R. P. E alling to enter registered numbers of letters or parcels on R. P. E alling to inclose gray bill with foreign matter— mitting county on R. P. E. "Foreign"— alling to indorse R. P. E. "Foreign"— alling to indorse R. P. E. "S. D." alling to require parcels-post declaration— DISTRIBUTION AND DISPATCH OF REGISTERED MAIL.
nitting county on R. P. E. tiling to indorse R. P. E. "Foreign" tiling to indorse R. P. E. "S. D." tiling to require parcels-post declaration

per l'acceptant de la company
Dispatching R. P. E. without record
Dispatching jacket without record
Dispatching pouch without record
Dispatching pouch or sack without bills
Entering incorrect lock letter, fixed number, or rotary number Dispatching not-regular sack to office not having key
Failing to dispatch notice for extra or not-regular pouch or sack_ Dispatching R. P. E. unsealed
Failing to make up jacket
RECEIPT AND OPENING OF REGISTERED MAIL.
Leaving article in R. P. E., jacket, pouch, or sack
Failing to report nonreceipt of pouch due
Failing to demand shortage slip for pouch due
Failing to properly check articles with bills, note minor errors,
etc Failing to note nonreceipt of R. P. E Failing to enter R. P. E,'s received unbilled.
Failing to enter R. P. E.'s received unbilled
Failing to properly check contents of R. P. E.—————————————————————————————————
Failing to indorse R. P. E. "Received in bad condition "
Railing to reenvelope matter received in bad condition
Missending article to station for local delivery
DELIVERY OF REGISTERED MAIL.
Failing to obtain receipt from addressee
Failing to obtain addressee's signature on return receipt card
Miedelivering registered mail
Easiling to send notice promptly
Failing to give prompt service to S. D. mail
Failing to return or forward mail promptly and correctly
Failing to supply foreign return receipt when demanded
Failing to supply domestic return receipt when missing
MANN In this connection may I make a further

Mr. MANN. In this connection, may I make a further inquiry of the distinguished gentleman from Indiana [Mr. Over-We have pending before the Committee on Reform in the Civil Service an annuity retirement or retirement annuity bill, one of the features of which proposes to take a portion of the salary whenever a promotion is made, which as applied to the post-office clerks and carriers receiving automatic increases, would, I think, take one-half of the first three months' increase of salary. Would the gentleman, who has more experience in post-office matters than anybody else, think that that would be likely to work satisfactorily?

Mr. OVERSTREET. Mr. Chairman, I confess I have not read the proposition. Generally speaking, I have rather opposed the civil pension list. I think it is foreign to our institutions and would not be easily engrafted upon them, but, assuming some sort of a civil pension list, I should say that the suggestion the gentleman has made as coming from that provision of law would be a very fair proposition. That is to say, if they took one-third of the amount of the first year's promotions, it would be a minimum, in my judgment, of what might be taken.

But I do not think it would be satisfactory to the employee. Does the gentleman think that the employees now consider that under the law they are just as much entitled after the first period expires to \$800 salary as they are during

the first period to the \$600 salary?

Mr. OVERSTREET. Undoubtedly; and before the sun goes down they think they are entitled to the next promotion.

Mr. MANN. When the time comes. Mr. OVERSTREET. Yes, sir. So I do not think that would satisfy them.

Mr. WANGER. I want to ask a question of the gentleman. Have you any satisfactory evidence that the order for a fair, uniform efficiency record is being administered in the postoffices?

Mr. OVERSTREET. We have not been able to obtain information from all the offices, but that was the distinct understanding obtained from departmental officials from inquiries made by members of our committee as to the way they said they had undertaken to have uniform, fair, efficient records in the various offices, and that they did not know of any unfair administration. Personally I do not know of any

Mr. WANGER. Do you know to what extent they have in-

vestigated the service?

Mr. OVERSTREET. Only what they say. That they have called upon the postmasters for information, and they base their answers to inquiries upon those answers of the postmasters. In my judgment it would be wholly unfair and unwise to provide for an automatic promotion without any efficiency record. A lack of requirement of an efficiency record would take away all the stimulus and encouragement for proper work. I hate to stop and criticise the classification bill. I did not favor it as drawn. I think some of its chief promoters must have lived to see that they were then mistaken; but in the condition of affairs throughout the country, it was impossible to stem the tide for the bill providing for the increases at that time in the classification act. I think it ought to be continued for a while until a proper trial of its administration shows how it will operate and the inequalities have been developed, and then give some opportunity to make some reasonable recommendation for their cure.

The Clerk read as follows:

Assistant superintendents of stations, clerks, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 7,315, at not exceeding \$1,100 each.

Mr. GARDNER of Massachusetts. I offer the following amendment.

The Clerk read as follows:

Page 10, line 16, strike out "three" and insert "eight."

Mr. OVERSTREET. I reserve the point of order on that until I can hear it explained.

Mr. GARDNER of Massachusetts. Mr. Chairman-

Mr. OVERSTREET. May I, before the gentleman gets into his argument, make an inquiry for my own information? What is the purpose of that amendment?
Mr. GARDNER of Massachusetts. It is my purpose to ex-

plain it to the House.

Not your purpose, but the purpose of Mr. OVERSTREET. the amendment, confined to one particular class mentioned in this paragraph?

Mr. KELIHER. Mr. Chairman, can we have the amendment read again?

The amendment was again read.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, the exact effect of that amendment, if adopted, will be to promote 500 clerks who are now in the fourth grade, receiving \$1,000 salary, to the fifth grade, receiving \$1,100 salary. By a comparison of this bill with the Treasury estimates, the following situation has developed itself: By a provision of the section, which has just been read, the Committee on Post-Offices and Post-Roads has gone beyond the recommendation of the Treasury estimates, and has provided for the promotion of 50 per cent of the highest grade clerks in the first-class offices. other words, 50 per cent of those now receiving \$1,100 will this coming year receive a salary of \$1,200.

There are two thousand nine hundred and odd clerks at present receiving \$1,100. The promotion of 50 per cent of them would promote 1,500 individuals. That is provided for in the section which we were discussing a few minutes ago. But there is no corresponding provision in the bill for the promotion of the highest grade clerks in the second-class offices, as anyone can see by comparing this paragraph with the Treasury estimates. There are 953 such clerks now receiving a thousand dollars in second-class offices. If my amendment is adopted, 50 per cent of them will be promoted from \$1,000 to \$1,100, just as the provision reported from the Committee on Post-Offices and Post-Roads promotes 50 per cent of the highest grade in the first-class offices from \$1,100 to \$1,200.

Mr. OLMSTED. Will the gentleman allow me to ask him a

question?

Mr. GARDNER of Massachusetts. Certainly. Mr. OLMSTED. As I understand the gentleman's amendment, it seems to me it would hardly make up the difference to give the promotion to second-class clerks. It would only make a total increase of \$500 in the appropriation.

Mr. GARDNER of Massachusetts. I do not think the gen-tleman has read it correctly. I change the number of individ-

uals to be promoted.

Mr. OLMSTED. I beg the gentleman's pardon. I see it is clerks; I thought it was dollars.

Mr. GARDNER of Massachusetts. There are 500 of those to

be promoted.

Mr. PRINCE. I desire to ask the gentleman a question. Will you please state to the House what offices are first class and what offices are second class, and what effect your proposed amendment has upon the clerks in the first-class office and what in the second-class office?

Mr. GARDNER of Massachusetts. Mr. Chairman, the qualification necessary for an office to be rated as first class, substantially speaking, is the annual receipt of revenues of \$40,000,

and below that figure come second-class offices.

Mr. WANGER. Not all. Mr. STAFFORD. If the gentleman will permit me-

Mr. GARDNER of Massachusetts. From ten to forty thou-

Mr STAFFORD. If the gentleman desires to enlighten the House as to the different classes

Mr. GARDNER of Massachusetts. I have not yielded, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor. The time of the gentleman from Massachusetts has expired.

Mr. HULL of Iowa. I ask unanimous consent that the gentleman from Massachusetts may have five minutes more.

The CHAIRMAN. Is there objection [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. Mr. Chairman, as I understand it, all offices with over \$40,000 receipts are first-class offices. I am uncertain as to the dividing line between second and third class offices, but I think it is \$10,000.

Mr. STAFFORD. If the gentleman will permit me, I will say for the information of the House that the dividing line between second and third class offices is \$8,000, and between third and fourth class offices is \$1,800 gross receipts a year.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, I do not think the members of this committee understand exactly what is meant by "automatic promotion." Neither do they understand the effect of what is proposed by the committee in this bill. The statute under which the clerks and carriers in post-offices are organized provides six grades of clerks, carriers of the highest grade being the \$1,200 grade, the next \$1,100, and so on down. The law provides that as soon as a man enters as a clerk or a carrier he begins at the bottom grade, and year by year, if he is efficient, he works up. When he has reached the fourth grade, which is \$1,000, if he is in a second-class office, then his promotion stops so far as automatic promotion is concerned. When he reaches the fifth, or \$1,100 grade in first-class offices, then he stops, so far as automatic promotion is concerned. In other words, the law says that the Post-Office Department shall promote automatically in the first and second class offices until a clerk reaches \$1,100 in one and \$1,000 in the other. In addition to the regular automatic promotions, the law provides, permissively, that in case of meritorious service the department may promote to the sixth grade in a first-class office-the \$1,200 grade-or it may promote to the fifth grade and even to the sixth grade in a second-class office.

In other words, Congress established the general principle that \$100 should measure the difference between the cost of living and the responsibility of the highest grade clerk in the large city and the highest grade clerk of equal responsibility and equal length of service in the small city. The adoption of the paragraph which was discussed by the gentleman from Illinois, coupled with the rejection of the proposed amendment, will establish this principle, namely, that there shall be \$200 instead of \$100 difference in the salary of the highest grade clerks in the first-class offices on the one hand, and in the salary of the highest grade clerks in the second-class offices on the other. I submit, Mr. Chairman, that the sum of \$200 far more than measures any possible difference in the cost of living in the respective cities. Taking the most extreme cases that I could find, I am strongly of the belief that \$100, as now provided in the statute of 1907, far more than exceeds the measure of difference in the cost of living in any two cities in this country. If the principle is once established of \$200 difference, it will be very hard to reverse it in the future.

Mr. PARSONS. I should like to ask the gentleman, have there been any investigations into the cost of living in cities with second-class post-offices? Has the gentleman any figures on which he bases that statement?

Mr. GARDNER of Massachusetts. Mr. Chairman, I have no I think it is well known that no figures have ever been compiled. I have in my district, however, the city of Salem and the city of Beverly, separated by a bridge. I know from personal observation that the cost of living in those two cities is substantially the same. If this provision goes through without my amendment the salaries of the highest-grade clerks in the Salem office will be \$200 a year higher than the salaries of men in the Beverly office, who do exactly the same work and have exactly the same responsibility.

Does the gentleman argue that the cost of Mr. PARSONS. living in a city of the second class is as great as it is in a city of the first class, like Boston or New York or Chicago? And is so, has he any statistics to prove it?

Mr. GARDNER of Massachusetts. Mr. Chairman, I endeavored to answer that same question before. It is only a matter of general impression. I can say in a general way that in country towns clothing is a little more expensive than it is in Boston, that butcher's meat is a little more expensive, that country produce costs a little less, that rents are a little less in small cities, and that transportation is sometimes nothing a day instead of 10 cents a day.

Mr. DRISCOLL. Why would it not be a good plan to incorporate two towns into one office, and then all the clerks would get pay at the higher salary?

Mr. GARDNER of Massachusetts. As I have only a few moments left, I do not want to devote myself to any academic proposition.

Mr. PARSONS. I would like to ask the gentleman if the item of rent is not a large item for the residents of cities, and is

not the item of rent a very small item for residents of smaller towns?

Mr. GARDNER of Massachusetts. Mr. Chairman, I think each Member of this House understands the point I have raised, and each will decide for himself, according to his own good sense, whether or not there is \$200 difference in the respective costs of living. I call the attention of the committee to this additional fact: In this bill every other class of clerk is getting promotion: every third, second, or lower grade clerk gets his automatic promotion, while 50 per cent of the top grade in the big offices get their promotion in this bill. The only class which gets no promotion is the class of high-grade clerks in the second-class If my amendment is adopted, I invite the attention of the chairman of the committee to the fact that it will be necessary to amend the next paragraph by striking out the words "five hundred."

Mr. OVERSTREET. Yes; but I hope that we will not reach that point.

The CHAIRMAN. Does the gentleman from Indiana insist upon his point of order?

Mr. OVERSTREET. No; Mr. Chairman, in view of the explanation made by the gentleman from Massachusetts, I shall not insist on the point of order.

Mr. TIRRELL was recognized. Mr. OVERSTREET. Mr. Chairman, I would like to inquire if the gentleman from Massachusetts is opposed to the amendment?

Mr. TIRRELL. I am not.
Mr. OVERSTREET. It seems to me that some one should be recognized in opposition to the amendment,

Mr. STAFFORD. I ask to be recognized in opposition to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, for the information of the House I wish to call attention to the number of first and second class offices that were in existence on the 1st of July of the past year. There were 384 first-class offices and 1,595 second-class offices In the classification bill that was passed two years ago automatic promotions were provided in the first-class offices to the \$1,100 grade, from \$600 to \$1,100; in second-class offices, from \$600 to \$1,000. In the bill that was reported to the House, which was the best judgment of the Committee on the Post-Office and Post-Roads, we reaffirmed the then-existing law—that clerks of second-class offices should be limited to a salary of \$1,000. We did it after deliberate consideration, because we believed that clerks in second-class offices

Mr. GARDNER of Massachusetts. Will the gentleman yield?
Mr. STAFFORD. I will not yield until after I finish this
point. I say we did it after deliberate consideration, because
we believed that \$1,000 was the maximum pay that could be expected to be paid for that character of service. The secondclass offices comprise those where the gross receipts are between \$40,000 and \$8,000, and are located in cities with a population varying from a few hundred people to only a few thousand. not generally exceeding more than 10,000 or 15,000 people. The contrast between the second-class and the main first-class offices was so marked—the difference of work, the difference of re-sponsibility, the cost of living—that we thought that compulsory promotion should go automatically up to \$1,100 in the first-class offices, and to enable the clerks, when the Treasury conditions warranted and the Congress approved, to be promoted to the highest grade of \$1,200.

Anyone that is acquainted with the character of the work of clerks in first and second class offices knows that the clerks in the first-class offices have much more onerous and responsible duties than those in the second-class offices. I represent a district that has both first and second class offices, and I am in a position to state that the character of service is much heavier in the first-class offices than it is in second-class offices, and it is ridiculous to contend, even though you may find some few cases in the twilight zone where there are offices barely over the second-class gradation and those which are just below the firstclass office, that the work in first-class offices is not more responsible, exacting, and intensive.

Now, the committee in this Congress recognizing the extraordinary deficit that is confronting us, because of the reduced postal receipts since the panic in October, 1907, believes that we were not warranted in increasing the salaries of clerks of the second-class offices beyond the \$1,000 grade. Adopt the proposi-tion of the gentleman from Massachusetts [Mr. Gardner] and you will, without any regard to the service, compel the compulsory promotion of 50 per cent, and the next year the argument will be made by a certain number of eleven hundred grade clerks in these offices that they, in turn, are entitled to go to twelve hundred grade.

I claim there is in the great majority of cases a greater difference than \$200 in workmanship, in efficiency, in intensity of employment, in cost of living, and in all these other elements that go to distinguish between the second-class and the first-class office. Call to mind, any gentleman here, the salary that is being paid to the cashier of a bank in some of these towns where second-class offices are located, and in many instances it will be found that even though the cashier may have some money invested in the bank he is not receiving this maximum salary of \$1,000 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Who is there to contend that we are not doing well and adequately by the clerks in second-class offices when we pay them a maximum salary of a thousand dollars a year? Yea, more., I wish to direct the attention of the House to the fact that whereas before we passed this classification rule the clerks in second-class offices on entering the service began at \$500, we wiped away that grade and fixed the salary for all to enter at \$600. All these clerks, numbering 963 in the second-class offices, that are to-day receiving \$1,000 have been promoted in the past two or three years, the majority of them successively, from \$600 to \$800, from \$800 to \$900, and from \$900 to \$1,000.

The gentleman from Massachusetts [Mr. GARDNER] lays the burden of his argument upon the fact that as we have singled out 50 per cent of the clerks in the first-class offices where the conditions are very meritorious, and claims that we should parallel this policy and adopt a like course in the case of clerks in second-class offices, where there is no warrant for increasing the salary beyond \$1,000. In first-class offices, such as New York, Philadelphia, Chicago, Boston, and all the other large cities, anyone who is acquainted with the character of the service knows that in those offices the clerks must know the scheme of many routes to properly arrange the mail for dispatch, and that those clerks are occupied much more of their regular time and that their work is more intensified in this distribution of mails than the clerk in small second-class post-offices. It would be ridicu-

rior responsibilities receiving that same compensation, Mr. COX of Indiana. Suppose that the amendment offered by the gentleman from Massachusetts prevails, can the gentleman inform us as to how much additional cost that would add

lous for us to increase the salary to \$1,100 in a place of only 600 people or a couple of thousand inhabitants, when in no in-

stance in private life are people who are employed under supe-

to the Post-Office Department per year?

Mr. STAFFORD. It would add \$50,000, because it would provide for 500 clerks, with increase in salary from \$1,000 to \$1,100, but it is not a question of amount so much as it is a question of principle. The committee has been attacked in its policy the gentleman because we have recognized meritorious cases in first-class offices, where the cost of living is greater and where the work is superior, to maintain the personnel of the service, by providing for 50 per cent, that therefore, even though there is no demand from the clerks in these smaller offices, we should promote 50 per cent of them from \$1,000 to

Mr. OLMSTED. Mr. Chairman, I wish to ask the gentle-man whether it is not a fact that clerks in second-class offices have to undergo the same examination and have to work the same number of hours a day as clerks in first-class offices?

Mr. STAFFORD. They have to undergo the same examina-tion and they have to work the same number of hours, but the intensity of the work is not to be compared with that of the clerks in the first-class offices. The clerks in the first-class offices are obliged to be occupied almost all of the time, generally, in distributing the mail and applying themselves closely, while in the second-class offices, as we all know, the work does not require close and continuous application.

Mr. OLMSTED. I have in mind a second-class office at Steelton, Pa., which practically adjoins Harrisburg, and is a town of some 20,000 inhabitants. The cost of living is practically the same as in Harrisburg, and the clerks have to work

just as hard as in Harrisburg.

Mr. STAFFORD. There are some offices in that twilight zone where we may find some parallel case to an office of the first class, just across the line, but it is not a fair example when you consider the condition of these 1,500 or more offices of the second class which are located in smaller localities, and where the population is only perhaps 2,000 or a few hundred, to the average first-class office located in cities of several hundred thousand and some few of several million inhabitants.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WILSON of Illinois. I ask unanimous consent that the gentleman may proceed for five minutes longer.
The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I understood the gentleman to say that the clerk in the second-class office has the same length of hours and the same work to perform and the same schemes to learn as in the first-class offices.

Mr. STAFFORD. Oh, no; I answered the gentleman from Pennsylvania that he had generally the same examination and generally the same hours of employment, but not the same

character and amount of work.

Mr. MANN. Take a clerk of the ordinary first-class office. where there are half a dozen or more railroads coming into the town. Does he have the same schedule to learn as in a secondclass office where there is one railroad, where the mail must come one way or the other, as where he has to know the scheme of the city as he must and he does in a large city, where every clerk must know the scheme of the entire city?

Mr. DRISCOLL. How long do you think it would take a clerk to get from where he lived in your city to the post-office? Mr. MANN. From my district it would take about an hour.

Mr. DRISCOLL. Then that is so much extra time.

Mr. MANN. It will take him more time to learn the scheme that he has to know than I or the gentleman from New York could devote in the rest of our lives at our age.

Mr. STAFFORD. Following the argument advanced by the gentleman from Illinois as to the number of railroads coming into a first-class office, and the number of railroads that enter a second-class office in these large cities, the railroads entering a large city bring the mails continuously and keep the clerks occupied all the time, while, generally speaking, in the second-class offices they have lapses whereby, although on duty, their work is not so arduous as that in a first-class office. Now I yield to the gentleman from Illinois

Mr. SABATH. Is it not also a fact that clerks in the firstclass offices are doing 25 per cent more work than in the second-class offices, and some of them 100 per cent more? Mr. STAFFORD. I have no data on that score, but I would

be inclined to accept that statement. I now yield to the gentle-

man from Massachusetts who yielded to me.

Mr. GARDNER of Massachusetts. Mr. Chairman, has the gentleman ever examined the time sheets of the clerks in first and second class offices?

Mr. STAFFORD. No; but I am acquainted generally with the time sheets of the Milwaukee office.

Mr. GARDNER of Massachusetts. What is the average of the time sheets of the Milwaukee office?

Mr. STAFFORD. About eight and a half hours. Sometimes in a rush season it averages much more, nine to ten, but the Committee on Post-Office and Post-Roads have endeavored to provide sufficient clerks so that they would work no longer than eight hours in any office.

Mr. GARDNER of Massachusetts. I have been pleased to present to the attention of the Post-Office Department more than once time sheets in second-class offices running as high as

eleven hours.

Mr. STAFFORD. There may be exceptional conditions where that is the case, but the Committee on Post-Office and Post-Roads, following the recommendation of the Post-Office Department, as stated in the hearings, that it is their aim to have the clerks employed but eight hours, has provided for a sufficient number of clerks so as to have clerks work on that basis.

Mr. GARDNER of Massachusetts. May I ask another question, and then I have finished?

Mr. STAFFORD. Yes.

Mr. GARDNER of Massachusetts. The gentleman has pointed out the amendment I offered will cost \$50,000, and that their estimates did not provide for that promotion. Now, do their estimates provide for the promotions which the committee have provided in their bill?

Mr. STAFFORD. Oh, I am taking exception to the argument which the gentleman advanced in his speech, and, as I said before, the question is not so much of dollars and cents as principle. If the gentleman wants me to answer the question as to the amount it will cost to promote 50 per cent of the clerks in the first-class offices, I will be able to furnish him that information if he does not have it at hand.

Mr. GARDNER of Massachusetts. I had Mr. STAFFORD. It will cost \$150,000. I have it.

Mr. GARDNER of Massachusetts. That is correct.

Mr. STAFFORD. Now I yield to the gentleman from Illinois [Mr. Wilson], who was kind enough to ask for an extension of my time.

Mr. WILSON of Illinois. I understood from the gentleman that it was the intention of the Post-Office Department and of the Committee on Post-Offices and Post-Roads to make it so that post-office employees should only work eight hours a day. That I understood to be the gentleman's statement.

Mr. STAFFORD. That is supported by the hearings before our committee last year, when the question was asked of the First Assistant Postmaster-General, and by the hearings of

Mr. WILSON of Illinois. If that is true, why is it that the Post-Office Committee has not provided as many clerks as the Post-Office Department asks, for the purpose of giving these post-offices all over the country more men, in order that the

hours of work may be reduced?

Mr. STAFFORD. The Post-Office Committee, until the present year, have always followed the recommendation of the Post-Office Department in granting them the full quota of increase of clerks that they requested, and this year in the estimate that is presented we granted them their full quota, based upon their revised estimate as to what would be needed, predicated upon the reduction of postal business—by reason of the postal business of the country not advancing as fast as it did during the former years when the business was normal. When the estimates were prepared, the officials based their calculations on an 8 per cent increase in postal business, but the past six months show that in the 50 largest cities the revenues increased 3.65 per cent, or less than half they estimated. Accordingly, the committee believes it has provided for ample clerks for increase and growth of the postal service.

The CHAIRMAN. The time of the gentleman has expired. Mr. OVERSTREET. Mr. Chairman, I move that all debate on this amendment and the paragraph close in ten minutes, five minutes to be used by the gentleman from Massachusetts [Mr. Tirrell] and five minutes by myself.

The CHAIRMAN. The gentleman from Indiana [Mr. Over-STREET] asks unanimous consent that all debate-

Mr. TIRRELL. I object, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend until the hair can state the request. The gentleman from Indiana [Mr. Chair can state the request. OVERSTREET] asks unanimous consent that all debate on the paragraph and all amendments thereto be closed in ten minutes, one-half to be controlled by the

Mr. OVERSTREET. Mr. Chairman, I will modify it by making it sixteen minutes, eight minutes to be used by the gentleman from Massachusetts [Mr. Tirrell] and eight minutes by

The CHAIRMAN. Is there objection to the modified request of the gentleman from Indiana?

Mr. WANGER. I object, Mr. Chairman. Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent to make it eighteen minutes, eight minutes to be used by the gentleman from Massachusetts [Mr. Tirrell], two minutes by the gentleman from Pennsylvania [Mr. WANGER], and eight minutes by myself.

The CHAIRMAN. The gentleman from Indiana [Mr. Over-STREET | asks unanimous consent that all debate on the paragraph and amendment thereto be closed in eighteen minutes, eight minutes of that time to be controlled by the gentleman from Massachusetts [Mr. Tirrell], two minutes by the gentleman from Pennsylvania [Mr. WANGER], and eight minutes by himself. Is there objection? [After a pause.]

Mr. TIRRELL. Mr. Chairman, last year when this matter was under consideration, I presented to this House some facts which had been gathered together by the Post-Office Association of New England relative to the details of this particular subject under consideration, especially to that part of it that has been referred to by the gentleman from Wisconsin [Mr. Stafford] as to the amount of work and the hours of labor comparatively between the first and second class offices. Now, that data showed, and it is in the Record of last year under the discussion of this bill, and all can refer to it, and about which there can be no question, that, taking it all together, the clerks and the carriers in the second-class offices throughout this country work longer hours, carry heavier weights, and do more work than the same clerks and carriers of the first-class offices of this country. All that it is necessary to do is to take any fair second-class

office in this country and get the data, and then take the data from the city and compare it, and you will be at once convinced. In my district is the town of Gardner. It can not be said, as the gentleman from Wisconsin [Mr. Stafford] says, to be in the "twilight zone," because it is up among the hills of Massa-

chusetts, 65 miles from Boston, on the borders of New Hampshire, and with a population of about 12,000 people. It is said to be the largest chair-manufacturing town in the United States. The Post-Office Association of New England gathered together the data last year, and it appeared that the carriers in the firstclass offices carried an average weight of 78.6 pounds per day. For the week ending January 26 in the present year they weighed up their mails in Gardner for the entire week, and it showed that the average weight that those carriers took out for distribution was 82.7 pounds per day, some 4 pounds more in weight than the carriers of Boston averaged last year.

Not only that, gentlemen, but they traveled an average of 161 miles every day. This I admit is above the average. In the compilation made by the association I have referred to the average travel in cities of the first class was 10.67 miles a day and in towns with second-class offices 13.50 miles. three trips, the same number of trips that are made by carriers in the city of Boston, but with this difference: In the one case over roads in part without sidewalks and up long and steep hills; in the other over paved sidewalks, few hills, and compara-

tively short distances.

I was born under the shadow of Boston. I have always lived, it is true, in the suburbs, where there are second-class offices, but I have carried on business in the city of Boston and have been thoroughly conversant with the situation there for more than thirty years. Why, gentlemen, there are hundreds of carriers in the city of Boston who do not go a distance farther than from here to the other end of the Capitol, and then take an elevator, go to the top of those big skyscrapers, and then come down with their mail. Instead of traveling 13.50 miles a day, as they do in the second-class offices, and carrying 4 pounds more in weight over that distance, they travel, perhaps, an eighth of a mile, take elevators, and distribute their mail, and they do not distribute any more mail than the carriers in the second-class offices. They have clean sidewalks to traverse, comfortable buildings to enter, short distances to travel, and elevators to help them.

Now, you may take any town, I do not care what it is, because this has been reduced to figures and is not conjecture, and you will find that the carriers and the clerks do on an average more and harder work, and are more exposed to the inclemency of the weather, and have a more trying experience, take it summer and winter together, than the same class of employees in our cities. I do not claim the city employee receives too much compensation; but condemn a system that, without cause, singles him out for special consideration. we object to in this bill is the discrimination. It is not a question of economy. If it was a question of raising so much money equally to apply to all who received salaries, I might vote against it, in view of the deficit in our post-office receipts. But when you come in here, or when the committee comes in here, with the recommendation that the clerks and carriers in our first-class offices shall be promoted to a higher grade, receiving \$200 more, and work less and have a much more pleasant experience, I say it is unjust. If it is unjust it ought not to pass. It would, in my judgment, be more satisfactory to post-office employees themselves to enact a law under which the salaries all might be on a lower scale, but all treated without discrimination, than a law arbitrarily fixing salaries improperly and without just reason, giving a larger sum to a clerk or carrier because he happened to live in a large place, although his work might be easier and his expenses the same or less. By such a course you arouse dissatisfaction among a very large proportion of such employees throughout the counand we should constantly be besieged, and rightly so, to rectify the wrong. It is on that principle I am in favor of the amendment of my colleague from Massachusetts.

I want to take issue with the position taken by the gentleman from Wisconsin, and I know what I am talking about when I say that outside of rent—and there is no such difference of rents in the towns around about Boston—you can live very much cheaper in Boston than in the towns which have second-class post-offices in my district. This also has been ascertained with the result that the city carrier pays for rent on the average \$18.17 per month and the country carriers \$14.79, a difference of \$3.38 a month, or \$40.56 a year. Do you suppose, gentlemen, that the people of Natick, Mass., for instance, where I reside, and other towns in the suburbs of Boston know what they are doing when they drop the country towns and go to Boston and buy almost everything necessary for their families; not only the necessaries of life, but furniture and everything else connected with living expenses? What do they do it for, gentlemen? They know that they can get a better market. Anybody who has lived in the city and has carried on business in it. as I have done for thirty years, knows, if he knows anything ar all about this thing, that you can buy anything, I do not

care what it is, from the stores in the large cities for less than you can in the country towns. Therefore, the argument is all in favor of my colleague from Massachusetts, because it does not cost any more when you average up for the clerks and carriers in the large cities than it does in the country in the secondclass offices, where men do as much work as in the city offices, have as long hours, have as much business, and a harder job

than the city employees.

Mr. WANGER. Mr. Chairman, it seems to me that there ought not to be any controversy between the Representatives of the large cities and the Representatives of congressional districts where important second-class offices exist. We have provided in the case of the first-class offices, for the meritorious part of them, without any grudging on our part, and we simply ask our colleagues to deal out a like measure of justice toward us. The question of my colleague from Illinois [Mr. Mann] seems, of course, to answer itself. When first-class offices are distributing centers, there is necessarily a more elaborate study of schedules than there is in second-class offices not so situated; but occasionally the converse of this proposition exists, that a second-class office is a distributing center and a first-class office is not, but more frequently first and second class offices are situated exactly similarly along railway lines, and the learning of schedules is just as extensive and just as arduous for the clerks of the second-class offices as for the clerks in the firstclass offices. Again, the first-class offices are equipped with a much larger number of clerks, so that the work is subdivided and there is not nearly so large a percentage of the total imposed upon one, or upon a very limited number of clerks, and the labor of each—that is, of the clerks in the first and in second class offices, many of them, are equal. Therefore, I hope that the amendment of the gentleman from Massachusetts will be adopted.

Mr. OVERSTREET. Mr. Chairman, I hope that the amendment of the gentleman from Massachusetts will be disagreed to. It is true that the amount carried by his amendment is not large as sums go in the post-office appropriation bill. But, Mr. Chairman, it is not so much the length of this step about to be taken as the direction of the step. If this amendment prevails, it will come back to haunt Congress at the next session, and each succeeding session, until you will have practically annulled the classification act by your continuously amending it, and thus destroy the effect which it was sought to ingraft upon I am opposed to such rapid increases of salaries. have subjected myself to much embarrassment and not a little trouble in that I have stood opposed to such radical increases of salaries for this service. I believe it ought to have fair play, and we have given fair play to the service. two years the classification act was passed providing for these

grades.

It destroyed the \$500 grade and merged it in the \$600 grade. It destroyed the \$700 grade and merged it in the \$800 grade, and has provided for a thousand-dollar grade in the second-class offices where \$900 had prevailed theretofore. We have therefore brought up every one of the clerks in the second-class office, and every one who has served twelve months in such an office and has an efficiency record has been promoted under the provisions of the post-office appropriation bill for the past two years.

If we now begin this step in the direction of further increasing the highest grade clerks of the second-class offices to \$1,100, then if you are consistent they will go to \$1,200 in the succeeding Congresses. And then when they get to \$1,200, you bring them up on a par with the highest grade clerks in the largest offices of the first class; and in order to be consistent, you must

push them a grade or two further.

The gentleman from Missouri [Mr. Lloyd] on yesterday contributed to the House and the country a very valuable statement of statistics demonstrating that Congress in the last ten years, and most of it in the last five years, has increased more than 100 per cent the amount paid to employees in the service, while the business of the postal service has increased only about 50 per cent. Members must stop and consider this. Both of the gentlemen from Massachusetts who have favored this amendment, the only two who have spoken in favor of it, excluding the gentleman from Pennsylvania for the moment, gave illustrations within their own districts, statistics evidently prepared by friends who are interested in the promotions. make no criticism of that. It is entirely honorable and quite in keeping with the principles of legislation, but your committee, charged with the great responsibility of the duties of this service, have not been guided nor prompted by the requests from the employees in their own communities and districts.

We like the applause of the employees; we like the clapping

the entire country and not for the benefit of our particular bailiwicks. Why, Mr. Chairman, I have been told—though, unfortunately, I have never experienced it—that some Members of this House who have clamored for the increase of salaries of these postal employees have been met with brass bands upon their return home and with a concourse of the employees, placed in carriages, and escorted along the streets to their offices or homes.

Mr. COX of Indiana. Will the gentleman yield for a question?
Mr. OVERSTREET. I have but a few minutes. I hope my friend will pardon me for not yielding.

Mr. Chairman, I am not criticising that, but is that the way to legislate? We are charged here with a duty to perform. If we are to organize for the purpose of recognizing only the demands of the postal employees' organization, we will do little else than direct the drawing of warrants upon the National Treasury to promote these people year after year.

Now, Mr. Chairman, what is the situation? We have these second-class post-offices, with receipts under \$40,000 a year, and we have the first class year.

we have the first-class post-offices, with receipts above \$40,000 a year. I insist there is a difference in all of the elements that enter into the consideration of the problem in favor of the employees of the first-class office. The highest grade clerks of the second-class offices receive a thousand dollars a year except in special instances. A thousand dollars, Mr. Chairman, is the average compensation to the foreman of the leading factory in the community of the second-class post-office. It is the ordinary salary of the average man who is an assistant cashier in the bank, the salary of the leading managers of the dry goods stores, The average compensation of the professional men-legal, medical, and clerical-rarely exceeds a thousand dollars a year in a community where the second-class post-office is located. Are we then to commit the error of increasing the salaries of the clerks of the second-class post-offices so that they will be greater than the compensation paid to the average professional man, to the leading foremen of the leading factories, the higher grade pay in the offices of banks and other mercantile establishments?

That is not the way to legislate. These men have lower rent to pay, they have fewer expenses, their wives and daughters associate with the wives and daughters of the best people of the community. There are no social privileges which they do not enjoy as well. If therefore we make the mistake of this element of the classification bill in order to make them all equal, we have legislated not in error, but we have legislated in the wrong, because wrong is more than error. Both of these gentlemen from Massachusetts have depicted special cases in their own districts. The gentleman from Massachusetts [Mr. GARDNER] can remedy his case by a request to the Post-Office Department to merge those two offices into one. That would be good administration; but that would perhaps put out of office some favored friend who is now postmaster. Too often, Mr. Chairman, we yield to importunities. I hope, then, in the name of good administration and good government that the amend-

ment will be voted down.

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired.

The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. Gardner of Massachusetts and Mr. Wanger) there were 61 ayes and 43 noes

Mr. OVERSTREET. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. OVERSTREET and Mr. GARDNER of Massachusetts.

The committee again divided; and the tellers reported 71 ayes and 60 noes.

So the amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of stations, clerks, clerks in charge of stations, private secretaries, superintendents of carriers, and superintendents of second-class matter, 6,500, at not exceeding \$1,000 each.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 21, strike out the words "five hundred."

Mr. OVERSTREET. That is simply to reduce the number, in view of the action of the committee in adopting the preceding amendment.

The amendment was agreed to.

The Clerk read as follows:

Clerks, clerks in charge of stations, and private secretaries, 5,000, at not exceeding \$900 each.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. My purpose in offering that amendment is to get some of hands when we return home, but we are compelled by the duties imposed upon us to insist that there shall be some propriety, some system, some reasonable action for the benefit of direction of the Postmaster-General," headed "United States

postal service." Whether it is issued at regular intervals I do not know. On page 39 I find a few paragraphs that indicate that the Postmaster-General, who has been, I believe, the chief advocate of the new policy of postal savings banks, has put in operation a modified scheme of postal savings banks. At least, this publication encourages the taking of money from banks and from circulation and the depositing of it with the Government by the purchase of postal money orders.

The language is so important and interesting that I will read it, and will ask the gentleman from Indiana to give me some information about it. It is headed, "Savings feature:"

For a trifling sum (30 cents for each \$100) anyone can make the United States custodian of his funds by purchasing a postal money order, or orders, payable to himself at the office of issue, or at any other money-order office.

Then, under another heading, "Absolute security," printed in larger type than the other, it says:

Money represented by such orders is held by the Post-Office Department, and is thus safely kept.

Another paragraph tells how it is repaid, and how duplicates may be issued if the certificate is lost. And then, under the heading of "Warrants," it says:

Orders to be presented for payment within seven years from the date of issue. If presented after the lapse of more than one year from the last day of the month of issue, they will be paid by means of warrants on the United States Treasury. The Post-Office Department thus insures \$100 for a term of seven years for a fee of 30 cents.

Mr. Chairman, the effect of that publication is to discourage the deposit of money in banks. It is to encourage the with-drawal of money from business channels, and to encourage the less well informed of our citizens to deposit their money with the Government of the United States for a fee of 30 cents for each \$100, which, under the statement issued by the Postmaster-General, is insurance for that period. I should like to have the chairman of the committee tell me if this is not an unusual publication, or if it is a periodical issued at the expense of the Government, which encourages the withdrawal of money from commercial channels, where it is needed, and the deposit of it with the Government, where it is not needed. This is issued by the Postmaster-General, and undertakes, it seems to me, to put into operation at once a modified form of his pet scheme of postal savings banks. I ask the chairman of the committee to tell me whether the publication is unusual or not, and whether this information, published at the expense of the Government, is to advance the pet hobby of the Postmaster-General?

Mr. OVERSTREET. Mr. Chairman, there is nothing new in that position; it is in accord with existing law. There is no statement, if I have followed the gentleman, that he has read that is not correct. There is no statement that is not true.

Mr. SLAYDEN. The gentleman did not hear me or he did not

follow what I said. I entirely agree with the statement of facts when referring to the law, but I call his particular attention to the fact that the language of this document "issued by the Postmaster-General" is intended to and doubtless will encourage the deposit of money with the Government and to encourage its withdrawal from the channels of trade. As to the statement of facts, we all agree that it is law, and as to the security we are all of one opinion, because we believe that the Government is going to continue. There is no issue on the facts stated, but I seek information as to the policy and whether or not it is a new one for the Postmaster-General to use his great office to advance a scheme of his own in this way. He is certainly advertising for deposits, and it appears that he has undertaken to establish postal savings banks without waiting for action by Congress.

Mr. OVERSTREET. Mr. Chairman, I do not think that the Postmaster-General has violated any of the laws, either directly or indirectly, in his administration of the money-order service or any other service. Undoubtedly the Post-Office Department seeks to stimulate the money-order service as it does the registry service; as it does any other service of the postal system. merely a great business concern, and it is entirely within the proper administration of the department to advance that service. I do not think the Postmaster-General has inaugurated any new policy relative to the money-order service.

Mr. SLAYDEN. Is not this something more than the usual stimulation of the money-order business in the Post-Office De-

Mr. OVERSTREET. I think there is this unusual stimulation, that a larger number of small offices have been made money-order offices. I do not think there has been any unusual stimulus here

Mr. SLAYDEN. Mr. Chairman, it impresses me to the con-

Mr. OVERSTREET. That is a matter of opinion. The mere printing in larger type does not change either the law nor the policy. It may be it is a change in the general practice so as to

challenge attention to it, but that could hardly be such a violation of his proper administration of the service as to challenge criticism of that administration. I do not think there is anything out of the way in that.

Mr. WANGER. Is it not a fact that it has been the policy of several administrations of the Post-Office Department to stimulate the money-order department?

Mr. OVERSTREET. Undoubtedly.
The CHAIRMAN. The time of the gentleman from Texas has expired, and the gentleman from Indiana will be recognized in his own right.

Mr. OVERSTREET. If the gentleman desires, I will yield to

him for a further question.

Mr. SLAYDEN. I would like to ask if, as a matter of fact, the Postmaster-General by this publication is not endeavoring to make the post-office a bank of deposit and, if he succeeds, will it not withdraw an important sum of money from the ordinary channels of trade?

Mr. OVERSTREET. The gentleman's question might be, with

propriety, addressed to the Postmaster-General, but I could hardly be expected to answer it. I can not answer as to the

purpose of the Postmaster-General.

Mr. SIMS. Mr. Chairman, I wish to ask the gentleman from Indiana a question for information, not directly on the paragraph, but on the subject-matter of the bill. Do carriers, either city or rural, while they are actually engaged in carrying the mail, have permission for private individuals to do anything for pay by way of soliciting orders for merchandise?

Mr. OVERSTREET. They have not. The only exception is that a rural carrier is permitted to perform a service for a patron at the office for hire upon the patron's request. That is to say, if the patron of a rural service wants a carrier to bring him out a plow point on the next delivery and pay him a dime for it, he has that right to accept the dime; but, generally, the rural carriers are prohibited from doing anything for hire, except at the request of the patron of the route, and the letter carriers in cities are prohibited entirely from doing anything for

Mr. SIMS. Then, Mr. Chairman, I wish to read two letters at this time, to show the chairman of the Committee on the Post-Office and Post-Roads, and the House, what is actually being done.

I will first read a letter which is addressed to me by the postmaster at Hurricane Mills, Tenn., under date of October 4, 1908. It is as follows:

HURRICANE MILLS, TENN., October 14, 1908.

Hon. T. W. SIMS, Washington, D. C.

Washington, D. C.

Dear Sir: The attached letter explains itself. Mr. William Crockett is a gentleman, and handed me the attached letter just to show me what was being offered. I asked him to answer it and let me have the answer, and that I would send both to the department so they might be on the lookout for all such.

I will thank you very much to place this mail in the hands of the proper parties, and don't once think that Mr. Crockett wants a single thing to do with such business.

Yours, truly,

Jas. T. Anderson, Postmaster.

I will state that the Mr. William Crockett referred to in that letter is a rural carrier. The letter to Mr. Crockett is as follows:

GEO. H. GOODMAN COMPANY, Paducah, Ky., October 5, 1908.

Mr. WM. CROCKETT,

Hurricane Mills, Tenn.

Dear Sir: We have a proposition whereby you can add from three and four to ten and fifteen dollars per month to your wages, with practically no additional work for yourself.

The salaries paid rural free-delivery carriers by the Postal Department are not large, and we believe that a legitimate increase in your monthly receipts would be welcomed by you. Hundreds of your brother carriers have been taking advantage of our offer for the past several years, and it results not alone to their advantage but to the advantage of the patrons on their routes.

If you are interested, kindly let us hear from you and we will outline our proposition in full. If you are no longer a carrier, we will appreciate it if you will advise us to that effect, giving the name of your successor.

Successor.

Assuring you all correspondence will be held in the strictest confidence, and trusting we will hear from you promptly, we remain,
Very truly, yours,

GEO. H. GOODMAN COMPANY.

GEO. H. GOODMAN COMPANY.

I suppose that this carrier answered that letter, and received the following:

GEORGE H. GOODMAN COMPANY, Paducah, Ky., October 12, 1908.

Mr. WILLIAM CROCKETT, Hurricane Mills, Tenn.

DEAR SIR: We have your favor of the 8th, and our proposition is

DEAR SIR: We have your late. We this:

If you will show your initials on every order from your route, we will keep account and at the end of each month send you 10 per cent of the total amount. If you prefer, you can deduct the discount from the money order at the time of sending, but nearly all the carriers prefer a monthly settlement.

We do not ask you to solicit orders, or anything like that; but, of course, we will appreciate any good word you can say for us. Many

of your patrons will hand you the amount and leave the place from which to order entirely to you. Our business relations will be strictly confidential, and unless you tell that you are receiving a benefit from the business no one will ever know.

We make shipment of goods by first express and guarantee against breakage or loss. We own controlling interest in registered distillery, No. 7, fifth district, Nelson County, Ky., and contract for the entire output of the Clermont Distilling Company, Warren County, Ky., one of the State's foremost fruit distilleries; consequently we are in position to furnish unequaled qualities at the various prices. We operate branch houses at Memphis, Tenn.; Shreveport, La.; and Evansville, Ind., and, complying with the pure-food laws, ship nothing but straight whiskies—not handling a drop of rectified goods. Even our \$1.50 per gallon line is straight whisky, reduced of course, in proof.

Awalting your favors, we remain,
Very truly, yours,

The CHAIRMAN. The time of the gentleman has again

The CHAIRMAN. The time of the gentleman has again expired.

I ask for a minute more. The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. That letter says that hundreds of carriers are accepting this proposition and are adding to their salaries by

Mr. OVERSTREET. Mr. Chairman, I have no disposition to dispute the fact the gentleman has recited. I would only suggest that it is in violation of law, clearly, and whoever practices that in violation of law ought to be removed and prosecuted. We can not help it if people do not obey the law. That is not countenanced by the department.

Mr. SIMS. It is a violation of law for the carrier to do so?

Mr. OVERSTREET. Yes. Mr. SIMS. And yet these gentlemen here say that hundreds of them are doing this and adding to their salary by doing it.

Mr. OVERSTREET. If they are, then hundreds are violating the law. My impression is that that gentleman is not telling the truth, because my information and knowledge is that rural carriers are not that class of men.

Mr. SIMS. That has been my information. These letters

were sent to me by a postmaster.

Mr. RAINEY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, at the conclusion of the general debate on this bill I endeavored to get five minutes for the purpose of replying to the remarks of the gentleman from Massachusetts [Mr. Weeks], and I make this motion now for that purpose. In his defense of the senior Senator from Massachusetts, the gentleman from Massachusetts [Mr. Weeks] "doth protest too much." I did not criticise the senior Senator from Massachusetts. I am not interested in the slightest degree in his career. I did not criticise his zeal for his constituents, though in this particular I might well do so. The statement I made on the floor yesterday was this, that the Isthmian Canal Commission did not want and did not ask for those two ships. The amendments of the senior Senator from Massachusetts gave them something they did not want. I also made the charge that under these two amendments there were only two ships in all the world that could be bought, and I challenge the gentleman from Massachusetts to say that that statement is not true. Those two ships were bought. They were not in commission at that time. They belonged to the constituents of the senior Senator from Massachusetts. Now, on account of the fact that the senior Senator from Massachusetts is perfectly familiar with our merchant marine, it is impossible for me to reach the conclusion that he did not know that those two ships and no other two ships in all the world could be bought under his amendments. Now, I challenge everybody on that side of the House and everybody in the Senate to show that under this act any other ships could be purchased than these. I have here the original amendments, two of them, proposed by the senior Senator from Massachusetts. They are so drawn as to fit these two ships and no others. In defending the senior Senator from Massachusetts the gentleman from Massachusetts [Mr. Weeks] makes the statement-

The CHAIRMAN. The gentleman will suspend for a moment. The Chair must state to the gentleman that the gen-Heman can not discuss proceedings in the United States Senate.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to

proceed for five minutes.

Mr. OVERSTREET. Mr. Chairman, I shall have to object.

Mr. RAINEY. Mr. Chairman, is it usual for the Chairman to make that point of order?

The CHAIRMAN. The Chair will state to the gentleman that the rules make it imperative upon the Chair to do so. The rules provide that a Member may, but that the Chair shall enforce

Mr. RAINEY. Well, there are no rules that will keep me from answering the gentleman from Massachusetts at some other time, and I will take pleasure in doing so. [Applause on the Democratic side.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Clerks, and clerks in charge of stations, 1,625, at not exceeding \$600 each.

Mr. WILSON of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 11, lines 1 and 2, amend by striking out the words "sixteen indred and twenty-five" and insert the words "two thousand" in lieu

Mr. WILSON of Illinois. Mr. Chairman, I wish to be heard. The object of this amendment is for the purpose of increasing the post-office force. I notice in the estimates submitted by the Post-Office Department they asked at that time for 2,000 clerks of this grade and at the same time they stated that this was a decrease of 485 from what had been requested by the various post-offices all over the country. This estimate of 2,000 which they ask for has been reduced by the Post-Office Committee to 1,625. In other words, 375 have been stricken out, making 860 post-office clerks of this grade which the Post-Office Department asked for which will be refused. Now, I have in my possession some data showing that the post-office clerks in the first and second class offices range in working hours from nine to thirteen. There are 43 States in the Union where the postoffice clerks in the first and second grade offices-that is, in some of the offices in those States-where the boys, the employees, are obliged to work from nine to thirteen hours a day. And it seems to me that if the clerks requested would be allowed by the department to the post-offices the time of work-an eight-hour schedule-which is in force in most all large cities and the large post-offices would follow in the smaller and second-grade post-offices. I find on investigation here that in the State of Alabama the clerks are worked from nine to eleven hours in some of the offices, and in Connecticut from nine to eleven hours and in Florida from nine to ten hours and in Georgia from ten to thirteen hours. This goes to show all down the line of the 43 States in the Union where the boys are working this overtime.

Mr. OVERSTREET. Will the gentleman yield?

Mr. WILSON of Illinois. Certainly.
Mr. OVERSTREET. Will the gentleman state to the com-

mittee upon what source he gets his information?

Mr. WILSON of Illinois. I can, very easily; it comes from the post-office clerks in the various offices of the various States to which I have referred.

Mr. OVERSTREET. Addressed directly to the gentleman? Mr. WILSON of Illinois. It comes to me. I have it in my

Mr. OVERSTREET. From what source does the gentleman have it?

Mr. WILSON of Illinois. It comes from the clerks.

Mr. OVERSTREET. Does the gentleman get it from one of the officials of the Post-Office Clerks' Association?

Mr. WILSON of Illinois. I got this information, and it comes direct from the post-office clerks. It does not make any difference, it seems to me, unless the chairman of the committee can contradict it. It is authentic, so far as I know.

Mr. OVERSTREET. I intend to put over and against

that.

Mr. WILSON of Illinois. I am willing to submit it as authentic to the Members of this House.

Mr. OVERSTREET. Does the gentleman decline to tell me

whether it comes from one of the officers?

Mr. WILSON of Illinois. It does not make any difference where it comes from. It comes from the post-office clerks in the various States of the Union. In 43 of those States the post-office clerks work from nine to thirteen hours a day, and when an amendment is offered in the House at this time that the post-office clerks shall receive a vacation period with pay it is stricken out on a point of order, but, at the same time, the post-office clerks in the department in the city of Washington have thirty days' vacation with pay and thirty days' sick leave with pay, and they only work eight hours a day. In the cities of New York, Chicago, Philadelphia, and others where the firstclass offices are, the eight-hour rule prevails, but in a great many other cities all over the country they work from nine to thirteen hours. I say that it is not fair. They do not have any vacation period, either.

The CHAIRMAN. The question is— Mr. OVERSTREET. Mr. Chairman, I was waiting to see if the gentleman had concluded. I hope this amendment will be

disagreed to. The department, in its original estimate, recommended 2,625 additional clerks. The bill before the committee carries 2,250, a reduction of 375; but that reduction was made after consultation at the hearings with the officers of the de-

Mr. WILSON of Illinois. Mr. Chairman-

Mr. OVERSTREET (continuing). And was agreeable to

The CHAIRMAN. Does the gentleman from Indiana yield for a question?

Mr. WILSON of Illinois. Will the gentleman permit me just question? In this particular section here this bill carries

1,625 clerks at the \$600 grade.

Mr. OVERSTREET. I know, and I will explain it to the gentleman. I am going to undertake, Mr. Chairman, in a brief way to explain to the committee, if they will give me attention, how impossible it is for the House to act upon estimates recommended by the post-office clerks' organization and not upon es-

timates recommended by the department.

It takes a good deal of skill with the departmental officials to make this gradation by paragraphs in this great bill. We deduct from the number in one grade a number of clerks who are promoted into the next grade, and then we add that number to the next grade. That necessarily makes a difference in the numbers of the various grades. I am putting over against the gentleman's testimony, which, I undertake to say, comes from the organization itself, the testimony of the department charged with the duty of, and compensated out of the Treasury for, making these estimates for Congress. I intimated a while ago, Mr. Chairman, that we are rapidly approaching a time when we will legislate in accordance with the directions of these post-office employees' organizations unless we take heed in time and give some attention to the recommendations of the department. Now, how futile it would be, a very act of folly, for us here to-day, Members not having given their own personal and individual attention to these hundreds of items and details, to follow the recommendation of the organization of the post-office clerks and not give some sort of hearing and respectable attention to the representations and estimates of the department of the post-office service.

Mr. Chairman, we have recommended 2,250 additional clerks, as against 1,532 for the current year-718 more than we gave for the current year. Is not that enough, in view of the condition of the Treasury, when we are increasing it 50 per cent over the current year's recommendation? Now, I want to explain again, even for the information of my genial friend from Illinois, that until you have taken a table like I hold in my hand, with the various grades of pay, with the various numbers of employees in each grade, with the various salaries of each special employee, and then provide for the promotion so as to deduct from one grade the number of that grade which will go into the next, and then add that number to the number of the next grade, and then bring in at the bottom the full number of employees intended for the new service-because under the law they must be appointed at the lowest grade-you can not fully

understand the preparation of the items of the bill.

I do not think it worth while to take the time of the committee to explain in such detail. I think the committee ought to vote down this amendment.

Mr. WILSON of Illinois. Will the gentleman yield for a

Mr. OVERSTREET. No; I think we had better vote on this

The question was taken on the amendment, and the Chairman announced that the noes appeared to have it.

Mr. WILSON of Illinois. Division!

The committee divided; and there were-ayes 14, noes 63. So the amendment was rejected.

The Clerk read as follows:

Substitutes for clerks and employees absent without pay, in all \$31,908,500.

Mr. DRISCOLL. I move to strike out the last word for the purpose of asking for information about this paragraph. This is an increase of over \$3,000,000 over the last appropriation, an increase of over 11 per cent on the last appropriation. view of the discussion on the amendment offered by the gentleman from Illinois, I would like to ask the chairman if he can state approximately what part of this increase is to pay an increased number of employees and what part is to pay increased salaries of employees?

Mr. OVERSTREET. Mr. Chairman, in answer to the gen-

tleman from New York I will state that on the 30th day of June, 1903, there were 28,224 clerks and employees covered by

So that this total item, \$31,908,500, is intended to pay all the compensation for all of these employees who will be in the service on the 30th day of next June, and then cares for 2,250 new clerks and for the promotion of all the clerks below the \$1,100 grade who have had one year's service and the proper efficiency record up to \$1,100 and the promotion of 50 per cent of the clerks of a thousand-dollar grade in the second-class post-offices to \$1,100.

Mr. DRISCOLL. Are there 2,200 of those?
Mr. OVERSTREET. Two thousand two hundred and fifty. They would not all be employed now on the 1st of July.

Mr. DRISCOLL. Why is the proportion of these larger this year?

Mr. OVERSTREET. The great bulk of the increase is due to the promotions provided under the classification act.

Mr. STAFFORD. Of the total appropriations in round numbers \$2,250,000 would be for promotions, and \$750,000 for additional service by reason of growth of business?

Mr. OVERSTREET. The heavy part of that 11 per cent in-

crease is due to promotion purposes only.

Mr. WANGER. And that will recur in the years to come for some years.

Mr. OVERSTREET. Undoubtedly, and if Congress keeps on as it has, overriding and disregarding the classification bill, I think it will be multiplied many times.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof.

Mr. OVERSTREET. I move to strike out the last word, for the purpose of calling the Chair's attention to the two items on pages 2 and 3 of this bill, which were stricken out on a point of order. I have the statutes, which I was unable to refer to at the time of the discussion of the point of order, and I merely now want to call them to the attention of the Chair.

The first paragraph, covered in lines 15, on page 2 to line 2, inclusive, on page 3, and lines 10 to 13, on page 3.

The statute is 4017, passed on the 8th day of June, 1872, authorizing the employment of special agents. In the statute of June 11, 1880, the title of these special agents was changed to post-office inspectors. Of course I have no right to ask the Chair to modify its decision; but I want to show the Chair that I have made reference to the statute.

The CHAIRMAN. The Chair might state to the gentleman from Indiana that, in view of the information now given the Chair regarding the existing law, the gentleman could recur and

offer an amendment.

Mr. OVERSTREET. I do not suppose I could recur without unanimous consent; but at the same time I have the right to bring the Chair's attention to the fact that I had correctly quoted the statutes.

The CHAIRMAN. The Chair is very glad to have the gentleman from Indiana call the attention of the Chair to existing law.

Mr. OVERSTREET. I ask unanimous consent to recur to the paragraphs mentioned.

Mr. GOEBEL. For the present I object.

Mr. OVERSTREET. I think, if the Chair will permit, that there are precedents in parliamentary procedure justifying the Chair, where the Chair has been given the wrong citation or has failed to have the right information, upon later and proper information, upon its own motion, in changing its ruling.

The CHAIRMAN. The Chair has always understood the rule to be the other way. The Chair has understood that after the Chair has made a ruling on a point of order it can not reverse that ruling on account of new reasons assigned.

Mr. OVERSTREET. I wanted to demonstrate to the Chair that I had not misled the Chair in my statement that there are permanent statutes upon which these two sections are

properly placed in the paragraph.

I may say, if the Chair will permit, this is not a new reason. I was told after the decision was made that the Chair had not caught the citation which I give. I give the citation of section 4017, and the ruling of the Chair, as I understood, was that that section did not apply. I think the Chair caught a different number.

The CHAIRMAN. It was understood at the desk that the citation was section 2017.

Mr. OVERSTREET. That was a mistake, either in my statement or in the understanding of the Chair. The section was this particular appropriation. We recommended then 1,532 additional clerks. I think all of them have not been appointed. of the Chair. It occurs to me that this is not a new assign-4017, and that is the one to which I now direct the attention ment, but it is information which the Chair is entitled to consider.

The CHAIRMAN. The Chair is very glad, indeed, to get the information. If the Chair had had this information before the

ruling was made

Mr. OVERSTREET. I do not know how the Chair got the figures 2017. I may have said that; I do not know; but I had before me section 4017, and that is what I undertood to call the attention of the Chair to. If the Chair misunderstood me, when in fact it was 4017, I should think the Chair could return to that for the purpose of correcting an erroneous ruling.

The CHAIRMAN. The Chair thinks that the only way in which the correction can be made is to recur and offer an amendment replacing the portion stricken out on the point of

order.

Mr. OVERSTREET. I suppose it is in the power of the Chair, just as it is in the power of a court before final judgment, to correct his own mistakes,

The CHAIRMAN. But in this case the final judgment has

been made, and there was no appeal.

Mr. OVERSTREET. I shall be content—
The CHAIRMAN. The Chair feels no doubt at all that the precedents are as the Chair is now ruling.

Mr. OVERSTREET. I am just told by a Member that he understood me to say 4017; and if the Chair misunderstood

The CHAIRMAN. When the Chair asked the gentleman to furnish the citation upon which he relied, the gentleman said that he was satisfied there was such a law somewhere, and the Chair is more than ever convinced that the gentleman was

unable at that time to cite the provision.

Mr. OVERSTREET. That was on the assumption that the Mr. OVERSTREET. That was on the assumption that the Chair had ruled that section 4017 did not apply, when the Chair had referred to section 2017. I am quite content. I have no complaint. It seems to me it is quite evident that if the objection tion is insisted upon, it can not be insisted upon with due regard to the law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 660, at \$700 each; 425, at \$600 each; and 140, at \$500 each; in all, \$787,000. Mr. OLCOTT. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

On page 11 strike out lines 19 to 23 and insert the following:
"For compensation to watchmen, messengers, and laborers, 660, at \$800 each; 325, at \$700 each; 225, at \$600 each; and 15, at \$500 each; in all, \$898,000."

Mr. STAFFORD. I reserve a point of order on that amendment, Mr. Chairman,

Mr. OLCOTT. Mr. Chairman, I will say with regard to this proposed amendment that while we have been increasing the salaries of carriers and clerks in the last Congress and in the first session of this Congress, the laborers, mechanics, firemen, and watchmen have always been left out. This proposed amendment does not come from any body of the employees in the postal service, but has been recommended by the Postmaster-General in three successive annual reports. When I say the report of the Postmaster-General I naturally mean the printed report.

Mr. OVERSTREET. I suppose when the gentleman says the eport of the Postmaster-General he means the report of the

First Assistant?

Mr. OLCOTT. The report of the Postmaster-General which I have in my hand contains the report of the First Assistant Postmaster-General, and is printed as part of the report of the Postmaster-General. The First Assistant Postmaster-General did make a report to the Postmaster-General, and I refer to that. In the recommendations of legislation he asks that watchmen, messengers, and laborers' salaries be increased so that the limitations should be from \$500 to \$900. I therefore think that the amendment I make is entirely in line with the suggestion of the First Assistant Postmaster-General, and such recommendation is vouched for by the Postmaster-General, in view of the fact that he publishes it in this book on a page upon which appears the heading, "Report of the Postmaster-General." I ask for the passage of the amendment. The laborers in the Post-Office Department receive less than the laborers in other departments. The First Assistant Postmaster-General recommended an increase up to \$900, and my amendment only asks that the increase go to eight hundred.

Mr. OVERSTREET. Mr. Chairman, quite the contrary is true relative to the recommendation. The Postmaster-General stated specifically in his report that he made no recommendation for increases. I am not denying that the First Assistant Postmaster-General made the recommendation; but here is the

reason that it is not advisable to adopt this amendment. The First Assistant Postmaster-General himself recognized it when his attention was called to it. This would increase the pay of this grade of employees beyond the pay received by similar employees in other branches of the service. For example, the Treasury Department does not pay that amount to all its employees. An office of the first class occupies a federal building, and there are in it laborers paid by the Treasury Department out of the general fund, only \$45 a month. There are laborers paid under this specific appropriation, so if we raise this amount we would increase still more the difference between the amount paid for a similar character of employees in the same building at the same time. This amendment not only does what the gentleman from New York states it does, but it does also another thing. It increases the number, which the gentleman did not call attention to.

Mr. OLCOTT. The gentleman is mistaken, because my amendment does not increase the number, and as far as amount is concerned, laborers in the Treasury Department receive as high

as \$840.

Mr. OVERSTREET. Then, I misunderstood the reading. If it does not increase the number, still there is the objection to it that I have stated. Gentlemen will see what trouble we would get into once we began to pay laborers doing nothing but laborer's work in the same building difference in compensation. Mr. KELIHER. Will the chairman indicate what character

of labor these laborers do that get \$10 a week?

Mr. OVERSTREET. Ordinary labor, such as throwing about mail sacks, piling them up; just the ordinary laborer's work. It is not limited to any specific scheme. The gentleman from Massachusetts is familiar with the work which these laborers do.

Mr. KELIHER. I want to ask the gentleman if he believes that \$10 a week is enough for any man, no matter what he

Mr. OVERSTREET. The lowest of them get \$500 a year.

Mr. KELIHER. But the \$500 a year man has to eat as well as the \$600 and \$700 men.

Mr. OVERSTREET. Not at all. [Laughter.] Now, Mr. Chairman

Mr. KELIHER. I want to ask the gentleman if he believes that \$10 a week is enough for a man doing any character of work at all? Why, the padrones pay the Italians more than

Mr. OVERSTREET. Oh, this is not the first time the gentleman from Massachusetts has sought to arouse sympathy. He is one of the favored few whom the bands meet on his return home, and doubtless he wants a repetition of that ovation. It is needless for us to go into sentimentalism to talk about the ordinary employment of the laborers. I wish they all might have as much as the gentleman from Massachusetts receives, but, unfortunately, the world is not so constituted, and a different character of employment in the postal service calls for a different degree of compensation. The lowest grade of pay of these laborers is \$500, and there are 140 of them. 425 at \$600 and 660 at \$700. There is a gradation in their employment. Some of these laborers in these offices go with the messenger who takes the deposit of the postmaster's revenue to the bank, and assists him-carries it along with him-and he is paid in proportion to that work.

Some handle the empty mail bags, throw them in the piles where they can be rapidly cared for, others tie up mail bags, and there is a variety of employment. Of course they all have to eat, as the gentleman from Massachusetts says, but that is not a factor in the determination, otherwise the gentleman would say, "Why should not these men have terrapin and canvasbacks? Are they not men with appetites as well as you?" we do not legislate in that way.

Now, Mr. Chairman, this committee has recommended this number according to the needs of the service, based upon the salaries paid similar employees in the same building by the

Treasury, and I hope the amendment will be disagreed to.
Mr. STAFFORD. Mr. Chairman, I demand the regular order.
The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. STAFFORD. I do. The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. OLCOTT. Mr. Chairman, I call the attention of the

Chair to the fact that this is not in any way an increase in the number of employees.

Mr. OVERSTREET. I would like to inquire by what right

the gentleman from New York has the floor?

Mr. OLCOTT. The Chair asked me whether I wished to be heard on the point of order of the gentleman from Wisconsin. The CHAIRMAN. The gentleman from Wisconsin made a

Mr. OVERSTREET. I thought the gentleman from New York was addressing himself to the merits.

The CHAIRMAN. No; he was addressing the Chair on the

Mr. OLCOTT. Mr. Chairman, it does not seem to me that there is anything against the regular order of this House to suggest that a different schedule of pay for the same number of employees could be substituted.

The CHAIRMAN. Let the Chair ask the gentleman a question. This is an increase of compensation to certain employees.

Mr. OLCOTT. It is.

The CHAIRMAN. Is the compensation fixed by law now?

Mr. OLCOTT. I can not answer the gentleman.

Mr. STAFFORD. Mr. Chairman, I think I can supply the In the classification act, which is found in Postal Rules and Regulations of 1902, on page 129, and which is a part of the act of March 2, 1889, being chapter 374 of the first Supplement, page 680, is this paragraph:

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general utility clerks, four classes, salary graded in even hundreds of dollars, from \$400 to not exceeding \$700 per annum.

Mr. Chairman, the amendment under consideration——
Mr. OLCOTT. That is a part of the post-office regulation is it not?

Mr. STAFFORD. It is a part of the law.
Mr. PARSONS. Is it not a part of the post-office regulations?
Mr. STAFFORD. That is part of the act of March 2, 1889, and is found in the first Supplement, page 680. That law specifically provides that the maximum of salaries shall be \$700. In the amendment now before the committee there is an increase providing for \$800.

The CHAIRMAN. In the bill of last year was this provision

carried identical with this?

Mr. STAFFORD. Identical in every way with the one now

The CHAIRMAN. Unless the gentleman from New York cares to be heard further, the Chair is ready to rule.

Mr. PARSONS. Mr. Chairman—
The CHAIRMAN. Does the gentleman wish to be heard on

Mr. PARSONS. Yes. I think what the gentleman from Wisconsin has stated to the Chair is contained in the rules and regulations and is not a verbatim copy from the statutes.

Mr. STAFFORD. Mr. Chairman, I would like to ask the gen-

tleman upon what he bases that statement?

Mr. PARSONS. I base it on the statutes printed in that report of the Postal Commission—a report on classification. I looked in that and tried to find the statute covering this point and could not find any such statute as that to which the gentleman has referred.

Mr. STAFFORD. If the gentleman will examine the Supplement, he will find this classification act in extenso, and he will find there a provision that has not been superseded by any subsequent law limiting the salary of these designated employees to \$700. An attempt is made to increase it to \$800 by the amendment now before the committee, and I contend that it is out of order.

The CHAIRMAN. The Chair understands that the existing law on this subject is as the gentleman from Wisconsin has

stated it:

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general utility clerks, four classes, salary graded in even hundreds of dollars, from \$400 to not exceeding \$700 per annum.

That is existing law, and even if that was a regulation and not the law the appropriation of last year makes the law in determining the salaries. The Chair has no hesitation in sustaining the point of order.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, \$29,618,500.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 14, lines 14 and 15, strike out "twenty-nine million six hundred and eighteen thousand five hundred" and insert in lieu thereof "twenty-nine million four hundred and sixty-eight thousand five hundred."

Mr. OVERSTREET. Mr. Chairman, that is to correct an error in the committee room on the Post-Office and Post-Roads, in making the proper calculation.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices already established, \$1,300,000.

Mr. KELIHER. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 18, after the word "dollars" insert the following:
"Provided, That hereafter substitute letter carriers be paid at the rate of 30 cents an hour for the time they are employed when serving in the places of regular carries on leave of absence, or when serving for carriers who are granted leave of absence with pay, in order that they may serve as members of the local civil-service boards, or as witnesses for the Government in United States courts; and that they shall be paid the pro rata salary of carriers for whom they serve who are absent without pay."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that that changes existing law.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. KELIHER. No.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELIHER. Mr. Chairman, I move to strike out the
last word. That amendment, Mr. Chairman, was offered for the purpose of remedying what I consider, and what is considered by many more, an injustice that is being done to the substitutes in the carrier service of the country. It is not offered with a sentimental motive at all, and I have this to say to the distinguished chairman of the committee, who accused me a minute ago of being a sentimentalist, that if calling atten-

tion to the fact that Uncle Sam is paying but \$10 a week for certain men doing laborer's work-a wage no more than padrones of the country pay their cheap help-then I plead guilty to being a sentimentalist.

But perhaps the gentleman proceeds upon the theory he enunciated in his reply to me a few minutes ago, that men of that class do not need to eat. And I will say further to him that I am probably one of that class to whom he referred, who are met at their home railroad stations by a thankful body of men, in consideration of work done in Congress, with a brass band; but I would much rather be met by a brass band in my district than by a bludgeon, as some men I know of in this House have been, Mr. Chairman.

But to proceed in the discussion of this particular branch of the service, to which my amendment related. The substitute is compelled to buy a uniform upon his appointment to the service. He works for about three years before he gets into the regular service. He does not make, on an average, more than \$25 or \$30 a month. He can hardly engage in any other sort of employment, because he is at the beck and call of the service to which he is attached. Now, then, when he goes to work in the place of the carrier who is on vacation leave, he is paid 30 cents an hour.

That is right; but when he takes the place of a carrier who draws \$3.06 a day, performing the same work that that carrier does, it is only fair and it is only justice and it is simple equity that he should receive the pro rata pay of the man whose place he takes, particularly when it is borne in mind that the carrier for whom he substitutes is receiving no pay whatsoever, and if this amendment were not objected to, Mr. Chairman, it would not impose another dollar of expense upon the Government and would remedy what I consider an injustice done to these men. Why, here we are told that the Post-Office Department is going to add 1,700 new carriers to the service during the coming fiscal year, yet there is not provided another dollar in addition to the money that is carried in the appropriation bill which is providing for the current expenses of the department of this year. I call the attention of the House to the fact that in the act of last year we provided for this particular branch of the service \$1,300,000, and in the present bill the same amount is carried; yet the First Assistant Postmaster-General declared to the committee that 1,700 more men would be brought into the service, and it formulated its bill upon that basis without providing an additional dollar.

Now, how are they going to pay for the increased substitute force which will be required? And I believe, Mr. Chairman, notwithstanding the fact we will be told that the substitutes would prefer to receive 30 cents an hour, because, forsooth, some days they work ten or twelve hours and make \$3 a day, the fact is they never work ten or twelve hours and rarely go over six hours at a stretch; and the man who, as a substitute, has waited for three years to get into the regular service who

has made over \$40 a month is an exception. I believe it will be only fair to change the method of compensating these men. Chairman, I call the attention of the House to the fact, and the chairman of the committee also, that his infallibility is not always recognized by this House by reminding him of the fact that the House has taken the bit between its teeth with great frequency and enacted legislation to comport with the best judgment and wisdom of the country in regard to the postal service despite the protests and contrary to the opinion of the gentle-

man from Indiana. [Applause.]

Mr. OVERSTREET. Mr. Chairman, facts amount to something yet in this House, and it demonstrates the futility of undertaking in a town meeting-I am, without disrespect, referring to the Committee of the Whole House, where so few know all the details of the estimates and the calculations necessary-to frame a proper schedule for appropriations for this service. The gentleman criticises with a good deal of vehemence our failure to increase this item when we are asked to increase the number of carriers. The increase of the number of carriers, Mr. Chairman, is provided in the other item, which is now passed. This item is limited entirely to the establishment in the first instance of the substitute-carrier service in a city that never before will have had a substitute-carrier service. We appropriated for the current year \$1,300,000. We carry the same item for the next year.

The reason this is not increased is that it was found that the \$1,300,000 for the last year was too high, and they had nearly \$200,000 unexpended. This amount was agreed to after a hearing, after inquiry with the officials having charge of this appropriation. It has not been curtailed in any spirit or disposition of being penurious. This is not the money of the committee. Some people can vote loudly to expend money other than their own, but the Committees of Appropriations of the House are obliged to scrutinize very carefully the necessary expenditures and recommend to the House in a fair way such expenditures and appropriations as inquiry has demonstrated will be necessary. I think it ill becomes any Member of the House to criticise so severely a committee which, in my judgment, Mr. Chairman, gives as much time, at least as much zealous work, as many unselfish hours of labor, to the discharge of the heavy and numerous duties of the committee as any other committee in the House. I can speak, Mr. Chairman, with knowledge upon that fact. I have seen these men and have worked with them. They deserve the highest praise for the conscientious, faithful, and honest manner in which they have discharged their duties. [Applause.]

It had not been my intention, Mr. Chairman, at any period of this session to make reference in any degree to the fact of my retirement from the House. The intimation of the gentleman from Massachusetts [Mr. Keliher] that it was due to a bludgeon gives me the opportunity, without any favor of the future, to express my appreciation of the loyal support of my colleagues upon that committee. What little I have been able to do will have been finished practically with the conclusion of Whether I have been in error or not I will let history this bill. record, but it has not been with any intent to take food from anybody's mouth nor to withdraw the proper meed of praise The duties are arduous, are embarrassing, from any employee. The duties are arduous, are embarrassing, are troublesome. We are not met with brass bands as others are who are more favored for their zealous work in a raid upon the Treasury. We have tried, Mr. Chairman, to perform our service with an eye to the Government's needs, and with fair equity to the employees, and I believe it has been done,

Without any disposition to criticise, I believe those few instances in the recent past when the recommendations of the Post-Office Committee have been overthrown by the action of the Committee of the Whole House and the House, that the committee, at least, have not been in error. The facts will demonstrate that their work has been done with careful scrutiny of the facts, with the proper regard which the officials of the department are entitled to receive for their labors, and with a view, Mr. Chairman, of recommending to the House only legislation for which they can properly stand and can at all times defend; and in no instance during my six years of service as chairman of this committee has there been put into a bill any joker for the benefit of any member of that committee. stood, Mr. Chairman, for what we believed to be right, without regard to the insinuations of Members who think that we ought to join with them without reference to our duties and our consciences in voting appropriations to aid Members to increase their popularity with the postal employees. We are willing to stand or fall by that record. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amend-

The Clerk read as follows:

For pay of letter carriers, substitute and auxiliary letters carriers at new offices entitled to city delivery service, \$120,000, of which sum \$20,000 shall be immediately available.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word, for the purpose of expressing, as one man who comes from an exclusively city district, the extreme sense of regret that the great majority of men here from city districts feel over the retirement from this committee and Congress of the distinguished chairman of the Committee on Post-Offices and Post-Roads. [Applause.] It will go down into history, to which he appealed with confidence, that during Post-Offices and Post-Roads. the .ime he has been chairman of the committee the clerks and carriers in first-class cities have received a greater measure of justice and consideration than during the chairmanship of any other man. And I want to express to this House my assurance that whatever the gentleman from Indiana [Mr. Overstreet] was met with in his district, he was not met with any bludgeon in the hands of post-office clerks and carriers men who appreciate his honesty, who appreciate his ability, who appreciate his disinterestedness, who appreciate his fairness, and who, I know, all over the country will join with me in wishing him in his retirement all sorts of peace and prosperity, success and good will. [Applause.]

Mr. KELIHER. Mr. Chairman, I move to strike out the last

three words.

The CHAIRMAN. The gentleman may be recognized to oppose the amendment offered by the gentleman from New York

Mr. KELIHER. Mr. Chairman, I simply desire to ask this question of my colleague: If he believed, when he stood by me and others last year in the movement for obtaining an increase in the pay of the carriers and clerks of the principal post-offices of the country, he was engaged in a raid upon the Treasury?

Mr. BENNET of New York. I am very glad to answer. understand we were not. We were engaged, as I expressed in my few remarks, in obtaining a measure of justice. I want to say to my friend frankly that we who come from the large cities look at this situation from one standpoint. We do not have upon our shoulders the burden and entire responsibility of this Post-Office Committee. We were able to convince the House, and have been for two or three sessions of Congress, that we were right in our contention; but the mere fact that in some of these contentions the gentleman from Indiana differed with us gives no more ground for criticism of him than does it give ground for criticising any Member who then differed with us on the floor.

He had on his shoulders the whole post-office appropriation We have a better appreciation, perhaps, as to the needs of the carriers of the great cities. I will say to my friend from Massachusetts, at any time that he wants to lead another fight of that kind, and the deficit is not so large, that he will find me and every other man who voted the same way on this side of the Chamber backing him up just as strongly as we did then. But that does not justify a criticism of the gentleman from In-

diana.

Mr. GRIGGS. Did you get the increase you desired last year?

Mr. BENNET of New York. We got a piece. [Laughter.] The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. WEEKS. I move to strike out the last word. Mr. Chairman, I make that motion for the purpose of asking that unanimous consent be given the gentleman from Illinois [Mr. RAINEY] to conclude the remarks he was making when called to order.

Mr. OVERSTREET. Mr. Chairman, if the gentleman will modify that to a specific length of time, I have no objection. I ask him to modify that to five minutes.

Mr. WEEKS. I modify it so that the gentleman will be given five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Illinois [Mr. RAINEY] be given five minutes to conclude his remarks. Is [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Chairman, when my remarks were interrupted, I was making the point that under the item in the sundry civil bill of last year to which I referred it was possible to buy only two ships, and we did buy those two ships; and I again make the same statement. The point made by the gentleman from Massachusetts with reference to the purchase was that we got the ships cheap enough; that we got them for about \$400,000 less than the amendment to which I referred proment will be considered as withdrawn, and the Clerk will read, | vided for. That was not the fault of the item in the bill. The

officials of the War Department who had charge of the transactions are responsible for the fact that those ships were bought for less than \$1,550,000. The gentleman makes the point that they were worth fully that. I do not know how much they were worth; but I do know that we did not need them, and I know that we did not want them, because the Isthmian Canal Commission never asked for them. Now, it may be that they were worth that much. It may be that we could buy timber elephants in India—a hundred of them for \$500 apiece—to work on the canal, and that might be a reasonable price for timber elephants, but that does not excuse an enormous expenditure of money for that purpose.

When the French were on the Isthmus of Panama they bought 15,000 kerosene torches with which to celebrate the completion of that canal; and I understand, and the statement has been made, that they are now on the Isthmus and belong to us. The French might have bought those kerosene torches at a reasonable price; they may not have paid more than they were worth;

but that did not justify that expenditure.

The gentleman insists that while it may be necessary to improve the harbor of Colon in order to permit vessels of 9,000 gross tonnage to enter, still it is an improvement that ought to be made, that will have to be made at some time in the future, and therefore we may as well make it now, in order to let these ships that we do not need and do not want go in.

The gentleman overlooks the fact that when this canal is completed, when it is in use, we do not propose to use the harbor of Colon at all. The completed canal makes no use of the We go some miles above the harbor and dig harbor of Colon. the canal straight across to the site of the Gatun dam, and it will never be necessary for us in order to use the canal across

the Isthmus to improve the harbor of Colon.

Now, I do not know where these ships are to be delivered; but I do know that the official organ of the Isthmian Canal Commission, the Canal Record, which is only issued after having been carefully scrutinized by the Isthmian Canal Commission, under date of December 16, 1908, contains this statement on the first page, and I read from this official Record:

A cablegram from Washington states that the steamships Shawmut and Tremont will be purchased for \$1,157,000 delivered at Seattle about January 1, 1909. If delivery is desired at New York, \$56,000 must be added to the purchase price. These ships will be placed in the Panama Railroad Company's service between Cristobal and New York. They are owned by the Poston Steamship Company, and have recently been laid up after several years of service in the trade between Puget Sound, Japan, and China.

Now, if these steamships are to be used in the service between Cristobal and New York, the fact they are to be used in that service may require us to dredge a part of Colon Harbor that will never be used after the completion of this canal. And now I want to read again from the deficiency estimate of the chairman of the Isthmian Canal Commission.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. RAINEY. I ask five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. This is the deficiency estimate submitted by Colonel Goethals on the 30th day of November, 1908. It is printed in the Canal Record, this official organ, on the 16th day of September. I now read from it:

A comparison of the estimates submitted to Congress for the present fiscal year in December, 1907, with the appropriation made by act approved May 27, 1908, for the department of construction and engineering is as follows:

It will be noted that there has been deducted from the appropriation for material, supplies, and equipment \$1,550,000 for two steamships, which item was not in the estimates.

Now, that confirms the search I made myself of the estimates. and it shows that the commission did not want these ships that were bought, but the Boston Steamship Company had them to I am not criticising the Boston Steamship Company for wanting to sell something that they did not want, and I am not criticising anybody in connection with it. I am simply calling attention to the rocks upon which the French companies drifted; and if we want to build this canal, we can not afford to make it a dumping ground for everything that everybody does not need any longer, and wants to sell, whether we pay enough for it or [Applause on the Democratic side.]

Now, I ask to include in my remarks these documents to which

I have referred.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to include the documents to which he has called attention in his speech as published in the RECORD. Is there objection?

There was no objection.

The documents referred to were the following two amendments offered by the Senator from Massachusetts [Mr. Lodge]: [H. R. 14766, 60th Cong., 1st sess.]

IN THE SENATE OF THE UNITED STATES, JANUARY 28, 1908. REFERRE THE COMMITTEE ON APPROPRIATIONS AND ORDERED TO BE PRINTED

Amendment intended to be proposed by Mr. Lodge to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, viz: Insert the following:

For the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, equipment, and material for use in the construction of the canal, the sum of \$1,800,000.

[H. R. 21260, 60th Cong., 1st sess.]

IN THE SENATE OF THE UNITED STATES, APRIL 28, 1908. REFERE TO THE COMMITTEE ON APPROPRIATIONS AND ORDERED TO BE PRINTED.

Amendment intended to be proposed by Mr. Lodge to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June June 30, and for other purposes view. poses, viz:

ernment for the fiscal year ending June June 30, and for other purposes, viz:

"On page 170, line 7, strike out the words "eleven million two hundred and fifty thousand dollars" and insert the words "twelve million eight hundred and fifty thousand dollars, including the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, equipment, and material for use in the construction of the canal and employees therefor, the sum of \$1,600,000: Provided, That in any contract hereafter made, transportation by sea of material, supplies, and equipment from the United States for use in the construction of the Panama Canal shall be restricted to vessels owned by the United States or by the Panama Railroad Company, or to vessels of the United States chartered by the United States tendered by the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable, or shall find that no such vessels of the United States can be secured for the trade: Provided further, That this resolution shall not apply to any foreign steamship chartered by the Panama Railroad Company to take the place of any of the present fleet destroyed or undergoing repairs, after the President shall have been satisfied that a suitable vessel of the United States could not have been chartered on reasonable terms for that purpose: And provided further, That the Isthmian Canal Commission is hereby authorized to purchase or charter and operate vessels of the United States of the United States could not have been chartered on reasonable terms for that purpose: And provided further, That the Isthmian Canal Commission is hereby authorized to purchase or charter and operate vessels of the United States for the transportation of material and equipment for the use of the canal, employees on and mails for said canal, whenever in the opinion of the President the public interests will be best so served: And provided f

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. Weeks] may have five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Massachusetts [Mr. WEEKS] be allowed to address the committee for five minutes. Is there objection?

There was no objection.

Mr. WEEKS. I feel like apologizing for taking any of the time of the committee for a continuation of this discussion, and I would not do so if the gentleman from Illinois [Mr. RAINEY] had not lost track of one or two things in connection with this subject which have an important bearing on it. He forgot yesterday that these steamers were bought for practically \$450,000 less than the appropriation, by an administration which he was criticising, and he has also forgotten, as he did yesterday, that these steamers were bought for more than one purpose. Even if you allow for the moment that they were not to be used and can not be made useful by the Panama Canal Commission, the law under which the purchase was made provided that they are to be turned over to the navy when the commission does not need them. The navy needs colliers and auxiliaries, as everyone knows, and if it is true that the Panama Canal Commission does not need them now they can be turned over to the navy and used to good advantage by the navy at once.

Mr. RAINEY. Would it not have been better, then, if this matter had been conducted in an absolutely fair manner, and if the House and Senate had been advised that they were buying these particular vessels and no others for the purpose of making colliers out of them for the navy?

Mr. WEEKS. Mr. Chairman, I am informed that the purchase of these vessels was recommended by the War Department. The completion of the purchase of these vessels was made by the War Department, and I therefore assume that there was some reason for buying them for the Panama Canal Commission, and that the purchase was not dependent on the desire of the Boston Steamship Company to sell them or on their being used as naval colliers.

There is no question about the desire of the Boston Steamship Company to sell these steamers. They built them at an expense

of \$1,850,000; they operated them three or four years in competition with English and Japanese subsidized lines to the Orient, and could not earn a net dollar on their investment. The stockholders never received any dividends, and they sold the steamers and were glad to do it, at 60 per cent of the original cost, and in addition lost the interest on the investment for something like five years. In other words, on account of our inane merchant-marine laws, citizens of the United States build steamers, try to operate them flying the American flag, and after five years are glad to sell them to anyone who will pay them 60 per cent of the original cost.

Mr. RAINEY. Will the gentleman yield?

Mr. WEEKS. Yes. Mr. RAINEY. I want to ask the gentleman if he thinks the Treasury of the United States ought to be made responsible for the fact that this Boston Steamship Company has been unfor-

tunate in business or in investments?

Mr. WEEKS. Not at all; but, as I have said, the purchase of the steamers having been recommended by the War Department, and the purchase having been made by the War Department have been ment, a succeeding administration, would seem to indicate that there was some necessity for the purchase of these steamers for the use of the Panama Canal Commission. But if that commission does not need them and can not use them, then the Government can get full value for the money it has expended for them by turning them over to the navy and using them for colliers and auxiliaries. I yield back the balance of my time.

The Clerk read as follows:

For regulation, screen, or other wagon service, \$1,600,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 16, lines 22 and 23, strike out "\$1,600,000" and insert in lieu thereof "\$1,675,000."

Mr. OVERSTREET. That is simply to increase this amount in accordance with the latest information from the department, and upon the department's recommendation.

The amendment was agreed to.

The Clerk read as follows:

For inland transportation by railroad routes, \$46,568,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee the cause of this \$2,586,000 increase in this provision?

Mr. OVERSTREET. That is due entirely to the increased

volume of the mail. There is no change of rates.

Mr. MACON. I withdraw the pro forma amendment,

The Clerk read as follows:

The Clerk read as follows:

Railway Mail Service: For 13 division superintendents, at \$3,000 each; 13 assistant division superintendents, at \$2,000 each; 5 assistant superintendents, at \$2,000 each; 19 assistant superintendents, at \$1,800 each; 136 chief clerks, at \$1,800 each; 286 clerks, class 6, at not exceeding \$1,600 each; 1,411 clerks, class 5, at not exceeding \$1,500 each; 583 clerks, class 5, at not exceeding \$1,400 each; 2,657 clerks, class 4, at not exceeding \$1,200 each; 2,056 clerks, class 4, at not exceeding \$1,200 each; 6,168 clerks, class 3, at not exceeding \$1,100 each; 2,600 clerks, class 2, at not exceeding \$1,000 each; 600 clerks, class 1, at not exceeding \$900 each; 600 clerks, class 1, at not exceeding \$900 each; 600 clerks, class 1, at not exceeding \$900 each; 600 clerks, class 1, at not exceeding \$1,000 each; 600 clerks, class 1, at not e

During the reading of the above paragraph the following

Mr. FINLEY. Will not the gentleman, chairman of the committee, agree that all the items under this head may be read, and then let the amendments be offered?

Mr. OVERSTREET. I do not think there will be any amendment offered to the item now being read. Let the paragraph be read, and then consider the amendment to any one line in the paragraph.

Mr. FINLEY. The gentleman is aware that there is likely to be amendments offered lower down.

Mr. OVERSTREET. Does the gentleman know what paragraph is being read?

Mr. FINLEY. Yes; it is in relation to the Railway Mail

Service.

The CHAIRMAN. Will gentlemen suspend until the Clerk has finished reading the paragraph?

The Clerk completed the reading of the paragraph.

Mr. DRISCOLL. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

On page 19, line 17, after the word "year," insert:
"Provided further, That the men now employed in the Railway Mail
Service known as porters be made regular clerks and assigned to class 1,
at a salary of \$800 a year."

Mr. MACON. Mr. Chairman, I reserve a point of order. Mr. DRISCOLL. Mr. Chairman, I wish to call the attention of the Committee of the Whole House to this class of men. believe there are many Members here who perhaps never heard of them and know very little about them or about the work they do, because, as a matter of fact, there are only twelve of them now in the service. They have been in the service many years, and are scattered all over the country, so they can not possibly exercise any influence upon Congress in their interest, as other organizations in the post-office service do. They were appointed fifteen or twenty years ago as porters to handle bags and do heavy work in connection with the mail service.

But it was found that they were not required for that work, and it was not profitable to keep a porter in each particular place, or in each particular car, and immediately they were set to work handling mail, the same as clerks handle it, distributing letters, and so forth, and from that time to this they have been retained in the service at that kind of work. While they are called porters they are actually mail clerks and do efficient mail service. They have no tenure of office for there is no need of them as porters. If they did only the work they were first employed to do, they could and would be dismissed. These 12 men are survivals of the fittest, and have been kept in the service under the name of porters, but not as porters. They have been retained as clerks, and have been doing the regular work of clerks.

Mr. MACON. Do they not stand a chance of being promoted

into the regular mail-clerk service?

Mr. DRISCOLL. No. I will explain that. They get now \$700 a year. My amendment provides that they be taken into the regular service as clerks in the lowest grade at \$800 a year. Those men who are getting \$700 a year have been for years working side by side with men getting \$800 and \$900 and \$1,000 and \$1,100 a year, and doing as much work and as well as such

Mr. MACON. Why have they not been promoted?
Mr. DRISCOLL. They are not in the civil service, or are not

eligible to promotion.

Mr. MACON. Why do they not get in? Can not they stand the examination?

Mr. DRISCOLL. They are now over 35 years of age and they are not eligible to civil service as railway-mail clerks, and they are in a very unfortunate position. They are working out their lives doing as much as men who get two or three hun-

dred dollars a year more.

They are over 35 years of age, and therefore they can not be taken into the civil service in the regular way. They are They are unfit for any other sort of work except this, because they have given their lives practically to it. There are only 12 of them in the whole country and no more can be employed, because this particular class of men has been discontinued, and the department has not hired one of those men in fifteen or twenty years.

Mr. OVERSTREET. For fifteen years.

Mr. DRISCOLL. There will be no extra expense incurred by this amendment which I offer. If they are taken into the regular service they will be simply called clerks, and they will do the work they have been doing for years. We will impose no extra expense on the Government except possibly \$100 a year for 12 men, and they have earned that over and over again for several years back, and I do hope, in view of the merits of this proposition, that the gentleman from Arkansas [Mr. Macon] will not insist on his point of order.
Mr. OVERSTREET. Mr. Chairman, I will simply state that

if the gentleman from Arkansas does not insist upon his point of order I have no objection to the adoption of this amendment. What the gentleman from New York [Mr. Driscoll] has said is correct. Quite a while ago, when they inaugurated that

practice

Mr. FINLEY. I would like to ask the chairman of the committee if this was not a matter that was thrashed out in committee?

Mr. OVERSTREET. It was not thrashed out. It was suggested and was not agreed to. I have always favored the placing of these 12 porters as clerks. They have earned their position by service.

Mr. DRISCOLL. Is it not a fact that the Second Assistant Postmaster-General and the general superintendent also favor this amendment?

Mr. OVERSTREET. That is my recollection.

Mr. COX of Indiana. Mr. Chairman, can we not have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be

again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. DRISCOLL. All there is of it is that these 12 men be taken into the regular service and be called clerks.

Mr. COX of Indiana. What 12 men does the gentleman refer to?

Mr. DRISCOLL. There are only 12 men now in the service at the present time who were employed about fifteen years ago and who were called "porters," and there is no demand for them as porters. They are not doing work as porters; they are doing work as regular mail clerks, handling letters, and this amendment is to the effect that they be called clerks in the service.

Mr. COX of Indiana. Why have they not been promoted heretofore?

Mr. DRISCOLL. Because they are not in the civil service as mail clerks, and they are over 35 years of age, too old to take the examination and be admitted to the civil service in the regular way.

Mr. COX of Indiana. Are they too old to stand the civil-service examination for this kind of work? Mr. DRISCOLL. They are too old to stand the civil-service

examination for admission as mail clerks.

Mr. LANDIS. They are not eligible under the law. Mr. COX of Indiana. Where do these porters live?

Mr. DRISCOLL. All over the United States. There are only 12 of them altogether.

Mr. COX of Indiana. Has the gentleman got the names of all of them?

Mr. DRISCOLL. They are not needed any more as porters, and when they leave the service or die there will be none left in this class. They are what are left of several who were appointed many years ago, and I think they ought to be taken care of in this way.

Mr. MACON. Mr. Chairman, I have understood that it took dimes to make dollars, and if we are

Mr. GRIGGS. Mr. Chairman, I want to ask a question that the gentleman from Arkansas can answer as well as anybody. Is this a new provision?

Mr. MACON. 'This is a new amendment. As I started to say, Mr. Chairman, if we are careless about the saving of the dimes then the dollars will get away from us. I think, Mr. Chairman, that we are extravagant enough in the maintenance of the affairs of this Government at this time. We are told that it is necessary to increase salaries of employees in order to increase the efficiency of the public service. I have never known of a private enterprise, the business of which was running behind year in and year out, month in and month out, where it was alleged that the salaries of those who were conducting the affairs of the business ought to be increased in order to make it efficient. We know that the revenues of the Govern-ment do not meet its expenditures at this time, and hence I can not see the wisdom of increasing the salaries of employees while that condition exists.

Mr. Chairman, I fully appreciate everything the gentleman from New York [Mr. Driscoll] has said about these porters being too old to become mail clerks by promotion; but I think that if they are too old to become mail clerks under existing law that they are too old for Congress to increase their salaries and make them clerks, and for that reason I insist upon the point of order.

Mr. OVERSTREET. If the gentleman will yield to me for just a moment.

The CHAIRMAN. Does the gentleman from Arkansas yield? Mr. OVERSTREET. If the gentleman will simply withhold

his point of order—

Mr. MACON. Yes.

Mr. OVERSTREET. I have sent to the committee room and have before me the names of the 12 men who are called "porters," the lines upon which they run, the date of their appoint-

ments, and their respective ages.

Mr. GRIGGS. Mr. Chairman, I make the point of order—
The CHAIRMAN. Will the gentleman from Georgia state his point of order?

Mr. GRIGGS. The gentleman from Arkansas has withdrawn his point of order.

Mr. MACON. No; at the request of the gentleman I have reserved it.

The CHAIRMAN. The gentleman from Arkansas reserves the point of order.

Mr. OVERSTREET. I merely want to put this in the RECORD

to show where these men are at work.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to insert the document which he has just sent to of order,

the Clerk's desk in the Record. Is there objection? [After a pause.] The Chair hears none.

The list is as follows:

Porters, Railway Mail Service.

Name.	Salary.	Line.	Appointed.	Born.
George J. Ulam	\$700	Pittsburg and Chicago	June 16,1894	1866
Edward H. Mason	700	Pittsburg and St. Louis.	Nov. 9,1893	1860
T. H. Riley		do	Mar. 6.1894	1838
A. H. Henderson	700	do	June 9,1894	1858
Patrick H. O'Donnell	700	do	June 13,1894	1861
John S. Lewis	700	Seventh division office	Apr. 28,1891	1857
R. H. Scott	700	New York and Chicago	Jan. 2,1892	1856
Michael J. McCarthy	700	do	Mar. 4,1893	1848
Charles H. Turner	700	do	June 23,1893	1869
Mathew Ennis	700	do	Jan. 8,1894	1862
Philip McCarthy	700	do	June 22,1894	1868
John E. Dunn	700	do	Dec. 3,1895	1864

The CHAIRMAN.* Does the gentleman from Arkansas insist upon the point of order?
Mr. MACON. Yes.

The CHAIRMAN. The Chair sustains the point of order.
Mr. DRISCOLL. Will the gentleman wait just one moment?

want to make one statement.

The CHAIRMAN. The gentleman can not proceed except by

unanimous consent.

Mr. MACON. Mr. Chairman, I think he ought to have unanimous consent.

The CHAIRMAN. The gentleman from New York asks unanimous consent-

Mr. DRISCOLL. Just to make one statement in reference to these men. The man I know, who lives in my district, is as white as any man here, and I believe everyone of these porters are all white men, all American citizens, and I wish the gentleman-

Mr. MACON. Nobody has said anything about the color of these porters; color has not been mentioned.

The CHAIRMAN. The Clerk will read.

Mr. FINLEY. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman

Mr. FINLEY. I ask unanimous consent that this item be

passed over until we finish the next page, page 20.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that this paragraph be passed without prejudice until the reading of page 20 be concluded. Is there objection?

Mr. OLLIE M. JAMES. What paragraph is it?

The CHAIRMAN. The Chair wishes to find out whether there is any objection to the request.

Mr. OLLIE M. JAMES. Mr. Chairman, I wish to find out what the paragraph is; what it is we are to allow to go over.

The CHAIRMAN. Without objection, the Clerk Mr. MOON of Tennessee. Mr. Chairman, I object.

The CHAIRMAN. Nobody seems to object—
Mr. MOON of Tennessee. Mr. Chairman, I was on my feet, and objected.

The CHAIRMAN. Objection is made, and the Clerk will read.

The Clerk read as follows:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks. Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated head-quarters, \$23,000.

Mr. GRIGGS and Mr. MOON of Tennessee rose.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] is recognized.

Mr. MOON of Tennessee. Mr. Chairman, I am of the opinion that this section is obnoxious to the rules of the House which prevent any new legislation on appropriation bills except in accordance with the general law. I make the point of order that it is new legislation.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] makes the point of order that it is new legislation.

Mr. GOEBEL. Mr. Chairman, will the gentleman withhold his point of order?

Mr. OVERSTREET. Mr. Chairman, I want to ask the gentleman from Tennessee [Mr. Moon] if it is his purpose to insist

on his point of order?

Mr. MOON of Tennessee. I made it in earnest. I would not make the point of order otherwise.

Mr. GRIGGS. I make the point of order that the gentleman

from Tennessee debated this question before he made the point

The CHAIRMAN. The Chair was following that very closely. The gentleman was making a statement perhaps necessary as preliminary to his point, and the Chair overrules the point of order made by the gentleman from Georgia [Mr. GRIGGS].

Mr. GOEBEL. Will the gentleman from Tennessee [Mr.

Moon] withhold his point of order for a moment?

Mr. MOON of Tennessee. Mr. Chairman, I may as well be candid with the gentleman from Ohio [Mr. Goebel]. I know exactly what his amendment is, and I know it is bad legislation, and, in my opinion, it ought not to be passed. The best way, I think, to kill obnoxious legislation is to insist on the point of order, and I insist upon it.

The CHAIRMAN. May the Chair ask the gentleman from Tennessee [Mr. Moon] if there is any existing permanent law

authorizing this appropriation?

Mr. MOON of Tennessee. Not that I am aware of.

The CHAIRMAN. The Chair has had occasion— Mr. COCKRAN. Mr. Chairman, I understand from the gentleman from South Carolina [Mr. Finley] that there is a misapprehension in the mind of the gentleman from Tennessee

[Mr. Moon] on the question of fact.

The CHAIRMAN. The Chair has had occasion to rule on some similar questions some two or three times to-day, and the Chair has given some investigation to the matter. the Chair has given some investigation to the matter which the gen-Chair in his ruling will take care of the matter which the gentleman from South Carolina [Mr. FINLEY] refers to.

Chair is ready to rule.

Mr. GRIGGS. Am I in order to offer an amendment?

The CHAIRMAN. The gentleman is not in order to offer an amendment at this time.

Mr. GOEBEL. Has the Chair ruled? The CHAIRMAN. The Chair is ready to rule. It has been repeatedly held that the insertion of a provision in an appropriation bill makes law for that year onlylaw," as it is called-unless the language used clearly indicates an intention to extend the operation of the provision beyond that fiscal year and to work a permanent change in the law. The language of the provision to which the point of order is directed indicates no such intention. The fact that such a provision has been carried in an appropriation bill more than one year-it may be for many years-does not alter the principle. It has been held that the reenactment from year to year of a law intended to apply during the year of its enactment only does not relieve the provision from the point of order. In the third session of the Fifty-eighth Congress, when the army appropriation bill was under consideration, a similar question arose. A point of order was made against a provision in that bill which had been carried in army appropriation bills for the three previous years. The gentleman from Illinois [Mr. Bou-Tell] was in the chair, and in sustaining the point of order he

Although this provision may have been carried for a number of years, it has never been carried in the form of a statutory enactment, but as a provision, always subject to a point of order, governing this appropriation for a single year.

From this ruling an appeal was taken, and the decision of the

Chair was sustained by the committee.

There can be, under the rules, no authorization by prescription or practice. It is true that a provision in an appropriation bill reenacting verbatim an existing permanent law is not subject to a point of order; but the Chair assumes, from what has been said, that the only law covering this point is that found in former post-office appropriation bills in language identical with the language of this provision. With that understanding of the facts, the Chair sustains the point of order.

Mr. MURDOCK. Mr. Chairman, I appeal from the decision

The CHAIRMAN. The gentleman from Kansas [Mr. Mur-DOCK] appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee? Upon that question the Chair desires and will order tellers. The Chair will name the gentleman from Indiana [Mr. Overstreet] and the gentleman from Kansas [Mr. Mur-DOCK] as tellers. Tellers will please take their places.

The committee divided; and tellers reported—yeas 93, nays 24. So the decision of the Chair was sustained.

The Clerk read as follows:

For rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, \$59,000, including rental of offices for division headquarters, Railway Mail Service, in Washington, D. C.

Mr. GOEBEL. Mr. Chairman, I move to strike out the last I regret very much that a point of order is made to a proposition that has been carried in every appropriation bill for last ten years. The opposition to this paragraph is not aimed at the paragraph itself. The paragraph as it stands pro-

vides for the expenses of certain superintendents and other officers to the extent of \$23,000. There can not be any objection to the paragraph itself. The gentleman who makes the point of order has over and over again in the committee voted for the proposition.

The CHAIRMAN. The gentleman will suspend a moment. The Chair must call the attention of the gentleman to the rule which provides that in debate matters which occur in the com-

mittee must not be mentioned.

Mr. GOEBEL. The objection, therefore, was made because the gentleman knew that I intended to offer an amendment which provides for the expenses of the railway mail clerks.

Mr. MOON of Tennessee, Will the gentleman from Ohio allow me to interrupt him just a moment? There is nothing to be concealed on my part about this point of order. I happened to be aware of the fact that the gentleman had prepared an amendment, to be proposed to that paragraph, adding \$2,000,000 to this section to pay for meals and lodgings of railway mail clerks while away from their homes. As stated in my remarks yesterday, I have no objection to an increase of pay by way of salary to these men, but I do object to legislation of this nature. I do object to the proposition of having accounts taken for meals and lodgings of the men while traveling. I think it is bad legislation, and made the point of order against this section so that the gentleman could not hinge his amendment onto it. That was the very purpose. Later on we are going to take care of these clerks by proper amendment of the law, increasing their salaries, so that they may live like gentlemen, and not like children of the Government.

Mr. GOEBEL. You therefore, in making your point of order, refused to submit to this committee the proposition whether

such an appropriation ought to be made.

Mr. MOON of Tennessee. I think it would be bad legislation.

Mr. GOEBEL. Why not trust the judgment of this commit-Why not leave the paragraph without making a point of order? You could have voted against my amendment if you saw fit; but by your point of order to the paragraph itself you do cut out every amendment, and for that reason you made the point of order.

Mr. MOON of Tennessee. I wanted to cut it out, root and branch, so that you could not get in your amendment. That

was all.

Mr. GOEBEL. I understand it.

The CHAIRMAN. The Chair will again caution the gentleman against referring to a Member in the second person. While the gentleman may criticise the remarks of a gentleman, he can not comment upon the motives that led to their utterance.

Mr. GOEBEL. I do not intend to comment upon the motives of the gentleman, but I am stating a fact, which he admits.

Now. I say, Mr. Chairman, that that is not good legislation, and it is not in the interests of good legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I ask the Clerk to proceed with the

reading.

The Clerk read as follows:

For per diem allowance of assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$30,000, and for their necessary official expenses not covered by their per diem allowance, not exceeding \$3,600; in all, \$33,600.

Mr. OLMSTED. I desire to call attention to the manifest inconsistency of the gentleman from Tennessee [Mr. Moon]. He made the point of order which knocked out of the bill the provision for paying the expenses of the railway mail clerks, giving as his reason that he did not wish them to be the objects of paternal care or paternal government. Now, here is a provision for paying the expenses of assistant superintendents while away from home in the line of their duty, and the gentleman from Tennessee is quite content. He makes no point of order against it; neither do I. It is quite proper that their expenses be paid. But if it is "paternal" in one case, why not in the other? Are not the railway mail clerks—that most excellent body of public servants, whose duty requires them to be away from home—entitled to their expenses as well as the higher officers? No good reason has yet been advanced, and by the point of order we are prevented from discussing and voting upon the merits of the proposition.

The Clerk read as follows:

For balances due foreign countries, \$304,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman. I do not understand this appropriation. It says "for balance due foreign countries, \$304,000." I notice it is an in-I notice it is an increase of \$125,000 over the amount carried in the last bill for the same purpose.

Mr. OVERSTREET. That is for the purpose of paying foreign governments the difference between what they owe us and what we owe them. It is like a clearance, sometimes more and sometimes less. The balance is usually heavily against us, because they do more for us than we do for them. It is mail service where our mail is carried through other countries. We pay them the same rate as their rate, and they pay us the same rate as our rate, and we strike the balance, and it is paid in this way.

Mr. MACON. I withdraw the pro forma amendment.

The Clerk read as follows:

For travel and miscellaneous expenses in the postal service, office of the Third Assistant Postmaster-General, \$1,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word, in order to ask a question of the chairman. It is in relation to the preceding paragraph, for actual and necessary expenses of division superintendents, travel and pay, which went out on the point of order made by the gentleman from Tennessee [Mr. Moon].

Mr. OVERSTREET. That was stricken out.
Mr. MURDOCK. I know it is out. This has been carried
for a matter of sixty years. It is now out of the bill. It was a very necessary appropriation; and what I ask the gentleman is, Can anything be done to restore it?

Mr. OVERSTREET. I do not know; and I do not think the gentleman's statement is accurate that it has been in the bill for sixty years. The gentleman is so familiar with the rules, and familiar with the various ways of overcoming them, I will

pass it back to him. [Laughter.]
Mr. MURDOCK. I want to say to the gentleman that I never have seen a standing committee of this House before surrender a part of its own bill in order to escape an expression of senti-

ment in the Committee of the Whole.

Mr. OVERSTREET. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to the subject of his amendment. I would like to complete the bill to-night, and I hate to hold Members here so long.

The CHAIRMAN. It is very difficult for the chairman of the committee to state just when a Member is not speaking to an amendment to strike out the last word. The Chair thinks the debate must be confined to the paragraph.

Mr. MURDOCK. I have nothing against the paragraph that has been read. I am out of order, and will take my seat, according to the rule. [Laughter.]

The Clerk read as follows:

Supplies for the rural delivery service, including collection boxes, furniture, satchels, badges, straps, map supplies, repairing satchels and furniture, repairing, erecting, and painting collection boxes in the rural delivery service, \$60,000.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 25, page 25, add as a separate paragraph:
"The age limit fixed by the Civil Service Commission for rural letter carriers shall not apply to persons who served in the civil war and were honorably discharged."

Mr. OVERSTREET. I make a point of order against that. The CHAIRMAN. The Chair sustains the point of order. Mr. HUMPHREYS of Mississippi. Will not the gentleman

withhold his point of order?

Mr. OVERSTREET. I dislike not to accommodate the gentleman, but I want to complete the bill to-night, and I do not want to hold Members here so late.

Mr. HUMPHREYS of Mississippi. I believe the gentleman would accept the amendment.

Mr. OVERSTREET. No; I heard the amendment.

Mr. COCKRAN. Regular order!
The CHAIRMAN. The regular order is demanded, and the Clerk will read.

The Clerk read as follows:

To defray expenses incident to the shipment of supplies, including hardware, boxing, packing, cartage, freight, and the pay of 1 carpenter and 3 laborers for assignment in connection therewith, \$100,000.

Mr. SLEMP. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

On page 26, after line 4, insert the following:

"That on and after July 1, 1909, letter carriers of the rural delivery service shall receive a salary not exceeding \$1,200 per annum, graded according to length of routes. And each carrier in said service shall receive an additional \$100 per annum as compensation for the use of horse and vehicle. In addition to the foregoing, there shall be allowed to each carrier who carries a lock pouch, compensation to be fixed by the Postmaster-General, not exceeding \$100 per annum."

Mr. OVERSTREET. To that I make a point of order. The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, rural delivery service, \$37,360,000, of which amount the sum of \$163,000 shall be immediately available: Provided, That not to exceed \$12,000 of the amount

hereby appropriated may be used for compensation of clerks in charge of substations: Provided further, That in the discretion of the Postmaster-General the pay of any carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding \$900 in any one calendar year.

Mr. GRIGGS. Mr. Chairman, I move to strike out the words "thirty-seven," in line 7, page 36, and insert the words "forty-

The Clerk read as follows:

On page 26, line 7, strike out the words "thirty-seven" and insert "forty-one."

Mr. GRIGGS. And to add thereto "of which amount four millions per annum shall be for maintenance and horse hire of

Mr. OVERSTREET. Mr. Chairman, I make a point of order to that, and that there are two amendments.

Mr. GRIGGS. I will withdraw the last part of the amend-

The CHAIRMAN. The amendment may be regarded as a single amendment, and the Chair sustains the point of order.
Mr. HOBSON. Mr. Chairman, I offer the following amend-

ment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, at the end of line 17, add:

"Provided further, That of the sum hereby appropriated not exceeding \$20,000 may be expended for experimental purposes in the delivery of packages of merchandise weighing not over 11 pounds over rural routes designated by the Postmaster-General, under such regulations and at such special rates of postage as he may prescribe, provided that packages thus delivered shall originate on the same routes on which they are delivered."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that that amendment is both contrary to existing law

and not germane to the paragraph.

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, at the end of line 17, add:
"Provided further, That of the sum appropriated in this paragraph \$20,000 shall be applied under the direction of the Postmaster-General for experimental delivery of packages originating on the same routes on which they are delivered, under such rules and regulations as the Postmaster-General may prescribe."

Mr. OVERSTREET. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I request the gentleman from Indiana to reserve it.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have

The Clerk read as follows:

After line 17, page 26, add as a separate section:
"In passing upon a petition for the establishment of a rural free delivery route neither the color nor the illiteracy of the petitioners shall be considered."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order. Mr. BURNETT. Mr. Chairman, I offer the following amend-

ment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of line 17, page 26, the following: "Provided further, That the 25th day of December, when it falls on any day other than Sunday, shall be a legal holiday for rural mail carriers, and substitutes shall be employed to carry mails on said days and paid at the rate of \$3 per day."

Mr. OVERSTREET. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, and I would give notice that I desire to discuss the point of order.

The Clerk read as follows:

Page 26, at the end of line 17, add:
"Provided further, That no part of the sum appropriated in this paragraph shall be paid to carriers who deliver packages, except under rules and regulations prescribed by the Postmaster-General."

Mr. OVERSTREET. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair is ready to rule. The matter is too plain for discussion on the point of order. The Chair sus-

tains the point of order.

Mr. HARDWICK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, after the word "available," page 26, line 10, the

Amend by inserting, after the word "available," page 26, line 10, the following:

"Provided, The rural carriers shall be hereafter required, under such rules and regulations as may be established by the Post-Office Department, to carry parcels originating at any point on their respective routes, and for delivery at any point on their said routes, any parcel or package weighing not over 11 pounds at the following rate of compensation, 5 cents for the first pound"—

Mr. OVERSTREET. Mr. Chairman, the Clerk has gone far enough to indicate that the amendment is out of order. It is quite apparent that it is subject to a point of order, and I make the point of order.

Mr. HARDWICK. Mr. Chairman, I think I am entitled to

have the amendment read.

The CHAIRMAN. If any part of a proposition is out of order, it is all out of order. As soon as it is apparent that the amendment is out of order, that fact is disclosed, it is proper for a gentleman to make the point of order. The point of order has been made and the Chair sustains the point of order; and the Clerk will read.

The Clerk read as follows:

That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service, is hereby prohibited.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. I do so for the purpose of calling the attention of the chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Indiana [Mr. Overstreet], who is in charge of the bill, together with the attention of the members of the Committee of the Whole House, to the fact that the amendment which I offered is in every way analagous to the amendment to the post-office appropriation bill of 1893, which established the

rural free-delivery service.

Mr. OVERSTREET. Mr. Chairman, I feel I must make the point of order that the gentleman is not addressing himself to

his amendment.

Mr. Chairman, I ask unanimous consent that Mr. GRIGGS. the gentleman from Alabama may argue the point of order. [Laughter.]

The CHAIRMAN. The gentleman from Alabama has been recognized and the Chair overrules the point of order, and the

gentleman from Alabama will proceed.

Mr. HOBSON. Mr. Chairman, I wish to call attention to the fact that some of the most valuable legislation, if this could be called legislation under the point of order, has been provided by such amendments as the one proposed, and all I asked the chairman to do was to explain his point of order or reserve it, so that I might make it plain that this would not involve any expense to the Government; that it would not entail any competition with any private companies whatsoever: that it would be of great benefit to the patrons of rural delivery routes throughout the whole country, and I speak advisedly, for my own district pro rata utilizes the rural delivery service for money orders and registration more than any district in the United States. Great service would be rendered to 18,000,000 of our population, and at the same time a large revenue would accrue to the Government. The amendment only provides for a trial; and if the trial should prove successful and should be applied generally, it is estimated that the revenue would exceed \$15,000,000 annually without entailing additional expense, going far toward making the rural free delivery self-sustaining and toward wiping out the annual deficit in the Post-Office Department.

The hour is late, but it would only require five minutes' time for the amendment to be adopted by unanimous consent. I ask, therefore, that the amendment that I proposed be considered by unanimous consent at the present time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the amendment which he proposed be con-

sidered now. Is there objection?

Mr. OVERSTREET. Mr. Chairman, under all the circumstances and the lateness of the hour and the desire of gentlemen to complete the bill and adjourn, I shall object.

The CHAIRMAN. Objection is heard. The gentleman has

one minute left, if he desires to use it.

Mr. HOBSON. I wish to remind the gentleman from Indiana that this amendment only provides for packages that originate on the rural delivery routes, and I should like for the half minute that is left me to be utilized by the gentleman from Indiana in specifying his objections.

Mr. OVERSTREET. Does the gentleman yield to me a half minute?

Mr. HOBSON. I give the gentleman my remaining half minute of time and he can take what other time he desires, I presume.

Mr. OVERSTREET. Mr. Chairman, under the circumstances will utilize that half minute by asking the Clerk to read.

The Clerk resumed and concluded the reading of the bill.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 13, page 27, the following:

"For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$325,000: Provided, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place and make rules and regulations governing the foregoing provisions relating to per diem: And provided further, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more."

Mr. GRIGGS. Mr. Chairman, I desire to make a point of order against that amendment, that it is new legislation.

Mr. OVERSTREET. Mr. Chairman, this is the same paragraph that went out on a point of order earlier in the afternoon, and I afterwards called the attention of the Chair to the permanent statute.

The CHAIRMAN. Since the ruling of the Chair on the proposition earlier in the afternoon, the attention of the Chair has been called to the permanent law, which authorizes, in the opinion of the Chair, the appropriation, and the Chair overrules the point of order. The question is on agreeing to the amendment. Mr. GOEBEL. Mr. Chairman, I desire to say a word or two

upon the amendment that has been offered. This morning I made a point of order upon the paragraph which contained the amendment just offered. I had reason to believe that there would be a point of order made against the paragraph on page 20, which the gentleman from Tennessee did subsequently make, and if it had not been made would have permitted me to offer an amendment allowing the expenses of railway mail clerks.

Mr. Chairman, the amendment as now proposed by the gentleman from Indiana [Mr. Overstreet] provides for a per diem compensation to certain classes of employees in the Railway

Mail Service

Mr. OVERSTREET. Not in the Railway Mail Service.

Mr. GOEBEL. Well, in the postal service. To permit this amendment to be adopted you would be discriminating in the interest of a certain class of employees and against railway mail clerks and other employees in this great department. By this amendment you propose to give them, in addition to their compensation, a per diem of not less than \$4 a day and expenses.

Why this discrimination? What service do they perform that

is not included in the regular course of their duties which would warrant this additional compensation? I might have explained to the gentleman from Indiana some matters in relation to this item if he had permitted me to do so. I do now object to the adoption of this amendment, because it discriminates in the interest of one class as against another class. The railway mail clerks have their duties to perform, and while in the performance of that duty they are subjected to certain expense. It was my purpose in offering the amendment to permit an appropriation of \$2,000,000 for expenses, leaving it for the Post-Office Department to audit their accounts and stipulating that the amount should not exceed \$1 a day to any one clerk. I was not permitted to offer that amendment by reason of the point of order made by the gentleman from Tennessee to the entire paragraph. It seems to me, Mr. Chairman, that we ought to be consistent. There is no reason for selecting this class of employees and giving them \$4 a day as a per diem and traveling expenses. Now, then, I object to the adoption of this amendment, because it does make an unfair and unjust discrimination.

Mr. OVERSTREET. Mr. Chairman, just a word-of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. OVERSTREET. Mr. Chairman, I offer that as a sepa-

rate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a separate paragraph at the end of the bill: "For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, \$35,000."

The question was taken, and the amendment was agreed to. Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Acordingly the committee rose; and the Speaker having resumed the chair, Mr. Currier, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26305, the post-office appropriation bill, and had instructed him to report the same to the House with amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the

amendments?

Mr. OVERSTREET. Mr. Speaker, I rise to the previous question on the bill and amendments to final passage.

Mr. GOEBEL. Mr. Speaker, a parliamentary inquiry. If the previous question is carried, does it prevent any amendment to this bill?

The SPEAKER. Certainly. The adoption of the previous question closes debate and opportunity for amendment.

The question is on the motion of the gentleman from Indiana [Mr. OVERSTREET].

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments en

The question was taken, and the amendments were agreed to. The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. Overstreet, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2024) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the con-currence of the House of Representatives was requested:

S. 5727. An act to establish an assay office at Los Angeles, State of California;

S. 7472. An act transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school;

S. 8021. An act to prohibit the importation and use of opium for other than medicinal purposes;

S. R. 108. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba; and S. R. 118. Joint resolution to enable the States of Tennessee

and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

The message also announced that the Senate had passed

with amendments bill of the following title, in which the con-currence of the House of Representatives was requested:

H. R. 24151. An act entitled "An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table

and referred to their appropriate committees, as indicated below

S. R. 108. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. Demetrio Castillo, jr., of Cuba—to the Committee on Military Affairs:

S. 5727. An act to establish an assay office at Los Angeles, State of California—to the Committee on Coinage, Weights, and

Measures;

S. 7472. An act transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school-to

the Committee on Indian Affairs; and

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory-to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same: H. R. 19859. An act to provide for the payment of certain vol-

unteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to Jannuary 15, 1903, and for other purposes; and

H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the east-

ern and middle districts of Tennessee.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESI-DENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolu-

H. J. Res. 202. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.: and

H. R. 15452. An act to establish two or more fish-cultural sta-

tions on Puget Sound.

WRECK OF BATTLE SHIP MAINE.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1376), which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

To the Senate and House of Representatives:

Governor Magoon, on the eve of leaving Cuba, has expressed the hope that the wreck of the battle ship Maine may be removed from the harbor of Habana. I trust the Congress will see the wisdom of this suggestion and will provide for the removal of the Maine. We should not allow the wreck of this historic ship to remain as a possible danger to navigation in Habana Harbor, for this is wise from no standpoint. An appropriation should be made for the removal.

Theodore Roosevelt.

THE WHITE HOUSE, January 27, 1909.

VETO MESSAGE.

The SPEAKER also laid before the House the following veto message from the President of the United States (H. Doc. No. 1375), which was read:

To the House of Representatives:

I herewith return without approval, for the reasons given in the accompanying documents, H. R. 15098, entitled "An act to correct the military record of John H. Layne."

The bill is highly objectionable because it proposes to alter certain historical records of the War Department which should be kept inviolate, and confers a favor without any warrant upon one special individual not entitled to such favor. It would establish a demoralizing and vicious precedent if enacted into law.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 27, 1909.

Mr. HULL of Iowa. Mr. Speaker, I move that the vets message be referred to the Committee on Military Affairs.
The SPEAKER. Without objection, it is so ordered.

There was no objection.

AFFAIRS IN THE TERRITORIES.

Mr. HAMILTON of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 21957) relating to affairs in the Territories, and move that the House agree to the same.

The SPEAKER. The gentleman from Michigan calls up the following conference report. Does the gentleman desire his statement to be read instead of the report?

Mr. HAMILTON of Michigan. Yes. The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 21957, entitled "A bill relating to affairs in the Territories," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede form its amendments numbered 10, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, and 45.

That the House recede from its disagreement to the amend-

ments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 28, 29,

30, and 46, and agree to the same. Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered fifteen, and agree to the same with an amendment as follows: In lieu

of the matter stricken out insert the following:

Sec. 11. That no person shall receive a license to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska until he or she shall have, first, sub-mitted a diploma issued by some legally chartered medical school authorizing the holder thereof to practice medicine or surgery, the requirements for graduation of which medical school shall have been at the time of granting said diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or, second, submitted proof of having practiced medicine or surgery, or both, for a period of not less than three successive years continuously prior to the passage of this act, and within the jurisdiction of one of the judicial districts of Alaska.'

And that the Senate agree to the same. Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered seventeen and agree to the same with an amendment as follows:

In lieu of the matter stricken out insert the following:
"Sec. 13. That any applicant for license to practice medicine or surgery within the Territory of Alaska not in possession of the credentials specified in section three of this act may obtain a license at the discretion of the clerk of the district court to whom he applies upon furnishing a properly attested statement, to wit: That he or she is a bona fide resident of Alaska and has been engaged in the practice of medicine exclusively within the Territory of Alaska for a period of not less than three successive years immediately prior to the passage of this act. The application shall be accompanied by the written recommendation of three bona fide residents of the judicial district wherein the applicant desires to practice, one of whom must be a physician holding a license under section three of this act, and shall state in a general way applicant's character and professional ability."

And that the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered fortyone and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"That the act of the legislature of the Territory of Hawaii, entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii,' passed by the legislature of the Territory of Hawaii on the twenty-fourth and twenty-fifth days of April, anno Domini, nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

" 'Act 105.

"'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maul, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C.

Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, together with their associates, hereafter called "The Company," and their respective successors and assigns, be, and hereby are, vested with the right, authority, and privileges, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power, in the district of Wailuku, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, and subject to the approval and supervision of the boards or officials having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lampposts, conductors, conduits, and such other appliances and ap-purtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Walluku, on the island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

SEC. 2. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires, and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and wel-

fare.

"'SEC. 3. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed. maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, or operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"'SEC. 4. That the entire plant, lines, poles, and other apparatus and equipments shall at all times be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that

purpose.

'SEC. 5. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on part, which may occur by reason of the exercise of any of the

"'SEC. 6. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act, or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superofficer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

"'SEC. 7. Said company shall also have the right to maintain,

use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: Provided, however, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate is unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

Sec. 8. It is hereby expressly provided that nothing herein contained shall be construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"'SEC. 9. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year

preceding.
"'Sec. 10. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States

"'SEC. 11. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time

alter, amend, or repeal this act.

We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all the elective members of senate of the Territory of Hawaii this 24th day of April, A. D. 1907.

"'E. F. BISHOP, " President of the Senate. "' WILLIAM SAVIDGE, "' Clerk of the Senate.

"'We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the house of representatives of the Territory of Hawaii this 25th day of April, A. D. 1907.

"'H. L. HOLSTEIN, Speaker.

"'John H. Wise, Clerk."

"That the act of the legislature of the Territory of Hawaii entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii,' approved by the governor of the Territory of Hawaii on the first of May, anno Domini nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed as follows, to wit: " 'Act 130.

"'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii.

"'Be it enacted by the legsilature of the Territory of Hawaii, That the Lahaina Ice Company (Limited), as a body corporate, its successors and assigns, hereinafter called "The Company," be, and hereby are, vested with the right, authority, and privilege, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Lahaina, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, subjected to the approval and supervision of the officials or boards having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Lahaina, on said island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"'SEC. 2. The company shall at all times during the existence

of said franchise promptly and efficiently supply such electric light and power in said district of Lahaina as may from time to time be required by persons desiring the same, at any point or points: Provided, That it shall not be required to build, extend, or maintain any line or branch line for the transmission of such electric light or power beyond a distance of three hundred feet from such extension or major fraction thereof, unless the number of lights or amount of power agreed to be taken for not less than one year shall be reasonably sufficient to warrant the construction of such line or branch line or extension: Provided further, That if the company shall be unable to furnish power or light applied for by reason of lack of capacity of the plant or apparatus for producing and transmitting electric current, the company shall be allowed a reasonable time, not exceeding one year from the date of any application, to procure such additional improvements or apparatus as may be neces-

sary to furnish such applicant or applicants.
"'Sec. 3. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus and generally concerning the manufacture and supply of electricity which may be necessary for the public safety

and welfare.

"'SEC. 4. That all poles, lines, wires, cables, lamps, lampposts, conductors, conduits, and other appliances constructed,

maintained, or operated under, along, upon, and over the sidewalks, roads, squares, bridges, alleys, and lanes streets. in said district, on the island of Maui, shall be so constructed, maintained, and operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares,

bridges, alleys, and lanes by the public.
"'SEC. 5. That the entire plant, lines, poles, and all other apparatus and equipments shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for

that purpose.

Sec. 6. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necesand to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: Provided, however, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate or rates is or are unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"'SEC. 7. Said company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the company's nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other materials, and labor necessary to be used in making such connections: Provided, however, That the company shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the company a sum of money, sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of

one month.

Sec. 8. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, and mixed, as may be necessary or incidental to the proper conduct of its business; but said company shall not have the right or power to purchase franchises and property of any other company of like nature in said district of Lahaina.

"'SEC. 9. Said company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mort-gage of any or all of its property, franchises, and privileges granted or obtained by virtue of this act, or, if it is deemed ad-visable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per centum of the actual value thereof, with all future acquired property, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as the company shall deem advisable: Provided, That nothing in this section contained shall operate to prevent said company from obtaining the usual business credits and to make promissory notes without security.

"'SEC. 10. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the

privileges herein granted.

"'SEC. 11. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

"'SEC. 12. It is hereby expressly provided that nothing herein contained shall be so construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"' SEC. 13. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"'SEC. 14. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval to be secured within five years from the date of this act becoming law.
"'Sec. 15. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter,

amend, or repeal said act.

'Approved this 1st day of May, A. D. 1907.

" G. R. CARTER,

" 'Governor of the Territory of Hawaii.'"

And the Senate agree to the same.

E. L. HAMILTON, A. B. CAPRON, JAMES T. LLOYD, Managers on the part of the House. ALBERT J. BEVERIDGE, KNUTE NELSON, JAMES P. CLARKE, Managers on the part of the Senate.

The Clerk read the statement as follows: STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The Senate recedes from its amendments Nos. 10, 11, 12, 14, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37,

38, 39, 40, 42, 43, 44, and 45.

The House recedes from its disagreement to the amendments of the Senate Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 28, 29, 30 and 46, and agrees to the same.

The House recedes from its disagreement to the amendments of the Senate No. 15, 17, and 41, and agrees to the same with

Amendments Nos. 1, 2, and 3 relate to the signature of bonds which the town of Valdez, Alaska, is authorized to issue, requiring them to be actually signed by the mayor and clerk instead of having the signatures lithographed or printed, and require that the seal of the town be attached to them.

Amendments Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are changes in phraseology in that part of the act relating to the regulation of the liquor traffic in Alaska.

Amendment No. 14 struck out that part of the act relating to the practice of medicine and surgery in Alaska requiring practitioners to obtain licenses. The agreement restores the pro-

Amendment No. 15 struck out the section of that part of the act relating to the practice of medicine and surgery in Alaska. The agreement restores the section, except that the time which the applicant must have practiced in Alaska before he can obtain license is changed from five to three years.

Amendment No. 16 struck out the third section of that part

of the act relating to the practice of medicine and surgery in

Alaska.

Amendment No. 17 restores the fourth section of that part of the act relating to the practice of medicine and surgery in Alaska, except that the time which the applicant must have practiced is changed from five to three years and the jurisdiction within which he or she must have practiced is changed from "the judicial district in which the application is filed" to "the district of Alaska."

Amendments Nos. 18, 19, 20, 21, and 22, respectively, struck out the fifth, sixth, seventh, eighth, and ninth sections of that part of the act relating to the pracice of medicine and surgery in

Alaska. The agreement restores these sections without change.

Amendments Nos. 23, 24, 25, 26, and 27 changed the numbering of the sections of the act as it passed the House. The agreement restores the House numbering of the sections.

Amendments Nos. 28, 29, and 30 relate to the signature of bonds which the city of Phoenix, Ariz., is authorized to issue, requiring them to be actually signed by the mayor and recorder instead of having the signatures lithographed or printed, and

require that the seal of the city be attached to them.

Amendments Nos. 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 changed the numbering of the sections of the act as it passed the House. The agreement restores the House numbering of the

Amendment No. 41 struck out all of the act relating to the approval of certain acts of the legislative assembly of the Territory of Hawaii authorizing and providing for the manufacture, maintenance, distribution, and supply of electric light and power in the districts of Wailuku and Lahaina, Hawaii. The agreement restores the part stricken out, excepting a clause in each of the territorial acts relating to charges for electric light and power. The act as affected by the agreement of conferees leaves the regulation of rates in the courts, upon petition of consumers.

It should be stated that the provisions covered by amendment No. 41 were stricken out by the Senate so that the subject-matter could be referred to the Senate Committee on Pacific Islands and Porto Rico, since which time the Senate committee has favorably reported to the Senate two bills (S. 7697 and S. 7698) covering the subject-matter of the amendment, the Senate Committee on the Territories, to whom the omnibus bill was referred, not having jurisdiction of matters relating to the Territory of Hawaii under the rules of the Senate.

Amendments Nos. 42, 43, 44, and 45 changed the numbering of the sections of the act as it passed the House. The agreement

restores the House numbering of the sections.

Amendment No. 46 added a provision that no obligation shall be created against or assumed by the United States on account of any bond or bonds issued in pursuance of the authority granted in this act, and that notice of the provision shall be printed on the face of each bond issued. The House receded from its disagreement to this very proper amendment.

E. L. HAMILTON. A. B. CAPRON. JAMES T. LLOYD, Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report

Mr. GAINES of Tennessee. I would like to ask what the point was about the doctors?

Mr. HAMILTON of Michigan. Doctors in Alaska? Mr. GAINES of Tennessee. Yes; what was it? Mr. HAMILTON of Michigan. Does the gentleman mean the

report of the conferees?

Mr. GAINES of Tennessee. Yes. Something was said about their being required to do something for three years.

Mr. HAMILTON of Michigan. As a part of this bill, there was a provision as to the practice of medicine and surgery in Alaska. It seems that the natives there have been subjected to the operations of quacks and unskilled men. The House provided for a five-year provision, but in conference in was changed to three years

Mr. GAINES of Tennessee. Three years for what? Mr. HAMILTON of Michigan. I can explain it to the gentleman.

Three years in practice.

Mr. HAMILTON of Michigan. Physicians who are graduates of institutions are entitled to a license, but those who had prac-

of institutions are entitled to a license, but those who had practiced for five years, as provided by the House—

Mr. GAINES of Tennessee. And are not graduates?

Mr. HAMILTON of Michigan. Yes.

Mr. GAINES of Tennessee. If they have been practicing three years and are not graduates, this law applies to them?

Mr. HAMILTON of Michigan. That is it.

Mr. GAINES of Tennessee. That is all right.

The SPEAKER. Without objection, the conference report is

The SPEAKER. Without objection, the conference report is agreed to.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. COOPER of Pennsylvania, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Miller Dunaway, Fiftysixth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. H. Webb, administrator of estate of David B. Sanders, against The United States (H. Doc. No. 1371)—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for a building for the Geological Survey (H. Doc. No. 1372)—to the Committee on Appropriations

and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor, submitting an estimate of appropriation for additional land for site of the Bureau of Standards (H. Doc. No. 1373)-to the Com-

mittee on Appropriations and ordered to be printed.

A letter from the president of the Civil Service Commission, transmitting a statement as to travel of officers and employees during the fiscal year ended June 30, 1908 (H. Doc. No. 1374) to the Committee on Reform in the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the joint resolution of the House (H. J. Res. 244) authorizing the Director of the Census to secure names and addresses of blind and deaf, reported the same without amendment, accompanied by a report (No. 1964), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the "Bellefourche land district," reported the same without amendment, accompanied by a report (No. 1965), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred the bill of the Senate (S. 4453) to aid in the erection of a monument to Pocahontas at Jamestown, Va., reported the same without amendment, accompanied by a report (No. 1970), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred House bill 11744, reported in lieu thereof a bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, accompanied by a report (No. 1972), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred House bill 24338, reported in lieu thereof a bill (H. R. 27238) to amend section 2619 of the Revised Statutes of the United States, accompanied by a report (No. 1963), which said bill and report were referred to the House Calendar.

Mr. REID, from the Committee on the Judiciary, to which was referred the joint resolution of the Senate (S. R. 118) to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, reported the same without amendment, accompanied by a report (No. 1966), which said joint resolution and report were referred to the House Calendar.

Mr. BANNON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, reported the same with amendment, accompanied by a report (No. 1967), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 26228) to provide for payment of the claims of the Augustinians, the Dominicans, the Recoletos, and the Franciscans, religious orders of the Roman Catholic Church in the Philippine Islands, reported the same with amendments, accompanied by a report (No. 1968), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No.

1969), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 21029) for the relief of James W. Sears, reported the same without amendment, accompanied by a report (No. 1971), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23610) granting an increase of pension to George Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26426) granting a pension to Carrie L. Poole— Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. McLAIN: A bill (H. R. 27239) to authorize a survey of Bayou Pierre, Mississippi-to the Committee on Rivers and Harbors.

By Mr. KINKAID: A bill (H. R. 27240) to extend the provisions of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906, to the North Platte National Forest in Nebraska-to the Committee on the Public Lands.

By Mr. BOWERS (by request): A bill (H. R. 27241) to validate the assignment and location of certain military bounty-land warrants—to the Committee on the Public Lands.

By Mr. BINGHAM: A bill (H. R. 27242) to amend the internal-revenue laws and to prevent the double taxation of certain distilled spirits—to the Committee on Ways and Means.

By Mr. CALDER: A bill (H. R. 27243) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes"

to the Committee on the Merchant Marine and Fisheries.

By Mr. BOYD: A bill (H. R. 27244) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in

Nebraska—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 27245) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes," to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes—to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 27246) to amend an act entitled An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. RANDELL of Texas: A bill (H. R. 27247) to increase the appropriation for erecting a post-office building in Denison, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BEALL of Texas: A bill (H. R. 27248) to authorize the enlargement of the public building at Dallas, Tex., and to authorize the purchase of the necessary ground therefor-to the Committee on Public Buildings and Grounds.

By Mr. BURLESON: A bill (H. R. 27309) repealing the tax on oleomargarine and other dairy products as fixed by the act of May 9, 1902, and substituting in lieu of said tax an annual for manufactures, wholesalers, and retailers-to the Committee on Ways and Means.

By Mr. OLCOTT: Joint resolution (H. J. Res. 248) relating to the issuing of campaign service medals—to the Committee on Naval Affairs

By Mr. JONES of Washington: Memorial of the legislature of the State of Washington, against the removal of the duty on forest products-to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred

By Mr. BARCLAY: A bill (H. R. 27251) to refund to the Keystone Powder Manufacturing Company, of Emporium, Pa.,

on certain duties paid on glycerine used in the manufacture of

dynamite—to the Committee on Claims.

By Mr. BOWERS: A bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns—to the Committee on Claims.

By Mr. BURLESON: A bill (H. R. 27253) for the relief of Carl G. and John Palm—to the Committee on War Claims. By Mr. CLARK of Missouri: A bill (H. R. 27254) granting

an increase of pension to James E. F. Lovell-to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 27255) granting an increase of pension to Henry A. Capen-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27256) granting a pension to Mary E. Noyes-to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 27257) granting a pension to Lewis Fish-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27258) granting an increase of pension to Chauncey R. Dickinson-to the Committee on Invalid Pen-

By Mr. DOUGLAS: A bill (H. R. 27259) granting an increase of pension to Charles Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27260) granting an increase of pension to

Thomas Hutchison—to the Committee on Invalid Pensions. By Mr. EDWARDS of Georgia: A bill (H. R. 27261) for the relief of the heirs at law of Samuel White-to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 27262) granting an increase of pension to William Miller-to the Committee on Invalid Pen-

By Mr. FOSTER of Vermont: A bill (H. R. 27263) granting an increase of pension to Mary Jane Smith-to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 27264) granting an increase of pension to Almon E. Abel-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27265) granting an increase of pension to

Matthew Brisbo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27266) to remove the charge of desertion from the military record of Hiram Binkley—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 27267) granting an increase of pension to Lydia H. Morris-to the Committee on Pensions.

By Mr. GOULDEN: A bill (H. R. 27268) granting an increase of pension to Nora C. Calhoun-to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 27269) granting a pension to

Martha Ann Turner—to the Committee on Pensions.

By Mr. HACKNEY: A bill (H. R. 27270) granting an increase of pension to Nicholas O. Bower—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 27271) granting a pension to

Herbert H. Skinner—to the Committee on Pensions.

Also, a bill (H. R. 27272) granting a pension to Robert F. Tietz-to the Committee on Pensions.

Also, a bill (H. R. 27273) to remove the charge of desertion now standing against the name of Edward Gordon-to the Com-

mittee on Military Affairs.

By Mr. HUGHES of New Jersey: A bill (H. R. 27274) granting an increase of pension to Eugene L. Smith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27275) granting a pension to Maria Yorkston—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 27276)

granting an increase of pension to Pleasant Goodman—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 27277) for the relief of George A. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 27278) granting an increase of pension to James H. D. Bostwick—to the Committee on Invalid Pensions. Also, a bill (H. R. 27279) granting a pension to Amy A. T. Silcott-to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 27280) for the relief of heirs of Robert Wix, deceased, of Macon County, Tenn.-

to the Committee on War Claims.

Also, a bill (H. R. 27281) granting a pension to Sallie C.

Dowell—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 27282) for the relief of the heirs of Cornelius P. Cassin, deceased—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 27283) granting a pension to Patrick Fahey-to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 27284) to correct the military record of Joseph Elshire—to the Committee on Military Affairs, By Mr. RICHARDSON: A bill (H. R. 27285) granting an increase of pension to Richard H. Smith-to the Committee on Pensions.

Also, a bill (H. R. 27286) granting an increase of pension to Robert Barbee—to the Committee on Invalid Pensions. Also, a bill (H. R. 27287) granting a pension to William T.

Green-to the Committee on Pensions.

Also, a bill (H. R. 27288) granting a pension to Nancy Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27289) granting a pension to Samuel Poter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27290) granting a pension to Levi P. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27291) granting a pension to Mary A. -to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 27292) granting an increase of pension to Patrick Keating-to the Committee on Invalid Pen-

By Mr. SHACKLEFORD: A bill (H. R. 27293) granting a

pension to Clara Jane Sitten—to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 27294) granting a pension to Lucy Andrews—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 27295) granting a pension to Harriett Benson—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 27296) granting an increase of pension to Levi H. Steele—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 27297) granting an increase of pension to Samuel Hoof-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27298) granting an increase of pension to Israel Osman—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 27299) granting an increase of pension to William S. Dumont—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 27300) granting an increase of pension to William A. Keister-to the Committee on Invalid Pensions

By Mr. McKINLAY of California: A bill (H. R. 27301) granting an increase of pension to George E. Hall-to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 27302) granting a pension to Martin J. Cole-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27303) granting a pension to Eli D. Johnson-to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 27304) granting a pension to Kate M. Henry-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27305) granting a pension to Martha del B. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27306) for the relief of Mary Murray (sister) and the heirs at law of Michael Murray, deceased—to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 27307) granting a pension to Emily D. Aldrich-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27308) granting a pension to Barton E. Gardner-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Petition of Ralph A. Bailey and others, for establishment of a national highways commission—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Pomona Grange, of Jerry City, Ohio, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. BATES: Petition of John F. Bigler, of the state normal school, favoring the Burkett, Davis, and Dolliver educational bills-to the Committee on Education.

Also, petition of Hydetown (Pa.) Grange, for the creation of a national highways commission and for an appropriation to aid in maintenance of public roads-to the Committee on Agricul-

Also, petition of H. A. Smith, of Erie County, Pa., for reduction of tariff on potatoes and onions-to the Committee on Ways and Means.

By Mr. BINGHAM: Paper to accompany bill for relief of Nathan Van Biel and others—to the Committee on Claims.

By Mr. BONYNGE: Petition of citizens of Colorado, against passage of Senate bill 3940-to the Committee on the District of Columbia.

By Mr. BOWERS: Papers to accompany bill to validate the assignments and locations of certain military bounty-land warrants-to the Committee on the Public Lands.

By Mr. CALDER: Petition of Lumbermen's Club of Memphis, Tenn., against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Public Schools Athletic League, for appro-

priation to assist in promoting rifle practice in public schools and colleges—to the Committee on Military Affairs.

Also, petition of adjutant-general of New York, favoring S. 2671, increasing number of officers in army—to the Committee on Military Affairs.

Also, petition of Washington Citizens' Association, against provision in naval appropriation bill requiring the Phladelphia, Baltimore and Washington Railway Company to maintain its railway connection with the Washington Navy-Yard by grade tracks on K and Canal streets SE .- to the Committee on Naval Affairs

By Mr. CAULFIELD: Petition of National Lumber Manufacturers' Association and the Hardwood Manufacturers' Association, against reduction of duty on lumber-to the Committee on Ways and Means.

By Mr. CLARK of Missouri: Petition of certain citizens of Missouri, against parcels post on the rural mail-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. CURRIER: Petition of Pink Granite Grange, of Haverhill, N. H.; Belknap Grange, of Belknap, N. H.; and J. W. Sanborn, for creation of a national highways commission-to the Committee on Agriculture.

Also, petitions of Advance Grange, of Wilton, N. H.; Lindley, H. Farr and others, of North Weare, N. H.; Antrim Grange, of Antrim, N. H.; Belknap Grange, of Guilford, N. H.; Rumney Grange, of Rumney, N. H.; Blue Mountain Grange, of Weld, Me.; Pink Granite Grange, of North Haverhill, N. H.; and Trojan Grange, of Troy, N. H., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Paper to accompany bill for relief of Margaret S. Griffith (H. R. 27090)-to the Committee on Pen-

Also, petitions of citizens of Butler, Bates County; Hume, Bates County; Adrian, Bates County; Rich Hill, Bates County; Everton, Dade County; Greenfield, Dade County; Lockwood, Dade County; Osceola, St. Clair County; Deepwater, Henry County; Appleton City, St. Clair County; and Clinton, Henry County, all in the State of Missouri, against the parcels-post and postal savings bank system-to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Petition of residents of Fultonville, N. Y., against passage of the Johnston Sunday-rest bill (S. 3940)-to the Committee on the District of Columbia.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of Alfred Rumsey—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Petition of Arthur H. Nichols and 24 others, of Lents, Oreg., against parcels-post and postal savings banks laws-to the committee on the Post-Office and Post-

Also, paper to accompany bill for relief of Martin L. Olmsted-to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Thomas L. Vought—to the Committee on Invalid Pensions.

Also, petition of Texas Hardware Jobbers' Association, of Fort Worth, favoring H. R. 22901, 22902, and 22903, relative to

interstate-rate requirement—to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Paper to accompany bill for relief of Henry C. Wolfe—to the Committee on Military Affairs.

Also, petition of Jefferson Grange, No. 956, of Huntingdon County, Pa., for national highways commission-to the Committee on Agriculture.

By Mr. FULLER: Petition of New Orleans Cotton Exchange. favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon-to the Committee on Agriculture.

Also, petition of the Trades League of Philadelphia, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Papers to accompany bill for the relief of heirs of Hiram Willett-to the Committee on War Claims.

Also, papers to accompany bills for the relief of Matthew Brisbo, Hiram Buckley, and Almon E. Abel-to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petitions of citizens of Berrien and Allegan counties, Mich., favoring parcels post and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Carnegie Library, of Atlanta, Ga., against increase of duty on books and other printed

matter—to the Committee on Ways and Means.

Also, petition of Macon (Ga.) Bar Association, favoring increase of salaries of United States judges (S. 6973)-to the Committee on the Judiciary

By Mr. HASKINS: Petition of D. A. Elliot and others, of White River Junction, against a parcels-post and postal savings

banks law—to the Committee on the Post-Office and Post-Roads. By Mr. HAYES: Petitions of William O'Hara and 146 others, of San Jose, and R. A. A. Summers and 95 others, of San Francisco, all in the State of California, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers-to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Betsey E. Higginsto the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert F. Tritzto the Committee on Pensions.

Also, papers to accompany bills for relief of Edward Gordon and Herbert H. Skinner—to the Committee on Military Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of
Joseph Miller—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of State Horti-cultural Society, favoring H. R. 21318—to the Committee on Interstate and Foreign Commerce. By Mr. HUGHES of New Jersey: Petition of Vernon Valley Grange, No. 134, of Vernon, N. J., for the creation of a national

highways commission (H. R. 15837)-to the Committee on Agriculture.

By Mr. JONES of Washington: Petition of certain horticultural societies of Washington, against Porter bill, with particular reference to the size of box to be used in shipment of apples-to the Committee on Interstate and Foreign Commerce.

Also, petition of fruit growers and shippers of Wallawalla County, Wash., favoring the so-called "Porter bill," except portion relating to size of standard apple box-to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Washington, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Washington Wool Growers' Association,

against reduction of tariff on wool-to the Committee on Ways and Means.

Also, petition of certain citizens of Aberdeen, Wash., favoring reduction of duty on steel wire-to the Committee on Ways and Means.

Also, petition of the governor and certain commercial organizations of Washington, against any reduction of duty on lumber and shingles-to the Committee on Ways and Means.

Also, petition of certain commercial organizations of Washington, against removal of duty on lead ores and bullion—to the

Committee on Ways and Means.

Also, petition of citizens of Wallawalla County, urging removal of duty on jute grain bags and on burlap cloth—to the Committee on Ways and Means.

Also, petition of citizens of State of Washingon, for removal

of duty on coal—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Henderson (N. Y.) Grange, favoring a national highways commission—to the Committee on Agriculture.

By Mr. LAMB: Memorial of common council of the city of Williamsburg, Va., for an appropriation to build a macadam road connecting the historic places of Jamestown—to the Committee on Appropriations.

Also, petition of Shenandoah Valley Fruit Growers' Association, favoring H. R. 21318, relative to insecticides and fungicides-to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of business men of Levering, Mich., against establishment of a parcels post-to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Cheboygan, Mich., against passage of Johnston bill (S. 3940)-to the Committee on the District of Columbia.

By Mr. LOVERING: Petition of T. S. Howes and others, of Dennis Grange, No. 260, favoring a national highways commission—to the Committee on Agriculture.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bills for relief of Martin J. Cole and Eli D. Johnson-to the

Committee on Invalid Pensions.

By Mr. MALBY: Petition of Gouverneur (N. Y.) Grange, favoring creation of a national highways commission-to the

Committee on Agriculture.

By Mr. MANN: Petition of employees of Isthmian Canal Commission and Panama Railroad Company, against action on part of United States Government or Isthmian Canal Commission curtailing commissary privileges—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Worth (Tex.) freight bureau of Texas Hardware Jobbers' Association, favoring H. R. 22901, 22902, and 22903, relative to interstate-rate requirement—to the Committee on Interstate and Foreign Commerce.

Also, petition of Omaha workingmen, against legislation to

exclude Asiatics-to the Committee on Foreign Affairs. By Mr. NORRIS: Petition of Benson (Nebr.) Commercial Club, favoring payment of expenses of railway mail clerks while away from their initial terminal—to the Committee on

the Post-Office and Post-Roads. By Mr. RICHARDSON: Papers to accompany bills for relief of Mary A. Precise, Levi C. Roberts, Samuel Potter, and Nancy

Shelton-to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of commander of the Grand Army of the Republic, against consolidation of pension agencies-to the Committee on Appropriations.

By Mr. RYAN: Petition of Fort Worth freight bureau, favoring H. R. 22901, 22902, and 22903, all relative to authority of Interstate Commerce Commission touching changes in freight rates-to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, favoring reconsideration of railway-rate law-to the Com-

mittee on Interstate and Foreign Commerce.

Also, petition of Cheyenne Brotherhood of Railway Postal Clerks, against H. R. 21261 (retirement provision for super-annuated employees)—to the Committee on Reform in the Civil Service.

Also, petition of trustees of the New York Public Library, of New York City, against increase of tariff on books and removal from free list of books thereon-to the Committee on Ways and

By Mr. SABATH: Petition of Chicago Public Library, against a tariff on books for public libraries, etc.—to the Committee on Ways and Means.

By Mr. SLEMP: Paper to accompany bill for relief of Francis

M. Kaylor-to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Memorial of Arizona legislature, urging statehood—to the Committee on the Territories.

By Mr. STEENERSON: Petition of M. Christensen and other citizens of Fosston, Minn., against duty on tea and coffee-to the Committee on Ways and Means.

Also, protests of Oen Mercantile Company, of Thief River Falls, Minn., and Beall & McGowan, of Fergus Falls, Minn., against proposed tax on tea and coffee—to the Committee on Ways and Means.

By Mr. STURGISS: Petition of J. R. Adamson, of Onego, W. Va., for a good-roads commission—to the Committee on

Agriculture.

Also, petition of Evening Star Grange, No. 206, and others, of Gandeeville, W. Va., for a national highways commission—to the Committee on Agriculture.

By Mr. TALBOTT: Petition of Tawneytown Grange, asking for the enactment of a law creating a national highways commission-to the Committee on Agriculture.

Also, petition of Medford Grange, No. 188, Patrons of Husbandry, favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of citizens of Belleville, Mich. against passage of Senate bill 3940-to the Committee on the District of Columbia.

Also, petition of Raisinville Grange, No. 410, of Dundee, Mich., favoring parcels-post and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petitions of Odin Grange, No. 1254, of Odin, Potter County, and Covington Grange, of Tioga County, both in the State of Pennsylvania, for a national

highways commission—to the Committee on Agriculture.

By Mr. WOOD: Petition of New Jersey State Horticultural Society, favoring legislation regulating standard and sale of

insecticides and fungicides in interstate commerce (H. R. 21318)—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of directors of New Jersey Chapter of American Institute of Architects, favoring integrity of the plan for improvement of Washington by placing the Lincoln me-morial at west end of the Mall—to the Committee on the Library.

Also, petition of Hamilton Grange, No. 79, Patrons of Husbandry, of Hamilton Square, N. J., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads,

SENATE.

THURSDAY, January 28, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Flint, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

Mr. FLINT presented the credentials of George C. Perkins, chosen by the legislature of the State of California a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

CREDENTIALS.

Mr. RAYNER presented the credentials of John Walter SMITH, chosen by the legislature of the State of Maryland a Senator from that State for the term beginning March 4, 1900, which were read and ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Susan J. Keesee, administratrix of the estate of George R. Johnson, deceased, v. The United States (S. Doc. No. 685), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Terri-

The message also announced that the House had passed the joint resolution (S. R. 118) to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

The message further announced that the House had agreed to the concurrent resolution (S. C. Res. 57) of the Senate providing for the counting of the electoral vote for President and Vice-President on February 10, 1909.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

Senate:

H. R. 26073. An act to legalize a bridge across the Indian

River North, in the State of Florida; and

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States;

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service in the Territory of Oregon in the

Cayuse Indian war of 1847 and 1848;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal

imported into the United States from October 6, 1902, to Jan-

uary 15, 1903, and for other purposes; and H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

PETITIONS AND MEMORIAS.

The VICE-PRESIDENT presented a joint memorial of the legislature of Washington, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as

Senate joint memorial 2. By Senator Potts.

To the Honorable the Senate and House of Representatives of the United States:

and House of Representatives of the United States:

Your memorialists, the senate and house of representatives of the State of Washington, most respectively represent:

That whereas Alaska has no government of its own and must look to the Federal Legislature for all public aid and assistance, and it is of the highest importance that wagon roads be constructed in Alaska to facilitate the transportation of freight and supplies to the various interior mining districts, where transportation charges now run into hundreds and even thousands of dollars per ton; and

Whereas the State of Washington, being nearest in point of distance to Alaska, has more intimate relations of commerce than any other State, and directly receives the greatest harvest of gold flowing from that great district, whence it finds its way throughout the Union, to the great enrichment of the whole United States:

Therefore your memorialists do pray the Congress of the United States that the sum of \$1,000,000 be forthwith appropriated, to be used under the direction of the board of road commissioners of Alaska, who have done most valuable work with the limited means at their disposal, for trunk roads in Alaska, which will speedly be followed by railroad construction, to the permanent development of a vast mineral region.

Passed the senate January 11, 1909.

M. E. Huy,

Passed the house January 11, 1909.

M. E. Huy, President of the Senate.

LEO V. MEIGS, . Speaker of the House.

The VICE-PRESIDENT presented a joint memorial of the legislature of the State of Washington, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Senator Minkler. Against the removal of the duty on forest products.

the duty on forest products.

Whereas the lumber industry is the leading one in the State of Washington, giving employment to over 100,000 men, to whom are paid annually in wages the sum of \$75,000,000, and has for many years been the mainstay of the Pacific Northwest; and

Whereas owners of Canadian timber lands and others are advocating the removal of the duty on lumber and forest products, with the view of transferring the lumber industry of this country to Canada; and

Whereas the State of Washington had a bitter experience under the free-trade Wilson bill a decade ago, and realizing the effect of a similar measure on wages and general business: Therefore be it

Resolved, That the legislature of the State of Washington, in session assembled, do most earnestly urge upon the Ways and Means Committee and Congress to retain the existing duty on forestry products; and be it further

further Resolved. That these resolutions be wired to the chairman of the Ways and Means Committee, now in session, and to our representatives in Congress, and that copies be forwarded to the President of the Senate and the Speaker of the House.

Passed the senate January 11, 1909.

M. E. Huy, President of the Senate.

Passed the house January 11, 1909.

LEO V. MEIGS,
Speaker of the House.

The VICE-PRESIDENT presented a petition of the American
Society of Civil Engineers of the United States, praying that an
appropriation be made for the construction of appropriation be made for the construction of a machine capable of testing to destruction full-size compression members of large dimensions, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Takoma Park Citizens' Association of the District of Columbia, remonstrating against any further time being devoted to the investigation relative to the price of gas in the District of Columbia or as to its dangerous qualities, which was referred to the Committee on the District of Columbia.

Mr. TELLER. I present a telegram addressed to the Delegate from Arizona, which I desire to have read to the Senate. It is a memorial of one house of the legislative assembly of Arizona. I have had it copied, so that the Secretary may read it. I ask to have it read and referred to the Committee on Territories

There being no objection, the memorial was read and referred to the Committee on Territories, as follows:

[Copy of telegram.]

PHOENIX, ARIZ., January 25, 1909.

Hon. MARK A. SMITH,

Delegate to Congress from Arizona, Washington, D. C.

House memorial No. 1.

To the honorable the Senate and
House of Representatives, Washington, D. C.:
Your memorialists, the twenty-fifth legislative assembly of the Territory of Arizona, most respectfully represent that
Whereas Arizona has long wanted to take its proper place in the
Union of States vested with all the rights to which American citizens

are entitled under the Constitution our forefathers have handed down to us; and

Whereas Congress has now under consideration the admission of certain Territories, all of which are urging their claims: Be it

Resolved, That this legislature asks that you give our fitness a fair hearing, lay aside legislation less vital, and grant Arizona immediate statehood; and be it further

Resolved, That the chief clerk of the house is hereby instructed to transmit this memorial by wire to the Hon. MARK A. SMITH, Arizona Delegate.

BEN R. CLARK, Chief Clerk.

Mr. GUGGENHEIM presented sundry affidavits, to accompany the bill (S. 6755) granting an increase of pension to Wilbert B. Teters, which were referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of Local Branch, Railway Postal Clerks' Association, of Peoria, Ill., remonstrating against the enactment of legislation providing for the retirement of superannuated employees in the railway postal clerks' classified service, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of Richmond and Warren, in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented sundry affidavits to accompany the bill (S. 8619) granting an increase of pension to Harrison Sloggy, which were referred to the Committee on Pensions.

He also presented a memorial of the Business League of St. Paul, Minn., remonstrating against the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, which was referred to the Committee on Naval Affairs.

Mr. PILES. I present a memorial of the legislature of the State of Washington, in favor of an appropriation of \$1,000,000 to be made for the construction of public roads in the Territory of Alaska. I ask that it be printed in the RECORD and referred to the Committee on Territories.

The VICE-PRESIDENT. The Chair presented to the Senate a memorial, which is evidently a duplicate of the memorial just presented by the Senator from Washington, and it was ordered printed in the RECORD. Does the Senator desire to have this memorial also printed in the RECORD?

Mr. PILES. I do not care to have it duplicated.
The VICE-PRESIDENT. The memorial will be referred to the Committee on Territories.

Mr. PILES presented a petition of sundry citizens of the Territory of Hawaii, praying for the enactment of legislation subsidizing American ships to an extent which will enable them to compete on even terms with those of foreign nations, which was referred to the Committee on Commerce.

Mr. HEYBURN presented a joint memorial of the legislature

of the State of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint memorial No. 3. By Anderson.

To the Congress of the United States:

Your memorialists, the legislature of the State of Idaho, do urgently request that your honorable body do, before adjourning, pass a general appropriation bill making appropriations for continuing the improvements now being made on the Columbia and Snake rivers.

The secretary of state is hereby directed to forward a copy of this memorial to each of our Senators and Representatives in Congress.

This house joint memorial No. 3 passed the house of representatives on the ——— day of ———, 1909.

PAUL CLAGSTONE, Speaker of the House of Representatives. This house joint memorial No. 3 passed the senate on the 13th day of January, 1909.

L. H. SWEETSER,

President of the Senate.

I hereby certify that the within house joint memorial No. — originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS, Chief Clerk of the House of Representatives.

[Certificate of certified copy.]

STATE OF IDAHO, DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, Department of State.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 3, by Anderson, which was filed in this office the 22d day of January, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 22d day of January, A. D. 1909.

[SEAL.]

ROBERT LANSON

ROBERT LANSDON, Secretary of State.

Mr. McCUMBER. I present a memorial signed by sundry citizens of Page and Fargo, in the State of North Dakota, remonstrating against the repeal of the duty on barley, wheat, and other grains imported from foreign countries. I ask that the body of the memorial be printed in the Record, omitting the names, and that it be referred to the Committee on Finance,

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, omitting the names, as follows:

Whereas it has been called to our attention that efforts are being made to effect a reduction or elimination of import duty on barley, wheat, and other grains. We respectfully call your attention to the fact that the free importation of barley, wheat, and other grains, which would result from the elimination or material reduction of the present import duty, will place the American farmer in competition with the peasant farmer of Russia and the cheap labor from other countries of the world.

The presenting of our Nation is leaved to the present the presenting of the present the countries of the world.

The prosperity of our Nation is largely dependent upon the success of our farming communities, and any attempt to reduce them to the level of foreign competition will prove disastrous to not only the farmers of the country, but also to all branches of industry dependent upon the agricultural masses for their existence and success.

Therefore we respectfully ask that you, as our Representative in Congress, use all possible means to prevent any reduction of the import duties on barley, wheat, or any other grain.

Mr. GALLINGER presented petitions of sundry citizens of Troy, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Anacostia Citizens' Association of the District of Columbia, praying for the enactment of legislation for a reduction in price of gas in the District of Columbia, and that the product be free from monoxide, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' As-

sociation of the District of Columbia, remonstrating against the enactment of legislation to relinquish the jurisdiction of the Interstate Commerce Commission over the street railway companies of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented petitions of sundry citizens of Canandaigua, Vesper, Hoosick, and Rhinebeck, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Waterloo, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the American Prison Association of the United States, praying that an appropriation be made for the reception of the International Prison Congress to be held in Washington, D. C., in 1910, which was referred to the Committee on Appropriations.

He also presented a memorial of Robert G. Shaw Post, No. 112, Department of New York, Grand Army of the Republic, of New Brighton, N. Y., remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. BURKETT presented a petition of the Commercial Club of Auburn, Nebr., and a petition of the Commercial Club of Benson, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RICHARDSON presented a memorial of sundry ministers of the gospel of Wilmington, Del., remonstrating against any further appropriations being made providing for an increase of the navy, which was referred to the Committee on Naval

REPORTS OF COMMITTEES.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 19893) for the relief of Thomas J. Shocker, reported it without amendment and submitted a report (No. 866) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally

without amendment and submitted reports thereon:
A bill (S. 4029) to appoint Warren C. Beach a captain in the

A bill (S. 4029) to appoint warren C. Beach a captain in the army and place him on the retired list (Report No. 867); and A bill (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va. (Report No. 868).

Mr. WARRIN from the Committee County (M. 1988).

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 4931) to correct the military record of Corwin M. Holt (Report No. 869); and

A bill (H. R. 17572) for the relief of George M. Voorhees (Report No. 870).

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6344) granting an increase of pension to J. M. Crosby, submitted an adverse report (No. 871) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 7879) to correct the military record of Pomeroy Parker, asked to be discharged from its further consideration and that it be referred to the Committee on Naval

Affairs, which was agreed to.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7742) to increase the limit of cost for purchase of site and erection of a post-office building at Elwood, Ind., reported it without amendment.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. Wetmore on the 18th instant proposing to appropriate \$25,000 for the establishment of a fish-cultural station, including purchase of site, etc., at some suitable point in the State of Rhode Island, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

UNION RAILROAD SUBSTATION.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 26920) to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia, to report it favorably without amendment. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURROWS. That is a very important measure. Either time will have to be taken up now to explain it or it had better go to the calendar.

Mr. MARTIN. I hope the Senator will not object to its consideration. It is a House bill which has been carefully considered, and it is recommended by the commissioners. It is a matter of great concern to people coming in here. It provides for just a little substation, and I hope the Senator will not It has been carefully considered.

Mr. BURROWS. The chairman of the committee—
Mr. MARTIN. The chairman of the committee is in thorough accord with the measure.

Mr. BURROWS. I understand the chairman of the committee says that he thinks it is a proper measure; but unexplained, it would seem to me that it would involve a good

Mr. MARTIN. The chairman of the committee, I am sure, has given it consideration and is in thorough accord with me in the matter.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. GALLINGER. Mr. President, there has been a good deal of controversy over the substation matter. So far as I have examined it I feel that this is the proper solution of the question. The House has passed the bill. I think I am correct in saying that the Commissioners of the District of Columbia have recommended it.

Mr. MARTIN. They have.

Mr. GALLINGER. And no one has appeared to object to it, so far as I know.

Mr. MARTIN. The Commissioners of the District went to the premises with the representatives of the railroad company and the Member of the House from the district adjacent to Washington, and myself, and the matter has been adjusted to the complete satisfaction of everybody.

Mr. GALLINGER. Of all parties?
Mr. MARTIN. Of all parties.
Mr. HEYBURN. I should like to know where it is located.
Mr. MARTIN. It is located at Seventh street. The location

at Fourteenth street was a most unfortunate one, and the Com-

missioners after consenting to it undertook to withdraw their consent because of its unsuitability. It was then taken to the courts and decided that they could not withdraw their consent. This bill gives the right to make the change to Seventh street,

which is especially adapted to this purpose.

Mr. HEYBURN. It is not on the Avenue?

Mr. MARTIN. No, sir; it is not on the Avenue, but it is in immediate reach of the street-car service.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF THE COLUMBIA RIVER, OREGON.

Mr. FRYE. I report favorably from the committee several concurrent resolutions providing for surveys. The House Committee on Rivers and Harbors is now considering the question of surveys. Therefore I ask that these several concurrent resolutions may now be considered.

First, I report the Senate concurrent resolution No. 81.

Senate concurrent resolution No. 81, submitted yesterday by Mr. Fulton, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River from the mouth of the Willamette River to the ocean, in the States of Oregon and Washington, and of the Willamette River, in the State of Oregon, from the city of Portland to the mouth of the river, with a view to securing and maintaining a uniform depth of not less than 30 feet at the lowest stage of water in said rivers from said city of Portland to the ocean, such survey and estimates to be reported to Congress.

IMPROVEMENT OF APALACHICOLA RIVER AND ST. ANDREW BAY, FLORIDA.

Mr. FRYE. I ask that Senate concurrent resolution No. 76 be next considered.

Senate concurrent resolution No. 76, submitted by Mr. MIL-TON on the 21st instant, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement.

IMPROVEMENT OF SOUTH BAY CHANNEL, CALIFORNIA.

Mr. FRYE. I ask that Senate concurrent resolution No. 77 be next considered.

Senate concurrent resolution No. 77, submitted by Mr. FLINT on the 22d instant, was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing.

IMPROVEMENT OF WILLAMETTE AND COLUMBIA RIVERS, OREGON,

Mr. FRYE. I ask that Senate concurrent resolution No. 78 be now considered.

Senate concurrent resolution No. 78, submitted by Mr. Bourne on the 26th instant, was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Willamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress.

IMPROVEMENT OF POLSON BAY, MONTANA.

Mr. FRYE. I ask that Senate concurrent resolution No. 79 be considered.

Senate concurrent resolution No. 79, submitted by Mr. Carter on the 26th instant, was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof.

HOMESTEAD ENTRIES.

Mr. HEYBURN. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 5900) to amend an act entitled "An act to repeal timber-culture laws, and for other

purposes," approved March 3, 1891, to report it favorably without amendment, and I submit a report (No. 865) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 5 of the act in the third paragraph by striking out the word "proprietor" and in-serting in lieu thereof the words "owner in fee," so that the paragraph shall read when amended as follows:

But no person who is the owner in fee of more than 160 acres of land in any State or Territory shall acquire any right under the homestead law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 8905) for the establishment of a probation system for the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 8906) to provide for the retirement of certain officers on the active list of the Regular Army who have been passed over in promotion by officers junior to them in length of commissioned service, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PAYNTER (by request) introduced a bill (S. 8907) to authorize the paving of Twenty-third street NW. from S street to Kalorama road, and Kalorama road from Twenty-third street to Connecticut avenue, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8908) granting a pension to Amanda Green, which was read twice by its title and referred

to the Committee on Pensions.

He also introduced a bill (S. 8909) granting an increase of pension to Woodford M. Houchin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8910) granting an increase of pension to Oliver Hand:

A bill (S. 8911) granting an increase of pension to Thomas J. Vinyard; A bill (S. 8912) granting an increase of pension to Hannah

Mohr; and

A bill (S. 8913) granting an increase of pension to Charles Roden.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8914) granting an increase of pension to William Fifer: and

A bill (S. 8915) granting an increase of pension to George W. Mann.

Mr. FLINT introduced a bill (S. 8916) granting an increase of pension to Edward Waltemeyer, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced a bill (S. 8917) for the relief of the widow and heirs of William H. Bell, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, which was read twice by its title and referred to the

Committee on Indian Affairs.

He also (for Mr. Hansbrough) introduced a bill (S. 8919) granting an increase of pension to Charles H. Orr, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8920) granting an increase of pension to Hiram A. Wilson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 8921) granting a pension to Horace G. Shull, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8922) granting an increase of pension to Henry L. Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 8923) granting an increase of pension to Catharine J. Carter, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 8924) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, which was read twice by its title and referred to

the Committee on Education and Labor.

Mr. TELLER. I desire to introduce a bill, with an explana-tory paper, and I desire the bill and the paper I submit to be published as a document. It is one of those bills which, I suppose, will not be reached at this session, but I want to lay the foundation for future proceedings. I ask that the bill and the memorandum submitted with it may be printed as a document and referred to the Committee on Appropriations.

A bill (S. 8925) to provide for the purchase and erection of a large testing machine and building therefor, which was read twice by its title and, with the accompanying paper, which was ordered to be printed as a document (S. Doc. No. 686) with the

bill, referred to the Committee on Appropriations.

Mr. BAILEY (by request) introduced a bill (S. 8926) granting a pension to Sarah B. Hatch, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 8927) for the erection of a Lincoln memorial, which was read twice by its title and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment authorizing the Director of the Geological Survey to furnish copies of any photographs or lantern slides in the possession of the United States Geological Survey to any person, concern, or institution in the interest of education and the dissemination of knowledge, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURROWS submitted an amendment relative to salaries

of employees of the Railway Mail Service, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and

ordered to be printed.

Mr. RAYNER submitted an amendment proposing to include the pay of draftsmen and inspectors in the annual appropriation for the contingent fund of the Naval Academy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

EXPLORATIONS IN ALASKA.

Mr. FORAKER submitted the following resolution (S. Res. 268), which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That 3,000 copies of Explorations in Alaska, 1899, for an all-American Overland Route from Cook Inlet, Pacific Ocean, to the Yu kon, by First Lieut, Joseph S. Herron, Eighth Cavalry, commanding expedition, War Department, Adjutant-General's office, Document No. 138, M. I. D., be printed for the use of the Senate.

WRECK OF THE BATTLE SHIP "MAINE."

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1376) which was read and referred to the Committee on Naval Affairs:

To the Senate and House of Representatives:

Governor Magoon, on the eve of leaving Cuba, has expressed the hope that the wreck of the battle ship Maine may be removed from the harbor of Habana. I trust the Congress will see the wisdom of this suggestion and will provide for the removal of the Maine. We should not allow the wreck of this historic ship to remain as a possible danger to navigation in Habana Harbor, for this is wise from no standpoint. An appropriation should be made for the removal.

The White House January 27, 1909.

Theodore Roosevelt.

THE WHITE HOUSE, January 27, 1909.

AMERICAN SUGAR REFINING COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 687), which was read and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate:

In accordance with my direction, the Attorney-General has forwarded to me the inclosed papers in response to the resolution of the Senate of January 22, 1909, in reference to sending to the Senate "copies of all correspondence in the Department of Justice relating to an alleged

violation of the act of July 2, 1890, by the American Sugar Refining Company in connection with an alleged loan by that company to one Segal, in which was pledged as security therefor a majority of the capital stock of the Pennsylvania Sugar Refining Company, with voting power thereon, and under which it is alleged an agreement was entered into that the Pennsylvania Sugar Refining Company should not engage in business," and I herewith transmit them to the Senate.

The Whyer House Lorence 28, 1900

THE WHITE HOUSE, January 28, 1909.

VETO MESSAGE-COMMISSIONS OF ARMY OFFICERS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 688), which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I herewith return, without approval, Senate bill No. 653, entitled "An act to authorize commissions to issue in the cases of officers of the Army, Navy, and Marine Corps and of the Revenue-Cutter Service retired with increased rank," for the reasons contained in the accompanying letter of the Secretary of the Navy and memorandum of the Chief of the Bureau of Navigation. It seems to me that the showing made by these documents warrants the assertion that the proposed legislation would be certainly undesirable and possibly pernicious.

The Wayre House Labrager 25 1999.

THE WHITE HOUSE, January 28, 1909.

HOUSE BILLS REFERRED.

H. R. 26073. An act to legalize a bridge across the Indian River North, in the State of Florida, was read twice by its title and referred to the Committee on Commerce.

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

ASSESSMENT AND COLLECTION OF TA

The VICE-PRESIDENT. If there is no further morning business, the morning business is closed, and the Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read Senate resolution No. 265, submitted yesterday by Mr. Brown, as follows:

Resolved, That the Committee on the Judiciary be discharged from further consideration of the bill (8. 3186) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax, state, county, municipal, district, or federal, and that the same be laid before the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. BROWN. I feel, Mr. President, that the Senate understands, as well as the members of the Judiciary Committee, this resolution is not directed against that committee in any spirit of criticism in any sense. For the chairman of that committee and for the membership of that committee I have the greatest respect as to their integrity and their ability. But, Mr. President, the Senate is aware that the committee is flooded with an avalanche of work, including bills that are numberless and resolutions of inquiry that require a vast volume of labor. It is patent from the history of this bill, which I introduced a year and more ago, almost at the beginning of the present Congress, that we would have had some report either for or against the bill if the committee had had an opportunity to give it consideration.

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. BROWN. Certainly.

Mr. BEVERIDGE. I merely wanted to ask the Senator, for the information of the Senate, so that we may understand more clearly, to state to the Senate the purport of the bill from the consideration of which he asks that the committee be discharged, so that we will have the question in mind.

Mr. BROWN. I expect to do that. I was simply, not in

the way of apology, undertaking to have the Senate understand why the resolution is introduced and why I am pressing it. After the committee has had the bill since January 7, 1908, the Senator from Oregon [Mr. Fulton] yesterday stated in open Senate that he was the subcommittee appointed to give the bill consideration. He also stated that he did not know whether he was acting by himself or with some other member of the committee.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oregon? Mr. BROWN, Certainly,

Mr. FULTON. I trust the Senator will not insist that I was the subcommittee. I think I claimed to have been a part of it.

Mr. BROWN. The language of the Senator was—

Mr. FUL/TON. I do not think I claimed to be the whole

Mr. BROWN. The Senator said:

The bill is one that was referred to me as a subcommittee.

I may misunderstand the effect of that language, but I apprehend I have stated the fact.

But said the Senator:

I am not quite certain whether there was more than one on the sub-committee or not.

Mr. FULTON. I think the Senator will admit-

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Oregon?

Mr. BROWN. Certainly.
Mr. FULTON. I simply want to remark that I think the Senator will now concede that I was justified in saying that I

did not claim to be the whole work.

Mr. BROWN. Undoubtedly; but it illustrates the situation of the bill which I undertook to get the judgment of the committee upon and upon which I do ask the judgment of the Senate. For more than a year the subcommittee, a part of the subcommittee at least, realized that it had a bill before it. This resolution was offered, therefore, more in the spirit of discouragement on the part of the author of the bill as to whether the

bill will ever give any evidence of life.

Mr. President, this bill, to my mind, and I do not think I exaggerate, is a very important measure. I think its mere statement will convince the Senate, if I can have its attention a very few minutes, that the bill ought to be reported, and reported favorably. With the indulgence of the Senate, I desire to take just a very few minutes to state what the bill is.

There is an existing statute now, which has been in force ever since 1867, which reads as follows:

No suit for the purpose of restraining the assessment or collection of taxes shall be maintained in any court.

That is the existing law to-day. The Supreme Court of this country has decided that that is a valid statute, and that it is a valid limitation upon the jurisdiction of the circuit courts of the country. But the Supreme Court has also decided that the taxes referred to in that section are federal taxes alone.

Now, then, the measure which I have offered proposes to leave the existing statute as it is and to add the words "taxes, state, county, municipal, and district." In other words, I ask Congress to fix the jurisdiction of our federal courts with the same limitation as to state taxes that now exists as to federal taxes. If there can be any valid objection to that proposition from

any source, I have not yet heard it.

If it be argued that it is against public policy, I have but to refer the Senate to the language of Justice Miller, of the Supreme Court, who laid down the proposition, in discussing this very federal statute, that it was consistent with good public policy, because in the nature of things the collection of taxes must be made when they are due and not when some court of equity adjudicates that they are due. In order to sustain the life of the Government, taxes are collected summarily necessarily without the intervention of any injunctive writ from our own court.

Let me say in regard to the public policy of having that rule as to our federal revenues, it is much stronger as to state and school district and municipal taxes. We have had illustrations in this country of the operation of the right exercised by our circuit courts under the law as it exists to tie the hands of the tax collector in the States and the school districts and in municipalities of the several States, and that done, Mr. President, in States where there exists to-day a state statue that prohibits a state court from issuing a writ restraining the collection of The same reason exists why the state governstate taxes. ment needs a tax when it is levied and assessed that exists for the Federal Government having its tax collected when it is levied and assessed.

Mr. President, the objection has been made that there are some States in this country where they do not prohibit the citizens of the State from going into a state court and enjoining the collection of taxes, and therefore we ought not to pass a law governing our federal courts which will apply to those

Let me say, when that objection is made, the objector forgets the subject-matter of this bill and the subject-matter of the legislation proposed. The question that I am considering now is the jurisdiction of the circuit courts of this country. Can

it be that we should have a different jurisdiction exercised by those courts in the different States? Let the jurisdiction be uniform. If a circuit court has the right to enjoin the collection of taxes in one State, let it have the right to enjoin it in another. It ought to be denied the right to enjoin it in any State, so long as the Government takes care of its own taxes and saves them from a writ of injunction.

Mr. President, I do not think it will be argued that Congress does not have the right to limit the jurisdiction of those courts. The original act of jurisdiction, passed more than a hundred years ago, provided limitations one after another. In some cases the court was given jurisdiction and in others denied.

That was the judgment of Congress then of its power to fix and limit the jurisdiction of the inferior courts. If we are not satisfied with the judgment of Congress as expressed then and many times since, I ask objecting Senators if they will be satisfied with the judgment of our courts who have themselves said that they have such jurisdiction as Congress gives them and none other?

Mr. President, I do not care to express in detail the reasons why this bill should be passed at this moment. But I do confess to you, Senators, that I have a conviction that this is one of the statutes that Congress ought to pass. It provides that when a tax is assessed in one State by the taxing authorities of that State it shall not be subject to collateral attack in the

federal courts of equity.

I ask, Mr. President, in connection with the few remarks I have made, to submit a memorandum of authorities on the law

questions involved.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Existing law denies to the federal court the power to enjoin the assessment or collection of taxes, as follows:

"No suit for the purpose of restraining the assessment or collection of taxes shall be maintained in any court." (U. S. Comp. Stats., sec. 3224.)

This section has been held by the Supreme Court of the United States to apply alone to federal taxes. (Wels v. Central Vt. R. R. Co., 14 Blatchford, 426.)

The proposed bill amends the above section so as to apply to all taxes, as follows:
"No suit for the purpose of restraining the assessment or collection of taxes, state, county, municipal, district, or federal, shall be maintained in any court."

THE SUMMARY COLLECTION OF TAXES IS NECESSARY TO THE LIFE OF THE GOVERNMENT, STATE AS WELL AS FEDERAL.

The Summary collection of taxes is necessary to the life of the Government for its own existence has the power to levy and collect taxes. They are collectible when due, not when a court of equity shall have investigated and adjudicated their validity.

On this question the Supreme Court said in Cheatham v. United States (92 U. S., 85): "If there existed in the courts, state or national, any general power of impeding or controlling the collection of taxes or relieving the hardship incident to taxation, the very existence of the Government might be placed in the power of a hostile judiciary." Again, in the State Railroad Tax cases (92 U. S., 575), Mr. Justice Miller, speaking for the court, said:

"The Government of the United States has provided, both in the customs and in the internal revenue, a complete system of corrective justice in regard to taxes imposed by the General Government, which in both branches is founded upon the idea of appeals within the executive departments. If the party aggrieved does not obtain satisfaction in this mode, there are provisions for recovering tax after it has been paid by suit against the collecting officer. But there is no place in this system for an application to a court of justice until after the money is paid.

"That there might be no misunderstanding of the universality of this principle, it was expressly enacted, in 1867, that 'no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.' (Rev. Stat., sec. 3224.) And though this was intended to apply alone to taxes levied by the United States, it shows the sense of Congress of the evils to be feared if courts of justice could, in any case, interfere with the process of collecting the taxes on which the Government depends for its continued existence. It is a wise policy. It is founded on the simple philosophy derived from the experience of ages that the payment of taxes has to be enforced by summary and stringent means against a reluctant and often and other modes of pr

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BOARDS OF EQUALIZATION AND ASSESSMENT ACT JUDICIALLY AND THEIR JUDGMENTS SHOULD NOT BE SUBJECT TO COLLATERAL ATTACK IN COURTS OF EQUITY.

The rule is well established throughout the several state and federal jurisdictions of the country that an assessment and equalization board acts judicially when it determines the value of property for taxation purposes. Its determination of value is a judicial inding; its judgment stands as the judgment of a court and can not be impeached or set aside except for fraud or want of jurisdiction. Courts have no power to revise an assessment of a legally constituted assessment board because of an alleged error in valuation. The question of value is for determination by the board of assessors and not by the courts. If the judgment of the assessing board is the result of an in-

vestigation and a consideration of the subject-matter in good faith, it is final and conclusive upon both the State and the taxpayer, and is not subject to collateral attack. In order to give a court of equity jurisdiction in a collateral proceeding to ascertain the validity of a tax assessment one of two things must clearly appear—either fraud or a want of jurisdiction.

"Courts have no power to revise assessments made by the boards of assessors and approved or revised by the board of review upon the ground that these parties fell into an error of judgment in estimating the value of the property." (Loewenthal v. People, 192 Ill., 222.)

"Though an undervaluation appears, an assessment will be sustained where it can not be said to be so excessive as to warrant a finding that it was not honestly made and was known to be excessive." (Keokuk Bridge Co. v. People, 186 Ill., 267.)

"Decision of the state board of equalization is quasi judicial in its nature, and on application for judgment for unpaid taxes such decision can be assalled only for fraud or want of jurisdiction." (Connecting R. Co. v. People, 119 Ill., 182.)

"The taxing power is legislative and political in its nature, and is not under the judicial power of the State; and the courts can not interfere unless the tax is vold, because levied without power on the general assembly to provide the revenue laws. It devolves upon the general assembly to provide the revenue and the means for its levy and collection, without interference of either of the other departments. As long as officers are acting under the law in imposing and collecting taxes, the courts will not interfere, but when they transcend their powers and act without warrant of law, the courts may give relief. Hence, if the legally constituted board of equalization have acted within the scope of their authority, and if they have reasoned incorrectly and erred in judgment, we have no power to review and correct their actions. They are empowered by law to fix the value." (Ottawa Glass Co. v. McCaleb

rueed by the statute, or upon appearance or the taxpayer whose list is called in question, its action or decision in the matter, whether right or wrong, is binding upon him until set aside or vacated by an appeal or some other direct, authorized proceeding, and he will not be permitted to assall the same in a court of equity. Mr. High, in his valuable work on injunctions, has given a greaf dea of space to the discussion of when on injunctions, has given a greaf dea of space to the discussion of when on injunctions, has given a greaf dea of space to the discussion of when on injunctions, has given a greaf dea of space to the discussion of when on injunctions, has given a greaf dea of space to the discussion of when on injunctions, the discussion of which is alleged to be lilegal merely because it is a hardship or is too high. (High on Injunctions, vol. 1, sec. 485; Haywood v. Buffalo, 14 N. Y., 534; Burns v. Mayor, 2 Kans., 454; McPike v. Pew, 48 Mo., 525; Warden v. Supervisors, 14 Wis, 618; Clark v. Ganz, 21 Minn., 387; City Council v. Sayre, 65 Ala., 564.)

"Nor will equity interfere by injunction with the enforcement or collection of taxes because of irregularities, illegalities, or errors in the assessment of the tax, or in the power conferred upon taxing officers; but in smedy at law." (High on Injunctions, vol. 1, sec. 486)

Of the authorities cifed by the author to sustain the rule, the following may be cifed: O'Neal v. Virginia (18 Md., 1); Warden v. Supervisors (14 Wis, 618); Macklot v. Davenport (17 Iowa, 379); Exchange Bank v. Hines (3 Ohio St., 1); Jackson v. Detroit (10 Mich., 248); Hallenbeck v. Han (2 Nebr., 377); Challis v. Commissioners (15 Kans., 49); Supervisors v. Jenks (65 III), 275); Brown v. Herron (59 Ind., 61); Western R. Co. v. Nolan (48 N. X., 518).

"The excessive valuation of property is an irregularity where the assessing officers had jurisdiction and acted in good faith." (Stanley v. Albany Co., 164 Minn., 304; People v. Adams, 125 N. Y., 471; Bratton v. Johnson, 76 Wis, 430.)

"Th

the levy was by the proper officers, for lawful purposes, and at lawful rates. If the assessor, in returning the value of plaintiff's property, or the board of review in confirming it, fixed the same at an excessive or disproportionate value, it is immaterial, for the purpose of this case, whether the error is one of judgment or of gross incompetency or obedience to a void statute; the result is the same—it is nothing more nor less than an irregularity in assessment, for the correction of which, as we have already shown, injunction will not be granted.

"In reviewing the action of taxing officers upon bills to enjoin the enforcement of a tax, courts of equity are inclined to indulge the usual presumption in favor of the regularity and validity of the conduct of public officers until the contrary is shown. They will not therefore enjoin upon mere general averments that the assessment was too high. (High on Injunction, vol. 1, sec. 490.)

"In many of the States of the country different tribunals or boards of equalization are provided by law, whose functions consist in hearing complaints of persons aggrieved, adjusting inequalities among different taxpayers, and equalizing the burdens of taxation among the different persons subject thereto; and questions of such practical importance frequently occur in determining how far the action of such boards or officers may form the foundation for relief by injunction against the enforcement of taxation. The fundamental principle applicable to such cases is that a court of equity is not a court of errors to review the acts of public officers in the assessment and collection of taxes, nor will it revise their decision upon matters within their discretion if they have acted honestly. (High on injunctions, vol. 1, sec. 493; Livingston v. Hollenbeck, 4 Barb., 9; Clinton's Appeal, 56 Pa. St., 315; O'Neal v. Virginia R. Co., 18 Md., 1; Porter v. Rockford, R. I. R. Co., 76 Ill., 561; McIntyre v. Town of White Creek, 43 Wis., 620; Union Trust Co. v. Weder, 96 Ill., 346; Haywood v. B

"To sustain the above rule Judge Cooley cites Union Coal Co. v. Campbell (48 La. An., 1350); New York v. Davenport (92 N. Y., 604); Brown v. Oneida Co. (103 Wis., 149); Grand Rapids v. Welleman (85 Mich., 234)."

The Supreme Court of the United States has by an uninterrupted line of decisions given its sanction to the rule that an assessment board acts judicially, and that its judgment is not open to collateral attack on the ground of overvaluation alone. It is essential that either fraud or want of Jurisdiction must appear before a court of equity will revise the Ralicoad Tax cases, decided by the Supreme Court of the United States, the court, speaking through Mr. Justice Miller on this question, said:

"As we do not know on what evidence the board acted in regard to these railroads, or whether they did not act on knowledge which they possessed themselves, and as all valuation of property is more or less matter of opinion, we see no reason why the opinion of this court, or of the circuit court, should be better, or should be substituted for that of the board, whose cpinion the law has declared to be the one to govern in this matter.

** Let us suppose that the complaints made in these cases were well founded; that the mode adopted by the board of equalization to ascertain the value of the franchise and capital stock is not the best mode; that it produces unequal and unjust results in some cases; that the same is true of the mode of ascertaining the basis of assessment for the taxtion of municipalities; that the board of qualization thease. It is estimated the same that in the complaints of the case of the case

found and determined. Here the question determined by the state board was the value of certain property. That determination can not valuation was other than that fixed by the board. It is true such testimony may be competent, and was received in this case because, the part of the board sufficient to vititate its determinations. It is not, however, contended by counsel that there was any actual rand on the part of the board sufficient to vititate its determinations. It is not, however, contended by counsel that there was any actual rand on the part of the board sufficient to vititate its determinations. It is not, however, contended by counsel that there was any actual rand on the part of the board sufficient to vititate its determinations. It is not, however, contended by counsel that there was any actual rand on the part of the board sufficient to the property of the plaintiff a valuation they are considered to the property of the plaintiff a valuation they have been determined by the property of the plaintiff a valuation that the part of the property of the plaintiff a valuation that the plaintiff is a valuation that the valuation of the valu

of the same case:
"It is sufficient to say that we find nothing in the evidence that was

before the two boards which they might not properly consider under the laws of Tennessee, as circumstances to aid them in reaching a conclusion as to the value of that part of the railroad of complainant lying in Tennessee. Nor do we discover anything in the record or affidavits affirmatively showing that the boards have included in their assessments property of the complainant not in Tennessee, and the defendants in their report of the assessment and in their answer expressly deny that any such property was included. The exclusion of certain expert evidence to show how unreliable a standard of value are market reports of stocks and bonds we do not regard as material. Even if this were a direct proceeding to review the action of the defendants, as upon error (which it is not) the ruling could hardly be the subject of criticism; for the matters touched upon in the affidavits were matters of general knowledge, which the defendants and the assessors might be presumed to know. The relevancy of such items of evidence as the market value of bonds and stocks, and the amount of gross earnings and the net earnings, in reaching a conclusion as to the value of a railroad or telegraph line, has been so often recognized by the supreme Court of the United States that we need not discuss it. (Railroad ve Backus, 154 U. S., 424; Henderson Bridge Co. v. Kentucky, 166 U. S., 150; Adams Express Co. v. Ohio State Auditor, 165 U. S., 194; 166 U. S., 150; Adams Express Co. v. Cohio State Auditor, 165 U. S., 194; 166 U. S., 185.) It is contended that the law of Tennessee, as declared by its supreme court, is that each line of railroad must be valued by itself and not as part of a system, and therefore that the unit theory, upon which the foregoing decisions were based, has no application to Tennessee. If this be true, it only reduces the size of the unit, but it does not destroy every evidential bearing of stock and bond values upon the value of railroad property, that, within the limits of the reasonable discretion and judgment vest

IT IS WITHIN THE POWER OF CONGRESS TO FIX THE JURISDICTION OF FEDERAL, DISTRICT, AND CIRCUIT COURTS.

It will be observed that the amendment simply extends existing law to all taxes. Congress declared in the original section that no court should have jurisdiction to restrain the assessment or collection of federal taxes. It will not be argued that the original section does any injustice to either the Federal Government or the federal taxpayer. And for the same reason it can not be consistently urged that the amendment proposed would be unfair to either the State or the state taxpayer.

taxpayer.

But with the justice of the proposed amendment conceded, still its enactment is opposed by some on the ground that the amendment contravenes the Constitution and is beyond the competency of Congress

travenes the Constitution and is beyond the competency of the consideration of this question in the light of legislative and judicial precedent eliminates the objection.

The objection involves a single proposition, namely, the power of Congress to limit the jurisdiction of courts which it is authorized by the Constitution to create.

The circuit and district courts of the United States are creatures of the Federal Government. They are Congress-made institutions. From no other source do they obtain either power or jurisdiction. Congress created them. Congress can destroy them. This doctrine is sustained by Congress itself. For a century and more Congress has been engaged, from time to time, in changing the jurisdiction of these courts.

LEGISLATIVE PRECEDENTS

Chapter 7 of the Revised Statutes of the United States contains the law fixing the original jurisdiction of the circuit courts. Section 629, the first section of said chapter, confers upon the circuit courts

629, the first section of said chapter, confers upon the circuit courts jurisdiction as follows:

"The circuit courts shall have original jurisdiction as follows: First, of all suits of a civil nature at common law or in equity where the matter in dispute, exclusive of costs, exceeds the sum or value of \$500, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: Provided, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange."

It will be observed that the paragraph quoted contains in its provisions a limitation of jurisdiction. This law was passed in September, 1789, and has remained the law of the land to the present day—conclusive evidence of the judgment of Congress that it had the power to limit the jurisdiction of inferior courts.

Paragraph 4 of section 629 contains another limitation. The paragraph is as follows:

"Fourth. Of all suits at law or in equity, arising from any act pro-

graph is as follows:

"Fourth. Of all suits at law or in equity, arising from any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties for forfeitures; of all causes arising under any law providing internal revenue; and of all causes arising under the postal laws."

Paragraph 13 of said section also contains a limitation, as follows:

"Thirteenth. Of all suits to recover possession of any office, except that of electro of President or Vice-President, Representative or Delegate in Congress, or member of a state legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition

of servitude: Provided, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States."

Likewise paragraph 20 of said section, which reads as follows:

"Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein."

Section 630 of said chapter recognizes the power of Congress to control jurisdiction of the inferior courts. This section is as follows:

"Sec. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law."

Section 725 of said chapter deals with the jurisdiction of circuit courts on the subject of contempt and limits the court's jurisdiction to punish this offense. The section is as follows:

"Sec. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: Provided, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions and the disobedience or resistance of any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts."

Section 723 of this chapter forbids the institution in equity of any suit in either of the courts of the United States in any case where a plain, adequate, and complete remedy at law exists. The section is as follows:

"Sec. 723. Sui

Whatever power Congress has to fix the jurisdiction of federal courts derived from section 1, article 3, of the Constitution, which reads as

wintever power confress has to it. The jurisdiction of rederal courts is derived from section 1, article 3, of the Constitution, which reads as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

In obedience to this provision of the Constitution, Congress passed the judiciary act of 1789 heretofore mentioned. Obviously the power to pass the act implies the power to amend or even repeal it. The question admits of no other logic.

It may be said that the courts themselves have uniformly recognized the power of the legislative branch of the Government to fix their jurisdiction. It has come to be the settled doctrine as announced by the courts themselves that they are created by law for the purpose of enforcing not their own will but the will of the legislative branch of the Government. This doctrine was announced by Mr. Chief Justice Miller in Osborne v. Bank of United States (9 Wheat. R., 866), in the following language:

forcing not their own will but the will of the legislative branch of the Government. This doctrine was announced by Mr. Chief Justice Miller in Osborne v. Bank of United States (9 Wheat. R., 866), in the following language:

"Judicial power, as contradistinguished from the powers of the law, has no existence. Courts are the mere instruments of the law; they can will nothing.

"Judicial power is never exercised for the purpose of giving effect to the will of the judge; but always for the purpose of giving effect to the will of the legislature, or, in other words, to the will of the law."

Mr. Justice Harlan, in R. R. Co. v. Mississippi (102 U. S., 135), said:

"That except in the cases of which the court is given by the Constitution original jurisdiction, the judicial power of the United States is to be exercised in its original or appellate form, or both, as the wisdom of Congress may direct."

This doctrine is further sustained by the Supreme Court of the United States in the following cases:

"The notion has frequently been entertained that the federal courts derive their judicial power immediately from the Constitution; but the political truth is that the disposal of the judicial power, except in a few specified cases, belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us or to any other court, it still remains at the legislative disposal."

McIntyre v. Wood (7 Cranch, 504); Bank of Columbia v. Oakley (4 Wheaton, 236); McClung v. Silliman (6 Wheaton, 598); Kendall v. United States (12 Peters, 524; United States v. U. P. R. R. Co. (98 U. S., 601).

Also, Cary v. Curtis (3 Howard, 236). In the last-named case the court used the following language:

"That the organization of the judicial power, the definition and distributions of the subjects of jurisdiction in the federal tribunal, and the modes of their action and authority have been and of right must be the work of the legislature. The existence of the judicial exities

Mr. BROWN. Now, Mr. President, in view of the statement of the Senator from Oregon [Mr. Fulton] yesterday, who said he had this bill and I was likely to get a report upon it, I will not press at this hour the resolution for a vote, but I ask to have it lie upon the table subject to call.

Mr. FULTON. Mr. President, in view of what the Senator from Nebraska has said, I think perhaps before the resolution is laid aside I should offer a word in behalf of the committee.

The bill was, as stated, referred to a subcommittee, of which

I was the chairman. Yesterday morning when the subject was mentioned I had forgotten who the other members of the subcommittee were, but the facts in regard to the matter are substantially what I shall state.

The bill was taken under consideration by the subcommittee, as stated by the Senator from Nebraska [Mr. Brown]. It proposes to amend the existing law which prohibits the issuance of injunctions restraining the collection of taxes. It seemed to me that it applied not only to the taxes of the Federal Government but applied not only to the taxes of the Federal Government but applied to the country and applied taxes. ment, but as well to state, county, and municipal taxes. On the general proposition I was entirely in accord with the Schator from Nebraska; but the statute as he proposes to amend it would prohibit injunctions being issued by the federal courts restraining the collection or assessment of taxes by state authorities in a State which, by its public policy, permitted state courts to issue injunctions in such cases.

I suggested to the Senator that it seemed to me the bill should be amended so that no federal court would be authorized to issue an injunction restraining the collection of a state, county, or municipal tax within a State, where, by the laws of that State, state courts were not permitted to issue such writs.

Mr. BROWN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. FULTON. I will yield in just a second.

The Senate can see that it would be manifestly improper and bad legislation to say that a resident of a State might proceed in a state court and enjoin the collection or assessment of a tax within his State against his property, but that a nonresident owning property within a State could not go to a federal court to have his case tried; in other words—
Mr. BEVERIDGE. Mr. President—
Mr. FULTON. Just a second.
If a nonresident has a right of action, he should not be com-

pelled to go into the state courts to prosecute it; he should be allowed to go into the federal courts to prosecute the action; but if the State sees fit to establish the policy of prohibiting the issuance of injunctions at all for the restraining of the collection of taxes or the assessment of property, then it would be perfectly proper to prohibit the federal court from entertaining a suit. But if you are going to allow state courts to entertain the suit, then, in my judgment, you must allow the federal court sitting within the State to try the cases where one party is a nonresident of the State.

Mr. BROWN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. FULTON. I yield to the Senator from Nebraska.
Mr. BROWN. I want to ask the Senator from Oregon if it is not true that Oregon is one of the few States which does not have a statute prohibiting writs of injunction of this nature in state courts?

Mr. FULTON. I have not looked over the laws of the different States on the subject, but I know that in Oregon it is competent for a court to issue an injunction, on proper showing, restraining the collection of taxes. It is the same, also, in the State of Washington.

Mr. BROWN. Does the Senator— Mr. FULTON. I will yield to the Senator in a moment. As am advised by other Senators, it is so in different States. have not looked over the different statutes to ascertain the policy prevailing in the respective States; but that there are States where it is permissible under the local law for the local courts to issue injunctions in such cases, it seems to me, is a sufficient answer to the proposition of the Senator to exclude jurisdiction entirely from the United States courts.

Mr. BROWN. Does the Senator think that it would be an injury to the people of his State to have legislation which would compel nonresident taxpayers to resort to the same remedy as

the people of Oregon?

Mr. FULTON. It is not a question as to the same remedy. Of course they have the same remedy, and only the same remedy; but the court is one thing and the remedy is another. am not talking about the remedy.

Mr. BROWN. Mr. President, if the Senator will permit me, that brings us to the suggestion of who of the taxpayers are interested in this legislation.

Mr. FULTON. Mr. President, I am not yielding the floor. Unless the Senator wants to ask me a question, I wish to proceed with my reasons.

Mr. BROWN. Very well.

Mr. FULTON. Mr. President, the framers of the Constitution realized that a nonresident of a State going into a state or local court might not be on an equal footing with a resident; and therefore it was provided in the Constitution itself that in controversies between citizens of different States the federal courts should have jurisdiction to try and determine such controversies.

I suggested to the Senator from Nebraska that he amend his bill so as to provide that in those States where the policy of the state law did not permit the issuance of injunctions by state courts, the United States courts within that jurisdiction should not issue an injunction. The Senator at first suggested-

Mr. BROWN. Mr. President— Mr. FULTON. Just a moment.

The Senator at first suggested that he thought he might be satisfied with an amendment of that kind. I suggested that he prepare it.

The matter went on for a few days, when he told me that he thought he would prefer to come before the committee and explain it. I told him I hoped he would. So I supposed that the Senator was to appear before the committee at its last meeting, but he did not appear. He told me afterwards-a few days ago and since the last meeting of the committee-that he could not appear; that he had decided that he wanted the bill as originally introduced, and did not care for an amendment. I then said to the Senator, "Very well," and added that I would bring it up before the entire committee, and the committee would determine what character of report should be made.

I have only explained the nature and character of the bill in order to explain my own attitude in regard to it. There has been no disposition on the part of the committee to prevent a report on the bill. As I said yesterday, I feel responsible for whatever of criticism the committee is subjected to because I did bring the bill back in rather an informal way to the committee one morning; but as we did not know the character of the amend-ment the Senator from Nebraska would want or would agree to, I was to see him, and I saw him. Our little conference went along for a few days. It was only, I think, the day before yesterday that the Senator advised me that he would not con-

sent to any amendment. I think I am stating all the facts.

Mr. BROWN. I wish, however, to call the attention of the
Senator from Oregon to the fact that, in pursuance of his invitation to meet the committee, I tried to get into the committee room the other day, but I was informed by the man in attendance that they were busy, and from the nature of their business would be occupied most of the day.

The Senator understands that I filed an argument with the committee. I have done all I could. I have made myself personally obnoxious, I fear, to members of that committee by importuning them day after day. I have met with the sweetest smiles, but no results.

Mr. President, just a word about this exception and this amendment which the Senator proposes, which, on its face, would commend itself perhaps to some Senators. It must be remembered that the taxpayers who invoke this remedy in the federal courts are nonresident taxpayers, and yet their property is in the State where the tax is levied and assessed. The state government gives that property its protection. The state government makes that property secure and valuable. Those taxpayers, though they live outside of the state boundary, ought to be bound by the same rule that the man is who lives within the State, so long as the property of both parties is within the State and enjoys the blessings of the same government.

Not only that, but it raises the objection I mentioned, to which the Senator did not reply, that you destroy the uniformity of jurisdiction in our circuit courts. Take the eighth circuit, for instance. There are three States in that circuit, where we have statutes prohibiting injunctions in state courts. Now, under the amendment proposed by the Senator from Oregon, the circuit court of that circuit would have a different jurisdiction in the different States composing the circuit—a most ridiculous proposition. You might just as well suggest that the State should pass a law giving its district courts different jurisdictions in the different counties. We are legislating with respect to the jurisdiction of federal courts. Where? In a federal district, and

not in a part of it; and there can be no justification, it seems to me, of the proposition to destroy the uniformity of jurisdiction in the States composing the circuit.

Mr. FULTON. Does not the Senator himself propose to destroy uniformity? I do not think the question of uniformity is a very serious one, or argues much. The question is, giving a party a forum for relief if he has a cause of action. In those cases where under the statute of a State there is no cause of action in a state court, I think very properly we might say that there shall be no cause of action in a federal court; that we shall not interfere with the policy of that State by allowing a party to go into a federal court to secure an injunction where it is contrary to the policy of the State to permit an injunction to issue out of its own courts in that character of cases; but, as I said before, if the State sees fit to permit injunctions to issue at the prayer of its own citizens in its own courts, it strikes me that it would be a remarkable piece of legislation that would say to a nonresident, "You can not take that cause of action which the State itself gives you into the federal court and have your case tried there." I do not think we ought to do it.

Mr. BROWN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield further?

Mr. BROWN. Just a word, Mr. President. Mr. FULTON. I yield the floor, Mr. President. I think I have concluded.

Mr. BROWN. Just a word in reply to the suggestion of the Senator from Oregon that if the State leaves its own courts open to these writs of injunction we ought to leave the federal court open.

Mr. President, there is every reason why the rule should not prevail and be the same as to both courts. The Senator, as a lawyer, knows, and this Senate knows, that in a state court an action may be brought and determined within a reasonable time. Under the practice of the federal courts in these equity cases the testimony never is presented in some of the jurisdictions first hand to the trial judge. The whole matter is referred to a master or referee to take testimony, but this referee or master does not have power even to make a finding of fact nor a finding of law. He has one function, and that is to take the testimony of witnesses who answer the questions of the lawyer.

That takes time, and the history, as told in the court reports of this country, will show that taxes have been enjoined and hung up in the air and kept out of the public treasuries by injunction suits that have been pending-not one, not two, but more than three years before a final judgment was obtained.

Not only that, Mr. President, but the disposition of the state courts is not to take jurisdiction. I had occasion, after talking with my friend from Oregon, to investigate the question in connection with the supreme court of his State, and I do not think that he will tell the Senate that 1 per cent of the cases where that court did take jurisdiction were ever sustained. The state courts have a fashion of denying the writ, in the first place, unless fraud or want of jurisdiction to levy the tax appears. The federal courts have a fashion, under the law, when a petition is filed and verified alleging a state of facts to issue a temporary writ. Mr. President, when the temporary writ is once issued, it does not avail the government of that State anything if the trial court dissolves the writ, because the complainant immediately supersedes by bond the order of dissolution and the case continues to pursue its pathway-a tedious one-to the appellate court. That is the reason the state government might be willing to allow its citizens in state courts to enjoin taxes, but it is no reason why the Government of this country should have one rule as to government taxes and another rule as to state taxes.

Mr. CLARK of Wyoming. Mr. President, it is not my desire to consider for a moment the merits of the bill introduced by the Senator from Nebraska [Mr. Brown]. I only rise for the purpose of removing, if I can, any impression that the Committee on the Judiciary has been negligent in this or any other matters that have been committed to its care.

The Senator from Nebraska has been especially efficient and desirous for action upon this bill, not only by conversation with the several members of the committee and with its chairman, but by taking the careful course, which is not always observed, of filing his views in a written brief with the committee.

Before submitting, however, to the imputation of negligence, I would remind the Senator that the Committee on the Judiciary has before it a vast amount of business; and it is a sad fact that very much of the business that is brought before that committee is dead before it gets there, and no sort of galvanism could put life into many of the bills that are sent to that committee

Furthermore, that committee seems to be the receptacle of resolutions of all sorts and upon all kinds of subjects upon which they are required by the Senate to report. I do not believe there is a committee in this body that more faithfully attempts to perform its duties. There is seldom a day during the session of Congress when, either as a committee in full or by subcommittee, it is not engaged in actual work. It has not been because of any negligence that the bill of the Senator from Nebraska has not been reported. It has been for the same reason that other bills have not been reported.

It must be further remembered that the work of that committee is a work that can not be taken up, carried on, and finished in a day. Many of the questions that are referred to the committee are most intricate, such questions as a court would take under advisement for weeks, and perhaps months. It can not be expected that a matter involving grave questions of constitutional and statute law shall be reported from that committee on the spur of the moment.

I do not care, as I have said, to discuss the bill of the Senator from Nebraska. I simply want to assure that Senator and assure the Senate that, notwithstanding the mild tone of the Senator from Oregon [Mr. Fulton], neither the Senator from Oregon nor the subcommittee of which he is chairman, nor the Judiciary Committee, have a sense of having been at all negligent in their duty as to the bill presented by the Senator from Nebraska.

The VICE-PRESIDENT. The resolution will lie on the table subject to call.

ACCIDENTS TO RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Arkansas [Mr. Clarke], coming over from a previous day. The resolution will

The Secretary read Senate resolution 267, submitted yesterday by Mr. Clarke, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to send to the Senate a statement showing the number of railroad employees killed and injured each year since June 30, 1901, from the following causes:

1. Lack of, insecure, and improperly applied, sill steps;
2. Inefficient and improperly applied hand brakes;
3. Insecure and improperly applied ladders;
4. Lack of, insecure, and improperly applied, roof hand holds or grab irons; and
5. Lack of, insecure, and improperly applied, running boards.

Mr. OVERMAN. I suggest that as the Senator from Arkansas [Mr. Clarke] is not now in his seat the resolution had better go

The VICE-PRESIDENT. At the suggestion of the Senator from North Carolina the resolution will lie over.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. WETMORE. I ask unanimous consent for the present consideration of House joint resolution 247. In so doing I wish to state that it is the joint resolution providing for the observance of the centennial of the birth of Abraham Lincoln. The joint resolution has been amended by the Library Committee by substituting the action of the Senate some days since looking to the same purpose, and also including a provision for a survey of the proposed "Lincoln Way" to Gettysburg. As the action of the Senate the other day on this matter was so decided, it seems to me that the Senate joint resolution previously adopted ought now to be passed again as a substitute for the House joint resolution.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The Secretary. A joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

Mr. FULTON. I inquire if the morning business has closed?

The VICE-PRESIDENT. Morning business has closed.

Mr. FULTON. Then I ask that there be laid before the Senate the special order.

Mr. WETMORE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Rhode Island?

Mr. FULTON. I yield to the Senator. Mr. WETMORE. Will not the Senator forbear for a few

Mr. FULTON. I will yield in a moment; I simply want to get the special order before the Senate.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts.

Mr. WETMORE. I now renew my request for unanimous consent for the present consideration of House joint resolution

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. NEWLANDS. Do I understand this to be a request for the present consideration of the joint resolution?

The VICE-PRESIDENT. It is a request for unanimous consent for its present consideration.

Mr. NEWLANDS. Then, of course, the joint resolution will be subject to amendment.

The VICE-PRESIDENT. The joint resolution, if consent is

given, will be subject to amendment.

Mr. FULTON. Mr. President, I do not wish to object; I only wish to reserve the right to object in case the joint resolution should lead to extended debate.

The VICE-PRESIDENT. Is there objection to the request for unanimous consent, with the limitation suggested by the

Senator from Oregon?

Mr. GALLINGER. I object to that.

Mr. BEVERIDGE. What is the request?

The VICE-PRESIDENT. That objection may be later made in the progress of the consideration of the joint resolution if it should lead to unusual debate. Is there objection to unanimous consent with that limitation?

Mr. GALLINGER. I object to any agreement with a limitation.

The VICE-PRESIDENT. Objection is made.

PUBLIC BUILDING AT PENSACOLA, FLA.

Mr. TALIAFERRO. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Florida?

Mr. FULTON. I understand the Senator from Florida has a very short measure, which will not involve any discussion, and I yield to him.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 7276) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to cause the court-house, post-office, and custom-house building in the city of Pensacola, State of Florida, to be improved, repaired, and an addition constructed thereto at a total cost not to exceed \$100,000; and proposes to amend the act of Congress approved March 3, 1883, providing for the erection of a public building at Pensacola, Fla., so as to authorize the Secretary of the Treasury, in his discretion, to disregard that provision in the act which requires an open space of not less than 40 feet on each side of the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. RITCHERDSON.

Mr. McCREARY. I ask the Senator from Oregon to yield to me for a moment so that I may ask for the present consideration of Senate bill 4116. It will not take over three minutes.

Mr. FULTON. I announce now, Mr. President, that I agree to yield to the Senator from Kentucky, the Senator from Washington, and the Senator from Ohio, but I can not yield beyond that.

I hope the Senator from Oregon will include me. The VICE-PRESIDENT. The Chair will suggest to Senators that Senators are entitled to the floor by recognition from the Chair. The Senator from Kentucky.

Mr. McCREARY. I ask unanimous consent for the present consideration of the bill (S. 4116) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge. A similar bill was passed by the Senate in the Fifty-ninth Congress, and this bill has been reported unanimously from the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary proceeded to read the bill, and read the preamble, as follows

Whereas Joseph F. Ritcherdson did serve as a musician in Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, war of the rebellion, from the 15th day of August, 1862, to about the 1st day of June, A. D. 1863, when he was taken out of the service by his uncle because he was under 18 years of age, and was never borne on the rolls of said company, but served in the place of Christopher E. Berry, who was to have been a musician, but served as a private in said company, and the said Ritcherdson did the drumming while he was in service for the said company and regiment; and this said Ritcherdson has never received any discharge from the said service.

Mr. KEAN. Mr. President, is that in the bill?

Mr. McCREARY. That is the preamble. Mr. KEAN. Then I trust it will be stricken from the bill.

Mr. McCREARY. I did not draw the bill. It was drawn by

the Senator from Illinois [Mr. Cullom].

The bill had been reported from the Committee on Military Affairs with an amendment, to add, after the word "soldier," in line 10, the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, as a musician, and that he issue to him a certificate of honorable discharge from the service of the United States as such musician, to the end that he may have the benefit of all legal rights pertaining to such service of said soldier: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I move to strike out the preamble.

The motion was agreed to.

CANAL FROM PUGET SOUND TO LAKE WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to which was referred the bill (S. 8695) extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington, to report it without amendment, and I submit a report (No. 872) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the time limitation for the completion of the canal until June 11,

1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNED FIELDPIECE FOR ORANGE COUNTY, N. Y.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 24492) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York. It is only a few lines in length.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

Mr. FULTON. When the bill was last before the Senate we had reached, I think, line 14, on page 56. I ask if that is in accordance with the notes of the clerk?

The NICE PRESIDENT. The Secretary had reached the

The VICE-PRESIDENT. The Secretary had reached the subhead "Louisiana," on page 56, line 14.

subhead "Louisiana," on page 56, line 14.

Mr. FULTON. I wish to offer an amendment.

Mr. McCREARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. Certainly.

Mr. McCREARY. Had we finished Kentucky?

Mr. FULTON. I trust the Senator will allow me to have the amendment adopted. Then I will yield.

amendment adopted. Then I will yield.

Mr. McCREARY. Certainly. The VICE-PRESIDENT. The Senator from Oregon proposes an amendment, which will be stated.

The Secretary. Under the heading "Kentucky," on page 56, after line 13, it is proposed to insert:

To Lucy C. Lee, administratrix of the estate of Jane T. Lee, deceased, of Mason County, \$915.

To Adelaide B. Lindenberger, in her own right and as the sole heir of Elizabeth Tunstall, deceased, late of Louisville, Ky., \$1,100.

To A. W. Richards, administrator of the estate of Kinchen Bell, deceased, of Union County, \$1,420.

To Thomas R. Hill, of Bath County, \$495.

To Daniel Mans, of Maysville, Ky., late of Goochland County, Va., \$250.

To T. P. Salyer, of Lawrence County, \$350.
To St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky., \$600.
To James N. Hall, of Montgomery County, \$750.

Mr. KEAN. Do I understand this to be a committee amendment?

Mr. FULTON. It is.

The amendment was agreed to.

Mr. BACON. Mr. President, I desire to call the attention of the Senate to a mistake which was made inadvertently when the bill was formerly before the Senate. I have already called the attention of the Senator from Oregon to it, and he has kindly consented that I myself shall bring it to the attention of the Senate, as it is a matter which I voluntarily brought to his attention. It is in the item for Albion W. Knight and others, rector, wardens, and vestrymen of St. Philip's Church, of Atlanta, Ga. There were two bills, as the Senator probably remembers. One of them was so inaccurate in the last session of Congress that it was withdrawn and another bill substituted in place of it, and when the matter was before the Senate a few days since by inadvertence the wrong bill was in my hand, and I asked the Senator to recognize the propriety of an amendment, which he did, being misled, as I was, by having a bill which was filled with errors.

Mr. FULTON. If the Senator will allow me—

Mr. BACON. I want to state that instead of the item being

\$2,700, it ought to be only \$800.

Mr. FULITON. Eight hundred dollars.
Mr. BACON. I do not know whether it should be corrected by reconsideration or simply by unanimous consent.

By reconsideration.

The VICE-PRESIDENT. Without objection, the paragraph will be regarded as still open.

Mr. FULTON. I wish to state in connection with the item that it was correctly inserted in the bill at \$800.

Mr. BACON. Yes.

Mr. FULTON. During the last session the Senator directed my attention to the fact that the findings of the court did provide for an additional amount, nineteen hundred dollars more, and at that time I discovered that this nineteen hundred dollars had been paid and called his attention to it.

Mr. BACON. Yes. Mr. FULTON. An And he forgot it, and when he suggested it on the floor as stated I had forgotten it. Simply looking at the finding, at appears that there should be this nineteen hundred dollars additional.

I merely emphasize this matter in order to call to the attention of Senators how dangerous it is to accept amendments on the floor. Each one of these items requires careful investigation, because so many of these claims have been paid. Each one must be carefully investigated before it can be ascertained whether there is a legitimate demand.

Mr. BACON. If the Senator has the bill before him and can indicate the page and line, I will ask that it may be recon-

sidered. The VICE-PRESIDENT. Without objection, it is so ordered, and the Secretary will state the proposed amendment.

The Secretary. On page 46, beginning in line 24, the item as amended now reads:

To Albion W. Knight and others, wardens and vestrymen of St. Philip's Episcopal Church, of Atlanta, Ga., \$2,700.

It is proposed to strike out "twenty-seven hundred" and insert "eight hundred," the amount the committee originally reported.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. FULTON. On page 54, line 16, an amendment has been adopted, but I discover that the names of the surviving executors were omitted. I ask that they may be inserted.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as still open to amendment.

The SECRETARY. On page 54, line 16, after the word "to," the first word in the line, it is proposed to insert the names "E. S. Holloway and W. S. Holloway."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCREARY. While we are on Kentucky claims, I desire to offer an amendment:

To the trustees of the Madison Female Institute, located at Richmond, Ky., \$6,500.

There is a favorable finding on this claim.

The VICE-PRESIDENT. Is it an amendment to the committee amendment?

Mr. McCREARY. If it is intended to finish the consideration of the committee amendments before we take up other amendments, then I will withhold the amendment.

The VICE-PRESIDENT. That is the order.

Mr. McCREARY. Very well.

The reading of the bill was resumed, beginning in line 14, on

The next amendment of the Committee on Claims was on page 56, after line 24, to insert:

To Victorie C. Avet, of Catahoula Parish, administratrix of the estate of Vincent Avet, deceased, of Iberville Parish, \$2,425.

To Eugene Barrow, of St. Francisville, \$12,625.

To Stephen D. Clark, of Catahoula Parish, for himself and as heir of Emily C. Lovelace, deceased, and Charles L. Clark, deceased, \$4,240.

To Antoine Decuir, Joseph Auguste Decuir, and Rose Decuir Macias, \$4,115.

Mr. WARREN. I call the attention of the Senator in charge of the bill to line 9, page 57, where there should be inserted, after the name "Macias," the words "heirs of Antoine Decuir, deceased, late of Pointe Coupee Parish."

Mr. FULTON. I think those changes are correct, as the Senator has stated them, and I hope the amendment will be

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, after line 10, to insert:

To Charles R. Delatte, administrator of the estate of Louis Delatte, deceased, late of Baton Rouge, \$1,010.

Mr. WARREN. In line 12, after the word "of," insert "East," and after the name "Baton Rouge" insert "Parish," so as to read:

Late of East Baton Rouge Parish.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, after line 13, to insert:

To Odile Deslonde, of the parish of Orleans, \$5,325.

Mr. WARREN. In line 14, after the name "Deslonde," I move to insert "sole heir of Eloise Deslonde, deceased, late," and after the second "of," where it occurs before the word "Orleans," I move to strike out "Orleans" and insert "Iberville.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, after line 15, to insert:

To David P. Gayle and Sarah H. Gayle, administrators of the estate of Alfred Duplantier, deceased, late of Baton Rouge, \$9,675.

To Felix Guidry, Arsene Broussard, Cecilia Albarado, and Loretta Broussard, children and heirs at law of Louisa Breaux, wife of Alexander Guidry, deceased, late of the parish of Lafayette, La., \$7,780.

The amendment was agreed to.

The next amendment was, at the top of page 58, to insert:

To Adolph Hartiens, tutor of Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, grandchildren and heirs at law of William Osborne, late of Rapides Parish, \$9,875.

Mr. FULTON. In line 4, I move to strike out "nine thousand eight hundred and seventy-five" and insert "fifty-four thousand eight hundred and seventy-five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 58, after line 4, to insert:

The next amenament was, on page 58, after line 4, to insert:

To Adorea Honore, of the parish of Pointe Coupee, \$976.

To Aurore D. Kerlegan, administratrix of the estate of Lucien Meuillon, deceased, late of the parish of 8t. Landry, \$200.

To Florville Kerlegan, of Lafayette Parish, \$671.

To Augustin Lazare, administrator of the estate of John Baptiste Lazare, deceased, late of the parish of 8t. Landry, \$697.

To J. G. Le Blanc, administrator of the estate of Joan Crouchet, deceased, late of the parish of bleria, \$1,040.

To Marianne D. Lemelle, as administratrix of the estate of Robert Lemelle, deceased, late of the parish of 8t. Landry, \$1,106.

To Nicaise Lemelle, administrator of the estate of Bellot A. Donoto, deceased, late of the parish of 8t. Landry, \$750.

To Athenais Chretian Le More, administratrix of the estate of Felicite Neda Chretian, deceased, late of the parish of St. Landry, \$7,945.

Mr. WARREN. In line 24, page 58, the name "Chretian" should be "Chretien."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 2, to insert: To Alphonse Menillon, of St. Landry Parish, \$245.

Mr. FULTON. On page 59, line 3, the "n" should be changed to a "u," so as to read "Meuillon."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 4, to insert:

To Jacintha Strother, of parish of Orleans, in her own right, \$4,000, and as administratrix of the estate of Joseph T. Strother, deceased, late of the parish of Pointe Coupee, \$2,750.

To Frederick T. Wimbish, administrator of the estate of William R. Wimbish, late of the parish of West Feliciana, \$5,100.

To Remy Bagarry, of Iberia Parish, \$1,520.

To Arthur Taylor, of Lafayette Parish, surviving partner of Arthur Taylor and Louis Taylor, \$787.

Mr. WARREN. I suggest that in line 15, after the name "Taylor," there should be inserted the words "deceased, late of the parish of Lafayette."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 16, to insert:

The next amendment was, on page 59, after line 16, to insert:

To the board of commissioners of Judah Touro Almshouse fund,
New Orleans, La., \$21,000.

To Hiram Baldwin, Joseph De France Baldwin, and Richard Robert
Baldwin, grandsons and heirs at law of Robert Bradley, deceased, late
of Adams County, Miss., \$2,000.

To Mrs. Amy A. Taylor, daughter and heir at law of Adeliza Pickett
Quays, deceased, late of East Carroll Parish, \$1,631.83, and to Marie
C. Quays, as executrix of the last will of Philip D. Quays, deceased
son of said Adeliza Pickett Quays, deceased, \$1,631.83.

Cornelius F. Terrill, Cordelia I. Terrill, and Vira R. Terrill, heirs at
law of Richard Terrill, deceased, late of the city of New Orleans, \$6,000.

To Chariton B. Tucker, as son and heir at law of J. W. Tucker, deceased, and his wife, Marcelline Tucker, deceased, late of Lafourche
Parish, \$9,743, and to Louisa Tucker Le Forte, daughter and heir at
law of said Marcelline Tucker, deceased, \$4,871.

To Sarah Bushnell (née Brown), daughter and heir at law of William R. Brown, deceased, late of the parish of Avoyelles, \$1,725, and
to Rosa Brown, Meeker Brown, and Jennie May Brown, children and
heirs at law of Lindsay L. Brown, deceased, son of said William R.
Brown, deceased, \$1,725, and to Mrs. Elmyra Jones (née Brown), William Brown, Bertha Brown, May Brown, and Esther Brown, children
and heirs at law of Tilton E. Brown, deceased, son of said William R.
Brown, deceased, \$1,725.

The amendment was agreed to.

Mr. FULTON. On page 60, after line 25, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

To Elizabeth White, administratrix of Samuel N. White, deceased, late West Feliciana Parish, \$27,800.

Mr. FRYE. Has the Senator in charge of the bill any objection to my offering an amendment at this point?

Mr. FULTON. No; I will consent to it, as I know the Senator wishes to go away.

Mr. FRYE. I offer an amendment, to follow the last item

under the heading "Louisiana."

The Secretary. Following the amendment just agreed to, at

the bottom of page 60, it is proposed to insert:

Thomas J. Woodward, surviving receiver of the New Orleans Towboat Association, \$95,382.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 61, after line 7, to insert:

To Edward W. Larrabee, administrator of Stephen Larrabee, deceased, late of Bath, Me., and Charles H. Greenleaf, administrator of Amos I. Allen, deceased, late of Bath, Me., \$11,708.97.

The amendment was agreed to.

Mr. FRYE. Now, I want to ask one more favor. I desire to offer another amendment.

Mr. FULTON. What is it?

Mr. FRYE. It is exactly like the last item under the heading "Maine," and Maine is exceedingly modest in this bill. I offer the amendment I send to the desk.

Mr. FULTON. I will not object to its being offered, but I reserve the right to object to the amendment. Mr. FRYE. Undoubtedly.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent to offer, out of order, an amendment. Without objection, it will be stated.

The Secretary. On page 61, under the heading "Maine," after line 12, it is proposed to insert:

To the Portland Company, of Portland, Me., the sum of \$16,173.49, being the amount remaining unpaid of the sum awarded to said Portland Company for work done and material furnished in the construction of the U. S. double-ender gunboats Agawan and Pontcosue, as per report of Thomas O. Selfridge, commodore and president of board, Senate executive document No. 18, first session of the Thirty-ninth Congress

Mr. FRYE. It has been found by the Selfridge board and by the court

Mr. FULTON. The trouble in matters of this kind is that the committee has not had an opportunity to investigate them, and there is danger of accepting something that has already been paid or that is erroneous and improper in some respects.

I know nothing about this item. I may have seen it before in the records of the committee, but I can not recall it.

Mr. FRYE. It is entirely familiar to me, and the case is exactly on all fours with the item for Larrabee. The amount has been found by the Selfridge board and the court and has never been paid. The claim has been pending ever since I was in the House of Representatives.

Mr. FULTON. I have great confidence in the Senator from Maine; but I desire to look into the item a little more carefully,

and later on I may move to strike it out.

Mr. FRYE. I think the Senator will not.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. McENERY. I offer the amendment I send to the desk. The VICE-PRESIDENT. The Senator from Louisiana desires to offer an amendment.

Mr. FULTON. I ask that it be read.

The VICE-PRESIDENT. The Secretary will state it.

The Secretary. It is proposed to add to the Louisiana items, at the bottom of page 60:

To Florine A. Albright the sum of \$14,640.

The VICE-PRESIDENT. Is there objection to the present consideration of the amendment? It is not in order under the

Mr. FULTON. I object to it. Mr. McENERY. I should like to say something with respect

The VICE-PRESIDENT. The Chair will state that, under the rule, committee amendments are now being considered, and unless there is unanimous consent individual amendments can not now be proposed. The Senator can offer his amendment after the committee amendments shall have been disposed of.

The reading of the bill was resumed.

The next amendment was, in the items under "Maryland," after line 15, on page 62, to insert:

To Edward Anderson, administrator of the estate of Mary Anderson, deceased, daughter and devisee under the last will of Col. George Minor, deceased, \$7,450.

To Elizabeth V. Belt, administratrix of the estate of Alfred C. Belt, deceased, late of Loudoun County, Va., \$2,970.

To Christ Reformed Congregation, of Middletown, Md., \$450.

To corporation of Methodist Episcopal Church, Hancock, Md., \$550.

To Cornelia Jones, administratrix of the estate of John S. T. Jones, deceased, late of Montgomery County, \$240.

To La Grange Lodge, No. 36, Independent Order of Odd Fellows, Boonesboro, Md., \$370.

To S. Sollers Maynard, executor of the last will of Augustine D. O'Leary, deceased, late of Frederick County, \$1,450.

To trustees of Evangelical Lutheran Church, Burkittsville, Md., \$225.

To trustees of the United Brethren Church, of Boonesboro, Md., \$170.

To trustees of Frederick Presbyterian Church, of Frederick, Md., \$200.

Mr. WARREN. On page 62, line 24, after "Christ Reformed Congregation, of Middletown, Md.," there should be inserted the words "successor to the German Reformed Church."

Mr. FULTON. Very well; I have no objection to that amend-

Mr. WARREN. I will say that the word "Maryland" need not be there, as that is the heading of the items.

The VICE-PRESIDENT. The amendment to the amendment

will be stated. The Secretary. At the bottom of page 62, where the item

"To Christ Reformed Congregation, of Middletown, Md., \$450," strike-out "Maryland" and insert the words "successor to the German Re-formed Church," so as to read: "To Christ Reformed Congregation, of Middletown, successor to the German Reformed Church, \$450."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FULTON. In the Maryland items, on page 63, after line 17, I move to insert:

To Sarah C. Harsch, of Washington County, \$655.
To the trustees of the Methodist Episcopal Church, of Oldtown, Md., \$1,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the items under the heading "Massachusetts," on page 64, after line 2, to insert:

Was, in the items under the heading "Massachusetts," on page 64, after line 2, to insert:

To George T. Sampson, of Boston, surviving partner of the firm of George T. Sampson and Augustus Sampson, deceased, \$4,015.38.

To Velma C. Williams, administratrix of the estate of Paul Curtis, deceased, of Boston, \$4,128.39.

The following-named 25 persons, the following sums, respectively, as found by the Court of Claims, in the case of Alfred D. Bullock and 24 others against the United States:

To Alfred D. Bullock, \$232.11.

To Joseph F. Baker, \$210.77.

To John Clark, \$142.64.

To William M. Carr, \$79.67.

To Winslow L. Crafts, \$371.87.

To Charles H. Crocker, \$330.83.

To Samuel Dwight, \$786.62.

To John F. Gilmore, \$275.44.

To Henry G. Hichborn, \$349.93.

To Patrick Marrow, \$171.40.

To Jennie A. Sawyer, widow of Jefferson Sawyer, deceased, \$281.87.

To George D. V. Smith, \$33.

To Chester R. Streeter, \$488.10.

To George D. Sawyer, \$315.43.

To Albert Sawyer, \$473.15.

To Samuel J. Cochran, \$445.83.

To William D. Balley, \$112.29.

To William N. Balley, \$112.29.

To William N. Balley, \$112.29.

To William N. Winter, \$166.66.

To John Ward S7.75.

To George H. Young, \$92.81.

The amendment was agreed to.

The amendment was agreed to.

Mr. WARREN. I wish to call the attention of the Senator in charge of the bill to line 10 on page 64. I think he ought to reserve the privilege of offering as an amendment there the addresses of those 25 persons.

Mr. FULTON. That is impossible. We can not find them. Mr. WARREN. I thought, perhaps, on a re-search of the papers they might be found, and they could be put in if they could

be found. Mr. FULTON. They are not in the findings, and it is imprac-

ticable to find them. On page 66, after line 14, in the Massachusetts items, I move to insert:

To Frederick L. Greene, administrator of Thomas B. Flower, deceased, \$5,538.

The amendment was agreed to.

The next amendment was, under the heading "Mississippi," on page 69, to insert, after line 5, the following:

To Mrs. J. H. T. Jackson, of Marshall County, administratrix of the estate of Elizabeth H. Welford, deceased, \$3,650.

To Belle O. Coward (née Johnston) and Mary Julia Quick (née Johnston), daughters and heirs at law of Vernon H. Johnston, deceased, late of Hinds County, and his wife, Fannie J. Johnston, deceased, \$3,960, and to John Anderson, widower and sole heir at law of Jennie Anderson (née Falkner), deceased, daughter of said Fannie J. Johnston, deceased, \$360

\$360.
To Robert M. Lay, administrator of Nancy Lay, deceased, late of Scott County, \$2,804.
To Margaret Raiford Loftin (née Margaret Raiford), administratrix of the estate of Robert Raiford, deceased, late of Marshall County, \$2,578.
To James M. Price, of Walker County, Ala., \$665.
To William T. Ratliff, administrator of the estate of Sarah G. Clark, deceased, late of Hinds County, \$1,355.
To W. T. Smith, of Benton County, administrator of the estate of Maria A. Reinhardt, deceased, \$3,395.
To Charles O. Spencer, of Tippah County, \$2,031.
To Harriett Miles, of Warren County, \$1,795.

The amendment was agreed to.

Mr. McLAURIN. I was absent a few moments ago. I will ask the Senator in charge of the bill if the item putting in the claim of John M. Bass was restored to the bill. I understood it was left out, and it is the only one in the former bill that is left out.

Mr. FULTON. I had just risen to offer an amendment to insert the item.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 70, after line 10, insert:

To the Christian Church of Corinth, Miss., \$1,250. To John M. Bass, administrator of the estate of William O. Moseley, deceased, late of Hinds County, \$4,285.

The amendment was agreed to.

The next amendment was, beginning on line 1, page 72, to insert under the heading "Missouri:"

To C. A. Jarred, administrator of the estate of Leroy Noble, deceased, late of Ebenezer, \$740.

To trustees of Christian Church, Marshall, Mo., \$1,240.
To trustees of Methodist Episcopal Church South, Harrisonville, Mo., \$779.75.
To trustees of Methodist Episcopal Church South, of Mexico, Mo., \$710.

To trustees of Methodist Episcopal Church South, Springfield, Mo.,

3.150.
To trustees of the Christian Church of Sturgeon, Mo., \$550.
To trustees of the First Baptist Church, of Jefferson City, Mo., \$1.380.
To the University of Missouri, \$5.075.
To Karoline Mulhaupt, of Kansas City, \$1,395.

The amendment was agreed to.

Mr. FULTON. At the end of the Missouri items, on page 72, after line 22, I move to insert:

To the trustees of the Christian Church of Pleasant Hill, Mo., \$5,000. To Nannie, Oscar W., John R., and Emma Cogswell, heirs of O. H. Cogswell, deceased, late of Jackson County, \$1,600. To the county of St. Genevieve, Mo., the sum of \$1,200. To the First Christian Church of Mexico, Mo., the sum of \$550. To the county of Phelps, Mo., the sum of \$890.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 73, after line 8, in the items under the head "New Hampshire," to insert:

Was, on page 75, after line 8, in the items under the head New Hampshire," to insert:

The following-named 26 persons the following sums, respectively, as found by the Court of Claims, in the case of Robert Billings and 25 others against the United States:

To Robert Billings, \$274.83.

To Franklin H. Bond, \$291.40.

To William H. Brown, \$316.66.

To William C. Bray, \$271.15.

To Isaac H. Farr, \$433.90.

To John Grant, \$519.77.

To Robert M. Ham, \$119.36.

To Henry H. Ham, \$509.08.

To Albert Hanscom, \$46.17.

To James M. Jarvis, \$379.34.

To Thomas L. Jose, \$388.66.

To Michael E. Long, \$308.90.

To Frank E. Lawry, \$78.49.

To Brackett Lewis, \$45.18.

To William W. Locke, \$228.56.

To Walter N. Meloon, \$166.81.

To George W. Muchmore, \$810.34.

To Christopher Remick, \$117.16.

To Edwin D. Rand, \$295.89.

To Augustus Stevenson, \$917.60.

To George E. Stackpole, \$180.60.

To William H. Wilson, \$191.55.

To Benjamin F. Winn, \$224.90.

To Augustus Szaray \$429.75.

To Joseph A. Meloon and Charles O. Meloon, executors of Nathaniel L. Meloon, deceased, \$471.30.

To Charles Stewart, \$340.90.

The amendment was agreed to.

The next amendment was, on page 77, in the items under the heading "New York," to insert, beginning with line 1, the fol-

To Benjamin Fenton, surviving partner of the firm of Fenton & Co., of Buffalo, \$10,520.66.

To Isabella G. Francis, administratrix of the estate of Roger A. Francis, late of New York, \$17,185.47.

To Albert F. Tucker, Edward M. Tucker, Mary O. Garrison, and Ada A. Case, of Brooklyn, children of Farnham Z. Tucker, deceased, \$14.473.84.

A. Case, \$14,473,84.

To Marie L. Hermance, administratrix of the estate of Jeremiah Simonson, deceased, late of Brooklyn, \$16,441.81.

To John Crosby Brown, executor of the will of James Brown, deceased, late of New York City, \$35,832.04.

The next amendment was, in the items under the heading "North Carolina," on page 78, after line 2, to insert:

To Hardy A. Brewington, administrator of the estate of Raiford Brewington, deceased, late of Sampson County, \$530.

To William H. Bucklin, of Craven County, \$390.

To Mary Lee Dennis, executrix of the will of Levi T. Oglesby, deceased, late of Carteret County, \$182.

To First Baptist Church, Newbern, N. C., \$1,200.

To J. W. Howett, administrator of the estate of William Howett, deceased, late of Tyrrell County, \$1,480.

To O. H. Perry, administrator of the estate of George W. Perry, deceased, late of Craven County, \$4,350.

To trustees of the Methodist Episcopal Church South, of Morehead City, N. C., \$800.

To trustees Presbyterian Church of Lumber Bridge, N. C., \$1,800.

To Lucy A. Dibble, administratrix of the estate of Sylvester Dibble, deceased, late of Beaufort County, \$705.

The amendment was agreed to.

Mr. OVERMAN. I understood that the Senator from Oregon would offer as an amendment the bill I left with the Senator.

Mr. FULTON. The Senator did. There is an amendment that the committee intended to offer there. I have been looking through the papers on my desk for it, but I have not yet discovered it.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the

Government for repayment thereof, and for other purposes.

Mr. CARTER. I inquire of the Senator from Oregon as to the length of time he contemplates consuming in completing the bill now under consideration.

Mr. FULTON. I think, if we are permitted to go on this afternoon, we will complete the bill in probably a couple of hours more

Mr. CARTER. I do not observe the Senator from Iowa [Mr. CUMMINS] in the Chamber. Inasmuch as his amendment is the one that is under consideration, I will ask unanimous consent that the unfinished business be temporarily laid aside, hoping that the Senator from Oregon may get through with the pending bill this afternoon.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Ser from Oregon proposes an amendment which will be stated.

Mr. FULTON. At the foot of page 78—
Mr. SIMMONS. Mr. President—

The Servetor from Oregon proposes an amendment which will be stated. The Senator

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. In just a moment. I wish to offer an amendment. I move to insert:

To the Union Baptist Association of the State of North Carolina-Mr. OVERMAN. I suggest to the Senator from Oregon to

To Bushrod W. Nash, trustee of Union Baptist Association of North Carolina, successor in interest to the Hood Swamp Baptist Church, of Wayne County, N. C., \$650.

Mr. FULTON. Very well; I offer the amendment in that form.

Mr. KEAN. I should like to hear the report accompanying that amendment.

Mr. FULTON. It is a court finding for the use of materials in the construction of quarters, \$650. The federal troops tore down the building and took the material for the construction of quarters, and the court finds the value to be \$650.

Mr. KEAN. I do not think that is a proper amendment, Mr.

President.

Mr. FULTON. It is an amendment the committee agreed to offer, and I offer it as a committee amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon.

Mr. KEAN. I trust the amendment will not be agreed to.

The amendment was agreed to.
Mr. SIMMONS. I wish to inquire whether amendments other than committee amendments are now in order?

The VICE-PRESIDENT. They are not in order under the rule governing the consideration of the bill.

Mr. SIMMONS. They will be in order when the committee

amendments are completed?

The VICE-PRESIDENT. After the committee amendments are disposed of they will be in order. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, under the heading "Pennsylvania," page 80, after line 22, to insert:

To trustees of St. Mark's German Reform Church, Gettysburg, Pa., 215.

To Topolograp Pentist Church, Falton Courter Science, Parket Church, Parket Ch

To trustees of St. Mark's German Reform Church, Gettysburg, Pa., \$215.

To Tonoloway Baptist Church, Fulton County, Pa., \$225.

To Kate Reaney Zelss, administratrix of the estate of William B. Reaney, survivor of Thomas Reaney and Samuel Archibold, late of Chester, Pa., \$34,161.63.

The following-named 14 persons, the following sums, respectively, as found by the Court of Claims, in the case of John H. Burtis and 13 others against The United States:

To John H. Burtis, \$346.39.

To Cornelius Bennett, \$332.80.

To William Croft, \$95.13.

To Joseph Clyne, \$150.03.

To Jacob Callas, \$66.75.

To James A. Driver, \$379.80.

To Wellington Griffith, \$58.22.

To George W. Heald, \$181.34.

To James Hepenstall, \$905.10.

To George B. Heald, \$433.77.

To John Knight, \$245.80.

To Edward Northup, \$278.47.

To John D. Post, \$290.92.

To Patrick H. White, \$71.59.

The following-named 19 persons, the following sums, respectively, as found by the Court of Claims, in the case of Christopher Alexander and 18 others against The United States:

To Christopher Alexander, \$374.83.

To Albert O. Chamberlain, \$24.94.

To David Craig, \$29.87.

of Martin C. Cramp, deceased, \$186.06.

To William Coates, \$373.91.

To Daniel H. Chattin, \$401.09.

To Josephine Cramp, widow of M
To Thomas Denney, \$24.60.

To John J. Garrity, \$270.14.

To John B. Grover, jr., \$225.81.

To William Lynn, \$184.60.

To George W. Margerum, \$269.43.

To Theodore Mitchell, \$274.60.

To Joseph W. Meyers, \$1.87.

To John H. Pettit, \$421.31.

To Robert Pogue, \$91.75.

To James Spear, \$996.76.

To Edward T. Weaver, \$447.37.

To Thomas R. Walters, \$247.69.

To George A. Zirnberg, \$455.15.

Mr. WARREN. The Senator 1

Mr. WARREN. The Senator from Oregon, I think, has overlooked the spelling of the name in line 5, on page 81. should be changed by omitting the "i" and changing the second "a" to "o."

"a" to "o."

Mr. FULTON. That is correct.

Mr. WARREN. Make it "Archbold" in line 5, page 81.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 81, line 5, strike out the "i" in the name of "Archbold" and change the second "a" to "o," so as to read "Archbold."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 84, under the heading "South Carolina," after line 8, to insert:

To Mount Zino Society of Fairfield County, \$6,000.
To trustees of Baptist Church of Beaufort, S. C., \$2,200.
To vestry of Trinity Protestant Episcopal Church, Edisto Island, S. C., \$1,200.

The amendment was agreed to.

Mr. TILLMAN. Mr. President, I ask leave to offer an amendment.

The VICE-PRESIDENT. Is it an amendment to an amendment?

Mr. TILLMAN. It is a Court of Claims finding. Mr. FULTON. All these are committee amendments which we are considering.

Mr. TILLMAN. Are only committee amendments now in

Mr. FULTON. I understand that only committee amend-

ments are now in order.

Mr. TILLMAN. I had supposed from what I had seen around me from different Senators that other amendments are now in order. Of course, I will wait until the Senator says it is time to offer individual amendments.

Mr. WARREN. That is the better way.

Mr. FULTON. I think we had better proceed in the regular

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary continued the reading of the bill.

The next amendment was, under the heading "Tennessee," on page 90, after line 11, to insert:

page 90, after line 11, to insert:

To Boiling Fork Baptist Church, Cowan, Tenn., \$1,310.
To Cleveland Masonic Lodge, No. 134, Cleveland, Tenn., \$940.
To Elam C. Cooper, of Lauderdale County, \$815.
To Cumberland University, of Lebanon, Tenn., \$8,000.
To First Baptist Church, Memphis, Tenn., \$1,200.
To Minna H. Glassie, near Nashville, Tenn., \$1,410.
To Hiwassee Masonic Lodge, No. 188, Calhoun, Tenn., \$620.
To Robert C. Jameson, administrator of the estate of David J.
Jameson, deceased, late of Shelby County, \$900.
To Nathaniel W. Jones, of Maury County, \$480.
To B. F. McGrew, administrator of the estate of George W. McGrew, deceased, late of Giles County, \$7,315.
To Methodist Episcopal Church South, of Charleston, Tenn., \$960.
To Mrs. Mary K. Henry, Mrs. Alice A. Pope, Mrs. Jennie Alexander, and Nannie Newby, heirs of Oswell P. Newby, deceased, late of Shelby County, \$4,500.
To Presbyterian Church, Loudon, Tenn., \$1,200.
To Teconidas Thompson, administrator of the estate of Mathew Brown, deceased, late of Shelby County, \$1,420.
To trustees of Christian Church, Franklin, Tenn., \$620.
To trustees of Christian Church, Franklin, Tenn., \$620.
To trustees of Cumberland Presbyterian Church, of Clifton, Tenn., \$980.
To trustees of Cumberland Presbyterian Church, of Waverly, Tenn.,

To trustees of Cumberland Presbyterian Church, of Waverly, Tenn., \$1,040.

To trustees of Hiram Lodge, No. 7, Free and Accepted Masons, of Franklin, Tenn., \$2,120.

To trustees of Methodist Episcopal Church South, of Chattanooga, Tenn., \$1,800.

To trustees of Methodist Episcopal Church South, Franklin, Tenn., \$875.

To trustees of Methodist Episcopal Church South, Franklin, Tenn., \$875.

To trustees of Mount Zion Church, Williamson County, \$1,650.

To trustees of the Presbyterian Church, Franklin, Tenn., \$1,300.

To trustees of Union University, of Murfreesboro, Tenn., \$5,474.

To Baptist Church, Tullahoma, Tenn., \$1,200.

To Howard Lodge, No. 13, Independent Order of Odd Fellows, Gallatin, Tenn., \$2,300.

To Baptist Church of Bolivar, Tenn., \$3,400.

To the board of deacons of the First Baptist Church, Memphis, Tenn., \$1,200.

\$1,200.

To Bolling Fork Baptist Church, Cowan, Tenn., \$1,310.
To University of Nashville, of Nashville, Tenn., \$7,300.
To A. A. Wade, administrator of the estate of S. L. Carpenter, deceased, late of Fayette County, \$468.
To the Missionary Baptist Church, of Antioch, Tenn., \$600.

Mr. WARREN. An item on page 90 is duplicated on page 93, and I think there is one other that is duplicated. I move to strike out lines 5 and 6 on page 93.

The VICE-PRESIDENT. The amendment to the amendment

will be stated.

The Secretary. On page 93 strike out the item in lines 5 and 6, in the following words:

To Boiling Fork Baptist Church, Cowan, Tenn., \$1,310.

The amendment to the amendment was agreed to. Mr. WARREN. The same is true as to the item for the First Baptist Church of Memphis, which is in line 21, page 90, and also on page 93, line 3.

Mr. FRAZIER. Let the item on page 90 be stricken out. Mr. WARREN. I move that amendment to the amendment. The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 90, line 21, strike out the words:

To First Baptist Church, Memphis, Tenn., \$1,200.

Mr. FULTON. I ask that the item on page 93 be stricken out. Mr. FRAZIER. No; the item on page 90 should be stricken out, because the item on page 93 reads:

To the board of deacons of the First Baptist Church, etc.

Mr. FULTON. Very well; I will consent to that. The amendment to the amendment was agreed to. The amendment as amended was agreed to.

Mr. WARREN. I call the attention of the Senator in charge of the bill to line 18, page 88. The name "Moro" should be stricken out and "Mora" inserted, so as to read "Mora B. Ferriss." I move that amendment.

The amendment was agreed to.

Mr. FULTON. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 93, after line 13, insert:

To Patrick G. Meath, of Shelby County, \$27,280.
To the trustees of the Christian Church of Union City, Tenn., \$850.
To the trustees of the Lynn Creek Baptist Church, of Giles County, \$600.

Mr. KEAN. What is the first item?

The SECRETARY. To Patrick G. Meath, of Shelby County, \$27,280.

Mr. KEAN. Is there a report accompanying that item? Mr. FULTON. It is based on the Court of Claims' finding. Mr. KEAN. I should like to know what are the items of the claim. The Senator has the report before him.

Mr. FULTON. The items enumerated aggregate \$74,618.80.

The court finds in the sum stated, namely, \$27,280.

Brick residence on Tennessee street, \$10,800. Cubbins residence, on Shelby street, \$3,000.

Mr. KEAN. Will the Senator tell me on what page he is reading?

Mr. FULTON. On page 230 of the first report.

Fencing, cedar posts on lots 27, 28, 29, 30, 81, 82, 83, 84, \$875.
Fencing and cedar posts on 11½ acres, Given, Wright, and Algos lots, \$732.
168,000 feet truss lumber, \$30 per thousand, \$5,040.
Iron casting, sills, doors, and windows, cotton press, \$2,210, 1,200,000 brick, at \$6 per thousand, \$9,600.
Rents of cotton shed, \$15,000.
Damage to same, \$1,200.

Mr. KEAN. For rent of cotton shed, \$15,000. Mr. FULTON. The Senator must remember that the court has not found any such amount as that; that while the claim is stated at \$74,618, the amount allowed by the committee is \$27,280, and it is based on the following statement of the court:

II. During said war for the suppression of the rebellion the military forces of the United States, for their use, took possession of and occupied and used the property described in the petition herein for about two and one-half years, which real estate so used and occupied, together with the material of the character and kind described in said petition taken and used by the United States Army, including the use of and damage to the steamboat Le Grand, was then reasonably worth the sum of \$27,280, no part of which appears to have been paid.

So the Senator will see that it is simply for the use and rental of the property and damage to the steamboat. That is one of those items, Mr. President, which I explained some days ago. It was stricken from the bill by the second report, but, as I have explained, because of the fact that it was included in the first report and it had been reported as being favorably recommended and provided for in the bill, and because of the embarrassment under which it placed Senators in representing

their constituents, the committee agreed to offer amendments including such items. This would seem to be a very proper item in any event, for, I repeat, it is for rent and for the use of the property and the damage to the steamboat. I think that that portion of the claim ought to be paid. I do not think there can be any real sound objection urged to it.

Mr. KEAN. I do not think it ought to be paid. We differ

as to that.

Mr. FULTON. Well, the Senator, of course, has a right to ask for a vote on the item. I ask that the question may be submitted to the Senate.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

Mr. KEAN. The first item.

The VICE-PRESIDENT. The Chair will put the question on the first item as a separate amendment.

The first item of the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the remaining items of the proposed amendment.

The remainder of the amendment was agreed to.

The VICE-PRESIDENT. The Secretary will state the additional items proposed by the Senator from Oregon [Mr. Ful-

The Secretary. It is proposed to insert, on page 93, after the items just inserted, the following:

To the trustees of the Methodist Episcopal Church South, of Cleveland, \$3,000.

To the trustees of the Methodist Episcopal Church South, of Prospect, \$900.

To the trustees of the Presbyterian Church of Smyrna, \$1,150.

To the trustees of the Presbyterian Church of Strawberry Plains, \$1,600.

To the trustees of the Presbyterian Charles of St.600.

To W. F. Forbes, administrator of Archie B. Forbes, deceased, late of Memphis, \$2,600.

To William M. Moss, administrator of the estate of John Smith, deceased, of Madison County, \$1,600.

To the trustees of the First Baptist Church at Jefferson City, \$915.

To the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, \$3,800.

To William H. Sandrum, of Gibson County, \$257.

Mr. KEAN. These claims, as I understand, are all from the State of Tennesse

The VICE-PRESIDENT. Under the heading "Tennessee." Mr. KEAN. Now, I should like to ascertain, if I can, what is the total amount of the appropriations for the payment of claims from the State of Tennessee as the bill now stands?

Mr. FULTON. Perhaps the Senator from Tennessee [Mr.

Frazier] can answer that question.

Mr. FRAZIER. I have not had the items footed up since new items have been added.

Mr. FULTON. Before these items were added, the total for the State of Tennessee was \$134,275.33.

Mr. KEAN. How much has been since added?
Mr. FULTON. On the first report before these items were eliminated, the total was \$174,219. So that must be what these items will amount to when footed up.

Mr. FRAZIER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. FULITON. I yield to the Senator. Mr. FRAZIER. I only desire to ask the Senator from Oregon whether he has included in the amendment which he has just -I did not catch it, if he did-the item for the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, Tenn.? Mr. FULTON. Yes; that item was included to the amount of

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 93, after line 13, to insert:

To Mary A. Shaw, of Nueces County, \$700.

The amendment was agreed to.

Mr. FULTON. On page 93, after line 16, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The Secretary. On page 93, after line 16, under the heading "Texas," it is proposed to insert:

To Robert E. Williams, John T. Williams, Mary E. Wallace, George M. Williams, and Ida Williams Eddy, heirs of Robert M. Williams, deensed, late of the city of Dallas, \$1,140.

The amendment was agreed to.

Mr. CULBERSON. Mr. President, I understand that we are still acting on committee amendments.

Mr. FULTON. Simply committee amendments.

The VICE-PRESIDENT. The Senate is acting on committee amendments.

The reading of the bill was resumed. The next amendment of the Committee on Claims was, under the head of "Virginia," on page 95, after line 15, to insert:

on page 95, after line 15, to insert:

To Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Mary Bowden Gustin, heirs of Lemuel J. Bowden, deceased, late of Williamsburg, \$3,540.

To Lewis Ellison and Helen Crafford, heirs of Lewis Ellison, deceased, late of James City, \$5,120.

To Samuel Fitzhugh, administrator of the estate of Henry Fitzhugh, deceased, late of Stafford County, \$1,500.

To Robert G. Griffin, Catharine H. Harris, and Isaac P. Cromwell, administrators of the estate of Hannah T. Cromwell, deceased, sole heirs of the estate of Robert Anderson, deceased, \$18,475.

To Makemie Presbyterian Church, Drummondtown, Va., \$400.

To Methodist Episcopal Church, Middletown, Va., \$851.

To Walter M. Miller, administrator of the estate of Lewis M. Miller, deceased, late of Frederick County, \$2,240.

To Presbyterian Church of Marshall, Va., \$300.

To St. George Episcopal Church, Pungoteague, Va., \$2,800.

To Joshua Sherwood, heir of Lewis A. Sherwood, late of Alexandria County, \$400.

To trustees of Baptist Church, Waterford, Va., \$525.

To trustees of Baptist Church, Williamsburg, Va., \$1,540.

To trustees of Baptist Church, Williamsburg, Va., \$1,540.

To trustees of Calvary Episcopal Church, Dinwiddie Court House, Va., \$520.

To trustees of Calvary Protestant Episcopal Church, Culpeper County, Va., \$600.

To trustees of Cedar Run Baptist Church, Culpeper County, Va., \$1,650.

To trustees of Christian Church, Fredericksburg, Va., \$2,125.

\$900.

To trustees of Christian Church, Fredericksburg, Va., \$2,125.
To trustees of Downing Methodist Episcopal Church South, Oakhall,
Va., \$235.
To trustees of Ebenezer Methodist Episcopal Church South, of Garri-

To trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va., \$600.

To trustees of Fairfax Lodge, No. 43, Ancient, Free, and Accepted Masons, of Culpeper, Va., \$700.

To trustees of Fredericksburg Baptist Church, Fredericksburg, Va., \$3,000.

To trustees of Grove Baptist Church, of Fauquier County, Va., \$600.
To trustees of Hartwood Presbyterian Church, of Stafford County,
Va., \$800.
To trustees of Kent Street Presbyterian Church, Winchester, Va.,

To trustees of Kent Street Presbyterian Church, Winchester, Va., \$2,750.

To trustees of Liberty Church, of Dranesville, Va., \$700.
To trustees of Loudoun Street Presbyterian Church, of Winchester, Va., \$2,500.

To trustees of Lutheran Church, Toms Brook, Va., and the trustees of the Reformed Church of Toms Brook, Va., successors to the Union Church, Toms Brook, Va., \$250.

To trustees of Macedonia Methodist Episcopal Church, Stafford County, Va., \$310.

To trustees of Market Street Methodist Episcopal Church, Winchester, Va., \$1,740.

To trustees of Methodist Episcopal Church, Drummondtown, Va., \$300.

To trustees of Methodist Episcopal Church, Marshall, Va., \$600.

To trustees of Methodist Episcopal Church, Drummondtown, Va., \$300.

To trustees of Methodist Episcopal Church South, Marshall, Va., \$600.
To trustees of Methodist Episcopal Church South, Williamsburg, Va., \$1.300.

To trustees of Mount Horeb Methodist Episcopal Church South, of Fauquier County, Va., \$150.

To trustees of Mount Zion Church of United Brethren, Frederick County, Va., \$800.

To trustees of Mount Zion Old School Baptist Church, near Aldie, Va., \$275.

To trustees of Muhlenberg Evangelical Lutheran Church, of Harrisonburg, Va., \$925.

To trustees of Oak Grove Methodist Episcopal Church, Norfolk County, Va., \$1,290.

To trustees of Oak Grove Methodist Episcopal Church, Reams Station, Va., \$800.

To trustees of Opequon Presbyterian Church, Kernstown, Va., \$1,750.
To trustees of Presbyterian Church, Lovettsville, Va., \$425.

To trustees of Presbyterian Church, Strasburg, Va., \$730.

To trustees of Presbyterian Church, Fredericksburg, Va., \$900.

To trustees of St. George's Episcopal Church, Fredericksburg, Va., \$900.

To trustees of St. Mary's Catholic Church, Fredericksburg, Va., \$900.

To trustees of St. Mary's Catholic Church, Fredericksburg, Va., \$500. To trustees of Salem Baptist Church, Clarke County, Va., \$600. To trustees Shiloh (Old Site) Baptist Church, Fredericksburg, Va.,

To trustees of Salem Baptist Church, Clarke County, Va., \$500.
To trustees Shiloh (Old Site) Baptist Church, Fredericksburg, Va., \$1,500.
To trustees of St. Paul's Free Church, of Routts Hills, Va., \$600.
To trustees of the Alfred Street Baptist Church, Alexandria, Va., \$900.
To trustees of the Baptist Church of Culpeper, Va., \$1,750.
To trustees of the First Baptist Church of Alexandria, Va., \$3,900.
To trustees of the John Mann Methodist Episcopal Church (colored), of Winchester, Va., \$600.
To trustees of the Massaponax Baptist Church, Massaponax, Va., \$195.
To trustees of the Methodist Episcopal Church, Massaponax, Va.,

To trustees of the Methodist Episcopal Church, of Garys, Va., \$1,000.
To trustees of the Methodist Episcopal Church South, of Culpeper,
Va., \$1,850.
To trustees of the Methodist Episcopal Church South, of Jeffersonton,

Va., \$325.
To trustees of the Methodist Episcopal Church South, of Stephens City, Va., \$500.
To trustees of the Methodist Episcopal Church South, of Suffolk, Va.,

\$2,100.

To trustees of the Methodist Episcopal Church South, of Warrenton, Va., \$1,190.

To trustees of the Presbyterian Church of Fredericksburg, Va., \$2,625.

To trustees of Presbyterian Church of McDowell, Highland County, Va., \$150.

To trustees of the Presbyterian Church, Warrenton, Va., \$890.

To trustees of the St. Paul Reformed Church, of Woodstock, Va., \$325.

To trustees of Trinity Lutheran Church, of Stephens City, Va., \$500.

To trustees Union Church, Falmouth, Va., \$750.
To trustees of Washington Street Methodist Episcopal Church South, of Alexandria, Va., \$4,600.
To vestry Aquia Protestant Episcopal Church, Stafford County, Va., \$1,500.
To vestry of Lambs Creek Protestant Episcopal Church, King George

To vestry of Lambs Creek Protestant Episcopal Church, King George County, Va., \$800.

To vestry of St. Luke's Episcopal Church, of Remington, Va., \$650.

To vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Va., \$1,000.

Va...

To vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Va., \$1,000.

To vestry of St. Stephen's Protestant Episcopal Church, Culpeper, Va., \$1,000.

To wardens Merchant's Hope Protestant Episcopal Church, Prince George County, Va., \$1,150.

To wardens of St. Thomas Episcopal Church, Middletown, Va., \$600.

To Wilderness Baptist Church, Spottsylvania County, Va., \$300.

To Robert M. Wilkinson, administrator of the estate of Samuel Marsh, deceased, of Norfolk, \$830.

To Joseph Williams, formerly of Fredericksburg, but now of Washington, D. C., \$821.

To Zoar Baptist Church, Bristersburg, Va., \$700.

To trustees of Andrew Chapel Methodist Episcopal Church South, Fairfax County, Va., \$450.

To trustees of Fletcher Chapel, of King George County, Va., \$1,500.

To trustees of Methodist Episcopal Church South, of Paris, Va., \$200.

To trustees of Methodist Episcopal Church South, of Paris, Va., \$200.

To trustees of Methodist Episcopal Church South, of Upperville, \$200.

To trustees of Methodist Episcopal Church South, Unison, Va., \$150.

The amendment was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk, to come in on page 103, after line 10.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 103, after line 10, it is proposed to insert the following:

insert the following:

To the trustees of the Forest Hill Methodist Episcopal Church at Dunfries, \$1,000.

To the trustees of the Methodist Episcopal Church South, of Deep Creek, \$900.

To the trustees of the Methodist Protestant Church of Fox Hill, \$625.

To the trustees of the Mt. Zion Methodist Episcopal Church (colored), of Middleton, \$300.

To William H. Taliaferro, administrator of the estate of James G. Taliaferro, King George County, \$8,910.

To John B. Myers, administrator of the estate of Alexander Myers, deceased, late of Charles City County, \$2,680.

To Mary S. Bland, Anna Bland, and Sue P. Bland, legal heirs of Theodore Bland, deceased, late of Prince George County, \$3,600.

To the trustees of Four Mile Creek Baptist Church, of Henrico County, \$800.

The amendment was agreed to.

Mr. FULTON. On page 95, line 17, before the name "Bowden," the name "Mary" should be stricken out and the name "Martha" inserted.

Mr. WARREN. That is correct.

Mr. FULTON. I move that amendment to the amendment. The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 95, line 17, before the name "Bowden," it is proposed to strike out "Mary" and insert "Martha," so as to read:

To Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Martha Bowden Gustin, heirs of Lemuel J. Bowden, deceased, late of Williamsburg, \$3,540.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FULTON. In the item at the top of page 102, for the Lambs Creek Protestant Episcopal Church, the word "vestry" should be stricken out and the words "the trustees" inserted.

I move that amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 102, line 1, after the word "To," it is proposed to strike out "vestry," and insert "the trustees," so as to read:

To the trustees of Lambs Creek Protestant Episcopal Church, King George County, Va., \$800.

Mr. KEAN. If that amendment is made, then it will be necessary to make similar changes in the other items.

Mr. FULTON. No.
Mr. KEAN. I do not know what the rule is in that State, but in other States the Protestant Episcopal Church is generally incorporated by the warden and vestry of the Protestant Episcopal Church.

Mr. FULTON. These items are made as nearly as possible

to follow the findings of the court. The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Claims was, under the head of "West Virginia," on page 104, after line 4, to

To Mary E. Buckey, of Randolph County, \$115.
To Caledonia Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown, W. Va., \$115.

To E. P. Chewning, administrator of the estate of Kelles Chewning, deceased, late of Roane County, \$1,100.

To Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va., \$490.

To J. W. Gardner, administrator of the estate of F. A. Roeder, deceased, late of Jefferson County, \$320.

To Harmon W. Hessen, of Martinsburg, W. Va., \$2,035.

To James M. Stephenson, of Point Pleasant, Mason County, \$244.

To trustees of Elk Branch Presbyterian Church, Duffields, W. Va., \$600.

To trustees of Methodist Episcopal Church of Bunkerhill, W. Va., \$1,000.
To trustees of Methodist Episcopal Church South, Barboursville, W. Va., \$500.
To D. B. Barbour, of Newport News, Va., and Andrew P. Gladden, of Clarksburg, W. Va., \$758.
To trustees of Methodist Episcopal Church South, Charles Town, W. Va., \$600.
To trustees, Methodist Episcopal Church South, Clarksburg, W. Va., \$1,400.

To trustees of Methodist Episcopal Church South, Point Pleasant, W. Va., \$1,090.
To trustees Methodist Episcopal Church South, St. Albans, W. Va., \$1,400.

1,400.
To trustees of Methodist Protestant Church, Middleway, W. Va., \$825.
To trustees Presbyterian Church, of Clarksburg, W. Va., \$525.
To trustees Presbyterian Church, Moorefield, W. Va., \$1,430.
To trustees of Presbyterian Church, Springfield, W. Va., \$600.
To trustees St. John's Catholic Church, of Summersville, W. Va.,

trustees of St. John Episcopal Church, of Charleston, W. Va., To t

To trustees of St. John's Protestant Episcopal Church, Harpers Ferry, W. Va., \$1,700.

To trustees of the Methodist Episcopal Church, Webster, W. Va., \$450.
To trustees of the Presbyterian Church of Beverly, W. Va., \$1,500.
To trustees of the Presbyterian Church of Petersburg, W. Va., \$2,000.
To trustees of Zion Protestant Episcopal Church, of Charles Town, W. Va., \$540.

To wardens and vestrymen of St. Mark's Protestant Episcopal Church, of St. Albans, W. Va., \$2,400.

To trustees of Trinity Protestant Episcopal Church, Martinsburg, W. Va., \$1,340. W. Va., \$1,340. To county court of Berkeley County, W. Va., \$7,920.

Mr. FULTON. I offer the amendment to the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 106, after line 22, it is proposed to insert the following:

To the trustees of the Protestant Church of French Creek, W. Va., \$1,100.

To Warwick Hutton, administrator of the estate of Samuel Morrison, deceased, late of Randolph County, \$1,340.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. I should like to ask the Senator in charge of the bill a question. I have some additional amendments. age speaks for them. They are very ancient. Does the Senator desire that I shall offer them now or wait until the com-

mittee amendments are disposed of?

Mr. FULTON. I hope the Senator will not ask to have them considered now. We should first consider and dispose of the committee amendments.

Mr. SCOTT. Very well.

The reading of the bill was resumed.

Mr. FULTON. I offer the amendment which I send to the desk, to come in on line 2, page 107. The claimant mentioned in the item has died since the bill was reported, and as a consequence an amendment is necessary.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. Under the subhead "Wisconsin," on page 107, line 2, after the word "To," it is proposed to insert "Charlotte Lyke and John B. Lyke, executors of the estate of," and in the same line, after the name "Lyke," to insert "deceased," so as to read:

To Charlotte Lyke and John B. Lyke, executors of the estate of Hiram F. Lyke, deceased, of Waukesha County, \$188.56.

The amendment was agreed to.

Mr. FULTON. I ask to recur to the item, on page 69, line 17, as I desire to move an amendment to the amendment which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the amendment will be considered as pending. The amendment to the amendment will be stated.

The Secretary. On page 69, line 17, after the word "To," it is proposed to strike out "Robert M. Lay, administrator" and insert "John R. Owen, in trust for the estate," so as to read:

To John R. Owen, in trust for the estate of Nancy Lay, deceased, late of Scott County, \$2,804.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 107, after line 5, to insert:

DIFFERENCE BETWEEN SEA AND SHORE PAY.

CALIFORNIA.

CALIFORNIA.

To Hannah M. Coon, widow (remarried) of Edward B. Bingham, deceased, of Sonoma County, \$308.49.

To Emily V. Cutts, widow of Richard M. Cutts, deceased, of Mare Island, \$250.96.

To Francenia H. Dale, widow of Frank C. Dale, deceased, of Merced County, \$61.64.

To Marcus D. Hyde, of Alameda County, \$225.98.

To Louisa I. Laine, widow of Richard W. Laine, deceased, of San Francisco County, \$125.55.

To Nicholas Pratt, of California, \$352.54.

COLORADO.

To Josephine A. Buell, widow of James W. Buell, deceased, of Jefferson County, \$97.61.

To James Thayer, of Crested Butte, \$184.95.

CONNECTICUT.

To Elizabeth F. Curtis, administratrix de bonis non of the estate of William Barrymore, deceased, \$603.57.

To Harriet B. Gaylord, sister of Dudley E. Taylor, deceased, of New Haven County, \$142.89.

To Gideon E. Holloway, son of Gideon E. Holloway, deceased, of New London County, \$139.50.

To Julius G. Rathbone, administrator of the estate of George C. Campbell, deceased, of Hartford County, \$230.19.

DELAWARE.

To George R. Gray, Newcastle County, \$490.74.

Delaware.

District of Columbia.

To Otway C. Berryman, William M. Berryman, Alice B. Bromwell, Columbia M. Payne, children of O. H. Berryman, deceased, of Washington, \$67.25.

To John C. Boyd, of Washington, \$238.62.

To John B. Briggs, of Washington, \$16.44.

To Roberdean Buchanan, administrator de bonis non of the estate of McKean Buchanan, administrator of the estate of Dennis Twiggs, deceased, of Washington, \$125.58.

To John D. Cahill, administrator of the estate of Dennis Twiggs, deceased, of Washington, \$126.58.

To Mary H. Corbett, granddaughter of Samuel Howard, deceased, of Washington, \$370.13.

To Louisa A. Crosby, widow of Pierce Crosby, deceased, \$269.17.

To Samuel Cross, of Washington, \$26.85.

To Thomas T. Didier and Frederick W. Didier, heirs of Frederick B. Didier, deceased, \$129.30.

To William S. Dixon, \$136.44.

To Edward J. Dorn, \$202.19.

To Kate R. Emmerich and Parthenia E. Altemus, sisters of Charles F. Emmerich, deceased, of Washington, \$452.87.

To James M. Flint, \$193.30.

To Marina B. Harding, widow (remarried) of Henry O. Handy, deceased, of Washington, \$195.23.

To Isaac Hazlett, \$131.51.

To Cumberland G. Herndon, \$204.65.

To John Hubbard, of Washington, \$95.34.

To Alice S. Jordan, widow of John W. Jordan, of Washington, \$25.179.

To Bella A. Leach, widow of Boynton Leach, deceased, of Washington, \$88.83.

To Bella A. Leach, widow of Boynton Leach, deceased, of Washing-n. \$88.83.

To Bella A. Leach, widow of Boynton Leach, deceased, of Washington, \$88.83.

To Florence Murray, widow of Alexander Murray, deceased, of Washington, \$19.80.

To Henrietta M. D. Oliphant, widow (remarried) of Henry J. Hunt, deceased, \$29.04.

To Christine I. Owen, Kathleen D. Owen, Albert T. Owen, and Alfred C. Owen, children of Alfred M. Owen, deceased, of Washington, \$175.89.

To Christiana C. Queen, widow of W. W. Queen, deceased, of Washington, \$49.25.

To Presley M. Rixey, \$123.29.

To William F. Swinburne, of Washington, \$36.16.

To Frederick E. Upton, of Washington, \$134.79.

FLORIDA.

To Catherine Delap, widow of George Delap, deceased, of Florida, \$168.64. GEORGIA.

To John T. Plunkett, heir at law of Thomas S. Plunkett, deceased, of the State of Georgia, \$97.81.

ILLINOIS.

To Antonia Lynch, Margaret Lynch, Charlotte L. Carmody, Josephine L. Ridgeway, Jane L. Canby, children of Dominick Lynch, deceased, of Cook County, and elsewhere, \$73.97.

To Mary J. Owen, widow of Elias K. Owen, deceased, Randolph County, \$1.631.42.

To Merrill Spalding, executor of Enoch G. Parrott, deceased, Cook County, \$1.888.60.

To Horatio L. Wait, of Cook County, \$164.48.

INDIANA.

To G. V. Menzies, Posey County, \$39.86.

KENTUCKY.

To Theodore Speiden and William S. Speiden, sons of William Speiden, deceased, of Jefferson County, \$60.80.

To Harry Pearson and Elba P. Gassaway, grandchildren of William Pearson, deceased, of Hickman County, \$30.80.

To Thomas W. Bell, of Kennebunkport, \$323.02.
To Daniel Butland, brother of Francis Butland, deceased, of York County, \$718.58.
To Loring G. Emerson, of Hancock County, \$760.61.
To Merrill Spaiding, James A. Spalding, Elizabeth T. Spalding, children of Lyman G. Spalding, deceased, Cumberland County, \$64.11.
To Charles H. Evans, executor of the estate of Maine, \$384.49.
To Bessie D. Laighton, or her heirs, \$192.25.

To Charles F. Bennett, administrator of the estate of Nicholas Lynch, deceased, of the State of Maryland, \$207.67.

To James T. Bowling, of the State of Maryland, \$395.73.

To Mary A. Brannan, widow of James A. Brannan, deceased, of the State of Maryland, \$1,318.48.

To Harriet C. Brown, administratrix of the estate of Thomas R. Brown, deceased, of Baltimore City County, \$256.22.

To Henry H. Clark, of Anne Arundel County, \$1,390.36.

To Francis A. Cook, of Anne Arundel County, \$130.36.

To Edward A. Coughlin, next of kin and heir at law of Paul Armandt, of the State of Maryland, \$63.

To George T. Douglass, son of Daniel T. Douglass, deceased, of Baltimore County, \$21.40.

To Howard F. Downs, administrator de bonis non of the estate of James Hutchinson, deceased, of Govans, in the county of Baltimore, \$236.12.

To Mary J. Field, widow of William Field, of the State of Maryland, \$694.89.

To Fannie S. B. Halm, widow (remarried) of John C. Beaumont, deceased, Washington County, \$21.

To Charles A. Le Compte, of the State of Maryland, \$322.93.

To Anna McDonald, widow of James McDonald, of the State of Maryland, \$422.45.

To William Moody, of the State of Maryland, \$543.94.

To Edward K. Rawson, of Anne Arundel County, \$136.99.

To Albert P. Southwick, administrator of the estate of John Southwick, deceased, of the State of Maryland, \$641.68.

To William G. Sprostan, brother of John G. Sprostan, deceased, of Baltimore City County, \$59.25.

To Mary T. Sweeting, heir at law of John Joins, deceased, of Baltimore City County, \$59.25.

To Mary J. Abbott, widow of William A. Abbott, deceased, of Essex

MASSACHUSETTS.

To Mary J. Abbott, widow of William A. Abbott, deceased, of Essex County, \$52.59.
To Josiah B. Aiken, of Suffolk County, \$149.04.
To Lucy M. Allen and Joseph A. Holmes, administrators of the estate of Weld N. Allen, deceased, of the State of Massachusetts, \$410.03.
To Mary Elizabeth Babbitt, daughter of Charles W. Babbitt, deceased, of Bristol County, \$97.70.
To Almena B. Bates, daughter of John A. Bates, deceased, of Suffolk County, \$643.04.
To Grace E. Bolton and Mary E. Bolton, sole heirs at law of William H. Bolton, deceased, of the State of Massachusetts, \$164.88.
To Helen Bryant, granddaughter of William Black, deceased, of Norfolk County, \$322.40.
To William F. Burditt, Eleanora B. Kimball, Albert B. Burditt, Charlotte Ferguson, children of William Burditt, deceased, of Suffolk County, and elsewhere, \$317.10.
To Virginia M. Chase, daughter of Moses B. Chase, deceased, of Suffolk County, \$152.80.
To Ida T. Coggeshall, daughter of James P. Russell, deceased, of Bristol County, \$112.09.
To Frederick W. Cottom, of Norfolk County, \$130.94.
Mr. FULTON. On page 116, line 21, I move to change the

Mr. FULTON. On page 116, line 21, I move to change the name "Cottom," to "Cotton."

The VICE-PRESIDENT. The amendment to the amendment

will be stated.

The Secretary. On page 116, line 21, it is proposed to change the name "Cottom," to "Cotton," so as to read:

To Frederick W. Cotton, of Norfolk County, \$130.94.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Claims was, on page 116, after line 22, to insert:

of the Committee on Claims was, on page 116, after line 22, to insert:

To Edward Cronin, of Suffolk County, \$79.20.
To Alexander D. Damon, of Suffolk County, \$54.79.
To Charles T. Davis, nephew of James S. Thornton, deceased, of Essex County, \$51.25.
To Ezra Z. Derr, of Suffolk County, \$27.40.
To Emily A. Gifford, widow of George P. Gifford, deceased, of Bristol County, \$83.63.
To Manasseh Goodwin, heir of Ezra S. Goodwin, of the State of Massachusetts, \$234.21.
To Artemas P. Hannum, administrator cum testamento annexo de bonis non of the estate of Josiah A. Hannum, deceased, of the State of Massachusetts, \$368.62.
To Elliott C. Harrington, of Suffolk County, \$157.46.
To Katharine A. Horan, daughter of William Langdon, deceased, of Suffolk County, \$587.50.
To George E. Leach, administrator of the estate of Phineas Leach, of the State of Massachusetts, \$1,023.74.
To Edward D. Marchant, son of Cornelius M. Marchant, deceased, of Dukes County, \$303.45.
To Ferdinand G. Morrill, of Suffolk County, \$118.98.
To Esther and Theresa Redington, only heirs of Robert Redington, of the State of Massachusetts, \$238.78.
To George H. Richards, administrator with the will annexed of the estate of William A. Parker, deceased, of Norfolk County, \$2.230.
To Mabel G. Smith, daughter of Thomas Smith, deceased, of Middlesex County, \$293.69.
To John T. Spavin, Anna M. Spavin, Ernestine E. Spavin, Jennie Whittemore, Elizabeth Farnham, children of Robert Spavin, deceased, of Suffolk County, \$282.81.
To Harry N. Stearns, administrator of the estate of Francis Josselyn, deceased, petitioner, of the State of Massachusetts, \$1,183.19.
To John A. Tanner, of Suffolk County, \$238.62.
To Edward K. Valentine, of Suffolk County, \$1,137.47.
To Mary B. Willey, daughter and only child of George F. Willey, deceased, of the State of Massachusetts, \$28.83.
To Elizabeth N. Courtney, widow of Charles Courtney, deceased, of the State of Massachusetts, \$38.81.

MICHIGAN. To Mary F. Clark, widow of Frank H. Clark, deceased, of Houghton County, \$200.55.

To George G. Clay, of Kent County, \$305.76.

To Mary S. McQuade and William A. Chambers, children of William Smith, deceased, of St. Louis County, \$188.75.

To Belle M. Raborg, widow of George B. Raborg, deceased, of St. Louis City County, \$199.20.

To Maria L. Rodgers, granddaughter of Andrew K. Long, deceased, of St. Louis City County, \$98.60.

NEBRASKA

To Willard Foster, heir at law of Edward Foster, of the State of Nebraska, \$259.66. NEW HAMPSHIRE.

To Hazel O. Goodsoe, Perle E. Nute, Leonora W. Goodsoe, and E. Shirlet Rundlett, children of Augustus O. Goodsoe, deceased, of Rockingham County, \$293.70.

To Emma G. Jenness, widow of Thomas B. Gammon, of Rockingham County, \$208.60.

To Marie S. Perrimond, widow of Xavier Perrimond, deceased, of Rockingham County, \$60.

To Emma M. Gay, widow and executrix of the estate of Thomas S. Gay, deceased, of the State of New Hampshire, \$477.65.

NEW JERSEY.

To Katharine M. Burnett, widow of Joseph C. Burnett, deceased, of the State of New Jersey, \$96.31.

To Nelson H. Drake, of Morris County, \$346.85.

To Louise E. Elder, widow of Robert B. Elder, deceased, of Essex County, \$144.84.

To Clara B. Hassler, widow of Charles W. Hassler, of the State of New Jersey, \$566.35.

To Andrew McCleary, of Camden County, \$397.45.

To Amanda E. MacFarlane, widow of John MacFarlane, deceased, of the State of New Jersey, \$254.79.

To Thomas Mason, of the State of New Jersey, \$37.94.

To Walter J. Mayer, Alfred J. Mayer, and Ida J. Mayer Storch, heirs of William H. Mayer, Ir., deceased, of the State of New Jersey, \$181.92.

To Clifford C. Pearson, ir., administrator of the estate of Clifford C. Pearson, deceased, of Middlesex County, \$294.49.

To Robert C. Ribbans, guardian of minor heirs of Isaiah E. Crowell, deceased, of Essex County, \$523.14.

To Robert C. Ribbans, guardian of minor heirs of William M. Maull, of Essex County, \$159.

of Essex County, \$159.

To Winnie M. Stillwell, widow of James Stillwell, deceased, of Essex County, \$30.75. NEW MEXICO.

To Clifford B. Gill, of Dona Ana County, \$766.35.

To Clifford B. Gill, of Dona Ana County, \$766.35.

NEW YORK.

To Helen S. Abernathy and Charles H. Abernathy, sole heirs at law of John J. Abernathy, of the State of New York, \$191.05.

To William H. Bacon and Annie M. Smith, heirs at law of Francis H. Bacon, deceased, of the States of New York, and New Jersey, \$186.22.

To Fanny Belknap, widow of Charles Belknap, deceased, of Queens County, \$68.11.

To Louisa C. Bell, widow of Edward B. Bell, deceased, of Queens of New York, \$875.92.

To Caroline H. Broadhead, widow of Edgar Broadhead, deceased, of Orange County, \$253.33.

To Christopher Bruns, of New York County, \$441.37.

To Albert Buhner, of Kings County, \$65.17.

To Charles E. Carrer, Elizabeth Crawford Bronson, and Lawrence C. Crawford, heirs at law of John C. Carter, of Washington, D. C., and the State of New York, \$372.91.

To Jessie F. Cole, sister of Frederick A. Howes, deceased, of Dutchess County, \$194.09.

To John P. Gillis, son of John P. Gillis, deceased, of New York County, \$74.14.

To Francis C. Green, executor of the estate of Francis M. Green, of the State of New York, \$373.24.

To William H. Hall, Charles G. Hall, Eleanore Darling, and Alexander H. Wells, heirs at law of Michael Hall, deceased, of Kings County, \$194.60.

To Harriett F. Hibben, widow of Henry B. Hibben, deceased, of Erie County, \$205.48.

To Robert Hudson, of Onondaga County, \$26.03.

To Frances R. Hunsicker, widow of Joseph L. Hunsicker, deceased, of Erie County, \$205.48.

To Robert H. McLean, of the county of New York, \$212.60.

To Endre H. McGowan, of the State of New York, \$23.57.

To Robert H. McLean, of the State of New York, \$23.57.

To Robert H. McGowan, of the State of New York, \$25.20.

To Louisa P. Seaman, widow of Stephen Seaman, deceased, of New York County, \$27.32.

To Edward D. Taussig, daughter of Samuel F. Hazzard, deceased, of New York County, \$241.65.

To Eleanor R. Swan and Charles B. Swan, heirs at law of Robert Swan, deceased, of the State of New York, \$405.68.

To Harrietta L. Tucker, widow of Thomas B.

New York, \$796.63.

To Ira C. Whitehead, of Orange County, \$148.76.
To Frederick W. Wunderlich, of the State of New York, \$58.04.
To Charles A. White and Isabella G. White, sole heirs at law of Leverett H. White, deceased, of New York and New Jersey, respectively, \$250.87.

To Elizabeth M. Pitkin and Carie Pitkin McDowell, heirs of Henry S. Pitkin, deceased, of the State of New York, \$382.21.

NORTH CAROLINA.

To Stephen A. Norfeet, administrator of the estate of Ernest Norfeet, deceased, of Bertie County, \$53.70.

To Augustus Rodney Macdonough, administrator of the estate of Charles S. McDonough, deceased, of North Carolina, \$651.37.

OHIO.

To L. C. Barclay, granddaughter of J. O'Connor Barclay, deceased, of Jefferson County, \$119.45.

VIRGINIA.

To Margaret A. Blackmore, daughter of Charles F. Guillon, deceased, Elizabeth City County, \$225.56.

To Mary J. Frothingham, Margaret E. Cavendy, and Mary F. Coy, heis at law of Edward Cavendish, of the State of Virginia, \$253.59.

To James M. Odend'hal, administrator of the estate of Culpeper County, \$105.20.

To H. S. Heman, administrator of the estate of William M. King, deceased, of Norfolk County, \$207.99.

To Mary S. McIntosh and Elizabeth S. Taylor, children of John L. Saunders, deceased, of Norfolk County, \$160.27.

To George P. Barnes, of Norfolk County, \$160.27.

To Charles Schroeder, administrator of the estate of Samuel G. City, of Norfolk, \$332.72.

To John T. Newton, of Norfolk County, \$66.30.

To James F. Fitzhugh, administrator of the estate of William E. Fitzhugh, deceased, of Clinton County, \$1,681.37.

To Mary S. Franklin, widow of Gustavus S. Franklin, deceased, of Ross County, \$224.31.

To Charles B. Gilmore, brother of Fernando P. Gilmore, deceased, of Jefferson County, \$44.11.

To Mrs. George C. Hagan, widow (remarried) of John G. Mitchell, deceased, of Huron County, \$101.88.

To Nople M. Le Breton, daughter of David McDougal, deceased, of Ross County, \$49.75.

To Fred B. McConnell, heir at law of Rufus S. McConnell, deceased, of the State of Ohio, \$566.03.

To Mary P. Shirley, executrix of the estate of James R. Shirley, only child of Paul Shirley, deceased, of the State of Ohio, \$1.167.43.

To Maria S. Wright, sister of Arthur H. Wright, deceased, of Franklin County, \$23.29.

OREGON.

To George H. Sampson, Leander P. Sampson, Elias S. Willis, Henry P. Willis, James M. Willis, jr., and Maria J. Akin, heirs at law of Daniel W. Sampson, deceased, of the States of New York, Massachusetts, and Oregon, \$936.68.

PENNSYLVANIA.

PENNSYLVANIA.

To Margaretta D. Abbey, Henry Lelar, jr., William D. Lelar, Mary D. Pierce, and Ellen D. Lelar, children and sole heirs at law of Henry Lelar, of the State of Pennsylvania, \$312.37.

To Richard Ashbridge, Philadelphia County, \$49.31.
To Georgiana Bonsall, widow of Edward Bonsall, deceased, of Delaware County, \$75.07.
To Mattle H. Chaplin, of the State of Pennsylvania, \$102.50.
To William Cuddy, of Philadelphia County, \$74.79.
To William L. Degn, Annette N. Degn McCoy, Minnie H. Degn Wilson, and Albert L. Degn, heirs to Laust E. Degn, of the State of Pennsylvania, \$342.16.
To Walter B. Dick, of the State of Pennsylvania, \$64.31.
To Michael C. Drennan, of Northampton County, \$15.89.
To the Pennsylvania Company, for insurance on lives and granting annuities, executor of the estate of Henry Etting, deceased, Philadelphia County, \$665.86.

The amendment was agreed to.

The next amendment was, on page 128, after line 21, to

To Ellen L. Faunce, widow of Peter Faunce, deceased, of the State of Pennsylvania, \$291.09.

Mr. FULITON. In line 23, I move to strike out "\$291.09" and insert "\$401.76."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to insert at the top of page 129 the following:

To Margaret A. Hoffner, widow of Richard J. Hoffner, deceased, of the State of Pennsylvania, \$255.78. To Samuel W. Latta, county of Philadelphia, \$105.68.

The amendment was agreed to.

The next amendment was, on page 129, after line 5, to insert: To Jessie E. Linnekin, heir at law of Thomas J. Linnekin, of the State of Pennsylvania, \$154.92.

Mr. FULTON. On page 129, line 6, the Christian name "Jessie E." should be stricken out and the name "Selena A." inserted, and in the same line, strike out the words "heir at law" and insert "widow."

The amendment to the amendment was agreed to. The amendment as amended was agreed to.

The next amendment was, on page 129, after line 8, to insert: The next amendment was, on page 129, after line 8, to insert:

To Mary McLeod, widow of Norman McLeod, of the State of Pennsylvania, \$326.75.

To Mary E. Maxwell and Blanche M. Lewis, daughters of James McCleiland, deceased, Northampton County, \$684.25.

To Georgia E. Morrison, administratrix of the estate of George Smith, of the State of Pennsylvania, \$553.48.

To Rebecca P. Nields, executrix of the estate of Henry C. Nields, of the State of Pennsylvania, \$960.

To Adelaide R. Shaw, widow of Samuel F. Shaw, deceased, of Philadelphia County, \$659.73.

To John C. Spear, of Montgomery County, \$232.60.

To Robert Steel, of the State of Pennsylvania, \$158.83.

To Elizabeth C. Van Reed, heir at law of George Cochran, deceased, of the State of Pennsylvania, \$214.47.

To Phoebe N. Ver Meulen, widow of Edmund C. Ver Meulen, deceased, Philadelphia County, \$55.89.

To Henry Whelen, Philadelphia County, \$158.12.

To Fred White, son and heir at law of Edward W. White, deceased, of the State of Pennsylvania, \$652.75.

To P. Fendall Young, executor of the estate of William F. Young, dedeased, Philadelphia County, \$23.05.

RHODE ISLAND.

RHODE ISLAND.

To Thomas Dunn, administrator of the estate of Charles Hunter, deceased, Newport County, \$41.20.

VIRGINIA.

WEST VIRGINIA.

To Harriet S. Lyeth, administratrix of the estate of Clinton H. Lyeth, deceased, of the State of West Virginia, \$202.19.
To Thornton T. Perry, son of Rodger Perry, deceased, of Jefferson County, \$51.80.
To Julia M. Woods and Mary E. Hagan, daughters, Mary J. Edelen and William M. Junkin, grandchildren, of David X. Junkin, deceased, Berkeley County, \$203.16.

To Charles C. Grafton, brother of Edward C. Grafton, deceased, of Fond du Lac County, \$720.39.

MISCELLANEOUS.

To Henry L. Johnson, claimant, a citizen of the United States, \$142.47.

The amendment was agreed to.

The next amendment was, on page 132, after line 16, to insert:

The amendment was, on page 132, after line 16, to insert:

FRENCH SPOLLATION CLAIMS.

To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 30, 1801, under the act entitled "An act to provide for the retrainment of claims of American citizens for spoliations of the creating of the provide for the retrainment of claims of American citizens for spoliations (That in all cases where the original state of the next of kin instead of to assignees in bankruptcy, and the awards in the cases of individual claimants shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represent the next of kin, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursements of the awards, namely:

On the ship Ceres, Roswell Roath, master, namely:

On the ship Ceres, Roswell Roath, master, namely:

Donald G. Perkins, administrator of the estate of Alpheus Dunham, deceased, \$1,522.82.

Donald G. Perkins, administrator of the estate of Roswell Roath, deceased, \$1,518.98.

Ashell Willet, administrator of the estate of Peter C. Brooks, deceased, \$1,518.98.

Brooks Adams, administrator of the estate of Nathaniel Fellowes, deceased, \$800.

A. Lawrence Lowell, administrator of the estate of Thomas Dickason, deceased, \$1,000.

H. Burr Crandall, administrator of the estate of Peter C. Brooks, deceased, \$1,000.

A. Lawrence Lowell, administrator of the estate of Peter C. Brooks, deceased, \$1,000.

A. Lawrence Lowell, administrator of the estate of Peter C. Brooks, deceased, \$1,000.

On the sloop Abigall, Silas Jones, master, namely:

George G. Sill, administrator of the estate of Peter C. Brooks, deceased, \$1,000.

On the sloop Abigall, administrator of the estate of Peter C. Brooks, deceased, \$1,000.

On the ship Sally Butler, Alexander Chisolm, master, namely:

On th

\$500.
William Ropes Trask, administrator of the estate of Thomas Amory, deceased, \$1,000.
Archibald M. Howe, administrator of the estate of Francis Green, deceased, \$500.
Harriet E. Sebor, administratrix of the estate of Jacob Sebor, deceased, \$250.
Sarah L. Farnum, administratrix of the estate of Leffert Lefferts, deceased, \$500.
Louisa A. Starkweather, administratrix of the estate of Richard S. Hallett, deceased, \$625.

Louisa A. Starkweather, administratrix of the estate of Richard S. Hallett, deceased, \$625.

Walter Bowne, administrator of the estate of Walter Bowne, deceased, \$625.

Robert B. Lawrence, administrator of the estate of John R. Bowne, deceased, \$125.

Walter S. Church and Walter S. Church, administrators, of the estate of John Barker Church, deceased, \$2,000.

Thomas W. Ludlow, administrator of the estate of Thomas Ludlow, deceased, \$500.

Francis R. Shaw, administrator of the estate of T. C. Shaw, administrator of the estate of T. C.

Francis R. Shaw, administrator of the estate of J. C. Shaw, deceased,

S250.
On the brig General Warren, Issachar Stowell, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$6,406.68.
Edmond D. Codman, administrator of the estate of William Gray, jr., deceased, \$1,850.
George G. King, administrator of the estate of Crowell Hatch, deceased, \$960.

On the ship Cincinnatus, William Martin, master, namely:
Richard H. Pleasants, administrator of the estate of Aquila Brown,
jr., deceased, \$2,486.75.
William A. Glasgow, jr., administrator of the estate of William P.
Tebbs, deceased, \$2,560.20.
On the brig Pilgrim, Priam Pease, master, namely:
Nathaniel H. Stone, administrator of the estate of John M. Forbes,
deceased, late surviving partner of the firm of J. M. & R. B. Forbes,
\$20,692.20.
Russell Bradford, administrator of the cetate of John D.

\$20,692.20.

Russell Bradford, administrator of the estate of Joseph Russell, deceased, \$2,774.44.

On the ship Venus, Henry Dashiell, master, namely:
David Stewart, administrator of the estate of William P. Stewart, deceased, late surviving partner of the firm of David Stewart & Sons, \$6,766.50.

secased, late surviving partner of the firm of David Stewart & Sons, \$6,766.50.

Elizabeth Campbell Murdock, administratrix of the estate of Archibald Campbell, deceased, \$6,766.50.

Elizabeth H: Penn, administratrix of the estate of Thomas Higinbotham, deceased, \$3,800.

Nicholas L. Dashiell, administrator of the estate of Henry Dashiell, deceased, \$1,570.

On the sloop Geneva, Giles Savage, master, namely:
Brooks Adams, administrator, etc., of the estate of Peter C. Brooks, deceased, \$1,300.

George G. King, administrator, etc., of the estate of Crowell Hatch, deceased, \$800.

Thomas N. Perkins, administrator, etc., of the estate of John C. Jones, deceased, \$700.

Francis M. Boutwell, administrator, etc., of the estate of Benjamin Cobb, deceased, \$500.

Margaret R. Riley, administratrix, etc., of the estate of Luther Savage, deceased, late surviving partner of the firm of Riley, Savage & Co., \$4,850.

On the ship Jane, James Barron, master, namely:

\$4,850.
On the ship Jane, James Barron, master, namely:
James L. Hubard, administrator of the estate of William Pennock,
deceased, \$4,601.67.
On the schooner Amelia, Timothy Hall, master, namely:
Julius C. Cable, administrator of the estate of William Walter, deceased, \$1,160.
On the brig Isabella and Ann, William Duer, master, namely:
Alexander Proudit, administrator of the estate of Robert Ralston,
\$2,716.50.
On the schooner Zilnha, Samuel Briard, master, namely:

Alexander Proudit, administrator of the estate of Robert Raiscon, \$2,716.50.

On the schooner Zilpha, Samuel Briard, master, namely:
Sarah N. Burleigh, administratire, etc., estate of Samuel Briard, deceased, \$5,236.24.

Joseph H. Thacher, administrator estate of John Wardrobe, deceased, \$5,236.24.

On the schooner Lovely Lass, William Moore, master, namely:
George H. Barrett, administrator of the estate of John Foster, deceased, \$4,630.

C. Whittle Sams, administrator of the estate of Conway Whittle, deceased, \$300.

C. Whittle Sams, administrator of the estate of Francis Whittle, deceased, \$300.

R. Manson Smith, administrator of the estate of William Pannock, deceased, \$300.

Barton Myers, administrator of the estate of Woses Myers, deceased, \$200.

Second A. Marydon administrator of the estate of Bantamin Polland

\$200.

\$200.

Bassett A. Marsden, administrator of the estate of Benjamin Pollard, deceased, \$200.

On the ship Chace, Thomas Johnston, master, namely:
George G. King, administrator of the estate of James Tisdale, \$18,947.
On the schooner Whim, John Boyd, master, namely:
Frances Hieskell Ridout, administratrix de bonis non of the estate of William Wilson, deceased, \$10,443.
On the schooner Active, Patrick Drummond, master, namely:
William D. Hill, administrator of the estate of Mark L. Hill, deceased \$1,640.02.
On the brig Ruby, Luke Keefe, master, namely:
Arthur P. Cushing, administrator of the estate of Marston Watson, deceased, \$1,596.30.
Frederic Dodge, administrator of the estate of Matthew Bridge, de-

Frederic Dodge, administrator of the estate of Matthew Bridge, deceased, \$9,240.34.

Thomas H. Perkins, surviving executor of the will of Thomas H. Perkins, deceased, for and on behalf of the firm of James & Thomas H. Perkins, \$117.25.

George G. King, administrator of the estate of James Scott, deceased, \$1,084.70

Perkins, deceased, for and on behalf of the firm of James & Thomas H. Perkins, \$117.25.
George G. King, administrator of the estate of James Scott, deceased, \$1,064.20.
Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, \$532.10.
William Ropes Trask, administrator of the estate of Thomas Amory, deceased, \$1,704.70.
Charles G. Davis, administrator of the estate of Isaac P. Davis, deceased, \$532.10.
Francis M. Boutwell, administrator of the estate of Charles Sigourney, deceased, \$425.68.
Julia A. Cotting, administratrix of the estate of Uriah Cotting, deceased, \$532.10.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$532.10.
John Lowell, administrator of the estate of Tuthill Hubbart, deceased, \$532.10.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, \$2,128.40.
Charles A. Welch, administrator of the estate of William Stackpole, deceased, \$45.56.60.
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$315.856.60.
Walter Hunnewell, administrator of the estate of John Welles, deceased, \$332.10.
James S. English, administrator of the estate of Daniel Sargent, deceased, \$332.10.
Thems N. Perkins, administrator of the estate of Eben Preble, deceased, \$638.52.
Francis M. Boutwell, administrator of the estate of Banuel Brown, deceased, \$1.596.30.
Charles A. Davis, administrator of the estate of Samuel Brown, deceased, \$1.596.30.
Charles A. Davis, administrator of the estate of Samuel Brown, deceased, \$3.192.60.
Robert Grant, administrator of the estate of Will Powell, deceased, \$1,064.20.

Morton Prince, administrator of the estate of James Prince, deceased, \$532.10. Dexter, administrator of the estate of Samuel Dexter, de-Gordon

ceased, \$532.10

ceased, \$532.10.

George G. King, administrator of the estate of Crowell Hatch, deceased, \$1,064.20.

Chandler Robbins, administrator of the estate of Joseph Russell, deceased, for and on behalf of the firm of Jeffrey & Russell, \$1,064.20.

Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, \$529.10.

Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, \$532.10.

Edmund D. Codman, administrator of the estate of William Gray, deceased, \$2,128.40.

Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, \$1,064.20.

Archibald M. Howe, administrator of the estate of Francis Green, deceased, \$1,064.20.

On the brig Jane, Robert Knox, master, namely:
Crawford D. Hening, administrator of the estate of James Crawford, deceased, late surviving partner of James Crawford & Co., \$3,866.

On the schooner Huldah, John H. Riggs or Robert Strong, master, namely: namely

of the schooler Huddan, John H. Riggs of Robert Strong, master, namely:
Edmund D. Codman, administrator, etc., of the estate of William Gray, jr., deceased, \$2,000.
Brooks Adams, administrator, etc., of the estate of Peter C. Brooks, deceased, \$7000.
A. Lawrence Lowell. administrator, etc., of the estate of Nathaniel Fellowes, deceased, \$800.
On the brig Pamela, Samuel Colby, master, namely:
Harry R. Virgin, administrator of the estate of Josiah Cox, deceased, \$1,483.48.
Henry B. Cleaves, administrator of the estate of William Chadwick, deceased, \$1,883.48.
Bassett A. Marsden, administrator of the estate of Benjamin Pollard, deceased, \$405.42.
Joseph S. Webster, administrator of the estate of Thomas Webster, deceased, \$200.
Sarah H. Southwick, administratrix of the estate of Saumel F. Hussey.

deceased, \$200.

Sarah H. Southwick, administratrix of the estate of Saumel F. Hussey, deceased, late surviving partner of the firm of Hussey, Tabor & Co.,

\$600.

Harry R. Virgin, administrator of the estate of Arthur McLellan, deceased, \$500.

Harry R. Virgin, administrator of the estate of Jonathan Stevens and Thomas Hovey, composing the firm of Stevens & Hovey, \$200.

Harry R. Virgin, administrator of the estate of David Smith, deceased, \$300.

Stephen Thacher, administrator of the estate of Woodbury Storer, deased, \$400. Harry R. Virgin, administrator of the estate of Robert Boyd, deceased,

\$450.

Harry R. Virgin, administrator of the estate of Hugh McLellan, de-ceased, late surviving partner of the firm of Joseph McLellan & Son,

Edmund D. Codman, administrator of the estate of William Gray, de-Ceased, \$500.

On the schooner Union, Micajah Lunt, master, namely:
Nathaniel Moody, administrator of the estate of John Moody, deceased,

\$1,868.25. Frances E.

Frances E. Andrews, administratrix of the estate of Stephen Tilton, deceased, \$1,868.25.

Amos Noyes, administrator of the estate of Zebedee Cook, deceased, \$250.

\$250.
Amos Noyes, administrator of the estate of William Cook, deceased, \$100.
Joseph A. Titcomb, administrator of the estate of John Wells, decased, \$200.
Franklin A. Wilson, administrator of the estate of John Pearson, jr., deceased, \$200.
Edmund D. Codman, administrator of the estate of William Gray, jr., deceased, \$1,000.
Charles C. Donnell, administrator of the estate of Joseph Toppan, deceased, \$200.
On the ship Bristol, Edward Smith, master, remain.

ceased, \$200.

On the ship Bristol, Edward Smith, master, namely:
Caroline A. Woodard and Frank Woodard, administrators of the estate of Thomas Smith, deceased, \$6.590.

On the ship Liberty, William Caldwell, master, namely:
Crawford Dawes Henning, administrator of the estate of James Crawford, deceased, \$8,990.

On the brig Eleanor, George Price, master, namely:
David Stewart, administrator of the estate of Francis Johonnet, deceased, \$133.60.

James Lawson, administrator of the catalytic contents.

David Stewart, administrator of the estate of Francis Jononnet, deceased, \$133.60.

James Lawson, administrator of the estate of Richard Lawson, deceased, \$133.60.

J. Savage Williams, administrator of the estate of Samuel Williams, deceased, \$204.31.

Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, \$204.31.

On the schooner Brothers, James Vinson, master, namely:
David Stewart, administrator of the estate of James Jaffray, deceased, \$6,488.

Mary Jane Thurston, administratrix of the estate of John Hollins, deceased, \$490.

Edward C. Noyes and David Stewart, administrators of the estate of James Clarke, deceased, \$490.

Cumberland Dugan, administrator of the estate of Cumberland Dugan, deceased, \$490.

David Stewart, administrator of the estate of William Wood, jr., deceased, \$735.

David Stewart, administrator of the estate of William Wood, jr., deceased, \$735.
Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, \$490.
J. Savage Williams, administrator of the estate of Samuel Williams, deceased \$490.
James Lawson, administrator of the estate of Richard Lawson, deceased, \$367.50.
On the ship Aurora, Stephen Butman, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$2.005.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, \$400.
Henry Parkman, administrator of the estate of John Duballet, deceased, \$1.000.
George G. King, administrator of the estate of Crowell Hatch, de-

George G. ceased, \$600. G. King, administrator of the estate of Crowell Hatch, deWilliam G. Perry, administrator of the estate of Nicholas Gliman, ceased, \$1,000. John V. Apthorp, administrator of the estate of Caleb Hopkins, deased, \$1,500.

ceased, \$1,500.

Edward I. Browne, administrator of the estate of Moses Brown, deceased, \$400.

Walter Hunnewell, administrator of the estate of Arnold Welles, jr., deceased, \$300.

Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, \$500.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, \$500.

Daniel D. Slade, administrator of the estate of Daniel D. Rogers, deceased, \$500.

Walter Hunnewell, administrator of the estate of John Welles, deceased, \$300.

Walter Hunnewell, administrator of the estate of John Welles, deceased, \$300.
William S. Carter, administrator of the estate of William Smith, deceased, \$500.
William I. Monroe, administrator of the estate of John Brazer, deceased, \$400.
A. H. Loring, administrator of the estate of William Boardman, deceased, \$105.
Lawrence Bond, administrator of the estate of Nathan Bond, deceased, \$400.

ceased. \$400

Lawrence Bond, administrator of the estate of Nathan Bond, deceased, \$400.

On the sloop Flora, Francis Bourn, master, namely:
George F. Chace, administrator of the estate of James Chace, deceased, \$662.04.

On the ship Washington, Aaron Foster, master, namely:
Lucy Franklin Read McDonnell, executrix of the will of George Pollock, deceased, late surviving partner of Hugh Pollock & Co., \$980.

On the brig Rebecca, John B. Thurston, master, namely:
Saras N. Haines and B. F. Haywood Shreve, administrators of the estate of William Bowne, deceased, \$12,880.

On the brig John, James Scott, master, namely:
James F. Adams, administrator of the estate of Seth Adams, deceased, \$11,439.12.

James Adams, administrator of the estate of Seth Adams, deceased, late assignee of Thomas Dickason, jr., William C. Martin, James Scott, William Boardman, Arnold Welles, Arnold Welles, jr., and John Brazer, \$10,275.83.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$1,500.

On the ship Madison, Samuel Hancock, master, namely:

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$1,500.

On the ship Madison, Samuel Hancock, master, namely: Richard S. Whitney, administrator of the estate of John Skinner, fr., deceased, \$9,274.

On the brig Polly, Joseph Clements, master, namely: Harry R. Virgin, administrator of the estate of Thomas Cross, deceased, \$3,640.

Harry R. Virgin, administrator of the estate of Greeley Hannaford, deceased, \$3,347.

On the brig Fair Columbian, Joseph Myrick, master, namely: Sarah C. Tilphman, administratrix of the estate of Joseph Forman, deceased, \$5,157.33.

Gustav W. Lurman, administrator of the estate of John Donnell, deceased, \$1,470.

Mary Jane Thurston, administrativ of the estate of John Hollins, deceased, \$980.

Cumberland Dugan, administrator of the estate of Cumberland Dugan, deceased, \$980.

deceased.

Susan R. Groverman, administratrix of the estate of Anthony Grover-an, deceased, for and on behalf of the firm of D'Werhagen & roverman, \$980. Groverman, David Stewart, administrator of the estate of Edward Johnson, deceased, \$980.

David Stewart, administrator of the estate of Edward Johnson, deceased, \$980.
David Stewart, administrator of the estate of Robert C. Boislandry, deceased, \$490.
Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, \$490.
David Stewart and Isabella Rutter, administrators of the estate of Thomas Rutter, deceased, \$980.
Nathaniel Morton, administrator of the estate of Nathaniel Morton, deceased, for and on behalf of the firm of Bedford & Morton, \$980.
Katharine S. Montell, administratrix of the estate of Robert McKim, deceased, \$980.
David Stewart, administrator of the estate of William Lorman, deceased, \$980.
Louisa T. Carroll, administratix of the estate of William Van Wyck, deceased, \$320.
On the brig William, David Smith, master, namely:
Fritz H. Jordan, administrator of the estate of Leonard Smith, deceased, \$3343.66.
Joseph A. Titcomb, administrator of the estate of John Wells, deceased, \$90.
Francis A. Jewett, administrator of the estate of James Prince, deceased, \$300.
William A. Hayes, 2d, administrator of the estate of Nathaniel A. Haven, deceased, \$200.
Franklin A. Wilson, administrator of the estate of John Pearson, deceased, \$45.
Benjamin F. Peach, administrator of the estate of John Pearson, deceased, \$45.
Benjamin F. Peach, administrator of the estate of Jeremiah Nelson, de-

Franklin A. Wilson, administrator of the estate of John Pearson, deceased, \$45.

Benjamin F. Peach, administrator of the estate of Moses Savory, deceased, \$45.

Jeremiah Nelson, administrator of the estate of Jeremiah Nelson, deceased, \$90.

Charles E. Plummer, administrator of the estate of William Cook, deceased, \$45.

Arthur A. Noyes, administrator of the estate of Zebedee Cook, deceased, \$90.

Jane S. Gerrish, administratrix of the estate of Edward Tappan, deceased, \$45.

Helen A. Pike, administratrix of the estate of John Pettingell, deceased, \$135.

Lawrence H. H. Johnson, administrator of the estate of William Bartlet, deceased, \$1,000.

Eben F. Stone, administrator of the estate of Nathan Hoyt, deceased, \$45.

\$45.
Augusta H. Chapman, administratrix of the estate of Reuben Shapley, deceased, \$200.
Henry B. Reed, administrator of the estate of Andrew Frothingham, deceased, \$50.
On the brig Jason, Edward Smith, master, namely:
James Emerton, administrator of the estate of Benjamin West, deceased, \$2.374.88.
James Emerton, administrator of the estate of Benjamin West, jr., deceased, \$2,374.89.

On the brig Delaware, James Dumphy, master, namely:
C. D. Vasse, administrator of the estate of Ambrose Vasse, deceased, \$814.62.
William D. Squires, administrator of the estate of Henry Pratt, deceased, late surviving partner of Pratt & Kintzing, \$191.65.
J. Bayard Henry, administrator of the estate of Andrew Pettit, deceased, late surviving partner of Pettit & Bayard, \$182.10.
George W. Guthrie, administrator of the estate of Alexander Murray, deceased, late surviving partner of Miller & Murray, \$182.10.
J. Bayard Henry, administrator of the estate of George Rundle and Thomas Leech, deceased, \$222.33.
Francis A. Lewis, administrator of the estate of John Miller, jr., deceased, \$182.10.
J. Albert Smyth, administrator of the estate of Jacob Baker, deceased, late surviving partner of Prager & Comegys, \$182.10.
Charles Prager, administrator of the estate of Jacob Baker, deceased, late surviving partner of Prager & Co., \$191.64.
Cralg D. Ritchie, administrator of the estate of Joseph Summerl, deceased, late surviving partner of Summerl & Brown, \$153.44.
William Brooke Waln, administrator of the estate of Joseph Summerl, deceased, \$182.09.
Sara Leaming, administrator of the estate of John Savage, deceased, \$182.09.
D. Fitzhugh Savage, administrator of the estate of John Savage, deceased, \$141.66.
Francis R. Pemberton, administrator of the estate of John Clifford, deceased, late surviving partner of Thomas & John Clifford, \$153.44.
The Pennsylvania Company for Insurance on Lives, etc., administrator of the estate of Thomas M. Willing, deceased, late surviving partner of Robert Smith, & Co., \$182.09.
John Lyman Cox and Howard Wurts Page, administrators of the estate of Jacob Ridgway, deceased, \$28.65.
On the brig Little John Butler, James Smith, jr., master, namely:
Sarah

Sarah Leaming, administratrix of the estate of Thomas Murgatroyd, deceased, for and on behalf of the firm of Thomas Murgatroyd & Sons,

deceased, for and on behalf of the firm of Thomas Murgatroyd & Sons, \$980.

Henry Pettit, administrator of the estate of Andrew Pettit, deceased, late surviving partner of Pettit & Bayard, \$588.

George W. Guthrie, administrator of the estate of Alexander Murray, deceased, late surviving partner of Miller & Murray, \$588.

William D. Squires, administrator of the estate of Henry Pratt, deceased, late surviving partner of Pratt & Kintzing, \$588.

Francis Brooke Rawle, administrator of the estate of Jesse Waln, deceased, \$490.

James Crawford Dawes, administrator of the estate of Abijah Dawes, deceased, \$490.

Cyrus T. Smith, administrator of the estate of William Jones, deceased, late surviving partner of Jones & Clarke, \$588.

Augustus J. Pleasonton, administrator of the estate of Joseph Dugan, deceased, late surviving partner of Savage & Dugan, \$490.

Francis A. Lewis, administrator of the estate of Peter Blight, deceased, \$980.

Richard Delafield, administrator of the estate of John Delafield, deceased, \$980.

Benjamin M. Hartshorne and Charles N. Black, executors of the will of Richard Hartshorne, deceased, late surviving partner of Rhinelander, Hartshorne & Co., \$2,450.

John A. Foley, administrator of the estate of John Shaw, deceased, \$980.

Thomas W. Ludlow, administrator of the estate of Thomas Ludlow.

lander, Hartshorne & Co., \$2,450.

John A. Foley, administrator of the estate of John Shaw, deceased, \$980.

Thomas W. Ludlow, administrator of the estate of Thomas Ludlow, deceased, \$490.

Walter S. Church, administrator of the estate of John B. Church, deceased, \$1,960.

John L. Rutgers, surviving executor of the will of Nicholas G. Rutgers, deceased, late surviving partner of Benjamin Seaman & Co., \$490.

Frances R. Shaw, administrativ of the estate of John C. Shaw, deceased, for and on behalf of the firm of George Knox and John C. Shaw, \$490.

Henry E. Young, administrator of the estate of William Craig, deceased, late surviving partner of Henry Sadler & Co., \$490.

Elijah K. Hubbard, administrator of the estate of John Sebor, deceased, \$490.

Walter Bowne, administrator of the estate of Walter Bowne, deceased, \$245.

Louisa A. Starkweather, administratrix of the estate of Richard S. Hallet, deceased, \$245.

Julia Battersby, administrativ of the estate of John B. Desdoity, deceased, for and on behalf of the firm of George Scriba and William Henderson, \$490.

On the brig Sally, Eden Wadsworth, master, namely:

James F. Adams, administrator of the estate of William Craig, deceased, late surviving partner of Henry Sadler & Co., \$490.

On the brig Aurora, James Phillips, jr., master, namely:

Henry E. Young, administrator of the estate of William Craig, deceased, late surviving partner of thenry Sadler & Co., \$490.

George F. Scriba, administrator of the estate of William Craig, deceased, late surviving partner of the firm of George Scriba and William Henderson, \$980.

John L. Rutgers, surviving executor of the will of Nicholas G. Rutgers, deceased, late surviving partner of the firm of Benjamin Seaman & Co., \$490.

Union Trust Company of New York, administrator of the estate of William Jones, deceased, \$590.68.

Charlotte F. Smith, administrators of the estate of John Savage, deceased, \$590.68.

Charlotte F. Smith, administrativ for the estate of John Savage, deceased, late surviving partner of Jones & Clarke,

Francis D. Lewis, administrator of the estate of John Miller, jr., deceased, \$738.36.

Sarah Leaming, administratrix of the estate of Thomas Murgatroyd, deceased, late surviving partner of the firm of Thomas Murgatroyd & Sons, \$738.36.

Charles Prager, administrator of the estate of Mark Prager, jr., deceased, late surviving partner of the firm of Pragers & Co., \$738.35.

William D. Squires, administrator of the estate of Henry Pratt, deceased, late surviving partner of Pratt & Kintzing, \$738.35.

Francis D. Lewis, administrator of the estate of Peter Blight, deceased, late surviving partner of Morgan & Price, \$738.35.

A. Louis Eakin, administrator of the estate of Chandler Price, deceased, late surviving partner of Morgan & Price, \$738.35.

William Brooke-Rawle, administrator of the estate of Jesse Wain, deceased, \$738.35.

Frederick W. Meeker, administrator of the estate of Samuel Meeker, deceased, \$738.35.

Charles D. Vasse, administrator of the estate of Joseph Summerl, deceased, late surviving partner of Summerl & Brown, \$531.62.

On the sloop Townsend, Daniel Campbell, master, namely:

William O. McCobb, administrator of the estate of Joseph Campbell, deceased, \$2,111.11.

William O. McCobb, administrator of the estate of Ephraim McFarland, deceased, \$48.96.

Francis M. Boutwell, administrator of the estate of Benjamin Cobb, fr., deceased, \$500.

Archibald M. Howe, administrator of the estate of Francis Green, deceased, \$500.

William Ropes Trask, administrator of the estate of Thomas Amory, deceased, \$500.

ceased, \$500.

William Ropes Trask, administrator of the estate of Thomas Amory, deceased, \$500.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$500.

deceased, \$500.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$500.

On the schooner Betsie, George Hastie, master, namely: Frederick W. Meeker, administrator of the estate of Samuel Meeker, deceased, \$440.96.
Charles D. Vasse, administrator of the estate of Ambrose Vasse, deceased, \$735.

A. Louis Eakin, administrator of the estate of Chandler Price, deceased, late surviving partner of Morgan & Price, \$735.
George W. Guthrie, administrator of the estate of Alexander Murray, deceased, late surviving partner of Miller & Murray, \$887.55.

William Mifflin, administrator of the estate of Ebenezer Large, deceased, \$443.78.

Henry Pettit, administrator of the estate of Andrew Pettit, deceased, late surviving partner of Pettit & Bayard, \$710.04.
Richard C. McMurtrie, administrator of the estate of Daniel W. Coxe, deceased, \$443.77.
William R. Fisher, administrator of the estate of William Read, deceased, late surviving partner of William Read & Co., \$621.29.
On the brig Hope, Joseph Bright, master, namely:
E. Francis Riggs, administrator of the estate of Julian Hartshorne, deceased, late remaining partner of Shreve & Lawrason, \$749.50.
Lawrence Stabler, administrator of the estate of Julian Hartshorne, deceased, \$490.

Francis A. Lewis, administrator of the estate of John Savage, deceased, \$490.

Sarah Leaming, administrator of the estate of Samuel Blodgett, deceased, \$490.

Francis R. Pemberton, administrator of the estate of John Leamy, deceased, \$490.

Francis R. Pemberton, administrator of the estate of John Clifford, deceased, \$490.

Francis R. Pemberton, administrator of the estate of John Clifford, deceased, \$490.

Crawford D. Hening, administrator of the estate of John Clifford, deceased, \$490.

Francis R. Pemberton, administrator of the estate of John Clifford, deceased, \$490.

Crawford D. Hening, administrator of the estate of John Clifford, &400.

Crawford D. Hening, administrator of the estate of Abijah Dawes, deceased, \$490.

Crawford D. Hening, administrator of the estate of

\$833. On the schooner Kitty, Jacob Singleton, master, namely: Ormes B. Keith, surviving executor of the will of Samuel Keith, deceased, late surviving partner of the firm of William & Samuel Keith, \$1,461.76.

The amendment was agreed to.

Mr. FULTON. I offer the amendment I send to the desk. The Secretary. On page 166, after line 16, it is proposed to

On the ship Raven, Thomas Reilly, master, to C. D. Vasse, administrator of the estate of Ambrose Vasse, deceased, \$784.

The amendment was agreed to.

The next amendment of the Committee on Claims was, on page 166, after the amendment just adopted, to insert:

page 166, after the amendment just adopted, to insert:

On the schooner Greyhound, Sylvanus Snow, master, namely:
George G. King, administrator of the estate of Crowell Hatch, decased, \$700.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, decased, \$750.

On the sloop Honor, William Kimball, master, namely:
Charles F. Adams, administrator of the estate of Peter C. Brooks, decased, \$2,090.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, decased, \$475.

George G. King, administrator of the estate of James Tisdale, decased, \$380.

Francis M. Boutwell, administrator of the estate of Joseph Cordis, decased, \$380.

George G. King, administrator of the estate of Crowell Hatch, decased, \$475.

On the schooner Hiram, Ebenezer Barker, master, namely:
Moses Sherwood, administrator for the estate of David Coley, jr., deceased, \$2,000.

On the sloop Farmer, John Grow, master, namely: Francis M. Boutwell, administrator of the estate of William Mar-shall, jr., deceased, \$2.418.32. Francis M. Boutwell, administrator of the estate of Benjamin Cobb,

\$465. n G. Perry, administrator of the estate of Nicholas Gilman, deceased, William \$930.

ased, \$930.

Nathan Matthews, jr., administrator of the estate of Daniel Sargent, seased, \$465.

Thomas N. Perkins, administrator of the estate of John C. Jones, deased, \$465.

Frank Dahney, administrator of the estate of Samuel W. Pomeroy,

ceased.

eased, \$465 ceased, \$300.
James C. Davis, administrator of the estate of Benjamin Homer, de-ased, \$465.
Arthur D. Hill, administrator of the estate of Benjamin Homer, de-

ceased, \$465.
William R. Trask, administrator of the estate of Thomas Amory, deceased, \$651.

George G. King, administrator of the estate of James Scott, deceased,

Charles K. Cobb, administrator of the estate of Stephen Codman, de-Charles K. Coop, administrator of the estate of Stephen ceased, \$465. On the schooner Friendship, William Blanchard, master, namely: Charles F. Adams, administrator of the estate of Peter C. Brooks, de-ceased, \$2,100. Daniel W. Waldron, administrator of the estate of Jacob Sheafe, de-

Ceased, \$500.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$700.

Arthur D. Hill, administrator of the estate of Benjamin Homer, de-

ceased, \$500.

James C. Davis, administrator of the estate of Communication of the estate of Samuel W. Pomeroy, deceased, \$500.

Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, \$800.

George G. King, administrator of the estate of James Scott, deceased, \$500.

George G. King, administrator of the estate of James Scott, william G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$500.

On the brig Dove, William McN. Watts, master, namely: George G. King, administrator of the estate of Crowell Hatch, deceased, \$1,000.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$3,000.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, \$1,000.

William R. Trask, administrator of the estate of Thomas Amory, deceased, \$500.

William G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$500.

deceased, \$500.
On the schooner Neptune, Comford Bird, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$2,129.08.

ceased, \$2,129.98.
George G. King, administrator of the estate of Crowell Hatch, deceased, \$851.63.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, \$425.82.
A. Lawrence Lowell, administrator of the estate of C. Jones, de-

A. Lawrence Lowell, administrator of the estate of C. Jones, deceased, \$600.

Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, \$600.

William S. Carter, administrator of the estate of William Smith, deceased, \$532.

John Lowell, administrator of the estate of Tuthill Hubbart, deceased, \$532.

Francis M. Boutwell, administrator of the estate of John McLean, deceased, \$266.

Samuel Abbott Fowle, administrator of the estate of George Makepeace, deceased, \$480.86.

On the schooner Sally, Timothy Davis, master, namely:
Charles F. Trask, administrator of the estate of Samuel Babson, deceased, \$2,600.

On the ship Sarah, James Breck, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$1,174.60.

Thomas N. Perkins, administrator of the estate of John C. Jones,

ceased, \$1,174.60.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$250.80.

Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, \$167.80.

James S. English, administrator of the estate of Thomas English, deceased, \$83.90.

Arthur P. Cushing, administrator of the estate of Marston Watson, deceased, \$167.80.

Waiter Hunnewell, administrator of the estate of John Welles, deceased, \$33.90.

Morton Prince, administrator of the estate of John Welles, deceased, \$33.90. ceased, \$83.90.

Morton Prince, administrator of the estate of James Prince, deceased, \$83.90.

ceased, \$83.90.
Gordon Dexter, administrator of the estate of Samuel Dexter, deceased, \$83.90.
Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, \$116.20.
Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, \$83.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, \$83.
Goorge G. King, administrator of the estate of James Scott, deceased, \$83.

State of Israel Thorndike, Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, \$83.

Arthur D. Hill, administrator of the estate of Benjamin Homer, deceased, \$83.

Henry W. Edes, administrator of the estate of John May, deceased,

\$83.

John O. Shaw, administrator of the estate of Josiah Knapp, deceased, \$83.

William Ropes Trask, administrator of the estate of Thomas Amory, deceased, \$166.

H. Burr Crandall, administrator of the estate of Thomas Cushing, deceased, \$66.40.

Jonathan I. Bowditch, administrator of the estate of Benjamin Pickman, deceased, \$83.

Arthur T. Lyman, administrator of the estate of Theodore Lyman, deceased, \$83.

Charles K. Cobb, administrator of the estate of John Codman, deceased, \$166.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$166.
Elisha Whitney, administrator of the estate of Thomas Stephens, deceased, for and on behalf of the firm of John & Thomas Stephens, \$200,00

John Lowell, administrator of the estate of Tuthill Hubbart, deceased, \$83.

Frank Dabney, administrator of the estate of Samuel W. Pomeroy,

deceased, \$166.

W. Rodman Peabody, administrator of the estate of Daniel D. Rogers, deceased, \$132.80.

On the schooner Sylvanus, Edward D. Baker, master, namely:
Nathan Matthews, jr., administrator of the estate of Daniel Sargeant,

Nathan Matthews, jr., administrator of the estate of Daniel Sargeant, deceased, \$600.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$1,700.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, \$700.

William G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$700.

Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, \$600.

Henry Parkman, administrator of the estate of John Lovett, deceased, \$300.

\$300.

John Lowell, jr., administrator of the estate of Tuthill Hubbart,

John Lowell, Jr., administrator of the estate of Benjamin Homer, deceased, \$500.

James C. Davis, administrator of the estate of Cornelius Durant, deceased. \$1,400.

Chandler Robbins, administrator of the estate of Joseph Russell,

James C. Davis, administrator of the estate of Cornelius Durant, deceased. \$1,400.

Chandler Robbins, administrator of the estate of Joseph Russell, deceased, \$800.

George G. King, administrator of the estate of Crowell Hatch, deceased, \$500.

On the schooner Venus, Benjamin Hooper, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$2,000.

James S. English, administrator of the estate of Thomas English, deceased, \$500.

George G. King, administrator of the estate of Crowell Hatch, deceased, \$1,000.

Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, \$500.

Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, \$1,000.

Francis M. Boutwell, administrator of the estate of John McLean, deceased, \$1,000.

W. Rodman Peabody, administrator of the estate of Daniel D. Rogers, deceased, \$500.

Frank Dabney, administrator of the estate of Nicholas Gillman, deceased, \$1,000.

Elisha Whitney, administrator of the estate of Thomas Stevens, deceased, for and on behalf of the firm of John & Thomas Stevens, deceased, for and on behalf of the firm of John & Thomas Stevens, deceased, \$500.

Edward I. Browne, administrator of the estate of Moses Brown, deceased, \$500.

ed. \$500.

ceased, \$500.
Edward I. Browne, administrator of the estate of Moses Brown, deceased, \$500.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, \$400.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$1,900.
A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, \$400.
George G. King, administrator of the estate of James Scott, deceased, \$600.

George G. King, administrator of the estate of James Scott, deceased, \$600.

On the schooner Syren, Jared Arnold, master, namely: Charles J. Bonaparte. administrator of the estate of Benjamin Williams, deceased, \$3,064.58.

David Stewart, administrator of the estate of William Wood, jr., deceased, \$3,064.58.

David Stewart, administrator of the estate of Henry Payson, deceased, \$3,064.58.

Henry W. Ellicott, administrator of the estate of William McFadon, deceased, \$532.60.

Jathes Lawson, administrator of the estate of Richard Lawson, deceased, \$532.60.

Richard Dalafield, administrator of the estate of John Dalafield, deceased, late surviving partner of Church & Dalafield, \$1,716.80.

On the brig Brothers, George Parsons, master, namely: Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$2,100.

Chandler Robbins, administrator of the estate of John C. Jones, deceased, \$1,136.70.

David G. Haskins, administrator of the estate of David Greene, deceased, \$1,048.

On the schooner Isabella, Lewis Lombard, master, namely: Charles L. De Normandie, administrator of the estate of Benjamin Smith, deceased, \$1,760.25.

Nathan Matthews, administrator of the estate of David Greene, deceased, \$338.06.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$338.06.

Thomas N. Perkins, administrator of the estate of David Greene, deceased, \$338.06.

Thomas N. Perkins, administrator of the estate of David Greene, deceased, \$338.06.

Thomas N. Perkins, administrator of the estate of David Greene, deceased, \$338.06.

Thomas N. Perkins, administrator of the estate of David Greene, deceased, \$338.06.

Thomas N. Perkins, administrator of the estate of David Greene, deceased, \$300.

George G. King, administrator of the estate of John C. Jones, deceased, \$100.

William G. Perry, administrator of the estate of Nicholas Gilman,

William G. Perry, administrator of the estate of Nicholas Gilman,

William G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$600.
Jonathan I. Bowditch, administrator of the estate of Benjamin Pickman. deceased, \$500.
Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, \$500.
Augustus F. Loring, administrator of the estate of William H. Boardman, deceased, \$400.
David G. Haskins, administrator of the estate of David Greene, deceased, \$500.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, \$400.
A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, \$500.

On the schooner Colly, William Mariner, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$4,516.06.
George G. King, administrator of the estate of Crowell Hatch, deceased, \$752.68.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, \$1,505.36.
George G. King, administrator of the estate of James Scott, deceased, \$376.34.
William P. Perkins, administrator of the estate of Thomas Perkins, deceased, \$376.34.
Walter Hunnewell, administrator of the estate of William Stackpole, deceased, \$376.34.
Walter Hunnewell, administrator of the estate of John Wells, deceased, \$376.34.
Frank Dabney, administrator of the estate of Arnold Wells, jr., deceased, \$376.34.
Frank Dabney, administrator of the estate of David Greene, deceased, \$376.33.
David G. Haskins, administrator of the estate of David Greene, deceased, \$752.67.
On the schooner Juno, William Burgess, master, namely:
Cazenove G. Lee, administrator of the 'estate of James Patton, deceased, late surviving partner of the firm of Patton & Dykes, \$7,066.66.
John W. Apthorp, administrator of the estate of William Foster, deceased, \$1,000.
William I. Monroe, administrator of the estate of William Smith, deceased, \$500.
Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, \$500.
Nathan Matthews, administrator of the estate of David Greene, deceased, \$500.
August P. Loring, administrator of the estate of David Greene, deceased, \$1,000.
Lawrence Bond, administrator of the estate of David Greene, deceased, \$1,000.
Lawrence Bond, administrator of the estate of David Greene, deceased, \$1,000.

500.

David Greene Haskins, administrator of the estate of David Greene, deceased, \$500.

William G. Perry, administrator of the estate of Nicholas Gilman, deceased, \$500.

William A. Hayes, 2d, administrator of the estate of Eliphalet Ladd, deceased, \$500.

Montgomery Fletcher, administrator of the estate of John Walter Fletcher, deceased, for and on behalf of the firm of Fletcher & Otway, \$333.33.

On the sloop Fox, Nathaniel Dennis, master, namely:
Edmund D. Codman, administrator of William Gray, jr., \$600.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$1,000.

George G. King, administrator of the estate of Crowell Hatch, deceased, \$400.

On the brig Mary, Robert Holmes, master, namely:

ceased, \$400.

On the brig Mary, Robert Holmes, master, namely:
Edmund D. Codman, administrator of the estate of William Gray, deceased, \$3,960.

William I. Monroe, administrator of the estate of John Brazer, deceased, \$115.

On the brig George, Jacob Greenleaf, master, namely:
Helen N. Pike, administratrix of the estate of John Pettingel, deceased, \$5.153.03.

Joseph W. Thompson, administrator of David Coffin, \$100.

Joseph W. Wheelwright, administrator of the estate of Moses Savory, deceased, \$200.

James S. Gerrish, administrator of the estate of Edward Toppen Ceased, \$300.

George Otis, administrator

George Otis, administrator of the estate of Joseph Marquand, deceased, \$100.

Amos Noyes, administrator of the estate of Zebedee Cook, deceased, \$200.

Amos Noyes, administrator of the estate of William Cook, deceased, \$100. Eben F. Stone, administrator of the estate of Nathan Hoyt, deceased, \$100.

B. Reed, administrator of the estate of Andrew Frothingham, \$100. Henry B. decease

deceased, \$100.

Luther R. Moore, administrator of the estate of William Boardman, deceased, \$100.

Charles C. Donnelly, administrator of the estate of Joseph Toppan, deceased, \$100.

Francis A. Jewett, administrator of the estate of James Prince, deceased, \$500.

Fritz H. Jordan, administrator of the estate of Leonard Smith, deceased, \$500.

Franklin A. Wilson, administrator of the estate of John Pearson, jr., deceased, \$300.

Jeremiah Nelson, administrator of the estate of Jeremiah Nelson, deceased, \$200.

Henry P. Toppan, administrator of the estate of Joshua Toppan, deceased, \$100.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$200.

Mr. FULTON. On page 182, line 16, I move to strike out "two hundred" and insert "two thousand." It is a mistake in the print.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 182, after line 16, to insert:

William Ropes Track, administrator of the estate of Thomas Amory, deceased, \$1,000.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$1,000.

On the brig Peggy, John Hourston, master, namely:
Charles F. Mayer, administrator of the estate of Henry Konig, deceased, \$3,797.87.

Charles F. Mayer, surviving executor of the will of Frederick Konig, deceased, \$3,797.87.

On the schooner William Lovel, John K. Hill, master, namely:
William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators of the estate of William Duncan, deceased, \$628.71.

On the brig Abigail, Jeremiah Tibbetts, fr., master, namely: William H. Sise, administrator of the estate of Ebenezer Tibbetts, deased, \$3,115.
On the schooner Columbus, Benjamin Mason, master, namely: Samuel M. Came, administrator of the estate of John Low, deceased, 583

\$1

\$1.583.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$425.

George G. King, administrator of the estate of Crowell Hatch, deceased, \$250.

On the schooner Two Cousins, Elezah Devall, master, namely:
Horace E. Hayden, administrator of the estate of David H. Conyngham, deceased, late surviving partner of Conyngham, Nesbit & Co., \$8,012.13.

\$8,012.13.
On the schooner Unity, J. W. Latouche, master, namely:
David Stewart, administrator of the estate of Henry Messonnier, deceased, \$4,467.08.
On the brig Fanny, John Gould, master, namely:
Mary Wise Moody, administratrix of the estate of Daniel Wise, deceased, \$788.18.
Albert M. Welch, administrator of the estate of Thomas Perkins, 3d, deceased, \$1,845.
Edmund D. Codman, administrator of the estate of William Gray, deceased, \$1,833.33.
On the schooner Swan, Samuel Shaw, master, namely:
George G. King, administrator of the estate of Crowell Hatch, deceased, \$500.
Morton Prince, administrator of the estate of Lames Prince deceased.

Morton Prince, administrator of the estate of James Prince, deceased,

\$300.

William P. Dexter, administrator of the estate of Samuel Dexter, deceased, \$300.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$400.

On the schooner Hannah, James H. Voax, master, namely:
Charles H. Cotting, administrator of the estate of David W. Child, deceased, \$309.27.

Francis M. Boutwell, administrator of the estate of William Marshall, jr., deceased, \$309.28.

Brooks Adams, administrator of the estate of Peter C. Brooks, decessed, \$2,000.

Morton Prince, administrator of the estate of James Prince, deceased.

Morton Prince, administrator of the estate of James Prince, deceased,

Morton Prince, administrator of the estate of James Prince, deceased, \$500.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, \$1,000.

Chandler Robbins, administrator of the estate of Joseph Russell, deceased, for and on behalf of the firm of Jeffrey & Russell, \$1,000.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$1,000.

George G. King, administrator of the estate of Crowell Hatch, deceased, \$1,000.

Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, \$416.67.

Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, \$383.33.

Henry Parkman, administrator of the estate of John Lovett, deceased, \$250.

On the sloop Scrub, John Russell, master, namely:
Newton Dexter, administrator of the estate of Joseph Martin, deceased, \$300.

On the brig Lucy, Christopher Grant, master, namely:
Daniel W. Salisbury, surviving executor of the will of Samuel Salisbury, deceased, \$2,089.83.

Louis Higginson, administrator of the estate of Peter C. Brooks, deceased, \$4,500.

Robert Codman, administrator of the estate of William Gray, deceased, \$4,500.

Robert Codman, administrator of the will of Crowell Hatch, deceased, \$1,000.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fel-

St. 1,000.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, \$1,000.

On the sloop James, Robert Palmer, master, namely:
George Meade, administrator of the estate of Anthony Butler, deceased, \$4,533.

On the sloop James, Robert Palmer, master, namely:
George Meade, administrator of the estate of Anthony Butler, deceased, \$4,533.
On the brig Eliza, Christopher O'Conner, master, namely:
Samuel Bell, administrator, etc., of the estate of John Godfrey Wachsmuth, deceased, \$2,793.
On the schooner Little Fanny, Peter Fosdick, master, namely:
Samuel J. Randall, administrator of the estate of Matthew Randall, deceased, \$2,260.
Charles D. Vasse, administrator of the estate of Ambrose Vasse, deceased, \$490.
Charles Prager, administrator of the estate of Mark Prager, jr., deceased, \$490.
Charles Prager, administrator of the estate of Peter Blight, deceased, \$700.
On the schooner Benja, Samuel O. Row, master, namely:
Charles F. Adams, administrator of the estate of Peter C. Brooks, deceased, \$700.
George G. King, administrator of the estate of Peter C. Brooks, deceased, \$600.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$500.
John Lowell, jr., administrator of the estate of Justle Hubbart, deceased, \$500.
Chandler Robbins, administrator of the estate of Joseph Russell, deceased, late surviving partner of Jeffrey & Russell, \$500.
Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, \$400.
On the schooner Hero, Convers Lilly, master, namely:
Walter L. Hall, administrator of the estate of Nicholas Gilman, deceased, \$250.
Ann W. Davis, administrator of the estate of Samuel Davis, deceased, \$2,858.50.
Ann W. Davis, administrator of the estate of Nicholas Gilman, deceased, \$2,858.50.
Ann W. Davis, administrator of the estate of Samuel Davis, deceased, \$2,858.50.

Elisha Whitney, administrator of the estate of Jacob Sheafe, deceased, \$125.
Elisha Whitney, administrator of the estate of Thomas Stevens, \$150.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, \$150.
William Ropes Trask, administrator of the estate of Thomas Amory, deceased, \$250.
George G. King, administrator of the estate of James Scott, deceased,

\$125. Nathan Matthews, administrator of the estate of Daniel Sargent, de-

Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, \$125.

Henry B. Cabot, administrator of the estate of Daniel D. Rogers, deceased, \$125.

James C. Davis, administrator of the estate of Cornelius Durant, deceased, \$250.

Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, \$125.

A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, \$150.

On the schooner Fortune, William Hubbard, master, namely:
Mary W. Moody, administratrix of the estate of Daniel Wise, deceased, \$108.

Edmund D. Codman, administrator of the estate of William Gray, deceased, \$600.

On the sloop Anna Corbin, Thomas Justice, master, namely:
John J. Wise, administrator of the estate of John Cropper, deceased, \$330.75.

Henry G. White, administrator of the estate of Thomas Cropper, deceased, \$375.

On the brig Eliza, Benjamin English, master, namely:

\$3.300.75.

Henry G. White, administrator of the estate of Thomas Cropper, deceased, \$375.

On the brig Eliza, Benjamin English, master, namely:
George P. Marvin, administrator of the estate of Ebenezer Peck, deceased, \$952.82.
George P. Marvin, administrator of the estate of Stephen Alling, decased, \$476.42.
Elihu L. Mix, administrator of the estate of Thomas Atwater, deceased, \$476.42.
John C. Hollister, administrator of the estate of Elias Shipman, deceased, \$238.21.
John C. Hollister, administrator of the estate of Austin Denison, decased, \$238.21.
On the schooner Jenny, George Walker, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, \$300.
George G. King, administrator of the estate of Crowell Hatch, deceased, \$300.
Alice S. Wheeler, administratrix of the estate of Abiel Winship, deceased, \$2,500.
On the schooner Liberty, Asa Williams, master, namely:
Brooks Adams, administrator of the estate of Peter Chardon Brooks, deceased, \$2,500.
George G. King, administrator of the estate of Poter Chardon Brooks, deceased, \$2,500.
David Greene Haskins, administrator of the estate of David Greene, deceased, \$1,900.
On the brig Sally, Villett, master, namely:
Henry Audley Clark, administrator de bonis non of Peleg Clark, \$6,600.
On the scow Eliza, Ephriam Perkins, master, namely:

Henry Audiey Clark, administrator de bonis non of Peieg Clark, \$6,600.

On the scow Eliza, Ephriam Perkins, master, namely: Walter L. Dane, administrator of the estate of Ephriam Perkins, deceased, \$2,484.

On the brig Betsey, Daniel Boyer, master, namely: Samuel Abbott Fowle, administrator of the estate of George Makepiece, deceased, assignee of Samuel Dowse, \$11,250.75.

Mr. FULTON. I offer an amendment to the amendment. The Secretary. On page 192 it is proposed to strike out lines 2 to 5, inclusive, and to insert:

To Samuel Abbott Fowle, administrator of the estate of George Makepeace, deceased, assignee of Samuel Dowse, \$11,250.75, the same not being an assigned claim within the meaning of this act, but an asset transferred by Samuel Dowse to George Makepeace on the 17th day of May, 1798, for the sum of \$11,400, and prior to the ratification of the treaty of September 30, 1800.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 192, after line 5, to insert:

Provided, however, That any French spoliation claim appropriated for in this act shall not be paid if held by assignment or owned by any insurance company. But this shall not apply to any claim of a class heretofore paid under the act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes." purposes

MISCELLANEOUS CASES.

FOR DIRECT APPROPRIATIONS AND OTHER PURPOSES.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several parties named in Senate Document No. 216. Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, out of any money in the Treasury not otherwise appropriated, the amounts set opposite each of their names, respectively, aggregating \$282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day and reported by the commissioners of the Court of Claims as being the amounts due them under the provisions of the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," but which have been excluded or excepted from judgment for the sole reason that the same were barred by the statute of limitations.

That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitations) over the claims of the Compañía de los Ferrocarriles de Puerto Rico, with power to find the facts and to enter judgment against the United States for the reasonable value of the services performed by said company in the island of Porto Rico for transporting the municipal police and guardia civil between the 12th day of August, 1898, and the like and the reasonable value of said services for the same period, together with the expense of repair and maintenance of telegraph lines of the Signal Corps, all of said services having been performed during the military occupation of said services having been performed during the military occupation of said sialand.

The amendment was agreed to.

The next amendment was, on page 194, after line 2, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to the owners of the Norwegian steamship Nicaragua the sum of \$4,926.67, in full for compensation for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in the year 1894.

Mr. NELSON. This amendment should be rejected. Mr. FULTON. I offer the amendment I send to the desk.

The Secretary. On page 194, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, and in lieu thereof, insert:

Provided, That section 23 of the act of July 31, 1894, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, is hereby amended by adding thereto the words "except where necessary," in order to make a settlement conform to a decision of the Court of Claims: And provided further, That the Court of Claims is hereby authorized to consider and act upon those claims arising under the decision of the Supreme Court of March 11, 1889, in the case of United States v. Watson, which had been disallowed prior to July 31, 1894. And the bar of any statute of limitations is hereby removed in respect to such claims

Mr. KEAN. I think we need some explanation of the amendment.

Mr. FULTON. The Senator from Minnesota will explain it. Mr. NELSON. Mr. President, the amendment is proposed to be rejected because it involves a claim that was included in the general deficiency bill at the last session, having been put into that bill after this bill was reported, and the claim has been allowed and paid; so the amendment should go out.

The amendment offered as a substitute relates to a few military claims under the law of 1838, under which officers were given longevity pay amounting to 1 ration per day for every five years' service—that is, an increase amounting to a daily ration after serving five years, for each period of reenlistment. The law was afterwards extended so as to apply to the service of enlisted men. The Auditor for the Treasury Department refused to allow some of the early longevity claims, because he held it should not include service in the ranks prior to the time they became officers, and held that nobody but regularly commissioned officers could be allowed the longevity pay.

A case went to the Supreme Court involving cadets at West Point, and the Supreme Court held that those cadets, and also enlisted men, were entitled to have their period counted; that their service in the army began from that date, and that the five years' period should be counted from that date. Before that decision was made by the Supreme Court the auditor had disallowed those claims. After that decision the Auditor for the Treasury Department allowed all those claims, but he refuses to reopen a few claims that had been adjudicated under the old rule.

That is all there is in the amendment. There is a very full report on this matter to the House. The amendment simply submits it to the Court of Claims. There are a few claims which were disallowed under the old rule, and it is the purpose to put them on a par with those allowed after the decision of the Supreme Court.
Mr. KEAN. May I ask the Senator from Minnesota a ques-

tion?

Mr. NELSON. Certainly.

Mr. KEAN. Is there any estimate as to the amount of money that will be required? I see no amount stated.

Mr. NELSON. There is no amount appropriated. The claims are submitted to the Court of Claims, and that court Mr. NELSON. must first act upon them, and then they will have to come back to Congress.

Mr. KEAN. Then this is merely sending these claims to the Mr. Kraan.
Court of Claims?
NELSON. To adjudicate; that is all.

Mr. NELSON. To adjudicate; that is all.
Mr. KEAN. Without any suggestion—
Mr. WARREN. To find the facts, I suppose?
Mr. NELSON. To find the facts.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.
The next amendment of the Committee on Claims was, on page 194, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cancel proceedings instituted by the Commissioner of the General Land Office for the recovery of the sum of \$6,276, alleged to be due the United States by the Minnesota and Ontario Bridge Company on account of timber used in the construction of the Minnesota and Ontario bridge across Rainy River at Baudette, in the State of Minnesota, the said Minnesota and Ontario Bridge Company having been five years previously to the institution of said proceedings a bona fide and innocent purchaser of said timber from parties then doing business at Baudette, Minn, but whose whereabouts are now unknown. And the said Minnesota and Ontario Bridge Company is hereby relieved of any obligation to pay to the United States Government the amount hereinbefore set forth.

That there be paid, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of Samuel Lee,

deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, the sum of \$10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,015.58 to H. R. King, of Grand Rapids, Minn., to reimburse the said King for moneys collected from him on contracts for the cutting of timber in the Indian reservation in Minnesota in excess of the value of the timber.

That in accordance with the findings of fact and the suggestions of the court in the case of the Washington Loan and Trust Company and others against the United States, being case No. 23.193, in the Court of Claims, the disbursing officers of the Treasury be, and they are hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of Aaron Van Camp, of the District of Columbia, the sum of \$38,750, and to the legal representatives of the estate of Virginius P. Chapin, of West Virginia, the sum of \$21,350, the same being the amounts unlawfully taken from claimants, respectively, by the consular agent of the United States at Navigators Islands, as set forth by said Court of Claims in their thirteenth finding of fact.

That jurisdiction in equity is hereby conferred upon the circuit court of the United States for the ninth circuit to examine and determine the rights of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea.

That all American citizens whose rights were affected by said award may submit to the court their claims thereunder, and the court shall enter judgment thereon. Claims not submitted within two years from the passage of this act shall thereafter be forever barred.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any

The amendment was agreed to.

Mr. FULTON. On page 197, after line 9, I move to insert:

To pay Mary C. Mayers, widow of Joseph L. Mayers, who lost his life as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. Charleston, then lying in Victoria Harbor, Hongkong, China, the sum of \$5,000 for her aid and sup-

The amendment was agreed to.

The next amendment was, on page 197, after line 9, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Hamiter, of Lafayette County, Ark., the sum of \$3,590.47, the proceeds of the sale of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United

Mr. FULTON. In line 11, after the words "pay to," I move to insert "Allen H. Hamiter, administrator of the estate of;" and after the name "Hamiter," in the same line, to insert "deceased."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 197, after line 16, to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay to the William Cramp & Sons Ship and Engine Building Company the sum of \$135,560, that being the amount found due said company by the Court of Claims on the 29th day of January, 1906, for the preservation, care, maintenance, and insurance of the battle ship Indiana during the two years' delay in its construction, caused by the failure of the Navy Department to furnish the armor for said battle ship.

That the Secretary of the Treasury be, and he is hereby, directed to pay to the personal representative of James H. Dennis the sum of \$26,538, being the sum found by the Court of Claims to be due to him by reason of certain contracts for the improvement of the Tennessee River.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Protestant Orphan Asylum at Natchez, in the State of Mississippi, the sum of \$2,375, in full settlement and discharge of the claim of said corporation for the use and occupation of the property of the asylum by the military forces of the United States during the war of the rebellion.

The amendment was agreed to. The next amendment was, on page 197, after line 16, to insert:

The amendment was agreed to.

The next amendment was, on page 198, after line 17, to insert:

That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the reimbursement of George W. Young, postmaster at Wanship, in the State of Utah, for postage stamps stolen from a safe without fault on his part, \$163.87.

Mr. SMOOT. I ask that this amendment be rejected.

The amendment was rejected.

The next amendment was, on page 198, after line 23, to insert:

The next amendment was, on page 198, after line 23, to insert:

That there be appropriated, out of any money in the Treasury of the
United States not otherwise appropriated, for the relief of A. A. Noon,
of Provo, in the State of Utah, the sum of \$1,407.55, the same being
the amount of judgments and costs against him in suits by the Government of the United States for the extraction of glisonite from lands
within the Uncompalare Indian Reservation, under locations made in
good faith and believed to be without the limits of the said reservation.

That the Secretary of the Treasury be, and he is hereby, authorized
and directed to pay, out of any money in the Treasury not otherwise
appropriated, to Salvador Costa, of Tallahassee, Fla., the sum of \$2,850,
for the sloop Mary Lawrence, which was seized and destroyed by the
federal authorities during the late civil war.

Mr. FULTON. On page 190, line 12, L move to strike out

Mr. FULTON. On page 199, line 12, I move to strike out "two thousand eight hundred and fifty" and to insert "one thousand" before the word "dollars," so as to read "\$1,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CARTER. If there is no amendment now pending, I move to insert in lieu of the amendment stricken out on page

The VICE-PRESIDENT. The reading of the bill has not yet been concluded.

Mr. CARTER. The bill is not open for general amendment at this time?

The VICE-PRESIDENT. The reading has not been concluded. The Secretary will resume the reading of the bill.

The next amendment was, on page 199, after line 15, to

Insert:

That the Treasurer of the United States, as ex officio sinking-fund commissioner of the District of Columbia, be, and he is hereby, authorized and directed to sell the bonds authorized to be issued under the provisions of the sixth section of the act of the Congress of the United States entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, and out of the proceeds of the sale of said bonds pay and satisfy the claim of Joseph T. H. Hall, of Washington, D. C., now deceased, against the District of Columbia, for \$8.664.19, without interest, being the amount found due him by the judgment of the Court of Claims under date of June 22, 1895, under the provisions of the act of Congress approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880," and to pay said amount to Mrs. Julia L. Hall, his widow, of Washington, D. C.

Mr. KEAN. Is there a report on that item?

Mr. KEAN. Is there a report on that item?
Mr. FULTON. The Senator will find the report in regard to that item beginning on page 960. I do not remember the facts myself at this time. Does the Senator desire to make any motion in regard to it?

Mr. KEAN. I was trying to find out what the payment is for.
Mr. WARREN. While that is pending, I call the attention
of the Senator in charge of the bill to a misspelling on page 116,
line 18. "James P. Russell" should read "James B. Russell." move that amendment.

The amendment was agreed to.

Mr. WARREN. On page 125, line 22, "Carie" should read Carrie."

The amendment was agreed to.

Mr. KEAN. I have not had—
Mr. WARREN. There is one more correction of spelling, if the Senator please. On page 128, line 6, after the word "Chaplin," the words "widow of J. Crossan Chaplin" should be inserted, so as to read:

To Mattie H. Chaplin, widow of J. Crossan Chaplin.

Mr. FULTON. I will accept the amendment.

The amendment was agreed to.
Mr. WARREN. On page 135, line 15, "Henry Tibbets" should be "Henry Tibbetts." I move that amendment.

The amendment was agreed to.

Mr. KEAN. Mr. President, I have looked at the report on the claim of Mrs. Julia L. Hall, and it seems to be a payment on account of the discount on bonds of the District of Columbia.

It is rather a queer claim. I ask to have the report read.

The VICE-PRESIDENT. The Senator from New Jersey asks for the reading of the report. Without objection, the Secretary will read as requested.

The Secretary read as follows:

will read as requested.

The Secretary read as follows:

The Committee on Claims, to whom was referred the bill (8. 679) for the relief of Mrs. Julia L. Hall, having had the same under careful consideration, beg to report it back to the Senate and to recommend its passage without amendment.

A similar bill was favorably reported by both Houses of Congress in the Fifty-seventh Congress, was passed by the Senate, and held an early place on the calendar of the House when the session closed. The number of the report was House Report No. 801. It contains the facts in the case so far as then known, and is adopted by your committee and made a part of their report, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 1727) for the relief of Mrs. Julia L. Hall, beg leave to submit the following report and recommend that said bill do pass without amendment.

"The claimant is the widow of the late Capt. Joseph T. H. Hall, who for many years was a resident of the city of Washington, D. C., and who died at Denver, Colo., on the 18th day of April, 1839, leaving no children surviving him, the widow being sole surviving heir.

"The claimant and said Hall were married May 10, 1865, and lived together as husband and wife from that time until his death, most of the time in the city of Washington, D. C.

"Claimant was born and reared in said city, where her father, I. C. Lewis, was a prominent citizen of means and did much to improve the city, and much of the money used by her husband in executing the work which is the basis of this claim was furnished by her, having been received in property from her father.

"Captain Itial left little or no property or money, and none that is the source of any income or means of support to the claimant. He was a soldier in the war of the rebellion, serving throughout the war and having an honorable record, and claimant has been granted a pension at \$8 per month under the act of June 27, 1890, as his dependent widow, and this pension is her dependence for future permanent s

"Her said husband left a few accounts and claims for work he had done. The principal one, and all she expects to realize anything from, is the claim for work done by him in the city of Washington, for the District of Columbia, which she now asks the Congress to pay in the present bill for her relief.

"In his lifetime the late said Joseph T. H. Hall did work as a contractor for the District of Columbia, in the city of Washington; that he furnished, spread, and broke 'macadam,' according to the specifications of his contract, to the amount of 5,160,50 cuble yards, or 15,481.50 square yards; that what are known and designated as the 'board rates' for said work was \$1.50 per square yard, and at these rates his work amounted to \$23,222.25; that he was paid \$12,461.06, leaving a balance of \$10,761.19; but of this amount of cubic yards furnished by said Hall there were 940.40 cubic yards he did not furnish the stone for, and the District paid for same \$2.23 per cubic yard, amounting to \$2,097. This amount should be deducted from the total of the balance, leaving \$8,664.19 due Mr. Hall.

"Under the act of Congress of February 13, 1895, providing for the adjudication of claims against the District in the Court of Claims at the said 'board rates' for the work done as aforesaid, Mr. Hall brought an action in the Court of Claims and secured a judgment for said balance of \$8,664.19 June 22, 1896, and also for interest on same at 3.65 per cent from the time of the completion of the work under the contract, which was January 1, 1877. The opinion of the Court of Claims Reports, at page 376. The District took exception to said judgment as to the allowance of interest and appealed to the Supreme Court of the United States, and by decision of February 15, 1897, the judgment of the Court of Claims was reversed, the court holding in favor of the contention of the District, that interest should not have been allowed. "Before further proceedings could be had in the Court of Claims the act of Congress of February 13, 1895, above refe

Mr. TELLER. I understand there has been some question raised about this claim and some one has asked that the committee's report might be read. While I was connected with the Committee on Claims I passed upon this question and made a report on it, and the facts are within my knowledge.

Captain Hall had a quarry not far from here and he furnished to the Government a large amount of material. This claim went into the Court of Claims. First, the Committee on Claims reported it favorably.

Mr. KEAN. I would be glad if the Senator from Colorado would let the balance of the report be read. The concluding paragraph of the report has not been read.

Mr. TELLER. Very well, let it be read, if the Senator de-

Mr. KEAN. It relates to the discount on the warrants of the District of Columbia which he took.

The VICE-PRESIDENT. The Secretary will resume the reading of the report.

The Secretary read as follows:

This amount, \$8,664.19, is the principal sum of the balance found due January 1, 1877, and the Court of Claims allowed interest on the same from said date.

Had it not been for the allowance of the interest this amount would have been paid by the District.

We recommend the passage of the bill and the payment of said principal sum found due, as the balance unpaid for the work done, without interest, according to the decision of the Supreme Court above referred to.

principal sum found due, as the balance unpaid for the work done, without interest, according to the decision of the Supreme Court above referred to.

Since the above report was made, the original contract between Mr. Hall and the District of Columbia, and other papers in the case which were for a time lost, have been restored to their proper place in the office of the clerk of the United States Court of Claims.

It appears that Mr. Hall's contract was dated May 31, 1872, and called specifically for payment "In lawful money of the United States," and required him to pay his workmen "in cash current."

In contracts made with other parties a little later it was expressly stipulated that payments be made in "bonds issued by the sinking fund commissioners of the District of Columbia, which bonds shall be received and accepted at their par value." With the exception of a small sum, Mr. Hall, in violation of the terms of his contract, was obliged to accept in payment certificates of indebtedness payable in these bonds instead of "lawful money of the United States."

On account of the uncertain legality of their issue, these bonds were worth at the time of delivery about 50 cents on the dollar, and it appears from sworn testimony that for \$11,900 worth of these bonds, which Mr. Hall accepted under protest, he realized the sum of \$5,950. However, the equity in this claim does not rest simply in the fact that Mr. Hall was obliged to accept bonds of uncertain value contrary to the terms of his contract, and that the unpaid balance at interest would amount to far more than the claim of his bill; it is also evident that Mr. Hall was obliged by his contract to pay his workmen "in cash current," and did so pay them, and in consequence he had to mortgage and ultimately lose one plece of property after another, including his home.

Mr. RAYNER. I should like to ask the chairman of the committee whether we can offer amendments after the committee amendments are disposed of.

Mr. FULTON. I do not expect to conclude the consideration of the bill this evening.

Mr. RAYNER. If you do, I ask that the Maryland items be passed over.

Mr. FULTON. Even if we should conclude the consideration of it so far as the committee amendments are concerned, I will ask that it be laid over and there will be opportunity at a later time to offer amendments.

Mr. TELLER. Mr. President, I do not desire to take up the time of the Senate, but this is a just and proper claim, and was so found by the court for services rendered. Captain Hall had a larger claim which was not allowed. This amount was allowed him, but he did not live to collect it. His widow is now in a condition where she needs it very much, and I see no reason why it should not be paid.

The amendment was agreed to.

The next amendment was, on page 200, after line 15, to insert: LIMITATION.

In case of the death of any claimant, or death or discharge of any executor or administrator of any claimant herein named, then payment of such claim shall be made to the legal representatives: Provided. That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount of the sum hereby appropriated: And provided further, That in all cases where the original claimants were adjudicated bankrupts the payments shall be made to the next of kin instead of to assignees in bankruptcy; but these provisions shall not apply to payments in the cases of the French spoilation claims, which shall be made as heretofore prescribed in this act: And provided further, That wherever under this bill it is provided that a payment be made to an executor or an administrator, whether original or no longer holds his office, the payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury; and whenever under this bill it is provided that a payment shall be made to a corporation and such corporation has been merged in or consolidated with another corporation, payment shall be made to the corporation payment shall be made to acroporation and such corporation, payment shall be made to the corporation with which the consolidation or merger has been made.

The amendment was agreed to.

Mr. FULTON. On page 197, after line 16, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$50 per month, for sixty months, to Bernard W. Murray: Provided, That should the said Bernard W. Murray die before the expiration of sixty months, leaving no minor children, said payments shall thereupon cease; should the said Bernard W. Murray die before the expiration of sixty months, leaving minor children, said payments shall cease upon the majority of the youngest of said children.

The amendment was agreed to.

The VICE-PRESIDENT. Has the Senator from Oregon con-The VICE-PRESIDENT. Has the Senator from Oregon concluded the presentation of the committee amendments?

Mr. FULTON. No; I have an amendment on the table to repeal certain sections of the Tucker Act.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon

yield to the Senator from Texas?

Mr. FULTON. I yield. Mr. CULBERSON. I understood, in some general way, that the amendment to which the Senator refers would await the disposition of the other amendments to the bill.

Mr. FULTON. I will state that the committee has about concluded the amendments which it has to offer. Possibly it may offer some to-morrow; but my desire was that this amendment should be read and placed before the Senate, and then that Senators shall consider it and be ready to suggest any modifications

Mr. CULBERSON. I think that course is entirely satisfactory.
Mr. FULTON.

I desire simply that it shall be pending.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Oregon.

The Secretary. It is proposed to add to the bill the following:

That section 14 of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act, be, and the same is hereby, repealed: Provided, That all bills and claims hereto referred to the Court of Claims under and pursuant to the provisions of said section may be prosecuted in, and shall be heard, determined, and reported by, said court in all respects as if said section were continued in force.

That section 4 of the act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883, and commonly known as the Bowman Act, be, and said section 4 is hereby, repealed, and section 3 of said act is hereby amended so as to read as follows:

"Sec. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the army or navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: Provided, That all claims for supplies or stores taken by or furnished

to any part of the military or naval forces of the United States for their use during the war for the suppression of the rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act."

Mr. FULTON. I call the attention of the Senate to the fact that it is only section 14 of the Tucker Act which it is proposed to repeal by this amendment, under which practically all of what are known as "war claims" are sent to the Court of Claims. Section 14 provides:

That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the executive departments in the investigations of claims and demands against the Government," etc.

It provides for the court making findings and certifying them back to Congress. The Tucker Act provides for giving jurisdiction to the Court of Claims in many other matters. It is not desired to repeal, of course, the entire act, but that section which permits this character of claims to go to the Court of

It has been suggested to me that the taking effect of the amendment should be postponed to some future time. own judgment would be that bills which are now pending before Congress might properly be referred to the Court of Claims, but that thereafter none of this character of claims should go there. I believe that all such claims with any possible merit have been already brought to the attention of Congress, and that no injustice will be done by providing that after the present session, say after the 15th of March next, this proposed amendment shall take effect; that from and after that date the repeal shall be effective. That will enable the sending down of all matters that are pending before the Senate at the present time, and it will prevent those gentlemen who are living by working up claims from digging up any more claims of that character be-tween adjournment and the time of the taking effect of the repeal. If we postpone the time for the taking effect of this repeal, say for a year or two years, it will only stimulate the industry of persons who are engaged in hunting up and presenting to Congress this character of claims.

When I say presenting to Congress, of course, I know no one will understand me to mean a Member of Congress, because these claims are brought to his attention and he is appealed to by citizens of his State to present them, and, of course, he can not avoid doing it.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. Certainly.
Mr. TILLMAN. Has it occurred to the Senator that there may be many meritorious claims which have never been presented, but which could be prepared and presented for adjudication by the Court of Claims after a fair notice of twelve months or two years? Not that that would increase the number of industrious lawyers, perhaps, who are working around the country looking for plausible causes of making a claim, but there are really just and honest claims which have never been presented simply because it has appeared so difficult heretofore to get any recognition of the justice of such claims in Congress that people have felt that it was a hopeless task to undertake it; but they would do so if they were given an opportunity. You may hedge the matter about with any reasonable restrictions you see fit, still not barring out absolutely the adjudication by the Court of Claims after a limited time. I think southern Representatives here would—I surely would—be glad to be relieved of the burden of endeavoring to press claims which they believe to be just, but which they know are hopeless under certain restrictions and regulations here. A large part of my correspondence has been in answering inquiries of this person, that person, and the other person who think they have a claim against the Government, but which I, upon investigation, report to them "there is no chance in the world for you to get anything." Still I have to answer them, look up the law, and point out the whys and the wherefores. I wish I could simply say, once for all, "Congress has fixed a limit within which time you must prepare your claim, present it, and let the Court of Claims sift it; and after that," I could say, "there is no use for you to bother me with any such correspondence as that." I believe every Senator on this side of the Chamber would be

you should repeal the law which allows opportunities for any-

body to present a claim.

Mr. FULTON. I call the attention of the Senator to the fact that the Tucker Act, so called, was passed in 1887. that time there certainly has been very little difficulty in getting matters presented to the Court of Claims for a finding. Bowman Act was passed in 1883. Under it claims of this character might go to the court; but, of course, if they were barred by the statute of limitations, that was a perfect defense under the Bowman Act. I can not, however, believe that there are any claims still not brought to the attention of Congress or Members of Congress that have any real merit in them. It would be extraordinary that during all this period of years the people should hold legitimate and meritorious claims, knowing that they could send them to a Member of Congress and have a bill introduced for their payment; and if the bill was not enacted, the claim could be sent to the Court of Claims without costing the claimant anything, and yet they have refrained from doing so.

Mr. TILLMAN. And yet the Senator has in this very bill, or knows that there are in this very bill, claims over a hundred years old which are no more meritorious than a great many which would go to the Court of Claims if notice was given that

beyond a certain period they would be barred.

Mr. FULTON. The Senator, I suppose, refers

Mr. TILLMAN. Many of the claims in the bill are a hundred years old.

Mr. FULTON. The Senator refers to the French spoliation claims, I suppose?
Mr. TILLMAN.

Yes.

Mr. FULITON. But those have been pending all along, Mr. WARREN. If the Senator will allow me, the French spoliation claims are different in this: The French Government has settled with our Government, and it is a mere matter between our Government and the claimants.

Mr. FULTON. Yes. During all these years—over a hundred years, as has been said—this Government has held the money

which belongs to these claimants.

Mr. TILLMAN. Why has it taken a hundred years to settle an honest and just claim?

Mr. FULTON. The Senator has had some experience in

Congress

Mr. TILLMAN. Yes. I have got some claims here that the Court of Claims has adjudicated, and yet the committee has refused to put them into the bill when it has put in similar claims right on the floor to-day.

Mr. SMOOT. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. TILLMAN. Yes.
Mr. SMOOT. I should like to suggest to the Senator that even if section 14 of the Tucker Act should be repealed, as suggested by the chairman of the committee, that will not preclude any meritorious claims from being considered by Claims Committee, or being passed upon by the Senate or the other House

Mr. TILLMAN. The difficulty is in determining what is a From my experience with what few claims meritorious claim. I have undertaken to prosecute here to a successful legislative passage, I know that the burden on Senators is very great, and the indifference and disinclination of committees to investigate, under the labors which we have to perform, make it practically useless to undertake to bring claims in here, and when we send them to the Court of Claims—a court constituted for the express purpose of investigating and adjudicating and determining what is just and right—I do not see why it would not be reasonable and just to have a limit fixed, after which all claims should be barred; and I should be glad to vote for such a thing, but I do not think we ought to have the thing killed off by ipse dixit right straight ahead in two minutes and a half.

Mr. FULTON. That was not my proposition-within two minutes and a half, but in two months and a half.

Mr. TILLMAN. But you said "those which are already

pending."
Mr. FULTON. Yes.

Mr. TILLMAN. Why not give those to whom I refer an opportunity?

Mr. FULTON. I think I can explain the matter so that the Senator will understand it. My suggestion was that the limit as to the time when this amendment will take effect should not go beyond the middle of March.

Mr. WARREN. I want to ask the Senator from Oregon if it is his plan to have all cases now pending in the Senate or that thankful to you and to Congress if, after giving due notice, may be pending in this session until its close sent to the Court

of Claims, and that his amendment will not cut out those bills that might be introduced to-morrow or next day or next week?

Mr. FULTON. That was the idea. Mr. WARREN. Nor does he prop Nor does he propose to cut out any claims now pending in the Court of Claims.

Mr. FULTON. Certainly not. Mr. WARREN. I agree with the Senator. I think that March 5 gives time enough, then. The time certainly ought not to be extended beyond January 1, 1910, in any event.

Mr. FULTON. But if you allow it to go beyond that, if you extend the time a year, it will be simply starting out a great industrial army enlisted for the purpose of working up this character of claims and presenting them before the law takes effect. I think it would be bad public policy to extend the time of the taking effect of the repealing provision for that length of time or during that period.

I am about to retire from Congress, and it is not a matter of great concern to me, except simply as a citizen; but were I remaining here, if the present system were continued in force, I

should positively decline to serve on the Committee on Claims,
Mr. WARREN. May I ask the Senator a question right

there?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.
Mr. WARREN. May I ask the Senator if it would be the intention of his committee, if this provision passes, to clean up all the bills pending before his committee by sending them to the Court of Claims at the end, or near the end, of this session?

Mr. FULTON. It would be my judgment to send all pending bills of that character to the Court of Claims, or practically all, There might be some that I would not so send. at least.

Mr. SMOOT. In further answer to the Senator, I should like to say that there are nearly a thousand cases already before the committee which have been pending here for years and years.

Mr. WARREN. There are more than a thousand.

Mr. SMOOT. At least that. Mr. TILLMAN. That shows how utterly hopeless it is The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. For a question. Mr. TILLMAN. I say the statement just made by the Senator from Utah [Mr. SMoot] shows how utterly hopeless it is for us to get the Committee on Claims of the Senate to investigate the merits of any claim which is presented.

Mr. FULTON. No.

Mr. SMOOT. Mr. President-Mr. FULTON. Let me answ Let me answer.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

TILLMAN. I do not charge the committee with any

Mr. FULTON. No; I do not yield any further, Mr. President. Instead of showing how hopeless it is to get a committee that will earnestly examine these claims, it simply shows that there is a limitation

Mr. TILLMAN. On your ability. Mr. FULTON. On the possibility of men having time to perform the work.

Mr. TILLMAN. I am not charging the committee with any dereliction of duty or unwillingness; but it is an impossible

Mr. FULTON. It is an impossible thing, it is true, to examine all of these claims; but the truth is, that the very great majority of the claims are fraudulent and are not founded on any honest, legitimate evidence.

Mr. SMOOT. Mr. President-The VICE-PRESIDENT. Does the Senator from Oregon yield

to the Senator from Utah?

Mr. FULITON. Certainly. Mr. SMOOT. I should like to say further that, so far as I am concerned as a member of the Committee on Claims, I have spent hours and hours and days and days going over testimony in these cases, and there are very few claims that I have gone into that I consider just. I have always been perfectly willing to report a claim if there was a particle of merit in it, and I feel that way now.

Mr. FULTON. Mr. President, the great trouble about sending claims to the Court of Claims is that it frequently places Congress in a false position. People are invited to go before They employ lawyers to prosecute their cases. secure findings that are called favorable, and, in truth, are favorable; but, as a matter of fact, it is because the Government | and considered. So, it seems to me that the chairman's plan

is practically helpless to meet the evidence which is produced. For instance, where there is a question of loyalty the claimant brings in some witness who testifies that he knew the claimant or the claimant's intestate during his lifetime, and that he was loyal. The Government can not secure any testimony to meet that, because of the long time that has elapsed since the date of the occurrence. So the question of loyalty is adjusted and the finding is probably in favor of the claimant. The probability, Mr. President, in my judgment, is that at least 75 per cent of those findings are untrue in fact, and based on testimony that was not true. I do not criticise the court for it. The court, like the committee, is practically helpless in the matter.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Texas?

Mr. FULTON. I do. Mr. CULBERSON. I will ask the Senator if he does not think it would be better for Congress to stand between these claims and the Court of Claims; in other words, instead of dumping all of these claims on the Court of Claims, and, as the Senator says, inviting people to go there, ought not Congress, in the first instance, examine them and refer to the court only such claims as on their face appear to have merit? In that view, ought there not be far more time than that suggested in connection with the repeal of this law, if the people who have not prosecuted their claims are to have an opportunity to present them to Congress for examination and reference to the

Court of Claims—say several years, two, three, or four years?

Mr. FULTON. I will say to the Senator that any committee of the Senate or of the other House that shall undertake to examine these claims will find itself in exactly the same position in which the court is. Parties will present affidavits in support of a claim, and there will be no way by which the committee can secure any evidence to meet that produced by the claimant. So the committee would be helpless, so far as I can see.

Mr. CULBERSON. As a matter of fact, I will ask the chairman of the committee, is it not frequently the case that the committee, after examination, refuse to refer cases to the Court of Claims?

Mr. FULTON. Oh, yes. Mr. WARREN. The committee asks for proof before referring a claim to the court?

Mr. FULTON. Oh, yes; quite frequently the committee has refused to recommend the reference of a case to the Court of Claims.

Mr. WARREN. Mr. President— Mr. FULTON. Just a second. I want to say that while of course it is possible that by pursuing the course I suggest some claim that is founded in justice may be rejected, it is very improbable that any considerable number of claims will meet that fate, because, in the first place, none of these claims are claims that the Government is under any real obligation to pay. The payment of them is a mere gratuity; and so long a time has now elapsed since the occurrence that it seems to me the

period has arrived when we should cease paying these war claims at all. Now, I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, referring to the inquiry made by the Senator from Texas [Mr. Culberson], my observation and experience about these claims have been that it is an easy matter for a constituent to ask a Member of the Senate to introduce a claims bill, and it is a hard matter to refuse to introduce it. As a consequence, hundreds of these claims come here. Very many of those who ask for the introduction of such bills do not follow them up by depositing with the committee any affidavits or proof to enable the committee to ascertain whether or not there may be just ground for their consideration. When these claims go down to the court, a very large number of them are never taken up, because the attorneys representing them do not take them up in the court, having no evidence upon which to take them up. Two years ago or so, I think, some 5,000 of them were stricken from the files.

No committee of this Senate has the time to investigate the number of claims that come in here. Neither the Committee on Claims nor any other committee can do it. If that committee should sit every day during the entire session on claims work alone, it would not then probably have time to take up all the bills—some 3,000 in number—that each session go to them.

Now, if we were cleaning up as a whole, and they should all be sent down to the court, there would be this state of affairs: A large number would never enter an appearance by attorneys, so that they would finally be stricken from the files because of lack of support. The others would be tried out in the court, where all the evidence that could be adduced would be presented is a good one, in that it gives an opportunity to take up the claims now pending in his committee or those that may be introduced, send them to the Court of Claims, and put that court to work on them. That does not debar the committee from taking up as a committee such few remaining claims as may come in afterwards, and I should hope that each claim might be considered promptly thereafter, each upon its merits, and reported, either favorably or unfavorably, and disposed of,

so as to keep the files clear.

Mr. FULTON. Mr. President, I do not care to pursue this subject further at the present time. So far as I am personally concerned, I do not intend to ask for a vote on this amendment to-night. I have simply called it up in order to explain my views, so that those who are interested in the question may take it under consideration and present such suggestions to-morrow, or when the bill shall be taken up again, as seem to them proper.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. FULITON. Certainly, I yield to the Senator. Mr. GALLINGER. I would ask the Senator, Mr. President, if he can state approximately how many bills have been before the Committee on Claims during the present Congress?

Mr. FULTON. Over 2,500, I am told.

Mr. WARREN. Nearer 3,000.

Mr. GALLINGER. One thing has attracted my attention in connection with the Committee on Claims. I know that it is utterly impossible, physically impossible, for that committee to give consideration to all these claims; but it has seemed to me a strange circumstance that the committee does not report some of these claims adversely. I served in the House of Representatives on the Claims Committee, and I made some adverse reports. I served as chairman of the Committee on Pensions of this body, and I found it very helpful to report adversely a bill that carried a line of bills with it, so that we would not be bothered in the future with similar bills. It has seemed to me that if adverse reports were made on bills that do not merit consideration by the Committee on Claims, the committee would unload a good deal of their work in that way. This is no criticism on the committee, except that I have not noticed that ad-

verse reports have been made,
Mr. FULTON. Not many. That is quite true, Mr. President. Occasionally adverse reports have been made; but I

think the Senator will understand why that is.

Mr. GALLINGER. I think I understand it. Parties interested beg the committee not to report their claims adversely, but to pigeonhole them; and they are constantly with you.

Mr. FULTON. Yes.
Mr. TELLER. Mr. President, I have had some experience on the Committee on Claims. I was chairman of that committee for a good many years, and I know while I was chairman we reported adversely a great many claims.

Mr. WARREN. But they usually came up again; they were

reintroduced regularly.

Mr. TELLER. Frequently, as the Senator from Wyoming says, they were again introduced. There is no legal obstacle against that, and, of course, they would come again and, very likely, be again reported adversely. They were cases that were within what, perhaps, the President would call the "twilight zone." It was a little difficult to tell whether they were meritorious or not. The claimant would say: "I have not all the evidence I can get. I will get some more." Such bills would probably go over a session, and perhaps two or three sessions.

I want to say just a word in reply to the chairman of the committee as to there being no attention given to these cases in the court. Whose fault is it, Mr. President, that that is so? It is the Government's own fault. The Government of the United States has ample opportunity

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. In a moment.

The Senator does not correctly quote me.

The Government of the United States has Mr. TELLER. ample opportunity, Mr. President, to find out the truth as to these claims; and I believe they have found out very largely. I myself doubt very much whether the court has reported a great many claims that were not founded in justice and right.

I want to say another word. The Senator from Oregon says the payment of these claims is a gratuity. Mr. President, anything that we provide for by law as an obligation of the Government can hardly be called a gratuity. The Government undertook at the close of the war to say that certain acts of the army had been contrary to law and that where the claimant was

a loyal citizen of the United States the army could not take his property without compensation. The army might take the property of an alien; it might take the property of an enemy; but not the property of a loyal citizen of the United States

Mr. President, I became a member of the Committee on Claims when Senator Cockrell, long known in this body, was its chairman; and, while he had been a confederate general, I want to say to his credit that he exacted of every claimant who came before that committee the utmost proof of loyalty. No man could have done it better than he did; and that rule, so far as I know, was followed while I had any connection with the committee. The first question was whether the claimant was loyal to the Government. That being proved, we examined as to the merits of his claim—how much property had been taken and what it was worth.

There were, perhaps, some claims allowed that, under the law of nations and the laws of war, would not have been allowed. For instance, suppose there was a battle and in that battle a church was destroyed, according to the law of nations the Government would not be liable for that. For a long time the committee held to the strict rule of law. The claimant must show that his claim was within the law of nations and that his property was destroyed contrary to that law. tle a church, a private house, a public house, or anything else may be destroyed and, under the law of nations, there is no obligations on the Government destroying it to pay for it.

But here in the Senate, and ultimately in the other House, we settled the proposition that where educational institutions, schools, charitable institutions, and churches were destroyed we would pay for them. The most noted case was, of course, the case of William and Mary College. If anybody will take the pains to read the argument which the late Senator Hoar made in this Chamber on that subject, he will see that the Senate proceeded to pay for that class of claims, not because it was an obligation on the Government, but because it was a proper thing for a great Government like ours to do for the cause of education and for the cause of humanity. It might be the case of a

hospital, for instance, which had been destroyed.

So, Mr. President, there may be some of these claims that are unworthy, and undoubtedly there are; but there are very many claims that I have seen rejected here that I know were honest and just claims which the Government ought to have paid. I will venture to say, after an experience of a good many years, that there have been more claims rejected that ought to have been paid than there ever have been claims paid that ought

not to have been paid.

Mr. McENERY. Mr. President, I desire to offer an amendment.

The VICE-PRESIDENT. Has the Senator from Oregon concluded offering the committee amendments?

Mr. FULTON. There is one other committee amendment to e proposed. I now send it to the desk.

The VICE-PRESIDENT. The amendment will be stated. be proposed.

The Secretary. On page 200, after line 15, it is proposed to insert:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$110.50, and that the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Gen. C. C. Andrews the said sum of \$110.50.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FULTON. There will probably be a few additional committee amendments later on, but for the present I have no further committee amendments.

Mr. FORAKER. I want to reserve the right for the senior Senator from Pennsylvania [Mr. Penrose] or the junior Senator from Pennsylvania [Mr. Knox], who are away to-day, to offer an amendment known as the "insurance-company amendment.

Mr. FULTON. I will say to the Senator that I am not going to ask that the bill be finally acted upon to-night.

Mr. McENERY. Mr. President, I offer the amendment which send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. At the end of the items under the heading "Louisiana," it is proposed to insert the following:

To Florine A. Albright the sum of \$14,640.

Mr. FULTON. My recollection is that there has been paid on this claim already quite a large sum. The committee went very carefully over this matter, and I trust that the amendment will not be adopted.

Mr. McENERY. Mr. President, this claim was before the House of Representatives in the Forty-seventh Congress. The

facts appearing before the House were just about as they are now. The question of loyalty was involved, and that is the only question affecting this claim. There is no dispute as to the amount. After a short discussion the claim was referred to the Court of Claims by the unanimous vote of the House of Representatives, the late Mr. Dingley participating in the discussion, and, after a few inquiries, supporting the bill. came to the Senate, and the facts in the case enlisted the sympathies of Senator Hoar and impressed him with the justice of the claim. Mr. Hoar, in the Forty-seventh Congress, first ses-

I desire to ask the consent of the Senate to take up a bill which will occupy a very few minutes, and which I am sure every person named in every bill on the calendar would consent to give precedence to. It is a bill permitting the representatives of Sterling T. Austin to go to the Court of Claims with a claim which is described in the bill. They are two most estimable young ladies, whose father and brother were both shot on the same day in midday some time ago, under circumstances which are well known. I do not think it is necessary to enter into any discussion of that matter, but I merely ask my friend from Alabama to permit that bill to be taken up. The report is a very brief one, and it will take a very few minutes to dispose of the bill.

It was unanimously referred to the Court of Claims. The claimants presented an itemized account, embracing cotton and other personal property. The claim for this personal propertyhorses, mules, corn, and so forth-was held back in order that it should not complicate the claim for cotton. The claim went to the Court of Claims, and that court sent the claim back with a finding as follows:

But the court is satisfied that the surviving representatives did not give any aid and comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

As to the loyalty of Sterling T. Austin, the court found, in substance, that he was constructively disloyal, because he lived in the Confederacy, but they found the beneficiaries of this bill strictly loyal.

There was evidence before the Court of Claims, which is very voluminous, by the most respectable citizens, army officers, federal civil officials, all of whom testified to the loyalty of Austin, to that extent that many of them stated that they had heard him during the war express the most loyal sentiments for the Union. Whenever he had an opportunity, and could do so with prudence to himself, he uttered the strongest sentiments of loyalty to the Government of the United States. He was ostracised by his people. He was under continued observation because of his suspected loyalty. He transferred his slaves to various points in order that they should not be put to work on confederate works. It is needless to make any extended argument upon this matter. From the able report of the Committee on Claims, referring to the summary, I quote:

referring to the summary, I quote:

The substance of this case, therefore, is substantially this:

"Austin was a planter in Georgia and Alabama. Prior to the breaking out of the rebellion he sold his property in those States and moved to the Three Bayou plantation, in Louisiana. The Government has now in its possession \$59,287, the net proceeds of property of Austin taken by the Government. No act of disloyalty has been discovered after the most searching investigation, nor is there any pretense that he did any disloyal act excepting this matter of the removal of his slaves from one point to another. As to the removal from the Three Bayou place, in Louisiana, that is conclusively shown to have been done in his absence and against his direction. It is equally conclusively shown that the removal of the slaves from Shreeveport into Texas was done by him because those slaves were being impressed to work for the confederacy. So far, therefore, as the removal of slaves is concerned, it can not be imputed to him as an act of disloyalty, for both of these removals are under such circumstances as indicate quite the contrary of disloyalty. In the first instance he instructs that they should not be removed on the approach of the federal forces, and in the second instance he removed them himself to prevent their being used in aid of the confederacy."

This is the only fact cited to show his disloyalty—the removal of his slaves—which was construed by the court to mean that he intended to place them beyond the jurisdiction of the Gov-ernment of the United States after it had got possession of the territory in which he lived. But the evidence is that he took them back at the first opportunity and placed them under the protection of the federal troops.

There is a finding of the court as to the value of the property. There is no dispute about that. They have never received any thing except for the cotton. This is a claim for the other personal property. The itemized account amounts to \$55,860. Only \$14,600 is asked for, less than one-third of the sum. As I have said, they received only the value of the cotton, and this is a claim for the other personal property.

The itemized account is as follows:

- \$18,000 - 2,200 11 horses
20,000 bushels of corn
100 cattle
300 hogs
8 yoke work cattle 11 horses 20, 000 4, 000 4, 500 960 wagons_ orn meal, fodder, carpenter and blacksmith tools, household and kitchen furniture, and other property_____ 1, 200 5,000

We now ask that there be placed on this bill provision for the property referred to in the third paragraph of the finding:

III. There was taken from claimant's decedent during the year 1863, from his plantation in Lake Providence, Carroll Parish, La., during his absence therefrom, by the military forces of the United States, by proper authority, for the use of the army, stores and supplies as above described which, at the time and place of taking, were reasonably worth the sum of \$14,640, no part of which appears to have been paid.

The claimants have never received anything under this second bill. The only amount they have received was for the value of the cotton, these items never entering into the first claim which was made before the Congress. I quote the concluding paragraph of the report made by the Senator from Wyoming [Mr. WARREN] when he was chairman of the Committee on

It is submitted, therefore, that a finding of constructive disloyalty, found by the court after Colonel Austin was dead, and had no opportunity himself to testify or explain his motives, ought not to operate with greater force than an attaint and conviction of treason; and he being dead, and his heirs being loyal, the Government has no longer any excuse for withholding its payment.

Your committee, in view of all the foregoing, report back the bill and recommend its passage.

Mr. FULTON. I merely wish to say that this case went to the Court of Claims. The court found that the claimants' decedent had been disloyal. The committee rejected it for that reason. The same party has been paid a large claim for other matters.

The amendment was rejected.

Mr. McCREARY. I offer the amendment I send to the desk. The Secretary. It is proposed to add at the end of the Kentucky items the following:

To the trustees of the Madison Female Institute, located at Richmond, Ky., \$6,500.

Mr. McCREARY. Mr. President, the Madison Female Institute is a college for the education of females, located at Rich-

mond, Ky., and is regularly incorporated.

Mr. FULTON. Is there a Court of Claims finding?

Mr. McCREARY. Yes; a Court of Claims finding.

Mr. MCCREARY. 1es; a court of Claims inding.
Mr. FULTON. Read it.
Mr. McCREARY. I will read it in a moment.
Prior to the year 1862 the claimant was, and now is, the owner of a large tract of land situated in the county of Madison, State of Kentucky, and near the city of Richmond. In the year 1862 the real estate was improved, and a large and handsome building was erected, used for the education of females. On August 30, 1862, the battle of Richmond was fought-the confederates under Gen. Kirby Smith and the Federals under General Thomas. Twenty thousand soldiers engaged in that battle. It was one of the bloodiest battles fought in Kentucky. There were a good many killed and a great many wounded, and immediately this large college building was seized and was used as a hospital, and was occupied for some time.

The case went to the Court of Claims, and the Court of Claims made a favorable finding. The court said:

III. On August 30, 1862, the battle of Richmond, Ky., was fought, and said above-described property was selzed and taken possession of by the Federal troops and converted into a hospital, and was continuously used as such from August 30, 1862, to June 25, 1863, when possession thereof was surrendered to its lawful owners. For the time during which said occupancy continued—to wit, for the period of nine months and twenty-five days—the Quartermaster-General allowed and Congress appropriated and paid to the claimant the sum of \$4,097.22 as rental for said property.

IV. During the period of said occupancy the military forces of the United States, by proper authority, took possession of and used for military purposes the outhouses, fences, trees, shrubbery, and porches belonging to the said Madison Female Institute, which property was then and there worth the sum of \$6,500, no part of which appears to have been paid.

I want to say also that it has been proved in this case that it required \$5,086.20 to repair the building after the soldiers left The Court of Claims made a favorable report, and justice being certainly on the side of the trustees of the Madison Female College I ask that the claim be allowed.

Mr. FULTON obtained the floor.

Mr. KEAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. FULTON. Certainly.
Mr. KEAN. I was merely going to ask the Senator from Oregon if he would not let the bill be laid aside at the present time.

Mr. FULTON. Let us first dispose of this item. Mr. McCREARY. Yes. Mr. KEAN. Then we will have an executive session.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana? Mr. FULTON. Certainly.

Mr. CARTER. I desire to present an amendment which I think will not lead to any discussion.

Mr. FULTON. Very well.

Mr. President, I merely want to say a word in regard to the amendment which the Senator from Kentucky has offered. could not hear all of the findings as he read them, and it is impossible for the chairman of the committee to remember all of these court findings. I have gone over them all; I recollect going over this one, but I submit that after the committee has passed on them they ought not to be attached to the pending bill under the circumstances.

Many of these claims-I do not say so of this case-have already been paid, and when you come to look them up you discover that they have been paid. But one can not tell on the

spur of the moment when an amendment is offered.

For instance, the Senator from Georgia [Mr. Bacon], the other day when the bill was pending, called my attention to the fact that in a certain case the court's finding provided for \$2,700 where we had allowed only \$800. I said it was correct, and the item should be corrected, and I had it changed to \$2,700. I remembered subsequently that \$1,900 had been paid once before on that very same claim.

Mr. CARTER. I suggest that this item go over until the

morning, in view-

Mr. FULTON. No; I am not going to argue the matter. am simply going to ask the Senate to reject the amendment. I

submit that it ought not to be included in the bill.

Mr. McCREARY. What do we have a Court of Claims for, Mr. President? I have no evidence that the Committee on Claims of the Senate ever examined this item, but the Court of Claims, after a thorough examination, made a favorable finding, that there should be paid \$6,500. There is no doubt that the battle of Richmond was fought. It is not denied that the building was used as a hospital, and that the fences and outhouses were greatly damaged. It is a just claim. I shall not take up the time of the Senate further. I hope the amendment will be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Kentucky.

The amendment was agreed to.

Mr. CARTER. I offer the amendment I send to the desk, to

come in after line 17, on page 198.

Mr. KEAN. I understood the chairman of the committee had agreed to allow the bill to be laid aside for the day, and I was about to move that the Senate proceed to the consideration of executive business.

Mr. CARTER. The Senator from Oregon suggested that he

would first receive this amendment.

Mr. KEAN. I will withhold the motion.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The Secretary. On page 198, after line 7, it is proposed to

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. W. Langhorne and H. S. Howell, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of \$1,568, being the amount paid by them for rent of the building used by the United States for a land office at Helena, Mont., from November, 1885, up to and including June, 1900, a period of fifty-six months, at \$14 per month, and the further sum of \$280, being the amount paid by them for janitor service for the same period at \$5 per month, in all \$1,848.

Mr. KEAN. This seems to be a claim for rent.

Mr. CARTER. It has been approved by the Committee on Claims, favorably reported, and is on the calendar in the shape

Mr. KEAN. That may be.

Mr. KEAN. That may be.
Mr. CARTER. Almost every kind of conceivable claim seems to be in the bill now, and a little rent will not hurt it.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. DOLLIVER. I offer the amendment I send to the desk. The Secretary. On page 51, after line 4, insert:

To Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankfort Arsenal, in the State of Pennsylvania, on about September 3, 1898, \$2,500.

Mr. DOLLIVER. I will say a bill embodying this claim has passed the Senate.

Mr. SMOOT. Mr. President, I should like to explain my position in relation to the amendments that have been offered to this

I understood it was tacitly agreed that no amendments outside of those that had been reported to the Senate and those that were left off of the original House bill should be considered

on this bill; and with that understanding I have written at least two or three hundred letters, notifying claimants that their bills or claims could not go on this bill. If we are now going to throw it open, and all amendments are to be put upon this omnibus claims bill that Senators desire placed there, I want a little time, so that the people to whom I have said their claims could not be put on this bill may have a chance to present their amendments.

Mr. McCREARY. I merely want to say that, so far as I am

concerned, I made no such agreement.

Mr. DOLLIVER. I should like to say simply that this is a very pitiable case, in which a woman employed in the arsenal at Frankfort, Pa., was injured by an accidental explosion in the cartridge factory-her eye blown out, her face disfigured, and both arms blown off.

Mr. FULTON. I will say to the Senator that I know about the case. I agree with him. I do not think it is an unreason-

able allowance for the injury.

Mr. SMOOT. Mr. President, I want to say that I know the case thoroughly; I examined it two years ago; and if any personal-injury case ever presented to the Senate should be paid, this particular case should be paid.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. Dolliver].

The amendment was agreed to.

Mr. FULTON. I ask that the pending measure may be temporarily laid aside.

The VICE-PRESIDENT. It is so ordered.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, if the bill has gone over, I want to give notice that to-morrow morning immediately after the routine morning business I shall move that the Senate proceed to the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 29, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1909.

ASSISTANT ATTORNEY-GENERAL.

Alford W. Cooley, of New York, to be Assistant Attorney-General. A reappointment, the position having been vacant since his resignation on August 5, 1908.

PHILIPPINE COMMISSIONER.

Juan Sumulong, of the Philippine Islands, to be a member of the Philippine Commission, vice Trinidad H. Pardo de Tavera, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1909.

POSTMASTERS.

ARIZONA.

W. H. Knight to be postmaster at Humboldt, Ariz.

ARKANSAS.

Benjamin W. Allen to be postmaster at Hamburg, Ark. A. B. Lippman to be postmaster at Augusta, Ark. George B. Miles to be postmaster at Des Arc, Ark. Charles H. Tisdale to be postmaster at Hazen, Ark.

CALIFORNIA.

John L. Butler to be postmaster at Colfax, Cal. Flora S. Knauer to be postmaster at Reedley, Cal. H. C. Trippett to be postmaster at Roseville, Cal.

ILLINOIS.

Jacob H. Koch to be postmaster at New Athens, Ill. IOWA.

George H. Otis to be postmaster at Monona, Iowa. James R. Williams to be postmaster at Larchwood, Iowa. KANSAS.

Esther C. Colin to be postmaster at Argonia, Kans. Frank W. Elliott to be postmaster at Edna, Kans. William A. Hillhouse to be postmaster at Glasco, Kans. Benson L. Mickel to be postmaster at Soldier, Kans. Etta M. Townsend to be postmaster at Englewood, Kans. MINNESOTA.

Herman Ohde to be postmaster at Henderson, Minn. NEBRASKA.

Charles F. Clawges to be postmaster at Bridgeport, Nebr. NEVADA.

Amelia E. Roth to be postmaster at Virginia City, Nev. NORTH DAKOTA.

Hans McC. Paulson to be postmaster at Crosby, N. Dak. OHIO.

Edmund L. McCallay to be postmaster at Middletown, Ohio. OKLAHOMA.

Stephen A. Douglas to be postmaster at Ardmore, Okla. Frank Gallop to be postmaster at Clinton, Okla Edwin F. Korns to be postmaster at Newkirk, Okla. PENNSYLVANIA

John A. Keiper to be postmaster at Conemaugh, Pa. SOUTH DAKOTA.

Joseph Kubler to be postmaster at Custer, S. Dak.

TEXAS.

George Keck to be postmaster at Plainview, Tex. Jeff Potter to be postmaster at Tulia, Tex. Adelia C. Pruitt to be postmaster at Lindale, Tex. WASHINGTON.

Jacob T. Grove to be postmaster at Deer Park, Wash. William H. McCoy to be postmaster at Reardan, Wash. F. W. Martin to be postmaster at Cle Elum, Wash. William L. Shearer to be postmaster at Toppenish, Wash.

WISCONSIN.

Fred J. Buell to be postmaster at Burlington, Wis. James R. Shaver to be postmaster at Augusta, Wis.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following convention on January 27, 1999:
An arbitration convention between the United States and the

Republic of Brazil, signed at Washington on January 23, 1909. (Ex. T, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

THURSDAY, January 28, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of yesterday's proceedings was read and approved.

JURISDICTION OF CRIMES ON THE MISSISSIPPI RIVER.

Mr. MACON. Mr. Speaker, I desire to call up Senate joint resolution 118 from the Speaker's table and ask for its present

The SPEAKER. The gentleman asks unanimous consent to consider at the present time the Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution 118 to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Tennessee and Arkansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States, where the Mississippi River now, or formerly, formed the said boundary line, and to cede respectively each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River, and also

to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I ask the gentleman from Arkansas if this is exactly similar to the bill which passed the other day about the other State?

Mr. MACON. Yes, sir; exactly. The SPEAKER. The Chair hears no objection.

The joint resolution was ordered to a third reading, read the third time, and passed.

BUSINESS.

The SPEAKER. There are four or five little matters for unanimous consent, some of them of importance to the House generally and some important to the Members; and the Chair is of the impression they can be disposed of in a very few minutes. The gentleman from West Virginia has a privileged matter, and so has the gentleman from Indiana, and if gentlemen are willing until the regular order is demanded, the Chair would be glad to recognize the gentleman from West Virginia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn."

The message also appropried that the Sepate had passed

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 26709. An act to amend an act to provide for the re-organization of the consular service of the United States; H. R. 26606. An act to authorize the Lewis Bridge Company

to construct a bridge across the Missouri River; and

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Balti-more and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District

The message also announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House of Representatives is requested:

Senate concurrent resolution 81.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River from the mouth of the Willamette River to the ocean, in the States of Oregon and Washington, and of the Willamette River, in the State of Oregon, from the city of Portland to the mouth of the river, with a view to securing and maintaining a uniform depth of not less than 30 feet at the lowest stage of water in said rivers from said city of Portland to the ocean. Such survey and estimates to be reported to Congress.

Senate concurrent resolution 79.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof.

Senate concurrent resolution 78.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Williamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress.

Senate concurrent resolution 77.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing.

Senate concurrent resolution 76.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement.

ELECTORAL COUNT.

Mr. GAINES of West Virginia. Mr. Speaker, I move to concur in the Senate concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Senate concurrent resolution 57.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons. If any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The question was taken, and the resolution was agreed to.

ADMISSION TO GALLERIES DURING ELECTORAL COUNT.

Mr. GAINES of West Virginia. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk. The Clerk read as follows:

House resolution 520.

House resolution 520.

Resolved, That on Wednesday, the 10th day of February, 1909, the whole of the gallery, except that which is designated as executive, diplomatic, and reporters' galleries, and one section of the southern end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and their visitors. The Doorkeeper shall strictly enforce this order. The Speaker shall issue to each Senator, Member of the House of Representatives, and Delegate two cards of admission, and only persons holding these cards shall be admitted.

The SPEAKER. The question is on agreeing to the resolu-

Mr. COOPER of Wisconsin. I desire to inquire of the gentleman from West Virginia does that resolution include the Resident Commissioners of Porto Rico and the Philippines.

Mr. GAINES of West Virginia. It does not include them. Mr. COOPER of Wisconsin. Does not the gentleman believe that these three Resident Commissioners ought themselves to have seats in the galleries?

Mr. GAINES of West Virginia. Mr. Speaker, in accordance with the suggestion of the gentleman from Wisconsin, I move to amend by adding the words "and Resident Commissioners of Porto Rico and the Philippines."

The SPEAKER. The gentleman modifies the resolution? Mr. GAINES of West Virginia. I do. Mr. HAMLIN. Mr. Speaker, I ask that the resolution as modified may be reported.

The SPEAKER. The Clerk will report the resolution as modified.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That on Wednesday, the 10th day of February, 1909, the whole of the gallery except that which is designated as executive, diplomatic, and reporters' galleries, and one section of the southern end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and Resident Commissioners from Porto Rico and the Philippines and their visitors.

The Doorkeeper shall strictly enforce this order.

The Speaker shall issue to each Senator, Member of the House of Representatives and Delegate and Resident Commissioners from Porto Rico and the Philippines two cards of admission, and only persons holding these cards shall be admitted.

Mr. HAMLIN. I would like to ask the gentleman a question. Does that mean that Members

Mr. GAINES of West Virginia. I can not hear the gentleman. Mr. HAMLIN. If this resolution is adopted, does that mean that Senators and Members will only be permitted two cards of admission to the galleries from the Speaker, regardless of the

number of his family? Mr. GAINES of West Virginia. That is the meaning of the resolution. I may as well state, in this connection, that the number to be accommodated with tickets is 490, which, with two tickets to each one, makes 986, and really more than exceeds the capacity of the galleries, if all the galleries were reserved; but by letting a few have seats upon the steps and standing in the doorways, the whole number getting tickets will be accommodated, and by reserving one section, under this resolution, more than was reserved formerly, the crowding will not be so great as heretofore.

Mr. HAMLIN. Do I understand that the cards of admission

to Members and Senators will fill the galleries?
Mr. GAINES of West Virginia. Practically that is true, and we have reserved one section in the south end of the gallery not reserved for cards of admission. This, with the reservations which are made now, will fairly well accommodate those who will secure tickets through Senators and Members. It might be well, Mr. Speaker, in this connection to call the attention of Members to the fact that there has heretofore been much complaint on the part of Members that they did not get their tickets. It seems that tickets that have been mailed to Members sometimes have failed to reach the Members, in which case the Member becomes strongly suspicious that those tickets have not been sent to him. I suggest to the Members it would be well if they would cooperate with the officer designated to distribute the tickets, and the result may be more satisfactory.

Mr. SHERMAN. Would it not be advisable for them to call for the tickets personally instead of having them sent by mail?

Mr. GAINES of West Virginia. That would be sure to lead to trouble, and I think the officer in charge of the distribution can work out a plan which will be better than the one that has heretofore been designated.

Mr. GAINES of Tennessee. I suggest that the tickets could

be delivered to Members at their desks.

Mr. GAINES of West Virginia. The difficulty is in finding the Members at their desks.

Mr. GAINES of Tennessee. It is their own fault, then.

Mr. GAINES of West Virginia. I think the plan suggested is the most practical one for the distribution of the tickets, and, with the cooperation of the Members of the House, I think will be a satisfactory plan.

The SPEAKER. The question is on agreeing to the reso-

The resolution was agreed to.

TELLERS ON THE PART OF THE HOUSE.

The SPEAKER announced as tellers on the part of the House at the counting of the electoral vote the chairman of the Committee on Election of President, Vice-President, and Representatives in Congress, Mr. Gaines of West Virginia, and the ranking Member of the minority upon that committee, Mr. RUCKER.

MINERAL SURVEYS.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent that the 'Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 25396) for relief of applicants for mineral surveys, and that the bill be now considered in the House.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the following bill, and that the same be considered at this The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the moneys covered into the Treasury from deposits made by individuals to cover covered into the Treasury from deposits made by individuals to cover covered into the Treasury from deposits made by individuals to cover covered into the Treasury from deposits made by individuals to cover covered into the performed and to be performed in the offices of the United States surveyors-general in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the surveyor-general of the district in which the mineral land surveyed, or sought to be surveyed, is situated and approved by the Commissioner of the General Land Office.

The amendments recommended by the Committee on Mines and Mining were read, as follows:

Page 1, after the word "moneys," in line 4, add the words "heretofore or hereafter."

Page 1, after the words "were severally made," in line 11, add the words "or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I should like to ask the gentleman for an explanation of this bill. I see that

provides for a payment from a certain fund.

Mr. ENGLEBRIGHT. The moneys that this bill refers to are deposits that are made by private individuals with the United States Surveyor-General to cover work done in that office. As the law now stands the parties are entitled to the refund of any of this money that is not used for that purpose, but the department have held that they have no authority to pay it back. The money is not available in the regular fund of the United States: it belongs to the individuals, and they should get it

Mr. PAYNE. This bill only allows the Government to pay it back after the purpose for which the deposit was made has been accomplished.

Mr. ENGLEBRIGHT. Yes.

Mr. MANN. Only the surplus.
Mr. ENGLEBRIGHT. Only the surplus; certainly.
Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from California whether this bill is retroactive in its

Mr. ENGLEBRIGHT. It is retroactive to the extent of the money now held there. There are a large number of small deposits that are encumbering the department records. partment can not pay the money back, and there is nothing for

which the money can be used.

Mr. TAWNEY. Mr. Speaker, for the present I shall object to the consideration of the bill.

The SPEAKER. Objection is heard.

Subsequently,

The SPEAKER. The gentleman from California [Mr. Engle-BRIGHT] informs the Chair that the gentleman from Minnesota [Mr. TAWNEY] withdraws his objection to the consideration of the bill (H. R. 25396) for the relief of applicants for mineral

Mr. TAWNEY. I withdraw my objection, Mr. Speaker.
The SPEAKER. Is there objection?
Mr. GAINES of Tennessee. What is the bill?
The SPEAKER. The gentleman from California asked unani->mous consent for the present consideration of the bill of which the Clerk will read the title.

The CLERK. House bill 25396, for the relief of applicants for mineral surveys

The SPEAKER. Is there objection? There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

ARMY TENTS FOR NORTH AMERICAN GYMNASTIC UNION.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 226, authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909. The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the North American Gymnastic Union, at Cincinnati, Ohio, having in charge the arrangements for the Thirtieth National Gymnastic Festival of the North American Gymnastic Union, to be held in Cincinnati, Ohio, in June, 1909, 250 tents, with poles, ridges, and pins for each: Provided, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said convention as may be agreed upon by the Secretary of War and August Herrmann, chairman of said executive committee: And provided further, That the Secretary of War shall, before delivering such property, take from said August Herrmann a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what is the character of the organization, and what precedents there are for this action—loaning tents to a private organization?

Mr. LONGWORTH. This association is the German Turners' Society of the United States, and the resolution is precisely similar to one introduced last year by the gentleman from Texas [Mr. Beall], which passed the House, except that that resolution

Mr. HULL of Iowa. That was for the Elks, Mr. LONGWORTH. That was for the Elks, and it provided for the loan of 2,500 tents. I want to say, Mr. Speaker, that since the report of the Committee on Military Affairs I have been advised by gentlemen interested in this convention that the number authorized by this resolution will not be sufficient, and I ask unanimous consent to amend the resolution by striking out the word "two," in line 9, and inserting the word "three;" so that the number of tents will be 350, instead of 250.

Mr. MANN. I simply wish to say this to the gentleman: I member the precedent that the gentleman cites. It was an exremember the precedent that the gentleman cites. remember the precedent that the gentleman cites. It was an ex-ceedingly bad precedent. It is proposed now to follow that with another very bad precedent, loaning a number of tents for pri-vate purposes. While I shall not object to this bill, so long as I am in the House and have the opportunity I shall hereafter

object to unanimous consent for the consideration of any like proposition.

Mr. MACON. Unless you change your mind. [Laughter.]
Mr. MANN. And that is something I do not intend to do
with reference to this subject.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. If there be no objection, the amendment offered by the gentleman from Ohio will be considered as agreed to. There was no objection.

The joint resolution as amended was ordered to be engrossed and read a third time and was accordingly read the third time and passed.

LAND DISTRICT IN SOUTH DAKOTA.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district.

The Clerk read the bill at length.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman, Did not Congress, at the last session, provide for a new land district in South Dakota?

Mr. MARTIN. It did.
Mr. MANN. And this is a proposition to provide for an additional land district?

Mr. MARTIN. Yes.

Mr. MANN. That is going a little rapid, is it not?
Mr. MARTIN. We are making pretty rapid progress out
West. Mr. Speaker, I can easily satisfy the gentleman from
Illinois that we need this additional land district.

Mr. MANN. I think the gentleman had better let the bill go over, for it will take some time.

Mr. MARTIN. It ought not to take much time.

Mr. MANN. It will take a pretty full explanation to convince the "gentleman from Illinois" that it is necessary to pass a bill now creating a land office when we have already passed one bill for that purpose within a year. For the present, Mr. Speaker, I object.

JOSIAH H. SHINN.

Mr. BARTLETT of Georgia. Mr. Speaker, I call up the resolution, in lieu of House resolution 508, from the Committee on Accounts.

The Clerk read as follows:

House resolution 523.

Resolved, That Josiah H. Shinn is hereby appointed as successor to the person named in the resolution adopted by the House February 7, 1900, as special messenger, pursuant to the act approved May 22, 1908.

Mr. FITZGERALD. I reserve a point of order to that reso-

The SPEAKER. It occurs to the Chair that it is a privileged resolution.

Mr. FITZGERALD. It may occur to the Chair, but I call the attention of the Chair to the fact that this employee is not provided for by law.

Mr. BARTLETT of Georgia. He is provided for by law by

resolution passed in 1908.

The SPEAKER. The Chair finds in the report of the committee the following:

The same law also provides that a successor to said employee may be made by the House of Representatives at any time.

Mr. BARTLETT of Georgia. That is in the act of 1908. That law was passed and concurred in by the present Congress.

Mr. FITZERALD. While the Chair has been looking up the question raised, I have received the information which I de-

sired, and I therefore withdraw the point of order.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DESERTERS FROM THE NAVAL SERVICE.

Mr. ROBERTS. Mr. Speaker, I call up conference report on the bill S. 5473, to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law from the naval service.

The Clerk read the report and statement as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imafter full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

ERNEST W. ROBERTS,

A. F. DAWSON, L. P. PADGETT,

Managers on the part of the House.

GEO. C. PERKINS. J. H. GALLINGER,

B. R. TILLMAN, Managers on the part of the Senate.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (S. 5473) "to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference

The Senate, in receding from its disagreement to the amendments of the House and agreeing to the same, without further amendment, leaves the bill without change as it passed the

House of Representatives.

ERNEST W. ROBERTS, A. F. DAWSON, L. P. PADGETT, Managers on the part of the House.

The conference report was agreed to.

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Mr. CRUMPACKER. Mr. Speaker, I call up the conference report from the Speaker's table on the bill H. R. 16954, to provide for the Thirteenth and subsequent decennial censuses. ask unanimous consent that the statement be read in lieu of the

Mr. FITZGERALD. Reserving the right to object, I desire to inquire if there is anything in it subject to a point of order? Have the conferees incorporated any new matter?

The SPEAKER. The Chair can not answer that.

Mr. FITZGERALD. I am asking the gentleman from Indiana, chairman of the committee.

Mr. CRUMPACKER. No; they have not. The SPEAKER. Is there objection?

Mr. COX of Indiana. I would like to ask the gentleman from Indiana a question, whether or not the bill as amended by the Senate does not provide for the purchase of real estate?

Mr. CRUMPACKER. Yes; but that amendment of the Senate was not agreed to. It is still open.

The SPEAKER. The Chair hears no objection. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16054) to provide for the Thirteenth and subsequent decennial censuses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as

That the Senate recede from its amendments numbered 4, 21. That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 14,

15, 16, 17, 18, 19, 22, 23, 25; and agree to the same. Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

"Strike out the proposed amendment and insert in lieu

thereof the following: "And for the enumeration of institutions, shall include pauers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 7, lines 11 and 12 of the bill, strike out the words, "and had a product valued at five hundred dollars or more;" and in the Senate amendment strike out the words, "one thousand;" and

the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and

agree to the same with an amendment as follows: After the word "feeble-minded," in the proposed amendment, insert the following: ", blind, deaf and dumb;" and the Senate agree to the same.

On amendments numbered 24, 26, and 27, the committee of conference have been unable to agree.

EDGAR D. CRUMPACKER, EDWIN C. BURLEIGH, JAMES HAY

Managers on the part of the House of Representatives.

CHESTER I. LONG, EUGENE HALE, S. D. McEnery, Managers on the part of the Senate.

The Clerk read the statement as follows:

The Senate recedes from its amendments Nos. 4 and 21. Amendment No. 4 was the insertion of the word "race" amendment No. 21 was the words "A false test schedule."

Amendment No. 1, from which the House receded, is the inclusion of a geographer in section 3 of the bill. There has been a geographer in the permanent Census Office for some years, but that officer is not provided for in the act creating that office or in any other supplemental statute, but it is provided for in the annual appropriations. It was therefore thought wise to make provision in this law for the geographer.

Amendment No. 2, from which the House conferees recede, requires the appointment of the Assistant Director of the Census to be made by and with the advice and consent of the Senate. This office is of sufficient importance and dignity to justify the

regular constitutional method of appointment.

Amendment No. 3, to which the House conferees agreed, raises the salary of the geographer from \$2,750 to \$3,000. This was done upon the advice of the Director of the Census, who said the geographer was one of the most important officers in the bureau, and during the temporary period the work of that officer was exceptionally arduous.

Amendment No. 5, which the House conferees agreed to, provides that in the population schedule an inquiry shall be made as to whether the inhabitant is an employer or an employee.

Amendment No. 6 is the changing of "and" to "or.

Amendments Nos. 8, 9, and 10 are changes in the phrase-ology, but do not affect the import or effect of the text.

Amendments Nos. 12 and 13 are mere matters of phraseology that do not affect the substance of the bill.

Amendment No. 14 requires the investigation and report respecting the production of turpentine and rosin. This amendment was put in the bill with the consent of the Director of the Census, who said the investigation could be made with but little additional expense; that in former censuses inquiries as to the production of turpentine and rosin had been made.

Amendment No. 15, to which the House conferees agreed, provides for the striking out of the words "one year" and inserting the words "six months." This was made necessary because of the date of the probable passage of the bill. It would be impossible to designate the supervisors for the next census within at least one year of the time fixed for the date of the commencement of the enumeration.

Amendment No. 16, to which the House conferees agreed, provides that the Director of the Census need not designate supervisors for Alaska and the Hawaiian Islands, but in lieu thereof may employ special agents to take the census of those territories, in his discretion.

Amendment No. 17, to which the House conferees agreed, provides for a change of the basis of the pay of supervisors. The bill as it passed the House contained somewhat of a complicated scheme for fixing the pay of supervisors, and it provided for a minimum compensation of twelve hundred dollars. The Senate amendment strikes out the House provision and substitutes a provision to the effect that the pay of supervisors shall be fif-teen hundred dollars and, in addition, one dollar for each thousand population in their respective districts. According to the scheme contained in the House provision, it was estimated that not more than four or five supervisors in the entire country would receive the minimum compensation, and the change made by the Senate amendment will add little or nothing to the aggregate expense of the supervisors. It is a simpler and, per-

haps, a juster method of fixing the pay of those officers.

Amendment No. 18, agreed to by the House conferees, provides for striking out a provision in the bill limiting enumera-

tors' districts so as to include not to exceed 2,000 inhabitants. The Twelfth Census bill fixed a limitation of 4,000. It was thought better to leave the question of convenient districts to the discretion of the Director of the Census.

Amendment No. 19, to which the House conferees agreed, provides that the Director of the Census may fix a mixed rate of pay for the enumerators, consisting of an allowance of fees and also an additional per diem allowance of not more than \$2 a day where conditions justify it. The House provision fixed a scheme of pay on the fee basis and then provided that where the Director of the Census deemed such compensation insufficient he might authorize a per diem allowance. The amendment gives him authority to fix a mixed compensation of fees and per diem.

Amendment No. 22, which was agreed to by the House conferees, is a mere elaboration of the House provision, so as to make its purpose more clear.

Amendment No. 23, which was agreed to by the House conferees, adds the word "manuscripts" to the list of newspapers and periodicals that the Director of the Census is authorized to purchase.

Amendment No. 25, which was agreed to by the House conferees, is the addition of the words "or agriculture" after the word "population." The effect of this amendment is to authorize the Director of the Census to give out certain information respecting agricultural returns as well as population returns upon the written request of the governor of any State or Territory or of any court of record.

Senate amendment No. 7 provided for the separate enumeration of persons under 18 years of age who are ruptured, crippled, or deformed; also the enumeration of cases of intermarriage between white persons and persons of either whole or of partial negro blood, specifying whether the husband or wife is of negro blood; also that the enumeration of institutions shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions. This amendment was agreed to with an amendment providing for striking out the entire Senate amendment and substituting therefor the following language: "and for the enumeration of institutions shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions."

Amendment No. 11 was agreed to by the House conferees with the following amendment: Strike out the words "and had a product valued at \$500 or more," and also strike out "one thousand," the words inserted by the Senate. The amendment has no material significance.

Senate amendment No. 20 was agreed to with the following amendment: Add, after the word "feeble-minded," "blind, deaf and dumb."

The committee on conference were unable to agree on amendments Nos. 24, 26, and 27. Amendment 24 gives authority to the Director of the Census to contract for printing and binding for the Census Office under certain conditions with private establishments on the principle of competition.

Amendment No. 26 authorizes the Director of the Census, under the supervision of the Secretary of Commerce and Labor, to purchase or acquire by condemnation the real estate and building now occupied by the Census Office and the lot adjoining the same. The amendment also authorizes the Director of the Census, under the supervision of the Secretary of Commerce and Labor, to construct a building upon the additional land purchased for the use of the Census Office.

Amendment No. 27 has reference simply to the renumbering of the sections of the bill.

EDGAR D. CRUMPACKER, EDWIN C. BURLEIGH, JAMES HAY.

Managers on the part of the House of Representatives.

Mr. CRUMPACKER. Mr. Speaker, I move that the conference report be agreed to.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the conference report be agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Indiana what will become of amendments 24, 26, and 27?

Mr. CRUMPACKER. I will say that agreeing to the conference report leaves these amendments still open, subject to be disposed of by the House.

Mr. KEIFER. I would like to ask the gentleman a question. The SPEAKER. Does the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Ohio for a question.

Mr. KEIFER. I notice in amendment 5, on page 6, these words, following the word "occupation": "

Whether or not employer or employee.

I understand that that is inserted there in lieu of the parts agreed to be struck out, viz, amendment 8, on the same page, which reads thus:

All persons engaged in agricultural pursuits.

I also understand that this substitute was made because it is proper to put it in under the schedule of population. I have no objection to the change, but I would like to know whether those in charge of the bill believe that they will accomplish the object of the provision struck out, No. 8, the object being by it to get in the next census a report showing the number of people engaged in agricultural pursuits in the United States.

engaged in agricultural pursuits in the United States.

Mr. CRUMPACKER. Mr. Speaker, it was the belief of the conferees that the amendments would accomplish the same purpose, and the Director of the Census attended the first meeting of the conferees and said he thought the language was better; that the Twelfth Census already had material, if it had been tabulated, to accomplish the purpose the gentleman desired; and he said under this provision the reports would show the percentage of population engaged in agricultural pursuits as distinguished from the population engaged in other pursuits or in no pursuits at all.

in no pursuits at all.

Mr. KEIFER. Mr. Speaker, I understand the purpose of making this amendment. I do not understand that it will accomplish the purpose intended at all, except to get a report in the next census of those engaged in the pursuit of agriculture in the capacity of "employer or employee," and those who own cultivated lands who might have other occupations, but who would be, through their ownership, interested in agriculture, are not to be reported under the provision at all.

Mr. CRUMPACKER. They have always been reported; they were in the schedules of the Twelfth Census, but they have not been tabulated separately.

Mr. KEIFER. I beg the gentleman's pardon, unless it be, as he stated a moment ago, that they had such statistics in the Census Bureau, but have never been able in the history of the United States to work them out and answer the question that I desire to have answered.

Mr. CRUMPACKER. Begging the gentleman's pardon, no such statement was made. It is not a question of ability. There might be numerous classifications of population made from the schedules that have not been tabulated. These classifications have not been made, but can be from the schedules already in the office; but the Director of the Census announced this language was sufficient, and that the Census Office would make that classification, because the importance of it was impressed upon him in the conference and in the debate in the House before. He understood and read over carefully the debates, and had in mind his correspondence with the gentleman from Ohio [Mr. Keifer], and I think appreciates the importance of making that kind of a classification, and said this language would cover the subject fully. Therefore we agreed to the report.

Mr. KEIFER. I only desire to say, in justice to the Director of the Census, that he has said the same thing to me. My fear is that the language used, "employer and employee," is not broad enough to cover all persons engaged in agriculture. I only want to add that for years, extending back nearly forty, I have been inquiring of the Census Bureau of this country to get an answer to the question as to what per cent of the people of the United States were engaged in agriculture in this country, but for some reason or other they have never been able to accurately answer it—only by an estimate—and whether the data is in the Census Bureau or not it has never been worked out

Mr. CRUMPACKER. Mr. Speaker, I ask for a vote.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. STAFFORD. I notice in amendment No. 17 the conferees agree to the change of the basis of computation for salaries of the supervisors.

Mr. CRUMPACKER. Yes.

Mr. STAFFORD. I would like to inquire whether the arrangement as agreed upon is for an annual salary or for his total salary while engaged in that special work?

Mr. CRUMPACKER. It is compensation for the entire service.

Mr. STAFFORD. How long is it expected that the supervisor will be engaged in the performance of this work?

Mr. CRUMPACKER. Well, perhaps from five to ten months, off and on.

Mr. STAFFORD. What is the superior advantage of the plan as accepted by the conferees over that which was contained in the House bill?

Mr. CRUMPACKER. Well, it is not so involved. The gentle-man doubtless has read the House bill scheme, and will notice that it is rather complex and a little difficult to work out, and the results are substantially the same. The Senate plan raises the minimum pay, and the Director of the Census made an estimate, from which he reached the conclusion that it would not increase the pay of more than five or six at the outside of the supervisors, because there were not more than that many who would receive the minimum pay under the House plan, and the result would be substantially the same.

Mr. STAFFORD. What will be the population of the district over which the supervisor will have charge, generally speaking?

Mr. CRUMPACKER. Well, throughout the country, as a general rule, there will be a supervisor for each congressional The district which I have the honor to represent,

I think, has about 260,000 population—
Mr. STAFFORD. Is it intended to follow absolutely the boundary lines of the congressional district in the appointment of supervisors of the census?

Mr. CRUMPACKER. The law says that the director shall appoint a supervisor for each congressional district as far as it is practicable to do so. There are 330 supervisors provided for, but it has been the custom in the State of Massachusetts to appoint only one supervisor for that entire State, one for the State of Connecticut, one for the city of New York, one for the city of Brooklyn, and one for each of the other great cities, so that outside of the great cities there will be one supervisor for each congressional district.

Mr. WILSON of Illinois. Mr. Speaker, I would like to ask the gentleman, Are the conferees still considering amendment numbered 24?

Mr. CRUMPACKER. No; that was disagreed to. The House will have that amendment up for discussion when we dispose of the conference report.

Mr. COLE. Was there any provision for the expenses of travel of these supervisors while away from home?

Mr. CRUMPACKER. Yes; for the supervisors.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield

for a question?

Mr. CRUMPACKER. Yes; I yield for a question. Mr. GOLDFOGLE. I could not hear over here what the gentleman from Indiana was saying. Did the gentleman from Indiana say that there was to be one supervisor for every congressional district throughout the country?

Mr. CRUMPACKER. I did not. Mr. GOLDFOGLE. How are the supervisors apportioned in the bill?

Mr. CRUMPACKER. As I said, but one supervisor will be appointed for the entire city of New York, one for the State of Massachusetts, and only one for the State of Connecticut, one for the city of Brooklyn, one each for the large cities containing more than one congressional district. has been the plan for a number of years. I now ask for a vote, Mr. Speaker.

Mr. ROBERTS. Mr. Speaker, I would like to ask the gentleman a question. Will the gentleman inform us why there should be one supervisor in Massachusetts, and one in Connecticut, and two for States like Rhode Island, Vermont, New Hamp-

shire, Maine, and other small States?

Mr. CRUMPACKER. Well, that has been the custom from time immemorial. Massachusetts has a superintendent of census, who has always acted as supervisor, and has conducted the taking of the federal census, and he has the mechanism to do it, and it has been found the best results come from that practice.

Mr. DAWSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAWSON. Does the adoption of the motion of the gentleman from Indiana carry with it a further disagreement to those items which have not been agreed to?

The SPEAKER. There will be items not agreed to which

will be subject to the action of the House.

The question was taken, and the conference report was

Mr. CRUMPACKER. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 24.
Mr. LIVINGSTON. Mr. Speaker, let us have the amendment reported, so we can understand what it is.

The SPEAKER. The gentleman from Indiana moves that the House do insist upon its disagreement to Senate amendment numbered 24, and the Clerk will report the amendment.

Mr. TAWNEY. Mr. Speaker, I move to recede and concur in

Senate amendment numbered 24.

The SPEAKER. The gentleman from Minnesota moves that the House do recede from its disagreement to Senate amendment numbered 24 and concur therein, which motion takes precedence over the motion of the gentleman from Indiana, and the Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 12, after the word "reports," insert:
"Provided, That whenever in the opinion of the Director of the Census the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness, or whenever said printing and binding are not produced by the Public Printer in a manner satisfactory to the Director of the Census in quality or price, said Director is hereby authorized to contract with private parties for printing and binding after due competition."

Mr. CRUMPACKER. Mr. Speaker, I presume I am entitled to the floor.

The SPEAKER. While the motion of the gentleman from Minnesota [Mr. Tawney] takes precedence of the motion of the gentleman from Indiana [Mr. Crumpacker], yet the control of the floor remains with the gentleman having charge of the bill.

Mr. CRUMPACKER. Mr. Speaker, I yield five minutes to

the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, this is nothing more nor less than a plain, practical business proposition. The bill as it passed the House required the printing of the Thirteenth Census reports to be done in the Government Printing Office. Now, the Senate has amended the House provision in this respect, giving to the Director of the Census, subject to the approval of the Secretary of Commerce and Labor, the authority to contract for this printing with outside concerns, if in his judgment it would expedite the printing, or if the printing was unsatisfactory for any reason, including the cost, in the Government Printing Office.

In the consideration of the estimates of the legislative, executive, and judicial appropriations bill this question of the cost of the printing of the next census was considered. The committee at that time was informed by the Director of the Census that the Cuban census which we have taken is now being printed—and one of the volumes I hold in my hand—by a private concern in the State of Vermont.

This Cuban census report could not have been printed in the Government Printing Office for the reason that the law does not authorize any printing in the Government Printing Office unless it is done for the Government of the United States. It therefore afforded the Director of the Census an opportunity to ascertain the difference between the cost of printing our next census in the Printing Office and the cost of doing that work with some outside company. And when before the committee in the Senate in the consideration of this bill the Director of the Census, in a letter addressed to a Senator on this subject, pointed out the advantage it would be to the Government of the United States if this discretion were vested in him by law, giving-him the discretionary power of having this work done in the Government Printing Office or having it done by outside printing companies. In this letter he says:

companies. In this letter he says:

JANUARY 8, 1909.

Dear Senator Long: In response to your letter, I am glad to define the attitude of the Census Office toward the amendment of the Senate committee to the pending Thirteenth Census bill with reference to the printing (sec. 28).

This question was raised before the committee purely as a business matter, and not in any antagonism or hostility to the Government Printing Office, with which official relations of the pleasantest character, based upon mutual aid, have always been maintained. It was the purpose when this bill was originally framed a year ago to make exclusive use of the printing facilities of the government office. At the suggestion of the director, the section which authorized an independent census printing plant at the Eleventh and Twelfth censuses was omitted from the bill. The task of organizing and conducting a printing office ought not to be superimposed upon that of taking a decennial census. Moreover, in view of the satisfactory service of the Government Printing Office at the Twelfth Census, it did not seem to be recessary.

On the basis of the printing costs of that census, I estimated a year ago an expenditure of \$500,000 for the printing of the Thirteenth Census, \$20,000 less than its cost at the Twelfth. This estimate was based upon the price for tabular matter then charged at the Government Printing Office, which was regarded as reasonably satisfactory. Shortly after the estimate was submitted to Congress, rapid and unforseen changes took place in the Printing Office. With the change in the Government Printer, the price schedules have also been changed, and the scale prevailing when the estimate was made was withdrawn without notice or explanation to the Census Office. The net advance in charges for tabular matter approximates 50 per cent; and, moreover, an opinion has been sought from the Comptroller of the Treasury, under which it is practically impossible to return to the former prices. The difference between the printing costs of the

Census in a most unfortunate position, and it becomes his duty to call the attention of Congress to the fact that those in charge of the next census can not justly be held responsible for this large increase in an expenditure over which they can exercise no control whatever.

These were the circumstances under which there was suggested, for the consideration of the Census Committee, the alternative proposition which now appears in the bill. It was suggested in the belief that it will afford a safe and businesslike method by which this particular item of expense can be held in check, and as preferable to the establishment of an independent census-printing plant. It is wholly a business proposition, the responsibility for determining which must rest with Congress.

If the provision should receive the approval of Congress, it should be properly safeguarded; and the determination of the question whether an exigency had arisen requiring resort to outside printing facilities might well be left to the Joint Committee on Printing of Congress, which has general jurisdiction over the government printing.

In addition to the question of cost, there is also the very important question of expedition. The pending bill requires that the Thirteenth Census shall be compiled and published within two years from the date of the enumeration. Here, again, the matter is entirely beyond the control of the director, unless some latitude is given. The copy for the current Census report upon the annual mortality statistics, almost entirely tabular matter, consisting of over 500 pages, was sent to the Public Printer more than one month ago, and the office is still awaiting the proofs for some of this report. It has been explained, in response to frequent inquiry, that the Printing Office is much crowded with tabular matter, and that the Census Office must take its turn with the rest, and that delays, especially when Congress is in session, are inequirally publication within two years. Recessarily the printing of the final volumes must be

Hon. C. I. Long, United States Senate, Washington, D. C.

MEMORANDUM.

JANUARY 26, 1909.

In a letter addressed to the chairman of the Committee on the Census of the Senate, dated January 8, 1909, the Director of the Census stated that the net advance in charges for tabular printed matter approximates 50 per cent. The explanation of this statement is as follows:

stated that the net advance in charges for tabular printed matter approximates 50 per cent. The explanation of this statement is as follows:

During the Twelfth Census the scale which had been in force for years in the Printing Office, of 70 cents per hour or 70 cents per thousand ems, was applied to the Census Office. The tabular matter produced by the Printing Office was set on time—that is, the men who set it were paid by the hour—but when the Printing Office charged the census they measured it up with a type measure so that a census page area contained exactly 20,000 ems, double price, 6-point matter, which at 70 cents amounted to \$14 a page uniformly for all census tabular matter. As many of these pages take but little time to set, and few of them more than ten or twelve hours, it is obvious that even at 70 cents an hour, the regular price for time work, there was a great margin of what is known as "fat," which probably approximated \$50,000 of really improper charge, which was secured by the Printing Office by this method of charge. The injustice of performing work in one way and charging for it in another way, resulting in a heavy surplus charge, was emphatically stated several times to Mr. Stillings during his incumbency of the Public Printership. He admitted the injustice of it, and made a careful investigation and found that the Printing Office was overcharging the census to the extent of at least \$3 a page. Accordingly, toward the close of the fiscal year 1907, he reduced the price to \$11 a page and gave the census a rebate amounting to approximately \$8,000 for that fiscal year. This rate remained in force until Mr. Stillings's resignation. While it was in force the estimate to which the director refers was made up.

Toward the close of Mr. Stillings' administration he changed his cost accounting and established a new system, which readjusted and in effect demoralized the scale charged to the various departments, so that none of them knew where they stood, most of the items being advanced. When the ch

Upon the appointment of Mr. Leech, he almost immediately took up the question of the scale and made the 80-cent rate permanent, with

minor adjustments of the other items in the scale—presswork, binding, etc.—which he declined to make public to the departments.

This is the explanation of the director's statement of a 50 per cent increase in tabular composition, since by the scale now in force the Census Office pays \$16 a page for tabular composition as compared with a rate of \$11 a page granted the census by the previous Public Printer. The tabular pages required at the Twelfth Census were not less than 8,000, consequently the difference in cost in this item alone, if the number of tabular pages were the same at the Thirteenth Census as at the Twelfth, would amount to \$40,000. It must be remembered, however, that the Twelfth Census tabular matter was set entirely by hand. Since that time machines have been introduced in the Printing Office, which, if they have any value at all, should mean material reduction in cost, and the price of tabular matter, instead of advancing to \$16, ought not to exceed \$10 a page at most liberal figure.

It is the opinion of some experts, and even of some persons connected with the Printing Office, that the cost of machine tabular composition contained in a census page should not exceed \$8 a page. Probably any private contractor would be glad to produce the work at that price, and would make a good margin of profit.

The cost of folding and binding of books in the Government Printing Office is in general from 50 to 100 per cent higher than the price for similar work charged by private concerns.

Attention is called to the fact that in making the rate of 80 cents permanent, Public Printer Leech submitted the question of the propriety of making special prices, such as the \$11 rate to the census, granted by Public Printer Stillings, to the comptroller for consideration and decision. The comptroller ruled in effect that no special price could be made, but that the departments should be charged upon a uniform basis.

The SPEAKER pro tempore [Mr. OLMSTED]. The time of the gentleman has expired.

Mr. TAWNEY. I ask for five minutes more.
Mr. CRUMPACKER. I yield to the gentleman from Minnesota five minutes additional time.

Mr. TAWNEY. It is upon the ground, Mr. Speaker, of the decreased cost to the Government of the United States of printing the census, and also in the interest of greater expedition and more certainty as to the time when this work can be completed, that the Director of the Census asks that this discretion be granted to him. I think Congress ought to give it, in view of the fact that the difference between the cost of printing the report of the Cuban census in the Government Printing Office and the cost of printing the same census report by a private corporation aggregates 55 per cent. It seems to me authority should be given the Director of the Census as proposed in the Senate amendment so that he may, if he can, save this amount to the Government.

Mr. BONYNGE. Fifty-five per cent less? Mr. TAWNEY. Fifty-five per cent less, on account of the work being done outside, than it would have cost if that work had been done in the Government Printing Office. I have a copy of a letter from the chief clerk of the Census Bureau, addressed to the chairman of the Committee on the Census in the Senate, Senator Long, which is as follows:

JANUARY 21, 1909.

Hon. Chester I. Long.

United States Senate, Washington, D. C.

Dear Senatore Long: The Washington Post of yesterday morning contained an attack upon the statements which I made before the Senate Committee on the Census concerning the cost of the Cuban census report. The substance of this attack was that the report had cost about \$20,000; that it had required the detail of two men from Washington to Vermont for a considerable period, at an expense of \$1,300; and that the whole operation was much more expensive than if the work had been performed in the Government Printing Office.

The facts as testified to before your committee are not altered by the attack above mentioned. The accounts, which have been received since my testimony, vary a few dollars from the estimated cost of the report. All the bills for this report are now paid except for the binding, which is in progress in New York; hence the final cost can vary little, if at all, from the following figure:

"Twenty thousand copies, 710 pages, 42 inserts (illustrations and maps), cover stamped in two colors, \$11,752.57."

Concerning the detail of two men to Vermont, it is a fact that two men were detailed to Vermont to read proof. The services of these two employees, paid by the Cuban Government, would have been absolutely necessary in Washington had the book been made even inside of the Census Office. Therefore this item of clerical assistance is not included either in the cost of the work as produced by private contractors or in the estimated cost if produced by the Government Printing Office. It is a fact that the traveling expenses and the per diem allowance, amounting to approximately \$500, might be regarded as an extra charge. There are also some extra freight charges, for which I have not received the bills, amounting perhaps to \$100, a total to be added to the cost of perhaps \$600.

In my testimony before the committee I referred only to the Cuban census report. There is, in addition, an abstract of this census now

of perhaps \$600.

In my testimony before the committee I referred only to the Cuban census report. There is, in addition, an abstract of this census now in process of production. The composition and presswork upon this book are being produced by the Lyons Printing Company, of Lyons, N. Y., and the binding will be done by the J. F. Tapley Company, of New York City, who bound the report. As this volume is in English, the proof reading simple, and the number of pages but 280, no detail was required to the producing office. The work is proceeding rapidly and smoothly.

The cost, according to the estimates made and approved by the Cuban Government, will be \$2,787.57 for an edition of 10,000 copies, consisting of 280 pages, 22 illustrations, with cloth binding, stamped in brown ink from an original design. The cost of this book if produced in the Government Printing Office, according to the informal estimates obtained, would be \$4,904.27.

For these two publications the actual cost and the charge if produced in the Government Printing Office may be stated as follows:

	Actual cost, private con- tractors.	Estimated cost, Government Printing Office.
Cuban Census Report	\$11,752.57 -2,787.57	\$17,750.52 4,904.27
Total	14,540.14	22,654.79

From this you will perceive that a total expenditure of \$14,540.14 to private contractors has produced work of an entirely satisfactory, and, indeed, excellent character, which would have cost \$22,654.79 if produced in the Government Printing Office, an excess of 55 per cent.

I respectfully refer you again to my statement made before the committee, that I was not conducting an attack, in any sense, on the Government Printing Office, but that as these facts had developed it seemed to be the duty of the Census Office to call them to your attention as a matter of proper administration. The Director of the Census has already expressed to you his views upon this subject, and his desire to avoid controversy in connection with the subject of census printing.

Very truly, yours, Very truly, yours,

W. S. ROSSITER, Chief Clerk.

Mr. KEIFER. I would like to ask you a question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CRUMPACKER. I yield five minutes more to the gentleman from Minnesota.

Mr. TAWNEY. I yield to the gentleman on my left.
Mr. BARNHART. Do I understand the gentleman to state that the expense at the Printing Office had increased 50 per

Mr. TAWNEY. Cost; not expense. The cost of printing tabular work has been increased 50 per cent.

Mr. BARNHART. Since when? Mr. TAWNEY. Within the last six months.

Mr. BARNHART. On what basis do they get that?

TAWNEY. Simply, when Mr. Leech came into the Printing Office as Public Printer he advanced this cost, and up to this time the Committee on Appropriations have not been able to ascertain, as the Public Printer has not been before the Committee, but heads of the several departments have been before the committee asking for deficiency appropriations in their printing appropriations on account of this advance in the cost of tabular work, and also in the cost of other printing.

Mr. BARNHART. Why has not the Public Printer been

called over?

Mr. TAWNEY. The cost of the other printing has been in-

creased 20 per cent.

Mr. BARNHART. I am a printer, and I know there has not been such general increase in wages in this country during that

Mr. TAWNEY. The rate, or cost of printing, for the departments is fixed arbitrarily by the Public Printer. The Secretary of the Interior, who had a deficiency estimate for public printing, stated to the committee that this advance was made by the Public Printer, and as a result of that advance their printing appropriation was insufficient to meet the requirements of the service for the remainder of the fiscal year. In the letter sent to Senator Lodge by the Director of the Census he directly states that there was no explanation given of this increase in the cost. The matter of the cost of printing for the departments in the Government Printing Office is absolutely under the control of the Public Printer.

Mr. LIVINGSTON. Will the gentleman permit me a moment?

Mr. TAWNEY. I yield to the gentleman from Georgia.
Mr. LIVINGSTON. When the bill referred to by the gentleman [Mr. Tawney] came before the Appropriations Committee, Mr. Leech had resigned and the present incumbent knew nothing about this increase nor the scale; and your committee did not get it, and therefore can not answer the question of the gentleman on my right.

Mr. COX of Indiana. Will the gentleman yield to me for a

question ?

Mr. TAWNEY. I yield to the gentleman from Ohio.

Mr. KEIFER. I understand from the statement you have recently read, you have estimates of the cost of printing tabular statements such as issued by the Ceusus Bureau. Now, I want to know who made that estimate?

Mr. TAWNEY. The Director of the Census made that estimate a year ago upon estimates made to him by the then Public Printer, Mr. Stillings. Since then the cost was increased by his successor to such an extent that it would require the ap propriation of a great deal more money for the printing of the census reports than the amount originally estimated.

Let me call attention to the fact that this provision of the Senate does not take out of the Government Printing Office the printing of the Thirteenth Census reports. It leaves it entirely within the discretion of the Director of the Census, subject to the approval of the Secretary of Commerce and Labor; and if this provision is not inserted in this bill, he will be compelled to have the census reports printed at the Government Printing Office regardless of cost and regardless of time or anything else.

Mr. BARNHART. You say this will leave it entirely to the discretion of the Director of the Census?

Mr. TAWNEY. Subject to the approval of the Secretary of Commerce and Labor.

Mr. BARNHART. Will he have the same power to increase the price for this work that the Public Printer has?

Mr. TAWNEY. No. It is to be done by competition. If it is

done by outside parties, it is after due competition.

Mr. DAWSON. About these comparative figures for the printing of the Cuban census, may I ask the gentleman whether they are on the theory of completed work in the Government Printing Office, or simply as the bid of a private concern; and that after the private concern has set up this Cuban census, it comes in with a large additional charge for correction?

Mr. TAWNEY. No, sir; it is not. The Cuban census is being printed by a private concern after the Director of the Census invited bids or proposals for that printing. A contract was let after competitive bids had been submitted, and it includes every item of expense, except the mere matter of proof reading, which the Census Office was required to do in any event.

The only additional expense is the cost of the transportation of the two proof readers from Washington to the place where the work is being done, and that expense will not exceed \$500.

[The time of Mr. Tawney having expired, Mr. Chumpacker

yielded to him five minutes more.]

Mr. HEPBURN. Mr. Chairman, I should like to ask the chairman of the Committee on Appropriations if in the estimate of cost at the Government Printing Office any account has been taken of the fact that rents are not paid? And is there any regard paid to the losses by depreciation of machinery?

Mr. TAWNEY. The fact that the Government Printing Office

pays no rent or insurance or that there is depreciation in the plant as well as in the equipment is not considered in the estimate submitted by the Public Printer.

Mr. HEPBURN. If it were, then the disparity of cost in the

government establishment and in the private establishment would be still greater.

Mr. TAWNEY. Still greater.
Mr. HEPBURN. Now I want to ask the gentleman if he does not know that the reason why this extraordinary cost in the Government Printing Office is necessary is because the Government Printing Office is run by a labor union establishment?

Mr. TAWNEY. Well, I do not know that the Government Printing Office is run by a labor union, but I believe from testimony that has been presented to the Committee on Appropriations with respect to appropriations for public printing that there are organizations that attempt to control arbitrarily the price paid for the services rendered to the Government in that institution; and I want to say further that it is due to these demands, coming from whatever source they may, as I am informed, that the Public Printer, in order to do the work of the departments, was obliged to advance the cost of tabular printing 50 per cent, and also advance the cost of other printing 20 per cent, as I am informed.

Mr. COX of Indiana. Supposing this Senate amendment is adopted, can the gentleman from Minnesota inform the House as to how much that would save the Government in the printing

for the Thirteenth Census?

Mr. TAWNEY. The estimate originally submitted by the Director of the Census, based upon the estimate of Mr. Stillings a year ago for the printing of the Thirteenth Census, was \$800,-000. Of course you can not determine with certainty the exact cost of printing the reports of our next census; but based upon the difference between the cost of printing the Cuban census in the Government Printing Office and the cost of doing that same work in a private printing office, being 55 per cent, the gentleman can himself arrive at what the saving would be to the Government to have this work done by a private concern, if it becomes necessary, by reason of the cost, or for any other reason.

I want to say, further, Mr. Speaker, that under normal condi-

tions, we are now told by the Director of the Census, that the cost of printing will be nearer \$1,000,000 than \$800,000, because there will be so much more tabular work done, there are so many more investigations covered by the coming census than

there have been in the past.

Mr. COOPER of Wisconsin. I understand the gentleman from Minnesota to assert, or at least to intimate, that employees in the Government Printing Office are responsible for the exorbitant price demanded for the printing of the census, or for printing in the Government Printing Office.

Mr. TAWNEY. I did not so state.

Mr. COOPER of Wisconsin. Well, that was the intimation.

Now, how could any employee of that office be benefited by this exorbitant price, they being paid, as I understand it, under an appropriation which expressly provides what each shall receive?

Mr. TAWNEY. Oh, no; the appropriation for that entire service up to the present time is in a lump sum. We hope at this session of Congress to segregate the administrative force from that lump-sum appropriation and provide specifically for their compensation, but the operative force is paid entirely out of a large lump-sum appropriation.

Mr. COOPER of Wisconsin. Is not there an amount specified in the law somewhere which these people shall be paid?

Mr. TAWNEY. It is entirely within the discretion of the Public Printer, under the law. His limitation is the amount of money appropriated for the service.

Mr. COOPER of Wisconsin. He can pay wages to employees

at his discretion in any sum?

Mr. TAWNEY. Yes. Mr. LANDIS. I wish to say to the gentleman that the com-

pensation per hour is fixed by law.

Mr. TAWNEY. While the compensation fixed by law is by the hour, it does not control the compensation for piecework; that can be increased.

Mr. LANDIS. I will say to the gentleman that there is no piecework done in connection with this work in the Government

Printing Office.

Mr. TAWNEY. Mr. Speaker, I want to emphasize this fact: Members of the House need not be frightened on account of the Government Printing Office not having work enough to do during the time we are preparing and printing reports of the next census. That office will have all the work it can do, and every man now employed there will be employed there hereafter whether this provision goes through or not. There is therefore no excuse for any man voting against this proposition on the ground that labor organizations are in any way concerned. Because if this work goes to outside concerns, then the laboring men outside of the employment of the Government Printing Office will get the benefit of it, and the laboring men who are in the Government Printing Office will continue their employment at the higher rate of wages they are now receiving. It is purely a matter of practical business common sense.

Here is a special service. This is not an annual service, but a special service, involving the expenditure of large sums of money. By authorizing the Director of the Census to have this work done by an outside concern, if in his discretion it is wise to have it done thus, we will save to the Government of the United States half the amount otherwise expended. can not see why any Member of Congress should hesitate in giving this discretion to the Director of the Census. The government interest is the only interest concerned. Labor in any event will get the benefit whether inside or outside the

government service.

Mr. CRUMPACKER. Mr. Speaker, I feel it my duty now to explain to the House the attitude of the House conferees on this question. Amendment No. 24 was not discussed in conference at all; no attempt was made to agree upon it because, in asking and obtaining unanimous consent from the House to disagree to the Senate amendment and put the bill into conference, I stated to the House that no agreement would be made upon amendment No. 24 or amendment No. 26, this one and the building proposition. The Senate conferees knew of the statement I had made, having read it in the RECORD, and agreed that these two propositions could not be considered in conference.

Therefore the House conferees, in their parliamentary atti-tude, I presume, are against the Senate amendment; but perhaps only in their parliamentary attitude do they occupy that position. My position is absolutely neutral. I want the House

to determine this question upon its merits.

The Director of the Census asked the Senate to incorporate this provision in the bill. He did not ask for it when the bill was being prepared by the House Census Committee, because the scale of prices the Census Office had from the Public Printer's office was entirely satisfactory; that for ten or twelve years the Census Office had obtained reasonable and satisfactory rates from the Printing Office; that all the reports and, in fact, all the printing for the Twelfth Census, except what was done in the office itself, and all of the special reports of the Bureau of Census had been done by the Public Printer at reasonable rates; and making his estimate for the cost of the Thirteenth Census, the director estimated the cost of printing to be sume, has now entirely passed away.

\$800,000, based upon the rates theretofore given. After the House bill had been reported to the House and a couple of days had been devoted to its consideration, the then Public Printer increased the rates of tabular matter about 50 per cent, and the director said if he was required to pay the higher rates the expense for printing the reports of the Thirteenth Census would be \$1,200,000 instead of \$800,000.

Mr. BARNHART. I understood my colleague [Mr. Landis] to say that these prices in the Printing Office are fixed by law. Then, by what authority was the expense in printing increased

50 per cent?

Mr. CRUMPACKER. The price that the Public Printer charges other departments is not fixed by law. He bases his charges upon such estimates as he makes, and may do it in an arbitrary way, and the law does not provide any basis for the estimates. He did not consult the Director of the Census at all, but simply withdrew the former standing scale of prices and substituted another that increased tabular work 50 per cent.

Mr. BARNHART. Now, the report is current among the printers all over the country that the wages have been increased to printers who do tabular work so that they are able to earn from \$5 to \$12 per day. I am trying to learn whether

or not it is authorized by law.

Mr. CRUMPACKER. I do not know; the law fixes the rate per hour, and if they have a piecework system in the Public Printing Office it may be changed. We do not charge that the Public Printer has been paying undue prices to the employees of that office.

He may have fixed the price unduly high in order that his office may make some profit out of it, and thereby increase his appropriations, the annual fund for the benefit of the office. The attitude of the Director of the Census is this: Having made his estimate to Congress, based on his former scale of prices, he wants Congress to know the change in the situation, and if Congress decides that he must still have the reports of the Thirteenth Census printed by the Public Printer without regard to the question of price, then let Congress take the responsibility, and when appropriations come in in the future of largely increased amounts for public printing, Congress will understand the reason for it. The Director of the Census has no personal interest to serve, and no official interest except to be placed in the right attitude before Congress. Mr. Donnelly, the present Public Printer, has recently submitted prices to the Director of the Census which the Director says are entirely reasonable and fair, and if that scale of prices continues he will not think of going outside of the Public Printer's office to have a page of printing done; but these prices are subject to change at the arbitrary will or caprice, if you will, of the Public Printer, and the Census Office may be held up at any time in the future by a new scale of prices.

Mr. DAWSON. I would like to ask the gentleman a ques-Is it not a matter of fact that the foundation for this amendment, which was put in by the Senate, was the unsettled condition of affairs in the Public Printing Office by reason of

the rapid changes in Public Printers?

Mr. CRUMPACKER. No; it was on account of the arbitrary, and the Director of the Census believes, unreasonable advance in the rate charged for printing tabular matter. That was the reason for it, and the object of incorporating this provision in the bill was to give the Director of the Census a sort of leverage that he might use in order to secure a reasonable rate from the Public Printer's office. If Mr. Donnelly continues in the service, I have no doubt that the rates will be entirely reasonable, and I have no sort of doubt that every bit of printing will be done in the Government Printing Office.

Mr. DAWSON. If the gentleman will permit me, in the hearings before the Senate committee, Mr. Rossiter, in his testimony, stated as a reason for this amendment, "the troubles which had come on in such rapid succession in the Printing Office early last winter." Then he goes on to state that—

Office early last winter." Then he goes on to state that—
The director planned, as we approached the Thirteenth Census, to
avoid asking for the independent office which had been allowed in the
two previous acts, and to continue to depend entirely upon the Government Printing Office for census printing and binding. This was because, as suggested, the service had been excellent at the Twelfth Census, and also because the prices which were being quoted at that time
by a special arrangement with the then Public Printer, Mr. Stillings,
were fairly reasonable. This was at the time we were preparing the
first draft of the bill.

The CHAIRMAN. Of this bill?
Mr. ROSSITER. Yes, sir; of this bill, prior to the troubles which came
on in such rapid succession in the Printing Office early last winter. In
consequence this bill has come to you placing the Census Office in a position having less control over its printing than it had at either of the
two previous censuses.

two previous censuse

It seems to me that the testimony of Mr. Rossiter clearly indicates that the reason for this provision in the bill was the unsettled condition of affairs in the Printing Office, which, I asMr. TAWNEY. How does the gentleman know that it has

entirely passed away? Mr. CRUMPACKER. The rapid changes would not make any difference to the Director of the Census, even if they have a new Public Printer every week, provided he gets a reasonable price. It was the arbitrary increase in the rates-about 50 per centthat inspired this amendment.

Mr. LANGLEY. Will the gentleman from Indiana yield to

me for a moment?

Mr. CRUMPACKER. Yes; I yield to the gentleman from

Kentucky

Mr. LANGLEY. The gentleman from Iowa [Mr. Dawson] suggests that the recent troubles in the Printing Office and the change of Public Printers was the source of this controversy about excessive rates for census printing. These excessive charges were made against the census printing fund long before the troubles arose to which the gentleman from Iowa refers. recall one instance, something like two years ago, in which the Public Printer gave the Census Office a rebate amounting, approximately, to \$8,000, reimbursing the census printing fund for excessive charges against it in the fiscal year 1907.

Gentlemen do not seem to understand the source of these excessive charges to which reference has been made in this debate. It was not due to an increase in the rates paid the employees, but to the method of cost accounting in the Government Print-

The census tabular matter was set on a time basis—that is, the men who did the setting were paid by the hour—but the charge against the census printing fund was made at so much per thousand ems, which amounted to \$14 a page, and they measured each page with a type measure and estimated it on that basis regardless of the number of hours it took to set each page, which, of course, varied according to the material. When the attention of the Public Printer was called to this he allowed the rebate to which I have referred and reduced the price to \$11 a page. This was changed again, however, later on, and a scale was adopted as a result of which the Census Office is now paying \$16 a page for tabular matter instead of \$11, which it was paying when the director made his estimate of \$800,000 for the Thirteenth Census printing.

They now have machines for the setting of tabular matter, and it is estimated that instead of costing \$16 a page it should not now exceed more than \$10 a page, and some experts even

estimate it as low as \$8 a page.

The Government Printing Office rates are undeniably much higher now for such work than is charged by private parties, and I think the Senate amendment ought to be adopted, even though the director does not go outside for the printing, so that the alternative which the amendment gives him will enable him to get the work done expeditiously and at reasonable rates in the Government Printing Office, which he might not be able to do if he had no alternative.

Mr. CRUMPACKER. Mr. Speaker, I shall retain the floor. I want to say that the law ought to require the Public Printer to print matter for other branches of the service here at actual cost, and then there would be some basis for computation. It does not now, and it enables the Public Printer, if he sees fit, to add 10 or 20 or even 50 per cent above actual cost, and have that much more money to spend in the administration of his bureau without that control and scrutiny which Congress puts upon appropriations that it makes directly. There is one of the vices in the business.

Mr. CALDER. Mr. Speaker, I simply want to add that in my capacity as a member of the Committee on the Census I took the trouble to inquire about this printing from the Public Printer, and he informs me that he will be in a position to do all of this work for the census as cheap as any first-class

onice in the country.

Mr. TAWNEY. In that case he will have the opportunity of doing it.

Mr. CRUMPACKER. Mr. Speaker, I yield two minutes to

Mr. Chemfacker. Air. Speaker, I yield two minutes to the gentleman from Indiana [Mr. Landis].

Mr. Landis. Mr. Speaker, I shall not oppose this amendment for the reason that I feel that, as the Census Committee has stated, the Director of the Census should have a certain leeway in view of the experience he has recently had. The Public Printer has absolute jurisdiction in fixing the scale of charges in the Government Printing Office.

Mr. DRISCOLL. Will the gentleman yield to a question right

there?

Mr. LANDIS. And that scale has been changed three times

within the past eighteen months.

The old scale which had been in operation fully fifteen years was changed when the audit system came in in November, 1907, in accordance with their theories, and increased the apparent cost of the public printing to such an extent that the depart-

ments and independent bureaus protested and the President ordered an investigation. The result was a restoration of the old scale. In the meantime another Public Printer was appointed. I would say that we have had during the past eighteen months three changes of scales and four Public Printers. new Public Printer was appointed and came from the Philippines in June, and he brought a scale with him. I was notified at my home in Indiana about the 20th of June that he was going to put into effect in the Government Printing Office a new scale of charges which had been tried successfully in the Philippines. The office was just recovering from the confusion wrought by the audit-system scale. I immediately telegraphed him that I regarded the matter as one of such importance that I had referred the papers to the secretary of the Printing Investigation Commission, who had authority under resolution of the commission to represent them in such matters in the absence of the commission from Washington, and that he would be in Washington not later than July 1, the date that it was proposed to put the new scale into effect, to confer with him in this matter.

The secretary of the commission arrived here on the 1st day of July and found that that scale, notwithstanding my telegram, had been put into effect the day before, and all the departments had been notified. The result was that the appropriations and the allotments of the appropriations to the various departments had been made on one scale by Congress, based by Congress and the departments on one scale, and the charges against the departments were to be made on another scale. In other words, the putting into effect of this new scale absolutely destroyed the integrity of every appropriation and every allotment made. The effect upon the work of the Census Bureau was this: About eighteen months ago the Director of the Census was paying at the rate of \$14 a page for tabular matter. He took the matter up with the Public Printer, and a rate of \$11 per page was agreed upon as fair, and under that rate he was proceeding. When this new Public Printer came in he put into effect his new scale, which put the price per page to about \$16, and the Director of the Census discussed this matter with me and stated these conditions, and I told him that, under the circumstances, in order that he might have something substantial from which and upon which to calculate, I should not oppose the amendment which has come here from the Senate.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to print with my remarks certain letters—one from the Director of the Census to Senator Long, chairman on the Census in the Senate; a letter from the Public Printer; a letter from Mr.

Rossiter bearing upon this question.

Mr. HULL of Iowa. If the gentleman will-The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

JANUARY 8, 1909. DEAR SENATOR LONG: In response to your letter I am glad to define the attitude of the Census Office toward the amendment of the Senate Committee to the pending Thirteenth Census bill with reference to the printing (sec. 28).

DEAR SENATOR LONG: In response to your letter I am glad to define the attitude of the Census Office toward the amendment of the Senate Committee to the pending Thirteenth Census bill with reference to the printing (sec. 28).

This question was raised before the committee purely as a business matter, and not in any antagonism or hostility to the Government Printing Office, with which official relations of the pleasantest character, based upon mutual aid, have always been maintained. It was the purpose when this bill was originally framed a year ago to make exclusive use of the printing facilities of the government office. At the suggestion of the director, the section which authorized an independent census printing plant at the Eleventh and Tweifth censuses was omitted from the bill. The task of organizing and conducting a printing office ought not to be superimposed upon that of taking a decennial census. Moreover, in view of the satisfactory service of the Government Printing Office at the Twelfth Census it did not seem to be necessary.

On the basis of the printing costs of that census, I estimate was based upon the price for tabular matter then charged at the Government Printing Office, which was regarded as reasonably satisfactory. Shortly after the estimate was submitted to Congress, rapid and unforeseen changes took place in the printing office. With the change in the Government Printer, the price schedules have also been changed; and the scale prevailing when the estimate was made was withdrawn without notice or explanation to the Census Office. The net advance in charges for tabular matter approximates 50 per cent; and moreover, an opinion has been sought from the Comptroller of the Treasury, under which it is practically impossible to return to the former prices. The difference between the printing costs of the Thirteenth Census, as estimated a year ago, and that which must actually be incurred under existing conditions, is so great as to place the Director of the Census in a most unfortunate position;

an exigency had arisen requiring resort to outside printing facilities might well be left to the Joint Committee on Printing of Congress, which has general jurisdiction over the government printing.

In addition to the question of cost, there is also the very important question of expedition. The pending bill requires that the Thirteenth Census shall be compiled and published within two years from the date of the enumeration. Here again the matter is entirely beyond the control of the director, unless some latitude is given. The copy for the current census report upon the annual mortality statistics, almost entirely tabular matter, consisting of over 500 pages, was sent to the Public Printer more than one month ago, and the office is still awaiting the proofs for some of this report. It has been explained, in response to frequent inquiry, that the Printing Office is much crowded with tabular matter, and that the Census Office must take its turn with the rest, and that delays, especially when Congress is in session, are inevitable. If delays are to occur in handling the Thirteenth Census, similar to those now encountered in the mortality report, and in other reports, it will be impossible to comply with the provision above quoted, requiring publication within two years. Necessarily, the printing of the final volumes must be largely crowded into the last months of the last year of the census period, when Congress will be in session.

It is to be hoped and expected that the Government Printing Office will be able to meet the requirements of the Thirteenth Census with such promptness and at such reasonable prices that in the event of the adoption of this amendment no occasion will arise for recourse to private printers. The likelihood for satisfactory service will be greatly increased with the alternative provision in the law. It is certain that no one now in responsible position in the event of actual necessity. It is well understood that the Government Printing Office is the best equipped office in the world and

S. N. D. NORTH, Director.

Hon. C. I. Long, United States Senate, Washington, D. C.

JANUARY 21, 1909.

Hon. Chester I. Long,

United States Senate, Washington, D. C.

Dear Senator Long: The Washington Post of yesterday morning contained an attack upon the statements which I made before the Senate Committee on the Census, concerning the cost of the Cuban census report. The substance of this attack was that the report had cost about \$20,000; that it had required the detail of two men from Washington to Vermont for a considerable period, at an expense of \$1,300, and that the whole operation was much more expensive than if the work had been performed in the Government Printing Office.

The facts, as testified to before your committee, are not altered by the attack above mentioned. The accounts which have been received since my testimony vary a few dollars from the estimated cost of the report. All the bills for this report are now paid, except for the binding, which is in progress in New York; hence the final cost can vary little, if at all, from the following figure:

"Twenty thousand copies, 710 pages, 42 inserts (illustrations and maps), cover stamped in 2 colors, \$11,752.57."

Concerning the detail of two men to Vermont, it is a fact that two men were detailed to Vermont to read proof. The services of these two employees, paid by the Cuban Government, would have been absolutely necessary in Washington had the book been made even inside of the Census Office. Therefore, this item of clerical assistance is not included either in the cost of the work as produced by private contractors, or in the estimated cost if produced by the Government Printing Office. It is a fact that the traveling expenses and the per diem allowance, amounting to approximately \$500, might be regarded as an extra charge. There are also some extra freight charges, for which I have not received the bills, amounting, perhaps, to \$100, a total to be added to the cost of perhaps \$600.

In my testimony before the committee I referred only to the Cuban census report. There is in addition an abstract of this census now in process of production. The co

required to the producing office. The work is proceeding rapidly and smoothly.

The cost, according to the estimates made and approved by the Cuban Government, will be \$2.787.57 for an edition of 10,000 copies, consisting of 280 pages, 22 illustrations, with cloth binding, stamped in brown ink from an original design. The cost of this book if produced in the Government Printing Office, according to the informal estimates obtained, would be \$4.904.27.

For these two publications the actual cost and the charge if produced in the Government Printing Office may be stated as follows:

	Actual cost, private con- tractors.	Estimated eost, Government Printing Office.
Cuban Census Report	\$11,752.57 2,787.57	\$17,750.52 4,904.27
Total	14,540.14	22,654.79

From this you will perceive that a total expenditure of \$14,540.14 to private contractors has produced work of an entirely satisfactory and, indeed, excellent character which would have cost \$22,654.79 if produced in the Government Printing Office, an excess of 55 per cent.

I respectfully refer you again to my statement, made before the committee, that I was not conducting an attack, in any sense, on the Government Printing Office, but that as these facts had developed it seemed to be the duty of the Census Office to call them to your attention as a matter of proper administration. The Director of the Census has already expressed to you his views upon this subject and his desire to avoid controversy in connection with the subject of census printing.

Very truly, yours,

W. S. ROSSITER. Chief Clerk.

W. S. ROSSITER, Chief Clerk.

Office of the Public Printer, Washington, January 25, 1909.

Washington, January 25, 1909.

SIR: I have the honor to transmit for your consideration the following statement relative to the printing of the Thirteenth Census:

The plant of the Government Printing Office includes 79 linotype (type-setting) machines, 162 monotype keyboards, and 124 monotype casting machines. The monotype machines are especially adapted to the work of setting tabular matter. The major portion of the composition for the census reports consists of tabular matter. With this large plant of monotype machines I have no hesitancy in saying that the census work can be handled promptly, satisfactorily, and economically from the standpoint of the Census Bureau as well as of the Government Printing Office.

The regular work of the Government is not of sufficient volume to require the use of the entire plant of monotype machines, and the Public Printer who purchased the equipment must necessarily have had in mind its utilization in producing the reports of the United States Census Bureau. A proper return to the Government from this investment in machines can not be had unless the volume of tabular matter supplied to this office is greatly increased.

The equipment of the binding and press room divisions is adequate to perform expeditiously, satisfactorily, and economically the reports of the Census Bureau in addition to the regular run of government work.

A census report page contains 10.000 ems of tabular matter. The out-

of the Census Bureau in addition to the regular run of government work.

A census report page contains 10,000 ems of tabular matter. The output of a monotype caster is about 4,800 ems per hour. We have equipment sufficient to turn out 128 pages per day in addition to the current work of the office. I confidently make the statement that the Government Printing Office can perform the printing of the census reports more expeditiously than any other office, or combination of offices, in the United States.

If the Census Office will furnish its copy as regularly and edited in the same manner that it will be compelled to edit if sent to contracting printers, the cost of the census work can be materially reduced below the standard price of 80 cents per thousand ems (single price). By prooper editing of the copy proof changes can be avoided, the cost of proof reading minimized, and the quantity of killed matter greatly reduced. The cost of producing the census work in this office depends upon the extent to which the Government Printing Office and the Census Bureau cooperate and work in harmony. I assure you that I will, with my assistants, exert every possible effort to bring about the much desired cooperative relation, and, when this is accomplished, I am positive that the cost of composition will not exceed \$12 per page of 6-point tabular matter, and may possibly be brought below that amount. The Government Printing Office is now experiencing difficulty in securing the services of competent machine operators to perform the extra work of Congress. We can only retain the services of highly skilled mechanics by providing them with continuous employment. Men of this class will not leave permanent positions to accept temporary employment in the Government Printing Office during the sessions of Congress, and unless the maximum volume of work possible be held by the Government to be performed in its own thoroughly equipped plant it will be impossible for the Public Printer to keep intact a working force of skilled mechanics

Sam'l B. Donnelly, Public Printer.

Hon. E. D. CRUMPACKER, Chairman of the House Committee on Census, House of Representatives, Washington, D. C.

Mr. LANDIS. I desire to say to the House in this connection that we have in mind certain changes and certain regulations by which I feel we will be able to protect the Census Bureau and other departments of the Government and Congress against this recent change of scale.

Mr. HAY. Will the gentleman from Indiana yield to me for

one or two minutes?

Mr. CRUMPACKER. Mr. Speaker, I desire to know how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Indiana has sixteen minutes remaining.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask— Mr. CRUMPACKER. Mr. Speaker, I now yield five minutes to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from Iowa is

recognized for five minutes.

Mr. HULL of Iowa. Mr. Speaker, there has been almost an Mr. HULL or lowa. Mr. Speaker, there has been almost an hour taken in this debate, and practically that hour has been taken by those in favor of the motion of the gentleman from Minnesota. It seems to me like in all fairness there should be an extension of the debate in order to get the facts before this House. I want to call attention, Mr. Speaker, to the fact that if this motion of the gentleman from Minnesota prevails it means to absolutely take from the Government Printing Office the printing of this census—absolutely. It is concluding gentle. the printing of this census—absolutely. It is couched in gentle language, but its effect will be to take it from the Government Printing Office. Now, I want to say further to this House that

to my mind the comparison of cost is not a fair one for this reason, that no matter

Mr. LANDIS. Will the gentleman yield?

Mr. HULL of Iowa. I have only five minutes.
Mr. LANDIS. I will say to the gentleman that I must differ

with his conclusions in regard to all of this work going away from the Government Printing Office.

Mr. HULL of Iowa. I think it is the intention and purpose to take it all away. Mr. Speaker, those who are setting type, the typesetters-I do not know what the technical term would

be—are paid by the thousand ems.

Mr. LANDIS. They are paid by the hour.

Mr. HULL of Iowa. Their pay is fixed by the hour and not by the number of ems they set, according to the gentleman from Indiana, who speaks from full knowledge. Then the cost of any extra work is virtually what is paid for composition and white paper.

For, Mr. Speaker, whether there is one bit of extra work going on there or not, the expense of the salaries for the Public Printer, his assistants, the foremen, the proof readers, the heating plant and the lighting plant, and all the expenses of keeping up that great organization will go on just the same, whether they are busy all the time or not.

Mr. LANDIS. Just as they do in the War Department and

in the Treasury Department.

Mr. HULL of Iowa. And every other department. This Government Printing Office was organized to do work for the Government. It is the greatest printing plant on earth. It is supported by government funds, it is paid out of the Treasury, we have this great plant running there regardless of whether the work is pushing or not at all times. duce the number of compositors, they may dispose of some few proof readers, but they will not take off one of the higher paid officers or employees. These are the fixed charges of the office and go on all the time.

How about your census? The Government pays for the printing of the census out of the same Treasury that we pay for running the Government Printing Office. It looks to me more like a matter of bookkeeping than anything else-taking funds out of one pocket and putting them in another pocket. When you come to the question of cost in the Government Printing Office, if you will deduct out of the cost of your printing these fixed charges that we are going to carry on regardless of the census work, you reduce the cost of the printing more than one-half.

Mr. TAWNEY. Will the gentleman permit me to interrupt him right there? That statement is on the assumption that part of the time the Government Printing Office will be idle, when, as a matter of fact, they have got more work now than they are able to do as promptly as the departments require it

to be done.

Mr. HULL of Iowa. They may have work, and always will have work, but a large part of this census will be printed when Congress is not in session, when the largest part of their work has dropped off, and when it is not as imperative as when Congress is in session. It seems to me, if we are going to keep up the Government Printing Office for printing public documents and carrying on government work, the very place for this census and all other government work to be done is in the Government Printing Office, and, if the Public Printer raises the price beyond what it should be, the Committee on Printing should come in here with a bill that will limit him in his power, as I believe the gentleman from Indiana says they propose to do. No man should have the power that this Government Printer seems to have, as developed to-day. In place of taking the printing away from here, I would say that the way to remedy the evil is to correct his abuse of power by law that will make it impossible for him to do such arbitrary things in the future.

Mr. CRUMPACKER. Mr. Speaker, I reserve the balance of

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. I understand the gentleman from Virginia [Mr. Hay] is a member of the committee, but the time of the gentleman from Indiana [Mr. CRUMPACKER] has been consumed by those in favor of the motion made by the gentleman from Minnesota [Mr. TAWNEY], and I understand the gentleman from Virginia is in favor of that motion. Now, when will those who are opposed to it be entitled to recognition or time?

Mr. HAY. I will yield the gentleman some time if he

wants it.

I only want to say a few words, Mr. Speaker. The feature of the amendment dealing with the expense has been fully gone into. I think it might be well to call the attention of the House to the fact that the bill requires the Director of the Census to have the census reports printed within two years. That is obligatory upon the Director of the Census. Now, it appears from the communication received from him, addressed

to Senator Long, chairman of the Committee on the Census in the Senate, it will be impossible to have this information printed in the time prescribed under the bill. Therefore that is all the more reason that the House should adopt the amendment proposed by the Senate, in order to give the Director of the Census an opportunity to make contracts on the outside, so that this work can be expeditiously gotten before the coun-If the publication of the work is to be deferred, it will be of little use to the country, and therefore the bill provides that it shall be given to the country within two years. not going to give the Director of the Census an opportunity to get the work before the country within the time prescribed in the bill, what will be the use in getting it before the country at all?

Mr. DAWSON. Will the gentleman yield to a question on

that point?

Mr. HAY. Certainly. Mr. DAWSON. Would it expedite the publication of these volumes to have the work done at some point outside of Washington, where it would be necessary to send all proofs to the Census Office for correction and have them returned to the private printing office? And I might add, for the information of the gentleman from Virginia, that I understand that the practice in the Census Office has been to what we call in the printing office "butcher" proof more than in other departments of the Government. I ask if that would facilitate the publication?

Mr. HAY. I assume that the Director of the Census would have this outside work done at places near enough so that he

would be able to expedite the printing of the census.

Mr. DAWSON. If the gentleman will permit, in the case of the Cuban census they started in by sending the proofs to the Census Office, and they found that occasioned so much delay that the Census Office sent two men up to Vermont, at additional cost. That ought, it seems to me, to be taken into account in

connection with this question of the cost of printing.

Mr. HAY. One of the purposes of this amendment is not only to reduce the expense, but to insure expedition in printing the Thirteenth Census. That obligation is placed by the law upon the shoulders of the Director of the Census. not to be assumed that the Director of the Census is going to employ some firm in some remote part of the country which will impede the printing rather than expedite it. For that reason it is important, not only to the Director of the Census as an officer of the Government carrying out the law, but it is important to the people of the country that this work shall be expeditiously done, that the Director of the Census ought to be given the leeway which is given in this Senate amendment.

Mr. DAWSON. Will the gentleman permit one more ques-

tion?

Mr. HAY.

Oh, certainly.

SON. Is it not necessary under the terms of this Mr. DAWSON. Is it not necessary under the terms of amendment that this printing be let by competitive bids?

Mr. HAY. I do not so understand.

Mr. TAWNEY. The language expressly provides that in the event he exercises the discretion to contract for outside printing,

that it shall be done by competition.

Mr. HAY. Oh, yes; the outside printing.

Mr. DAWSON. Then he would have to let the printing to the lowest bidder whether he be at Spokane or any other remote place?

I do not think so. Mr. HAY.

Mr. DAWSON. In the case of the Cuban census it was let to a firm in Vermont.

Mr. MANN. Your town might get the benefit of it.

Mr. GAINES of Tennessee. Can this be let in part to private

contractors and part done by the Government?

Mr. HAY. Unquestionably. I will say that it is not the purpose nor the intention of the Director of the Census to let this work out to outside bidders unless it is found impossible to have it expeditiously and cheaply done at the Government Printing Office.

Mr. GAINES of Tennessee. Is it provided that it may be divided that way between the Government Printing Office and

Mr. HAY. Undoubtedly, he can have it done that way; some at the Government Printing Office and some outside.

Mr. GAINES of Tennessee. How do they get at the facts? It seems it is an assumed fact that it costs 55 per cent more to do this work at the Government Printing Office than by out-How do they get at that?

Mr. HAY. I presume they arrive at it by information given

and from outside printing establishments.

Mr. GAINES of Tennessee. Have we any proof of that?

Mr. HAY. We have; the whole matter was discussed by the gentleman from Minnesota.

Mr. GAINES of Tennessee. I was not in the Hall at the time, but busy in conference.

Mr. HAY. Now, I will yield to the gentleman from New York. How much time does the gentleman want?

Mr. FITZGERALD. Five minutes.

Mr. HAY. I yield five minutes to the gentleman from New

Mr. FITZGERALD. Mr. Speaker, I am opposed to the adoption of the Senate amendment. There is here a great Government Printing Office, which, in my judgment, should be utilized. While it is true that the office is fully occupied while Congress is in session, it will not be fully occupied when Congress is not in session. They have certain fixed charges—

in session. They have certain fixed charges—
Mr. TAWNEY. Will the gentleman permit an interruption,

to correct him?

Mr. FITZGERALD. They have certain fixed charges, which are paid or met regardless of whether the plant is utilized to its

full capacity.

Mr. TAWNEY. I will say to the gentleman that during the hearings on the urgent deficiency bill a few days ago we were told by the Secretary of the Interior that work sent over to the Government Printing Office early in June was delayed until some time in July on account of the fact, as claimed by the Printing Office, that they were so busy that they did not have time to do the work. Congress was not in session at that time.

Mr. FITZGERALD. That may be; but the gentleman is mis-

taken. During the period of congressional work and when departmental reports come in at one time it makes the rush; but that is the only time when the work in the office is overcrowded. The gentleman from Indiana, in my judgment, has pointed out the chief reasons for the inability to ascertain what it will cost to do the work at this office. No great establishment that has had its head changed four times in eighteen months can be conducted in an efficient manner. If there was some permanency in the tenure of the head of the office, if some man competent to conduct the office was selected to do it, the work then could be done in a proper and efficient manner. When the qualifications of the man selected to conduct the office are required to be those of a man equipped to conduct a great printing establishment, then the office will be run in a proper manner. I believe that then the office will be run in a proper manner. the chief reason for this inefficiency in the Printing Office has been removed.

Mr. BARNHART. I want to ask a question for information. You say that the tenure of office ought to be longer. Would it not be better to have a law regulating the expenditures of that office first, so that he may not exercise his discretion and make the expenses what he chooses to make them in the manage-

ment of the office?

Mr. FITZGERALD. I do not know just what the gentleman has in mind. Of course, Congress can not pass a law fixing the price to be charged for various kinds of printing; but it should be possible to get a competent man, familiar with the conduct of a printing office, who would be able to have the work done at

a reasonable price.

Mr. LANDIS. I would ask the gentleman if he thinks it would be possible in the State of New York to secure a competent man to take charge of an industrial establishment involv-

ing an expenditure of \$7,000,000 annually, for \$5,500 a year?

Mr. FITZGERALD. There seems to be no dearth of competitors, either in New York or in other parts of the United States, willing to do that. The President had no difficulty in getting four men whom he believed to be competent, and surely he would not select a man whom he did not believe to be fully equipped. So there can be no particular difficulty. The fact is, in my judgment, that the office has been run very badly. be possible to get a man to conduct it properly for that salary, because if he does so it will give him such a reputation that he can easily command in the commercial world a much larger compensation. I believe that if the gentleman who has been appointed be now given a fair opportunity, it will be possible for him to conduct this establishment in a way that will be satisfactory.

pending amendment it is possible to have the printing done by contract, regardless of price, with no requirement that it be done by the lowest responsible bidder, and without an invitation to all printing houses to compete, or any

requirement which will enable them to do so.

Mr. HAY. I yield ten minutes to the gentleman from Iowa

Mr. HEPBURN. Mr. Speaker, there have been some very remarkable statements made on the floor of this House to-day. In the interest of the Government, in the interest of economy, we have established a great printing office in this city. It has cost many hundreds of thousands of dollars. I do not know how many millions, in fact, it has cost the Government. It may be, no matter what organization he belongs to, has a right

ought to be the most complete printing establishment in the world. It ought to be able to execute work in the best possible manner and upon the cheapest possible scale. that, without taking into account rents, deterioration of plant, insurance, or any expense of that kind, it is more expensive by 55 per cent to the Government to do work in that establishment than to have it done in the private establishments of the Now, Mr. Speaker, there is some reason for that. country. What is it? A number of gentlemen have talked about possible reasons. Is it not true that the reason of this excessive cost is because that establishment is run in the interest of a labor union in this city; that it is dominated by that labor union, and that these excessive expenses are the result of the power and influence of that union over the management of that institution? Mr. Speaker, there are gentlemen who forget that union labor in the United States does not represent labor in the United There are perhaps 2,000,000 men who insist upon the States. closed shop, who insist that no man shall work in the United States who does not pay allegiance to them, who does not bear their certificate, who does not pay taxes to their treasury; and yet there are twenty-four other millions of Americans who labor by their hands whom these gentlemen do not seem to be at all solicitous about.

Mr. Speaker, I have all my life been in full sympathy with those who labor. I am a mechanic. I have been a worker all my life. My sympathies are with those who toil. This sentiment has directed my political life. I am a Republican because I believe in free labor. I am a Republican because in my early days I believed that labor should own itself and capital should not own labor. I am a Republican because I believed that it was the duty of the United States, by every method possible, to enlarge the labor field of the United States, to make more and more and more places in which its laborers should find field for the exercise of their energies at proper compensation. have been a Republican because I believed in protecting the labor of my own country rather than bringing large emolument

to the labor of other countries.

But I am not in favor of allowing a class an opportunity to dominate over the interests of others. These gentlemen, who are the apologists of this procedure, that would take \$400,000 in a single job out of the Treasury of the United States forget that if this proposition prevailed, as suggested by the gentleman from Minnesota, the labor will yet be performed, and performed by American citizens. We do not diminish the amount of work that is to be done. We do not take work out of the hands of any American citizen, but we simply say that it shall be in the interest of 24,000,000 laborers rather than in the interest of two millions that propose to ostracize the other twenty-four millions. I am in favor of this proposition. I believe that we ought to so arrange that this work may be done in the government establishment if it can be done in the interest of the whole American people; but if it is to cost two or three or four hundred thousand dollars more to be done there, I prefer that it should go to another class of laborers, who are not seeking to control the interest of the Government in this important particular. [Applause.]

Mr. HULL of lowa. Mr. Speaker, I would like one of the gentlemen to yield me five minutes now.

Mr. CRUMPACKER. How much time have I, Mr. Speaker? The SPEAKER. The gentleman has eleven minutes remain-

Mr. CRUMPACKER. I will yield five minutes to the gentleman from Iowa.

Mr. HULL of Iowa. Mr. Speaker, I want to protest against my colleague stating my position on this bill. I have had nothing to say about union labor, or any other labor. The question of union or antiunion is not involved. I think that ques-tion has been dragged in here at this time where it does not belong, for this reason the Government Printing Office is not a closed shop. It is a civil-service organization, and any man that passes the examination, whether he belongs to union labor or not, has a right to an appointment, and he will get it

That was settled in a controversy in the recent past. So that my colleague, when he seeks to attribute to his colleagues from Iowa unworthy motives in their position on this matter, has not a single leg to stand on, except his own imagination.

This whole question ought to be determined outside of the question of union labor. That question has nothing to do with it. My position on this proposition is this: This Government keeps up a great printing establishment, the greatest on earth, fully equipped for all kinds of work, and at all times. Every printer and every man competent for a place in the United

to take that examination, and, if he meets all the requirements, a certificate from the Civil Service Commission and an appointment in the Public Printing Office.

It is true that they try to divide them among the States, giving a certain proportion to each State, so that if one State has its full number of employees, that State is checked off until the one behind has caught up with it.

Now, Mr. Speaker, my proposition is this: As I said, we keep up the greatest printing office on earth, fully equipped, where it does business for ourselves and for the Government only. The Treasury pays both for the printing of the census and for the maintenance of the Public Printing Office. Your foreman, your superintendent, your proof readers, your Public Printer and his three assistants are all paid whether they do this work or do not do it. The additional cost of printing this work is possibly a few more proof readers and compositors, and the white paper. So I do not believe that this apparent saving will be a real saving when the balance is struck at the Treasury

Now, Mr. Speaker, I want to say this much in explanation of what seems to me to be an uncalled for assault by my colleague upon the position of those who do not believe that the motion of the gentleman from Minnesota should prevail; and I reiterate what I said before, that I hope the House will vote it down, so that we will stand by the House proposition and have the work done in the Government Printing Office, where it properly be-

Mr. HAY. Mr. Speaker, how much time have I?

The gentleman has forty-two minutes. The SPEAKER. Will the gentleman from Virginia yield to Mr. HEPBURN. me for a moment?

Mr. HAY. I will yield to the gentleman from Iowa three

minutes.

Mr. HEPBURN. Mr. Speaker, I am sorry that the gentleman from Iowa [Mr. Hull] should have felt that he was aggrieved by anything that I had said. Will he point out any

sentiments of mine that were an assault upon him?

Mr. HULL of Iowa. The gentleman said that his colleagues from Iowa were influenced in this by the fact that it was a labor upion and that we were multipled to the fact that it was a labor union, and that we were mulcting the Treasury of \$400,000

on account of a labor union.

Mr. HEPBURN. I said this, I think, Mr. Speaker, that my friend was speaking in the interest of these 2,000,000 men; and on the side of the proposition that would result in mulcting the Government in this sum. That was the statement that I made. I am not prepared to change it. Mr. Speaker, I want to call the gentleman's attention to this fact, that the telegrams that have been coming here to Members, that the lobbyists that have been here against this proposition, come from and belong to the labor union that I have referred to.

Mr. HULL of Iowa. I want to say right there, that I have

had no telegram or lobbyist come to me.

Mr. HEPBURN. Very well, then, I am not talking about the gentleman. [Laughter.] "The jade, she doth protest too much." Mr. Speaker, I want to say, further, that practically the Government Printing Office is a closed shop, that 95 per cent of its membership are union men, and that they freeze out the man who is not a union man, or they compel him to join the union. I have had men complain to me that a union man would not even give them "sorts"—a term that my printer friend yonder will understand the meaning of—that they would not tell a newcomer as to methods, of even whether a matter should be set as a "hanging indention" or otherwise, that they freeze them out, and that seems to be established by the proof; and they have dominated, and do dominate, the Government Printing Office in this city.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman

from Nebraska [Mr. HITCHCOCK].

Mr. DAWSON. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. DAWSON. Most of the time of the House during the last hour and a half has been consumed by those in favor of the motion of the gentleman from Minnesota [Mr. Tawney]. I would like to ask whether it is the gentleman from Virginia [Mr. Hay] or the gentleman from Indiana [Mr. CRUMPACKER], who is in charge of the time in opposition of the motion of the gentleman from Minnesota?

Mr. HAY. Mr. Speaker, I will state that I am just now yielding five minutes to a gentleman who wants to oppose the motion of the gentleman from Minnesota, and I will yield some time to the gentleman from Iowa [Mr. Dawson] if he desires it.

The SPEAKER pro tempore. The Chair considers the par-

liamentary inquiry answered.

Mr. HITCHCOCK. Mr. Speaker, I am opposed to this amendment because it has not been shown that any substantial saving to the Government can be made by putting out this particular public printing in private shops. Even those gentlemen who

advocate the adoption of this amendment do so with the declaration that it is only proposed to use the amendment as a club over the Public Printer to compel him to adjust the charge for printing to satisfy the head of the Census Bureau. Mr. Speaker, it seems to me that this is a "tempest in a teapot." The prices paid by the Public Printer for labor, which so outrages the feelings of the gentleman from Iowa [Mr. Hepburn], are substantially the same prices as are paid for printing and to printers by the newspapers in the large cities of the country. Moreover, those are prices fixed by law and can not be reduced at the behest of the Director of the Census even if the Public Printer were disposed to do so. Then, too, Mr. Speaker, the increase in the charge made by the Public Printer against the various departments, as represented here on the floor to-day, is not an actual increase to the Government, but simply means the taking of money out from one governmental pocket and putting it into another governmental pocket. It is nothing but an increase in the estimate made by the Public Printer himself of what his bureau should be paid by other government offices

How does the gentleman reconcile that state-Mr. TAWNEY. ment with the fact that the appropriations made for the public printing are insufficient, under the changed scale of costs, of

Mr. HITCHCOCK. I will tell the gentleman one reason why this charge for public printing has increased and why the charges against the various departments have increased. because there has been a great increase in the cost of paper used by the Public Printer.

Mr. TAWNEY. That is not the ground, however, upon which the Public Printer bases an increase of 55 per cent in the cost

of this work to the departments.

Mr. HITCHCOCK. The charge against various departments made by the Public Printer is nothing but an estimate. Change your Public Printer and you change your estimate. The gentleman has admitted himself that one Public Printer increased the estimate 50 per cent; but that increase, while it counted against one particular department or all departments, counted as much in favor of the Public Printer, so that the Government lost nothing; taxes were not increased, expenditures were not in-There was simply a change in bookkeeping. What was added to the cost of printing in the various departments was deducted from the deficit in the office of the Public Printer.

Mr. TAWNEY. If the appropriations must be increased I would like to know if the expenditures are not necessarily increased to the extent that the appropriations are increased for

this service?

Mr. HITCHCOCK. The appropriations are increased for everything, but what is added in the various departments for printing appears in the Public Printer's office as increased earn-One reason why appropriations are increased in this particular case is because the price of paper has been advanced on an average of about 25 per cent; at least that is the advance to private consumers

Mr. MANN. Will the gentleman yield for a question?

Mr. HITCHCOCK. Yes. Mr. MANN. Is the gentleman able to say how much difference there has been in the cost of paper to the Government dur-

in the last eighteen or twenty months?

Mr. HITCHCOCK. I am notable to state. I sent for the report of the Public Printer just now, but only have the report for 1906. In that year about \$5,000,000 were expended by the Public Printer. Of this amount about \$4,000,000 was for labor of all grades, about one million was for paper and supplies. The paper item was over half a million dollars. The big item in many cases is the charge for paper, and that is particularly true of the census reports, which have to be published in great quantities. I notice, for instance, on one page of the report for tabular printing the labor item is \$151,000 and the paper item is \$208,000.

Mr. TAWNEY. What department of the Government Printing Office was that from which the gentleman has just read?

Mr. HITCHCOCK. I am not able to state, but it is under the head of charge for tabular statements. Now, Mr. Speaker, I want to refer for a moment to the speech made by the gentleman from Iowa [Mr. HEPBURN], who takes this occasion to make an assault on union labor as though union labor were responsible for all the extravagances of the Government or for the extravagances in the office of the Public Printer. Mr. Speaker-

The SPEAKER pro tempore. The time of the gentleman from

Nebraska has expired.

Mr. HAY. Mr. Speaker, I yield three minutes more to the gentleman from Nebraska, and I will take this occasion to state that I have already promised all the time that I have.

The SPEAKER pro tempore. The gentleman from Nebraska is recognized for three minutes.

Mr. HITCHCOCK. Mr. Speaker, the gentleman from Iowa can not set back the clock of progress. Union labor has come, and come to stay. While union labor may have been guilty of some mistakes, and undoubtedly has been; guilty of some wrongs, and undoubtedly has been; union labor has brought a benefit to the working classes of this country immeasurably beyond and above all detriment that it has brought in its wake. [Applause.] Union labor has established itself wherever civilization has been established, and in establishing itself has raised the condition of those who labor and their standard of living. It has been in this country, Mr. Speaker, the only salvation of the working classes in facing the tremendous increase in the cost of living brought upon them by the tariff, the trusts, and other conditions which it has had to confront. [Applause.] Speaker, it seems to me undoubtedly out of place for a Member to make an attack on union labor in a discussion which involves simply the question of whether the Government Printer shall be allowed to do this work or whether it shall be done outside. If the Government Printer, a creature of the Government, a creature of Congress, an appointee of the President, does not do his work in the proper way, let him be controlled. If his estimates do not conform to reason or if his policy does not satisfy other departments, let the administration regulate him. It is an error to assert that the Public Printer's office is a closed shop. It is open to all the world and to any man taking and passing the examination, and the compensation of the printers is fixed not by the men themselves, not by the union, but by law. plause.]

Mr. Speaker, I yield five minutes to the gentle-Mr. HAY. man from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, this is a very important question; not so much because it is an attempt to break down the Government Printing Office in this particular case, but because it would become a precedent for every head of a bureau to come to Congress and ask permission to go out and advertise for contracts and to secure contracts, as some one stated here, which would be subject to his direction and not to that of the Government Printer. But if I were in favor of so radical a step as this I would be opposed to this amendment. Mr. Speaker, no such loose provision has ever been undertaken to be engrafted upon our statute books as this would be. to the Director of the Census to determine whether he will have the printing done if it is not sufficiently promptly done in his judgment. Also, if he is not satisfied with the manner of doing it; also if he is not satisfied with the quality of the work done; and also if he is not satisfied with the price, with which he has little to do. Now, with those four things all in his discretion, subject to the approval of the Secretary of Commerce and Labor, he is permitted under this provision to go out and labor, he is permitted under this provision to go out and let a contract to whomsoever he pleases. It says he may let a contract for printing and binding "after due competition." What is due competition? Just such as in his discretion he might choose to exercise, and nothing more. No advertising or estimates is required to be made, nor is there to be competition with the Government Printing Office. The director might let a contract at any price, however high, under this provision. The bill does not require the contract to even be to the lowest bidder.

If these were days of graft there would be a chance for it here. Gentlemen advocate it because they want the Director of the Census to have, or he wants to have, the right to control the printing establishment which does the census printing. Now, this would be a most extraordinary thing in legislation in the States of this Union. In our own legislation, when we propose to let contracts for work, we provide for advertisement and for the letting of the contract to the lowest bidder. Here there is no such provision in the amendment. It is drawn so loosely that the Director of the Census might let the contract as and to whom he pleases. Does anybody dispute it?
Mr. TAWNEY. Yes.

The gentleman from Minnesota [Mr. TAWNEY], Mr. KEIFER. who will make his motion to agree to this provision, says he disputes it, but the language of this warrants all I have said

Now, we have had estimates of the cost of printing that are meaningless. That has been fully explained. We have nothing here that indicates to my mind that there is any necessity for even a proper provision to go into competition with the printers all over the country. There were some estimates made here some time ago by somebody who was ill prepared to make them, based upon old methods and cast-off printing machinery, and so on, that were very extravagant. Now, when we have the greatest printing office in the world in its equipment, all sorts of presses in duplication, all sorts of methods and machinery binding, and all that, we are to be told that the Director of the Census has the right, if he does not like the quality of the

work, the promptness of the work, or the price that is being charged in this great office for doing printing generally, to go out and let it to whomsoever he pleases, and at any price he pleases. [Cries of "Vote!"]
Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman

from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Speaker, I am a member of this committee, and I rise for the purpose of recording myself in favor of the motion made by the gentleman from Minnesota [Mr. TAWNEY], and therefore in favor of the amendment as proposed by the Senate. This discussion has taken a very wide I do not care a farthing whether or not the Government Printing Office is run and operated by a labor union. I do not know anything about that proposition as to whether or not it is organized, controlled, and dominated by labor organizations, as I said a moment ago, nor do I care one iota whether that is true of whether it is not true.

I quite agree with everything said by the gentleman from

Nebraska about organized labor.

But we are dealing with a proposition here that every man, woman, and child in the United States has an interest in. call your attention to the second section of this bill, which provides for the taking of the decennial census of the United States, and it provides that the publication shall be prepared, printed, and distributed in the first three years of the taking of the census. Now, to my mind, the evidence is clear to the effect that circumstances and conditions may arise in the Government Printing Office during the decennial census period whereby the second section of this bill could not possibly be complied with. Shail the 87,000,000 of people in the United States who are interested directly in the taking of the Thirteenth Census be held absolutely at the mercy, as it were, of the Government Printing Office in the event it can not get these reports out in the time as provided for by section 2 of this bill? To my mind this further fact has been established, that it would be to the interest of economy to adopt this proposed Senate amendment.

The statement has been made, and it has not been denied, that we have had four different Public Printers in eighteen months' time. It is conceded, therefore, either directly or indirectly, that something has been wrong in the way of the management of the Government Printing Office. Suppose that condition occurs during the taking of the decennial census, or the first three years of its existence, or to the extent that the Government can not get out these publications, what would be the condition?
In response to the argument made by the gentleman from Ohio

[Mr. Keifer], it can certainly be presumed that if this matter is submitted to competitive bids the Director of the Census and the Secretary of Commerce and Labor will at least do their duty, and if the Government desires to come in and submit competitive bids along with private concerns, that, at least, it will give the Government of the United States the opportunity to come in and submit its competitive bid.

Mr. KEIFER. Will the gentleman allow me to suggest that that is exactly prohibited by the clause we are now talking

Mr. COX of Indiana. Then, in response to that, while I have not yet observed or had the opportunity to observe any contract made by the Government of the United States for the furnishing of its supplies, yet I imagine that under the law the Government has the right to accept or to reject any bid which it may have tendered to it or offered to it. This amendment does not propose to take the printing relating to the decennial census period away from the Government during this period. It only provides to aid the Government to get this printing done in the case of emergency; should the emergency not arise, the Government will not undertake to take the option of printing away from the Government, but will permit it to be done by the Government.

Mr. KEIFER. Speaking about contracts let under special contract.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. Dawson].

Mr. DAWSON. Mr. Speaker, it does not seem to me the question of unionism has any place in this debate. question for this House to decide in regard to the printing of the Thirteenth Census is the question, first, as to price, and second, the promptness in delivery. The gentleman from Indiana [Mr. Cox] has just called attention to the fact and argued upon what the situation would be if the Government Printing Office could not get these volumes out within the required time. Why, that would be wholly within the control of Congress. Congress controls the Government Printing Office. We could easily make a provision to care for any contingency that might arise if the work was done down at the Government Printing Office. But if it were being done in a private plant, we would

be entirely helpless in the premises upon the question of prompt-

ness of delivery.

Mr. Speaker, I desire to call attention to the fact that if this work is let out to private contractors, it must be let under the provision that is now proposed, to the lowest bidder. That does not take into account the proximity of the bidder to the city of Washington. If the work is to be done distant from the city of Washington, as the Cuban census has been done, then we must submit to the almost interminable delays of sending the proof here to the city of Washington and then returning it to the place where the work is being done.

Mr. TAWNEY. They would have to send a proof reader to

the place.

Mr. DAWSON. If we did that, then we increase the cost of printing, because we not only have to pay the salaries of the proof readers, but their expenses while absent from Washington. I want to add, Mr. Speaker, that census tables are somewhat different from ordinary printing. Census tables, after they have been set up and the proofs have been sent to the Census Bureau, have been known to be completely reshaped, and new tables in those cases have had to be set up in the Government Printing Office.

If that is to be done in the Thirteenth Census, and no doubt it will be, I want to say to the gentlemen who expect to promote economy by this provision that, in my judgment, in the long run they will be paying an additional amount for the publication of the census by reason of the additional expense made on account of changes made in the tables and corrections in proofs.

Mr. COX of Indiana. Will the gentleman permit a question?

Mr. DAWSON. Certainly. Mr. COX of Indiana. In taking into consideration competitive bids, does not the gentleman believe that the Government before it enters into a contract will take all these things into consideration, such as distance from the capital and everything the gentleman has referred to?

Mr. DAWSON. On the question of economy, I do not think that is worth a cent if you are going to take proximity into

Mr. COX of Indiana. Have not they the right to reject any and all bids?

Mr. DAWSON. On the question of economy it has been said that the Cuban census was printed at a much lower figure by a private concern than it could have been done by the Government Printing Office. I am reliably informed that the Cuban census, instead of costing the Cuban Government the amount of the original bid, eleven or twelve thousand dollars, actually cost between eighteen and twenty thousand by reason of the changes, and so forth, which the private party was enabled to make.

Mr. TAWNEY. Mr. Speaker, I submit that the gentleman

Mr. DAWSON. I can not yield now.

Mr. TAWNEY (continuing). Ought to give the source of his information in order that we may compare it with that given.

Mr. DAWSON. The gentleman has had half an hour's time.

Mr. TAWNEY. No, sir; I did not.
Mr. DAWSON. Now, Mr. Speaker, there is one other point
this House ought to take into consideration in connection with this matter, and that is the question of the possibility of reprinting some of these volumes. We all know that in times to come there may be occasions when Congress will want a reprint of some of these volumes. Supposing they are printed by a private concern, will the Government have control of the plates? No. If we reprint the volume we must then send it to the Government Printing Office and go to the additional expense of setting it up and incur the same cost as it would have been originally. These, it seems to me, Mr. Speaker, are some of the considerations that ought to be taken into account in con-nection with this amendment. [Cries of "Vote!"]

Mr. CRUMPACKER. Mr. Speaker, I want a vote on this question. I will yield to the gentleman from Minnesota four minutes, and after that I will ask for the previous question.

Mr. TAWNEY. Mr. Speaker, among the various arguments

that have been made against concurring in the Senate amendment the one made by the gentleman from Iowa [Mr. HULL] seems to have impressed the Members of the House, perhaps, more than any other, namely, that it is necessary for us to permit the work of printing the reports of the next census to be done in the Government Printing Office, so that the men there employed shall be kept at work. In reply, I want to say that this census work is special, or work not contemplated in connection with the regular work of the Government Printing Office. Whether the census reports are printed there or not, the employees of that institution will all be employed and receive their usual compensation.

I want to call the attention of the House to the fact that if

this amendment is not adopted and does not become a part of this law, the Government of the United States, in respect to

printing the next census reports, will be in a position that it has not been in at any time in the past. For the purpose of meeting conditions that might arise, either as to delay or increase in the cost of printing the census reports, the laws under which the last two previous censuses were taken provided for a printing establishment in the Census Bureau itself. There is no provision of that kind in this law. Hitherto the Census Bureau was authorized to establish and maintain an independent printing office in the Census Bureau for the purpose of doing certain of the printing the bureau required.

Mr. FITZGERALD. Will the gentleman yield for a question? Does not the gentleman know that they only had six pressmen

Mr. TAWNEY. I am making my statement from the testi-

mony of Mr. Rossiter, the chief clerk of the Census Office.
Mr. FITZGERALD. I should like to call the attention of the

gentleman to the provision as enacted.

Mr. MANN. That was the law. They could have had it. Mr. Speaker, I want to state further that this is merely a precautionary measure, so that the Census Bureau will not be at the mercy of conditions over which it has no control when it comes to print the census reports within the time fixed by law. Take, for example, the situation that has obtained in the Government Printing Office during the last year, when the scale of prices has changed one month from another month; when it has been absolutely impossible to know how much government printing was going to cost when orders for printing were given, because there was no certainty that the scale of prices would not be changed by some new Public Printer. Now, this is merely as a precaution, to protect the Government against conditions over which the Census Bureau has absolutely no control. If this provision goes in, it does not mean that the census is going to be printed in a private establishment, unless conditions arise making it absolutely necessary to do so; and it being proposed merely as a precaution, I think the House ought by all means to concur, for if the scale of prices charged by the Government Printing Office is that which was estimated for not long ago, then the cost of printing the census will be at least four or five hundred thousand dollars in excess of what it could be done for by some private establishments. therefore the motion to recede and concur will prevail.

Mr. CRUMPACKER. Mr. Speaker, I move the previous ques-

tion on all the motions pending.

The SPEAKER pro tempore (Mr. Olmsted). The gentleman from Indiana moves the previous question on all motions pend-

Mr. BUTLER. There is only one amendment pending. Mr. CRUMPACKER. One amendment, but there are two

A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it. Mr. BUTLER. Does this include more than one amendment? The SPEAKER pro tempore. Only the twenty-fourth amend-

The previous question was ordered.

Mr. FITZGERALD. I ask that the motion be divided.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Minnesota [Mr. TAWNEY] that the House do recede from its disagreement to the Senate amendment 24 and concur therein. Now, the gentleman from New York demands a division of that question.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. Is the motion to recede and concur divisible?

The SPEAKER pro tempore. Under the rulings, the Chair thinks it is divisible.

Mr. BUTLER. If we recede, then what do we do?
The SPEAKER pro tempore. The question is upon the first branch of the motion, which is that the House do recede from

its disagreement to Senate amendment No. 24.

Mr. HAY. A parliamentary inquiry. Do we not first vote upon the motion to concur, which brings the two Houses to-

gether?

The SPEAKER pro tempore. We must first recede from the disagreement to the Senate amendment before we can concur. The question, therefore, is upon the motion that the House do recede from its disagreement to Senate amendment 24.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.
Mr. FITZGERALD. Division!

The House divided; and there were—ayes 77, noes 59.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and ays. The yeas and nays were ordered.
Mr. TAWNEY. Will the Chair please restate the question

that the House is asked to vote upon?

The SPEAKER pro tempore. The question now is upon the motion that the House do recede from its disagreement to Sen-

ate amendment 24. Upon that question the year and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas I answered "present" 6, not voting 136, as follows: -yeas 128, navs 116,

YEAS-128.

Humphreys, Miss.
James, Ollie M.
Jones, Va.
Knapp
Knapp
Knopf
Küstermann
Landis
Langley
Livingston
Loudenslager Ellerbe Ellis, Mo. Estopinal Fassett Flood Floyd Alexander, Mo. Alexander, Mo Ames Barclay Bartlett, Ga. Bede Bell, Ga. Bennett, N. Y. Bennett, Ky. Blngham Bowers Perkins Pujo Reeder Reid Roberts Floyd Gaines, Tenn. Gardner, Mass. Gardner, Mich. Garner Garrett Robinson Rucker Russell, Mo. Bowers Loudenslager Sherley Slayden Slemp Smith, Cal. Smith, Iowa Southwick Lovering McCreary McKinley, Ill. McMorran Boyd Brantley Broussard Brownlow Gillett Glass Graff Gronna Hackney McMorran
Macon
Madden
Madden
Maddson
Malby
Mann
Marshall
Miller
Moon, Pa.
Moore, Pa.
Moore, Tex.
Morse
Mudd
Nye
Olmsted
Overstreet Burke Burleson Sperry Stevens, Minn. Sturgiss Swasey Hackney
Hamlin
Hammond
Haugen
Hay
Helm
Henry, Conn.
Hepburn
Higgins
Hinshaw
Hobson
Holliday
Howard
Howard
Howland
Howland
Howland
Howbord, W. V Candler Capron Carlin Tawney
Taylor, Ala.
Tirrell
Volstead
Vreeland
Wallace Cassel Clark, Fla. Conner Cook, Pa. Cooper, Pa. Cousins Cox, Ind. Craig Douglas Driscoll Wanger Washburn Watson Webb Howland Olms
Hubbard, W. Va. Over:
Hull, Tenn. Padg
Humphrey, Wash Page Wiley Woodyard Young Overstreet Padgett Durey Dwight Edwards, Ky. NAYS-116.

Hubbard, Iowa Hughes, N. J. Hull, Iowa Johnson, Ky. Kahn Adair De Armond Parker Denver
Dixon
Edwards, Ga.
Ellis, Oreg.
Englebright
Esch Parker Pearre Peters Prince Rainey Randell, Tex. Adamson Aiken Allen Ansberry Kahn Keifer Keliher Kennedy, Jowa Kennedy, Ohio Kimball Kinkaid Kitchin Knowland Law Lindbergh Lindbergh Ashbrook Barchfeld Barnhart Bartholdt Englebright
Essch
Ferris
Ferris
Fitzgerald
Focht
Fornes
Foster, Ill.
Foster, Ind.
French
Gillespie
Godwin
Gordon
Goulden
Greene
Gregg
Griggs
Hamilton, Iowa
Harding
Hardy
Harrison
Hayes
Henry Tex Rauch Rodenberg Ryan Sabath Sabath
Shackleford
Sheppard
Sims
Smith, Mo.
Smith, Tex.
Stanley
Stephens, Tex.
Sterling
Sulloway
Talbott
Taylor, Ohio
Thistlewood
Thomas, N. C.
Tou Velle
Underwood
Watkins
Willett
Wilson, Ill.
Wood Bates Bates Beale, Pa. Beall, Tex. Birdsall Booher Burleigh Lindbergh
Lindsay
Lloyd
Longworth
Loud
McDermott
McGavin
McHenry
McKinney
McLachlan, Cal.
Martin
Mouser
Murphy
Nelson
Norris Butler Caldwell Campbell Cary Cary
Chapman
Clark, Mo.
Cockran
Cook, Colo.
Cooper, Wis.
Crawford
Crumpacker
Davis
Davis Harrison Hayes Henry, Tex. Hitchcock Davis Dawson

ANSWERED "PRESENT"-6. Rhinock

Jenkins Johnson, S. C. Clayton Foster, Vt.

Acheson

NOT VOTING-136. Huff Hughes, W. Va. Jackson James, Addison D. Jones, Wash.

Draper Fairchild Favrot Finley Foelker Alexander, N. Y. Andrus Anthony Bannon Bartlett, Nev. Fordney Bonynge Boutell Bradley Foulkrod Fowler Fuller Fulton Gaines, W. Va. Gardner, N. J. Gilhams Brodhead Brundidge Burgess Burnett Burton, Del. Burton, Ohio Gill Goebel Goldfogle Graham Granger Byrd Calder Calderhead Carter Caulfield Guernsey Chaney Cocks, N. Y. Cole Hackett Haggott Hale Hall Hamill Cole Cooper, Tex, Coudrey Cravens Currier Hamilton, Mich. Hamilton, Mic Haskins Hawley Heffin Hill, Conn. Hill, Miss. Houston Howell, N. J. Howell, Utah Cushman Datzell Datzell Darragh Davidson Dawes Denby Diekema

Kipp Lafean Lamar, Fla. Lamar, Mo. Lamb Laning Lassiter Lawrence Leake Lee Legare Lenahan Lever Lewis Lorimer Lowden McCall McGuire

Payne Pollard Porter Pou Pratt Pray Ransdell, La. Reynolds Richardson Pou Riordan Rothermel Russell, Tex. Saunders Saunders
Scott
Sherwood
Small
Smith, Mich.
Snapp
Sparkman
Spight
Stafford
Steenerson Lowue...
McCall
McGulre
McKinlay, Cal. Sulzer
McLain
McLaughlin, Mich. Townsend
McMillan
McMillan
Maynard
Moon, Tenn. Weems
Murdock
Needham
Wheeler
Nicholls
Williams
Wilson, Pa.
Wolf

Sherman

Patterson

So the motion to recede was agreed to. The Clerk announced the following pairs: For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. WHEELER with Mr. WOLF. Mr. WEEMS with Mr. WEISSE.

Mr. Weeks with Mr. Spight.

Mr. Townsend with Mr. Sulzer.

Mr. SMITH of Michigan with Mr. SPARKMAN.

Mr. Scott with Mr. SMALL.

Mr. PORTER with Mr. SAUNDERS.

Mr. POLLARD with Mr. SHERWOOD. Mr. PAYNE with Mr. WILLIAMS.

Mr. McMillan with Mr. Rothermel. Mr. McKinlay of California with Mr. Richardson.

Mr. Lowden with Mr. Ransdell of Louisiana.

Mr. LORIMER with Mr. PATTERSON.

Mr. Hughes of West Virginia with Mr. O'Connell, Mr. Huff with Mr. Maynard.

Mr. Howell of Utah with Mr. McLain.

Mr. HAMILTON of Michigan with Mr. LEWIS.

Mr. HAGGOTT with Mr. LEVER, Mr. GUERNSEY with Mr. LENAHAN.

Mr. GRAHAM with Mr. LEE.

Mr. Goebel with Mr. Lassiter. Mr. Gaines of West Virginia with Mr. Lamb. Mr. Fuller with Mr. Johnson of South Carolina.

Mr. FOULKBOD with Mr. HEFLIN.

Mr. FAIRCHILD with Mr. HAMILL. Mr. DENBY with Mr. HACKETT.

Mr. Dawes with Mr. Goldfogle.

Mr. DAVIDSON with Mr. GILL. Mr. DALZELL with Mr. FULTON.

Mr. CUSHMAN with Mr. COOPER of Texas.

Mr. Cole with Mr. Clayton. Mr. Cocks of New York with Mr. Carter. Mr. Calder with Mr. Byrd.

Mr. Burton of Delaware with Mr. Burnett.

Mr. BOUTELL with Mr. BRODHEAD. Mr. BANNON with Mr. BARTLETT of Nevada.

Mr. OLCOTT with Mr. RHINOCK,

Mr. Howell of New Jersey with Mr. Kipp.

Mr. Alexander of New York with Mr. Burgess, Mr. Diekema with Mr. Favrot.
Mr. Calderhead with Mr. Legare.

Mr. HILL of Connecticut with Mr. Granger.

Mr. JENKINS with Mr. HILL of Mississippi.

Mr. FOELKER with Mr. RUSSELL of Texas. Mr. Jones of Washington with Mr. Moon of Tennessee.

Mr. COUDREY WITH Mr. PRATT. Mr. Addison D. James with Mr. Houston.

Mr. Lawrence with Mr. Lamar of Florida.
Mr. Bradley with Mr. Lamar of Missouri.
Mr. Waldo with Mr. Wilson of Pennsylvania.
Mr. Draper with Mr. Nicholls.

Mr. REYNOLDS with Mr. BRUNDIDGE. Mr. FOSTER of Vermont with Mr. Pou.

Mr. McLaughlin of Michigan with Mr. Cravens.

The result of the vote was announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment to the pending Senate amendment, which I send to the desk and ask to have read.

Mr. HAY. Mr. Speaker, I make the point of order that the previous question is ordered on both motions, to recede and concur.

Mr. FITZGERALD. But this is not on either motion. I offer that amendment to the pending Senate amendment.

Mr. HAY. But the previous question was ordered on both motions.

Mr. FITZGERALD. The previous question was ordered on the pending motion. One was the motion to insist and the other was the motion to recede and concur. The House having now receded, the amendment is before the House, and to that I offer this amendment.

Mr. HAY. My recollection is that the gentleman from Indiana asked the previous question on both motions—on all motions-and the previous question was ordered. The motions before the House are the motions of the gentleman from Minnesota to recede and concur.

Mr. FITZGERALD. Yes; but this is a preferential motion.
Mr. CRUMPACKER. Mr. Speaker, I would like to have the amendment reported for the information of the House pending its consideration by the Chair.

The SPEAKER pro tempore. That can be done only by unani-

mous consent.

Mr. CRUMPACKER. I think the motion to amend is not in order.

The SPEAKER pro tempore. The Chair will rule upon the point of order, if it is insisted upon.

Mr. FITZGERALD. I ask unanimous consent that the amendment be reported for the information of the House.

Mr. HAY. I insist on my point of order.

The SPEAKER pro tempore. The point of order being insisted upon, the Chair will rule. The Chair understands that the previous question was demanded and ordered upon all pending motions. That being the case, the question now before the House for consideration appears to have been squarely ruled upon by the present Speaker of the House on the 2d of March, 1907, when it was decided that the previous question being demanded and ordered on a motion to concur in a Senate amendment, a motion to amend is not in order. The Chair therefore sustains the point of order. The question now is on the motion to concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 97, noes 65.
Mr. FITZGERALD. Mr. Speaker, I demand the yeas and

The SPEAKER pro tempore. The gentleman from New York emands the yeas and nays. All in favor of taking the yeas and demands the yeas and nays. nays will rise and stand until counted. [After counting.] Thirty gentlemen standing; not a sufficient number, and the yeas and nays are refused.

So the motion to concur in Senate amendment No. 24 was

agreed to.

The SPEAKER pro tempore. The Clerk will now report Senate amendment No. 26.

The Clerk read as follows:

The Clerk read as follows:

SEC, 33. That the Director of the Census, under the supervision of the Secretary of Commerce and Labor, be, and he is hereby authorized and directed to acquire by purchase, condemnation, or otherwise, for the use of the Census Office, and for other governmental purposes, the site and buildings thereon, containing about 118,000 square feet of ground, and constituting the southern 350 feet, more or less, of square No. 574, in Washington, D. C., bounded on the north by a public alley, on the south by B street, on the east by First street, and on the west by Second street NW.: Provided, That not more than \$430,000 shall be paid for the property herein referred to.

That the said Director of the Census, under the supervision of the Secretary of Commerce and Labor, is instructed to cause to be erected on such portion of the site as is not now occupied by buildings, a commodious and substantial building with freproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the Census Office, and for other governmental purposes, the cost of such building not to exceed \$250,000. A sum of money sufficient to pay for the property and the erection of the said building is hereby appropriated out of any money in the Treasury not otherwise appropriated; Provided, That no part of the said appropriation shall be expended until a valid title to the property referred to shall be vested in the United States.

United States

Mr. CRUMPACKER. Mr. Speaker, for the purpose of getting the sense of the House on this amendment, I move that the House recede from its disagreement to the Senate amendment and concur therein. The amendment provides for the purchase by the Government of the property now occupied by the permanent Census Office, including the land and buildings and certain other property adjacent thereto on the north, one, I think, a vacant lot and the other a lot upon which there is a building now occupied by the Southern Railway as a sort of subsidiary office. The Government has an option on this property at the price of \$3.31 a square foot, including the buildings. The Senate amendment also provides an appropriation of \$250,000 for the construction of a building upon the vacant property included in the proposition to purchase, a building large enough to accommodate the entire temporary census force. The present office is altogether inadequate. The building, I understand, was constructed for the use of the Government in housing the clerks and offices for the last census, but it became necessary to rent three or four other places scattered about over the city to accommodate many of the clerks and divisions in the office. It was found to embarrass the administration of the work, to add very materially to the cost of the work, and it is the judgment of the Director of the Census, who knows perhaps more about the particular question than anybody else, that we can save in rents and in cost of administration during the three years of the next decennial census period substantially enough to pay for the property.

The location is within the scope of territory that the park commission has recommended to be purchased and owned by the Federal Government. Some criticism has been made of the location in regard to its altitude. It is largely filled ground. At one time that locality, like the great city of Chicago, was

marshy. Mr. SHEPPARD. Will the gentleman yield for a question? When does the option on this expire?

Mr. CRUMPACKER. On the 1st of July next.

Mr. MADDEN. How many square feet of ground is there? Mr. CRUMPACKER. I do not have that in my head.

Mr. SHEPPARD. For what purpose was this option obtained?

Mr. CRUMPACKER. Mr. Speaker, I am trying to hear the question of the gentleman from Texas.

Mr. SHEPPARD. When was the option acquired, and for what purpose was it acquired?

Mr. CRUMPACKER. The option was acquired when we first rented the property. The property belongs to some heirs, I understand the Emery estate, and the trustee of that estate put up the building and rented the property to the Government, and my recollection is that the annual rental is \$21,000, and by the contract it was provided that the Government should have the right to buy the property at a price of \$3.31 a square foot, including the building. That option expired a year ago. We secured a renewal of the option, and that extension was for one year.

How much is it per square foot?

Mr. CRUMPACKER. Three dollars and thirty-one cents. When the option expired, we took a renewal at Mr. SIMS. the same price?

Mr. CRUMPACKER. They renewed it at the same price.

Mr. SIMS. For another year?

Mr. CRUMPACKER. For another year.

Mr. SIMS. Which proves conclusively that the property is not going up.

Mr. CRUMPACKER. Well, I do not know that that proves that it is not going up. They made a contract and renewed it, and we have the option, and it is estimated that, taking the building into consideration, the price of the land is \$2.10 a square foot.

Mr. LANDIS. I would like to ask the gentleman how that compares with the price of property in the same locality dis-

osed of recently?

Mr. CRUMPACKER. It is considerably cheaper. been a piece of property sold in that immediate vicinity at a considerably higher price. This property is not in the hands of a real-estate agent, but it is being handled altogether by the trustees. Complaint has been made in relation to its altitude. The ground is higher than the level of the post-office building or the District of Columbia administration building.

It is a fairly convenient place, and it will result in a great saving to the Government in the administration of the Thirteenth Census in having the entire census force together, instead of having it scattered about all over the city. To have it so scattered will delay the work and it will cost a great deal to send unfinished work from one locality to another or from one room to another and it would require a great many additional messengers, but the expense in additional rent and service will be comparatively small as compared with the expense occasioned by the delay that will necessarily result from that policy.

Mr. SIMS. Will it be possible to put up such a building as the Government ought to put up there and have it ready for use by the time we will take this census?

Mr. CRUMPACKER. The gentleman, I suppose, has in mind

the appropriation limiting the cost of the building to \$250,000. The building can be constructed and all ready before we need the clerks, and I sincerely believe we can save almost the entire purchase price of this property in rent and in other ways during the three-year period covered by the decennial census.

Mr. SIMS. If the Government does not rent this building, then who would; who would have any use for it except the

Government?

Mr. CRUMPACKER. Well, for that matter it might be sold, but if we could get the census force in the present building we would not be buying additional property. census office will accommodate about one-half of the clerical force that will be in the office during the decennial census period, and we would have to look about over the city to find accommodations here and there, wherever we could—a dozen in one place and fifty or a hundred in another—and it would simply scatter the force all over the city, and the gentleman from Tennessee ought to appreciate the embarrassment that it would occasion and the additional expense it would involve. For \$250,000 we can put up a building that is entirely adequate, entirely sufficient to accommodate the force of the temporary census office, and have them together. I think it is a good bargain.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. CRUMPACKER] a question on this amendment. I am not clear as to whether it is the purpose under this amendment to construct a permanent building for the use of the permanent Census Bureau of the Department of Commerce and Labor or whether it is the purpose merely to construct a tem-porary building to be used in connection with the housing of clerks employed in taking the next census.

Mr. CRUMPACKER. The purpose is to construct a \$250,000 building, to be used in accommodating the additional force during each decennial census period, or possibly the permanent force might move into it. I do not know. I am not informed. We have got to have the room; we have got to get it from some source; and we want to have the accommodations so that we can have the entire force together.

Mr. TAWNEY. Now, this amendment, if agreed to, involves the expenditure of \$680,000, including the site?

Mr. CRUMPACKER. Yes.
Mr. TAWNEY. Or a little more. We have a permanent
Census Bureau in a rented building. I have no objection to the construction of a building of sufficient size and capacity to accommodate the permanent part of this organization; but I question the feasibility or advisability of our providing or authorizing the construction of a building during the time of taking the census, when a temporary force must be employed, for the purpose of also housing the permanent organization. Does not the gentleman think it would be better to provide temporarily for the force of employees necessary to take the next census, and after that is over and we know how much space will be required for the permanent organization, provide a suitable building for that permanent organization?

Mr. CRUMPACKER. I do not, if by the carrying out of this contract we will save substantially enough to buy the property; because, when we get through, we will have as much money as we would otherwise have, and the property in the bargain. Does the gentleman understand that sort of a business propo-

sition?

Mr. TAWNEY. I do not know what contract the gentleman refers to.

Mr. CRUMPACKER. The option we have.

Mr. TAWNEY. I was unfortunately absent when the gentle-man stated what the option is.

Mr. CRUMPACKER. The option is \$3.31 a foot, including the improvements—the building. We must house the clerks, and it is good business and good administration to have them together, because their work is interdependent, and the gentle-man well knows that all this work is emergent. It has got to be done with dispatch, without delay, in order that it may be completed in time, and completed economically, and we can save nearly if not the entire amount of the purchase by buying this property, putting up this building—

Mr. TAWNEY. In the event that we do not take up the option, are we to be thrown out of the building?

Mr. CRUMPACKER. Not necessarily thrown out. The pres-

ent building has sufficient capacity to accommodate only about one half of the force during the temporary period. During the last census the gentleman knows we had a lot of clerks up in the Union Building, and I do not know where all-scattered all over town. Where will we go this time? The question of housing the bureaus and the divisions in the administration of the Government is a serious problem. This property, if we do not buy it now, may ultimately be worth eight or ten dollars a square foot.

Mr. TAWNEY. Does the gentleman think it would be good business management for us to provide a building of sufficient size to accommodate all the employees engaged here in Wash-

ington in the taking of the census every ten years?

Mr. CRUMPACKER. I believe that the building we have in mind will be sufficient to accommodate all of the clerks at the next decennial period, and perhaps at the decennial period following that; but in the meantime, if the Government sees fit to make some other disposition of it after the decennial period is over, put another bureau or division, or two or three of them. in the new building, or use it for storage purposes, it may do so; but the strong argument is that we will save substantially the cost of this property in rents and in securing more efficient administration, and have it practically free.

I will yield to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. I do not know if I understood my colleague when he stated a moment ago as to how long the Government had its present option on this property.

Mr. CRUMPACKER. I understand until the 1st of next July. Mr. COX of Indiana. When did that option begin? When was the contract made between the owner of the property and the Government?

Mr. CRUMPACKER. I think it was originally made about ten years ago, and expired about a year ago and was renewed for one additional year.

Mr. COX of Indiana. Will the gentleman inform the House how much rent the Government paid for the taking of the Eleventh Census under General Merriam?

Mr. LANGLEY. The total amount of rentals paid for all the

ten years, was two hundred and sixty-two thousand and some odd dollars. The annual rental of the building now occupied is \$21,000.

Mr. CRUMPACKER. I do not know how much we paid ten years ago. I do not know what buildings we had rented. I know we had a number, and we have been renting this property from that time to this.
Mr. LANGLEY. Mr. Speaker-

Mr. COX of Indiana. One more question, and that is whether or not the Government is getting this building any cheaper, so far as rent is concerned, than during the time of the taking of the census by General Merriam?

Mr. CRUMPACKER. I understand the rental is just the

same.

Mr. COX of Indiana. How much is the rental? Mr. CRUMPACKER. Twenty-one thousand dollars a year, the gentleman from Kentucky [Mr. Langley] informs me.

Mr. ROBERTS. Will the gentleman allow me to ask him a

Mr. CRUMPACKER. Certainly. Mr. ROBERTS. I want to ask the gentleman if this contemplates the purchase of any new property not now occupied by this building?

Mr. LANGLEY. A part of the Emery estate, adjoining a vacant lot, containing about 10,500 square feet.

Mr. LANDIS. There is quite a strip of land to the west, which is now vacant, contemplated in this purchase.

Mr. ROBERTS. The building in which the Census Bureau is now located is a brick building, is it not?
Mr. CRUMPACKER. Yes.

Mr. ROBERTS. Two story?

Mr. ROBERTS. Two story?
Mr. CRUMPACKER. Yes.
Mr. ROBERTS. Will the gentleman inform the House what is contemplated in the \$250,000 addition to this building? Will the architecture still be brick, and can these walls be used to run up a higher building?

Mr. CRUMPACKER. I understand a new building will be

Mr. CRUMPACKER. I understand a new building will be erected, three or four stories high.

Mr. ROBERTS. Will they utilize any of the present building in that construction or raise it from the ground?

Mr. CRUMPACKER. It will occupy the vacant property included in the purchase.

Mr. ROBERTS. The present property is to remain intact?
Mr. CRUMPACKER. A new building is to be constructed on
the west side of the present building.

Mr. ROBERTS. On land not now occupied?

Mr. CRUMPACKER. On land not now occupied.
Mr. ROBERTS. A further question that may have some relation to it. What relation will the permanent buildings in this location have to the plan for the beautification of Washington, according to a plan which was reported by a commission some years ago, which involved having all the buildings

on the Mall and on the south side of the Avenue?

Mr. CRUMPACKER. This row of buildings is included within the park scheme for the Government to purchase and own for different purposes. That is substantially all I know

Mr. KEIFER. I understood the gentleman to say that the cost price was \$3.10 per square foot?

Mr. CRUMPACKER. Yes.

Mr. KEIFER. Then, why do you put the sum to be appropriated and to be paid for this 118,000 square feet of ground at \$430,000?

Mr. CRUMPACKER. I do not know. I have not figured it

Mr. KEIFER. If that sum was paid, it would be substantially

\$3.64 a square foot—more than \$3.63 per square foot.

Mr. CRUMPACKER. I have not examined the mathematics

of the Senate. I have here a statement made by Mr. Rossiter, the Acting Director of the Census, in the absence of Mr. North, covering this whole question, which I want to insert in the RECORD. I would like to have it read for the information of the House. It contains succinctly and clearly the reasons why this property ought to be purchased.

Mr. KEIFER. I am dealing with the price now, and that is what I wanted to find out.

Mr. CRUMPACKER. I do not know. Mr. KEIFER. If I make no mistake, you have put the price which you propose to give at substantially \$3.64 a square foot; but if we can get it at \$3.10 a square foot, we ought not to pay

Mr. MADDEN. Will the gentleman yield to me?

Mr. CRUMPACKER. I yield for a question. Mr. MADDEN. The bill provides for an expense of \$430,000 buildings, including the building now occupied, during the past | for the purchase of 118,000 square feet of ground. The gentle-

man states that the option price is \$3.10 per square foot. As I figure it, that is \$363,800. What becomes of the difference between \$363,800 and the \$430,000 provided in the bill?

Mr. CRUMPACKER. That is the question the gentleman from Ohio just asked me, and I answered him that I had not gone into the mathematics of the bill; but I have a statement here from the Director of the Census, in which he says the option price of purchase is \$3.31 a square foot; and, of course,

they will not pay any more than the option.

Mr. MADDEN. Will the gentleman yield for one further question? I understood the gentleman to say that the option price included the purchase of the building now on the ground.

Mr. CRUMPACKER. It covers the building on the ground.

Mr. MADDEN. If that be the case, why is this additional \$64,000 embodied in the bill over and above the option price?

Mr. CRUMPACKER. I am not prepared to explain. I do not know. I took the statement of the Senate and the statement of the Director of the Census. The probabilities are that the gentleman's figures did not include the building and ground occupied by the old high school building, now occupied by the

Southern Railway Company as its offices.

Mr. MADDEN. My understanding of the gentleman's statement was that the option price covered everything.

Mr. CRUMPACKER. That is my understanding.

Mr. KEIFER. There is no such provision in the bill about including buildings.

Mr. MADDEN. If it does not cover everything, and nobody knows anything about it, would it not be a good idea to post-pone the consideration of the question?

Mr. CRUMPACKER. I will have read from the Clerk's desk a statement from the Director of the Census, and if the gentleman desires information and will give attention to it, it will probably satisfy him in every respect. It will not, if he does not listen.

Mr. BURLESON. Let us have it read.

Mr. MADDEN. I should be very glad to have it read. Mr. CRUMPACKER. I ask to have this letter of the Director of the Census read from the desk in my time.

Mr. DOUGLAS. I should like to ask the gentleman a question first. What consideration have the House Committee on

the Census given to this matter?

Mr. CRUMPACKER. Oh, the House committee have had it up. We had it up a year ago, and the Director of the Census came before the House committee and we decided that it was within the jurisdiction of the Committee on Public Buildings and Grounds. We advised the Director of the Census to go to that committee. A bill was introduced, and he went before that committee, and that committee concluded that its policy was not to include in the bill it was engaged upon any public buildings in the District of Columbia. Therefore it was not reported upon. The Director of the Census came to me again early in the present session and asked me if there would be any impropriety in his presenting this matter to the Senate committee, and I said I thought there would be none; and so he went before the Senate committee and submitted his evidence, and the Senate committee incorporated this amendment in the bill.

Mr. DOUGLAS. So that this plan has had the consideration

of the House Committee on the Census?

Mr. CRUMPACKER. It has.

Mr. DOUGLAS. And is approved by them?

Mr. CRUMPACKER. Yes.
Mr. HULL of Iowa. Does the gentleman believe that it is good policy to undertake to erect this building at the time the census is being taken? Would it not be better to wait until afterwards?

Mr. CRUMPACKER. Either the gentleman was not listening or I was not speaking to any purpose at all.

Mr. HULL of Iowa. I was temporarily absent from the Hall of the House

Mr. CRUMPACKER. My statement was that the building can be constructed two or three months before we will need it for the use of the new clerks.

Mr. HULL of Iowa. It will not interfere with the present

clerks in their work?

Mr. CRUMPACKER. No, indeed; it does not involve the destruction of the present building. This is simply for an additional building, for the accommodation of the additional clerks, and will not disturb one clerk in the present building.

Mr. HULL of Iowa. I am glad to have this explanation. Now, one other question. Is this in accordance with the policy of trying to concentrate our public buildings on the Avenue, where they can be reached readily and seen by visitors? Does not the gentleman think it would be policy to put this building on the Avenue, or some place where it would not be off to one side?

Mr. CRUMPACKER. We do not want to put on the Avenue, as a matter of ornamentation, the proposed census building. We want to build it where it will be worth something for practical purposes. What would the gentleman say to a proposition to remove the present census building out onto the Avenue, to be viewed and admired by visitors? It is not a very sightly

Mr. HULL of Iowa. If it was a question as to the present one, I would not want to have that moved onto the Avenue.

would want to keep it in the background.

Mr. CRUMPACKER. I will say to the gentleman that the purpose in building this is the hope of saving in rent and in expense of administration during the temporary period of the census taking practically the entire cost of the property.

Mr. JOHNSON of South Carolina. You want a workshop. Mr. HITCHCOCK. Mr. Speaker, we have not been able to hear very well over here. I would like to ask the gentleman from Indiana whether the proposed building is a temporary building for permanent employees or a permanent building for temporary employees?

Mr. CRUMPACKER. It will be made of brick, probably, and it will have a roof on it, and it will be occupied by clerks in the Census Office. [Laughter.] Now, Mr. Speaker, I ask for the reading of the letter.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, January 16, 1909.

Dear Judge Crumpacker: As you are aware, the director has been called suddenly away from Washington. Before leaving the city he turned over to me a memorandum which he had prepared, setting forth his reasons for favoring the Senate building amendment to the Thirteenth Census bill. These reasons are as follows:

1. Congress is enacting a law for the Thirteenth Census, and enormously difficult undertaking. It commands that the main reports shall be completed and published on or before July 1, 1912. Unless this amendment prevails, Congress will be in the position of requiring that this work shal be done while refusing to provide the necessary facilities for doing it. It will be directing the Census Office to make bricks without straw.

In modern manufacturing the profit is made by labor-saving devices, and particularly by those which permit continuous processes; and it is so with the census. Unless this amendment is adopted, it will be necessary to house the Thirteenth Census clerks in four or five rented buildings, all of them ill adapted to the work and at long distances from each other. The "continuous process" will thus be impossible; the time and money lost in carting the work about the city from stage to stage in its progress will greatly exceed in amount the entire cost of constructing the proposed new building and purchasing the adjoining high school building.

II. On the ground of economy alone, therefore, the proposition should be approved, because it means an actual saving of money to the Government in the cost of the Thirteenth Census.

III. The saving in expedition is a consideration of even greater importance than that of economy. The Thirteenth Census can easily be completed in four months' less time if the work is concentrated in one locality. Section 2 of the pending bill requires that the main reports shall be completed and published during the decennial census period—that is, on or before July 1, 1912. The time allowed is hardly sufficient for the performing of this great work even under the mos

direct methods are absolutely essential. Such methods are impossible in handling such a large number of employees unless the force is concentrated.

IV. Objection was made in the Senate to the purchase of this site, because it is low ground and in a malarial locality. The ground is low; but it is practically the same level as all the ground south of Pennsylvania avenue as far west as Fourteenth street, including that upon which the more recently constructed government buildings are located, and that upon which the new building for the State Department, the Department of Justice, and the Department of Commerce and Labor will be located. The Census building is situated at a greater distance from the river than any of the buildings named, and its elevation (15.27 feet) is better than that of either the municipal building (13.54 feet) or the Post-Office building (12.35 feet).

The experience of the Census office proves that it is not a malarial site. The comfort and health of the employees, so far as concerns temperature, circulation of air, and general sanitary conditions, can be as well safeguarded here as in the Post-Office building, the Smithsonian Institution, the new National Museum, the new Agricultural building, the new Municipal building, and many other buildings now rented by the Government.

V. The land has been included by the National Park Commission in the property which must ultimately be purchased and added to the government reservations. It is immediately contiguous to the Capitol Park, and whether it is finally utilized as a building site or as a park reservation, its immediate purchase is highly desirable, at the price named in the bill, which is materially less than the price paid by private parties for property immediately contiguous, with no improvements thereon. I refer especially to the Bliss purchases directly across the street on First street and on First and B streets.

VI. This price represents the cheapest land purchase made by the Government for any purpose, within the city limits, for

It is possible to obtain the property for this low cost only because of the option rights which the Government obtained under the original contract with the late Mr. Emery for a building for the Twelfh Census, an option which expires on July 1 next, and which can not be further

an option which expires on July 1 next, and which can not be further renewed.

If Congress adopts this plan, every dollar of the appropriation will go to the actual present owners of the property.

VII. The proposition is an emergency proposition, which Congress would not be asked to approve if the need for immediate action were not imperative. The Census Office would like to be located upon some breeze-swept hillside, in the environs of Washington, in a perfectly equipped building, monumental in character, costing two or three million dollars. Such a scheme would contribute greatly to the architectural development of the national capital, and its realization would, incidentally, be pleasant for those in charge of the Thirteenth Census. This ideal solution of the problem may some day be reached, when the National Treasury is in a condition to justify its advocacy.

But it is a plan impossible of consideration, even if the question of money were not involved, in connection with the Thirteenth Census, for the reason that adequate quarters to promptly handle that census must be obtained within the next ten months.

The pending plan provides these quarters at a total cost to the Government not greater than the amount which will have to be paid out for rentals, and for the increase in the cost of the work, due to scattering it in five or six buildings, in distant parts of the city, every one of which will be miserably adapted to this particular work, and compel its production under the worst possible conditions, so far as concerns cost, health, light, comfort, and expedition. The census work demands large rooms, in which can be concentrated from 300 to 1,000 clerks, doing the same work, under the same supervision; and, so far as I am aware, no accommodations at all meeting these requirements can be rented anywhere in the city of Washington to-day at any price. I therefore repeat what was said in the director's annual report, that the plan proposed by the Senate amendment will involve a much. less money cost than the

VIII. When the Thirteenth Census is completed, the Government will own this property at a total cost materially less than it will have incurred it it shall choose to continue to pay large rentals to private parties, permitting them to retain title to the property at the end of the transaction.

parties, permitting them to retain title to the property at the end of the transaction.

Thereafter the Government can make such use of it as seems best. It can devote it to park purposes; it can utilize it as the site of a monumental building, costing three or four millions; or it can utilize it for the taking of the Fourteenth Census at no aditional cost, if that shall seem wise ten years hence.

In the meanwhile, during the intercensal period, the Government can utilize the extra space for the housing of bureaus now occupying rented quarters. In order to secure proper accommodations, many branches of the service have been compelled to rent space in the high-priced modern office buildings. When it is considered that the rentail which the United States Government is paying for offices in this class of buildings ranges from \$1 to \$2 a year per square foot, it will be seen that this extra space afforded by the Census building during the intercensal period, which amounts to at least 100,000 square feet, has a very considerable money value. This saving alone will more than offset the cost of constructing the new building proposed.

IX. A site for a new building for the State Department, the Department of Justice, and the Department of Commerce and Labor has already been authorized and is now in process of acquirement. Upon it will be erected a monumental building, for which no appropriation has yet been voted, and which can not be ready for occupancy until long after the Thirteenth Census is completed and preparations for the Fourteenth Census are already under way. It is not possible to construct that building, with any regard for economy, so that it will meet the requirements of the census at the decennial periods, expanding suddenly from 600 clerks to, say, 4,000. It is fully understood by the department that provision for decennial census requirements can not be made in the plans for this building. There is therefore no conflict whatever between this plan and that for a monumental department building.

X. In a

X. In a word, the Senate amendment is a plain, straight, business proposition, approved by the Secretary of the Department of Commerce and Labor, to meet an emergency situation precisely in the way that it would be met, under similar conditions, in commercial life. The Government has an opportunity to make a good bargain, practically on its own terms, under conditions which mean an actual annual saving of money, with possession at the lowest possible cost of desirable property, which it will ultimately buy, undoubtedly at a much higher cost.

XI. In presenting these arguments in favor of the proposed purchase, I trust that the fact will not be overlooked that the main, controlling, and conclusive argument in its favor is its advantage to the Thirteenth Census in the matter of economy, convenience, and expedition; also that, aside from this consideration, it is a good business proposition.

Very truly, yours,

W. S. ROSSITER,

W. S. ROSSITER, Acting Director.

Hon. Edgar D. Crumpacker, House of Representatives.

Mr. CRUMPACKER. I now yield five minutes to the gentleman from Missouri [Mr. Bartholdt].

Mr. Bartholdt. Mr. Speaker, as has been stated by the gentleman from Indiana, this is a proposition to spend \$680,000, \$430,000 to be devoted to the purchase of the present census property and \$250,000 for the purchase of additional ground and the erection of an additional building for the use of the United States Census Bureau.

It is a matter that belongs to the jurisdiction of the Committee on Public Buildings and Grounds. The fact that it does not come from that committee, however, is not the fault of the Director of the Census or of anybody else. That gentleman appeared before our committee during the last session and presented this matter is a most urgent manner. But in view of the great demand made upon us by the country, it was impossible to include in the last omnibus public-building bill a provision to give to the census a permanent home. I do not say this provislon, but a provision for the census.

The committee gathered some information on the question, and I should like to give the House the benefit of that information.

I believe, from what I have learned, that the price for this property is an entirely fair one. There is, as far as we could learn, no real-estate speculation connected with it whatsoever, The present arrangement which we have with the owners of that property is also a very fair one. As I understand, the rental charges are only about 4 per cent on the original investment. Consequently, in my judgment, it could easily be con-tinued for an indefinite period of time without injury to anybody.

It is obvious to all who have looked into it that the present building does not comport in any sense with the dignity of the Government. It might harmonize geographically with the gen-eral plan for the beautification of Washington, but it certainly does not harmonize with our views architecturally.

I am very much afraid if the property is purchased we will never get a census building such as this Government ought to An addition will be erected, the same as the present one, and it will be practically an eyesore in the immediate

vicinity of the Capitol.

The only question, Mr. Speaker, since there is no objection as to price, which is to be decided by the House now is whether we shall at this time, with a deficit staring us in the face, at a time when the Committee on Public Buildings and Grounds must refuse to listen to all appeals from Members of this House for small additional appropriations for public buildings in their districts-whether at such a time it is wise and proper for us to make this large expenditure of money.

Where there is a will there is a way, and, in my judgment, it will be easy for us to rent additional facilities and accommodations for the census, and this plan appeals more to me because the additional building which is needed will only be needed for about three years and not for ten years. So that if we rent another building for three years, the next census

can be taken under the present arrangement.

Mr. LANDIS. Will the gentleman yield for a question?

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. CRUMPACKER. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Indiana has seventeen minutes.

Mr. CRUMPACKER. I will yield two minutes more to the gentleman from Missouri in order that he may answer a question by the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Does it occur to the gentleman that during the seven years when we would not need the space for the census force that that space could be utilized in placing people

who are in rented quarters now? Mr. BARTHOLDT. That is the very fear I expressed. If the space is not needed for the census it will be used by some one else, and consequently we will have continually a building that we do not want, and which will not comport with the dignity of this Government.

Now, I want to refer to the statement that within the next census period we can save enough money to practically pay for this property. We are now paying \$21,000; add to that \$10,000 for a building which will be needed for the taking of the new census; that will bring the amount up to \$30,000; in ten years that will amount to \$300,000, while here we propose to appropriate \$780,000 and have a building that no one wants.

Mr. CRUMPACKER. Now, Mr. Speaker, I yield two minutes to my genial friend from Illinois [Mr. MADDEN.]

Mr. MADDEN. Mr. Speaker, the gentleman from Indiana [Mr. CRUMPACKER] directed the attention of the House to the reading of a communication from the Census Bureau, which, in effect, stated that they needed this property for the accommodation of the clerks to be employed in taking the next census, and which stated that the option price on the property to be purchased was \$3.31 per square foot. This \$3.31 includes the purchase of a building now on the ground. At that price, the 118,000 square feet of ground to be purchased would amount to \$290,580. The bill proposes to appropriate \$430,000 for the purchase of this property, which would be, instead of \$3.31 a square foot, \$3.64\frac{1}{3} per square foot. What I do not understand how an option price can be but \$3.31 per square foot while the price appropriated is \$3.64\frac{1}{3} per square foot.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to

the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I want to give the reasons why I propose to vote for this amendment. The rent for census quarters in 1909 aggregates \$256,000, and for this sum the Gov-

ernment has not anything to show in the way of tangible property. The approach of the coming decennial census necessitates a decision on the part of Congress whether it will continue the policy of renting property or owning it. If the present policy is continued it will cost the Government for the next nine years about \$270,000, and at the end of that period the Government will not have anything to show for the expenditure of this large sum of money. It seems to me that good business judgment commends the purchase of the Census building, with the adjoining vacant lot and former high-school building, and the erection of a fireproof building, all of which together will cost only \$674,000; and if this plan is followed ample space will be provided for the Thirteenth decennial census force, and for seven out of ten years the building will be available for other government uses. By the plan proposed \$270,000 in rentals would be saved and a large amount in rentals for other government properties, or more than 60 per cent of the cost, and the degree to which the work of the Director of the Census would be simplified and facilitated can not be estimated. For these reasons, Mr. Speaker, I am in favor of the adoption of the motion of the gentleman from Indiana, and I do not believe that any wise purpose will be subserved in postponing the purchase and the erection of this building. It will come in time; it is absolutely necessary for the purposes of the Government; and the sooner the property is acquired and the sooner the building is put up the less it will cost.

Mr. CRIMPACKER, Mr. Speaker, inst a word in conclusion.

Mr. CRUMPACKER. Mr. Speaker, just a word in conclusion in relation to the criticism made by the gentleman from Illinois [Mr. Madden]. The amendment fixes the maximum appropriation for the purchase of the property, expecting, of course, that the price shall not be above the option. The criticism made by the gentleman from Missouri [Mr. Bartholdt] in relation to the advisability of making the purchase omits an important factor. In his calculation respecting the saving to the Government on account of the purchase he entirely overlooked the important factor suggested by the Director of the Census, that we save four months' time in doing the work if we purchase the property and put up the building, and the value of that time alone would more than pay the entire purchase price of all the

property

Mr. BUTLER. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. BUTLER. Do I understand that if we appropriate the money and buy this piece of ground, it means that the Census

building shall stand at this point?

Mr. CRUMPACKER. No; it does not mean that. simply this: If we purchase this ground, make this improvement, we will provide facilities for all of the clerks for the Thirteenth Census, and in so doing we will save money enough to pay the entire purchase price. That is what it means, and Congress can do what it chooses with the property at any time in the future. The Government may at some time in the future build a magnificent marble-front building, like the District administrative building on Pennsylvania avenue, like the one the gentleman from Missouri has in his mind. That may be done some time in the future, when we have more money.

Mr. BUTLER. Does the gentleman advocate the erection of

permanent census building at this point?

Mr. CRUMPACKER. No; I do not. The proposed building is to cost not more than \$250,000, and have room sufficient to accommodate 1,600 or 2,000 clerks during the temporary census period. The Government will then own the property, having gotten it practically for nothing.

Mr. LANGLEY. I want to call the attention of the gentleman from Indiana and the House to the fact that the director states that the building it is proposed to erect could be used for the

Fourteenth Census also.

Mr. BARTHOLDT. I want to make a suggestion. If the House adopts this provision I would suggest the necessity of an

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the motion.

Mr. HARDY. I would like to ask the gentleman a question for information.

Mr. BARTHOLDT. I think I have the floor.

The SPEAKER pro tempore. The gentleman from Indiana has the floor.

Mr. BARTHOLDT. I want to make this suggestion, that these plans should be drawn by the Treasury Department at least. There is no provision of that kind in the bill, and the

gentleman is certainly interested in having that done.

Mr. CRUMPACKER. I am not going into the details of the proposition. The amendment can be voted up or down as it is. Mr. LANDIS. I will ask the gentleman to yield in order that I may correct a statement made by the gentleman from Illinois relative to the price.

Mr. CRUMPACKER. I yield to the gentleman.

Mr. LANDIS. Mr. Speaker, the option on the property that is occupied by the present Census building is \$354,126. That property in dimension is 70 by 150 feet, making, all told, 10,500 feet. At \$354,126 it would be \$3.31 a foot, and the gentleman from Illinois was evidently led into his error by reason of the fact that he added the dimensions of the old high-school building property, on which we have an option for \$70,000, and based his price per foot on that computation.

Mr. KEIFER. But, Mr. Speaker, the 118,000 square feet mentioned in the bill, costing \$430,000, makes \$3.64 a square foot.

Mr. LANDIS. But the gentleman has not figured on the right

Mr. KEIFER. I figure that exactly. Mr. HARDY. The question I wanted to ask the gentleman was, Who pays the insurance and keeps up the repairs on this Census building for which the Government pays some \$20,000 rent per annum?

Mr. CRUMPACKER. Well, I do not know, but I presume

the owners.

Mr. HARDY. You do not know whether the Government

does the repairs or not?

Mr. CRUMPACKER. I do not know whether the Government does or not, but I presume the owners keep up the outside and the Government keeps it up on the inside, the usual practice and, I think, the law in the absence of any specific contract.

Mr. DRISCOLL. Who owns the building?

Mr. CRUMPACKER. The owners of the land. Now, Mr. Speaker, I demand the previous question.

The question was taken, and the previous question was or-

Mr. BARTHOLDT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.
Mr. BARTHOLDT. If this is adopted by the House, the previous question having been ordered, will the conference committee be allowed to amend this section at all or not?

The SPEAKER pro tempore. The motion is to recede and concur, and if that should be adopted there is nothing left to be done. The question now is on the motion of the gentleman from Indiana, that the House do recede from its disagreement to Senate amendment numbered 26 and concur therein.

The question was taken, and the Chair announced the ayes

seemed to have it.

On a division (demanded by Mr. Butler) there were-ayes 73, noes 32.

So the motion was agreed to.

Mr. CRUMPACKER. Mr. Speaker, the other amendment is a pro forma amendment relating to the numbering of a section, and therefore I move that it be agreed to.

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

Change section 33 to section 34.

The SPEAKER pro tempore. The question now is upon the motion to recede and concur.

The question was taken, and the motion was agreed to.

Mr. HULL of Iowa. Mr. Speaker-

The SPEAKER pro tempore. For what purpose does the gen-

tleman rise?

Mr. HULL of Iowa. For the purpose of making a privileged motion to go into the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman will suspend for a moment. The Chair will call attention to the bill S. 4712 and the bill H. R. 16374 on the Union Calendar, bills identical in form having passed; and without objection, the Committee of the Whole House will be discharged from their further consideration, and the bills will lie upon the table. [After a pause.] The Chair hears no objection.

The Clerk will report the titles of the bills.

The Clerk read as follows:

S. 4712. An act to provide for the care of persons adjudged insane in the District of Alaska.

A bill (H. R. 16374) to confirm to the Wahiawa Water Company, of Hawali, the right of way for irrigation purposes.

The SPEAKER pro tempore. And also the following bills on the House Calendar, having been passed in another form, will be, without objection, laid on the table. [After a pause.] The Chair hears no objection.

The Clerk will report titles of the bills.

The Clerk read as follows:

A bill (H. R. 3966) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly, providing for the issuance of bonds by Mohave County.

A bill (H. R. 16964) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona.

A bill (H. R. 13097) to enable the city of Phoenix, in Maricopa County, Ariz., to issue bonds of said municipality for the purpose of funding its floating indebtedness incurred prior to July 1, 1906.

John resolution (H. J. Res. 94) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

A bill (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii.

A bill (H. R. 16644) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Walluku, on the island of Maui, Territory of Hawaii.

A bill (H. R. 3963) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.

viding for the erection of a court-house at St. Johns, in Apache County, Arlz.

A bill (H. R. 3962) authorizing the county of Gila, Ariz., to issue bonds for the completion of the court-house and jall.

A bill (H. R. 19364) ratifying bonds of road district No. 1, Maricopa County, Arlz.

A bill (H. R. 19411) authorizing the incorporated town of Valdez, Alaska, to issue bonds to the amount of \$15,000 for the purpose of constructing dams and dikes for protection against glacier streams.

S. 4748. An act to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899.

A bill (H. R. 21311) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Walluku, on the island of Maui, Territory of Hawaii.

A bill (H. R. 21312) to ratify an act of the legislature of the Territory of Hawaii.

A bill (H. R. 17982) to authorize the issue of bridge bonds by the county of Bernailllo, in the Territory of New Mexico.

A bill (H. R. 19004) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Portales, N. Mex.

A bill (H. R. 19604) restricting the practice of medicine and surgery in the Territory of Alaska.

S. 6417. An act to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 26915, an act making appropriations for the support of the army for the fiscal year ending June 30, 1910; and, pending that, Mr. Speaker, I would like to ask the gentleman from Virginia [Mr. Hay] if we can not agree on fixing the time when general debate shall close?

Mr. HAY. I understood it would be three hours on a side. Mr. HULL of Iowa. That will be satisfactory, then. I ask unanimous consent that general debate shall close in six hours three hours to be controlled by the gentleman from Virginia [Mr. HAYl and three hours by myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion for the House to resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the army appropriation bill. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26915, the army appropriation bill, with

Mr. Perkins in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, the bill as it is reported to the House needs but little explanation. It carries an increased amount over the current fiscal year, made necessary very largely by the increased pay given the army when the pay was increased for the officers and the enlisted men, and by the fact that to-day the army is more nearly up to the number authorized by law for its minimum force by some twelve thousand or more men than it was last year. I think there is only about five thousand of a shortage in the enlisted force at this time, and there was something near eighteen thousand or twenty thousand of a shortage at the time the bill for this fiscal year was passed.

I do not intend, Mr. Chairman, to take up the time to-night in discussing the bill. I do not know that I will take up any time during the general debate, but if I do, I prefer it to come a little later. The last provision of the bill, in regard to the general staff, is, of course, clearly subject to a point of order, and if no one else discusses it, I do not know that I care to discuss it at all until it comes before the House in such shape that the House can act upon it. I believe the provision is right. My object in going into the Committee of the Whole House on the state of the Union to-night was largely because I understood the gentleman from Illinois [Mr. RAINEY] desired to make a statement.

Mr. MANN. Will the gentleman answer one question along the line he spoke of in the bill?

Mr. HULL of Iowa. Yes.

Mr. MANN. I notice the amount proposed for the pay of enlisted men is raised from \$10,000,000 last year to \$15,000,000 and something over this year, an increase of 50 per cent. Is the gentleman able to tell now how much of that is caused by the increase in the number of men in the army and how much is caused by the increase in the pay of the enlisted men?

Mr. HULL of Iowa. I will say to the gentleman that I could not answer as to that, but there is a large increase on account of the increased number of men. There is another increase that comes from the increased pay for reenlistment, that we gave as increased pay as an inducement for them to reenlist. It is not any part of the bonus of three months' pay; but reenlistment, up to a certain point, carries with it an increase of pay, both by the noncommissioned officers and the privates; but just how much that will be I do not know. If the gentleman desires it, I can get it accurately from the Pay Department.

Mr. MANN. It is a very interesting proposition, where there is an increase of 50 per cent in total cost, to know how much is caused by our legislation of last year and how much by the increase in the growth of the army.

Mr. HULL of Iowa. I will say to the gentleman that, as he will remember, last year we gave \$7,000,000 in a lump sum, to be distributed over these increases where we could not agree on just how much there might be-an amendment that was put on in the Senate.

Mr. MANN. I know; but that was to cover the increase in pay? Mr. HULL of Iowa. Yes.

Mr. MANN. What I wanted to get at was this: The bill that was brought in last year and which became law proposed ten millions for the pay of enlisted men on the then basis. Now the proposition is fifteen millions and something over. Of course I know a large share is the increase in pay, a large part for the increased number of enlisted men in the army, but if it is feasible I should like to get the details.

Mr. HULL of Iowa. I think it is feasible. I gave the gentleman the estimates. The estimates were made upon the full number of men authorized by law; and we deduct something over a million and a half from the estimates on the ground that the army would not be entirely filled up; that while the recruiting may keep it up to the present state, yet the Government is not making an effort to get in every man it can, and quite a number of the recruiting officers have been recalled. So we cut off a million and a half from estimates for the full pay of the army. If every man authorized by the order of the President fixing the peace basis was enlisted, there would be a deficiency in this item.

If the gentleman from Virginia wants to occupy some of his time, I would like him to do so.

Mr. HAY. I will ask the gentleman to use some time. tlemen on this side who desire time do not desire it now. I will yield the gentleman an hour of my time.

Mr. HULL of Iowa. I will yield twenty minutes to the gentleman from Indiana [Mr. Holliday.]

Mr. HOLLIDAY. Mr. Chairman, I do not know that I will consume twenty minutes, but I want to submit a few remarks upon the present condition of the army, in which I think the American people are interested. I do not know, Mr. Chairman, when the law was passed or the rule adopted by which men were put out of the active service when they attained the age of 64 years. But whenever it was done and however it was done, it seems to me to have been very bad policy indeed. As it stands now, at the time a man reaches the age when he is best fitted to serve the country the Government dispenses with his serv-The only argument I have ever heard in support of the proposition is that this gives a better opportunity for the promotion of the younger officers, who might otherwise have to wait long for increase of pay and advancement in rank. Well, Mr. Chairman, if the younger officers do not now have enough pay and rank commensurate with their abilities, I am willing to give both in some other way. I think it is wrong to increase the pay and at the same time impair the efficiency of the service. It is poor business policy. Whoever heard of a railroad company that discharged its trained and qualified engineers in order to make places for its firemen?

Mr. Chairman, every student of history knows that when Von Moltke laid France prostrate at the feet of Germany he had passed beyond the age at which an American general would have been retired; and if the same rule had applied in the German Empire as applies in the American Army, Von Moltke would have been sitting around cooling his heels while younger

officers might have lost the war that he carried to so successful

We know that in the case of England, when it found itself in trouble with the gallant Boers in Africa, when army after army had been crippled and demoralized, the English Government looked around for a man of sufficient capacity to lead its army to victory, and they found him in the person of General Roberts, who had long passed the age at which an American general would have been placed upon the retired list. I may also add that in the war with Spain the laurels won by the officers there were won by men who had participated in the civil war in the United States, and consequently none of them could have been young men.

I believe, Mr. Chairman, that some policy should be adopted by which, when the Government educates a man and trains him for service, it ought to have the benefit of his services as long as he is able to do proper and efficient work. I remember I had the pleasure a few years ago of passing some weeks in company with a distinguished general, a man whose fame stands high in this country. As I looked at his stalwart frame, as I saw him at work and listened to his talk, I felt absolutely convinced there was never a day nor an hour in his life in which he was better fitted to command an army than he was upon the day that he retired from the service.

I suppose, however, there is no remedy for this. It has got started in that way, and I suppose it will continue in that way. If it serves no other purpose, it gives a chance for more promotions.

But, Mr. Chairman, if we can not keep these trained men in the service on the active list, then we ought to utilize to a much greater extent the retired list. The pay of officers on the retired list is growing, not gradually, but by leaps and bounds, and if the present system keeps on it will only be a question of time when it will take more money to pay the men on the retired list than the men on the active list. If we must have them (we have got them, and I do not complain of it, for they were all gallant men and most of them retired against their will), let us utilize them in their present positions. We have a very large number of men on the active list who are engaged in detached A number of them are teaching school. A good many more of them are acting as recruiting agents, a duty which cer-"tainly does not require great physical strength. They are used for a number of purposes. I think we ought by legislative enactment to provide that the men on the retired list should perform these duties and the active officers kept with their commands.

In the American Army to-day there is 1 commissioned officer on an average to every 18 enlisted men, and a bill has passed the Senate and is now pending in this House which, if enacted into law, will bring up the ratio to 1 officer to every 15 enlisted men. Of course, the new men will go in as second lieutenants, boosting the other men up. They will stay in the army a few years, the Government will get a few years' service out of them, and then they will go upon the retired list. Their service to the Government will cease within a reasonable time, but their pay, like Tennyson's brook, will go on forever. It seems to me that this is a waste of the people's money. There is a feeling of unrest throughout the country over the enormous expenditures that are growing in every direction in this country.

Mr. GAINES of Tennessee. I should like to know how many have been retired in the last year or two.

Mr. HOLLIDAY. I am not able to give the gentleman the figures. I am simply stating a general proposition.

Now, we ought to save every penny to the country that we can, and when we educate a man at the expense of the taxpayers of the country, we ought to get out of him all the service that we can. We ought only to dispense with his services when he ceases to be useful. Of course every time when it is desired to increase the army or the navy somebody starts a war scare, and we turn pale over the prospect of an invasion by some great power, for which we are not prepared, and we vote all the money that is needed, and then the war scare gradually subsides. I am opposed to increasing the army at this time, and yet it is increased by little things that they keep asking for all along the line. It would not be good policy to go to the country and ask that a great many new regiments be recruited, but, indirectly and remotely, they manage to get more officers in the service every year; and after a while, when we get as many officers as there are enlisted men, we will have to recruit a big army in order to furnish the officers something to do. Against that I desire to protest.

And in this connection I wish to say that a disposition to spend money on the army, the navy, and everything else is growing at a tremendous rate in this country. This is probably the

last time that I shall trespass upon the indulgence of my fellow-

Members. I am going to leave this body—

Mr. MANN. Very much to our regret. [Applause.]

Mr. HOLLIDAY. I simply wish to remind you that there are still a few people in the United States who do not hold any office. They do not reap the emoluments so lavishly handed out by Congress, but they pay the bills and bear the burdens; and when you add vastly to salaries, to armaments, to navies, and armies somebody has got to pay the bills. It seems to me that sometimes in the debates of this House we look too steadily at the man who is the beneficiary of these various bills and forget about the people who pay the money and foot the bills. [Applause.] I suppose we will be called upon in a few days to vote largely to increase the salaries of the men who are already the best paid of any men in the United States. I suppose the proposition will go through. I have never known a proposition to increase a salary to fail in this House.

Mr. MANN. Oh, yes.

Mr. HOLLIDAY. Other Members may know of it, but I do not know of it. I want to say that I for one am going to stand for economy. I am going back to my constituents, I am going to mingle with the laboring men, the toilers among whom I have lived for so many years, and I want to be able to tell them that so far as my feeble voice was raised it was to lighten their burdens rather than to make them heavier.

We have a committee of very able men who are now devising ways and means for the purpose of raising money for this country, and then there are several hundred men who are equally busy devising ways of getting rid of it as fast as we raise it. [Laughter.]

We ought to call a halt somewhere in this matter of extrava-The people are demanding it. There is a feeling of unrest throughout the country growing out of it. Why, in the matter of raising these salaries they will come before the House in a few days, and one argument is that these men must have something with which to entertain. Gentlemen of the commit-tee, I have read the Constitution a few times, and I have never found any provision in it requiring any public official to do any entertaining whatever. I have read most of the general laws passed by Congress, and I have found no law requiring a man to expend money in lavish entertainments. And yet the people who pay the bills, the people who bear the burden, are expected to come forward with the cash to enable these men to dispense hospitality which they think is necessary for their social position. It is said that the judges of the country are unable to live and entertain properly on the salaries that they now receive.

I have heard it argued that we would get better judges and stronger men if we should pay them more money. I do not believe in the argument. I do not remember exactly what John Marshall was paid when he was Chief Justice of the United States, but my judgment is that his entire salary would not pay for more than one modern swallowtail dinner. And yet we have not improved upon John Marshall from that day down to this. [Laughter and applause.]

When we increase salaries the result is not to get better men, but to make a bigger scramble for the places. That has always been the result. So it is in all these matters. Let us practice economy; let us see that the people get a dollar's worth of benefit for every dollar expended. Let us not waste the money on the army or the navy.

Let me say to you, and I betray no confidence in saying it, that whenever a proposition comes in here to increase the pay of the army, they say it ought to be increased because the navy gets more than the army; and as soon as we bring the army up to the navy, the navy comes in and says the navy ought to have a little more than the army; and so we keep it up by this general process, a species of perpetual motion, and the Lord only knows when it will stop.

It is time to call a halt in all these matters. I observe that the gentleman from Minnesota [Mr. TAWNEY], the able chairman of the Committee on Appropriations, does his best every ession to keep the appropriations within reasonable bounds. The House generally runs over him, and what little is left of his mangled remains disappears when the bills go over to the other end of the Capitol. [Laughter.]

Let us forget during the closing days of this session to consider alone the beneficiaries of the measures to spend money, and let us give some consideration to the men who raise the money which we so lavishly disburse on the floor of the House. [Applause.]

Mr. KEIFER. Mr. Chairman, I would like to interrupt the gentleman a moment. I did not interrupt him to answer the question he asked in reference to when the limit of retirement was fixed for army officers, but I desire to say that long before

the limit was fixed for the retirement of the army officers there was a limit of time, 62 years, for officers in the navy. In 1882, as I recollect, at the suggestion of William Tecumseh Sherman, who was himself to become a retired officer, the limit of 64 years was made for officers in the army. The legislation came in the Forty-seventh Congress in that way, and General Sherman himself was one of the first to be retired under that limitation.

Mr. HOLLIDAY. I accept the explanation. I do not care who is responsible for it. I might say that the gentleman from Ohio who furnishes the information was himself a gallant and meritorious officer in the last war with Spain, and while I can not give his exact age, if he had been in the Regular Army he would not have had any command at all [laughter]; and so with General Wheeler and others who rendered such conspicuous service.

It only illustrates my argument. General Sherman was a great and good man. In his definition of war I most cordially concur, but I am not willing to acquiesce in every detail that

Let us think about that. We will probably have no general bill this session, but some time it will come. My proposition is not to keep a man in service after he ceases to be useful.

Mr. FOCHT. How about the Government paying for the support of the state troops? That is the next step, is it not?
Mr. HOLLIDAY. Yes; we have taken the militia under our

consideration, and it will only be a question of time until that will be on the retired list. A great many men have aspirations for different things, but there seems to be a practical unanimity

of aspiration to get on the retired list.

Mr. WANGER. Mr. Chairman, I would say that at the time of the Spanish war my frisky young constituent, Gen. William H. Davis, then about 80 years old, tendered his services to the Government and they were refused, and the same afternoon he called to pay his respects to Gen. James Longstreet, then about the same age, the latter using an ear trumpet in order that he might hear what was said. Those two vigorous youths declared that it was perfectly absurd, this policy of the Government in not accepting them on account of the years they had reached. [Laughter.]
The CHAIRMAN. The time of the gentleman from Indiana

has expired.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Perkins, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26915. the army appropriation bill, and had come to no resolution

SENATE CONCURRENT RESOLUTIONS AND BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolutions and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 76.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 77.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 78.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Willamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 79.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof—

to the Committee on Rivers and Harbors,

Senate concurrent resolution 81.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River from the mouth of the Willamette River to the ocean, in the States of Oregon and Washington, and of the Willamette River, in the State of Oregon, from the city of Portland to the mouth of the river, with a view to securing and maintaining a uniform depth of not less than 30 feet at the lowest stage of water in said rivers from said city of Portland to the ocean, such survey and estimates to be reported to Congress—

to the Committee on Rivers and Harbors. S. 8021. An act to prohibit the importation and use of opium for other than medicinal purposes—to the Committee on Ways and Means.

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn."-to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the east-

the circuit and district courts of the United States for the eastern and middle districts of Tennessee;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes: ary 15, 1903, and for other purposes;

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in

the Cayuse Indian war of 1847 and 1848; and H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States.

ADJOURNMENT.

Then, on motion of Mr. Hull of Iowa (at 5 o'clock and 26 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of the Treasury, transmitting a

copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of an organ for the chapel of the Military Academy (H. Doc. No. 1377) -to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for improvements at West Point Military Academy (H. Doc. No. 1378)-to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for expenses of Coast and Geodetic Survey (H. Doc. No. 1379)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows

Mr. HOWELL of Utah, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8357) to extend the time for disposing of lands on the Huntley project, within the ceded Crow Indian Reservation, Mont., reported the same without amendment, accompanied by a report (No. 1976), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880, reported the same without amendment, accompanied by a report (No. 1979), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to
which was referred the bill of the House (H. R. 381) providing
for the repair and rebuilding of the road from Harrisonville,
N. J., to the post at Fort Mott, N. J., and the national cemetery
at Finns Point, New Jersey, reported the same without amendment, accompanied by a report (No. 1981), which said bill and
report were referred to the Committee of the Whole House on
the state of the Union the state of the Union.

Mr. BATES, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred House Document No. 1286, relative to the disposal of useless papers in the executive departments, submitted a report thereon (No. 1982), which said report was referred to the House Calendar.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24635) to create a new division in the middle judicial district of the State of Tennessee, reported the same with amendments, accompanied by a report (No. 1984), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred House bill 19873, reported in lieu thereof a resolution (H. Res. 518) referring to the Court of Claims the papers in the case of the legal representatives of William P. Bird, accompanied by a report (No. 1974), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 27253, reported in lieu thereof a resolution (H. Res. 519) referring to the Court of Claims the papers in the case of Carl G. and John Palm, accompanied by a report (No. 1975), which said resolution and report were referred to the Private

Mr. LEE, from the Committee on War Claims, to which was referred House bill 21420, reported in lieu thereof a resolution (H. Res. 521) referring to the Court of Claims the papers in the case of John B. De Bord, accompanied by a report (No. 1977), which said resolution and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred House bill 2897, reported in lieu thereof a resolution (H. Res. 522) referring to the Court of Claims the papers in the case of G. W. Howland, accompanied by a report (No. 1980), which said resolution and report were referred to the Private

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16854) for the relief of James Easson, reported the same without amendment, accompanied by a report (No. 1973), which said bill and report were referred to the Private Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 1978), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 18360) granting an increase of pension to John Kennedy, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. WASHBURN: A bill (H. R. 27310) to amend and consolidate the acts respecting copyright—to the Committee on Patents

By Mr. JENKINS: A bill (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."—to the Committee on the Judiciary. By Mr. RANDELL of Texas: A bill (H. R. 27312) providing

for the appointment of a clerk for the district court for the eastern district of Texas and for the maintenance of his office and Invalid Pensions.

deputies, and for other purposes—to the Committee on the Judi-

ciary

By Mr. HAMMOND: A bill (H. R. 27313) to create in the Department of War a roll to be known as the "Volunteers' honor roll" and to authorize placing thereon with half pay certain persons who served in the United States Army, Navy, or Marine Corps during the civil war-to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 27314) providing for the appointment of a clerk for the eastern district of Texas and the maintenance of offices for said clerk or deputies at each of the divisions of the district where terms of court are held-to the

Committee on the Judiciary.

By Mr. CHAPMAN: A bill (H. R. 27315) to appropriate money for a protecting wall on the Ohio River at Fort Massac Park, Massac County, Ill.—to the Committee on Rivers and

By Mr. CALDER: A bill (H. R. 27316) providing for the raising of the U. S. battle ship Maine in Habana Harbor and to provide for the interment of the bodies therein—to the Committee on Appropriations.

By Mr. SMITH of Michigan: A bill (H. R. 27317) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907—to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 27318) to require radio-telegraphic installations and radio telegraphers on certain ocean steamers—to the Committee on Interstate and Foreign Com-

merce.

By Mr. MARSHALL: A bill (H. R. 27319) authorizing railway companies to purchase lands in Indian reservations for reservoirs, material or ballast pits, and for the purpose of planting and growing trees for the protection of their lines of railway from snow—to the Committee on Indian Affairs.

By Mr. HOBSON: A bill (H. R. 27320) to provide for experi-

ments in the delivery of merchandise packages on rural freedelivery routes-to the Committee on the Post-office and Post-

By Mr. STEVENS of Minnesota: A bill (H. R. 27321) to enlarge the Interstate Commerce Commission—to the Committee

on Interstate and Foreign Commerce.

By Mr. OLCOTT (by request): A bill (H. R. 27322) providing for a return-delivery service by the Post-Office Department of books, including under the name all magazines and pamphlets rated as second class, but not newspapers nor advertising publi-

cations—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Indiana: A bill (H. R. 27360) to divide
the judicial district of Indiana into divisions, and for other
purposes connected therewith—to the Committee on the Judiciary

By Mr. FRENCH: Memorial of the legislature of Idaho, asking appropriations for improvement of Columbia and Snake rivers-to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 27323) for the relief of the legal representatives of Henry Callier, deceased-to the Committee on War Claims.

By Mr. BARNHART: A bill (H. R. 27324) for the relief of Levi C. Smith-to the Committee on War Claims.

Levi C. Smith—to the Committee on War Claims.

Also, a bill (H. R. 27325) granting an increase of pension to Samuel R. Jennings—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 27326) granting a pension to George Graff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27327) granting an increase of pension to Mary R. Greer—to the Committee on Pensions.

Also, a bill (H. R. 27328) granting an increase of pension to Henry P. Marley—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27329) granting an increase of pension to Joseph D. Armstrong—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27330) granting an increase of pension to Clay Doolittle-to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 27331) granting an increase of pension to Frederick Kahler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27332) granting an increase of pension to Henry H. Clark—to the Committee on Invalid Pensions, By Mr. CLARK of Missouri: A bill (H. R. 27333) granting

an increase of pension to John R. Miller-to the Committee on

By Mr. COOPER of Pennsylvania: A bill (H. R. 27334) granting an increase of pension to Charles A. Divelley-to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 27335) granting a pension to Emma E. Turner—to the Committee on Pensions,

By Mr. DE ARMOND: A bill (H. R. 27336) for the relief of Robert Graham—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 27337) for the relief of Charles Brown Calvert-to the Committee on Claims,

By Mr. DRISCOLL: A bill (H. R. 27338) for the relief of Liston H. Pearce—to the Committee on Military Affairs.

Also, a bill (H. R. 27339) granting an increase of pension to Goold B. Harris-to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27340) for the relief of Adolph M. Cohen—to the Committee on War Claims.

Also, a bill (H. R. 27341) for the relief of the estate of C.

Royal, deceased—to the Committee on War Claims. By Mr. FASSETT: A bill (H. R. 27342) to amend the military record of David H. Dickinson—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 27343) granting an increase of pension to Michael Burns—to the Committee on Invalid Pen-

By Mr. HINSHAW: A bill (H. R. 27344) granting an increase of pension to John E. Cook-to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 27345) granting an increase of pension to George W. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27346) granting an increase of pension to Dixon A. Jenkins—to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 27347) granting a pension to Charles Ladshaw—to the Committee on

By Mr. LANGLEY: A bill (H. R. 27348) granting a pension to John M. Linvell—to the Committee on Pensions.

Also, a bill (H. R. 27349) granting a pension to James B. Strong-to the Committee on Pensions.

Also, a bill (H. R. 27350) for the relief of Gilbert Yates-to the Committee on War Claims.

Also, a bill (H. R. 27351) granting an increase of pension to

William Snowden—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 27352) granting an increase of pension to Michael G. Kaufmann-to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 27353) authorizing the President to transfer First Lieut. George G. Craig, Medical Reserve Corps, U. S. Army, to the Medical Corps, U. S. Army, and place him on the retired list—to the Committee on Military

By Mr. MARSHALL: A bill (H. R. 27354) granting an increase of pension to John C. Moore—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27355) granting a pension to Charles D. Munger—to the Committee on Invalid Pensions.
By Mr. MOORE of Pennsylvania: A bill (H. R. 27356) grant-

ing an increase of pension to Thomas Kelly-to the Committee on Pensions.

By Mr. SWASEY: A bill (H. R. 27357) granting an increase of pension to Isaac W. Comery—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 27358) granting an increase of pension to William Nutt-to the Committee on Invalid Pen-

By Mr. VOLSTEAD: A bill (H. R. 27359) granting an increase of pension to Ezra P. Byram-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Paper to accompany bill for relief of Aaron S. Lynn (H. R. 27154)—to the Committee on Military Affairs. By Mr. ALLEN: Petition of Adeline S. Brett and 12 others, against parcels-post and postal savings bank laws-to the Com-

mittee on the Post-Office and Post-Roads. By Mr. ASHBROOK: Petition of Adams, Thompson & Co. favoring modification and equalization of duty on various kinds of oilcloths and linoleum-to the Committee on Ways and

By Mr. BANNON: Papers to accompany bill granting an increase of pension to William Stakely—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of St. Louis City Division of the National German-American Alliance, against the Humphrey bill and any prohibition amendments to the penal code-to the

Committee on the Judiciary.

By Mr. BATES: Paper to accompany bill for relief of George

Graff—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petition of citizens of Dubuque, Iowa, against a tariff on tea and coffee-to the Committee on Ways and Means.

Also, petition of Charles Payne Post, No. 141, Grand Army of the Republic, against a volunteer officers' retired list-to the Committee on Military Affairs.

Also, petition of citizens of Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BURKE: Petition of the J. K. McKee Company and

the Pittsburg Dry Goods Company, favoring the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transporta-

tion, for increase of salaries of United States judges-to the Committee on the Judiciary.

By Mr. CALDER: Petition of National Lumber Manufacturers' Association, against any reduction of duty on lumber and shingles-to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges (S. 6973)-to the Committee on Appropriations.

Also, petition of board of directors of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon-to the Committee on Agri-

By Mr. CAMPBELL: Petition of Socialist Local of Pittsburg, Kans., against extradition of Rudovitz and Pouren by the Russian Government—to the Committee on Foreign Affairs.

By Mr. CLARK of Missouri: Petition of J. C. Nelson, of

Sharpsburg, Ky., for repeal of tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of Builders' Exchange of Philadelphia, favoring replacing gypsum rock on the

free list-to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of N. J. Hutchinson and others, for the creation of a national highways commission and for an appropriation to give federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of business men of Genoa Junction, Wis., against parcels post on the rural maildelivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

Also, petition of various residents of Wisconsin, favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. DENBY: Petition of legislative committee of National Grange, favoring federal aid to highways-to the Committee on Agriculture.

By Mr. EDWARDS of Georgia: Paper to accompany bill for relief of Adolph M. Cohen-to the Committee on War Claims.

By Mr. ESCH: Petition of American Protective Tariff League. against creation of a tariff commission—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Hon. W. N. Sterret and others, favoring parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Capt. J. W. Muller, favoring H. R. 7620, to establish a naval militia—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petition of Ira Valley Grange, No. 342, Patrons of Husbandry, of Ira, Vt., in favor of H. R. 15837, for a national highways commission and appropriation giving federal aid to construction and maintenance of public highways-to the Committee on Agriculture.

Also, petition of citizens of Londonderry, Stratton, and Ja-aica, Vt., against passage of Johnston bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of Chicago-Toledo-Cincinnati Deep Water Association, of Defiance, Ohio, for construction of a canal between Toledo and Chicago, Ill., and for the enlargement of the Miami and Erie Canal between Cincinnati and To--to the Committee on Interstate and Foreign Commerce.

Also, petition of the Antisaloon League of America, of Washington, D. C., favoring the Gallinger bill (S. 7305), providing for local option in city of Washington-to the Committee on the District of Columbia.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Hiram Binkley (previously referred to the Committee on Invalid Pensions)-to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of Capt. J. W. Muller, favoring H. R. 7620, to establish a naval militia-to the Committee on

Naval Affairs.

By Mr. GRAHAM: Petition of New York Board of Trade and Transportation, favoring increase of salaries of United States

judges-to the Committee on Appropriations.

Also, petition of J. K. McKee Company and the Pittsburg Dry Goods Company, favoring amendment to the bankruptcy act as per the Sherley bill (H. R. 21929)—to the Committee on the Judiciary

By Mr. HAMMOND: Petiton of Fred Hartmann and others of Walters, Minn., against a tariff on tea and coffee-to the

Committee on Ways and Means.

By Mr. HAYES: Petition of San Jose (Cal.) Grange, No. 10, Patrons of Husbandry, favoring establishment of postal savings banks and a parcels post-to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of Charles Ladshaw-to the Committee on Pen-

sions

By Mr. KAHN; Petitions of N. E. Cornwell and 168 other residents of Eureka, Cal.; E. A. Pedersen and 95 other residents of Eureka, Cal.; D. Hugst and 94 other residents of Seattle, Wash.; and J. P. Prain and 83 other residents of Port Costa, Cal., favoring an exclusion law against all Asiatics save travelers, students, and merchants-to the Committee on Foreign Affairs

By Mr. LOUD: Petition of Golden Grange, No. 977, of Auburn, Mich., against the parcels-post and postal savings banks system-

to the Committee on the Post-Office and Post-Roads.

Also, petition of Sterling Grange, No. 1105, of Sterling, Mich., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agricul-

By Mr. NELSON: Petition of merchants and shoe dealers of Madison, Wis., asking for repeal of duty on hides-to the Com-

mittee on Ways and Means.

Also, petition of citizens of Second Congressional District of Wisconsin, against passage of Senate bill 3490—to the Committee on the District of Columbia.

Also, petition of dealers and growers of beans, favoring present duty on beans—to the Committee on Ways and Means.

Also, petition of citizens of Blue Mound, Wis., favoring na-

Also, petition of citizens of Blue Mound, Wis., lavoring national highways commission—to the Committee on Agriculture.

Also, petition of business men of Stoughton and De Forest,
Dane County, Wis., against parcels-post legislation in any
form—to the Committee on the Post-Office and Post-Roads.

Also, petition of lawyers of Wisconsin, favoring an increase of salaries to judges of federal courts—to the Committee on

Appropriations.

By Mr. OVERSTREET: Petition of Lumbermen's Club of Memphis, Tenn., against reduction of duty on lumber-to the

Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

By Mr. ROBINSON: Paper to accompany bill for relief of

George H. Preddy-to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Kalmbach & Glenan and 28 others, of South Lyon, Mich., against a parcels-post and postal savings banks law-to the Committee on the Post-Office and Post-Roads.

Also, petition of P. A. Sherman and 36 others, of Michigan, against reduction of tariff on beans—to the Committee on

Ways and Means. By Mr. SWASEY: Petition of sundry citizens of Richmond, Me., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Brownfield, Me., for a national highways commission and federal aid in construction of high-

ways (H. R. 15837)—to the Committee on Agriculture.

By Mr. TIRRELL: Petition of Fred R. Trask and others, favoring parcels-post and postal savings banks laws-to the

Committee on the Post-Office and Post-Roads. Also, petitions of Frank W. Denby and others and H. P. Harriman and others, for national highways commission and federal aid in construction of public roads (H. R. 15837)-to the Committee on Interstate and Foreign Commerce

Also, paper to accompany bill for relief of William Nutt—to the Committee on Invalid Pensions.

Mr. VREELAND: Petition of residents of Cattaraugus County, N. Y., in favor of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads,

By Mr. WHEELER: Petition of Rassilas Grange, No. 1187, for the creation of a national highways commission (H. R. to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of Hon. F. H. Rockwell and 10 other residents of Tioga County, Pa., favoring establishment of a parcels-post and postal savings banks system-to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Paper to accompany bill for relief of William S. Dumont-to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 29, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous

consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and the conclusions of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel schooner Rebecca, Mildmay Smith and John Hall, master (H. Doc. No. 1382), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, and recedes from its disagreement to the amendments of the Senate Nos. 24, 26, and 27, and agrees to the

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5473) to authorize the Secretary of the Navy to mitigate or remit loss of rights of citizenship in certain cases.

The message further announced that the Speaker of the House had appointed Mr. Gaines of West Virginia and Mr. Rucker of Missouri as tellers on the part of the House in pursuance of the provisions of Senate concurrent resolution No. 57, providing for the counting of the electoral votes for President and Vice-President on February 10, 1909.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the

concurrence of the Senate:

H. R. 25396. An act for relief of applicants for mineral sur-

veys; and H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Asiatic Exclusion League of North America, remonstrating against the suspension of all legislation by the people of California toward the segregation of the children of Asiatics in the public schools and the ownership of land by aliens in that State, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fifth National Encampment, United Spanish War Veterans, of Hartford, Conn., pray ing that an appropriation be made for raising the wreck of the battle ship Maine, which was referred to the Committee on

Naval Affairs.

He also presented a petition of the West Wisconsin Conference of the Methodist Episcopal Church of La Crosse, Wis., praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, and also to require all persons engaged in interstate commerce to give those who work on Sunday a full rest day during the succeeding week, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the board of trustees of the Newberry Library, in the State of Illinois, praying for the repeal of the duty on books and other printed matter, and remonstrating against any diminution of the privileges that libraries now possess, which was referred to the Committee on

Finance.

Mr. FRYE presented a petition of sundry citizens of the State of Maine and a petition of sundry citizens of West Baldwin, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented petitions of sundry citizens of San Jose, Cal., praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States except merchants, students, and travelers, and remonstrating against the enactment of legislation to extend the right of naturalization, which were referred to the Committee on Immigration.

He also presented a memorial of the Manufacturers and Producers' Association of California, of San Francisco, Cal., and a memorial of the Merchants' Exchange of Oakland, Cal., remonstrating against any change being made in the provision for the construction of a collier at the Mare Island Navy-Yard, in that State, which were referred to the Committee on Naval Affairs

Mr. GALLINGER presented a memorial of sundry citizens of Washington, D. C., remonstrating against any appropriation being made for the maintenance of playgrounds in any of the improved public parks in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry property owners residing on K street NW., Washington, D. C., remonstrating against the enactment of legislation to incorporate the Washington, Baltimore and Annapolis Railway Company, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the North Capitol and Eckington Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation to extend the tracks of the Washington Railway and Electric Company through Truxtun Circle in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of the Shenandoah Valley Fruit Growers' Association of the State of Wyoming, praying for the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris green, etc., and for regulating traffic therein, which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of the Commercial Club of Beatrice, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Grain Exchange of Omaha, Nebr., praying for the adoption of certain amendments to the present interstate-commerce law relative to the limitation of power of common carriers to impose any freight rate upon the public, which was referred to the Committee on Interstate Com-

He also presented a petition of the Grain Exchange of Omaha, Nebr., praying for the enactment of legislation providing the appointment of a commission to investigate the grain trade of the country relative to the first handling at terminal markets and the exportation of grain and kindred matters, which was referred to the Committee on Agriculture and Forestry

He also presented an affidavit to accompany the bill (S. 8204) granting an increase of pension to Mary E. Kellogg, which was referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 8205) granting an increase of pension to Osmund Mikesell, which were referred to the Committee on Pensions.

Mr. RAYNER presented a petition of Local Grange, Patrons of Husbandry, of Beltsville, Md., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-

Mr. PAGE presented a petition of Passumpsic Valley Grange, No. 322, Patrons of Husbandry, of Passumpsic, Vt., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

MINING TECHNOLOGY BRANCH IN THE GEOLOGICAL SURVEY.

Mr. DICK. I present a brief in the form of a memorial having reference to the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey. I wish to say that at some early day, when it does not interfere with other business which has preference under the Senate rules, I shall ask the consideration of the joint resolution by the Senate. I ask that the memorial lie on the table and that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram]

Indianapolis, Ind., January 26, 1909.

. Charles Dick, Chairman Committee Mines and Mining, U. S. Senate, Washington, D. C.:

Washington, D. C.:

Washington, D. C.:

There is pending before your honorable body a bill to create a bureau of mines and mining. Through you and to the Members of the United States Senate we, the chosen representatives of the United Mine Workers of America, in convention assembled, numbering nearly fourteen hundred, and speaking for over 600,000 mine workers and their families, ask for a speedy consideration and passage of the measure to create a bureau of mines and mining.

UNITED MINE WORKERS OF AMERICA,
T. L. LEWIS, President.

JOHN P. WHITE, Vice-President.
W. D. RYAN, Secretary and Treasurer.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 8712) to authorize the Secretary of the Interior to issue patents for town lots in the village of Neah Bay, Wash.

(Report No. 874); and A bill (S. 8781) to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation (Report No. 875)

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 8187) to change the name of the Washington Hospital for Foundlings, reported it

without amendment and submitted a report (No. 876) thereon.
Mr. CARTER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the

Bladensburg road (Report No. 877); and A bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia (Report No. 878

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells, reported it with an amendment and submitted a report (No. 879) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, reported it with an amendment and submitted a report (No. 880) thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 4396) to provide additional land for the Jackson school, in the District of Columbia, submitted an adverse report (No. 881) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the following bills, reported them each with an amendment and

submitted reports thereon:
A bill (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906 (Report No. 883); and

A bill (S. 7657) to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia" (Report No. 882).

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7006) to correct the military record of George W. Hedrick, reported it without amendment and submitted a report (No. 884) thereon.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 3175) to correct the military record of Irvine Agee, reported it with an amendment and submitted a report (No. S86) thereon.

Mr. HEMENWAY, from the Committee on Appropriations, to

whom was referred the amendment submitted by Mr. WARNER on the 21st instant, proposing to appropriate \$25,000 to increase the limit of cost for the public building at Maryville, Mo., intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and

Grounds, which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 25805) to reenact and to amend sections 3646 and 3647 of the Revised Statutes, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads, which was agreed to.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 7379) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported it with amendments and submitted a report (No. 887) thereon.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. CLAPP, from the Committee on Indian Affairs, reported the following resolution (S. Res. 269), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Indian Affairs be authorized to have printed hearings before that committee.

INDIAN RIVER BRIDGE, FLORIDA.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 26073) to legalize a bridge across Indian River North, in the State of Florida, to report it favorably without amendment. I desire to call the attention of the senior Senator from Florida to the bill.

Mr. TALIAFERRO. I ask unanimous consent for the con-

sideration of the bill just reported by the Senator from Wash-

ington.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALASKA SHORT LINE RAILBOAD.

Mr. PILES. I am directed by the Committee on Territories, to whom was referred the bill (S. 7781) to extend the time for the construction and beginning construction of the Alaska Short Line Railroad in Alaska, to report it favorably with an amendment, and I submit a report (No. 885) thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary proceeded to read the bill.
Mr. KEAN. I think the bill had better go over.
The VICE-PRESIDENT. The bill will go to the calendar.

FIFTH REGIMENT MARYLAND NATIONAL GUARD.

Mr. SMITH of Maryland. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. J. Res. 200) granting to the Fifth Regiment Mary land National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District, to report it favorably without amendment, and I submit a report (No. 873) thereon. I ask for the present consideration of the joint reso-

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded

to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

Mr. GALLINGER. There is on the calendar a joint resolu-tion of like character, recently reported, which should be in-definitely postponed. I move that the joint resolution (S. R. 113) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 8928) granting an increase of pension to Mary H. Wham, which was read twice by its title

and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described, which was read twice by its title and referred to the Committee on Public Lands.

Mr. DEPEW introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8930) granting an increase of pension to Jacob

Both: and

A bill (S. 8931) granting an increase of pension to Nora C. Calhoun.

Mr. DEPEW introduced a bill (S. 8932) to amend the record of David H. Dickinson, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8933) regulating the pay of mail routes on Long Island, New York, operated by steam or electric power, which was read twice by its title and referred to

the Committee on Post-Offices and Post-Roads.

Mr. PERKINS introduced a bill (S. 8934) for the relief of certain officers of the late Second Regiment Louisiana Volunteer Cavalry, which was read twice by its title and, with the ac-companying paper, referred to the Committee on Military Affairs.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Commit-

A bill (S. 8935) for the relief of the heirs or legal representatives of Joseph Ezernack, deceased (with an accompanying paper); and

A bill (S. 8936) for the relief of the heirs or legal representa-

tives of Eugene Senette, deceased.

Mr. HEMENWAY introduced a bill (S. 8937) to remove the charge of desertion from the military record of Dale O. Stewart, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on

Pensions:

A bill (S. 8938) granting a pension to Rose A. Doyle; and

A bill (S. 8939) granting a pension to Anna Schuler.

Mr. du PONT introduced a bill (S. 8940) granting an increase of pension to William H. Douglas, which was read twice by its title and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 8941) providing the manner of making payments for water rights under reclamation act of June 17, 1902, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BAILEY (by request) introduced a bill (S. 8942) granting a pension to Franklin A. Alverson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8943) for the relief of David H. Lewis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8944) granting an increase of pension to Caroline

A bill (S. 8945) granting an increase of pension to George

A bill (S. 8946) granting an increase of pension to Charles

A bill (S. 8947) granting an increase of pension to Samuel H. Luther

A bill (S. 8948) granting an increase of pension to William McClarance; and

A bill (S. 8949) granting an increase of pension to Andrew Marshall.

Mr. CUMMINS introduced a joint resolution (S. R. 121) directing the selection of a site and the erection of a pedestal for a bronze statue of William B. Allison in Washington, D. C., which was read twice by its title and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate \$2,830.79 for the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1910, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. RAYNER submitted an amendment proposing to appropriate \$250,000 for the construction of two concrete piers at the Naval Academy, Annapolis, Md., etc., intended to be proposed

by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$2,000,000 toward the construction of a dry dock at the navy-yard, Pensacola, Fla., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate

\$15,000 to complete the marine railway at the naval station. Key West, Fla., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee

on Naval Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment authorizing the Secretary of the Interior to grant lands adjacent to any railway company owning or operating a line of railway in any Indian reservation for reservoirs, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. TELLER submitted an amendment authorizing the Secretary of the Interior to expend from the funds of the Southern Ute Indians sufficient moneys to purchase a perpetual water right for the purpose of irrigating not less than 10,000 acres of land in the Southern Ute Indian Reservation in Colorado, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and

ordered to be printed.

He also submitted an amendment providing that whenever the Indian school at Grand Junction, Colo., shall be discontinued by order of the Secretary of the Interior the lands now used and occupied shall become the property of the State of Colorado for educational purposes, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation for the construction and maintenance of military and post roads, bridges and trails in Alaska from \$350,000 to \$1,000,000, intended to be proposed by him to the army appropriation bill, which was referred to the Committee

on Military Affairs and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate \$45,000 to increase the limit of cost for the erection of a public building at Missoula, Mont., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to

the Committee on Appropriations.

Mr. BURROWS submitted an amendment providing that after June 30, 1909, clerks and carriers at first-class post-offices shall be promoted successively to the sixth grade, and clerks and carriers at second-class post-offices shall be promoted successively to the fifth grade, intended to be proposed by him to the postoffice appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate \$85,000 for the pay of all letter carriers in first-class post-offices eligible for promotion to the sixth grade, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and

ordered to be printed.

He also submitted an amendment proposing to appropriate \$150,000 for the pay of all post-office clerks eligible for promo-tion to the sixth grade, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be

INSPECTION AND GRADING OF GRAIN.

Mr. BOURNE submitted an amendment intended to be proposed by him to the bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce and to secure uniformity in standards and classification of grain, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CANAL TO THE GULF OF MEXICO.

Mr. MILTON submitted the following concurrent resolution (S. C. Res. 82), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made to ascertain the most feasible and practicable route to build a canal or inland waterway on the shores of the Gulf of Mexico connecting St. Andrews Bay, in the State of Florida, and the Mississippi River near New Orleans, in the State of Louisiana, with a view to determining the advantage, best location, and probable cost of such canal or inland waterway, and to submit a plan and an estimate for such improvements.

DISTRICT JAIL, WORKHOUSE, ETC.

Mr. GALLINGER. Mr. President, at the last session we passed legislation empowering the President to appoint a commission to investigate the jail, workhouse, and so forth, of the District of Columbia. A commission, consisting of Mr. Justice Stafford, of the district court, Mr. John Joy Edson, and Mr. Robert V. La Dow, was appointed by the President. After visiting various jails, workhouses, and penitentiaries in many of the cities of the country, that commission has made a very illuminating report, which, if the recommendations are adopted, will result in removing from the District of Columbia a condition that is a reproach to civilization.

The document was ordered printed in the usual number, but there is a very great demand coming in for it and the com-mission desires additional copies. I ask unanimous consent that 1,000 additional copies of the document be printed, 500 for the commission and 500 copies for the document room of the

Senate.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 1,000 additional copies of Senate Document No. 648, Sixtieth Congress, second session, "Jail, workhouse, etc., in the District of Columbia," 500 for the use of the Senate document room and 500 for the use of the commission appointed to investigate the jail, workhouse, etc., in the District of Columbia, be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I gave notice yesterday that at the conclusion of the routine morning business to-day I would move to take up the bill (8, 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

I overlooked the fact that the Senator from Oregon was pro-

ceeding with the omnibus claims bill under a unanimous consent agreement. In view of that, I will wait until he is through

with that bill before making the motion.

ACCIDENTS TO RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The morning business is closed. and the Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read Senate resolution 267, submitted on the

27th instant by Mr. Clarke of Arkansas, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to send to the Senate a statement showing the number of railroad employees killed and injured each year since June 30, 1901, from the following causes:

1. Lack of, insecure, and improperly applied sill steps;
2. Inefficient and improperly applied hand brakes;
3. Insecure and improperly applied ladders;
4. Lack of, insecure, and improperly applied roof hand holds or grabitons; and

irons; and
5. Lack of, insecure, and improperly applied running boards.

Mr. HALE. Mr. President, there is so much of labor and cost involved in the resolution that I think the committee having charge of such matters should consider it. Therefore I move that it be referred to the Committee on Interstate Commerce.

Mr. CLARKE of Arkansas, Mr. President, it was not my purpose, in the introduction of the resolution, to call for the employment of additional clerks or to call for the collection of information on a new subject. The fact is that the Interstate Commerce Commission are in possession of the information called for by the resolution. But I realize the force of the suggestion made by the Senator from Maine, and I have no objection to the resolution going to the Committee on Interstate Commerce, with the understanding that it will make a timely investigation as to whether or not it will involve an additional outlay of money in the employment of new clerks. If it does not, the information called for will be very useful in legislating upon the question of the relation between the employees and employers of the railroads of the country.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine that the resolution be re-

ferred to the Committee on Interstate Commerce.

The motion was agreed to.

COUNTING OF ELECTORAL VOTES.

The VICE-PRESIDENT appointed Mr. Burrows and Mr. Balley tellers on the part of the Senate, authorized by the con-current resolution of the two Houses providing for the opening and counting of the electoral votes for President and Vice-President of the United States on February 10, 1909.

CITIZENSHIP OF NAVAL DESERTERS.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amend-

ments of the House and agree to the same.

GEORGE C. PERKINS, J. H. GALLINGER, B. R. TILLMAN, Managers on the part of the Senate. ERNEST W. ROBERTS, A. F. DAWSON, L. P. PADGETT,

Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on this day, January 29, 1909, approved and signed the following bill:

S. 2024. An act to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

HOUSE BILLS REFERRED.

H. R. 25396. An act for relief of applicants for mineral surveys was read twice by its title and referred to the Committee

on Public Lands.

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909, was read twice by its title and referred to the Committee on Military Affairs.

OMNIBUS CLAIMS BILL.

The VICE-PRESIDENT. The Chair lays before the Senate House bill 15372, under the unanimous-consent agreement.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Oregon [Mr. Fulton].

Mr. KEAN. Mr. President, I desire to call attention to the last item in the bill that was put in yesterday, the Hall case. I have since obtained additional information in regard to that claim. I find it has been in the Supreme Court of the United States; and Mr. Justice Peckham, in deciding the case, said:

Under the holdings of the Court of Claims and of this court, it is perfectly apparent that the result of the passage of the act of February 13, 1895, was simply to bestow a pure gratuity to the amount of the difference between the contract price and the board rates upon those persons included within its provisions. There is no element of a legal or an equitable claim, within the proper meaning and signification of those words, on the part of any of those who will profit by the act of February 13, 1895, against the municipal authorities of the District.

I call the attention of the Senate to the fact that in 1895, Mr. Dockery, of Missouri, when the claim was up in the House, pre-sented a statement of the number of claims that would be opened if this class of claims were allowed, and that it would put a burden on the District of Columbia of more than a million and a half dollars.

I do not think this is a proper claim to be allowed. It opens a class of cases that ought not to be passed on by Congress at

this time.

Mr. FULTON. Mr. President—
The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. KEAN. Certainly.

Mr. FULITON. I regret that I was unable to hear the Senator as to the distinct ground of his objection to the item.

Mr. KEAN. I object to the item because it opens a large class of claims against the District of Columbia that have been in controversy for a long number of years and will entail on the District of Columbia an expense of about a million and a half dollars; and the Supreme Court of the United States has decided against it.

With the permission of the Senate, I will have incorporated in the RECORD the report of the auditor of the District of Columbia on these claims, made in 1902.

The matter referred to is as follows:

Letter of the auditor of the District of Columbia to the Commissioners of the District of Columbia in relation to bill for the relief of Julia L. Hall, being S. 1308, and also H. R. 1727, Fifty-seventh Congress, first session, now pending as No. 615 on the Private Calendar of the House of Representatives.

Office of the Auditor of the District of Columbia, Washington, March 17, 1902.

COI. R. A. Howard, special assistant attorney, saw his opportunity, and made the point that as the allowance of board rates in excess of contract rates by the act of February 13, 1895, constituted a gratuity, interest could not be claimed prior to the date of the act itself. The Court of Claims overruled this contention, but he appealed to the Supreme Court of the United States. This august body entertained appeals in the cases of Contractor Hall and three others of like character, and under date of February 15, 1887, reversed the Court of Claims, sustaining thereby the position of Special Assistant Attorney Howard. Mr. Justice Peckham delivered the opinion of the court, and in passing upon the question of interest took occasion also to characterize the claims themselves, including that of Contractor Hall, as follows:

"Under the holdings of the Court of Claims and of this court it is perfectly apparent that the result of the passage of the act of [February 13] 1895 was simply to bestow a pure gratuity to the amount of the difference between the contract price and the board rates upon those persons included within its provisions. There is no element of a legal or an equitable claim, within the proper meaning and signification of those words, on the part of any of those who will profit by the act of [February 13] 1895 against the municipal authorities of the District. The act bestowed a pure and simple gift."

The report of the Committee on Claims, which accompanied Senate bill 1308, opens with a biographical sketch of the late claimant and his wife, which is interesting from a personal and literary standpoint, but, if I may be pardoned for differing with its honorable author, is irrelevant and without value as a demonstration of the justice or equity of the claim. Its averment that the contractor had formerly been a good soldier and that his widow's pension is only \$8 per month is doubtless true, but it would be more in keeping with a memorial for increase of pension from the United States Treasury than as an a

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Mr. FULTON. Mr. President, this item was inserted on the motion of the senior Senator from Colorado [Mr. Teller], whose explanation seemed to make it clear that it is a just and meritorious claim. It has been some months since I went over the facts, and they are not very clear in my mind. I will ask the Senator from Colorado, as he is more familiar with the claim, to explain it.

Mr. TELLER. Mr. President, Captain Hall was a resident of this city. He is now dead. He made a contract with the proper authorities for furnishing a certain quantity of stone from a quarry that he owned in the immediate neighborhood. He furnished the stone according to the contract. He was to have been paid in money. When the proper time came for payment they could not pay him in money, and turned over to him a lot of bonds, I do not know but that they might be called warrants, which he sold at a discount. Then he brought his suit in the Court of Claims, and the Court of Claims rendered a judgment in his favor for the amount that was due him for the delivery of the stone. He claimed also that he was entitled to the loss he had sustained by accepting the warrants instead of cash. The claim was for what the Government had not paid

The court rendered a decision and with it gave him interest on the debt the District Government had not paid him. The case was reversed on the ground that he was not entitled to interest. But the judgment that is here now is not for interest, it is not for discount on notes or warrants, but it is for the stone he delivered under a contract and for which he was not paid.

Mr. KEAN. If the Senator will allow me-

Mr. TELLER. In a minute. The matter has been before Congress for a good many years. It outlived Captain Hall, and I presume it will outlive his wife, if she is not very long lived at least

Mr. KEAN. I hope it will outlive everyone and never be

Mr. TELLER. There was never any reason presented to the Senate and there is none now why the claim should not be paid. It is as honest a debt as any man ever owed at a bank. judgment is not on the discount—the judgment is for materials furnished.

Mr. KEAN. Mr. President

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. TELLER. I think, after having examined this case for the last fifteen years, I know as much about it as the Senator from New Jersey does

Mr. KEAN, Probably the Senator knows more,

Mr. TELLER. I have not come prepared to give all the data on a matter that has been pending here and has passed out of my knowledge. I know that this is a claim that ought to be paid. It has been reported favorably by not only the Court of Claims, but it has been reported favorably by the Committee on Claims.

Mr. KEAN. And decided adversely by the Supreme Court of the United States.

Mr. TELLER. This case has never been before the Supreme Court.

Mr. KEAN. I beg the Senator's pardon.

Mr. TELLER. It was decided on the ground that there was no interest to be allowed. That is the only point that was decided. They reversed the case because it allowed interest. There is no interest included in the claim as it is now made.

Mr. President, this is all I can say about it. If, after the committee has disposed of these cases, one Senator who knows nothing about the case is to be heard against the committee and against the Court of Claims, and, if I was the Senator having charge of the bill, I think I would abandon it.

Mr. GALLINGER. Mr. President, this is rather a serious

matter. The question before the Supreme Court was the question of interest, but the Supreme Court took occasion, or Mr. Justice Peckham did, to characterize the claim and all claims similar to it as being without merit.

I am not prepared this morning to go into a discussion of this question, and I think it ought to go over. I find that it was discussed at length in the House in 1897. I want to go over that discussion, Mr. President, and see precisely what was said at that time.

There are a great many claims against the District of Columbia pending—old claims relating to contracts and to change of grade in the District—but they have as a rule been decided adversely. If they are to be reopened, the District of Columbia will be bankrupted. I have reason to believe that if this claim is allowed, the District of Columbia will have claims on its hands of a similar nature involving possibly \$2,000,000.

If it is a just claim it ought to be paid, but with all due deference to the distinguished Senator from Colorado, who is in the habit of looking carefully into matters and who always has the courage of his convictions, and I have no doubt believes precisely what he says regarding this matter, I think we ought to hold our breath and look into it with great care, to ascertain the exact questions involved and determine, if we can, the justice and equity of the claim.
It seems that Captain Hall entered into a contract to do cer-

tain work for contract prices, but twenty-three years afterwards, because of certain legislation, the claim was set up that he ought to have been paid what was known as "board rates." Again, he accepted the certificates that were presented to him and receipted in full—at least, I assume he receipted. He accepted the certificates and afterwards sold them at a discount.

Ordinarily, if I went into a transaction of that kind, I should not go back on the man I dealt with because the securities were not as good as they ought to have been. The District was in a peculiar situation at that time, and it made the best terms it could with those who had claims against it for contracts that had been entered into for public works.

I am not this morning prepared to say whether this claim ought to be allowed or not, but I think, Mr. President, that no action should be taken upon it this morning, because we can reach it when it goes into the Senate by a motion to reconsider. We can then discuss the matter to our satisfaction. It may be that we will all agree that it ought to be paid, but I want at least to enter a caveat to the extent that I wish to look into it, and perhaps I will have something to say about it before it

finally goes into the bill.

Mr. TELLER. Mr. President, this is an old claim, but it is a claim that has been before Congress every year since the claim arose. It has received the attention of not only the Committee on Claims, but it has received the attention of the court under the control and belonging to the government of this jurisdiction. That court rendered a judgment in Captain Hall's favor. They erred only in rendering a judgment in favor of interest in addition to the other, and on that the Supreme Court reversed the decision. That is all the court had to do with the case, and if the court went beyond that they went out of their jurisdiction. It was a mere question, "Was the Cap-tain entitled to interest on that claim?" The court said he was not, and they did not reverse the judgment except in that particular.

Mr. President, if every claim that comes up in the bill after it has passed the committee is to be submitted to the Senate and discussed in the Senate, there will be no end to the discussion; and it seems to me a Senator who gets up and says he knows nothing about it, and does not know whether it is right or not, ought not to be heard in preference to the committee and the court itself which decided it, and to which it was referred

by the friends of the administration and Government.

Mr. GALLINGER. Mr. President, I beg to say that I have not admitted that I know nothing about it. I have in my hand a letter from the auditor of the District of Columbia which tells a good deal about this claim; but as between the views of the auditor of the District of Columbia and the Senator from Colorado and the committee that reported it, I want to try to ascertain the facts, and I think I am entitled to that degree of consideration in this matter. I have not interfered with this bill, Mr. President. In my judgment there are hundreds of claims in the bill that might well have been contested in this Chamber. I am of opinion that it is about time Congress stopped even giving consideration to a large class of claims such as are in the bill. But I did not feel it incumbent upon me, being busy with other matters, to halt the consideration of the bill, and I have not done so. However, as chairman of the Committee on the District of Columbia, having some responsibilities in that regard, I think I have a right to be heard after I have made an investigation of a claim that is of very serious consequence to this District and that if allowed would involve the District in an expenditure that it can ill afford to make. is a just claim, I shall have nothing more to say about it.

The VICE-PRESIDENT. The question is on the pending amendment offered by the Senator from Oregon [Mr. Fulton]. Mr. FULTON. Which amendment is it to which the Chair

now refers?

The VICE-PRESIDENT. The amendment proposed by the

Senator from Oregon will be stated.

The Secretary. It is proposed to add at the end of the bill

Section 14 of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887—

Mr. FULTON. Mr. President, I desire to change the amendment I offered, proposing to amend the Tucker and Bowman acts, and, without having it read, I think I can explain it. amendment as I first proposed it is at the desk. It provides for the repeal entirely of section 14 of the Tucker Act. That section provides for the sending of any bill pending before Congress for findings, other than a bill for pension, to the Court of Claims, and it is under that section that these war claims, so called, go to the Court of Claims. There are a great many bills which should properly go to the Court of Claims for findings, matters involving contracts or contractual relations with the Government, and various characters of claims. The desire is to preclude the sending to that court of so-called "war claims." Hence I propose now simply to amend section 14 by adding thereto what I shall read. After setting out the section exactly as it now appears in existing law, the amendment reads:

as it now appears in existing law, the amendment reads:

That section 4 of the act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883, and commonly known as the Bowman Act, be, and said section 4 is hereby, repealed, and section 3 of said act is hereby amended so as to read as follows:

"Sec. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the army or navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: Provided, That all claims for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the war for the suppression of the rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, or which shall be so referred prior to the 1st day of January, 1910, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act."

Section 4 of the Bowman Act I propose to repeal, and sec-

Section 4 of the Bowman Act I propose to repeal, and section 3 amended. As section 3 is in the existing law, it reads as follows:

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the army or navy during the war for the suppression of the rebellion, or for the use and occupation of real

I have added after those words the words-

or for stores, subsistence, or supplies taken by or furnished to-

Then I read from the law as it is-

any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war—

Mr. TILLMAN. Right there—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. I do. Mr. TILLMAN. Do Do I understand the Senator to mean by the amendment which he proposes to bar the Court of Claims from considering any claims for subsistence or the destruction of property at all?

Mr. FULTON. During the civil war at the seat of war. That

is it exactly.

Mr. TILLMAN. Yet this bill and perhaps bills which have been passed heretofore have been in recognition of the justice of those claims, and they have been paid. Now, if there should be some belated instance, why should the Senator within the twelve months, which he is going to allow as the time within which claims must be presented and passed, shut those out?

I have in mind, Mr. President, a case of this kind. Opposite the city of Savannah there is a large rice plantation. Sherman's army crossed into South Carolina they landed some of their troops on that rice plantation. There were several thousand bushels of rice on hand—the entire crop of a yearwhich was taken by the army for subsistence. That rice belonged to three orphan children, the eldest of whom-a girl, I think—was 11 years old. Those children were certainly not disloyal to the Union, for whatever might have been in their blood and in their environment of rebellious feeling, to use the pet phrase here, those children were certainly incompetent and entirely innocent of any resistance to the national authorities. Those children have been trying for years, with my assistance here, to get evidence as to the taking of that property, through the affidavits of some of the soldiers who did it. I would ask the Senator from Oregon whether he would bar those children from bringing their suit and having the evidence sifted, to see whether it was competent or not to allow their claim. I simply want to ask whether that case would be barred.

Mr. FULTON. If the Senator is through, I will answer. My answer is this: Taking away the jurisdiction of the court to consider these claims does not debar Congress from passing any

act for the relief of any citizen for any purpose.

Mr. TILLMAN. One Congress can not bind another. I know

Mr. FULTON. And if the claim the Senator describes is one of exceptional hardship and of exceptional merit, no doubt Congress will provide for it by special act; but what I seek to stop is the flow of this stream-

Mr. TILLMAN. And I am in hearty sympathy with the ef-

fort to stop it and let the gates down.

Mr. FULTON. To the Court of Claims freighted all the time with claims that are based on fraud and perjury, to provide against which we are helpless.

Mr. TILLMAN. I say I sympathize with the effort, because we on this side are sufferers in endeavoring to aid our con-

stituents when we are appealed to.

Mr. FULTON. I realize that. Mr. TILLMAN. And I am anxious to have a limitation fixed, within which these claims shall not be considered. I merely wanted to know if the incorporation of the amendment which the Senator from Oregon proposes would preclude these orphan children, who are now grown men and women—I think one or two of them are dead, but I know one who is not and who is now along in the fifties-would those children be permitted to have their case brought here and sent to the Court of Claims, or would this amendment prevent it?

Mr. FULTON. It would. Mr. TILLMAN. Let me ask another question. Would this amendment, if incorporated in the bill, prevent the Senate from sending to the Court of Claims, of its own motion, to be investi-

gated, a given case?
Mr. FULTON. It would.
Mr. WARREN. But wou But would it not still be open to such claimants to have a bill for their relief presented and considered and the case referred to the Court of Claims?

Mr. FULTON. It would not be referred by the Senate. It

would take an act of Congress to do that.

Mr. WARREN. Certainly; but such a case could be referred by an act of Congress.

Mr. FULTON. It could be referred by act of Congress. Mr. WARREN. It could be considered by the committee, because the Committee on Claims will still exist, and claims will still be filed and deserving ones recommended and allowed to pass Congress

Mr. FULTON. Certainly. Mr. TILLMAN. While we are endeavoring to shut off this flood of claims I will venture to predict that there will continue to come claims along this very line for the next fifty years, after probably every man in this Chamber is dead.

Mr. McCREARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon

yield to the Senator from Kentucky?

Mr. FULTON. In a moment.

There is no doubt that these claims will continue to come, even though we shut off this channel, but they will not be acted on by Congress. The evidence will not satisfy Congress in a great majority of the cases that they should receive consideration, and Congress will feel under no obligation to act. when the Senate, pursuant to an act of Congress, sends these claims to the Court of Claims and invites the party to present his evidence, employ counsel, and go to all the expense of trial, and he secures a finding that is in his favor apparently, Congress feels under obligations-at least I do, and I suppose others feel the same, even though they may feel that probably the claim is not based on sound testimony-having sent the claim there for a finding, to make payment.

Mr. McCREARY. Mr. President— The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. I do.

Mr. McCREARY. I could not hear the Senator from Oregon [Mr. Fulton] clearly, but his amendment refers to certain claims that may be filed up to the 1st of January, 1910. I desire to know to what claims the Senator refers.

Mr. FULTON. The character of claims of which we are speaking—claims arising out of the civil war.

Mr. McCREARY. I understood the Senator had made some exceptions, to which the Senator from South Carolina [Mr. TILLMAN] referred, that were not permitted to be filed and referred to the Court of Claims.

Yes; when this act takes effect. Mr. FULTON.

Mr. McCREARY. Ah!

Mr. FULTON. They will not be permitted—
Mr. McCREARY. Then, as I understand, all kinds of war claims can be presented and referred to the Court of Claims up

to the 1st of January, 1910.

Mr. FULTON. That is the object.

Mr. TILLMAN. By order of the Senate only, however.

Mr. FULTON. According to the provision that I propose.

Mr. McCREARY. The Senator does not propose to change the system or the plan of getting to the Court of Claims until after the 1st of January, 1910.

Mr. FULTON. Not until after the 1st of January, 1910. Mr. TILLMAN. The Senator from Kentucky, I think, has not caught the provision, the enlargement there barring all claims for subsistence. Those are still-

Mr. McCREARY. I asked the Senator that question. Mr. THLIMAN. Under existing law those are permitted to be sent to the Court of Claims, but the amendment proposes

that even that class shall be cut out.

Mr. McCREARY. That is the very question I was endeavoring to get information on. I want to know if any class of claims are to be barred before the 1st of January, 1910.

Mr. FULTON. None whatever. The law is continued in existence as it is until that date; that is, the amendment I propose will have that offset

pose will have that effect.

Mr. TILLMAN. If the Senator will recall his amendment and reread the new provision which he has put in, he will himself see that he has barred claims for subsistence at the seat of war.

Mr. FULTON. I do not question it. I say I propose to do

that.

Mr. TILLMAN. In that regard the Senator proposes to change existing law.

Mr. FULTON. Certainly; that is my intention; my de-

liberate purpose.

Mr. TILLMAN. Well, it is to that I object, for the simple reason that, having been up to this time allowing these claims to come here and be presented to the Court of Claims for adjudication, you ought not now, within twelve months, change the character of claims that may be presented.

Mr. FULTON. That is the proposition; and, of course, that is a matter for the Senate to determine. There is a provision here, however, that all these claims, which shall be presented or referred to the Court of Claims prior to the 1st day of January, 1910, shall be considered by the court, and that they shall be tried out to final determination. That may take, of course,

great many years, or a year or two at least beyond 1910.

Mr. PAYNTER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?
Mr. FULTON. I do.

Mr. PAYNTER. I should like to have the amendment again I did not understand the language exactly.

Mr. FULITON. Does the Senator want it all read? Mr. PAYNTER. If it is necessary to give us a comprehensive idea of what it means, I do.

Mr. FULTON. The first-

The VICE-PRESIDENT. The Chair will state to the Senator from Oregon that it will be necessary to read the amendment as modified at the Secretary's desk.

Mr. FULTON. I understand, Mr. President, but I thought I had perhaps better explain it slightly first. The first amendment is to repeal section 4 of the Bowman Act. The reason for a repeal of that section is simply, I will say again, that under section 3 of the act this class of claims can not be considered, and section 4 of the act, which is proposed to be repealed, simply provides the machinery for trying or the manner of trying this class of cases.

The other amendment is simply to amend section 14 of the existing law by providing that after January 1, 1910, claims of the character we have been discussing shall not be sent to the Court of Claims. Now, I will ask that the amendment be read.

The VICE-PRESIDENT. Does the Chair understand the Senator from Oregon to withdraw the amendment heretofore proposed and substitute the one he now offers?

Mr. FULTON. That is my desire.
The VICE-PRESIDENT. The amendment will be stated. The Secretary. The proposed amendment reads as follows:

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The proposed amendment reads as follows:

That section 4 of the act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883, and commonly known as the Bowman Act, be, and said section 4 is hereby, repealed, and section 3 of said act is hereby amended so as to read as follows:

"Sec. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the army or navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by, or fer stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: Provided, That all claims for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the war for the suppression of the rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, or which shall be so referred prior to the 1st day of January, 1910, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 3 thereof had not been amended by this act."

That section 14 of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act be, and the same is hereby amended so as to read as follows:

"Sec. 14. That whenever any bill, except for a pension, shall be pending in either House

Mr. OVERMAN. Right there I suggest to the Senator from Oregon there ought to be a date fixed, say from the 1st day of January, 1861, to the 1st day of August, 1865.

Mr. FULTON. What is the suggestion?

Mr. OVERMAN. I suggest that a date be fixed as to the period of the war, because there might have been some property destroyed after the war was over.

Mr. FULTON. This provision is simply for claims arising for supplies taken or damage done by the army during the war for the suppression of the rebellion.

Mr. OVERMAN. I understand that; but let us fix the dates during which the war lasted.

Mr. FULTON. The Supreme Court has already decided during what period war prevailed. So I think there can be no misunderstanding about that.

Mr. OVERMAN. That is what I want to do—to fix in this bill the dates as determined by the Supreme Court, so that there will be no misunderstanding about it.

Mr. FULTON. That does not occur to me to be necessary so long as that is a matter that has been judicially determined. Mr. OVERMAN. I think there is a difference of opinion as

Mr. TILLMAN. Will the Senator from Oregon tell us when the war did end, according to the Supreme Court?

My recollection is that it was in July, 1865. Mr. FULTON.

Mr. GALLINGER. Was it not August, 1865?

Mr. OVERMAN. There is some misunderstanding about it. That is the reason why I want to put the dates in the amend-One Senator says the 1st of August, and another Senator says January, 1866. Why not put the dates in the bill?

Mr. FULTON. The Supreme Court passed on the matter, I think, and determined it as some time in July, 1865. Senators

at my right say it was June 27, 1865. Mr. McLAURIN. Mr. President-

VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. FULTON. I do.

Mr. McLAURIN. I think it was April 2, 1866.

Mr. CLARKE of Arkansas. I think it was in 1866, but I

do not recall the month.

Mr. FULTON. Senators can very readily see the difficulty we shall have in agreeing on any amendment fixing the period when the war began and ended. I think, therefore, we had better leave it entirely to the courts to determine. The courts will construe that.

The VICE-PRESIDENT. The Secretary will resume the

reading of the amendment.

The Secretary resumed and concluded the reading of the

amendment of Mr. Fulton, as follows:

Provided further, That all bills and claims hereto referred to the Court of Claims under and pursuant to the provisions of said section, or which shall be so referred prior to the 1st day of January, 1910, may be prosecuted in, and shall be heard, determined, and reported by, said court in all respects as if said section had not been amended, but had been continued in force as it now is: Provided further, That the foregoing provisions repealing said section 4 of the said Bowman Act, and amending section 3 thereof, and amending section 14 of said Tucker Act, shall not be in force or take effect until the 1st day of January, 1910 1010

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. Fulton]

Mr. BAILEY. Mr. President, if this amendment should be adopted and become a law, it would impose upon Senators from the Southern States an enormous amount of unnecessary labor. All of our constituents who have claims which they think are good claims and which have been sent here, but not referred to the court, and all who would send claims here during the time in which they might be referred, but which were not referred, would immediately insist that we should procure the passage of an act through the Senate providing for their payment. As the law now stands, it being impossible for Senators to thoroughly advise themselves about the justice of these claims, they, finding a sufficient basis for them, secure their reference to the Court of Claims, where the work is done, as it ought to be done, by a judicial tribunal. Then the Court of Claims, after performing that labor, sends them back here for our final disposition. But if this amendment prevails, after the time set every one of our constituents who thinks he has a good claim will feel-and I am not sure but what he will have a right to feel-that we ought to take it up and go through with it until we are prepared to appear before the committee of the Senate, thrash it out, and so far establish its justice as to warrant us in asking the Senate to pass it. I need not tell Senators on this side of the Chamber who have from time to time been called upon to examine these claims and present them, even to the committee, that that would involve a work that would occupy nearly all of a Senator's time.

Mr. BACON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. I do.

Mr. BACON. I want to ask the Senator if he is not confining his statement to too narrow limits. I think it would occupy the time of half a dozen Senators from each State to do it, because each case is a law case in itself, with all of its facts

and with the law applicable thereto.

Mr. BAILEY. The Senator from Georgia is right. keeping myself altogether within what I might have stated. The result would be that we would be compelled to say to our constituents, "We can not do this," or else, attempting to do it, we would only be able to do it for some of them, giving the stituents. others a right to complain that we discriminated, and then we should have no time left for our other senatorial duties.

Mr. President, I believe there ought to come an end to these claims; and, personally, I should like to see that end come as soon as possible. I suggest to the Senator from Oregon that if he would provide that all who have claims can go to the court without coming to the Senate, and give them two years in which they may file their cases, then we would have an end to it, and I would be glad to agree to an amendment to the rules which would forbid the introduction of the claims known as "war claims" in the Senate. We could relieve the Committee on

Claims from a vast deal of drudgery, and we could relieve Senators. I believe I am well within the truth, Mr. President, when I say that, even from the State which I have the honor in part to represent, these claims occupy more than 10 per cent of my time, and probably as much as 20 per cent; and yet in this bill there is but one item for Texas, although I have the

Mr. FULTON. I will say to the Senator—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. BAILEY. I do. Mr. FULTON. Another item was inserted yesterday from

Mr. BAILEY. And there is still another so absolutely just

that I have no doubt it will be agreed to.

Mr. FULTON. That is one for each Senator; and I have one this morning, that I am going to offer, that they can divide between them.

Mr. BAILEY. I have no fault to find with the Senator from Oregon. I think he is trying to be just and fair, and I think he and his committee have performed a vast amount of labor in the preparation of this bill and in the disposition of these But if it requires one-tenth of a Senator's time to look cases. after a State with only three claims in the bill, what must be the case with the Senators who have some 15 or 20 claims in the bill?

Mr. TILLMAN. Their States were the scene of war; yours was not.

Mr. BAILEY. No; but the most intelligent people from the other States after the war came to our State.

Mr. TILLMAN. That may be true. Your people did a great deal of very fine fighting in Virginia and Georgia, east of the Mississippi, and to some extent west of the Mississippi, but you did not have any war in Texas worth considering.

Mr. BAILEY. And, Mr. President, I am glad to make the acknowledgment that the most gallant of the men who fought in Texas regiments had been borrowed from other States, such

as South Carolina, Georgia, and Mississippi.

But that is neither here nor there. While there was none of the devastation of the war in Texas, it is still true that in most of these cases the claimants have come to our State from the older Southern States, and they have imposed upon their Senators, as they had the right to do, the duty of looking after their interests in these matters.

Now, I hope that either this amendment will be rejected, or else I hope that it will be so broadened as to allow these claimants to go to the Court of Claims to make out their cases against the Government, and thus save us this labor, now great enough, and to be made incomparably greater if this amendment prevails without some such provision as I have indicated.

Mr. McLAURIN obtained the floor.

Mr. FULTON. I am very anxious to get the consideration of this bill concluded to-day-

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. McLAURIN. I do.

Mr. FULTON. I beg the Senator's pardon. I thought I had the floor. With the Senator's permission, I will say what I was going to say, and it will be brief.

Mr. McLAURIN. Certainly; I yield to the Senator.

Mr. FULTON. I am very anxious to have the consideration

of this bill concluded, to have it passed to-day. I am not going to take up time any further in the discussion of this provision. I have explained it, I think, so that it is understood. I think a majority of the Senate have reached the conclusion that it is time to stop sending claims of this character to the Court of I think I have made a very reasonable provision, which gives until January, 1910. I do not purpose taking up any time in discussing this matter, and I hope the Senators interested in the bill will not kill it by continuing the discussion.

Mr. BAILEY. I want to suggest to the Senator from Oregon that to fix the 1st day of January, 1910, is practically the same as to repeal it at the end of this session. Here comes the extraordinary session, which will be occupied with tariff legislation and nothing else, and then comes the regular session, convening the first Monday in December, followed by an adjournment for the holidays, and by the time we reconvene after the holidays the 1st of January will have come and gone. This means practically that no other bills will ever go to that court.

Mr. FULTON. Let me correct the Senator in that. I am sure he has made a mistake.

Mr. BAILEY. I am sure I do not want to make one, although I may have made one.

Mr. FULTON. I am equally sure of that. We have a vast number of claims pending; I would not undertake to say how many, but a very great many; it may be two or three thousand.

It is our purpose to bring in a resolution referring all bills of this character to the Court of Claims unless there is objection Then those will go down. Then during the to their going. special session there is no reason in the world why a resolution of that character might not be put through, and doubtless it will be. Then you will have all the month of December, or at least up to the holiday adjournment-some weeks-in the next regular session, and bills can be introduced, and if the Senate thinks they are meritorious a resolution can be put through. The only difficulty I see in extending the time is that you are going to provide for too many going down.

Mr. McLAURIN obtained the floor.

Mr. DANIEL. Mr. President-

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. McLAURIN. Certainly.

Mr. DANIEL. I should like to ask the chairman of the committee a question. I think I understood the Senator to say that during the session he would offer a resolution to refer certain claims to the Court of Claims. May I ask to what claims that

resolution will be confined?

Mr. FULTON. The resolution has never been confined to any class of claims. It has carried claims of every character. But I had reference when I spoke to what we call "war claims," and the number that I said were probably pending before the

committee referred to claims of that character.

I would favor such a course. Of course I can not tell what the Senate will do; I can only say that I will. In order to clear the board and wipe all of these off, I would favor sending them all there. I do not want to be misunderstood. There are some claims that I think it would be entirely out of order to send to

the Court of Claims. They are not to be considered.

Mr. McLAURIN. Mr. President, I think if it is the intention of the committee to offer an omnibus resolution referring to the Court of Claims all the claims now before the Committee on Claims, it would be well to embody that in the amendment which has been offered by the chairman of the committee, the Senator from Oregon, and let all those claims go with this amendment. If there are

Mr. FULTON. That would not be proper legislation, because it does not require a congressional act to send them there. They

go by simple resolution of the Senate.

Mr. BAILEY. I am satisfied the Senator from Mississippi would take the assurance of the Senator from Oregon to that

Mr. McLAURIN. I am willing to take the assurance of the Senator from Oregon that he will refer all of the others. can then be referred in an omnibus resolution at once, and it will give the committee the opportunity and the time to examine the claims that may be introduced between this and the 1st of January, 1910.

Mr. BAILEY. I was just about to say-I intended to say it in response to the reply which the Senator from Oregon made to me, and with the permission of the Senator from

Mississippi I will say it now—
Mr. McLAURIN. Certainly.
Mr. BAILEY. With the understanding that those now introduced are to be referred to the court, and with the under-standing that those introduced between this and next January will also be referred, I will consent to the amendment. The only thing I want to be able to do is to say to my constituents, "You now have until the 1st of January to present these claims, and if they are not presented, you will be forever foreclosed. If you will present them, I will introduce your bills, and then you can prepare your facts and have the attorneys go before the committee." I am sure that any man who can make a decent show of justice will get a report from the committee. On that assurance I have no objection to the

Mr. FULTON. I can only assure the Senator that so far as I personally am concerned I will make every effort to bring in a resolution to that end this session. Of course, beyond the end of the session, owing to certain events over which I had no control, conditions will be such that I will not be able to report a resolution.

Mr. SMOOT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. McLAURIN. I do.

Mr. SMOOT. I should not like to have it understood, so far as I am concerned, as one member of the committee, that every one of these claims shall be referred to the Court of Claims. any Senator here would examine the testimony that has been filed with some claims, I do not believe he would think it proper to send such claims to the Court of Claims and take up their time. Senators, there are claims there which are based upon

the testimony of men who were not over 8 years old at the time of the war, and in their sworn statements it is stated that there were taken 4,015 pounds of bacon, worth 75 cents a pound, and they knew that was taken by the army. There are cases in which women, who were not over 11 years old, according to the age as given in the testimony, who testify that they knew there were a thousand bushels of corn growing in a field, that was worth 75 cents a bushel; and the claim is supported with no other testimony. Why on earth do we want to send such claims to the Court of Claims, to burden that court?

So far as I am concerned, as a member of the committee, I am perfectly willing that every claim having a shadow merit, or which is supported by any kind of testimony, shall go to the Court of Claims; but I would not like to promise here if I had my say so-of course, I am only one member of the committee-that all these claims should be sent to the Court of Claims, because I do not think, as to some, it would be proper.

Mr. FRAZIER. Will the Senator from Mississippi allow me

to ask the Senator from Utah a question?

Mr. McLAURIN. Certainly.
Mr. FRAZIER. I was going to suggest to the Senator from Utah that if the Committee on Claims should itself undertake, between now and the 1st of January, 1910, to examine and pass upon the merits of the large number of claims now pending before that committee, possibly aggregating 2,500, then a very small percentage of those claims would go to that court. So if this amendment is to pass and this matter is to be closed up, it seems to me nothing but fair and reasonable that the claims which are now pending before the Claims Committee should be sent to the Court of Claims.

The court has jurisdiction. It is a court organized by the Government. It will try these cases upon their merits, and it is not incumbent upon the Senate to sit here and pass judgment upon individual claims when a judicial tribunal has been constituted by act of Congress for the purpose of doing that work. If we propose to close up this matter it seems to me but reasonable and fair to fix this limitation, January, 1910, and then send all the claims now pending to the court for adjudication. If they have no merit in them doubtless that court will dismiss them, as it ought to.

Mr. SMOOT. The only object I have in speaking is this: I know from my own personal examination of hundreds of these claims that there is not a solitary particle of merit in some of them, and there is no testimony given to substantiate the claims. It does seem to me that such claims should not be

referred to that court, to take up its time.

Mr. FRAZIER. That court was constituted for the purpose of determining the justice or injustice of the claims. It is not an obligation upon the Senate to try the lawsuits, the innumerable lawsuits now pending before the Claims Committee.

That was the very purpose of the creation of this court.

Mr. McLAURIN. Mr. President, the Senator from Utah has stated that a good many of the claims, or some of the claims at least, are based upon the testimony of men who were boys 8 and 10 and 11 years old at the time of the transaction. far rather risk the memory of a boy of 8 years of age or 10 years of age or 11 years of age than I would that same boy when he had become 40 or 50 or 60 years of age.

Mr. SMOOT. I should like to ask the Senator from Mississippi if he believes that there was a boy, not interested at all in a certain individual living in a town, who would know that that particular man had in his cellar 4,015 pounds of bacon, worth 75

cents a pound.

Mr. McLAURIN. That would depend upon circumstances. He might or might not know that. There are a great many things that a boy knows when he is 8 or 10 or 11 years old as to to the affairs of his neighbor. If a man who claimed to have been 25 or 35 years of age at the time should testify as to what was contained in the cellar of his neighbor, it might not be worth anything, because he might be worthy of no credence at all, or he might be a man who knew the facts and was a truthful man and a man whose word ought to be taken for anything he would That would depend upon the circumstances and the facts.

Mr. President, as suggested by the Senator from Tennessee [Mr. Frazier], the time of the Senate Committee on Claims would be taken up if it is to examine all of these claims. If they are all to go into an omnibus resolution, as is desired by the chairman of the committee-and only one member of the committee has expressed dissent thereto-then it would relieve that committee of that much work, and the time could be devoted to claims hereafter introduced. But I do not see any reason for bothering the Committee on Claims at all about this matter. seems to me the best way to dispose of them is to provide by amendment here that any man who has a claim of this class may go before the Court of Claims at any time between now and the 1st of January next, or the 4th of March, 1910, and

present his case to the Court of Claims and let it there be heard. If there had been a court of claims open for the trial of these cases to which the claimants could have gone immediately, there would not have been one claim in ten of the number which have

been presented.

Mr. President, a great many of these claims are presented to the Congressman, either the Representative or the Senator, and he is asked to present it because it is supposed by the claimant that he can introduce a bill and that that bill can be passed without any reference to any court of claims, without anything except the ipse dixit of the Senator or the Representative, and that it will thereby become a law and an appropriation will be made to pay him, whereas if the claimant knew in the first instance that he must go to a court of claims, employ his attorney there, introduce evidence to substantiate his claim in that court, in numberless instances there would be no claim presented to the Court of Claims and there would be an end to So nothing has been gained, so far as economy of time and labor and expense is concerned, in the process of getting cases to the Court of Claims through a bill introduced in the Senate or the House of Representatives and going by the Committee

I think there ought to be some provision that would allow these people to go to the Court of Claims and present their cases by the 1st day of next January or the 4th day of March, 1910—which I think is a better time to limit it to-and let

the court try their cases.

As there is some impatience on the part of the committee to dispose of this matter, I shall not say a good many things I intended to say with reference to this bill. I will say, however, that this bill does not appropriate money exclusively for what are called "southern war claims." The 16 Southern States have in here very little more than the 3 States of Massachusetts, New York, and Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DANIEL. I ask that the amendment may be read, if

you please.

The VICE-PRESIDENT. The Senator from Virginia asks that the amendment be again read. The Secretary will read

The Secretary again read Mr. Fulton's amendment.

Mr. DANIEL. Mr. President, there is but one way for an honest government to treat a claim: First, to give the claimant a fair opportunity to be heard; second, to pay, or to hold, through its proper officials, that the claim is invalid and let it go. The accumulation of these claims in the Senate has arisen from the fact that there was no place where the claimant could be heard. There was a Southern Claims Commission appointed soon after the war. In the law creating it it was provided that no one should be a claimant who had not been loyal to the Government during the war. After thousands had been prevented from putting in their claims by that provision, because they could not honestly do it, it was held to be unconstitutional and they were left in the air.

I do not wonder that the chairman of the committee and

many Senators are anxious to get rid of the horde of claims that continue to accumulate before the Senate committee. It is the fault of the Government that they have so accumulated, and we ought not to take advantage of our own wrong by excluding

them from the opportunity of a fair hearing.

My own State has had more of these claims than any other. If anyone would reflect for a moment upon the history of our internecine troubles he would see the reason for it. The armies were there from the very incipiency of the war to its last day, and for some time after the actual hostilities had ceased. I recollect there was a general during the war, Jackson it is said, whose adjutant-general wrote a note to the brigadier:

Why is it that the general commanding sees so many stragglers behind your brigade?

The reply was-

The only reason I can give to account for it is the fact that the general commanding rode behind my brigade.

The stragglers were behind all brigades, as they always are on long marches. But in Virginia these claims were matters of daily origin. Three or four hundred thousand troops were oc-

cupied in Virginia during four years.

Now, while I sympathize with the desire and with the opportunity sought to be made to conclude these matters, there are many good claimants with valid claims under the law as it many good claimants with valid claims under the law as it stands who are excluded from the opportunity to get their claims heard at this session—excluded simply by the gravity of the event. You go to a committee. A Senator from one State is entitled as much to be heard as another. He may have a

dozen claims because he represents a State in which there are great congeries of claimants, but he must defer and give equal opportunity to another Senator, for all Senators are equal; and the result has been that at this very session of the Senate, as I know from careful and prudent examination, there are many claims that ought to be put on this bill; but I do not offer any of them. If you build up the bill too much, it will crumble to pieces of its own weight; and I think I am doing the part of a faithful public servant when I decline to offer amendments to this bill which in my heart and according to my best examination I believe to be just and as much entitled to consideration as any claim before the Senate.

I wish it might be agreeable to prolong the time until July 1, 1911, for the jurisdiction of the Court of Claims; but I am informed that any claim offered between now and January 1, 1910, will be sent to the Court of Claims, and that there the claimant will have an opportunity to be heard, even though the case be not reached until such time as may suit the convenience

of the court.

I have felt it proper to make this explanation, for I know there are many people to-day in Virginia who are blaming both Senators for not pushing their claims in this bill. They can not do it with just consideration to the public interest. have many claims. We can not help it. It is the event of fate, and we must deal with it according to the best judgment we can exercise in the presence of the opportunity to get some

through, and let others go by.

Mr. PAYNTER. Mr. President, in view of the numerous claims which this bill carries and which are to be considered by the Senate, I will speak very briefly. I will content myself with a statement of the principle of law which authorizes the payment of war claims. The mere fact that it may not have been invoked and applied in the other cases does not in the least militate against the correctness of the principle or against the justice of the claims under consideration. This is a great and rich Government. The people are generous, magnanimous, and always want to be just. Those whom we represent here would not have us fail to discharge all obligations of the Government, whether they be legal or honorary. They will submit without complaint to a liberal expenditure of money if done in the discharge of a legal or honorary obligation, or in the promotion of the public good, though there be an apparent extravagance in reaching such end. The necessities of our Government do not require us to higgle over paltry sums or items in meeting its obligations. Its bounties to those who have defended it in its hour of need or peril have been more munificent than those bestowed by any government of which history gives any account.

The Government has been both just and generous to those who have offered their lives to maintain its honor and existence, and has even bestowed gratuities upon their dependent relatives. These just and generous acts have been approved by the people with practical unanimity. If it is proper for the Government to take care of its brave defenders and their dependent relatives, why is it not an equally just obligation to pay its loyal citizens for property which they may have, willingly or unwillingly, surrendered to governmental authority to sustain armies in the field. Why should not the Government pay for property used or destroyed by military authority, superinduced by military necessity, to sustain or lessen the danger to it or to promote its ultimate triumph?

I believe, Mr. President, that it is the duty of Congress to

pay these debts.

In saying this I do not mean to be understood as saying that under the law of nations governments are required to pay the losses which came from the operations of the army in the field. the ravages of war, or as designated by some authors and courts as the "accidents of war." These losses are some of the sacrifices which the citizen assumes to bear as one of the necessities of government or organized society. While this is the law of nations, should a rich and great Government allow its loyal citizens to bear such losses? It is not necessary to answer this question to justify the appropriation for the claims in the However, I will invite the Senate's attention to an answer which Vattel makes to it:

Each citizen is required to make contribution of his share of the losses entailed by war. This is accomplished by means of taxation. When a citizen has made his contribution he thereby has sustained his just proportion of loss, and should not be made to bear additional losses, which should be met at public expense. In time of extreme necessity the Government can take the citizen's property or destroy it. The necessity is often so great that the Government can not employ the usual method of ascertaining the value and paying for it before it is taken. When such necessity exists the property is taken or destroyed for the public good, and the public should bear the loss, and not the individual. While the Government may not in some instances be technically liable for property which it has taken or destroyed under such necessity, if its affairs will admit, it should show an "equitable regard for the sufferers." In part as a result of war, we have grown in wealth and power. We are able to be not only just, but generous. When the Government is so abundantly able to meet all of its obligations, it should not demand that its citizens, who can ill afford to do so, should lose the value of their property surrendered to aid the Government in the presecution of its wars. In the crystallization of that principle of the law of nations which requires its citizens to bear the losses resulting from the ravages of war, governments were weak and without the necessary means to treat its citizens with justice, much less with generosity. A law that might be invoked by a poor and weak government should not be applied and enforced by one that is rich and great and powerful. This Government in such matters should blaze the way for the guidance of other governments. It should lead the way in giving justice to those who defended its honor and existence and to those whose property has been sacrificed for the same purpose. We should furnish an example to other governments in the just and generous treatment of our citizens.

The Government should show a scrupulous regard for justice and morality. The courts have said that it should show a more scrupulous regard therefor than belongs to the ordinary transactions of individuals. The Supreme Court, in Woodruff v. Trapnell (10 How., 207), said:

We naturally look to the action of a sovereign state to be characterized by a more scrupilous regard to justice and a higher morality than belong to the ordinary transactions of individuals.

In United States v. Realty Co. (163 U. S., 427) the court had under consideration the question as to what was a debt of the Government, and in deciding the question said:

Government, and in deciding the question said:

Under the provisions of the Constitution (Art. I, sec. 8) Congress has power to lay and collect taxes, etc., to pay debts of the United States.

* * It is conceded, and indeed it can not be questioned, that the debts are not limited to those which are evidenced by some written obligation or those which are otherwise of a strictly legal character. The term "debts" includes those debts or claims which rest upon a merely equitable or honorary obligation, and which would not be recoverable in a court of law if existing against an individual. The Nation, speaking broadly, owes a "debt" to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based upon considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of an individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition and payment of claims against the Government which are thus founded. To no other branch of the Government than Congress could any application be successfully made on the part of the owners of such claims or debts for the payment thereof. Their recognition depends solely upon Congress, and whether it will recognize claims thus founded must be left to the discretion of that body.

Before the time of Grotius many treatises on the civil law and

Before the time of Grotius many treatises on the civil law and on the municipal law of countries had been written, but there seems to have been no written law to regulate the intercourse of States and sovereign principalities. Grotius prepared a valuable work upon that subject. It has been said of him by another:

It remained, therefore, for his deep insight to unfold, and his masterly pen to arrange, the scattered truths of a science, which forms the basis of all treaties, conventions, and negotiations; upholds the intercourse of nations with each other in the bonds of amity, and, in short, establishes all the rights of peace and war.

In Campbell's Grotius (vol. 3, chap. 20, sec. 7, p. 348), under title "War and peace," it is said:

title "War and peace," it is said:

The property of subjects is, so far, under the eminent control of the State that the State or the sovereign who represents it can use that property or destroy it or alienate it, not only in cases of extreme necessity, which sometimes allow individuals the liberty of infringing upon the property of others, but on all occasions where the public good is concerned, to which the original framers of society intended that private interests should give way. But when that is the case, it is to be observed, the State is bound to repair the losses of individuals at the public expense, in aid of which the sufferers have contributed their due proportion. Nor will the State, though unable to repair the losses for the present, be finally released from the debt, but whenever she possesses the means of repairing the damages, the dormant claim and obligation will be revived.

In Grotius (2, ch. 14, sec. 7), it is said:

We must observe this, that the king may in two ways deprive his subjects of their rights, either by way of punishment or by virtue of his eminent power. But if he do so in the last way, it must be for some public advantage. Then the subject ought to receive, if possible, a just satisfaction for the loss he suffered out of the common stock.

Vattel's Law of Nations is a recognized authority, and on page 462 it is said:

page 462 it is said:

Is the state bound to indemnify individuals for the damages they have sustained in war? We may learn from Grotius that authors are divided on this question. The damages under consideration are to be considered into two kinds, those done by the state itself or the sovereign and those done by the enemy. Of the first kind, some are done deliberately and by way of precaution, as when a field, a house, or a garden belonging to a private person is taken for the purpose of erecting on the spot a town rampart or any other piece of fortification, or when his standing corn or his storehouses are destroyed to prevent their being of use to the enemy. Such damages are to be made good to the individual, who should bear only his quota of the loss (181). But there are other damages, caused by the inevitable necessity, as, for instance, the destruction caused by the artillery in retaking a town from the enemy. These are merely accidents; they are misfortunes which chance deals

out to the proprietors on whom they happen to fall. The sovereign, indeed, ought to show an "equitable regard for the sufferers" if the situation of his affairs will admit of it; but no action lies against the state for misfortunes of this nature, for losses which she has occasioned not willfully but through necessity and by mere accident, in sioned not willfully but the exertion of her rights.

In Grant against the United States (1 Court of Claims Reports), it appeared that Capt. J. N. Moore was commanding United States troops in the vicinity of Tucson, Ariz., and that Grant was a contractor with the Government for furnishing commissary and supplies for the forts and military posts in Arizona, and that he expended large sums of money in the repair and erection of flouring mills, dwelling houses, storehouses, shops, etc.; that he had personal property of considerable value, consisting of flour, wheat, corn, barley, merchandise, and so forth. Captain Moore directed Lieutenant Lord, commanding a company of dragoons, to destroy the property of Grant. This was done to prevent it from falling into the hands of the

The question was whether the United States should indemnify Grant for the loss of his property under the circumstances. Judge Wilmot delivered an opinion to the court in which it was held that the Government was liable. In the course of the opinion he said:

opinion he said:

Every civilized state recognizes its obligations to make compensation for private property taken under pressure of state necessity, and for the public good. The state is the transcendental proprietary of all the property, real and personal, of its citizens or subjects. This transcendental right—the eminent domain of the state in all countries where rights are regulated by law—is so exercised as to work no wrong, to inflict no private injury without giving the party aggrieved ample redress. This doctrine was not ingrafted on the public law to give license to despotic and arbitrary sovereigns. It has its foundation in the organization of societies and states, and is as essential to a republic as to the most absolute despotism. It is of the very essence of sovereignty, and without it a state could not perform its first and highest duty, its own preservation.

The doctrine of Grant's case was reaffirmed by the Court of

The doctrine of Grant's case was reaffirmed by the Court of

Claims in the Wiggins case (3 Court of Claims Reports, p. 412). In Mitchell v. Harmony (Howard, p. 115) it appeared that Mitchell had planned a trading expedition to New Mexico and Chihuahua, in the Republic of Mexico, before hostilities commenced between this country and Mexico and before the declaration of war. After the war commenced an expedition was prepared, under the command of General Kearny, to invade New Mexico, and a detachment of troops was sent forward to stop Harmony and other traders until General Kearny arrived. The trading expedition of Harmony was authorized by the law of the United States. The traders were compelled by the military commander to follow the United States Army, and in doing so Harmony's property was seized by the enemy and was a total loss to him. An action was brought against the commanding officers to recover damages which Harmony alleged he had sustained by the seizure of his property.

Many questions were considered by the court, which are unnecessary to state. The court held that where there is an impending danger from the public enemy or the urgent necessity for the public service it will justify the taking of private property by a military commander to prevent it from falling into the hands of the enemy, and for the purpose of converting it to the use of the public. That private rights must for a time give way to the common and public good.

Among other things, the court said:

There are, without doubt, occasions in which private property may lawfully be taken possession of and destroyed to prevent it from falling into the hands of the public enemy; and also where a military officer, charged with a particular duty, may impress private property into the public service or take it for public use. Unquestionably, in such cases the Government is bound to make full compensation to the owner but the officer is not a trespasser.

In United States v. Russell (80 U. S., 627) the court said:

In United States v. Russell (80 U. S., 627) the court said:

Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending danger, in which private property may be pressed into the public service, or may be selzed or appropriated to the public use, or may even be destroyed without the consent of the owner. Such a taking of private property by the Government, when the emergency of the public service in time of war or impending public danger is too urgent to admit of delay, is everywhere regarded as justified, if the necessity for the use of the property is imperative and immediate and the danger, as heretofore described, is impending; and it is equally clear that the taking of such property under such circumstances creates an obligation on the part of the Government to reimburse the owner to the full value of the service. Private rights, under such extreme and imperious circumstances, must give way for the time to the public good, but the Government must make full restitution for the sacrifice.

I have called attention to these provisions of international

I have called attention to these provisions of international law, the law of war and peace, that the Senate may have be-fore it the law which regulates the rights of citizens under such circumstances. So it is not a mere gratuity that we are giving to citizens who have lost their property in the way hereinbefore mentioned, but it is in discharge of legal obligations of the

I am exceedingly anxious that the Senate may pass the bill because I believe the claims are meritorious. Many of them have existed against the Government for forty years and more. I believe that when the Government is under an obligation to one of its citizens, whether it be legal or honorary, it is the duty of Congress as soon as possible to meet that obligation. If it shall become necessary even to borrow money for the purpose, then Congress should not hesitate a moment to do it. We did a generous thing recently in assisting the sufferers in a distant land. Yet we allow citizens of our own country, who furnished stores for the army during the war, who were loyal to the Union, to remain unpaid for forty years.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I would inquire of the Senator in charge of the bill which has been under consideration about how much time will be required to conclude it and reach a vote?

Mr. FULTON. It seems to me that we ought to conclude it in a very few minutes. I think we will conclude it in fifteen minutes, but of course it depends upon the amount of conversation that is to be had.

Mr. CARTER. With the understanding that the consideration of the unfinished business may be called up and the regular order demanded if the pending bill leads to protracted debate, I will for the present ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks that the unfinished business be temporarily laid aside. out objection, it is so ordered.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

OMNIBUS CLAIMS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts.

The VICE-PRESIDENT. The pending question is on agree-

ing to the amendment submitted by the Senator from Oregon [Mr. Fulton], which has been read.

The amendment was agreed to.

Mr. TILLMAN. Mr. President—
Mr. FULTON. There are some committee amendments yet to be offered. After line 5, on page 192, I move to insert:

On the schooned Hazard, Joshua D. Upton, administrator of the estate of Evan Parsons, deceased, \$7,218.59.

The amendment was agreed to.

Mr. FULTON. After line 25, page 125, I move to insert: To Alfred P. Southwick, administrator of the estate of John Southwick, deceased, \$641.68.

The amendment was agreed to.

Mr. FULTON. After line 16, on page 93, I move to insert: To Daniel W. Darris, of Caddo Mills, Hunt County, \$703.

The amendment was agreed to.

The VICE-PRESIDENT. Has the Senator from Oregon concluded the submission of committee amendments?

Mr. FULTON. I apologize to the Chair; my attention was diverted. I have one more amendment that I am just trying

The VICE-PRESIDENT. The Senator from Oregon may submit that later. The Chair will recognize the Senator from South

Mr. FUL/TON. Very well. Mr. TILLMAN. After line 15, on page 84, I move to insert: To Winyah Lodge, No. 40, Ancient Free and Accepted Masons, of corgetown, S. C., \$4 200.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from South Carolina.

Mr. TILLMAN. Mr. President, I wish to make a brief explanation in order that the conferees on the bill may have the facts to present to the House.

This is a finding of the Court of Claims. It is shown in the

affidavits, which were not submitted to the Court of Claims, but which I have here, all sworn to, that this building was destroyed in April, 1866. That is one reason why I wanted the question as to when the war ended settled a moment ago.

Mr. FULTON. Somebody said it was settled in 1866.
Mr. TILLMAN. In August, 1865, according to some, and various dates were fixed. But I want to say that in South

Carolina the war ended in 1865, and this building was burned

I ask that these affidavits be printed in the RECORD, showing the basis upon which I make this contention. The Court of Claims finding is also here, and the decision-

Mr. SMOOT. Mr. President-

The VICE-PRESIDENT. Is there objection to the request that the affidavits submitted by the Senator from South Carolina be printed in the RECORD without reading?

There being no objection, the affidavits were ordered to be

printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA, County of Georgetogen:

Personally appeared before me B. A. Munnerslyn, who, after being duly sworn, deposes and says that he is a resident of Georgetown, Georgetown County, State of South Carolina, and was in the year 1866; that during the months of March or April, 1866, the Masonic Temple at Georgetown, S. C., was destroyed by fire, which destruction was caused by the federal soldiers; that soon after the destruction of said building reclamation for damages was made and approved by the Claims Committee at Washington, D. C., at which time he was master of the Georgetown Masonic Lodge, but owing to the fact that this congressional district was then represented by a negro Congressman—J. H. Raney—who made the assertion on the floor of the House that if such a claim was approved and paid the funds would be used for Democratic political purposes and not for the erection of a new Masonic temple; that the said J. H. Raney, after he had upset the claim, made the assertion to several of his friends in Georgetown that inasmuch as the claim was not presented through him, and inasmuch as he was entirely ignored in the matter, he had made every effort to have the claim canceled; that he verily believes that if such representation to the Claims Committee had not been made the claim would have been approved and paid. He further states that he knows positively of his own personal knowledge that said building was destroyed by fire, and that said destruction was caused by the federal soldiers.

B. A. MUNNERSLYN.

Sworn to and subscribed before me this the 20th day of March, 1908.

Sworn to and subscribed before me this the 20th day of March, 1908. [SEAL.]

Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, County of Georgetown:

Personally appeared before me S. W. Rouquie, sr., who, after being duly sworn, deposes and says that he is a resident of Georgetown County, State of South Carolina, and was in the year 1866, and that he knows of his own personal knowledge that the Masonic Temple at Georgetown, S. C., county aforesaid, was destroyed by fire during the month of March or April, in the year 1866, and that he further knows it to be a positive fact that said building was set on fire by the federal soldiers.

S. W. ROUQUIE.

Sworn to and subscribed before me this the 20th day of March, 1908, H. B. SPRINGS, Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, Georgetown County:

Personally appeared before me James M. Lesesne, who, after being duly sworn, deposes and says that he is a resident of Georgetown, S. C., and was such during the year 1866. That he further knows of his own personal knowledge that the Masonic Temple at Georgetown, S. C., was destroyed by fire some time during the month of March or April, in the year 1866, and that the destruction of the said building was caused by the federal soldiers who occupied the building, they burning the same on leaving it.

J. M. LESESNE. Sworn to before me this 21st day of March, 1908.

[SEAL.]

H. B. Springs, Notary Public for South Carolina.

Mr. SMOOT. I should like to ask the Senator from South Carolina if a bill has ever passed the Senate or the House for the payment of this claim.

Mr. TILLMAN. It has been decided in the Court of Claims, the same as 100 or 500 other claims which are included in the bill

Mr. SMOOT. I want to say that if the amendments which are now being offered outside of the committee amendments are to be accepted, I am going to vote against every one of them on the ground of the understanding that we had before the consideration of the bill in the Senate, and also if they are accepted I desire to state now that I shall vote against the passage of the bill. I was in hopes, however, that we could pass the bill ac-

bill. I was in hopes, however, that we could pass the bill according to the agreement. I make this statement now so that my position may be understood.

Mr. FULTON. I simply want to say that I trust the amendment will not be adopted. I can not, of course, at this time remember just the circumstances. We have gone over all these claims and rejected them. This is all I have to say. If the Senate sees fit to vote them in, of course we can look at them

later. Mr. TILLMAN. I have made a statement of the facts, Mr. President, that the finding is in accordance with the evidence before the Court of Claims, and, in addition to the evidence submitted to the court, I have presented affidavits from men-some of whom I know, persons who were not 8 years of age at the time, but who were men in 1866-that the building was destroyed after the war was over.

That is all there is about it. Of course if the Senate wants to vote the ameriment out or if the committee of conference chooses to throw it out, I can not help myself. I have done my

Mr. CLARKE of Arkansas. Mr. President— The VICE-PRESIDENT. Does the Senator from Arkansas rise to the pending amendment?

Mr. CLARKE of Arkansas. Yes, sir; I rise for the purpose of addressing the Senate on some of the aspects of the pending

When the bill was reported from the committee it was announced that, upon an understanding, the number of claims that had been included fairly exhausted the amount of money deemed to be available on this occasion. A number of claims from Arkansas were included, and a number of claims just as merito-rious were excluded on the ground that a fair division among the several States and communities would allow Arkansas to have that many of it's claims included.

Believing that the committee had acted conscientiously, with a disposition to recognize fairly the rights of classes and sections, I was disposed to accept it, and did accept it. When in the items arranged by States the point was reached where the Arkansas claims were to be found, I did not offer amendments that were just as meritorious as those that were included.

Now, I want to be dealt with fairly. If the bill is to be opened up for meritorious claims, then I have many that I care

to present and shall feel it my duty to present.

Mr. FULTON. I will say to the Senator that, as far as I am concerned, if this item goes in I shall make no objection to his items. I know what they are; and they are, as he states, equally meritorious.

Mr. SMOOT. I will also say to the Senator I will make no objection whatever. If the arrangement is violated in one instance, I am perfectly willing that any claim thus presented here shall go on the bill.

Mr. CLARKE of Arkansas. In view of the statement of the chairman and member of the Committee on Claims, I have nothing further to say.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. TILLMAN],

The amendment was rejected.

Mr. RAYNER. I send to the desk two amendments to the bill. One is an amendment that failed to get before the committee by reason of the death of my late colleague, Governor Whyte.

The VICE-PRESIDENT. The amendment will be read.

The Secretary. On page 63, after line 17, it is proposed to insert:

To Nathan F. Edmonds, administrator of estate of Henry Show, deceased, late of Washington County, Md., \$225.

Mr. FULTON. That is the one to which the Senator referred? Mr. RAYNER. As I understand it, the committee would have passed the claim if it had been presented by my late colleague. Mr. FULTON. The Senator says it is an amendment which

failed to get in because of the death of his colleague? Mr. RAYNER. So I understand. I have been so informed. Mr. FULTON. I have looked it over. I think it is within the

rule, and under the circumstances I am willing to accept it. The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAYNER. The second amendment is a judgment of the Court of Claims in favor of the claim, but it came in shortly after the committee made up the bill. It is for a church.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 62, after line 15, insert the follow-

To the consistory of Grace Reformed Church, Knoxville, Md., the sum of \$410, the same being the amount of the findings reported by the Court of Claims in Senate Document No. 418, Sixtleth Congress, first session

Mr. FULTON. All those amendments the committee have declined to insert. I trust the amendment will not be adopted, because there will be another bill similar to the one pending.

Mr. RAYNER. What is the objection to the adoption of this claim? It is a payment to the consistory of Grace Reformed Church, Knoxville, Md., and the Court of Claims finds

II. During said war the military forces of the United States, by proper authority, for the use of the army, took possession of the church building described in the petition and used and occupied the same for hospital purposes for a short period of time and damaged the same. The reasonable rental value, together with damage in excess of ordinary wear and tear, was then and there the sum of \$410, no part of which appears to have been paid.

III. The claim herein was never presented to any officer or department of the Government prior to its presentation to Congress and reference to this court by resolution of the United States Senate as hereinbefore set forth, and no satisfactory reason is adduced showing why the claim was not earlier presented.

What is the objection to allowing the claim? It is for a church and is for \$410. It came in shortly after the committee made up the bill and ought to have been in it, but for some reason or other it was delayed.

Mr. FULTON. In the first place, all those claims which came in subsequent to the reporting of the bill the committee has had no opportunity whatever to examine. In the next place, it seems to me that there ought to be some limit, and the committee felt if we passed on all matters that had been reported to the Senate up to the time of the reporting of the bill, the others should wait until there would be another bill carrying these claims.

Mr. RAYNER. But do not draw the line on a church claim. It is impossible for me to examine this matter Mr. FULTON. carefully now. The mere fact that there is a court finding here does not settle it. There may be two court findings. Sometimes we discover that these matters are duplicated; and one has been paid. I do not care to assume the responsibility myself

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr.

RAYNER].

The amendment was rejected.

ing additional section:

Mr. LODGE. I offer an amendment, which I will not delay the Senate by asking to have read. The Senator from Oregon knows the claim, which I think is a good one. I wish to submit it to his consideration. It is what is known as the "dies claim."

Mr. FULTON. I have never looked upon the claim as one enjoying much merit, and I have not changed my view.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be read by the Secretary. The Secretary. It is proposed to add to the bill the follow-

SEC.—. That there is hereby appropriated, out of any money not otherwise appropriated, to refund internal-revenue taxes illegally collected from owners of private dies, as decided by the Supreme Court of the United States, the following amounts, or so much as may be found due by the accounting officers of the Treasury Department, to wit: To Alligator Match Company, \$105; A. Beecher & Sons, \$1.407; W. T. Brown & Co., \$830; John J. Brown & Son, \$2.535; John Bull (estate), \$1.278; Jeremiah Curtiss & Sons, \$4.010; Curtis & Brown Manufacturing Company, \$49.50; Andrew Dougherty, \$5.645; Henry Dalley, fr., \$220.13; P. H. Drake & Co., \$990; A. Eichele & Co., \$3.527; Griggs & Scott, \$380; William Gates's Sons, \$203.98; L. G. Hunt, \$155; Holman Liver Pad Company, \$21.04; S. B. Hartman & Co., \$34.568 cents; Joseph Lochr, \$2.961.44; R. H. McDonald & Co., \$2.436; National Match Company, \$1.040; D. Ransom & Co., \$400; H. R. Stevens, \$348; Swift, Courtney & Beecher Company, \$7,000; Trenton Match Company, \$755.20; John Lochr, \$4,521.44.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. SMOOT. Mr. President, I hope that the amendment will not be voted on favorably.

The amendment was rejected.

Mr. SIMMONS. I desire to offer an amendment at the end

of the North Carolina items, on page 78.

The VICE-PRESIDENT. The Senator from North Carolina The VICE-PRESIDENT. The Senator from proposes an amendment, which will be stated.

The Secretary. It is proposed to add, after line 25, page 78: James W. Adams, of Patrick County, \$2,325.

Mr. SIMMONS. Mr. President, I think the Senator from Oregon will offer no objection to this particular amendment. I am inclined to think that it was the intention of the committee to include it with the committee amendments in the bill, but it was overlooked.

Mr. RAYNER. There ought to be some equality of distribu-I am not objecting to any claim, but I should like to ask the Senator from North Carolina what is the date of the claim, because one of my claims was just ruled out. Let us have the

Mr. SIMMONS. It is dated "Washington, December 5, 1905." I assume that that is the date of the finding.

Mr. RAYNER. I thought it was a claim of April, 1908. derstand all adjudications of the Court of Claims after the report of the bill have been ruled out, and the chairman of the committee has announced that he will object to any ruling of the Court of Claims after the bill has been reported.

Mr. SIMMONS. Mr. President, I desire to say with reference to the matter, if there is any claim in the bill that is thoroughly established, both by the evidence and by the Court of Claims, it

is this claim.

This is a claim for the use of the schooner *Triumph*. This schooner was taken, so the Court of Claims find, by order of General Burnside for the use of the army, and was used for the army for one hundred and fifty-five days. The Court of Claims find that the reasonable value of the use of that schooner for that time was \$2,325; that the claimant was a loyal citizen of the United States.

Mr. FULTON. I did not understand the Senator's answer to the question as to when that claim was reported by the Court of Claims

Mr. SIMMONS. It is dated "Court of Claims, clerk's office, Washington City, December 5, 1905." Mr. FULTON. If it came in in 1905.

Mr. SIMMONS. I may be mistaken about the time when it came in; but the letter of the assistant clerk of the Court of Claims transmitting it bears the date I have stated.

Mr. FULTON. There is a possibility that it was paid in the last omnibus claims bill, and there is the further consideration that it was previously passed upon by the committee.

Mr. SIMMONS. It appears at the close of this report that the

case was attested on the 3d day of June, 1905.

Mr. FULTON. That matter must, of course, have been passed upon by the committee which made up the last omnibus There must have been grounds, in its judgment, for rejecting the claim, or it is possible that the claim may have Has the Senator looked that matter up carefully?

Mr. SIMMONS. Mr. President, I know the parties interested. They have written to me about the claim recently, and I assume they would not have written about it if the claim had been paid. I have made no investigation other than that. I think the claim was not included in the other report, probably on account of some inadvertence on my part. I am not sure what was the real reason for its omission from the last bill, but as to the merits of the claim there can be no controversy whatever.

Mr. FULTON. If the Senator will allow me to look at the report perhaps I can ascertain. [Examining.] Yes; I find one reason, probably, why the claim was rejected, if there was no

other, was this:

III. The claim was never presented to any department or officer of the Government prior to its presentation to Congress and reference to this court as aforesaid.

That is a finding of laches, and the existing law provides that when these claims are sent to the Court of Claims, the court shall report whether or not any showing has been made why the bar of the statute should be removed, contemplating that if no such showing is made the claim is not to be entertained.

Mr. SIMMONS. I desire to ask the Senator from Oregon a

The VICE-PRESIDENT. Does the Senator from Oregon

yield to the Senator from South Carolina?

Mr. FULTON. I yield the floor, Mr. President. I am through. Mr. SIMMONS. Mr. President, a great many of the claims contained in the bill, with respect to the time of presentation, are not upon an exact parallel with this case.

FULTON. There are some exceptions. We have not made that a strict rule in the matter of laches. Oftentimes we are able to satisfy ourselves that a claim ought to be recog-

nized notwithstanding laches.

Mr. SIMMONS. I ask the Senator from Oregon, again, if the Court of Claims is not in the habit, when it finds that a claimant has been guilty of unreasonable laches, of stating, as a part of its findings, that he has been guilty of laches'

Mr. FUL/TON. No; the court simply say that no proof is offered to show why the claim had not before been presented. They do not say whether the claimant is guilty of laches or not.

Mr. SIMMONS. I should like to ask the Senator from Oregon I ask if in the majority of these cases it another question. does not appear from the findings of the court that they were not presented for payment until a bill was offered in Congress?

Mr. FULTON. I will answer the Senator "no." In the majority of cases, if the findings are flatly against the diligence,

as in this case, sometimes the court-

Mr. SIMMONS. I do not understand, if the Senator will pardon me, that there is any mention in the finding as to the diligence of the claimant. The court simply says that this case was not presented to Congress until the introduction of the bill

which was referred to the Court of Claims. Mr. WARREN. I think I ought to say, regarding the claim presented by the Senator from North Carolina [Mr. Simmons], that it was one of the class that in the last omnibus bill we did not include. We only included cases involving laches where it was against infants or was otherwise some peculiar case of hardship or there was some extraordinary reason why the claim could not be earlier presented. There were several hundred claims exactly on the same level with that which the Senator from North Carolina is presenting.

I think I said on the floor when the previous omnibus claims bill was being considered, that the committee had thought it best to leave out a great number of claims, at least for the time. I intimated then-and I believe it will eventually be donein cleaning up, perhaps in the next bill such claims will all be

taken up and reviewed.

I do not know what is in the present bill, but the last bill contained no claims where the laches was as plain as in the case the Senator from North Carolina has presented.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, the differentiation which I want to point out to him is that in the case I present there is no finding of the court that there was laches and no finding of the court with reference to the question we are now discussing. The finding of the court with reference to the question which we are now discussing is as follows:

The claim was never presented to any department or officer of the Government prior to its presentation to Congress and reference to this court as aforesaid.

Mr. WARREN. Mr. President, those are exactly the terms of the findings in all this class of cases that were before excluded upon the findings of the court.

Mr. SIMMONS. My recollection is Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. SIMMONS. Certainly. Mr. FULTON. The law contemplates that the claimant shall affirmatively show some reason why he did not present the claim earlier; and failing to so show, the claim is barred. requires an affirmative showing.

Mr. SIMMONS. Mr. President, my recollection is, from an

examination of a number of cases I have had in charge, that where the court intended to find that the claimant had been guilty of unpardonable negligence, if you will allow the use of that term, they assert either that the claimant was guilty of negligence or they declare that no reasonable explanation was offered why the claim was not presented at an earlier date.

Now, Mr. President, I can only say this with respect to this claim: It may be that there may have been some negligence in presenting it, but where it is shown by the findings of the court, created by the Government itself to determine and pass upon the merits of claims of citizens against the Government thus submitted, that the claim is just, that the Government has had the use of the property, and that the citizen was a loyal citizen of the United States, I do not think the Government ought to plead the statute of limitations.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr.

SIMMONS].

The amendment was rejected.

Mr. FULTON. Mr. President, I now present a committee amendment. This is the last committee amendment I have to offer.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 200, after line 15, following the amendment already adopted, it is proposed to insert:

That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, be, and he is hereby, authorized and directed to audit and adjust the claims of Stewart & Co., and A. P. H. Stewart, agent, for internal-revenue taxes collected on government cotton between January 1, 1865, and January 1, 1866, and which have not been here-tofore refunded, and for this purpose, any statute of limitation to the contrary notwithstanding, sections 989, 3226, 3227, and 3228 of the Revised Statutes of the United States are hereby made applicable and available with the same force and effect as if protest and demand for payment had been made within the time prescribed by said sections, and the amount, not exceeding \$11,208.04, when ascertained as aforesaid, and not heretofore refunded, shall be paid to legal representatives of A. P. H. Stewart and Charles A. Weed, out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year.

The VICE-PRESIDENT. The question is on agreeing to the

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. TELLER. Mr. President, I offer the amendment which send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. On page 41, at the end of the Colorado items, it is proposed to add the following:

To Jesse W. Coleman, Custer County, \$675.

Mr. TELLER. Mr. President, I want to state very briefly the facts about this case. Mr. Coleman was a farmer on the Arkansas River in southern Colorado in 1864. He had quite an extensive farm, the farm covering a piece of land that did not belong to him, but which belonged to a different party. He had large fields of grain and crops of all kinds. When the Indians began disturbing that vicinity, he enlisted in the army and became a soldier in the Third Colorado Cavalry, which was a regiment recruited to fight against the Indians.

Mr. Coleman lost his entire crop. He filed a claim against the Government for a very large amount of money—\$23,000—and went into the Court of Claims. I will read the findings of the Court of Claims, and then, if the chairman of the committee will say that this is not a proper claim, I shall admit that I do not know what is a proper claim. This is the finding of

It appears from the evidence that the claimant, Jesse W. Coleman, was loyal to the Government of the United States throughout the war for the suppression of the rebellion—

I suppose that may be presumed after he had entered the army and served one hundred days, which was the time of his enlistment-

In 1864 the claimant was engaged in farming a tract of land belonging to the Government—

I want to say, Mr. President, that in those days all that land belonged to the Government. There was no private ownership of land of any consequence in that part of the country

of land of any consequence in that part of the country—
which he had leased from one Eader, who seems to have been in possession as a "squatter." The land is located about 12 miles from
Pueblo, then Colorado Territory. The land was leased on shares, the
claimant agreeing to give one-fourth of the crop raised by him. In
August, 1864, the Indians in that locality were on the warpath, and the
serve one hundred days, and was mustered in on September 12, 1864,
claimant enlisted in Company G, Third Colorado Cavalry Volunteers, to
and served during the term of his enlistment until mustered out December 29, 1864. That by reason of the terrorized condition of affairs
and the claimant's absence from home he failed to harvest and save
any material part of his crops.

Whet is whet he had filed a claim for which the court did not

That is what he has filed a claim for, which the court did not

During that period there were taken from the said claimant, in Custer County, in the then Territory of Colorado, stores and supplies of the character and kind described above, which at the time and place of taking were reasonably worth the sum of \$675, no part of which appears to have been paid for.

Mr. FULTON. Let me ask the Senator right there, by whom were those stores and supplies taken? By the Indians?

Mr. TELLER. They were taken by the troops.

Mr. FULTON. It does not say so.

Mr. TELLER. It does not say so, but that is a fact within my knowledge. I happen to know Mr. Coleman. He is, think, the only man I do know who has any interest in this bill. It is a claim for property taken by the United States; and while the court does not say it was taken by the troops, it evidently follows that the court understood that it was taken by the

Mr. FULTON. I think that might be assumed. Mr. TELLER. That is all there is of that claim. Of course the claimant did not get his claim for \$23,000, although I have no doubt the soldiers got the property on which the claim was based. I think Mr. Coleman, who is now an old man, is entitled to \$675, and I am sure it will not break this Government of ours

to pay it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado [Mr. Teller.] [Putting the question.] By the sounds, the "noes" have it.

Mr. TELLER. Mr. President, I am going to ask for the yeas and nays on the amendment, for if there is any decency in the

Government of the United States, that is a claim that ought to be paid. It is a mere subterfuge to say the court did not find that the property was taken by the United States troops. The property was taken, and if they find that the claimant is entitled to recovery, it follows that the property was so taken, and that the court so understood it. I do not know whether I can get the yeas and nays on the amendment.

Mr. FRYE. Let the question be again put. Let us have an-

other viva voce vote.

Mr. TELLER. Very well. I ask that the question be again

The VICE-PRESIDENT. The Chair will again put the question. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. Teller]. The amendment was agreed to. Mr. KEAN. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 194, after line 2, it is proposed to

insert:

That the Secretary of State be, and he is hereby, authorized and directed to examine the claim of the Wales Island Packing Company, for injury to its business and property on Wales Island on account of the recent decision of the Alaska boundary tribunal, under which the possession of said island has passed from the United States to the Dominton of Canada, and allow to said company whatever sum may be found due, not exceding \$\$1,869.60. And the amount so found due shall be paid to the Wales Island Packing Company: Provided, That the said amount allowed shall be accepted by the said company as full satisfaction of all its claims against the United States arising from said injury; and the said amount allowed is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. KEAN Mr. President that is a well-known case I

Mr. KEAN. Mr. President, that is a well-known case. I think the Senator from Oregon will accept it.

Mr. FULTON. I will simply say, in regard to that matter, that some amount should be allowed to these parties. The

Secretary of State has recommended it many times. I do not know whether the amendment is so framed that he can pay whatever he chooses.

Mr. KEAN. He can.
Mr. FULTON. If it is not so framed, I will see that it is.
Mr. KEAN. It is so framed that he can pay whatever he thinks fit.

Mr. SMOOT. Mr. President, I rather think that a dangerous precedent will be set by paying that claim. I have examined it a great many times, and I can not see any justice in it. I hope the Senate will vote it down and not allow it to go into the omnibus claims bill.

Mr. WARREN. Mr. President, I hope the Senate will do as they have done before—agree to the amendment with the same unanimity as before. It is something the State Department is very much embarrassed with, caused by a change of national boundary, no fault being attached to the packing company. I think it is a righteous claim and that it ought to go into the bill.

Mr. FULTON. They were cut out by the boundary line be-

ing changed.

Mr. TILLMAN. If it is such an important matter, why is it not brought in here on its own merits, instead of being put on this omnibus claims bill with so many other claims which everybody realizes and acknowledges are just? Let us have the same treatment for both sides of this Chamber, and for both parties here, or let us not have anything at all. I would rather have no bill at all than have such discrimination.

The VICE-PRESIDENT. The question is on agreeing to the

amendment offered by the Senator from New Jersey [Mr.

KEAN1.

The amendment was rejected.

Mr. KEAN. I have another amendment which I desire to offer for the Senator from Pennsylvania [Mr. PENROSE]. It should come in after the French spoliation claims

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. It is proposed to add at the end of the bill the following:

That the sum of \$496,812.54 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the president and directors of the Insurance Company of North America the several amounts found by the Court of Claims and heretofore reported to Congress as due them in accordance with the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spollations committed by the French prior to the 31st day of July 1801," approved January 20, 1885.

Mr. KEAN. Mr. President, the Senator from Ohio [Mr. Foraker] has a similar amendment in regard to the Insurance Company of Pennsylvania. They are both to be considered to-

Mr. FORAKER. Mr. President, I offer an amendment now to be inserted in the bill following the amendment of the Senator from New Jersey.

Mr. KEAN. So that both of them may be considered together.

Mr. FORAKER. I ask that my amendment be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary. Following the amendment of Mr. Kean, it is proposed to add:

That the sum of \$313,931.65 be, and the same is hereby, apprepriated, out of any money in the Treasury not otherwise appropriated, to pay The Insurance Company of the State of Pennsylvania the several amounts found by the Court of Claims and heretofore reported to Congress as due them in accordance with the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Jersey [Mr. KEAN]

Mr. FULTON. Mr. President, if I understood correctly, the amendment offered by the Senator from New Jersey is for the payment of the French spollation claim of the Insurance Company of North America.

Mr. KEAN. It is.

Mr. FULTON. And the amendment offered by the Senator

from Ohio, I understand, is similar.

Mr. FORAKER. Yes; for The Insurance Company of the State of Pennsylvania. Mr. FULTON. We

We have included in the bill allowances for all individual claims against that fund, but we have excluded the claims of all incorporated companies. That has been the policy heretofore, and the committee followed it this time. I want to say, though, that my investigations have led me to be-lieve that it is a policy that ought not to have been pursued;

and, so far as I am concerned, were it not for the fact that it would impose so large an amount on this bill, I would consent

to accept the amendments.

The truth is, I found, when I came to investigate the matter, that these insurance companies received no greater premium for the insurance they wrote than was paid on the same risks to private insurers. For some time I had been laboring under the impression that they had really been charging what might be called "a war risk" premium and had received larger premiums than the private insurers. We have uniformly paid the private insurers, and justice will some time require that Congress shall pay these claims. I hope, however, Senators will not insist on pressing these claims at this time, because it will be simply impossible, in my judgment, to get this bill through with them on.

Mr. FORAKER. Mr. President, I hope the Senator having the bill in charge will not insist upon his objection. I hardly see how he can do so consistently, in view of the statement he has just made.

It is true, as he says, that these are absolutely just claims. They were presented and heard in the Court of Claims and were there allowed. It is true, as he says, that there has never been any objection to paying them when similar claims were being paid, except only that these were claims in favor of corporations. That surely is not a just and tenable objection.

It is true the amount is large; but some time, if the Senator's suggestion is acted upon favorably, the Government will discharge these claims, and I do not know why we should not discharge them at this time as well as at some subsequent time.

These insurance companies have just passed through the great fire at San Francisco, where they lost heavily, but met all their obligations, and at this particular time it would be only a just recognition, and a most appropriate and a most agreeable one, if they could have that which the United States Government owes them and has owed them for a hundred years. How much longer are they to wait in patience? I hope the Senate will vote that these claims—as just as any that are in-corporated in this bill; as just as any that have ever been paid of all these French spoliation claims-may be now acted upon and allowed.

Mr. MONEY. Mr. President, I have not a word to say about the justice of the claim that is presented as an amendment, nor the justice of any other claim included in this bill; but the proceedings in the consideration of this bill have been of such a character that it is not exactly fair to some of us on this

side that these amendments should now be offered.

A good many Senators on the Democratic side understood that there was going to be great difficulty in having this bill presented at all for consideration. It is called a "southern claims bill," but, in fact, 3 Northern States have more than the 11 Confederate States put together. I, with a number of gentlemen on this side of the Chamber and around me, agreed that we would not introduce any amendment whatever if the bill should be presented to the Senate, and I understood that it was upon such conditions that the bill was brought before the Sen-

ate to be put upon its passage.

I and several other Senators have religiously adhered to that contract, as I may call it, and have not presented amendments that arise properly under this bill and are quite as just as any that are carried in it. I am not questioning the justice of any of them; but if it were to be understood that any sort of claim might be presented and appended to this bill on the ground that it was a just claim, we should have a good many to offer our-selves. I know that I should have several. I have been importuned by my constituents to see that claims which have been favorably acted upon by the Court of Claims should be added to this bill, but I have refrained from offering any of The bill has now grown large enough when you consider the understanding under which, I think, it was at first presented to the Senate.

While I have no disposition to put off any further the claims covered by the amendments of the Senators from New Jersey and Ohio-and I know they have been delayed here a hundred -there are many other bills quite as just to which there is not the slightest probability of any consideration ever being given by the Senate. I have in mind a bill that I introduced myself which has been on the Senate Calendar every year, session after session, as it has been in the House, for thirty years. It has never received an unfavorable report; it has never received the views of the minority; and yet consideration can never be had for it because it simply involves the distribution of a trust fund in the Treasury which the courts and the Congress say, and everybody says, belongs to somebody else. If the claim of a cestui que trust who has proved his right to a part of a distributive fund in the Treasury, allowed by all to

be a trust fund, is not a just claim, then there are no just

claims against the Government whatever.

I want all just claims against the Government paid. not think we can put the United States in the attitude of denying a claim for provisions or anything else furnished to its troops. If we do, we put it in a most anomalous and ungracious attitude, different from that of every other country in the For at least two hundred years—two hundred and fifty, I think-it has been decided over and over again in international law that a government in honor must pay for what it seizes, whether that seizure belongs to friend or foe, and we always proceed upon the legal fiction that the Government has an implied contract to pay.

I know that a great many of the French spoliation claims are just, and I do not, by what I am saying, throw any sort of cloud upon the claims presented by the Senator from New Jersey and advocated by the Senator from Ohio. It is simply that after we on this side, because of the condition of the bill, agreed not to present claims which are fully as just, fully as pressing, and very much smaller in amount, and have withheld action because we agreed to do it, now we find ourselves overrun with amendments from another section of the country, em-

bracing much older claims and no more just.

Mr. FORAKER. I do not know anything about the agreement of which the Senator from Mississippi speaks. I only know that these claims have been called to my attention, that I have investigated them, and I have reached the conclusion stated by the chairman of the committee having this bill in charge, that they are absolutely just claims and that they ought to be paid; and the Government has not even the excuse of not being able to do it as the reason why it should not pay.

Mr. WARREN. Will the Senator from Ohio permit me? Mr. FORAKER. Certainly.

Mr. WARREN. Just a word, Mr. President. I think the first time any number of these French spoliation claims were paid upon the findings of the Court of Claims was something like a dozen years ago, when about three-fourths of a million dollars of spoliation claims and about the same amount of southern war claims were put on the deficiency bill. At that time it was with the promise on the part of those who proposed them that the spoliation claims should not include the insurance claims. I had not then had time to look them up. After that had passed we again put upon another deficiency bill about as much more—three-quarters of a million of spoliation claims—and the bill was vetoed by President Cleveland on the ground that we had included insurance claims.

Later on it was looked up. We found that the only objection to these claims was that it was the business of the insurance companies to insure; that they had charged a premium for insuring, and therefore it was a business transaction, and they assumed the risk as an ordinary business proposition in contradistinction to those people who had had their property taken

from them.

But I must say, in justice to the claims, that we have paid the underwriters, as the Senator from Oregon has said, the private insurers, and, so far as my investigation shows, at about the same rate of premium. I have believed, and now believe, that before the matter of settling the French spoliation claims is entirely closed these insurance claims will have to be considered. But they have been left out of this bill on account of the understanding had in the first place, and as was so well said by the Senator in charge of the bill, to keep the pending bill from becoming larger than we could obtain the consent of this House and the other House to pass. If it shall be ex-cluded now, I think there will later on be a stronger prospect of its going through than at this time.

Mr. FULTON. I call the attention of the Senator to the fact. if he will allow me, that the acceptance of these amendments means adding nearly \$2,000,000 to the bill. It simply means

to sink it.

Mr. SMOOT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. Certainly.
Mr. SMOOT. I sincerely hope this amendment will not be accepted by the Senate. I have studied the question pretty thoroughly, and I do not believe the claims are just. It is true they happened in time of war; but if you will inquire what the rate of premium was, you will notice that war premiums were paid, many of them 35 per cent.

Mr. KEAN. I think the Senator from Utah will find, if he will examine it, that that is not true.

Mr. FULTON. Let me ask the Senator if he contends that the premium charged by the insurance companies on a given risk, where the risk was also carried by a private individual,

was greater than the premium charged by the private indi-Was it not exactly the same in every instance?

Mr. SMOOT. As far as my examination discloses, it was a trifle higher.

Mr. FULITON. No; I had all that tabulated. I had every one drawn off. I had the same impression that he has; but where an insurance company and a private insurer carried a risk on a ship or a cargo at the same time, the premium was the same, except in some instances, much to my surprise, the insurance companies did it for a less premium.

Mr. SMOOT. Mr. President—
Mr. FORAKER. I decline to be further interrupted.
The VICE-PRESIDENT. The Senator from Ohio.

Mr. FORAKER. The statement made by the Senator from Utah is the expression of a misunderstanding that obtained to the prejudice of these claims for years.

Mr. SMOOT. Not with me.

Mr. FORAKER. Not with the Senator from Utah, as he says, because I assume that until recently his attention had not been directed to the matter, but he is now under the same misapprehension that others labored under at the time these claims were discriminated against—that is the only word proper to employ. The record and testimony adduced show that there was no war premium charged, but only the ordinary marine rate that underwriters, incorporated and unincorporated, charged at that time.

But for the assurance given by our Government, by President Washington, and by Mr. Jefferson, then Secretary of State, whose assurances are quoted on the record, there could not have been any merchant marine at all belonging to America at that time. They gave assurance that the Government would stand behind and protect them if they took these risks. In view of that fact the insurance companies of the country were willing to underwrite these risks and did underwrite them; and then, Mr. President, when the vessels were destroyed by the French our Government stepped in and assumed the obligation that the French Government thereby came under to pay for these ships. Our Government got value received for it, and for one hundred years our Government has been refusing to recognize and pay these claims.

The whole trouble out of which grew these French spoliation claims was one not creditable to our Government, I am sorry to say; due to the fact, acknowledged by us officially, that we did not keep our pledge to the French people embodied in the treaty of 1778.

Mr. FULTON. If the Senator will allow me-

Mr. FORAKER. In just a moment.

It was in consequence of that and to adjust our differences with the French Government that we assumed these obligations. and when we assumed these obligations the insurance companies became subrogated to all of the rights of the owners of the vessels, and they advanced and paid the loss, and all this time they have been trying to get back that which belongs to

Mr. FULTON. I have the list here that I drew off, showing the risks carried and the premium paid. Take the brig Ruby, office of Peter C. Brooks; \$16,000 insurance, at 18 per cent premium. We have paid Peter Brooks all his claim. The Boston Marine Insurance Company, \$2,500, on the same risk, 15 per cent. The company charged 15, as against 18 by the indi-

Mr. KEAN. Has not the Boston Marine Insurance Company been paid?

Mr. FULTON. It still has claims. I do not know whether it has been paid. I do not think it has been.

Mr. KEAN. Some of the claims of the Boston Marine Insurance Company were paid, as I understand.

Mr. FORAKER. Yes; I have the record here, showing that one company in Massachusetts and two or three companies in Rhode Island were paid, and one in Baltimore.

Mr. FULITON. That does not make any difference. I was calling attention to the fact that the insurance companies charged practically the same premium that private individuals charged for the same risk. But I do not want to be misunderstood. I do not want this amendment attached to the pending bill, for it simply means to destroy the bill.

Mr. FORAKER. I do not want to destroy the bill-

Mr. KEAN. Let us have a vote.

Mr. FORAKER. But as the amendments have been brought up, and brought up in good faith, I want to answer the objections made to them. I desire to say, in answer to the objection, that the companies charged a war premium. Suppose they did. Does that justify the Government in refusing to reimburse men for losses which they have paid, for which the Government undertook to reimburse them? That they would charge war rates

in time of war is the most natural thing in the world; but that does not take away their right to hold the French Government responsible if wrongfully the French Government destroyed the vessel on which they had written insurance.

Mr. FULTON. I think the Senator did not intend to say that this was during war. As a matter of fact, it was not during war. Had it been during war we would not recognize the claim at all. As a matter of fact it has been judicially determined that a state of war did not exist between France and this nation at that time.

Mr. FORAKER. I stand corrected as to that. During a time of practical hostility. The French Government undertook to punish us for not keeping our treaty agreement with her to stand by her when she got into war with any other country. She called upon us to stand by her in her trouble with Great Britain, and we had declined to keep our pledge. To punish us she set about destroying our merchant marine upon the high seas, and wrongfully destroyed it, because, as the Senator from Oregon suggests, there was no war to justify it. It was in time

of peace. It was pure wantonness, as we claim.

Hence it was these vessels had an undoubted claim against the French Government, and our Government had promised the insurance companies, the vessel owners, and everybody else who took risks in regard to our merchant marine that it would stand by and protect and secure to them redress if they suffered wrongs. That led to this insurance. It led to these ships salling the seas as they did. Suppose they did, in view of that, charge high rates-which they did not, because the record shows they were simply the ordinary marine rates at that time. But suppose they had. They still would have been allowed to assert their claim against the French Government. They would have a just claim against the French Government for the full value of their loss, and it was that obligation of the French Government to the vessel owner, and through the vessel owner to the insurance company which paid the loss, which our Government assumed and promised to pay, and which it has been for a hundred years dodging in and out on one pretext and another and not paying.

I do not want to kill the bill; but inasmuch as this question came up, I wanted to express to the Senate my opinion, based upon the best examination I have been able to make, that these are perfectly just claims, and that they ought to be paid.

Mr. KEAN and others. Let us have a vote.

Mr. SMOOT. Mr. President

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. SMOOT. I thought the Senator was through.

Mr. FORAKER. I was answering a suggestion. I had not determined what I would do; but in view of the fact that Senators desire a vote, I will let it come to a vote.

Mr. SMOOT. Mr. President, I have spent a little time in looking up the rates that were charged the different boats, and while I notice from the list the chairman of the committee has here that in many instances there was an insurance rate of 25 per cent, there is a list I have seen which shows that there was 35 and 40 and even 50 per cent charged.

Mr. FULTON. Mr. President

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I do. Mr. FULTON. I think the Senator surely must be mistaken. I had this taken from the list as it appears on file in the Committee on Claims.

Mr. SMOOT. I do not say that—
Mr. FULTON. Of course I understand the Senator thinks he is correct, and possibly he is correct, but it does seem to me he must have this confused with some other matter, because I had this list compiled from the records in the Committee on Claims.

Mr. SMOOT. I do not say it is not compiled from the list that the chairman of the committee has, but I do claim there is a list showing in many cases higher rates charged than on this list. It seems to me if the insurance was charged at a war rate, and if the Government told these companies it would protect them against loss, then they should not have charged a war rate for the insurance.

Mr. KEAN. The Senator from Ohio and I are perfectly willing that the amendment shall go over. We withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. SCOTT. I offer the amendment I send to the desk.

The Secretary. On page 106, in the items for West Virginia. after line 22 and after the amendment already inserted at that point in the bill, it is proposed to insert:

To the board of education of the Harpers Ferry school district, Jefferson County, W. Va., \$2,121.72, the amount found due by the

Committee on War Claims of the House of Representatives, as included in Report No. 1135, Sixtleth Congress, first session.

Mr. SCOTT. Mr. President, in view of the action of the Senate I have no hope, or at least scarcely any hope, that the amendment will be adopted, but I want to say that my State was the theater of very stirring scenes from 1861 to 1865. I have probably 50 or 75 amendments which I ought to offer that are as deserving as the one which I have just sent to the desk. This is for property taken by the Government. The Government sold the property and got the money, and my constituents have been waiting now for forty years for it, and I

suppose they will have to wait forty years longer.

But, Mr. President, I am not going to press it, because my constituents are provided for in the bill to a reasonable amount, and I do not want to kill the bill. You know the saying, "A half loaf is better than no bread." I am going to follow what the Senator from Mississippi said a while ago and not offer these additional amendments, although every one of them is just and should be paid. I ask to have a vote on this amendment, which will determine my action as to whether it is worth

while to offer any of the others.

Mr. FULTON. Mr. President, I hope the amendment will not be adopted. I do not think it is proper to insert it on

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from West Virginia. [Putting the question.] The "noes" seem to have it.

Mr. SCOTT. If I thought I would have as good luck as the Senator from Colorado when he called for the yeas and nays on his amendment, I would insist upon the yeas and nays. But not wanting to take up the time of the Senate, I will be satisfied with a vote if Senators will vote on this proposition.

The VICE-PRESIDENT. The Chair will again put the ques tion. The question is on agreeing to the amendment proposed

by the Senator from West Virginia.

The amendment was rejected.

Mr. BULKELEY. I desire to offer an amendment.
The VICE-PRESIDENT. The Senator from Connecticut offers an amendment, which will be stated.
The Secretary. On page 42, after line 2, it is proposed to

insert:

To John G. Foster and Horace M. Sanford, \$206.79.

Mr. BULKELEY. This matter has been considered by the Committee on Claims, and a bill was reported to the Senate, and it seems to me it is entirely proper.

Mr. FULTON. Has the bill passed the Senate?

Mr. BULKELEY. It is now on the calendar of the Senate. Mr. FULTON. But it has not passed?

Mr. BULKELEY. No; it has not.
Mr. FULTON. Then, Mr. President, I must object to it.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut. The amendment was rejected.

Mr. SMITH of Michigan. I offer the amendment I send to

The Secretary. On page 200, after line 15, and after the amendment already inserted at that point, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Joseph Schrembs, out of any money in the Treasury not otherwise appropriated, the sum of \$262.20, which amount was paid by said Schrembs, under protest, to the surveyor of the port of Grand Rapids and covered into the Treasury, as duty unlawfully assessed and collected by said surveyor on four cases of statuary for the use of St. Mary's Church, Grand Rapids, Mich., December 16, 1902.

Mr. SMITH of Michigan. Mr. President, Rev. Joseph Schrembs is the vicar-general of the Catholic Church in Michigan. Before he went abroad he consulted the surveyor of customs at Grand Rapids, Mich., and was told by him that there was no duty on statuary or works of art imported for religious He went to Europe and made some purchases and returned home, only to learn that the surveyor had changed his mind and levied customs duty against these church statues. The matter was appealed to the Board of General Appraisers, and the board overruled the surveyor. The case was taken finally to the court of appeals. The court held that these were works of art, imported for religious purposes, and that they were not dutiable. For four years I have been trying to get this money refunded to Father Schrembs. It is a very small sum. The bill has passed the Senate once, and I hope the claim will have no opposition now.

Mr. TELLER. What is the amount? Mr. SMITH of Michigan. \$262.20.

Mr. FULTON. The amendment is in order. A bill for this

ator from Michigan, that the bill has also been reported favorably in the other House, and it would be far better to leave it out of this bill and take the chance of getting it through there. However, that is a matter which he will determine for himself.

I shall make no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Michigan.

The amendment was agreed to.

Mr. FRAZIER. I offer the amendment I send to the desk. The Secretary. On page 93, after line 13, it is proposed to insert:

To Edmund W. Williams, administrator of the estate of Joseph R. Williams, deceased, \$12,940.

Mr. FRAZIER. Mr. President, in view of the tacit understanding that prevailed in the Committee on Claims in reference to this bill, I would not have offered this amendment at the present time but for the peculiar hardship to the claimant if the item is not put on the bill. I may state that as a member of the committee when the discussion was had I reserved the right to offer this particular claim as an amendment to the bill.

Mr. FULTON. Has the case been to the Court of Claims? Mr. FRAZIER. Yes.

Mr. FULTON. Has the Senator the finding?
Mr. FRAZIER. Yes. It was reported from the Court of Claims too late to go on the last omnibus claims bill. It came in after that bill was reported to the Senate, and for that reason it was not placed on the last claims bill which passed Congress.

This is a thoroughly meritorious bill. The claimants were loyal; it was so found by the Court of Claims. The claim arises for the use and occupation of buildings in the city of The buildings were used as headquarters for the army officers and for a hospital. While the claim was for a much larger sum than has been finally reported from the Court of Claims, there can be no sort of question as to the justness of The ground upon which it was disallowed is that of laches. The report of the Court of Claims simply says, in substance, that the claim had not been presented to the claims

commission and other tribunals.

Mr. President, there can not be any laches in this case, because it arises for the rent of property, and each one of these tribunals created by Congress for the purpose of hearing these claims has determined that it has no jurisdiction to hear and determine the question of rent. The Quartermaster-General, February 26, 1874, decided that he had no jurisdiction of a claim for rent. The Southern Claims Commission decided they had no jurisdiction of claims for rent. The Court of Claims decided that under the Bowman Act it had no jurisdiction to determine the question of claims for rent. So there was no tribunal that had jurisdiction before which the claimant in this case could present his claim until the passage of the Tucker Act, in 1887. Shortly thereafter a bill was introduced here and sent under the resolution of the Senate to the Court of Claims, and in 1902 was reported back to the Senate favorably.

I hope that the rule that has heretofore seemingly prevailedor at least for the last few minutes-of voting down these amendments will not prevail in this case, because it is a peculiar case, and it is entitled to favorable consideration and

ought to be placed on the bill.

Mr. FULTON. I regret very much being compelled to oppose this claim, for I know how very deeply the Senator from Tennessee [Mr. Frazier] feels about it. He has been very earnest in advocating its passage during all the time this bill has been under consideration. He very earnestly urged it before the committee, but it belongs to that class of claims which we have excluded, and it would be unjust to allow this and exclude the There is a direct finding here of laches:

The claim was not presented to the Southern Claims Commission, the Quartermaster-General, or the Commissary-General, nor to any department of the Government.

It is quite true that the claims commission did not, or it held that it did not, have jurisdiction to entertain claims for rent and for the use of real estate, but it seems extraordinary that during all that time a party having a claim, one that he considered a bona fide claim, and realizing his own loyalty to the Government, would not have presented it to the Commissary-General or the Quartermaster-General or some department of the Government; and the fact that no explanation of his delay and nondiligence in that regard has been offered justifies the assumption of negligence or laches. I hope the amendment will not be adopted.

Mr. FRAZIER. Laches has been charged where the claimant had no court that had jurisdiction to determine it. We can not put ourselves in the attitude of saying that a man is guilty of negligence for not doing a thing that he is prevented purpose has passed the Senate. I suggest, however, to the Sen- by law from doing. These courts had no jurisdiction of the claim. Therefore there could not be a question of laches for not going into a court which had already held that it had no jurisdiction. It would have been a waste of time and money. I hope the amendment will be adopted.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Tennessee.

The amendment was rejected.

Mr. ELKINS. I offer the amendment I send to the desk. The Secretary. On page 132, after line 8, in the West Vir-

ginia items, it is proposed to insert:

To Wildey Lodge, No. 27, Independent Order of Odd Fellows, of Charles Town, W. Va., \$2,100, the amount found due by the Court of Claims and reported in Senate Document No. 136, Fifty-ninth Congress, second session.

Mr. ELKINS. Mr. President, this is a most meritorious and worthy claim. The court in its findings sets out the facts and finds favorably to it. It arises for the destruction by fire of an Odd Fellows' Hall situated at Charles Town, W. Va. The troops took possession of the lodge on the 28th of May, 1862, and used it as a quartermaster's office, storing quartermaster's stores. Shortly after that, during the campaign in West Virginia by one of the armies invading that part of the country, on the appearance of the confederate troops the Union troops abandoned the town, and of course the quartermaster's establishment; but before doing it they set fire to it to destroy, I suppose, the stores and not allow them to fall into the hands of the

enemy.

Mr. President, the court finds that this claim is just. These are the facts: Belonging to a benevolent institution, doing

good-

Mr. President-

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. ELKINS. Certainly.

Mr. FULTON. Does not the Senator understand that it was an act of war; that the property was destroyed to keep it from falling into the hands of the enemy? Does the Senator assume

that any government would pay such a claim?

Mr. ELKINS. I do assume that the Government would pay a just and fair claim, as it should in this case. They burned up the property in the interest of suppressing the rebellion, I suppose; they did not want these quartermaster's stores to fall into the hands of the enemy and they burned down this lodge building. It is not a private claim.

Mr. KEAN. Will the Senator yield to me for a moment? Mr. ELKINS. Certainly. Mr. KEAN. I should like to call the attention of the Senator from Oregon to the fact that there is a similar claim in the bill from New Mexico.

Mr. ELKINS. And allowed?

Mr. KEAN. And allowed in this bill. Mr. FULTON. Similar to this one?

Mr. KEAN. Similar to this one; private property that would fall into the hands of the enemy and was burned.

Mr. FULTON. I recall that claim. Mr. KEAN. It is a very poor claim, I think. Mr. FULTON. It is rather on the border line.
Mr. ELKINS. This is the claim of a benevolent institution,

not of an individual. It involves only \$2,100, and I hope the amendment will be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from West Virginia [Mr. ELKINS].

The amendment was rejected.

Mr. TELLER. On page 41, after line 19, in the Colorado items, I move to insert:

To Edward F. Mitchell, of Denver, Colo., \$4,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. TELLER. I should like to state briefly what the claim is. Mr. Mitchell made a contract with the Government to carry the mail in Colorado some years ago for a certain sum over a certain line. The department arbitrarily ordered him to carry it over a different line and ordered him also to carry it with the same compensation which he had bid for, and they had accepted his bid. He carried the mail for the statutory time under his bid on an entirely different and a more difficult route, and he claimed and proved before the court that it cost him

If the Senator from Oregon is not willing to accept it, I will

proceed to offer another amendment.

Mr. FULTON. The findings are quite lengthy. I do not remember just the facts in the case, but I do know that we went over the matter very carefully. I did not feel that we

could see our way clear to accept it. I must object to the amendment.

The amendment was rejected.

Mr. TELLER. I want to present another case that did not come from the Court of Claims, and I want to say that there is not any legal liability on the Government of the United States to It is a mere question whether it is a proper and a just thing to do, and if the Senate does not think it is I shall of course be compelled to be satisfied with its finding.

I send the amendment to the desk, and after it is read I

desire to say a word or two about it.

The VICE-PRESIDENT. The Secretary will state the amendment.

The Secretary. It is proposed to insert, on page 41, after line 19:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of \$4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing clerk.

Mr. TELLER. Mr. President, for many years Congress provided a clerk to sign the patents for the President, and paid him

fifteen hundred dollars a year.

Mr. FULTON. As I recall the case—and I ask the Senator whether I am correct—the party was paid a regular salary as a government employee, and he claimed that this was extra work.

Mr. TELLER. That is exactly the case.
Mr. FULTON. I will say to the Senator that the committee did not feel warranted in adding to the salary he received.

Mr. TELLER. It is true that Colonel Crook was under a He was an executive clerk in the office of the President, under Mr. Lincoln, and I believe he has been there ever since, and occupies some position, I think, at present-perhaps as disbursing clerk.

It was shown very thoroughly that this required extra duties and put on him considerable service. The Committee on Claims twice or three times reported a bill to pay this claim, and the Senate has twice passed a bill for his relief, giving him \$4,000. It is in order, at least. He has the statement made by the Commissioner of the Land Office that his service was worth at least the sum that it is proposed to give him, or that we did give him by law. He has a report from the President of the United States-President Hayes-saying that he rendered the service and ought to be compensated, and twice the Committee

on Claims reported favorably upon the claim.

Mr. President, with that I am willing to leave it to the

Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER].

The amendment was rejected.

Mr. TELLER. Now, I want to offer an amendment, and I wish to be frank with the Senate. I do not expect that this amendment will be adopted; but I wish to take only a few minutes to demonstrate to the Senate that we do not always do justice to the men we ought to do justice to, and that the suspicion which attaches to every claim that comes here is not a just suspicion and ought not to be indulged in.

I will send up my amendment, and, after I have made a few

remarks, I know I shall not succeed in having it passed.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The Secretary. It is proposed to insert the following:

That the Secretary of the Treasury is hereby authorized and directed to pay to Mary Shannon, administratrix of the estate of Joseph R. Shannon, deceased, formerly of the State of Louisiana, for the loss of the steamer A. W. Quarrier, impressed into the service of the United States in the year 1862, and destroyed in such service, the sum of \$48,000, out of any money in the Treasury not otherwise appropriated, being the value of said steamer as ascertained and reported by the Third Auditor of the Treasury. of the Treasury.

Mr. TELLER. Mr. President, Mr. Shannon, who was a loyal citizen of Louisiana, was the owner of three steamboats. General Butler, when in charge of the city of New Orleans, seized this boat and sent it up the river on an expedition, and when it got into the Confederate lines the Confederates seized it and subsequently destroyed it.

There is not any controversy about Mr. Shannon's loyalty, because the Southern Claims Commission allowed him for another boat that had been taken from him by the Government and had been lost, and subsequently another boat which belonged

to him he recovered possession of.

The bill for the relief of Mr. Shannon has passed the Senate twice. It has had the favorable report of the Committee on

Claims at least three times. It has had the favorable report of the Committee of the House once or twice-once to my certain knowledge.

In a very brief statement I can show something of this case. Mr. Shannon made his claim and it was sent to the Treasury Department. The Treasury Department kept the claim there for several years and the auditor found the value of the ship. did not find that the Government was liable for it, but he found the value of the ship to be \$48,300, according to my recollection. Then Mr. Shannon came to Congress, and he has been here more or less ever since. His attorney asked me to submit this amend-

ment because of my knowledge of the case.

Mr. President, here is a case where the Government of the United States seized, as it might, and probably as it ought at the time, a vessel belonging to a citizen of the United States, whose loyalty had been recognized by the department of the Government itself, and has never been disputed that I am aware of by anybody. After having taken it and put it in the forces of the United States, they lost it and were unable to return it. I think I need not say that, according to the laws of war, according to the laws of decency and propriety, the Government of the United States should have made compensation for the ship. Nearly ever since I have been in public life this question has been before Congress in some shape. I do not think there has ever been an adverse report upon it from any committee. I do not think there has been an adverse report from any department of the Government against the claim. It is a large claim, the amount being \$48,000.

I am tempted to say some things that perhaps I had better not say about the treatment we have given to some people in these matters. I want to make the facts apparent to the Senate. The man who owned the ship, who was entitled to its possession, or who, if he was not entitled to its possession, was entitled to be paid for it when it could not be returned to him, is dead long ago, and his widow is living, a claimant, still hoping that some day the Government of the United States will pay a debt just as honest and just as binding upon it as the bonds that have the seal of the Treasury Department on them.

Mr. President, I do not suppose she will live to see it paid. Neither do I think it will be specially to the credit of the Senate and the House of Representatives that it is not paid. I know frequently when a claim comes up here you will hear that it is an old claim. I remember, more than twenty years ago, when I reported from the Committee on Claims a claim that was at least 20 years old, a Senator rose and said: "We must be very careful about these claims; this is an old claim." It arose in this way, Mr. President, and I only mention it as an illustration: When Johnson was going to Salt Lake with his army he overtook two citizens of the State of Missouri with a train. Those of us who have lived in the West know what a train meant at that time. There were 50, probably there may have been 100, oxen in the train, and there were a large number of wagons containing goods of all kinds that were being transported to California and Salt Lake in that method. They had about six or seven horses in connection with the train. Johnson took possession of the train, and there never has been any fault found with the taking possession of it. He took the goods out of the train and used them.

When the claimants came down here and made their claim, they could not find any statute that would pay for the goods that had been taken nor for the oxen. They did find a statute under which they could receive pay for the horses. So they got about \$700 for the horses. They got nothing for the oxen, nothing for the wagons, and nothing for the groceries and goods that

they carried in them.

Every year one or both of those men came before Congress and presented their claims. Sometimes they got a report and some-times they did not. At last they got a report after more than twenty years. I think it was about 1879 when they got a report

upon what occurred in 1857.

And what did they get, Mr. President? They got the full value of the property when it was taken. They got nothing else. The Government had the advantage of it and the benefit of it. It had saved the Government from buying goods. It had added to the comfort and power of the army. Yet, Mr. President, it was looked upon askance because it was an old claim, because there was no statute under which the Government could pay for it. We were finally able to get through a bill, and those people were paid for the goods that they ought to have been paid for at least in a year from the time they were taken.

Mr. President, I have had much experience upon the Committee on Claims. It is a most thankless task. The Senator from Oregon has served very efficiently and faithfully on that committee, and I do not wonder he said, as he did, that if he were to remain in the Senate he would decline to serve further upon

the committee.

The senior Senator from Wyoming [Mr. WARREN] served many years on the committee as its chairman. He knows how many claims come there that are fraudulent or false. how many claims come there that are right and just. The claim assailed by the Senator from New Hampshire [Mr. Gallinger] to-day has the report of the senior Senator from Wyoming rec-

ommending its payment.

Mr. President, I wanted to say this in defense of the committee, and in defense of the men who have just and fair claims and come here and present them, and who come here under a suspicion that they are endeavoring to get something out of the Government of the United States, when, in fact, they are only coming here for their own. I repeat what I said yesterday: After more than thirty years' connection with these matters, in my judgment more men go away unpaid than are paid who ought not to be paid.

Mr. FULTON. Mr. President, I hope this claim will not be

allowed.

Mr. TELLER. Mr. President, I withdraw the amendment. I only offered it that I might say something and that some one would not say later that Mrs. Shannon had not pressed her claim.

Mr. FULTON. I am grateful to the Senator for taking that course. I want to say to Senators now that I hope further amendments will not be offered and that the bill will not be I am anxious that it shall come to a vote.

The VICE-PRESIDENT. The Senator from Colorado with-

draws the proposed amendment.

Mr. SIMMONS. I offer an amendment, which I send to the

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 78, at the end of the North Carolina items, at the bottom of the page, insert:

To George H. Bellamy, administrator of the estate of John H. Thees, late of Brunswick County, \$1,800.

Mr. SIMMONS. Mr. President, I wish to make only a very brief statement regarding this claim. I sincerely trust that the Senator from Oregon will not object to it, although I presume he will.

This is a claim against the Government for salt. has found that John H. Thees was a loyal citizen of the United States. The court has found that by proper military authority the decedent's salt was taken by the military forces and was used by the Federal Army.

The only possible objection that can be made to the claim is the same that was made to the amendment I offered a little while ago, namely, that it was never presented to a military officer or any of the departments of the Government before the

bill was introduced in Congress for its payment.

I want to say, Mr. President, to the chairman of the Committee on Claims, if-after the court has found that a claim is justthat the claimant was a loyal citizen—the committee proposed to oppose its payment simply because it was not presented to an officer or to a department before the bill for its payment was introduced in Congress, the Senate ought not to consent to refer a claim of that sort to the court. It ought not to put the claimant to the unnecessary expense of litigating the claim, and it ought not to put the Government to the unnecessary ex-

pense of defending against the claim.

The chairman of the committee said a little while ago, when we were considering his amendment to repeal certain provisions of the Bowman and the Tucker acts, that it was his purpose during the present session of Congress to report to the Senate an omnibus resolution referring all claims now pending before the committee to the Court of Claims. I assume that at least one-half of those claims are in exactly the same category which

this claim is in.

If that is so, Mr. President, I suggest to the chairman of the committee that if he should report such a provision as that to Congress he would be doing both the claimants and the Government a grave injustice.

Mr. President, I do not believe it was the purpose of Congress, when it permitted this class of claims to be referred to the Court of Claims under either the Bowman or the Tucker acts, after the claim had been passed upon by the court and found a just obligation against the Government, and after the court had declared that the claimant was in no wrong or rebellion against the Government, to refuse to pay the claim simply because it had not been presented to a department of the Government or to a military officer.

I trust the Senator from Oregon [Mr. Fulton] will not be so relentless with reference to this claim as he was with reference to the other. I know that if the Senator from Oregon shall put his veto upon this amendment, of course, it will not be adopted. If he opposed it, I should hardly ask for a vote of the Senate on

it. I would not even have offered the amendment, or the one which I offered previously, if it had not been for the fact that, although there was an implied understanding that there were to be no amendments accepted to this bill, the Senator from Oregon had, I believe, interposed no very serious objection as to two or three claims, and the Senate had allowed them to go into the bill.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from North Carolina [Mr. Simmons].

The amendment was rejected.

Mr. TELLER. I now offer an amendment that I overlooked at the time I should have offered it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The Secretary. On page 95, after line 11, it is proposed to insert:

To Aitcheson Pollock, John G. Pollock, and Matthew B. Pollock, heirs at law of William Pollock, deceased, \$18,060.

Mr. TELLER. Mr. President, in order that Senators may know that I am not trifling with them, I will say that the Court of Claims held that William Pollock was loval and that the Government took that amount of money. I suppose, however, under the position taken by the chairman of the committee I can not expect to get the amendment into this bill.

The VICE-PRESIDENT. The question is on the amendment

proposed by the Senator from Colorado [Mr. Teller].

The amendment was rejected.

Mr. CARTER. On behalf of the senior Senator from Pennsylvania [Mr. Penrose], who is temporarily absent from the Chamber, I offer the amendment which I send to the desk, to be inserted as indicated on the margin thereof.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana on behalf of the Senator from Pennsyl-

vania will be stated.

The Secretary. Under the Pennsylvania items it is proposed to insert:

To Clayton G. Landis, administrator of the estate of David B. Landis, deceased, late of Lancaster Pa., the sum of \$11,112.22 and to Peter E. Slaymaker, administrator of the estate of Jacob F. Sheaffer, deceased, late of Lancaster, Pa., the sum of \$34,055, as found due and reported by the Court of Claims in Senate Document No. 86, Fifty-eighth Congress, third session.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Montana on behalf of the Senator from Pennsylvania.

The amendment was rejected.

Mr. McENERY. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Louisiana will be stated.

The Secretary. Under the Louisiana items it is proposed to insert:

To Gertrude Nolasco, the sum of \$540.

Mr. McENERY. Mr. President, I will read the findings of the Court of Claims in this case, which are as follows:

the Court of Claims in this case, which are as follows:

It appears from the evidence that Gertrude Nolasco, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

II. There were taken from the claimant, in Feliciana Parish, State of Louisiana, during the war of the rebellion, by the military forces of the United States, for the use of the army, stores and supplies of the kind and character above described which were then and there reasonably worth the sum of \$540.

No payment appears to have been made therefor.

III. The claim was never presented to the Southern Claims Commission or to the Commissioners of Claims or to any department of the Government prior to its reference to this court under the act of March 3, 1887, known as the "Tucker Act."

The claimant was a married woman at the time the property was taken and owned the property in her own right. Her husband, being a northern man, left Louisiana in the early part of the war for the North, and died in 1871.

It seems to me, Mr. President, the Government of the United States having taken this amount, no technical objection should stand in the way of this poor woman recovering the sum due

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Louisiana.

The amendment was rejected.

The bill was reported to the Senate as amended.

Mr. GALLINGER. Mr. President, it will be remembered that in the early part of the day I took exception to an amendment which was put on the bill yesterday, which was supported by the Senator from Colorado [Mr. Teller]. I have not changed my mind about the character of that amendment. believe it ought not to have been put on the bill. I know that if it becomes a law it will result in the District of Columbia that kind. I think I said then that I should resist it, but as Senators are so anxious to have this bill passed, and believing, as I do, that the conferees of the two Houses will never agree to an amendment of that kind, I am willing to withhold any further contention and let it go to conference.

The amendments made, as in Committee of the Whole, were

concurred in.

The amendments were ordered to be engrossed, and the bill read a third time.

The bill was read the third time and passed.

On motion of Mr. Fulton, the title was amended so as to read: "A bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the 'Bowman' and the 'Tucker' acts, and for other purposes."

EXPLORATIONS IN ALASKA.

Mr. MILTON. I desire to make a favorable report from the Committee on Printing on Senate resolution 268. I ask for its present consideration.

The VICE-PRESIDENT. The Senator from Florida asks permission, out of order, to report from the Committee on Print-

ing a resolution which will be read.

Mr. FULTON. I object to present consideration, Mr. President.

The VICE-PRESIDENT. The Secretary will report the reso-Intion.

The Secretary. Senate resolution 268, by Mr. Foraker, providing for the printing of 3,000 copies of "Explorations in Alaska," by First Lieut. Joseph S. Herron (S. Doc. No. 689).

The VICE-PRESIDENT. Objection is made to the present

consideration of the resolution.

Mr. FORAKER subsequently said: It is my desire to call up a resolution which was reported a moment ago by the Senator from Florida [Mr. Milton]. I ask unanimous consent for its present consideration.

There being no objection, the resolution introduced by Mr. FORAKER on the 28th instant and reported to-day by Mr. MILTON

was considered and agreed to, as follows:

Resolved, That 3,000 copies of Explorations in Alaska, 1899, for an all-American Overland Route from Cook Inlet, Pacific Ocean, to the Yukon, by First Lieut. Joseph S. Herron, Eighth Cavalry, commanding expedition, War Department, Adjutant-General's office, Document No. 138, M. I. D., be printed for the use of the Senate.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I ask that Senate bill 5729 may be laid before the Senate.

The VICE-PRESIDENT. The Senator from Ohio asks that the bill referred to by him may be laid before the Senate. The bill will be read by title.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. CULBERSON. Mr. President, I understood the Senator from Ohio yesterday to give notice that he would make a motion. Is this in the form of a unanimous-consent request or is

it a motion?

Mr. FORAKER. This is in the form of a request simply. expected to make a motion, and I gave notice to that effect, but without considering the unfinished business that I might displace by it. I do not want to displace the unfinished business, and I called the bill up now for a specific purpose. I do not think the Senator from Texas will have any objection to the bill being laid before the Senate.

Mr. CULBERSON. Very well; I did not understand what

was the purpose of the Senator.

The VICE-PRESIDENT. The bill will be considered as being before the Senate as in Committee of the Whole, as requested by the Senator from Ohio, in the absence of objection.

Mr. ALDRICH. I beg leave to offer an amendment in the

nature of a substitute for the bill.

Mr. KEAN. Let it be also a substitute for the bill of the Senator from Missouri [Mr. WARNEE].

Mr. ALDRICH. I ask that the substitute which I propose may be read.

The VICE-PRESIDENT. The Senator from Rhode Island

proposes a substitute, which will be read.

Mr. ALDRICH. I move to strike out all after the enacting

clause of the bill, and to insert what I send to the desk.

Mr. WARREN. I want to ask the Senator from Rhode
Island a question. As I understand, this is a substitute for all being called upon to pay at least a million dollars for claims of | of the bills on the calendar in reference to this matter—the three items; that is, the bill of the Senator from Ohio [Mr. FORAKER], the bill of the Senator from Missouri [Mr. WARNER], and the report that is on the calendar recommending the passage of ome bill of relief. It is proposed to close out the entire matter.

Mr. ALDRICH. It is to close out the entire matter. The some bill of relief.

Senator from Wyoming is correct. This is intended as a substitute for all pending Brownsville legislation.

Mr. CULBERSON. Mr. President, if I mistake not, the purpose of the Senator from Ohio in calling the matter up at this time is merely to give an opportunity for the presentation of a substitute, and is not to make it the order of business or anything of that kind so far as the present occasion is concerned.

Mr. FORAKER. No; not at this time. I shall ask in a mo-

ment for an agreement to vote upon a day to follow,

Mr. ALDRICH. I ask that the substitute which I send to the desk may be read

The VICE-PRESIDENT. The Secretary will read the sub-

stitute offered by the Senator from Rhode Island.

The Secretary. It is proposed to strike out all after the enacting clause of Senate bill 5729 and to insert:

acting clause of Senate bill 5729 and to insert:

That the Secretary of War is hereby authorized to appoint a court of inquiry to consist of five officers of the United States Army, not below the rank of colonel, which court shall be authorized to hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13-14, 1996. Said court shall within one year from the date of its appointment make a final report and from time to time shall make partial reports to the Secretary of War of the results of such inquiry, and such soldiers and noncommissioned officers of Companies B, C, and D of the Twenty-fifth Regiment U. S. Infantry, who were discharged from the military service as members of said regiment under the provisions of Special Order No. 266, dated at the War Department the 9th day of November, 1906, as said court shall find and report as qualified for reenlistment.

SEC. 2. Any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

Mr. FORAKER. While that does not agree with my views as

Mr. FORAKER. While that does not agree with my views as perfectly as I should have been glad to have them met by the proposed legislation, yet, in so far as I have power to do so, I accept the amendment. If there is any objection to my accepting the amendment, I will ask that a vote be taken and that it may be substituted for the bill introduced by me and all other bills on the subject.

Mr. McLAURIN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.
Mr. McLAURIN. I should like to make a parliamentary in-If this is accepted as substitute for all the other bills, will it then be susceptible of amendment?

Mr. FORAKER. Certainly. As I understand, it can be

amended.

Mr. CULBERSON. Mr. President, the Senator from Ohio, as I understand, accepts the proposed substitute so far as the measure presented by him is concerned, but I have not heard from the majority of the committee.

Mr. WARNER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FORAKER. Certainly.
Mr. WARNER. As partially answering the inquiry of the Senator from Texas, I will say that I fully accept the amendment as a substitute for the bill I introduced as having in view

The VICE-PRESIDENT. The Chair understands the parliamentary situation to be this: The proposed substitute is offered by the Senator from Rhode Island [Mr. Aldrich] to one bill, and that is the bill reported by the Senator from Ohio [Mr. Foraker], being Senate bill 5729. If the amendment shall be adopted by the Senate, the other bills on the same subject can be subsequently indefinitely postponed.

Mr. GALLINGER. That is correct.

Mr. WARREN. That is the parliamentary status. Mr. ALDRICH. That is a correct statement.

Mr. WARNER. Let it be understood, however, that the amendment presented by the Senator from Rhode Island is to be considered a substitute for all pending legislation.

The VICE-PRESIDENT. The Chair so understands, but the proposed substitute will be considered only in connection with the bill reported by the Senator from Ohio [Mr. Foraker].

Mr. WARREN. I think there is no misunderstanding about

the matter. My question of the Senator from Rhode Island was

merely to get at the essentials and find what the ultimate result

The Chair ruled properly, of course.

The VICE-PRESIDENT. Without objection, the substitute will stand in lieu of Senate bill 5729, reported by the Senator from Ohio, and the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of U. S. Infantry,

without objection, will be indefinitely postponed.

Mr. FORAKER. Now that the bill has been amended by the adoption of the substitute, I want to inquire whether or not we can not agree upon a date when we can take a vote on the substitute for the bill. I will ask, Mr. President, in the absence of suggestions, that we take a vote next Monday, I will say, at 4

o'clock in the afternoon.

Mr. CULBERSON. Mr. President, I have not been able to be in the Chamber much to-day on account of service on a subcommittee of the Committee on the Judiciary, but I suggest to the Senator from Ohio that my information is that at least several Senators on this side of the Chamber desire to speak on this subject, and I do not think any agreement to vote at any particular date can be entertained at this time. This bill, of course, has not yet been taken up by the Senate, and, as I understood, was called up merely for the purpose of this substitution.

Mr. FORAKER. Mr. President, I was hoping that we might be able to agree upon an early date when a vote could be taken, and that I would not have to make a motion to proceed to the consideration of the bill in the ordinary way, but, of course, unless we can agree, I shall renew the notice I have heretofore given that I will make that kind of a motion, and I will suggest that next Monday, after the routine morning business, I shall move to proceed to the consideration of the bill.

Mr. McLAURIN. Mr. President-

Mr. FORAKER. Upon the suggestion of Senators about me, if the Senator from Mississippi will bear with me a moment, in order to accommodate everybody, I suggest that we vote on this bill at 4 o'clock next Wednesday. That will, I think, give every

Senator time to speak who desires to be heard.

Mr. McLAURIN. Mr. President, if the Senator will allow me to make a suggestion, the substitute presents an entirely new phase of this matter. The substitute has not been printed. It is true some few of us have seen a draft or copy of the substitute, but it has not been printed, and there has been no opportunity for us to examine it. It is almost the same as if there were a new bill introduced. It seems to me that there ought not to be any request for a vote at any time until we have had an opportunity, after this substitute shall have been printed, to examine it.

Mr. FORAKER. The Senator would not be able, I imagine from his remarks, to agree to any date this afternoon?

Mr. McLAURIN. No, sir; not this afternoon.
Mr. FORAKER. Then I will give notice that on Monday morning I shall call up the bill. If we can agree upon a date when we can vote, I can ascertain that on Monday morning; and if we can not agree, I shall then make a motion to proceed to the consideration of the bill.

HOMESTEAD ENTRIES IN OKLAHOMA.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma, to report it with an amendment. It is a local bill extending the time for the payment on certain purchases of land in Oklahoma. It has the approval of the Interior Department, and I ask for its immediate consideration, as the time will expire on the 1st of February, only a few days off.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to

add to the bill the following:

add to the bill the following:

That the Secretary of the Interior is hereby authorized, in his discretion, to extend the time of payments to the purchasers and their assigns applying therefor upon the lots sold, or to be sold, in pursuance of an act entitled "An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes," approved March 27, 1908, and the Secretary of the Interior is authorized to permit the unpaid purchase money for such lots to be paid in such installments and at such times as he may deem proper: Provided, however, That said purchasers or their assigns shall be required to pay interest on all such deferred payments sufficient to pay the Kiowa, Comanche, and Apache Indians 4 per cent interest on the payments so deferred, and to pay the local authorities entitled to receive the same the equivalent of the state, county, city, and school tax at the legal rate, upon such valuation as the Secretary of the Interior may determine, and to which the lots would be liable if patented, such extension of time not to exceed four years from the date of the approval of this act: Provided further, That not exceeding one-half of the amount which may be set aside by the Secretary of the Interior, under the act above referred to, for the construction of two school buildings may be applied by the Secretary of the Interior to such other improvements as he may deem for the public welfare.

SEC. 2. That the extension provided for in section 1 of this act shall not apply to the following-numbered lots in the official plat: Lots 4 to 14, inclusive, in block 5; lot 7 in block 9, lot 12 in block 10, lot 4 in block 12, lot 12 in block 13, lot 9 in block 14, lot 9 in block 19; lots 1, 10, and 11 in block 20; lot 5 in block 21, lot 11 in block 24, lots 8 and 16 in block 27, lot 10 in block 29, lots 9 and 10 in block 30; lots 8, 9, and 10 in block 32; lot 5 in block 33, lots 5 and 8 in block 34, lots 3 and 12 in block 35; lots 2, 3, and 4 in block 36; lots 6 and 7 in block 37, lot 6 in block 38, lot 13 in block 39, lot 9 in block 40; lots 2, 3, and 11 in block 42; lots 1 and 2 in block 44, lot 12 in block 44; lots 4, 11, 12, 15, and 16 in block 45; lot 8 in block 46; lots 4, 5, 7, and 13 in block 47; lots 9, 10, and 11 in block 50; lot 9 in block 51; lots 3 to 7, inclusive, in block 53; lot 9 in block 54; lots 9, 10, and 12 in block 57; lots 1, 2, 3, 9, and 16 in block 58; lot 2 and 3 in block 59, lot 9 in block 60; lots 1, 4, 5, 6, and 7 in block 61; lot 15 in block 66, lot 4 in block 2; lot 15 in block 38; lot 2 in block 61.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWSON M. FULLER.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 5461) for the relief of Lawson M. Fuller, major, Ordnance Department, United States Army.

The Secretary read the bill; and there being no objection.

the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to reimburse Maj. Lawson M. Fuller, Ordnance Department, United States Army, for loss incurred by him of his personal effects during their transportation on board the U. S. chartered transport Morgan City to the Philippine Islands, by paying to him a sum equal to the loss so sustained by him.

Mr. KEAN. I inquire is there not any amount stated in the bill ?

Mr. WARREN. Yes; not to exceed \$1,325.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN SCHOOL AT FORT LEWIS, COLO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 8223) turning over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. GALLINGER. I should like to ask the Senator from Colorado what is the area of the land that the Government is going to give to the State? Does he know?

Mr. GUGGENHEIM. I think it is 200 acres. However, I

am not sure of the fact.

Mr. GALLINGER. That is not very much. I was afraid it

might be 2,000. I will not object to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROMAN CATHOLIC CHURCH IN PORTO RICO.

Mr. FORAKER. I ask unanimous consent for the consideration of the bill (S. 8601) to provide for the payment of claims

of the Roman Catholic Church in Porto Rico.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$120,000, to be paid to the bishop of Porto Rico, as the representative (and trustee) of the Roman Catholic Church in that island, to be used exclusively for the benefit of the Roman Catholic Church in Porto Rico, in full satisfaction of all claims of every nature whatsoever relative to the properties claimed by the Roman Catholic Church in Porto Rico now in possession of the United States.

Mr. KEAN. I ask that the report be published in the

RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows:

The Committee on Pacific Islands and Porto Rico has had under consideration the following bill:

[S. 8601, 60th Cong., 2d sess.]

A bill to provide for the payment of claims of the Roman Catholic Church in Porto Rico.

Church in Porto Rico.

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$120,000, the same to be paid to the bishop of Porto Rico, as the representative (and trustee) of the Roman Catholic Church in that Island, to be used exclusively for the benefit of the Roman Catholic Church in Porto Rico; and that the acceptance of said sum, paid under the provisions of this act, shall be in full satisfaction of all claims of every nature whatsoever relative to the properties claimed by the Roman Catholic Church in Porto Rico which are now in the possession of the United States, to wit, the building known as the "Santo Domingo Barracks" and the land pertaining thereto, and the site of the building formerly known as the "Ballajā Barracks," now known as the "infantry barracks," both properties in the city of San Juan, Porto Rico; the Roman Catholic Church to relinquish all rights and actions regarding said

properties, and the said properties to belong exclusively to the United States: Provided further, That upon the acceptance of this sum the Roman Catholic Church shall relinquish all claims of any kind whatsoever against the United States arising in Porto Rico prior to the approval of this act.

In view of the following report of Mr. Robert Bacon, Assistant Secretary of State, and Maj. Frank McIntyre, relative to their mission to Porto Rico to adjust the questions pending between the people of the insular government and the Roman Catholic Church, it is recommended that the bill do pass without amendment:

[House Doc. No. 1204, 60th Cong., 2d sess.]

THE WHITE HOUSE, Washington, December 14, 1908.

To the Senate and House of Representatives:

I transmit herewith a report from Mr. Robert Bacon, Assistant Secretary of State, and Maj. Frank McIntyre, U. S. Army, of their mission to Porto Rico, under my oral instructions, to meet with representatives of the insular government of Porto Rico and of the Roman Catholic Church in that island, with a view to reaching some equitable settlement of the questions pending between that church, on the one hand, and the United States and the people of Porto Rico, on the other.

settlement of the questions pending between the first and the United States and the people of Porto Rico, on the other.

The nature of these questions and the conditions of the controversy at the time of the meeting of the commission at San Juan are fully and clearly stated in the report, as is the basis for an equitable and complete settlement of all the questions in controversy unanimously agreed on by the members of the commission in a memorandum signed on August 12, 1908.

It will be seen that under the terms of this memorandum the United States is to pay to the Roman Catholic Church in Porto Rico the sum of \$120,000 in full settlement of all claims of every nature whatsoever relative to the properties claimed by the church which are now in the possession of the United States and which are defined in the report.

The properties specifically in question form part of the land reserved for military purposes in San Juan and are now occupied by United States troops. I am informed that they are well suited to such purposes and that to provide for the garrison of San Juan elsewhere would require the expenditure of many times the sum involved in the proposed settlement.

ment.

This basis of agreement has received my entire approval, and I trust that the Congress will see the great importance of the matter and will at its present session pass such legislation as is necessary to give the basis of the agreement effect on the part of the United States.

The legislative assembly of Porto Rico has already, by a joint resolution approved September 16, 1908, ratified the basis of agreement recommended by the commissioners in so far as it affects that government and enacted the necessary legislation to make it effective.

Theodore Roosevelly.

· DEPARTMENT OF STATE, Washington, September 22, 1908.

Department of State,
Washington, September 22, 1908.

Mr. President: In compliance with your oral instructions to meet
with representatives of the insular government of Porto Rico and of
the Roman Catholic Church in that island, and come to some equitable
agreement which might form the basis of a final settlement of the
questions pending between that church on the one hand and the United
States and the people of Porto Rico on the other, we have the honor
to submit the following report:

In the transfer of sovereignity of territory from Spain, where the
church and state were closely united, to the United States, where such
union was incompatible with the institutions and laws of the country,
many questions arose as to the ownership of properties held by the
Roman Catholic Church, as well as to other properties held by the
Government but claimed by the church.

In all other cases where the United States, as distinguished from
the municipalities and insular governments, has been a party to these
questions, the settlement has been made amicably without reference to
the courts. Referring to this, the Supreme Court, in the case of the
Municipality of Ponce, appellant, v. The Roman Catholic Apostolic
Church in Porto Rico, in its decision of June 1, 1908, says:

"The properties of the church in Cuba and the Philippines at the
time of the ratification of the treaty were far more considerable than
those in Porto Rico. And he controversies or questions arising as to
those properties have been quite generally adjusted, in both Cuba and
the Philippines, partly with and partly without recourse to the courts.

In Cuba, a commission was appointed to consider the whole question,
and its report contains much interesting and pertinent information. It
begins with the fundamental proposition that, 'The church, as a juridicial person, has held and holds the right to acquire, possess, or transfer
all kinds of properties. The church has never been denied this right in
Spain; rather, on the contrary, in all the provisions covering th

ble, yet there arose in that island, with respect thereto, several involved questions.

Questions as to title to the churches and temples in the peaceful possession of the church at the time of the withdrawal of Spain from the island are settled by the decision in the case of the Municipality of Ponce v. The Roman Catholic Church, above referred to, in which the Supreme Court held that the ownership of such property was and remained in the church, notwithstanding the fact that the municipalities may have furnished some of the funds for building or repairing the churches. Other questions in Porto Rico remained unsettled, and after several years spent in efforts to have these controversies adjusted as they had been adjusted in Cuba and as somewhat similar questions have recently been adjusted in the Philippine Islands by negotiations outside of the courts, the church brought suit against the

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people of Porto Rico under an act of the legislative assembly of Porto Rico giving original jurisdiction for the trial and adjudication of such questions to the supreme court of Porto Rico.

In the brief of the plaintiff the properties claimed as held by the people of Porto Rico and belonging to the church are enumerated as follows:

1. The building, formerly convent of St. Dominic, valued at 2. Rental thereon from October 18, 1898, and thereafter, at 6 per cent per annum. 3, 840.00
3. The grounds adjoining said buildings on the east, valued at 4. Rental thereon during the same period, at 6 per cent per annum. 540.00

540.00 107,000.00

per annum.
The building, formerly convent of St. Francis, valued at.
Rental thereon during the same period, at 6 per cent per 6, 420. 00

5. The building, formerly convent of St. Francis, valued atannum.

7. The site of the market plaza, this city, valued at.

8. Value of annual canons or fees (rental of Market Place site) paid by the municipal corporation of this city to the treasury of Porto Rico, damounting each year to.

9. The site occupied by the Ballajā barracks, valued at.

10. Rental thereon during the same period, per annum.

11. The site occupied by the Beneficencia and lunatic asylum, valued at.

12. Rental thereon, amounting each year to.

13. All the censos, proceeding from the convents of St. Dominic, St. Francis, and Porta Cœl, in the possession of the people of Porto Rico, amounting to.

14. Revenues from these censos, collected by the treasury of Porto Rico, from October 18, 1898, and thereafter.

15. Amount of capitals and revenue of censos redeemed, or that may be redeemed, during the same period.

16. Amount of five promissory notes, due by Don Antonio Catala y Canales, specified in the certified statement of the honorable treasurer, dated January 14, 1903.

17. Amount of three promissory notes, due by Don Arturo E. Diaz, specified in aforesaid certified statement.

18. The plece of ground in Cangrejos, measuring 62 cuerdas, also specified in aforesaid certified statement.

The supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of Porto Rico, by a divided court, the supreme court of P

the other properties which are the subject of the reclamation made in this suit.

Briefly, the title of the United States to the property in question held by it is identical with that of the People of Porto Rico to the property which the court directed should be returned to the church.

The estimated values of these two properties, as approved by the supreme court of Porto Rico, are as follows: The convent of Santo Domingo and the lands appertaining thereto, \$73,000; the site on which the Ballaja Barracks are erected, \$51,000. The annual rentals of these two properties were estimated at \$4,380 per annum, and \$1,000 per annum, respectively, or a total to October 18, 1908, of \$54,400. The court in its decision in directing the return of the properties held under identical title by the People of Porto Rico, directed also the payment of rentals from October 18, 1898. From the decision of the court the People of Porto Rico has appealed to the Supreme Court of the United States.

The foregoing briefly gives the condition of the controversy at the time of the meeting of the commission in San Juan, P. R. The church was represented by the bishop of Porto Rico and Juan Hernandez Lopez, the attorney for the church; the People of Porto Rico was represented by its attorney-general, Henry M. Hoyt, and José de Diego, the speaker of the house of delegates.

We had, prior to the meeting, carefully examined the real properties in question, and believe that the estimated values given are not excessive. In fact, the assessed value of these properties, as shown by attached copies of letters, is considerably in excess of the estimated values approved by the court.

After sessions extending over a good part of the days of August 11 and 12, all the members of the commission united in signing as an equitable and complete settlement of all matters in dispute between the Roman Catholic Church in Porto Rico, on the one part, and the United States of America and the people of Porto Rico on the other part:

Being considered desirable to bri

part:

It being considered desirable to bring to an end the controversies relative to certain property situated in the island of Porto Rico, claimed to be the property of the Roman Catholic Church of Porto Rico, and held in part by the United States of America and in part by the people of Porto Rico, the undersigned, consisting of two persons appointed by the President of the United States, of two persons representing the Roman Catholic Church in Porto Rico, and two persons representing the people of Porto Rico, appointed by the governor thereof, have reached the following basis for a settlement of such controversies, and have agreed to recommend the same to their respective sources of authority, for their approval and ratification, and for submission to such legislative and governmental bodies as may be necessary for the full legalization thereof.

First. The United States to pay to the Roman Catholic Church in

legalization thereof.

First. The United States to pay to the Roman Catholic Church in Porto Rico the sum of \$120,000 in full settlement of all claims of every nature whatsoever relative to the properties claimed by the church, which are now in the possession of the United States, and are specified and described in the judgment rendered by the supreme court of Porto Rico in a certain suit No. 1, brought by the church against the people of Porto Rico, in the supreme court of Porto Rico, the church to relinquish all rights and actions regarding said properties, the said properties to belong exclusively to the United States.

Second. The people of Porto Rico to pay to the Roman Catholic Church in Porto Rico the sum of \$180,000 in full settlement of all claims of every nature whatsoever relative to the properties claimed by the church, which are now in the possession of the people of Porto Rico, and are specified and described in the judgment rendered by the supreme court of Porto Rico in said suit No. 1, hereinbefore mentioned, and the church to relinquish all rights and actions regarding such properties, which properties shall belong exclusively to the people of Porto Rico.

Rico, and are specified and described in the judgment rendered by the supreme court of Porto Rico in said suit No. 1, hereimbefore mentioned, and the church to relinquish all rights and actions regarding such properties, which properties shall belong exclusively to the people of Porto Rico.

Third. The people of Porto Rico to turn over to the Roman Catholic Church the chapel situated in Santurce, described in suit No. 10 between the Roman Catholic Church and the people of Porto Rico, the said chapel, together with the land surrounding it in the form of a rectangle, the outer lines of which shall be at least 3 meters distant from the eastern, southern, and western outer walls thereof, and which shall extend to the Carretera on the northern slid, to be the exclusive property of the church in Porto Rico.

Fourth. The people of Porto Rico to return to the Roman Catholic Church in Porto Rico all censos claimed and enumerated in the judgment rendered by the supreme court of Porto Rico in the aforesaid suit No. 1, together with all interest the principal of such censos as may have been collected since Occide with all interests the principal of such censos as may have been collected since Occide with all interests the principal of such censos as may have been collected since Occide with all interests the principal of such censos as may have been collected since Occide with all interests the principal of such censos as may have been collected since of the principal of such censos as may have been collected since of the principal of such censos as may have been collected since of the such and after said October 18, 1898.

Fifth. The people of Porto Rico to return to the Roman Catholic Church in Porto Rico to paid of the brief dated February 24, 1906, submitted to the supreme court of Porto Rico to the submerment of the property marked "No. 16" and "No. 17" in said statement.

Sixth The sum of \$180,000 referred to in clause second hereof, to be paid by the people of Porto Rico to the church in three equal installments in

ROBERT BACON,
The Assistant Secretary of State.
FRANK MCINTYRE,
Major of Infantry, Assistant Chief
Bureau of Insular Affairs, War Department.

For the church:

W. A. JONES,
Bishop of Porto Rico.
JUAN HERNANDEZ LOPEZ,
Attorney for the Catholic Church of Porto Rico.

For the people of Porto Rico:

J. DE DIEGO, Speaker of the House of Delegates. HENRY M. HOYT, Attorney-General of Porto Rico.

Under the terms of this memorandum the United States is to pay the Roman Catholic Church in Porto Rico the sum of \$120,000, in full settlement of all claims of every nature whatsoever relative to the properties claimed by the church which are now in possession of the United States. These properties are:

First. The site now occupied by the Ballajā barracks, or, as the building is now known, the "infantry barracks," in San Juan, and the Santo Domingo barracks and the land pertaining thereto. Both of these are on the lands reserved for military purposes in the city of San Juan. The values of these properties as estimated by the supreme court of Porto Rico, are:

The assessed values are:

The site of the Ballaja barracks______ Convent of Santo Domingo and adjacent land___

As has been stated heretofore, the United States title to this property is identical with that of the people of Porto Rico to the several properties which were the subject of the suit above referred to.

The opinion of the court was that the property was the property of the church, and adjudged to the church the possession of that held by the people of Porto Rico and a rental of 6 per cent per annum on the estimated value of said property from October 18, 1598. This rental in the case of the property held by the United States amounted to \$54,400 on October 18, 1908.

The settlement now recommended requires payment to the church of a lump sum in full settlement of claims to ownership, rental and all other claims of any nature whatsoever which it may have against the property held by the United States. The property is to belong exclusively to the United States, the church to guarantee the title thereto.

The Roman Catholic Church is further to relinquish all claims of every kind whatsoever arising in Porto Rico priog to the date of the ratification of this settlement either against the United States or the people of Porto Rico. In other words, a final and full settlement of all controversies is provided for.

The character of the claim of the church to the ownership of this property is reviewed in the oplainon. Briefly, the facts of this control of the claim of the church to the ownership of this property is reviewed in the oplainon. Briefly, the facts of this control of the control of Porto Rico, in so far as the property held by the United States is concerned, are as follows:

Don Juan Ponce de Leon, the conquerer and first governor of the island of Porto Rico, donated to the Dominican friars a piece of land situated in the northern part of the city of San Juan, extending to the wall looking to the sea, in order that they might establish and found a convenient of the Dominican friars.

Late in the year 1838 the religious communities of men in the Island of Porto Rico were suppressed and all of their properties were selzed by the government without payment of damages or indemnification. They were expelled from their convents by public forces, and the convents were converted into barracks for the lodging of the troops of the 2The Government continued disposing freely of the properties thus selzed, allenating some of them and using all of their products, until the signing of the treaty or concordat of March 16, 1851, between His Hollness Pope Plus IX and Queen Isabella II, which concordat has since that time formed a part of the public law of Spain. Among other things, this concordat provided that the properties which belonged to the suppressed religious orders, then in the possession of the Government of 1851, there was entered into an additional concordat of 1859 between the same authorities. This concordat spectifically recognized the right of the church to acquire, that such the suppressed religious orders,

ment in 1855. Drieny, this is the statement of facts on which the courch held the property in question to be the property of the Roman Catholic Church.

The dissenting opinion held that in no case could the claim for rental be justified prior to May 1, 1900, the date on which the people of Porto Rico became a body politic under the organic act passed by Congress on the 12th of the previous April. It further held that the court could not properly take judicial notice of the authority of the diocesan prelate, or bishop of Porto Rico, to represent the Roman Catholic Church in litigation nor to ascertain by any other means than by evidence properly introduced the relations of the Franciscan and Dominican friars to the Roman Catholic Church, and that it may be that they held their own lands and property entirely independent of the church, and that neither the Pope nor the bishop had any control over them whatever, and that there was no evidence in the case to show that the church had any right to represent these monastic orders or authority to bring a suit in their behalf; that any claim which the church may have had for the nonfulfillment of the terms of the concordat of 1859 was one against the Crown of Spain for what was justly due, but even as against the Crown of Spain the church could not claim the property itself, much less from a purchaser who acquired the same in good faith long after the concordat had been made.

It was further recited in the dissenting opinion that it is judicially known to the court from the public laws of Spain and the Province of Porto Rico that annual appropriations were made for the support of the clergy and public worship and for pensions to the dispossessed friars, altogether amounting, during some of the years prior to the American occupation, to nearly \$200,000. That this large and liberal appropriation made from year to year by the Spanish Government and the provincial government of Porto Rico was probably accepted in lieu of the bonds or certificates of the public debt which co

to these brotherhoods.

The defendant pleads the statute of limitations, which, in Porto Rico in real actions, requires the lapse of thirty years to bar the action. The friars were, as shown by the testimony of three aged witnesses, beyond a doubt, ejected in the year 1838, and ever since that time, it is claimed by the defendant, the Government, either Spanish, American, or insular, has been in adverse, peaceable, and uninterrupted possession of all the properties claimed. The dissenting opinion agrees with the defendant as to this.

The above very briefly outlines the points of difference. A full understanding of the case may be obtained from the following documents:

Senate Report No. 2977, Fifty-seventh Congress, second session.

Transcript of Record, Supreme Court of the United States, October term, 1908, No. 151. "The People of Porto Rico, appellants, v. The Roman Catholic Church in Porto Rico. Appeal from the supreme court of Porto Rico."

Briefs of plaintiff and defendant in the supreme court of Porto Rico. The Senate report gives, on pages 11 et seq., the report of the commission of judges, in accordance with which was settled the identical question in Cuba. The commission reported that the property then in question was the property of the church.

Your commissioners believe that the settlement recommended is a wise one and in accordance with the precedents of terminating similar controversies in Cuba and the Philippines. It is essentially a compromise, and no effort has been made to forecast what might be the decision of the highest court in the case.

While the report of the commission of judges in Cuba and the decision of the supreme court of Porto Rico have both been in favor of the church, its representatives have expressed themselves as favoring a compromise, receiving but part of their claim, rather than proceeding with litigation which they have entered into unwillingly and as a last resort short of yielding what they conceive to be rights that they can not sacrifice without being unfaithful to their trust.

Your commissioners earnestly recommend your approval of the basis of agreement, and that you recommend the necessary appropriation to make it effective.

Attached hereto is the draft of a bill which will, it is believed, carry into effect the proposed agreement.

Yery respectfully,

Robert Bacon,

Assistant Secretary of State.

roposed agreement.
ectfully,

Robert Bacon,
Assistant Secretary of State.
Frank McIntyre,
Major of Infantry, Assistant to Chief of Burcau
of Insular Affairs of the War Department.

The PRESIDENT, The White House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BEATRICE, NEBR.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 7348) authorizing the procuring of additional land for the site of the public building at Beatrice,

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, after the word "hereby," to strike out "appropriated" and insert "authorized," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land for the enlargement of the site of the federal building in the city of Beatrice and State of Nebraska, for the purpose of affording means for future enlargement of said building to meet the necessities of the public business, and for that purpose the sum of \$15,000, or so much thereof as may be necessary for such additional land, is hereby authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the procuring of additional land for the site of the public building at Beatrice, Nebr."

ADMINISTRATION OF JUSTICE IN THE NAVY.

Mr. PERKINS. I ask consent for the present consideration of the bill (S. 7872) to promote the administration of justice in

There being no objection, the Senate, as in Committee of the hole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

FLANDREAU TRIBE OF INDIANS IN SOUTH DAKOTA.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 7381) authorizing and directing the Secretary of the Interior to pay to the Flandreau tribe of Indians in South Dakota certain funds to the credit of said Indians.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to pay to the Flandreau tribe of Indians in the State of South Dakota per capita the balance remaining in the Treasury to their credit, approximating \$8,000, accruing to them under the act of March 2, 1889.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

TOWN SITES ON RECLAMATION PROJECTS.

Mr. BORAH. I desire to call up, by unanimous consent, for present consideration the bill (S. 8376) providing for the reappraisement of unsold lots in town sites on reclamation projects,

and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation with an amendment, on page 1, line 4, after the word "necessary," to insert "at any time after two years from date of former appraisement," so as to

That the Secretary of the Interior is hereby authorized, whenever he may deem it necessary, at any time after two years from date of former appraisement, to reappraise all unsold lots within town sites on projects under the reclamation act heretofore or hereafter appraised under the provisions of the act approved April 16, 1906, entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," and the act approved June 27, 1906, entitled "An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;" and thereafter to proceed with the sale of such town lots in accordance with said acts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISBURSING OFFICER FOR GOVERNMENT INSANE HOSPITAL.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 12899) to provide for a disbursing officer for the Government Hospital for the Insane.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill. The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ALCOHOLIC COMPOUNDS FROM PORTO RICO.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 22884) to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that upon bay rum, or any article containing alcohol, hereafter brought from Porto Rico into the United States for consumption or sale there shall be paid a tax on the spirits contained therein of \$1.10 per proof gallon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLAINE AND SUMAS, WASH.

Mr. PILES. I ask unanimous consent for the immediate consideration of the bill (8, 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL W. CAMPBELL.

Mr. CLAPP. I desire to call up, by unanimous consent, for immediate consideration the bill (S. 7971) for the relief of

Samuel W. Campbell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate the sum of \$696 to the credit of Samuel W. Campbell, Indian agent at Lapointe Indian Agency, Wis., on account of money paid by him to Delia M. Rabideau for clerical services. The Secretary of the Interior is authorized to make such payment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

L. B. WYATT.

Mr. JOHNSTON. I ask for the present consideration of the

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to L. B. Wyatt, late postmaster at New Decatur, Morgan County, Ala., \$135.60, in full compensation for fumigating the mails during the yellow-fever epidemic between September 22 and November 12, 1888, made under proper authority. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ELWOOD, IND.

Mr. HEMENWAY. I ask unanimous consent for the consideration of the bill (S. 7742) to increase the limit of cost for purchase of site and erection of a post-office building at Elwood,

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the limit of cost fixed by the act of Congress for the purchase of site and erection of a post-office building at Elwood, Ind., be extended from \$50,000 to \$75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

FORT PECK INDIAN RESERVATION, MONT.

Mr. DIXON. I ask unanimous consent for the consideration of the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend

section 17 of the act referred to so as to read:

SEC. 17. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES F. CLEVELAND AND MARY LORD HARRISON.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (H. R. 25019) granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON M. BENNETT.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 5756) to remove the charge of desertion from the military record of Solomon M. Bennett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion from the military record of Solomon M. Bennett, late of Company C, Third West Virginia Cavalry, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

IMPROVEMENT OF LAKE MICHIGAN.

Mr. SMITH of Michigan. I desire to call up Senate concurrent resolution 62.

The VICE-PRESIDENT laid before the Senate the concurrent resolution submitted by Mr. SMITH of Michigan on the 7th instant, which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made on the shores and waters of Lake Michigan at Leland. Leelanau County, Mich., with a view to determining the advantage, best location, and probable cost of a breakwater to form a harbor of refuge at that point, and submit a plan and estimate for such improvements.

PUBLIC BUILDING AT BOISE, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the consideration of the bill (S. 4090) to provide for the acquiring of additional ground and for the enlarging of the government building at Boise, Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 6, before the word "thousand," to strike out "fifty" and insert "twenty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$125,000, for the purpose of acquiring, by purchase, condemnation, or otherwise, additional land and grounds for the extension of and for the enlargement of the government building at Boise, Idaho.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS BANNIGAN.

Mr. KEAN. There is a small bill on the calendar, involving only \$414, which I should like to call up. It is the bill (H. R. 16191) to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repay Augustus Bannigan \$414, paid into the Treasury of the United States by mistake by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT TO BRIG. GEN. JAMES SHIELDS.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the bill (S. 6554) for the erection of a monument to the memory of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause a suitable monument to be erected over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, at Carrollton, Mo., and for this purpose the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.'

LIGHT-HOUSE SERVICE ON HAWAIIAN COASTS.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$23,393.69, to be paid to the Territory of Hawaii to reimburse it for money paid, laid out, and expended by it in maintaining light-houses, bell buoys, and light-house service on its coasts from the time the Territory became territory of the United States until such aids to navigation were transferred to and taken under the management and control of the Light-House Board.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS UNDER THE NAVY DEPARTMENT.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill (S. 4033) to satisfy certain claims against the Government arising under the Navy Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Is there a provision in the bill for the May-

flower claims?

Mr. FULTON. There is no provision in the bill for the Mayflower claims. I did not wish to take up the time in offering the amendment. There should be, however, a provision for it. Has the Senator the amendment at hand?

Mr. FULTON. I have one here I intended to offer, but I am going to yield to the Senator from Georgia [Mr. BACON]. He has an amendment that he wishes to offer.

Mr. BACON. I offer an amendment, to be inserted at the

proper place in the bill.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. Add at the end of the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Pacific Pearl Mullet, administratrix of the estate of the late Alfred B. Mullett, the sum of \$2,062.06, in full for the balance due her husband, the said Mullett, on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the navy-yard commission under the provisions of the act of August 5, 1882, making appropriations for the naval service, said balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy and now in the possession of the widow of said Mullett.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON]. The amendment was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. After the amendment just agreed to, insert the following:

That the sum of \$12,315.27, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay, upon the presentation of satisfactory evidence in each instance, the claims arising out of the collision between the U. S. S. Mayflower and the schooner Menawa in Long Island Sound on July 22, 1908, the same being in full for and the receipt of the sums to be taken and accepted in each case as a full and final discharge of the respective claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I ask for the present consideration of the bill (H. R. 4931) to correct the military record of Corwin M, Holt.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, after the words "eighteen hundred and sixty-five" to insert the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of being absent without authority now standing on the rolls of the army against the name of Corwin M. Hoit, late a first lieutenant of Company B, One hundred and third Regiment Ohio Volunteer Infantry, and grant him an honorable discharge as of May 1, 1865: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM J. SCOTT.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8839) for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes, to report it without amendment, and I submit a report (No. 888) thereon. I ask for the present consideration of the bill.

Mr. KEAN. I do not know that I object to the bill, but I

think it ought to be explained.

Mr. OWEN. I will explain it. This particular land lies at the junction of two railways and is intended for a town site. It is recommended by the Interior Department and would do harm to the minor if he were not permitted to take advantage of the opportunity. The town otherwise would go elsewhere.

Mr. KEAN. But the town would probably go where the

Mr. OWEN. It would occupy other land, being only a small

town possibly, and this minor would lose the opportunity.

Mr. KEAN. I do not object to the bill, but I should like to have bills on the calendar a little beforehand so that I can see the reports.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP MONTARA.

Mr. PILES. I ask for the present consideration of the bill (S. 8429) to refund certain tonnage taxes and light dues levied

on the steamship Montara without register.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to refund \$1,695, assessed and collected under sections 4219 and 4225, Revised Statutes, in the case of the steamship Montara, entered at Seattle on July 9, 1906, from Yokohama without register, upon application by the Pacific Coast Steamship Company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

STANDING ROCK INDIAN RESERVATION.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 7641) setting apart certain lands in the Standing Rock Indian Reservation, in the State of South

Dakota, for cemetery purposes.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-

The bill was reported from the Committee on Indian Affairs with an amendment, in line 9, after the word "Reservation," to

And the same shall not be subject to taxation so long as the same may be used for cemetery purposes.

So as to make the bill read:

That the following-described tract of land situated in Boreman County, in the State of South Dakota, and described as follows, to wit: The west 10 chains of lot 3, in section 26, of township 20 north, of range 25 cast, of the Black Hills principal meridian, be, and the same hereby is, reserved for cemetery purposes for the perpetual use of the Indians of the Standing Rock Indian Reservation, and the same shall not be subject to taxation so long as the same may be used for cemetery purposes.

The amendment was agreed to.

Mr. GAMBLE. I offer an amendment. On page 1, line 5, I move to strike out the words "the west 10 chains," and to insert in lieu thereof, "a strip of land 10 chains wide on the west side."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF MARK S. GORRILL.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 18744) for the relief of the estate of Mark S. Gorrill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue to the estate of Mark S. Gorrill, late of Methuen, Mass., duplicates in lieu of United States 4 per cent bonds of the funded loan of 1907, or to pay to the estate of Mark S. Gorrill the principal and interest due upon the bonds therein described. But the legal representatives of the estate shall first file in the Treasury a bond in the penal sum of \$12,500, with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the bonds and interest coupons.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. KEAN. I was going to move an executive session, but
the Senator from Virginia [Mr. DANIEL] is very anxious to be
recognized, and therefore I withhold the motion.

NORFOLK COUNTY WATER COMPANY.

Mr. DANIEL. I ask the Senate to consider the bill (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.

The Secretary read the bill; and there being no objection, the

Senate, as in Committee of the Whole, proceeded to its consid-

eration.

Mr. KEAN. The bill has the approval of the Secretary of War, I suppose?

Mr. DANIEL. Yes, sir; and it has all the customary restrictions in it. It has passed the House and is recommended by the Committee on Military Affairs of the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator from New Jersey withhold the motion for a moment that I may have a short bill passed? Mr. KEAN. Certainly.

GEORGE M. VOORHEES.

Mr. WARREN. With the courtesy of the Senator from New Jersey, I ask leave to call up the bill (H. R. 17572) for the relief of George M. Voorhees.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

That is a queer bill. Mr. KEAN.

Mr. WARREN. There is an amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. The bill was reported from the Committee on Military Affairs with an amendment, in line 9, after the word "Infantry," to insert:

And to issue to said George M. Voorhees an honorable discharge as of date October 13, 1862.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and instructed to interpret and consider Special Orders, No. 59, date February 5, 1863, approved February 10, 1863, equivalent to the honorable discharge of George M. Voorhees, late captain Company D. Ninety-third Regiment New York Volunteer Infantry, and to issue to said George M. Voorhees an honorable discharge as of date October 13, 1862: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, February 1, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1909.

POSTMASTERS.

ARKANSAS.

John W. Terry to be postmaster at Marvell, Ark. Office became presidential January 1, 1909.

CALIFORNIA.

Winslow L. Rideout to be postmaster at Lakeport, Cal., in place of Winslow L. Rideout. Incumbent's commission expires February 3, 1909.

FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla.

Office became presidential January 1, 1909.
William C. Eddy to be postmaster at De Funiak Springs, Fla., in place of William C. Eddy. Incumbent's commission expires February 2, 1909.

Samuel J. Giles to be postmaster at Carrabelle, Fla. Office became presidential January 1, 1909.

GEORGIA.

James L. Sibley to be postmaster at Milledgeville, Ga., in place of James L. Sibley. Incumbent's commission expires March 1,

James M. Hutcheson to be postmaster at Blanchard, Iowa. Office became presidential January 1, 1909.

Herman Ternes to be postmaster at Dubuque, Iowa, in place of Joseph S. Morgan, resigned.

KANSAS.

James M. Brown to be postmaster at Wilson, Kans., in place of Fannie M. Hutchison. Incumbent's commission expires February 1, 1909.
Allen C. Carson to be postmaster at Lucas, Kans. Office be-

came presidential January 1, 1909.

L. B. Ligon to be postmaster at Kentwood, La., in place of

Edgar A. Bassett, resigned.
W. E. Singleton to be postmaster at Mansfield, La., in place of Isabel C. Taylor. Incumbent's commission expires February 10, 1909.

MINNESOTA.

Jacob Geib to be postmaster at Gaylord, Minn. Office became presidential January 1, 1909.

Mathias B. Jenson to be postmaster at Clarkfield, Minn. Office became presidential January 1, 1909.

Mark M. Woolley to be postmaster at Howard Lake, Minn., in place of Mark M. Woolley. Incumbent's commission expired January 27, 1909.

MISSISSIPPI.

Laura M. Gowdy to be postmaster at Batesville, Miss., in place of Laura M. Gowdy. Incumbent's commission expired December 14, 1908.

Monroe L. Lott to be postmaster at Sumrall, Miss., in place of John H. Nutt, resigned.

OKLAHOMA.

John C. Byrd to be postmaster at Wagoner, Okla., in place of Samuel S. Cobb. Incumbent's commission expired February 12, 1907.

PENNSYLVANIA.

Andrew C. Allison to be postmaster at Mifflintown, Pa., in place of Andrew C. Allison. Incumbent's commission expired December 15, 1908.

Clarence L. Dindinger to be postmaster at Zelienople, Pa., in place of Nelson B. Duncan. Incumbent's commission expired

Sylvester C. Stout to be postmaster at Glenside, Pa., in place of Sylvester C. Stout. Incumbent's commission expired March

SOUTH DAKOTA.

Arthur W. Bartels to be postmaster at Gary, S. Dak. Office became presidential January 1, 1909.

J. Charles Russell to be postmaster at Midland, S. Dak.

Office became presidential January 1, 1909.

VERMONT.

Carroll B. Webster to be postmaster at Barton, Vt., in place of Ellery H. Webster, resigned.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, Wis., in place of Marilla Andrews. Incumbent's commission expired January 6, 1909.

Robert J. Audiss to be postmaster at Westfield, Wis., in place of Robert J. Audiss. Incumbent's commission expired January

John G. Burman to be postmaster at Amery, Wis., in place of John G. Burman. Incumbent's commission expired January 9, 1909.

Danal P. Butts to be postmaster at Frederic, Wis. Office became presidential January 1, 1909.

Frank J. Salter to be postmaster at Prentice, Wis., in place of Frank J. Salter. Incumbent's commission expired January 16, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1909.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut, of Engineers Willits Pedrick to be senior engineer in the Revenue-Cutter Service.

Second Lieut. of Engineers William Crocket Myers to be first lieutenant of engineers in the Revenue-Cutter Service.

Third Lieut. of Engineers George Wilson Cairnes to be second lieutenant of engineers in the Revenue-Cutter Service.

COMMISSIONER-GENERAL OF IMMIGR.

Daniel J. Keefe, of Michigan, to be Commissioner-General of Immigration in the Department of Commerce and Labor.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Edward Holman Skinner, of Missouri, to be first lieutenant.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Lieut, Col. Orin B. Mitcham, Ordnance Department, to be

Maj. John T. Thompson, Ordnance Department, to be lieutenant-colonel.

Capt. Edwin D. Bricker, Ordnance Department, to be major.

POSTMASTERS.

Edward I. Hall to be postmaster at Jennings, La. Adah Rous to be postmaster at Lake Providence, La.

MARYLAND.

William H. Stevens, jr., to be postmaster at Hurlock, Md. MISSISSIPPI.

James N. Atkinson to be postmaster at Summit, Miss. Edward F. Brennan to be postmaster at Brookhaven, Miss. Jasper F. Butler to be postmaster at Holly Springs, Miss. Thomas Richardson to be postmaster at Port Gibson, Miss.

NEW YORK

George W. Armstrong to be postmaster at Manlius, N. Y. Arthur B. Burrows to be postmaster at Andover, N. Y. Charles W. Clark to be postmaster at Oriskany Falls, N. Y. Edwin B. Hughes to be postmaster at Staatsburg, N. Y. Herbert J. Rouse to be postmaster at Cazenovia, N. Y. Judson S. Wright to be postmaster at Tully, N. Y.

OKLAHOMA.

N. W. Hibbard to be postmaster at Kiefer, Okla. PENNSYLVANIA.

Alexander H. Ingram to be postmaster at Oxford, Pa. SOUTH CAROLINA.

Joseph H. Abbey to be postmaster at St. George, S. C.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 29, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

REPRINT OF REPORT, AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to withdraw House Report No. 1919, being the report accompanying the agricultural appropriation bill, in order that certain typographical errors contained therein may be corrected, and that the same be reprinted.

The SPEAKER. Does the gentleman desire to discharge the Committee of the Whole House on the state of the Union from further consideration of it and to recommit the report?

Mr. SCOTT. Mr. Speaker, it seemed to me that that was hardly necessary. I simply desire to have a reprint made of the same report in order that certain typographical errors contained therein may be corrected.

The SPEAKER. The gentleman from Kansas asks unani-

mous consent to withdraw House Report No. 1919, accompanying the agricultural appropriation bill, make certain corrections in the same, and that it be reprinted. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BANKRUPTCY LAW.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Ordered, That for the remainder of this session the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, shall have the privilege of bills reported by committees having the right to report at any time: Provided, That in the consideration of the said bill no procedure shall be permitted to interfere with the offering of an amendment in the nature of a substitute which shall provide for the repeal of the existing bankruptcy law.

The SPEAKER. Is there objection?

Mr. TOWNSEND. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if the object of this order is to make that bill privileged, so that it will take preced-

order is to make that bill privileged, so that it will take precedence of everything except matters in the nature of appropriation bills?

Mr. SHERLEY. It would give the same status to this that bills reported from committees having the right to report at any time have, which, interpreted, practically means that it would have a privilege subject to appropriation bills and conference reports.

Mr. HULL of Iowa. Would not that order place it on an equality with appropriation bills that come from committees?

Mr. SHERLEY. I think not; and it would be always within the privilege of the House upon calling up the matter to determine whether it would or would not consider it.

Mr. HULL of Iowa. That is true of appropriation bills.
Mr. SHERLEY. I understand; but appropriation bills, in my judgment, would take precedence over this, if the order were agreed to.

Mr. TOWNSEND. Mr. Speaker, I feel I shall have to object.
Mr. SHERLEY. I think the gentleman is mistaken in his
view. It is not going to interfere with the bill that he has in mind, and which is the reason for his objection. This order would not give the bill any higher dignity than rests with the bill the gentleman has in mind.

Mr. TOWNSEND. Then what is the object of the gentleman's asking for this special privilege, if he can take it up on

a par with all similar measures?

Mr. SHERLEY. I do not think that is the exact status.

Mr. HENRY of Texas. The gentleman from Michigan does not object, does he?

Mr. TOWNSEND. I do object, but I will withhold it if the

gentleman does.

Mr. HENRY of Texas. Mr. Speaker, I desire to say that there are a number of us on the Committee on the Judiciary who do not agree to all of these amendments, but if the bankruptcy law is to remain on the statutes we think there are some features of it that might well be amended. This simply puts the measure in such a situation that it can be considered when appropriation bills and conference reports are not in the way. We have reserved the right to offer an amendment repealing the bankruptcy law, and other amendments can be offered, and as a member of the Judiciary Committee, I see no reason why it should not be considered by Congress at this session anyway. Therefore I do not feel like objecting, and I do not think any member of that committee does

The SPEAKER. Is there objection?
Mr. TOWNSEND. Mr. Speaker, I shall have to object.
The SPEAKER. The gentleman from Michigan objects.

RIGHT OF WAY THROUGH PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24833.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the following bill, and to consider the same in the House at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

The bill was read.

The SPEAKER. Is there objection?
Mr. HENRY of Texas. Mr. Speaker, reserving the right to object, I would like to hear a little something about this bill.

Mr. MONDELL. Mr. Speaker, this bill is an exact copy of the bill of June 26, 1906, providing for the cancellation of railroad rights of way where the grantees had not complied with the provisions of the law under which the rights of way were granted. While those rights of way are conditioned upon the performance of certain acts, they can not be canceled and the public lands unencumbered of those rights except by act of Con-This bill is intended to bring down to date the act of June 26, 1906, of which it is a copy.

Mr. HENRY of Texas. I will ask the gentleman if he has

furnished a copy of this bill to the gentleman from Missouri

[Mr. CLARK].

Mr. MONDELL. I will say to the gentleman I have furnished a copy to the gentleman from Missouri and discussed the matter with him.

Mr. HARDWICK. Mr. Speaker, I would like to ask the gentleman what is the need of this proviso—
Mr. HENRY of Texas. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

DONATING CANNON TO MARSHALL COUNTY, W. VA

The SPEAKER laid before the House the bill (H. R. 24151) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va., with amendments, which were read.

Mr. HUBBARD of West Virginia. I move that the House agree to the amendments proposed by the Senate.

The SPEAKER. The gentleman from West Virginia moves that the House agree to the Senate amendments.

The motion was agreed to.

PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The bill is on the Union Calendar, and the request of the gentleman is to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and to consider the same at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands and for other purposes."

Whereas section 7 of the act of Congress of July 1, 1902, provides as follows: "The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): Provided in the control of the contro

vided, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election;" and Whereas in practice such contingencies may arise as will make impossible the holding of the regular annual sessions on the first Monday of February in each year, as provided in the said section of the act of Congress of July 1, 1902: Now, therefore,

Be it enacted, etc., That the seventh section of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902, is hereby amended to read as follows:

"Sec. 7. The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): Provided, however, That the Philippine legislature may by law fix the date for the commencement of its annual sessions: And provided further, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: And provided further, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

The SPEAKER. Is there objection? [After a pause,] The

The SPEAKER. Is there objection? [After a pause.] The-Chair hears none.

The preamble was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Cooper of Wisconsin, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 25552.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

bill (H. R. 25552) to amend an act entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Monogahela River, in the State of Pennsylvania, by the Liberty Bridge Company,' approved March 2, 1907," approved March 16,

Be it enacted, etc., That an act entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company,' approved March 2, 1907," approved March 16, 1908, be, and is hereby, amended to read as follows:

"That section 2 of an act entitled 'An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company,' approved March 2, 1907, be, and is hereby, amended to read as follows:

"'Sec. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March 15, 1909.'"

Mr. WANGER, Mr. Speaker, there is an amendment

Mr. WANGER. Mr. Speaker, there is an amendment.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the amendments.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 2 of an act entitled 'An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company,' approved March 2, 1907, as amended by an act approved March 16, 1908, be, and is hereby, further amended to read as follows:

"Sec. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March 15, 1909."

Amend the title by striking out in line 1 the following words: "An act to amend an act entitled," and by striking out all of lines 5 and 6 after the word "seven."

The amendment in the nature of a substitute was agreed to. The bill as amended was ordered to be engrossed and read a

third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company,' approved March 2, 1907."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7276. An act providing for the improvement, repair, and an

addition to the public building at Pensacola, Fla.

S. 4116. An act authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge;

S. 8695. An act extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington; and

8.5900. An act to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 26073. An act to legalize a bridge across Indian River

North, in the State of Florida; and

H. J. Res. 200. Joint resolution granting to Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5900. An act to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3,

1891-to the Committee on the Public Lands.

S. 4116. An act authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge—to the Committee on Military Affairs.

S. 7276. An act providing for the improvement, repair, and an addition to the public building at Pensacola, Fla.-to the

Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same: H. R. 21957. An act relating to affairs in the Territories;

H. R. 26606. An act to authorize the Lewis Bridge Company

to construct a bridge across the Missouri River;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia; and

H. R. 26709. An act to amend an act to provide for the re-organization of the consular service of the United States.

The SPEAKER announced his signature to enrolled joint res-

olution of the following title:

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

NEW JUDICIAL DIVISION, TENNESSEE.

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24635, which send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee [Mr. Hull] asks unanimous consent for the present consideration of the following bill on the House Calendar, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 24635) to create a new division in the middle judicial dis-trict of the State of Tennessee.

A bill (H. R. 24635) to create a new division in the middle judicial district of the State of Tennessee.

Be it enacted, etc., That a new division of the middle judicial district of the State of Tennessee, to be known as the northeastern division of the middle judicial district of Tennessee, be, and the same is hereby, established, to be composed of the following counties, to wit: Putnam, Jackson, Clay, Overton, Pickett, Fentress, Cumberland, White, Van Buren, Dekalb, Smith, and Macon; and said counties be, and the same are hereby, transferred to said northeastern division of said middle district of Tennessee, but no additional clerk or marshal shall be appointed in or for said district.

SEC. 2. That terms of the circuit court and of the district court of the northeastern division judicial district of Tennessee shall be held at Cookeville, in said State, each year on the first Mondays in April and October, after the passage of this act.

SEC. 3. That the clerks of the district and circuit courts for the middle district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices, respectively, for said courts of said northeastern division judicial district, and except when court is in session and a judge present the clerk's office of said courts may be at Nashville, where all records for said courts may be kept as of the same court and all duties performed as though the clerk were at Cookeville; but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy clerk as Cookeville, Tenn., new books and records may be opened for the court herein created and kept at Cookeville.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must

be brought in the division of the district in which he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division.

Sec. 5. That all prosecutions for crimes or offenses hereafter committed in either of the divisions of said district shall be cognizable within such division, and all prosecutions for crimes or offenses here-tofore committed in the middle district as hereofore constituted shall be commenced and proceeded with as if this act had not been passed.

Sec. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions, Sec. 7. That in all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States, in the middle district of Tennessee, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said northeastern division of the middle judicial district.

Sec. 8. That each of said courts shall be held in a building to be

district.

SEC. 8. That each of said courts shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

SEC. 9. That this act shall be in force from and after the 30th day of June, A. D. 1909, and all acts and parts of acts so far as inconsistent herewith are hereby repealed.

Also the following committee amendment:

In line 2, on page 2, strike out the words "first Mondays in April and October" and insert in lieu thereof the words "second Mondays in May and November.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I will say this is a class of bills to the consideration of which I have uniformly objected in the House. Mr. PAYNE.

Notwithstanding that, the Judiciary Committee seem to be unanimous in their desire to create new divisions in different parts of the United States. During the time that we had a call of the calendar a number of these bills were reached after the hour had been set, and were passed by the House. The House seems to have a disposition to pass these bills. I do not think it fair to single out the bill of the gentleman from Tennessee [Mr. Hull] as one of the bills to be objected to; and therefore, while I do not believe the bill ought to pass, the Judiciary Committee seem to have a contrary opinion, as I understood from some of the members, from the universal desire to create new districts and new judges. This being a safety valve out of that dilemma—and to give new judges and new districts would create a large and additional expense—I shall not object to this bill.

Mr. JENKINS. I want to ask the gentleman from Illinois [Mr. Mann] a question, if he will permit it, by way of expla-

Mr. MANN. I want to ask the gentleman, or the gentleman from Tennessee, a question, simply as to whether this bill makes any new offices

Mr. HULL of Tennessee. None.

Mr. KEIFER. Does it not create new clerks and assistants? Mr. HULL of Tennessee. No, sir, I would say to the gentle-

Mr. KEIFER. I would like to ask how many counties are included?

Mr. HULL of Tennessee. Twelve counties.

Mr. KEIFER. What particular things connected with those

twelve counties make it necessary for a new judicial district?

Mr. HULL of Tennessee. Well, there is quite a variety of litigation, violations of the United States internal-revenue laws in one section of this territory to a considerable extent, and a considerable amount of land litigation between nonresident citizens and citizens of the State.

Mr. JENKINS. Mr. Speaker, reserving the right to object, I do so for the purpose of making a statement somewhat in ando so for the purpose of making a statement somewhat in answer to my friend from New York [Mr. Payne]. I want to say to the House that the Judiciary Committee in its wisdom did report the bill unanimously, as they have many other bills. I would rather infer from my friend from New York that he is casting some reflection upon that committee.

Mr. PAYNE. Not at all. I hope the gentleman will not so understand it. I disagree with the gentleman's committee, but that does not cast any reflections. I may be wrong and the

committee right.

Mr. JENKINS. I want to say to my friend from New York [Mr. PAYNE] that there is going to be a large opening in that committee next session, and I trust that he will be placed there in order to do justice on these several matters.

Mr. PAYNE. Mr. Speaker, I trust not.

Mr. JENKINS. Mr. Speaker, this bill has the approval of the judge who is interested and the United States attorney. It has been considered by the Department of Justice, and with so many demands upon it the committee did not feel like refusing their request, and in the judgment of that committee this bill should pass. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair calls the attention of the gentleman from Tennessee [Mr. Hull] to what is evidently a typographical error in line 17, page 2, before the word "Cookeville."

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent that the necessary correction may be made, by striking out the word "as," before the word "Cookeville," in line 17, page 2, and inserting in lieu thereof the word "at."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Hull of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADMINISTRATION OF JUSTICE IN THE NAVY.

Mr. ROBERTS. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the blil H. R. 6252, and ask that the same be considered in the House at this time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6252) to promote the administration of justice in the navv.

Be it enacted, etc., That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authorite.

Bet the enacted, etc., That courts for the trial of enlisted men in the Navy and Marine Corps for minor offeness may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority.

That such courts shall be known as "deck courts," and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article 30 of the Articles for the Government of the Navy: Provided, That in no case shall such courts adjudge discharge from the service or adjudge confinement or forfeiture of pay for a longer period than thirty days.

SEC. 3. That any person in the navy under command of the officer period than thirty days.

SEC. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated.

SEC. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filled in, the office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action.

SEC. 7. That no person who objects hereto shall be brought to trial be appropriate.

SEC. 8. That the courts authorized to impose the purishments prescribed by article 30 of the Articles for the Government of the Navy may adjude either a part or the whole, as may be appropriate, of any one of the pun

lowed a reasonable sum, not to exceed \$3 per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed \$25: Provided, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

Also the following committee amendments:

In line 4, after the word "offenses," insert "now triable by summary court-martial."
Page 2, line 2, strike out the word "thirty" and insert in lieu thereof

mary court-martial."

Page 2, line 19, after the word "thereon," insert in lieu thereof "fifteen."

Page 2, line 19, after the word "thereon," insert "except that if the party accused demands it within thirty days after the decision of the deck court shall be known to him, the entire record or so much as he desires shall be sent to the reviewing authority."

Page 3, line 7, add the following proviso:

"Provided, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial."

Page 3, line 19, after the word "which," insert "United States."

Page 4, line 3, strike out the word "inquired" and insert in lieu thereof the word "required."

Page 4, line 6, after the word "States," insert the word "District."

Page 4, line 10, after the word "States," insert the word "District."

Page 4, line 21, strike out "14" and insert in lieu thereof "13."

Page 4, line 21, strike out "14" and insert in lieu thereof "13."

Page 5, add the following section:

"Sec. 14. Section 1624, article 34, Revised Statutes of the United States, is hereby amended as follows: 'The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such form and rules as may be prescribed by the Secretary of the Navy with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be known in the secretary of the Navy."

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. HULL of Iowa. Reserving the right to object, it was impossible for me to hear the reading of the bill, and I would like to ask the gentleman from Massachusetts wherein it changes the present law in regard to courts-martial in the navy?

Mr. ROBERTS. Under the present law, in order to try a man in the navy for a petty offense, there must be a summary court, which requires the presence of four commissioned officers. This bill provides what is known as a "deck court," to be held by one commissioned officer, which is exactly on all fours with the so-called "garrison court" of the army that has been in operation some ten years. The navy is short now in the matter of commissioned officers, and it seriously interferes with the routine and discipline of ships to take four commissioned officers from their regular duties to sit on these little petty cases that are now under the jurisdiction of summary courts.

Mr. MACON. Will the gentleman yield to me?

Mr. ROBERTS. One moment. I want to make another statement. The bill provides for the holding of courts in territory outside of the United States by a single officer, thereby doing away with the keeping men in prison for months awaiting trial for petty offenses. One instance I may cite, of two men who deserted from a ship in Guam. Shortly after the ship sailed the deserters were apprehended and put in prison. recommendation for a court-martial was made by the officer in It had to be sent to Washington. The department approved the court-martial; the papers were sent back; the men were tried; then the findings of the court had to be transmitted to Washington for approval and return.

Now, the sentence of the court was four months' imprisonment; but before the papers got to Washington for final approval the men had been in confinement six months. As in all cases of that sort, the department remitted the four months' imprisonment and ordered the rest of the sentence carried out.

Mr. BARTLETT of Georgia. How does his bill remedy that particular evil that occurred in that case?

Mr. ROBERTS. It allows the commanding officer of the station to constitute a deck court.

Mr. MACON. Now, a deck court, from the provisions of the bill, I take it, is a kind of "unanimous-consent" court, that everybody had to consent to it.

Mr. ROBERTS. I will state for the benefit of the gentleman that every man liable to a deck court, under the provisions of this bill, has the right to object to it and to insist upon trial by a summary court or by general court-martial. All rights are fully guarded in that respect.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. ROBERTS. I shall be very glad to yield.
Mr. BARTLETT of Georgia. In discussing the trial of offenses out of the United States by this one officer, the gentleman confined it to offenses committed not in the United States. For instance, under the bill a member of the navy might commit an offense just as the ship was going away, and might be tried in a foreign country. Now, ought not your bill to confine the trial of offenses in other places than the United States to offenses committed while the person is outside the United States? In other words, your bill does not confine the trial of offenses in foreign countries by this officer to offenses committed

while the ship is away from the United States.

Mr. ROBINSON. I make the point of order that the House is not in order.

The SPEAKER. The point of order is well taken, and the House will be in order.

Mr. BARTLETT of Georgia. I did not notice that the bill, as read at the Clerk's desk, contained any limitation as to the power of this one-man court to try for offenses committed solely while the offender was in a foreign country. It might be construed, very properly, to give the right to try also in a foreign country, and to try for an offense committed while the offender was in the United States; but I apprehend that is not the purpose of the bill.

Mr. ROBERTS. Why, Mr. Speaker, it may not always be possible to try a man immediately after he commits the offense and try him on the spot where the offense was committed-

Mr. BARTLETT of Georgia. I understand that.

Mr. ROBERTS. In naval practice-

Mr. BARTLETT of Georgia. But suppose it is not possible. The man is on board ship and carried to a foreign country and tried under the provisions of your bill. How are you going to obtain the witnesses if the ship has left the country?

Mr. ROBERTS. That, Mr. Speaker, is one of the difficulties that is inherent in all trials of criminal or semicriminal cases. You must always be able to produce the witnesses to convict the man of the offense of which he is charged.

Mr. BARTLETT of Georgia. And he might be able to produce witnesses that would not allow conviction. We ought not to make a law to convict people, but to give them a trial and an

opportunity to show that they are not guilty.

Mr. ROBERTS. I understand, but there are cases that come up where you are not able to get your witnesses to determine the question of guilt or innocence, and it is conceivable that such cases might happen as the gentleman from Georgia cites; but on the average, in the long run, the administration of justice in the navy would be much better served by adopting the provisions of this bill, with perhaps an occasional case, such as the gentleman refers to, escaping just punishment.

Mr. BARTLETT of Georgia. They have occurred within my knowledge not occasionally, but frequently.

Mr. MANN. Will the gentleman yield for a question? Mr. ROBERTS. Yes. Mr. KEIFER. I think objection had better be made. would not object to considering this bill section by section; but it is too important to pass in this way, by unanimous consent.

Mr. ROBERTS. Does the gentleman object?

Mr. KEIFER. Yes; I object.

CALENDAR TRANSFERS OF BILLS.

The SPEAKER announced the transfer from the House Calendar to the Union Calendar, in accordance with the rules of the House, of the bill (H. R. 15463) providing for changing the title of warrant machinist, United States Navy, to machinist, for the promotion of machinists after six years from date of warrant, according to law governing the promotion of other warrant officers, and for other purposes.

The SPEAKER also announced the transfer from the Union

Calendar to the House Calendar, under the rules of the House, of the bill (H. R. 26984) extending the time for the construction by James A. Moore or his assigns of a canal along the government right of way connecting the waters of Puget Sound

with Lake Washington.

ORDER OF BUSINESS.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 26915) making appropriations for the support of the army for

Mr. HASKINS. Mr. Speaker, pending that, I ask unanimous consent that the next legislative day after the completion of the army appropriation bill be substituted in lieu of to-day for the consideration of bills upon the Private Calendar in order

under the rule.

Mr. MORSE. Mr. Speaker, reserving the right to object, is it the intention of the chairman to give up claims day to-day?

Mr. BARTLETT. This is war-claims day.
Mr. MORSE. It is his intention to give up war claims to-day? The SPEAKER. The gentleman has not the power to give it up or to refuse to give it up.

Mr. HASKINS. I do not care to stand in the way of ap-

propriation bills. I want those hurried over to the other end I following telegram, and ask that it be read.

of the Capitol as rapidly as possible, but I want the next legislative day after the conclusion of the army bill for the consideration of bills in order under the rule to-day.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that in this, as in all other cases, the business of the House is subject to the vote of a majority. If the House votes down the motion to go into Committee of the Whole House on the state of the Union to consider the army appropriation bill, which is in order, then, of course, automatically, this being private bill day, it would be in order to consider private bills.

The gentleman from Vermont [Mr. HASKINS] asks unanimous consent that the next legislative day after the completion of the army bill be considered as Friday, for the consideration of business in order to-day. The Chair calls the attention of the gentleman from Wisconsin [Mr. Morse], as well as other Members, to the fact that a single objection would prevent that request being granted, and then the House could determine the question between the army bill and private bills to-day.

Mr. MORSE. Then I object, Mr. Speaker.

Mr. HASKINS. Now, I move that the next legislative

Mr. HULL of Iowa. I raise the point of order that there is

one privileged motion already pending.

The SPEAKER. The Chair calls the attention of the gen-tleman to the fact that the motion to consider the army bill has precedence under the rules of the House. The gentleman can arrive at what he desires if a majority of the House see proper to vote down the motion. If the House does that, then, without a motion, under the rule, the business in order on Friday would come up automatically.

Mr. CLARK of Missouri. Mr. Speaker, the gentleman from Vermont [Mr. Haskins] is trying to substitute another day

for this one.

The SPEAKER. He asks unanimous consent, and to that unanimous consent the gentleman from Wisconsin [Mr. Morse]

Mr. CLARK of Missouri. I thought he was objecting to what the gentleman from Iowa [Mr. HULL] was trying to do. I was trying to help them all out.

ARMY APPROPRIATION BILL.

The motion of Mr. Hull of Iowa was agreed to. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the army appropriation bill (H. R. 26915), with

Mr. Perkins in the chair.
Mr. HULL of Iowa. Mr. Chairman, in answer to the gentleman from Illinois on yesterday for information, I desire to submit to the House the reply from the Paymaster-General, and I ask that the Clerk may read it, that it may go into the RECORD. The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE PAYMASTER-GENERAL,
Washington, January 29, 1909.

To the Chairman Committee on Military Affairs, House of Representatives.

House of Representatives.

Sir: In response to your telephone message of this date, I have the honor to submit to you a statement regarding the increase in the item. "Pay of enlisted men." Of course you will understand that these figures represent only the proposed appropriation, \$1,550,000, and not the number of men estimated for, viz, \$16,748,010. Neither are the enlisted men of the staff departments, the Hospital Corps, the Porto Rico regiment, nor the Philippine Scouts Included.

For your information, I might add that the enlisted strength at the present time, inclusive of all the above-named forces, is about \$2,000 men, while the authorized strength at the present time is \$5,961.

Respectfully,

C. H. WHIPPLE, Paymaster-General, U. S. Army.

Statement regarding increase in appropriation "Pay of enlisted men."

The proposed appropriation represents the new rate of pay for 65,410 enlisted men_____

The appropriation for the present fiscal year represents the old rate of pay for 54,128 enlisted men.
65,410 less 54,128 equals 11,282 enlisted men, which, if appropriated for at the old rate of pay, would amount to Difference between old and new rate of pay, as established by the act of May 11, 1908, for 65,410 men.

10,000,000 1, 805, 120

> 3, 694, 880 15, 500, 000

Mr. HULL of Iowa. Mr. Chairman, I would like to ask the gentleman from Virginia [Mr. HAY] if he will not use some of his time.

Mr. HAY. I will yield twenty minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I send to the Clerk's desk the

The Clerk read as follows:

[Cable message.]

HABANA, January 27, 1909.

Congressman RAINEY,
House of Representatives, Washington:

assume you have been misled into uttering the sheer and absolute I assume you have been misled into uttering the sheer and absolute falsehoods concerning me you are reported to have spoken yesterday. I have never had any business association of any kind or description, past, present, or prospective, with William Nelson Cromwell, nor any interest of any kind or with anybody, past, present, or prospective, on the Isthmus of Panama, and I confidently rely upon your loyalty to the truth to retract what you said about me in the same high place where you made yourself responsible for those misstatements.

CHARLES P. TAFT.

Mr. RAINEY. Mr. Chairman, I have not the slightest desire to controvert in any way the statement of Mr. Charles P. Taft, which has just been read. On the contrary, I congratulate him upon his absolute and complete repudiation of William Nelson Cromwell and his methods. [Applause on the Democratic side.] It, however, does not become necessary for me to retract anything I said in my speech. I do not desire, at the present time, to add anything to what I said, nor to change it in any way. In order that what I said about Mr. Charles P. Taft may appear here in the Congressional Record, in connection with his telegram, I desire now to read from my speech of January 26, and I read now, from the first column on page 1470 of the Congres-SIONAL RECORD for this session, the following:

On Sunday night, the 27th day of December, Obaldia called to his palace certain members of the General Assembly, and they then and at that time demanded of him to know who the men were back of John Ehrman, representing that John Ehrman had no particular financial standing; and at that time they were told that the men who were back of this infamous, outrageous scheme were William Nelson Cromwell, Roger L. Farnham, his confidential clerk, W. S. Harvey, and Charles P. Taft.

The country will be glad to know that Mr. Taft's name is being used there without his consent. I desire to say, in this connection, that Mr. Taft could render a great service, and his denial will be of greater value, if he should without delay address a telegram to the general assembly of Panama denying his connection with the scheme I have described, and repudiating Mr. Cromwell on the Isthmus of Panama with as much enthusiasm as he has in his telegram to me repudiated all connection with that gentleman. [Applause.]

I think I might also with propriety suggest that the President-elect could, at the present time, render no greater service to his country than he can render by withdrawing his frequent public indorsements of William Nelson Cromwell. At the present time Mr. Cromwell and Mr. Farnham are proceeding under certificates of good character given them in the past by the President-elect. [Applause on the Democratic side.]

The next President of the United States could render no greater service to his country in Panama matters than he could render by, immediately after his term of office commences, re-moving both Cromwell and Farnham from their present official positions and from the positions of trust and confidence they now apparently hold with reference to him, and I sincerely hope that his repudiation of Mr. Cromwell will be as enthusiastic and as complete as the repudiation contained in the telegram of Charles P. Taft, which has just been read. [Applause on the Democratic side.]

In order that some other gentlemen who think they have denied something I said in my speech may attain the same prominence in connection with this matter, I send to the Clerk's desk to be read an extract from the New York Times of the date of yesterday.

The Clerk read as follows:

SAYS PANAMA DEAL WAS NOT CROMWELL'S--RANDOLPH G. WARD DECLARES RAILWAY PROPOSITION DENOUNCED BY RAINEY WAS ALTOGETHER HIS—WILL AID PANAMA, HE SAYS—W. S. HARVEY HAS NO INTEREST IN PANAMA RAILWAY BUILDING OR LAND GRANTS, SAYS SECRETARY.

In regard to the remarks made in the House of Representatives on Tuesday by Henry T. Rainey, of Illinois, in which William Nelson Cromwell, Charles P. Taft, and others were accused of complicity in a scheme involving the grant of 1,000.000 acres of land by the Government of the Republic of Panama to float a railroad less than 200 miles long, the following letter has been received by the New York Times from Randolph G. Ward:

To the Editor of the New York Times:

To the Editor of the New York Times:

In the press dispatches from Washington published in all the leading New York papers of this date Representative Rainey, of Illinois, is quoted as having charged that Mr. William Nelson Cromwell and other well-known gentlemen are in some way or other responsible for what he terms the "most infamous railroad proposition ever submitted to any government."

As I am the individual who alone, and unassociated with any other person or persons, submitted to the Government of the Republic of Panama the railroad proposition thus characterized, but which, I am confident, will stand the test of competent and conscientious criticism. I take this opportunity of exonerating Mr. Cromwell and each and all of the other gentlemen named from any connection whatever with such proposition, and I unhesitatingly assume the entire responsibility for having submitted it, and challenge Representative Rainey to submit a fairer proposition or one better calculated to promote the welfare of the people of the Republic of Panama.

In the years which have gone by the people on the Isthmus have depended almost wholly for support upon the business developed by the traffic in transit from ocean to ocean. In the future, when, owing to the completion of the canal, this source of livelihood will be cut off in part, if not entirely, they must depend upon the development of their own territory and the advantages of their commercial location. The building of railroads and the development of the port of Panama contemplated in the proposition submitted by me will do more than anything I know of to give employment to and provide support for the people of the Republic of Panama, and to prevent the "bread line" of idleness and want pictured by Representative RAINEY.

RANDOLPH G. WARD.

NEW YORK, January 27, 1909.

New York, January 27, 1909.

J. F. Scott, secretary to William S. Harvey, made public yesterday a statement in which it was denied that Mr. Harvey was in any way interested in land grants in the Republic of Panama.

"Mr. Harvey," says the statement, "is away on a business trip, and probably will not return until February 4.

"Respecting the statements made by Mr. Rainey in his speech yesterday, as published, in relation to contracts in Panama, I will state that the Congressman is very much in error. Mr. Harvey is in no way connected with or interested in any contract or proposal for railroad building or land grants in the Republic of Panama nor with any parties who may be. Nor is he associated, directly or indirectly, in the remotest manner with William Nelson Cromwell or Charles P. Taft in any enterprise of any sort in Panama or elsewhere.

"Some time ago Mr. Harvey and certain friends engaged in the lumber business in this country made a proposal to the Panama Government to buy certain standing timber on a part of the wild lands in Panama. This proposal was not approved by the national assembly, and, I believe, the matter was dropped. With this proposal neither Mr. Cromwell nor Mr. Taft had the slightest connection, and I doubt if either gentleman ever heard of the proposal until they read of it in the newspapers."

Mr. Cromwell himself continues to refuse to renly to Mr. Rainey. He

newspapers."
Mr. Cromwell himself continues to refuse to reply to Mr. RAINEY. He sent out a statement to all reporters who called yesterday, which was, briefly, as follows: "I have nothing to say at present about the matter."

Mr. RAINEY. Mr. Chairman, I do not have the pleasure of a personal acquaintance with Mr. Randolph G. Ward. In addition to his other characteristics, whatever they are, he is evidently a humorist. The immunity bath he attempts to give Mr. Cromwell, coming from him, will not do that gentleman any good. If Mr. Ward had challenged me to suggest a more outrageous proposal than he has suggested, I would have been absolutely unable to accept his challenge. It is impossible to suggest a railroad plan that would not be fairer than his, and he surely is laboring under the impression that I have not succeeded in getting a copy of it. I have, and I have printed it in the Congressional Record of this session, at page 1476, and it speaks there for itself.

The trouble with these gentlemen is they take particular pains to deny things I did not say. I expressly stated in my speech that I did not know who was back of Randolph G. Ward. On account of the fact that these two projects—the timber scheme and the railroad scheme-were proceeding with such absolute harmony, on account of the fact that neither of them impinged upon the other, I thought the same persons might be behind both of them. This scheme of Ward's is outrageous enough in its character to be fathered by William Nelson Cromwell, and is entirely worthy of that gentleman. The Ward project takes everything on one side of the Republic of Panama, and the timber proposal takes everything on the other, and they do not

impinge anywhere, either of them, upon the plans of the other. Now, with reference to W. S. Harvey, I did not say he had anything to do with the proposed railroad contract. His secretary gives out the statement, probably with his consent, that at one time he was interested in a timber contract which was refused by President Amador, and I made that statement in my speech. President Amador did refuse to sign it; but President Obaldia, after his election was brought about, signed it, and he and his administration are pushing it at the present time. I have inserted in the Congressional Record at page 1475 a letter from Señor Ramon M. Valdes, a member of the cabinet of Obaldia in the Republic of Panama—a public letter printed in the Spanish edition of the Diario, a newspaper published in Panama. I had it translated by a competent person and have inserted it here in the Record. In that letter this member of Obaldia's cabinet states that he is writing the letter and making it public on behalf of the President of Panama. The letter contains the following statement, referring to the present pending timber contracts:

Those interested in this business of the purchase of timber are Messrs. W. S. Harvey, Alfred E. Drake, and Jonas E. Whitley, of the United States.

[Applause.]

I present that as a complete denial to anything Mr. Harvey,

through his secretary, has said in this connection.

Mr. Chairman, when any of these gentlemen care to deny any of the facts I have stated in my speech, I want to serve notice on them now that I am ready with the proof. [Applause on the Democratic side.] I have here a clipping from the New York Herald of the day following the delivery of my speech in the House, and as that great paper has not yet been charged with libeling the Government, what it says may still be of value.

With much enterprise, after the delivery of my speech the New York Herald obtained from its correspondent on the Isthmus of Panama the following statement with reference to some of the things to which I called attention. I offer it as a complete answer to the statement that these timber contracts are dead and are no longer being discussed on the Isthmus of Panama. As a matter of fact, they are very much alive; and the President and his Cabinet are pressing them, and meetings are being held in the public parks protesting against them. I now send to the Clerk's desk this clipping from the New York Herald of January 27, 1909, and ask that it be read in my time.

The Clerk read as follows:

[New York Herald, January 27, 1909.]

PANAMA EXCITED AT TIMBER PROJECT—PRESIDENT OBALDIA TRYING TO FORCE "CROMWELL GRANT" THROUGH AN UNWILLING CONGRESS.

(Special Correspondence of the Herald.)

PANAMA, January 27, 1909.

Panama is in a ferment of excitement on account of the project of the present administration to make what is termed "a gift" of the entire Caribbean coast of the Republic to an American syndicate. President Obaldia has sent two special appeals to the Chamber of Deputies urging the ratification of the timber concession, and the result has been the stormlest sessions held by the legislative body since it came into existence.

istence.

One of the members of the cabinet was grossly insulted by a deputy because he appeared for the President, and in the debates there have been open allegations of dishonesty. There is a grave question now whether the concession will be ratified. It is the pet measure of President Obaldia, and the opposition to it is supposed to indicate that he has lost ground in the Chamber, as some of those who are bitterest in their denunciation have hitherto been on his side in politics.

The concession has been designated on the Chamber floor as the "Cromwell grant," and an effort has been made to create the impression that William Nelson Cromwell will be the chief beneficiary if the bill should pass.

FEELING RUNNING HIGH.

The speeches in the Chamber have roused intense feeling throughout the Isthmus. The syndicate seeks a timber concession on all the land on the Caribbean side from low water to the divide, or top of the watershed, from Costa Rica to Colombia; in other words, about two-thirds of the Republic. It is alleged by the deputies that the Republic could obtain millions of dollars in cash for this land by dividing it into large sections and offering them to the highest bidders. The prospective value is terrific, as practically all the land is suitable for fruit growing, and the owners could start new growths as soon as they had cleared away the existing ones.

One point accentuated in the Chamber is that the agitation for the fortification of the canal is increasing in the United States, and that all Mr. Cromwell's friends apparently indorse the plan. It is assumed that the United States may seek to obtain the Chiriqui lagoon, which has been mentioned by Capt. A. T. Mahan as one of the strategic naval bases of the Caribbean. The concession includes the lagoon, and the American Government might find itself called upon to pay a fancy price for a fraction of what Panama has given away.

price for a fraction of what Panama has given away.

TOOK OBALDIA'S SIDE.

Several peculiar features of the transaction have been discussed in the debates. During the presidency of Doctor Amador application was originally made for the concession. President Amador, after consulting his personal attorney, Doctor Valdez, declined to grant it.

Mr. Cromwell admitted in an interview published by the New York Herald that he had suddealy taken sides with Señor Obaldia before the last presidential election. Obaldia triumphed and Doctor Valdez is now in his cabinet and at the head of the department of justice. There have been many comments upon Doctor Valdez's change of front, as he is actually a strong advocate of the bill. As the official legal adviser of the Government his position has changed radically from that he held as the unofficial counsel for the former President.

Speakers have sarcastically inquired why the Government does not find another set of Americans and grant them the Pacific slope of the Republic, so as to complete the transaction at the same time, and have each company administer affairs on its own side under Mr. Cromwell's guidance.

During the reading of the above the time of Mr. RAINEY expired and he was granted five minutes more by the gentleman from Virginia [Mr. HAY].

Mr. RAINEY. Mr. Chairman, I yield back the balance of my

time, if I have any left. [Applause.]
Mr. PARKER. Mr. Chairman, by direction of the gentleman from Iowa [Mr. HULL], in charge of the bill, I yield five minutes to the gentleman from Massachusetts [Mr. Lovering]

Mr. LOVERING. Mr. Chairman, after what the gentleman has said with regard to the Panama contracts, I desire to be heard for a moment with respect to one of the gentlemen named in his address. I can not tell where the gentleman obtained all the sensational facts with which he has regaled this House, but I have this to say in behalf of Mr. William Nelson Cromwell. I asked Mr. Cromwell what were his relations to these Panama contracts and received the following answer:

49 AND 51 WALL STREET, New York, January 28, 1909.

Hon. WM. C. Lovering,

Washington, D. C.

MY Dear Mr. Lovering: Although the affairs of the Panama Government are not properly a subject of consideration by the American Congress, I wish to waive all technicality and say at once that I never have had, and have not now, any interest of any kind, direct or indirect, present or prospective, in any concession, contract, proposition, or other business affair in any part of the Republic of Panama, save only a small stock interest in the local electric light company of Panama City, which I joined some years ago at the request of Panama citi-

zens to encourage a local industry, the conditions of which investment were fully stated by me before the so-called "Morgan inquiry."

Thanking you in advance for any courtesy you may be able to extend, I am,

Very truly, yours,

WM. Nelson Cromwell.

WM. NELSON CROMWELL.

Mr. Chairman, I wish to say that all this talk here in the House is of little avail. If I understand correctly, the gentleman from Illinois [Mr. Rainey] did early in this session offer man from lilinois [Mr. KAINEY] did early in this session oner a resolution of inquiry to investigate the transfer of the Panama Canal to the United States Government. Such an investigation would include this whole business. I am heartily with him, and I believe that every gentleman he has named in connection with this is with him. We hope that the investigation will take place immediately, and not a man will shrink from it, as I understand. It would seem as though the gentleman had hear filled an with a lot of material that comes from a wellbeen filled up with a lot of material that comes from a wellknown source, much of which has already been exploited here.

Mr. RAINEY. Mr. Chairman, I would like to ask the gentle-

man a question.

The CHAIRMAN. Does the gentleman yield?
Mr. LOVERING. I have but a moment.
Mr. RAINEY. I ask the gentleman to explain further and say what the source is to which he refers.

Mr. LOVERING. I will say the New York World. [Laugh-

ter on the Republican side.]

Mr. RAINEY. Mr. Chairman, I want to say—
The CHAIRMAN. The gentleman from Massachusetts has
the floor. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. LOVERING. I yielded and answered the gentleman's question.

The CHAIRMAN. Does the gentleman yield again? Mr. LOVERING. Yes.

Mr. RAINEY. I want to say that never-Mr. LOVERING. Is this a question?

Mr. RAINEY. No.
Mr. LOVERING. I yield only for a question.
Mr. RAINEY. Then, I shall ask the gentleman from Virginia to yield me two minutes after the gentleman from Massachusetts is through.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. LOVERING. Mr. Chairman, I have nothing more to say, except that I hope the gentleman will push his resolution, and I will help him in every way possible. [Applause on the Republican side.]

Mr. RAINEY. Mr. Chairman, I ask for two minutes.

Mr. HAY. Mr. Chairman, I yield two minutes to the gentleman from Illinois—

The CHAIRMAN. The gentleman from New Jersey.
Mr. PARKER. Mr. Chairman, by direction of the chairman
of the Committee on Military Affairs, I yield fifty-five minutes to the gentleman from Wisconsin [Mr. JENKINS].

Mr. HAY. Mr. Chairman, I hope the gentleman will permit me to yield two minutes to the gentleman from Illinois at this

point.

The CHAIRMAN. The Chair was in error and the Chair will recognize the gentleman from Virginia on this side.

Mr. HAY. Mr. Chairman, I now yield two minutes to the

gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I desire to say in the most emphatic manner I never have received from the New York World or from any person connected with that great newspaper or from any other newspaper in all the world the slightest assistance in the investigations I have made, and they have furnished me with none of these documents I put in the RECORD; nor have they furnished me with the slightest information that enabled me to obtain any one of them. Whatever evidence the New York World may have they have not revealed to me in any particular, and I can not make this denial too strong. I have consulted the New York World in no possible way and have received not the slightest assistance from them. [Ap-I desire also to say that I have extended to the repplause.] I desire also to say that I have extended to the representatives of that paper no courtesies that I have not extended to all the other gentlemen of the press. I might also say that I have conducted my investigations at my own expense and have received no financial assistance from any source and expect to receive none. [Applause.]

The CHAIRMAN. Does the gentleman from Virginia desire to occupy some time now or does he yield to the gentleman from New Jersey?

Mr. HAY. I yield to the gentleman from New Jersey.

Mr. PARKER. Mr. Chairman, I now yield fifty-five minutes to the gentleman from Wisconsin [Mr. Jenkins].

The CHAIRMAN. The gentleman from Wisconsin is recognized for fifty-five minutes.

Mr. JENKINS. Mr. Chairman, I propose this morning to discuss a very important question, and in presenting my individual views to this House I purpose to say that I am doing it in the discharge of what I conceive to be an important duty. Mr. Chairman, the Committee on the Judiciary, and at times this House, has been charged with failure to pass certain what have been called "important" measures, and the control of the Library in what is not the control of the c one that I have in mind is one of considerable importance to many; and as I have read different newspaper statements in regard to the same and as I have heard individuals expressing themselves, I have made up my mind that as a general proposition the most important question has never been considered by those who have been talking so readily and so hurriedly in regard to it. Mr. Chairman, the only thing that has prompted me with reference to the matter I propose to discuss has been an important constitutional question.

If there had been no constitutional question involved, I think the House might possibly, as far as my vote is concerned, have been permitted to pass upon it; but I have felt, in my position, that I owed a certain duty to the House and to the country, and I have not been favorable to reporting certain measures because of the very grave importance of the constitutional questions involved. I do not want it understood, as far as I am concerned, that there has been any desire upon the part of myself or the committee on which I have so long served to smother or prevent consideration of these important questions; but, as I have said, I felt that the questions were not only constitutional, but of very great importance to this country, and it evidences how little the average man of this country knows with reference to those great questions. In discussing it, I simply propose to present to the general public the bills themselves and the nature of the bills and the important questions lying within them. want the people of this country to judge for themselves, and at least give the Committee on the Judiciary of this Congress credit for being at least honest with reference to these great matters. I know a great many of our friends say, as they pass along, that it is useless to inject a constitutional question. But a few days ago I sat and listened to a gentleman, who has obtained fame in the Supreme Court of the United States, discussing one of those questions, and he made this remark. He said:

I am absolutely sick and tired of hearing about a constitutional question. They have forgotten that the American people are in power in this country and that it is a question for the American people, and not for any individual, not for any committee or any Congress of the United States, to say what is constitutional or not. I say—

Said he, speaking for himself and, I trust, himself onlythat the American people are greater than the Constitution of the United States.

I could not possibly agree with that gentleman.

Mr. Chairman, I have been brought up to believe, and my education in this House has been such, that the Constitution of the United States is the highest law in this country, a supreme law that ought to control each and every gentleman when he comes to act with reference to the Federal Government and with reference to the States. I have no sympathy with any attack in favor of the States as against the Federal Government, and I am bitterly and unalterably opposed to any attempt on the part of the Federal Government to interfere with the rights of the States.

But as this question comes to us to-day we are confronted with grave constitutional questions. The labor interests of this country, that are very dear to us all, come here and say, "We have certain propositions which we have prepared, which we submit for the consideration of the Congress of the United States, and we insist upon having those views written into the statute books of this country." As a Member of this House, I have felt like giving consideration to the very deep and important constitutional questions involved, and I have no interest in this question beyond the great constitutional question involved. I want the people of this country who are interested in the perpetuity of American institutions to know what questions have been presented to the Committee on the Judiciary. I want them to know that every gentleman upon that committee has carefully, conscientiously, and earnestly considered each and every one of these propositions for himself. I am not at liberty to reflect the views of any gentleman upon that committee. I speak for myself only. I want to leave behind me the reasons that have actuated my vote and my actions with reference to these very important questions.

Mr. Chairman, I am one of those in this country that believe that these great and important questions have long since been neglected by the American people. Since the civil war we have heard nothing with reference to these important matters. I do not want it understood that by reason of the settlement of the vexed questions involved in that war we no longer have a dual

system of government, that we no longer have a federal government, and no longer have a government of the States. can not perpetuate this country except we preserve the rights and powers of the Federal Government and the rights and powers of the States, and when we depart from these constitutional lines anarchy will result.

We have had these great and momentous questions pressed upon us. I have earnestly and seriously considered them, and I speak for myself only. I do not want it understood for a moment that I reflect the views of a single gentleman upon the floor of this House. I have earnestly considered every bill brought into the House affecting this great question. I have brought here every single bill that involves the great questions between labor and the capital of this country, and I desire, Mr. Chairman, in the brief time allotted to me to rapidly present my views upon this important question.

The bills are as follows:

[H. R. 69, 60th Cong., 1st sess.]

A bill in relation to restraining orders and injunctions.

Be it enacted, etc., That no writ of injunction or temporary restraining order shall be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same: Provided, That nothing herein contained shall be held to authorize the issuance of any injunction or restraining order not now authorized by law.

[H. R. 94, 60th Cong., 1st sess.]

A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employers and employees, or between employers and employees, or between persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms of conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purpose of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind. or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right. SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoin

[H. R. 17137, 60th Cong., 1st sess.]

A bill relating to conspiracies, restraining orders, injunctions, con-tempts of court, and for other purposes.

tempts of court, and for other purposes.

Be it enacted, etc. That no agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any labor dispute between employers and employees in the District of Columbia or in any Territory of the United States, or between employers and employees who may be engaged in trade or commerce between the several States, or between any Territory and another, or between any Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be actionable, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce. Nothing in this section shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy for which punishment is now provided by any act of Congress,

ment, otherwise than as herein excepted, any persons guilty of conspiracy for which punishment is now provided by any act of Congress, but such act of Congress shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this section were therein contained.

Sec. 2. That no restraining order or injunction shall be granted by any court created by Congress, or any judge or judges of such court, restraining or enjoining any person or persons from entering into or carrying out any agreement, combination, or contract referred to in section 1 of this act.

Sec. 3. That no restraining order or injunction shall be granted by any court created by Congress, or any judge or judges of such court, in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

Sec. 4. That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed. That contempts committed during the sitting of the court or of a judge at chambers, in its or his presence, or so near thereto as to obstruct the administration of justice, are direct contempts. All others are indirect contempts. That a direct contempt may be punished summarily, without written accusation against the person arraigned, but if the court shall adjudge him guilty thereof a judgment shall be entered

of record in which shall be specified the conduct constituting such contempt, with a statement of whatever defense or extenuation the accused offered thereto and the sentence of the court thereon. That upon the return of an officer on process or an affidavit, duly filed, showing any person guilty of indirect contempt, a writ of attachment or other lawful process may issue and such person be arrested and brought before the court; and thereupon a written accusation setting forth succinctly and clearly the facts alleged to constitute such contempt shall be filed and the accused required to answer the same, by an order which shall fix the time therefor, and also the time and place for hearing the mater; and the court may, on proper showing, extend the time so as to give the accused a reasonable opportunity to purge himself of such contempt. But pending the trial, and until the final trial and termination of the case, the accused shall be admitted to bail in such sum as the court may direct. After the answer of the accused, or if he refuse or fail to answer, the court may proceed at the time so fixed to hear and determine such accusation upon such testimony as shall be produced. If the accused answer, the trial shall proceed upon testimony produced with the witnesses against him; but such trial shall be by the court, or upon application of the accused a trial by jury shall be had as in any criminal case. If the accused a trial by jury shall be had as in any criminal case. If the accused be found guilty judgment shall be entered accordingly, prescribing the punishment. That the testimony taken on the trial of any accusation of direct contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court, and affirmed, reversed, or modified as justice may require. Upon allowance of an appeal or writ of error execution of the judgment shall be stayed upon the giving of such bond as may be required by the court or a judge

[H. R. 19745 (in part), 60th Cong., 1st sess.]

A bill to regulate commerce among the several States or with foreign nations, and to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Nothing in said act approved July 2, 1890, or in this act, is intended, or shall any provision thereof hereinafter be enforced, so as to interfere with or to restrict any right of employees to strike for any cause or to combine or to contract with each other or with employers for the purpose, of peaceably obtaining from employers satisfactory terms for their labor or satisfactory conditions of employers for any cause to discharge all or any of their employees or to combine or to contract with each other or with employees for the purpose of peaceably obtaining labor on satisfactory terms.

The only question is as to their constitutionality.

Those interested for and against the several bills have very ably presented their respective views upon the merits; and I very much regret that the important constitutional question that I believe disposes of all the bills alike has not been discussed. What is said with reference to the bills has no relation whatever to the District of Columbia or the Territories.

Congress is asked to surrender its protective power over trade and commerce, in order that crime if committed may go unpunished; to deprive the court of the power to protect the citizen in the enjoyment of life, liberty, and property; to declare that what is now a crime against persons and property shall not be criminal, in order to permit persons so disposed to interfere with the constitutional right of the citizen to enjoy life, liberty, and property; to declare that what has always been considered vested, valuable, personal, and property rights, guaranteed by the Constitution, shall not be entitled to protection; to deprive the citizen of the power to protect his property; to tear away the very substructure of government erected to protect the citizen in the enjoyment of life, liberty, and property. The bills present several important questions of constitutional law.

Is the judicial department of government coextensive in power with the legislative department of government?

Can Congress deprive the courts of judicial power, conferred by the Constitution?

Does Congress possess the power to prevent the judicial branch of government from administering the law of the States for the protection of personal rights and property rights between citizens of different States when not in conflict with the Constitu-tion or the laws of the United States?

Does Congress possess the power of preventing the citizen from enforcing in the courts of the United States personal and property rights derived from state laws not in conflict with the Constitution or laws of the United States, whether the case be commenced in the courts of the United States or commenced in the courts of the State, and removal into the courts of the United States?

Is not every citizen entitled to the full protection of the judicial power of the United States, both at law and in equity, in all cases not in conflict with the Constitution or laws of the United States, except as to rights conferred by a rule of law?

Does Congress possess power to deny to any citizen the full protection of the full judicial power of the United States for his life, liberty, property, and rights, and subject his life, liberty, property, and rights to the will of any person?

Does Congress possess the power to subject the life, liberty, property, and rights of any citizen to the will of any other person?

Does Congress possess the power to take from the citizen rights and remedies given by state law when not in conflict with

the Constitution or laws of the United States?

Is it not both possible and probable that if a court is prevented from issuing an injunction it may place it beyond the power of a court to pronounce a judgment that can be made effective? Therefore, does it not follow that to refuse a party an injunction, it might amount to a denial of justice and deprivation of rights, rendering a judgment ineffectual?

Is not the granting of an injunction an exercise of judicial power vested in the courts and extended as provided in the Con-

stitution?

Does Congress possess the power to prevent a citizen from obtaining from the courts, state or national, protection to life, liberty, or property according to the due course of law as administered in the courts of law and equity?

Does Congress possess the power to provide that any person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and in like circumstances?

Does Congress possess the power to discriminate to such an extent that the legislation would be a denial of the equal protection of the law? Can Congress deny one that is allowed another under like circumstances?

Does Congress possess the power to say that no contract en-tered into between different parties, no matter what it may

provide for, shall be deemed to be criminal?

Does Congress possess power to legalize crime? Does Congress possess the power to surrender its protective power over trade and commerce? Does Congress possess the power to surrender its protective power over trade and commerce in order that personal and property rights may be destroyed and the citizen deprived of the power of protection to life, liberty, and property? Does Congress possess the power to regulate or in any manner interfere with contracts, unless the same in enforcement would regulate or operate as a restraint upon interstate

Does Congress possess the power to deny to citizens of the United States equal protection of the law? Does Congress possess the power to deny to citizens any remedy in law or in equity for any injuries or wrongs which they may sustain to person or property?

A great many of the ablest students of history and constitutional law agree that "every government must, in its essence. be unsafe and unfit for a free people where a judicial department does not exist with powers coextensive with those of the legislative department."

Montesquieu said:

There is no liberty, if the judiciary power be not separated from the legislative and executive powers.

In every well-organized government, with reference to the security both of public rights and private rights, it is indispensable that there should be a judicial department to ascertain and decide rights, to punish crimes, to administer justice, and to protect the innocent from injury and usurpation.

As a general proposition, I apprehend it will be conceded that Congress can not change the law of any State, not intending to include a case of a State exercising a concurrent power in aid of commerce, when the subject of the power is local, but according to the rule given us by Hamilton-

This exclusive delegation, or rather this alienation of state sovereignty, would only exist in three cases; where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union and in another prohibited the States from exercising a like authority; and where it granted an authority to the Union to which a similar authority in the States, would be absolutely and totally contradictory and repugnant.

The bills seek to deprive citizens of the constitutional right to the enjoyment of life, liberty, and property and seek to pre-vent the courts from protecting the citizen in the enjoyment of life, liberty, and property.

It is a fundamental proposition of free government, an elementary principle of law older than our Government and older than any State in the Union, a constitutional right given to every citizen by his State, that he is entitled to a certain remedy in the law for all injuries or wrongs which he may receive to his person or his property, completely and without denial, promptly and without delay, conformable to the laws. And this valuable right is guaranteed and protected by the Constitution of the United States, and there is no power in Congress to prevent the exercise of the remedy or take it away or abridge it or deny him the equal protection of the law, and is not in

conformity with the constitutional requirements of equality of all men before the law.

It will be important and valuable to learn how far Congress can go in depriving the courts of judicial power conferred by the Constitution.

To a proper understanding of this question it will be necessary to ascertain the extent of the power of the courts of the United States and the power of Congress over these courts. This will have to be learned from the Constitution. Believing as I do that Congress can not erect a court of equity and then deprive it of its judicial power, I shall at the outset invite attention to some cases requiring notice to be given on an application for an injunction.

The question first arose in the case of the State of New York v. State of Connecticut (4 Dallas, 1). The case was decided

at the August term, 1799.

First Statutes at Large, chapter 22, page 333, approved March 2, 1793, section 5, provided that no writ of injunction shall be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same. And the court held an injunction will neither be granted by the court nor a single judge without reasonable

notice to the adverse party or his attorney.

The same ruling was made in Mowrey v. Indianapolis and Chicago Railroad Company (4 Bliss., 78, 17 Federal Cases, No.

9891, p. 930), where the court said:

The injunction ordered on the 28th of May was decreed without much *nonsideration on my part. I followed a practice which has long prevailed in the courts of the State of Indiana. But, on further reflection, I think my order for a temporary injunction was premature. Equity would seem to demand that, in cases of emergency, where irreparable injury would follow unless an immediate injunction were ordered, the national courts should have power to grant temporary injunctions without notice of the application for them to the party enjoined. But the act of Congress of March 2, 1793, forbids that any writ of injunction shall "be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same." (1 Stat., 335.)

In view of this act, as well as of the fifty-fifth rule in equity of the Supreme Court, it should seem that no special injunction can be granted by this court but on due notice. And in the case of New York v. Connecticut (4 Dall.; 4 U. S., 1) the Supreme Court has decided that an injunction can neither be granted by the United States courts nor any judge thereof without due notice to the adverse party or his attorney. I therefore dissolve the injunction ordered on the 28th of May.

The same ruling was made by Mr. Justice Daniel, when holding court in the State of Arkansas in 1855, in the case of Wynn v. Wilson Hempst (698, 30 Federal Cases, No. 18116, p. 751).

The constitutional question now presented was not raised, therefore not considered in these cases.

The material provisions of the Constitution are as follows: All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate

and a House of Representatives. (Art. I, sec. 1.) The Congress shall have power to constitute tribunals in-

ferior to the Supreme Court. (Art. I, sec. 8, subdivision 9.)
The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. sec. 1.)

The judicial power shall extend to all cases in law and equity arising under this Constitution, laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

It will be important and necessary to understand what is meant by the words "judicial power." Much has been written in defining the meaning of the same. Many writers agree that it is authority to hear and determine rights between persons, and the State and persons.

Mr. Justice Miller, very carefully considering this subject in his valuable work on the Constitution, page 314, in part said:

It will not do to answer that it is the power exercised by the courts, because one of the very things to be determined is what power they may exercise. It is indeed very difficult to find any exact definition made to

But he comes to this conclusion:

It is the power of a court to decide and pronounce a judgment and arry it into effect between persons and parties who bring a case before It for decision.

The entire constitutional provision on this subject might just as well be considered together. Mr. Justice Story said:

That the enumerated power found in Article I, section 8, subdivision 9, is but a repetition of what is contained in Article III. The framers of the Constitution not only provided a judiciary, but declared that the national judiciary ought to possess powers coextensive with those of the legislative department. (Journal of Convention, 69, 98, 121, 137, 186, 188, 189, 212; Federalist, Nos. 77, 78; 2 Elliot's Debates, 380, 394, 404.)

This branch of the subject can be better understood by referring to the leading case of Martin v. Hunter (1 Wheat., 304), in an opinion rendered by Mr. Justice Story in 1816. After discussing the constitutional provisions herein cited, the learned jurist said:

Such is the language of the article creating and defining the judicial power of the United States. It is the voice of the whole American people solemnly declared in establishing one great department of that Government which was in many respects national and in all supreme. It is a part of the very same instrument which was to act not merely upon individuals, but upon States; and to deprive them altogether of the exercise of some powers of sovereignty and to restrain and regulate them in the exercise of others.

Let this article be carefully weighed and considered. language of the article throughout is manifestly designed to be mandatory upon the legislature. Its obligatory force is so imperative that Congress could not, without violation of its duty, have refused to carry it into operation. The judicial power of the United States shall be vested (not "may be vested") in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. Could Congress have lawfully refused to create a Supreme Court or to vest in it the constitutional jurisdiction? "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office." Could Congress create or limit any other tenure of the judicial office? Could they refuse to pay, at stated times, the stipulated salary or diminish it during the continuance in office? But one answer can be given to these questions. It must be in the negative. The object of the Constitution was to establish three great departments of government—the legislative, the executive, and the judicial department. ments. The first was to pass laws, the second to approve and execute them, and the third to expound and enforce them. Without the latter it would be impossible to carry into effect some of the express provisions of the Constitution. How, otherwise, could crimes against the United States be tried and punisher. ished? How could causes between two States be heard and de-termined? The judicial power must therefore be vested in some court by Congress, and to suppose that it was not an obligation binding on them, but might, at their pleasure, be omitted or declined, is to suppose that under the sanction of the Constitution they might defeat the Constitution itself. A construction which would lead to such a result can not be sound.

The same expression "shall be vested" occurs in other parts of the Constitution, in defining the powers of the other coordinate branches of the Government. The first article declares that "all legislative powers herein granted shall be vested in a Congress of the United States." Will it be contended that the legislative power is not absolutely vested? That the words merely refer to some future act, and mean only that the legislative power may hereafter be vested? The second article de-clares that "the executive power shall be vested in a Presi-dent of the United States of America." Could Congress vest it in any other person, or is it to await their good pleasure, whether it is to vest at all? It is apparent that such a construction, in either case, would be utterly inadmissible. then, is it entitled to a better support in reference to the judicial department?

If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist, that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all, for the Constitution has not singled out any class on which Congress are bound to act in preference to others.

The next consideration is as to the courts in which the judicial power shall be vested. It is manifest that a supreme court must be established; but whether it be equally obligatory to establish inferior courts is a question of some difficulty. If Congress may lawfully omit to establish inferior courts it might follow that in some of the enumerated cases the judicial power

could nowhere exist. The Supreme Court can have original jurisdiction in two classes only, viz, in cases affecting ambassadors, other public ministers, and consuls, and in cases in which a State is a party. Congress can not vest any portion of the judicial power of the United States except in courts ordained and established by itself, and if in any of the cases enumerated in the Constitution the state courts did not then possess jurisdiction, the appellate jurisdiction of the Supreme Court-admitting that it could act on state courts—could not reach those cases, and consequently the injunction of the Constitution that the judicial power "shall be vested" would be disobeyed. It would seem, therefore, to follow that Congress are bound to create some inferior courts in which to vest all that jurisdiction which, under the Constitution, is exclusively vested in the United States, and of which the Supreme Court can not take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts from time to time at their own pleasure, but the whole judicial power of the United States should be, at all times, vested, either in an original or appellate form, in some courts created under its authority.

This construction will be fortified by an attentive examination of the second section of the third article. The words are, "The judicial power shall extend," etc. Much minute and elaborate criticism has been employed upon these words. It has been argued that they are equivalent to the words "may extend," and that "extend" means to widen to new cases not before within the scope of the power. For the reasons which have been already stated, we are of opinion that the words are used in an imperative sense; they import an absolute grant of judicial power. They can not have a relative signification applicable to powers already granted, for the American people had not made any previous grant. The Constitution was for a new government, organized with new substantive powers, and not a mere supplementary charter to a government already existing. The confederation was a compact between States; and its structure and powers were wholly unlike those of the National Government. The Constitution was an act of the people of the United States to supersede the confederation, and not to be ingrafted on it, as a stock through which it was to receive life and nourishment.

If, indeed, the relative signification could be fixed upon the 'extend," it could not (as we shall hereafter see) subserve the purposes of the argument in support of which it has been adduced. This imperative sense of the words "shall extend" is strengthened by the context. It is declared that "in all cases affecting ambassadors, etc., the Supreme Court shall have original jurisdiction." Could Congress withhold original jurisdiction in these cases from the Supreme Court? The clause "In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress The very exception here shows that the framers of the Constitution used the words in an imperative sense. What necessity could there exist for this exception if the preceding words were not used in that sense? Without such exception Congress would, by the preceding words, have possessed a complete power to regulate the appellate jurisdiction, if the language were only equivalent to the words "may have" ap-It is apparent, then, that the exception pellate jurisdiction. was intended as a limitation upon the preceding words to enable Congress to regulate and restrain the appellate power as the public interests might from time to time require.

Other clauses in the Constitution might be brought in aid of this construction, but a minute examination of them can not be necessary, and would occupy too much time. It will be found that whenever a particular object is to be effected the language of the Constitution is always imperative and can not be disregarded without violating the first principles of public duty. On the other hand, the legislative powers are given in language which implies discretion, as from the nature of legislative power such a discretion must ever be exercised.

It being, then, established that the language of this clause is imperative, the question is as to the cases to which it shall The answer is found in the Constitution itself. The judicial power shall extend to all the cases enumerated in the Constitution. As the mode is not limited, it may extend to all such cases, in any form in which judicial power may be exercised. It may therefore extend to them in the shape of original or appellate jurisdiction, or both, for there is nothing in the nature of the cases which binds to the exercise of the one in preference to the other.

In what cases, if any, is this judicial power exclusive, or exclusive at the election of Congress? It will be observed that

between which a distinction seems to be drawn. The first class includes cases arising under the Constitution, laws, and treaties of the United States; cases affecting ambassadors, other public ministers and consuls, and cases of admiralty and maritime jurisdiction. In this class the expression is that the judicial power shall extend to all cases; but in the subsequent part of the clause, which embraces all the other cases of national cognizance and forms the second class, the word "all" is dropped, seemingly ex industria. Here the judicial authority is to extend to controversies (not to all controversies) to which the United States shall be a party, etc. From this difference of phraseology, perhaps, a difference of constitutional intention may with propriety be inferred. It is hardly to be presumed that the variation in the language could have been accidental. It must have been the result of some determinate reason; and it is not very difficult to find a reason sufficient to support the apparent change of intention. In respect to the first class, it may well have been the intention of the framers of the Constitution imperatively to extend the judicial power, either in an original or appellate form, to all cases; and in the latter class to leave it to Congress to qualify the jurisdiction, original or appellate, in such manner as public policy may dictate.

It is useless to spend time trying to establish a line of demar-cation between jurisdiction and judicial power. The Constitution calls it judicial power, and says:

This authority to hear and determine rights between persons and between persons and their governments shall be vested in one Supreme Court and such inferior courts as Congress may ordain and exablish, and shall extend to all cases in law and equity arising under the Con-

It will simplify matters to state a few unanswerable propositions. The Supreme Court is created by the Constitution; the inferior courts by Congress, by authority of the Constitution, with a limitation and a duty. It is the duty of Congress to create a court or courts with powers coextensive with those of the legislative department, in which every person can have any legal or equitable right arising under the Constitution protected.

If more than one court is ordained and established, it is for Congress to say what causes, case, subject-matter, or rights each inferior court shall take cognizance to decide and determine-in other words, what is commonly known as and called "jurisdiction of the cause." But when the particular court is given jurisdiction of the particular cause, the court can exercise over this cause full judicial power at law or in equity, and it would be not only unconstitutional, but revolutionary, for Congress to attempt to deprive the particular court of judicial power over the cause it has been given jurisdiction over-that is, one court may have judicial power over all cases at law; another may have judicial power over all cases in equity; another may have judicial power over all criminal cases; another judicial power over all cases of bankruptcy-and anything short of this would over an cases of bankrupicy—and anything short of this would be a denial by Congress of rights the people are entitled to, pro-vided for in the Constitution. As the Constitution could not erect the inferior courts and provide judicial power for each, the authority for it was given to Congress with the expectation that it would be exercised; and when the inferior court is ordained and established there is vested in it by the Constitution judicial power at law or in equity without any limitation, and there is not a line or word in the Constitution that will justify the thought that Congress can take from a court any judicial power at law or in equity over any cause placed by Congress within its judicial power.

In other words, Congress names the subject over which the court shall exercise judicial power, but the Constitution fixes the extent of the judicial power, and Congress can not limit or impair it. If Congress could in one particular, it could in more or in all, and we would have an equitable case confided to a court that could not, by an act of Congress, exercise equitable power and try and determine the case according to equitable It would be revolutionary in Congress to fail or refuse to ordain and establish a court or courts to exercise all judicial power conferred by the Constitution. And when the court or courts have been ordained and established and the subjects separated and assigned to each court, Congress can not interfere and limit the judicial power of the courts, for, as Justice Story "It is the duty of Congress to vest the whole judicial power." Take away the power of the court to issue a writ of injunction when the moving papers disclose a case of absolute emergency and it may prevent a complainant from recovering what he is legally and equitably entitled to, and the whole judicial power would not be vested in the courts. If a court If a court can be prevented from issuing a writ of injunction without previous notice-ten days' notice may be required-and the court may be prevented from issuing an injunction in any case. there are two classes of cases enumerated in the Constitution | right to an injunction in a proper case is a constitutional right,

and it is a constitutional right that it should issue whenever it is made to appear that irreparable injury will follow a failure

to have an immediate injunction.

The right to issue an injunction in a proper case is a part of the judicial power of the United States. All legislative power is not conferred upon Congress; only such legislative power as is granted in the Constitution—that is, if there is a legislative power in the Constitution it must be exercised by Congress and as far as this judicial question is concerned the only legislative power is to ordain and establish a court or courts that can exercise all judicial power of the United States and not to take from the courts a power to exercise judicial power over a case confided to it.

In Riggs v. Johnson County (6 Wall., 166) the court said:

Process subsequent to judgment is as essential to jurisdiction as process antecedent to judgment, else the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the Constitution.

And in the same case the court further said:

Authority of the circuit courts to issue process of any kind which is necessary to the exercise of jurisdiction and agreeable to the princi-ples and usages of law is beyond question.

In other words, Congress can not deprive a court of judicial power over a subject or case if the subject or case is placed within the judicial power of the court by Congress, as in cases removed by act of Congress from state courts to federal courts. Congress, in the discharge of its constitutional duty, has provided for the removal of a certain class of cases, and, when removed, Congress can not prevent the court from exercising all

judicial power, except by abolishing the court.

If Congress can prevent the issuing of an injunction in a proper case without notice, Congress can prevent the issuing of an injunction in any case. A citizen of a State may derive his right from a state law, and may attempt to enforce his right in a state court. It may be a proper case for removal to the federal court, and either party may find it necessary, in order to protect their rights, to have an injunction. It certainly would be unjust to any litigant to deprive him of the right to an injunction in the federal court.

To advocate taking away power from courts of equity and preventing a person from obtaining certain rights from the court is to concede that same person has a right to the protection of such power, and it is a step toward anarchy to suggest that a person shall be denied his constitutional rights in a court created by the Constitution to aid him to obtain his con-

stitutional rights.

On February 28, 1793 (1 U. S. Stat., 324), Congress passed an act to require judges of the United States courts to execute an act of Congress

The United States judges, entertaining great doubt under the circumstances to proceed, and appreciating that a grave constitutional question was involved, communicated to the President of the United States their reasons for declining to execute an

act of Congress.

The circuit court for the district of New York, consisting of Jay, chief justice; Cushing, justice; and Duane, district judge, proceeded on April 5, 1791, to consider the question, and were unanimous of opinion and agreed-

That, by the Constitution of the United States, the Government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from and to oppose encroachments on either; that neither the legislative nor the executive branches can constitutionally assign to the judicial any duties but such as are properly judicial and to be performed in a judicial manner.

The circuit court for the district of Pennsylvania, consisting of Wilson and Blair, justices, and Peters, district judge, made the following representation to the President on April 18, 1792:

To you it officially belongs to take care that the laws of the United States be faithfully executed. Before you, therefore, we think it our duty to lay the sentiments which on a late painful occasion governed us with regard to an act passed by the legislature of the Union. The people of the United States have vested in Congress all legislative powers granted in the Constitution. They have vested in one Supreme Court, and in such inferior courts as the Congress shall establish, the judicial power of the United States. * * This Constitution is the supreme law of the land. This supreme law all judicial officers of the United States are bound by oath or affirmation to support. It is a principle important to freedom that in government the judicial should be distinct from and independent of the legislative department. To this important principle the people of the United States in forming their Constitution have manifested the highest regard. They have placed their judicial power not in Congress, but in courts.

The circuit court for the district of North Carolina, consisting of Iredell, justice, and Sitgreaves, district judge, made the following statement to the President on June 8, 1792:

That the legislative, executive, and judicial departments are each formed in a separate and independent manner, and that the ultimate basis of each is the Constitution only, within the limits of which each department can alone justify any act of authority.

Frederic Jesup Stimson in his recent work on the Law of the Federal and State Constitutions of the United States, chapter 4, Chancery and the Injunctions, says, page 28:

There has, of course, been no constitutional limitation of the powers of equity in England, nor is there in the Federal Constitution, which clearly contemplated giving all judicial power which then existed in England to the federal judiciary in cases where they had jurisdiction; but the state constitutions are beginning to deal with the subject and several States have attempted statutes. * * They have so far been adopted in the constitution of seven States. Whether in the absence of a constitutional provision a statute to that effect would be valid is a matter so untouched as yet by any decision of a high court that the author can only hazard his own opinion.

Independent of any constitutional question, Congress is asked to reverse its policy of protection to trade and commerce against unlawful restraints and go on record as now being opposed to the letter and spirit of the title to the so-called "Sherman Act," to protect trade and commerce against unlawful restraints and monopolies, passed July 2, 1890.

The Supreme Court of the United States has closed the door

to further argument. In Kansas v. Colorado (206 U. S., 46,

p. 42) that court said:

In article 3, which treats of the judicial department, * * we find that section I reads: "That the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

By this is granted the entire judicial power of the Nation. Section 2, which provides that the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, etc., is not a limitation or enumeration. It is a definite declaration, a provision that the judicial power shall extend to—that is, shall include—the several mat-ters particularly mentioned, leaving unrestricted the general grant of the entire judicial power. There may be, of course, limitations on that grant of power, but if there are any they must be expressed, for otherwise the general grant would vest in the courts all the judicial power which the new Nation was capable of exercising.

When the Constitution was adopted the issuing and granting of injunctions was a part of the judicial power which was adopted and planted in the Constitution. The recognized power in equity was the issuing of injunctions before the adoption of the Constitution. The judicial power extended to and included the issuing of injunctions and was included in the Constitution,

and can not be taken out by any act of Congress.

and can not be taken out by any act of Congress.

It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to government, whether state or national, are divided into the three grand departments—the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other. (Kilbourn v. Thompson, 103 U. S., 168–190.)

Congress can not annul private contracts not designed to restrain or

Congress can not annul private contracts not designed to restrain or regulate interstate commerce. (Railroad Co. v. Richmond, 19 Wall., 584; Addystone Pipe and Steel Co. v. U. S., 175 U. S., 211.)

The proposed legislation is not in accord with either the letter or the spirit of the Constitution. That instrument was created to protect the citizen in person and property, according to the preamble to establish justice, promote general welfare, and secure the blessings of liberty. The very object and purpose of government is protection to the citizen in his person and property. This is a natural right, and governmental relations were intended to strengthen rather than weaken this right, and it would not be seriously considered for one moment that a government could by legislation deny to a citizen the equal protection The power of Congress to legislate is to be found of the law. in the Constitution. Not one of the enumerated powers can be relied upon expressly or by construction to deny a citizen the protection of the law. It was not necessary to provide that Congress should not deprive a citizen of the protection of the law, for it is so opposed to the object and purpose of government. Such legislation certainly would deprive a citizen of life, liberty, and property without due process of law. This is a limitation upon the power of Congress. No further limitation is needed.

The only power Congress has is to be found in the Constitution. Certain express provisions are therein enumerated. Not one of the express powers disclose any authority upon the part of Congress to pass the proposed legislation. Is it inferable from the construction given by Marshall, Chief Justice, in McCulloch v. Maryland (4 Wheat., 316)?

But we think the sound construction of the Constitution must allow the national legislature that discretion, with respect to the means which the powers it confers are to be carried into execution, which

will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

The proposed legislation is not only at variance with the views of the great Chief Justice, but does violence to the letter and spirit of the Constitution, taking from the people inalienable rights. What express power of the Constitution can be relied upon to support the contention that the proposed legislation is necessary and proper to carry that or any power into execution? Is such legislation most beneficial to the people? Is the end legitimate? Is it within the scope of the Constittion? Is it an appropriate means to carry any express power into execution? Does it consist with the letter and spirit of the Constitution? If it is the constitutional duty of Congress to create courts so that personal and property rights can be adjudicated, can it be inferable from any express power in the Constitution that Congress can prevent a citizen from enjoying the protection of the courts, to life, liberty, and property? For Congress to deprive persons of legal rights and of the protective power of the courts is to deprive them of rights given them by the Constitution.

I concede there is no express power in the Constitution to prevent Congress denying any person or class of persons the equal protection of the law, and I insist that it is not necessary. The power resides with the people, the States, and the Federal Government, and as the people are the power creating the Government it would be unnecessary to say in express terms that a government created by the people, for the people, should not deny to any person or class of persons the equal protection of the law, and as long as there is no affirmative power there is no necessity for a negative. A negative power would only be necessary when some affirmative power should be limited.

It might very properly and justly be said that all such private rights are not created by government at all, but that government was created to protect the right to life, liberty, and property, yet we can most certainly say, the power to acquire rights of any and all descriptions, the right to acquire property to do with it at will, to make contracts to carry on business, to enforce rights and protect life, liberty, and property, and the right of protection of and to the same, is derived from the laws of the State and not from Congress, and is older than the Constitution itself, that instrument giving additional security. In other words, created by the police power of the State

other words, created by the police power of the State.

The right of personal liberty, the right of property, the right of protection to person and property, is a fundamental maxim of free government, restrained only so as to prevent the infliction of injury upon others.

Congress can not enlarge or impair these rights or interfere with their protection or enforcement. They are vested rights, not rules of law subject to change. Congress does not possess the power to confer these valuable rights or to impair them, but they are under protection of the Constitution of the United States. The right of the one is given by the State, and the wrong of the other is declared by the State.

Congress can not deprive the citizen of his rights or the court of the power to protect the citizen, or say that what has always been regarded as vested rights shall not be considered in the enforcement of rights. The letter and spirit of the Constitution of the United States protects the people in the enjoyment of life, liberty, and property, and it would be a violation of that instrument to attempt by legislation to deprive the people of those valuable rights and of the security for the same, afforded by the police power of the States. From a constitutional standpoint no more dangerous invasion of the police power of the States and usurpation of unconstitutional power by the Nation, seriously affecting the rights of every citizen, has ever been suggested.

That part of article 5 of the amendments to the Constitution providing no "person shall be deprived of life, liberty, or property without due process of law" has strong application, for the Supreme Court of the United States, in Kilbourn v. Thompson (103 U.S. 108), says:

the Supreme Court of the United States, in Kilbourn v. Thompson (103 U. S., 168), says:

It has been repeatedly decided by this court, and by others of the highest authority, that this means a trial in which the rights of the party shall be decided by a tribunal appointed by law, which tribunal is to be governed by rules of law previously established. An act of Congress which proposes to adjudge a man guilty of a crime and inflict a punishment would be conceded by all thinking men to be unauthorized by anything in the Constitution.

If the Congress can not do that, Congress can not punish a man by refusing to protect him in his person and property, therefore the rights of a person can not be impaired by the legislation asked for, for it would be a plain attempt to deprive a person of life, liberty, or property without due process of law.

It is true Congress may declare what shall be crimes, and as there are no common-law crimes in the United States, nothing done or omitted is a crime under national law until so declared by Congress, but Congress can not pass a law the effect of which would be to protect a person from prosecution for interfering with the life, liberty, property, and rights of a citizen granted by the police power of the State and not in violation of the Constitution or laws of the United States, or permit a person to interfere with the vested rights of any person or take from any person the protection of the law afforded by the Constitution and the police power of the States. Congress can not do indirectly what is forbidden to do directly. No one will dispute the proposition that Congress can not take the property of one person and give to another. By a parity of reasoning Congress can not pass any law that will permit one person to so conduct himself as to prevent some other person from acquiring property and enjoy his property and enforce his rights or that will permit one person to molest another person in person, property, or rights.

As well might Congress point out how one person might murder another without being punishable therefor.

Within the limited power of Congress it is absolutely within the exclusive power of Congress to say what shall be a crime against the United States. Therefore, speaking generally, it might be said that Congress would not be guilty of a violation of duty if it refused to make certain acts or omissions criminal, for Congress must be permitted in the interest of good government to exercise an honest discretion in such matters of legislation, for instance, as the sale of goods by a peddler on an Indian reservation. But is it not, according to Story, J., obligatory upon Congress to make all laws necessary to protect the citizen in his constitutional right to enjoy life, liberty, and property, whether a man of labor or leisure? And would not Congress be guilty of a violation of duty if it refused, by appropriate legislation, to protect the citizen in the enjoyment of life, liberty, and property? How much greater would be the violation of duty for Congress to withhold from the citizen his constitutional right of protection and legalize an invasion of those constitutional rights by others.

The National Government was organized to protect the citizen in the enjoyment of life, liberty, and property; promote the general welfare and secure the blessings of liberty, not to prevent general welfare and destroy the blessings of liberty. To create courts, to protect the citizen in the enjoyment of those rights; not to prevent a constitutional court from protecting the citizen in those rights. Congress is clothed with power to make all laws necessary and proper to protect the citizen in the enjoyment of life, liberty, and property; not to make laws that will refuse protection and legalize an invasion of those rights. The letter and spirit of the Constitution creates a protection to the citizen, not a denial of protection.

It is a far more reaching question than one between labor and capital. It is one that vitally affects the very substructure of Government and will so seriously shock it that the superstructure of our Government will totter and fall; and this great Government, constructed upon the broad basis of the equality of all before the law, will be a mass of ruins, impoverishing labor as it may impair capital. There is no power to compel Congress to legislate. The framers of the Constitution proceeded upon the theory that when a given power was conferred upon Congress, that power would be exercised whenever the public interest required it, and then legislate for the public interest, and it is unconstitutional not to so legislate. If conditions are such that the demanded legislation is necessary, let the Constitution be amended to meet the requirement.

The Congress in its legislative action must proceed in accordance with a constitutional duty, not according to a sentimental demand. Legislation must not only be constitutional but with reference to the common good of all; not class or sectional in its nature, giving to the citizen the greatest constitutional liberty possible. The rights sought to be limited are civil rights of great moment to the citizen, no matter what his standing in life or calling may be, and Congress must approach the responsibility of such legislation with great care. The first question of constitutionality must be disposed of by Congress. Congress has a constitutional duty to perform and can not shirk it. On the question of constitutionality, the danger in legislation is rather to pass unconstitutional measures than to refuse to pass constitutional ones. Congress has limited legislative power and can not exceed that power. When that power is challenged, it is the duty of those charged with the responsibility to examine that question and pass upon it. It is not fair or just for a body with limited power to act without limitation according to wish and will. If Congress can and ought to pass

every measure without reference to its power, what was the

use of limiting that power?

No one interested in good government, willing to concede constitutional rights to all, can be unmindful of the importance of the subject or fail to appreciate the deep and earnest feeling pertaining thereto. Earnestly striving to protect the rights of all, appreciating the importance, the right, and power of the labor of this Nation; anxious at all times to advance their rights, believing their cause to be the cause of humanity, I am of the opinion that their interests can not be advanced or their rights protected by such unconstitutional measures. The strained relation betwen the laborer and the capitalists of the Nation must not be increased, but lessened. Certainly do not let us in an unconstitutional way add a greater burden to the labor of this country, to the detriment of the Nation.

It is the constitutional duty of the courts of the United States

to administer the laws of the several States between citizens of the different States. And this, Congress is asked to prevent. "State statutes are enforcible in the courts of the United States." (Case of Broderick's Will, 21 Wall., 503; Holland v. Challen, 110 U. S., 15; Frost v. Spitley, 121 U. S., 552.)

As so often said, that which does not belong to commerce is statistically the state of the said.

within the jurisdiction of the police power of the State. principal object of the commerce clause of the Constitution is to protect the interstate product when in transit. That power was by the Constitution taken away from the States and given to Congress, the great object being to protect the interstatecommerce product from interference by State or individual. It can not be possible that Congress, to whose care interstate commerce is confided by the Constitution for the purpose of protecting it in transit from any interference, has the power to clothe one person with the power to deprive another person of rights given by the police power of the State, while undertaking to exercise his right of shipment; for, in order to exercise a right under the commerce clause of the Constitution he would be compelled to be shorn of rights conferred by the police power of the States. In order to obtain one right he would have to lose another. Congress can not annul private contracts or usurp the police powers of the States to interfere with any contract unless the same, when put into effect, will operate to restrain or regulate interstate commerce. And certainly Congress can not, for want of power, provide that no agreement, combination, or contract shall be deemed criminal, no matter who are parties thereto, even if engaged in inter-state commerce, for in effect it is asking Congress to legalize

Regarding the question involved of great importance, I have given the entire subject very careful consideration. I appreciate the delicacy of passing upon the constitutionality of a proposed measure, but duty must be performed. No one charged with the duty can shrink from it. The question must and can be answered yes or no. I have no hesitancy in saying that no doubt exists in my mind but that each one of the bills referred to is unconstitutional.

Mr. Chairman, I desire to yield to the gentleman from New

Jersey [Mr. Hughes] for a moment.

Mr. DRISCOLL. I would like to ask the gentleman a ques-

Mr. JENKINS. I yield to the gentleman from New York.

Mr. DRISCOLL. I was very much interested in this address on the law delivered by the gentleman from Wisconsin, and I listened to it with a good deal of care. Perhaps I was a little stupid in not clearly getting the gentleman's idea, and I would like to ask him the concrete question now: Whether he believes that Congress has the power to enact a law to the effect that a temporary injunction shall not issue without first giving notice to the adverse party? That exact question.

Mr. JENKINS. Mr. Chairman, I have no hesitancy in answering the gentleman from New York by saying that my views are, as I expressed them, that Congress has no power. I want to answer him by saying that if Congress can say that an injunction can not issue except upon an hour's notice, Congress is given absolute power to insist that an injunction shall not

issue at all.

Mr. DRISCOLL. In other words, Congress has no power to alter or to regulate the practice or procedure of issuing injunc-

Mr. JENKINS. Congress has no power to interfere with the constitutional power of the courts, as I have endeavored to explain. I yield to the gentleman from West Virginia [Mr.

Mr. HUBBARD of West Virginia. I would like to ask the gentleman from Wisconsin whether the exercise of judicial power does not assume the existence of a controversy between parties who have a right to be heard, and who must therefore have an opportunity to be heard, which opportunity can only be

secured to them by giving of notice?

Mr. JENKINS. Why, I say to my friend from West Virfor whom I have a very great respect, that is a very difficult question to answer after my argument. But I am insisting all the time we have three great departments of government, and the Constitution of the United States says that all judicial power, both at law and at equity, shall be vested in these courts.

Mr. HUBBARD of West Virginia. And I fully agree with that statement, and I accept unreservedly the definition, restated by the gentleman, of judicial power-that it is a power to hear and determine; but it is a power to hear, as well as to determine.

Mr. JENKINS. I yielded to a question, not to an argument.

I now yield to the gentleman from New Jersey for a question.
Mr. HUGHES of New Jersey. I do not know whether I can
state the situation and confine my remarks strictly to a question, but I will try. The gentleman stated, and with great vehemence, that he insists upon the three branches of the Government being kept absolutely separate and distinct, and decries the desire of the legislative to encroach upon the judicial branch. Now, I want to ask the gentleman this question. Of course he is familiar with the Blackstone definition of lawrule of conduct prescribed by the superior, and which the inferior is bound to obey.

Mr. JENKINS. I yielded for a question.

Mr. HUGHES of New Jersey. Now, when a judge issues an injunction, I ask the gentleman if he is not setting up a standard of conduct for everybody who comes within the purview of the injunction, and as he may punish anyone not obeying it, is

the judge not then legislating?

Mr. JENKINS. I do not think the gentleman from New Jersey asked me that question in candor, I want to say to him, because I want to be honest. I say to him in all candor the difference between the gentleman from New Jersey seeking votes and me is that I am speaking of what is absolutely right, and it is impossible for any gentleman to answer his question. yield back my time to the gentleman from New Jersey. Mr. HAY. I yield twenty minutes to the gentleman from

Mr. CLARK of Florida. Mr. Chairman, taking advantage of the latitude of general debate, I want to call the attention of the House to the provisions of a bill that challenged the attention of the House for a few minutes on last Monday, and which will probably again come before this House during the present I desire to call attention to the provision of that bill now, because when the bill itself is before the House, under the peculiar rules which have been so much discussed here, I am fearful that I will not have the time to present my views then. Therefore I desire briefly to present some views on that bill in order that they may be printed in the RECORD and that this House may have no excuse for enacting into a law what, in my opinion, is the most outrageous measure that I have met with during my short service here.

It is true, Mr. Chairman, that the bill itself does not pretend to deal with matters which we generally consider of very grave importance, but it does strike at the very foundation of the Government itself. It strikes at the most sacred right, I think,

which the Government does confer and undertake to protect.

I refer to the bill H. R. 12898, a bill introduced by the gentleman from New York [Mr. Olcott]. It is a bill which undertakes to regulate admission into the Government Hospital for the Insane. The bill purports upon its face to do nothing more or less than abolish jury trial in those cases. But the bill goes further than that. I will not say that the bill is artfully worded; I will not say that it is adroitly constructed; I will not say that it is drawn purposely to conceal its meaning; but I do say that if that had been the purpose of it, it could not have been better drawn.

This is a bill which seeks to change the practice in court

procedure in certain cases and ought, by every rule of orderly parliamentary practice, it seems to me, to have gone to the Committee on the Judiciary. It went to the Committee on the District of Columbia. As I say, being a bill to regulate procedure in the courts, it occurs to me it ought to have gone to the Judiciary Committee. It certainly ought not to have gone to the Committee on the District of Columbia, because it is not

local in any sense of the word.

I want to say to the House that this hospital for the insane was originally established for only one class of patients—the insane of the army and navy. As the years have come and gone, we find new that three classes of patients are admitted to that institution—the insane of the army and navy, the indigent insane of the District of Columbia, and the federal criminal insane from all over the country.

In the Fifty-ninth Congress I introduced a resolution for the appointment of a special committee for the investigation of the affairs of that institution. The committee was appointed, and the gentleman from New York [Mr. Olcott], who is the proposer of this bill, was made chairman. That committee was appointed on April 21, 1906. It took testimony covering 2,247 pages of printed matter and reported its findings and recommendations on February 18, 1907, almost twelve months after its appointment and just thirteen days before the Congress expired by limitation, too late for the House to become conversant with the facts; too late for anything to be done toward remedying the errors that were found in its management.

I shall not take time to read any of the testimony. It is printed and Members can secure it; but I want to say that the testimony taken by that special committee established mismanagement, incompetency, and cruel treatment of inmates during the administration of Dr. William A. White, the present superintendent. I want to say that the testimony in that case will show that the criminal insane were intermingled with the innocent insane; and every alienist in the land, every person in this country who has ever had anything to do with the management of that unfortunate class of our people, agrees that that ought not to be done. Only a few months ago, if gentlemen will remember, the newspapers of this city published the fact that a negro man, an inmate of that institution, running at large among the other inmates, murdered a white woman patient, murdered a guard or an attendant, and disabled two or three other persons before he was finally captured and put under control.

Now, I want to call attention to the bill itself. If any lawyer in this House will read it, he will agree with me that a more outrageous bill, a bill more far-reaching in its consequences in the direction of deprivation of rights of the citizen, has never come into this House in my limited experience. This bill, as I say, seeks to prevent jury trial; but it goes further than that. It abolishes jury trial in insanity cases, involving both liberty and property. And without going minutely into the details, I want to say that if a citizen of the State of California or the State of Washington should be found in this city and this bill was the law, and some designing person desired to incarcerate him in that asylum and administer upon his estate and dispose of his property, it could be done within twenty-four hours, without notice to anybody interested in him, without the opportunity to have a witness summoned, without an opportunity to have a jury, without the opportunity to have counsel, without the opportunity to be represented in the slightest degree.

The bill is vague, indefinite, and uncertain as to the requirements, as to statements of fact in the preliminary petition. It is provided that the petition shall be presented to one of the judges of the supreme court of the District, stating the facts necessary for admission to said hospital as heretofore provided by law; not as now provided by law, not the facts necessary under the law as it exists to-day, but the facts as necessary under some law that existed heretofore. At what time the bill does not state, and the time intended can not be ascertained from a reading of the bill.

Further, the bill provides that the petition shall not be filed until the court shall be *satisfied* as to the responsibility of the persons, and so forth. There is no provision as to the *measure* of testimony which shall satisfy the court, no provision as to *how* he shall be satisfied, but simply that the court shall be *satisfied* by some peculiar rule which each individual judge will establish or adopt for himself.

The bill provides for service on the alleged lunatic and the District Commissioners. How much service? "At least one day before the hearing." So, if this bill is enacted into law, a man is to be given at least one day's notice before he is carried before the court and his right to liberty investigated, his property sequestered, his whole estate administered on.

It is further provided in the bill that service also is to be had on the husband or the wife, father or mother, or next of kin of such insane person. It may be they are the very people who are trying to get him into the asylum; the person with whom such alleged insane person may reside, or at whose house he may be, or such other person as the justice in his discretion may name, at least one day preceding the time fixed for such hearing.

Now, Mr. Chairman, there is one other feature of this bill to which I desire to call attention, and I shall not have the opportunity to discuss it at all, but that is the feature which is the crux of the whole bill. It is this: In section 5, on page 4, of the bill, you find this:

SEC. 5. That the order of the court on the hearing of the application on the petition and the evidence shall be made without an inquisition by jury, and all the proceedings under the petition shall be entered in

the minutes of the court: Provided, however, That the justice to whom application is made may, if no demand is made for a hearing, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane may immediately issue an order for commitment to the Government Hospital for the Insane.

Now, then, when a petition is filed in open court, if no demand is made for hearing then, the bill presupposes when the petition is prepared and presented to one of the justices that the alleged insane person, or some one for him, will be in the judge's chamber ready to make application for a hearing. he is not there, if some one is not there, at the very moment that the petition is presented to the judge, then the judge may, if no demand is made, proceed forthwith, without a jury, without a witness being summoned, without service being had, without notice of any character, he may proceed forthwith to determine the question of sanity or insanity and commit the party to the asylum if he believes he is insane on that hearing. No measure of testimony is prescribed, no method of procedure is laid down, no notice to the person whose rights are involved is provided, no opportunity to make demand for hearing is allowed; but if the demand for hearing is not made, right then and there, the judge may proceed forthwith to investigate and

commit the person to the asylum, and there is no possible escape. I want to say, Mr. Chairman, that in the face of this testimony, which has been taken openly, the committee spending nearly twelve months in hearing evidence, a condition of affairs was shown to exist in that institution which shocked the moral sense of this Nation, and yet we find bills introduced here to strengthen the hands of this incompetent and unfit superintendent of that asylum. We find bills introduced here, referred to and reported favorably by the District Committee, changing the procedure of the courts in certain cases, changing the practice of the courts in most important cases, and undertaking to hurry them through the House, giving this man more power instead of stripping him of the power which he has abused, and which ought not to be in his keeping.

Now, I want to put these statements of fact and criticisms of the evidence in the Record, simply that the House, if the membership cares to make an investigation of this question, may act on this bill with full knowledge as to its real character. It is not a local bill; it affects the whole Nation; it affects persons from one end of the country to the other; it affects the most sacred right of liberty; it affects the right of property and the right to dispose of property as the owner may see fit,

As I have said, there is nothing local about this bill, which has been favorably reported by the District Committee. It should never have gone to that committee; it should have gone to the Committee on the Judiciary and should have been considered by a committee of lawyers. As I have said, no rule of testimony is prescribed; no power to summon witnesses is given; jury trial is taken away; and the whole method of procedure, so far as can be ascertained, is locked up in the breast of the individual judge to whom the petition may be presented.

I shall not go further at this time, Mr. Chairman; and with the permission of the committee to put the statements and comments on the testimony which I have prepared in the Record, I. yield back the remainder of my time.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the Record by the insertion of the papers referred to. Is there objection?

There was no objection.

Mr. CLARK of Florida. The matter referred to is as follows: SOME INCIDENTS OF DOCTOR WHITE'S MANAGEMENT AND SUPERVISION.

Over 30 witnesses testify to failure of the superintendent to visit the building and inspect the wards for long intervals. For instance, the following witnesses, all hospital attendants and employees, describe his visits as follows:

Mr. C. W. Teates (p. 1262). Four visits in one year.
Miss Rose Herbert (p. 615). Four visits in fifteen months.
Mrs. Mary McLaughlin (p. 273). Two visits in ten months.
Albert C. Hayden (p. 344). Two visits in twenty months.
C. J. Harbaugh (p. 299). Four visits in two and one-half years.
Arthur Nabors (p. 294). Three visits in two and one-half years.
W. J. Lyon (p. 1158). Not once in fifteen months.
Albert Ball (p. 289). Not in kitchen for past eighteen months.
N. R. Harnish (p. 1138). Never comes at all.

And many others testified to same effect.

The superintendent lives in one of the buildings and has to pass most of them on his way to and from his office in the grounds,

Over 50 witnesses, nearly all hospital employees, testify to the food being bad, unclean, tough, poorly cooked, unpalatable, and sometimes not sufficient of that; no butter and unsavory quality of oleomargarine; shortness in sugar; no fruit, such as oranges, lemons, bananas, apples, and so forth; poor tea and coffee; meals served cold; no poultry, eggs, or milk, except in sick and

special diets; old soldiers eating black molasses on their oatmeal.

And yet the superintendent has the largest per capita of any of the large institutions-\$220 plus pensions (p. 857), private boarders, and ex-officers' allowance of \$1 per day, bringing per capita to about \$315 (p. 895).

Over 60 witnesses have testified to the cruel and brutal treat-

ment of patients.

Nearly one-half of these are hospital employees, who admit harsh and brutal handling of patients as a matter of necessity because of lack of sufficient or the right kind of help or the obstinate character of the patients.

These occurrences were denied when the charges were first made public and before this investigation started.

So was the use of strait-jackets, bed saddles, handcuffs, and other restraints.

But the frequent use of these appliances for restraint were proven beyond question, then admitted and explained and excused.

Of course the superintendent knew nought of all this. Why should he? He rarely, if ever, saw any of these wards and patients. He had his own private table and special cook and waitress; his meals are first class and well served. And what he did not see he had no knowledge of, and his admitted attitude discouraged talking upon part of those who did see and endeavored to inform him.

The witness, Burroughs (p. 17), told the superintendent of the continuous cruelty to patients in the laundry and of the drunkenness of the foreman, Maenche, and wrote to him repeatedly before the charges were made public by the Medico-Legal Society, after which he started an "investigation," but he did not discharge Maenche. When Doctor White was testifying (p. 881), he explained that he did not give attention to Burroughs, because he thought it a bad principle of administration to give attention to complaints of subordinates against their superiors. Burroughs is now United States meat inspector, Agricultural Department, Philadelphia.

The experienced attendant, Thornton O. Pyles, complained to the superintendent frequently about the poor food, and cruelty to patients, and other matters relating to their treament and comfort. But Doctor White explains (p. 862) "that he did not think Mr. Pyles's mental condition was such as to warrant any particular action on his part."

(Testimony of three physicians and two prominent lay witnesses was offered by Mr. Evans, attorney for the Medico-Legal Society, to prove Mr. Pyles's good mental condition at that time, but the committee refused to hear them (p. 1267).

Mr. Pyles subsequently formulated his complaints in a petition, which was signed by 52 attendants (pp. 91, 936), and he got discharged for his pains. (Petition, p. 931.)

What happened to Pyles" satisfied the rest that to keep

mum was the best policy.

Mr. Pyles is now chief guard of the boys' department at the Reform School, District of Columbia, under Department of Justice.

And the superintendent gives the same reason (p. 927) for ignoring the complaints of Mr. McKnight (p. 357) of cruel and abusive treatment.

Then, when funds were running short this superintendent sought to economize by taking experienced attendants from their duties on the wards, short handed as they were, and making them do laborers' work on the grounds, cleaning brick, sweeping and shoveling the dirt from the roadways and wheeling it away.

In consequence of this Milton Berry (p. 1053) and Clarence Pendleton (p. 1041), and Bernard Allen (p. 196), and Thomas Seaton, and some 12 or 15 other experienced attendants (p. 1097), quit or were discharged for "insubordination" because they refused to leave the wards and become street sweepers, etc.

Their places were filled by new fellows-young men from the farms-at \$15 per month.

Good for the hospital exchequer, but bad for the unfortunate

patients on the wards. And yet this superintendent, and all the other superintendents who have testified, and the supervisors, bemoan and be-wail scarcity of and difficulty in securing competent attendants

for the patients, and ward service. OLD AND INFIRM PATIENTS WALK IN SLIPPERY PLACES.

Many black eyes, bruises, broken arms, legs, and hips among particularly the older and more infirm patients are ascribed to and explained by the slippery floors of the wards, which are polished and waxed to a mirror and ballroom surface.

The testimony of John A. Shearer, who was put on as an enthusiastic champion for the superintendent, states in his own language (p. 1255):

They talk a great deal about broken hips and broken arms. I have seen broken arms and broken hips, but it was not done by attendants by a long shot. One good old lady, 80 years old, fell and broke her arm, and she had hardly gotten rightly over it until she slipped and broke her hip. The floors are very slippery. In fact, I have got to be very careful in walking over them. * * Another lady by the name of Fannie Redmond fell a few weeks ago and broke her arm. That is not done by the attendants. This is done because they fall. He also speaks very flippantly of the epileptics slipping and falling right and left and cutting their heads and blacking their eyes. But this was not the fault of the attendants.

The testimony of C. W. Teates, a witness for the hospital, shows, at page 1258-

Question by Mr. Hay. A great deal has been said here this morning about people falling down and breaking their legs and hips. Is that caused by the floors being so slippery?—Answer. To a certain extent;

The testimony of Mrs. Cole (p. 751), Miss Griffin (pp. 100-488), Mrs. Carraher (p. 184), Mrs. Pavey (p. 1146), Mrs. Washburn (p. 180), and others describe how the patients are tied in bed, under indescribable conditions, for long periods of time to prevent their wandering around on the slippery floors and injuring themselves, while the single attendant or nurse, or perhaps two of them, are engaged elsewhere washing windows, cleaning the lawns and walks, and so forth.

But what business was this of the superintendent? He did not fall and break his leg on a slippery floor, so why should

he bother about these minor incidents?

It is true that these floors might have been protected and these patients might have been dressed and put in easy chairs on the attractive porches overlooking the beautiful lawns, but this would have occasioned some attention and thought upon the part of the superintendent and diverted his mind from the finances, landscape gardening, architectural features, and farming problems, and from his literary labors, social functions, automobile trips, and other important interests devolving upon this "Pooh Bah," as he describes himself.

And then the subject of employment and recreation for the patients not bedridden, especially for the old soldiers in the bull pen," was above his notice and troubled him not at all.

The testimony from all the superintendents from other insti-

tutions shows great stress laid upon these important features of treatment.

Field days and athletic sports, athletic grounds with grand stands for the patients, and prizes for all the contestants; picnics in the woods; social visits between different wards; games—croquet, lawn tennis, baseball; employments not in line of the patient's trade or profession, but with a view to his physical and mental uplift; all these at other institutions. But at St. Elizabeth, what? Personal observation and information show very little, indeed, of any of these.

One croquet set used by colored male patients near the main

entrance.

One incomplete croquet set for all the female patients.

One lawn-tennis court on the male side for two sets of players, used by the male physicians and attendants principally.

A so-called "baseball field," with one diamond, used principally by the physicians and attendants.

No seats or accommodations for the patients generally, but those on parole could sit around on the grass and look on if they chose.

In the "bull pen," nothing whatever but stagnation and dry rot, and same conditions generally prevail. Some 500 or 600 old soldiers, without employment or recreation, confined in an inclosure of about 2 acres, surrounded by brick buildings and high walls.

It is true that during the winter there are some entertainments at night, and a dance now and then.

But only a few can enjoy these, principally the young male and female attendants. There is also a band, composed of attendants; patients are not permitted to take part, as they might make discords.

This band plays occasionally around the grounds, as well as Whether the patients are edified is a question. it can.

And the epileptics, light and severe, sane and insane, herded together, dined together, with the old soldiers. No special diets and no treatment save "custodial care," as Dr. Harry R. Hummer testifies (p. 1186), although he seems to be waking up to possible improvement of conditions.

The largest per capita cost, the worst food, least thought and attention, and poorest percentage of employment and means for stimulating the minds of these patients is the record of this hospital as compared with other institutions.

Automobiles and carriages the superintendent has galore, for his use and the entertainment of his guests.

Two vehicles for the use of the patients-in driving them

out, and so forth.

These two vehicles accommodate about 20 patients and make two trips a day. There are 2,500 patients. Deducting the bedridden and criminal classes, there would be left some 1,800 patients to have these outings. It is an easy calculation to make as to how often the individual patient, exclusive of the favored ones, gets a ride outside of the walls of that institution.

But why should the superintendent consume valuable time or thought over these matters? He does not have to bother with such trivial details. He is otherwise busy and interested

and entertained.

After this investigation began he started some "long contemplated" improvements, and the visiting superintendents appear to concur in the opinion that when he gets these ideas and improvements in practice he will have a model institution. But why did he wait three years, and then have to be stirred up with an investigation to stimulate his thoughts in lines for benefit of the patients?

FAVORITISM.

Maenche, unquestionably a drunken, abusive, vulgar person, but for some reason the superintendent could not discover any evidences of this, although it was well known to insiders, including a physician, Doctor Glascock-and outsiders as well. own testimony convicts him.

R. L. Browning and W. Green, attendants, can come into their wards drunk and fight each other and endeavor to tear the telephone down so the watchman could not phone to the night

doctor. (Hedges, 1122.)

A reprimand was sufficient in these cases.

But others not with the pull nor with such manifestations of indulgence, as the testimony shows, had to surrender their keys and be discharged peremptorfly for trivial reasons.

One of the attendants—Curry Thrift—who left because his promised increase of \$2.50 each six months, as a graduate nurse, was not given him as promised, described how the superintendent transacts business (p. 1093). He says:

I let it go for the next six months, and there was no increase then. So I waited on Doctor White concerning it, and he advised me to go and see the financial secretary, as he had nothing to do with it. I went to see Mrs. Hardy (the financial secretary), and she advised me to see the supervisor. I went to see the supervisor, and he advised me to see Doctor Logie, the physician I was working under. He said he would talk to Doctor White, and he would refer it to the financial secretary and see what could be done. I waited two years and a half for it; I didn't get it at all.

The lack of personal inspection and attention to the wants of the patients, in all respects, and to the ward service and the comfort and satisfaction of the attendants and nurses exhibited by the superintendent is only exceeded by that of the board of visitors, as shown by all the testimony.

Every superintendent of insane asylums brought from other States criticised the hospital in one way or another-too large.

poor service, and so forth.

CRITICISMS BY SUPERINTENDENTS OF OTHER ASYLUMS.

While the numerous superintendents and officials brought from outside institutions were, of course, complimentary to Doctor White, there was not one who did not, inadvertently perhaps, criticise his management in some particular detail, better conditions being shown to prevail in their own institutions in either quality, preparation and service of food, character of clothing, employment and recreation for patients, treatment of the epileptics, use of restraints, the "bull pen," separation of criminal insane, classification of patients, supervision of the wards, and so forth.

With reference to the supervision of the various departments wherein Doctor White rarely, if ever, visits, as shown by the testimony, these outside physicians all show necessity for constant personal supervision and visits by the superintendents.

For instance:

Doctor Hutchinson, of Dixmont, Pa., says (1544):

I am on my wards with my assistants every day.

Doctor Wolfe, of Norristown, Pa. (1603):

I try to get around once every day.

Doctor Drewry, of Petersburg (1611):

The superintendent ought to get around to each and every department at least once a week.

Doctor Eyman, Massillon, Ohio (1626):

I am to see every patient at least every week.

Doctor Mabon, Ward's Island, N. Y. (1690):

I try to get all through the place once in two weeks.

And so on through the list.

Cruel and abusive treatment, testified to by many witnesses, principally former attendants and employees, is, of course, denied and attempted to be disproven. The following instance will furnish a shining example:

Joseph W. Belt, a former attendant, testified to numerous occurrences, among which was the case of an attendant named Hawkins, who was in the habit of using a doubled electric wire on the patients' heads (327) until they would get their "heads nearly to the floor and holler murder and fire and everything else before he quit."

Hawkins (712) of course denied the soft impeachment, but also denied that he ever had a wire for any purpose; but this was proven untrue by a witness, Harry Talbott (1104), who was an electrical worker in the hospital, and who testified that

Hawkins asked him for a piece of wire, and he gave it to Hawkins, who stated "it was a good thing to tan patients with."

Mr. PERKINS. Mr. Chairman, I desire to make some remarks in reference to the very practical question of the approaching revision of the tariff. We have now the question of revision in the hands of one of the committees of this House which will, ere long, make its report for the consideration of the House and of the country.

There are some of us, Mr. Chairman, that have often in the past years suggested that a revision of the tariff was required. Our suggestions have not always been met with the prompt favor that would have been agreeable, but at last the question has become one that must be dealt with practically. A bill is to be passed which will, I doubt not, conform to the pledges of the Republican party in its platform and recognize the changes that are required by changed industrial and commercial conditions.

It has been suggested that a revision of the tariff might mean a revision up as well as a revision down, but I think all recognize the fact now that, in view alike of business conditions and of popular sentiment, a revision of the tariff, in the opinion of a majority of the people of the country, means a revision down.

Now, Mr. Chairman, any tariff bill must necessarily deal with a great multiplicity of items. I have not thought it wise to occupy the time of this committee in the attempt to go through the details that will be required when the tariff bill comes up for discussion. But there are a few general propositions that I believe underlie this great question, which I desire very briefly to suggest to the House this afternoon.

We are, Mr. Chairman, the greatest manufacturing nation in the world, and for this there are good reasons. We have natural resources that can be equaled in no other land in the world. We have a laboring population that in intelligence and industry and inventiveness can be equaled in no other land, and we have in our business men a capacity for meeting new questions, for adopting new improvements not found, I believe, in any other country. So as a result of natural processes we have attained a position which I do not think I overstate in saying makes us country. a position which I do not think I overstate in saying makes us the chief manufacturing country of the world to-day. The great question before us, Mr. Chairman, the most important question in my belief which the American people have to meet is not only to continue, but to extend and perpetuate the com-mercial supremacy of the United States, and that that may be maintained and extended as the future will demand, it is necessary that the manufactures of the United States should be sold in the markets of all the world.

The control of our own markets we have and can easily have, but we have a population of 80,000,000. We have the facilities and the capacities for manufacturing which would supply with the articles of use and of desire not 80,000,000 people, but 800,000,000. If this country is to increase as its resources permit and its people expect, it is essential that what hold we have now on the world's markets we should retain, and that that hold should be largely increased. And if we are to sell our manufactured goods not only in Europe, but to 400,000,000 people in China, to 300,000,000 people in the East Indies, and to untold millions of people all over the world, we must meet in those markets the manufacturers of any other country on equal terms. We must be able to compete with the manufacturers of Germany or of England or of France or of any country to whom, just in the same extent as to us, the possible markets of the world are open, and if we are to sell our goods in those markets the American manufacturer must sell as good an article for as low a price as can be furnished by his competitor from any part of the world. Upon our ability to do that depends not only our present prosperity, not only our future prosperity, but our future extension and safety, because if the manufacturing energies of this country are to be controlled by the bounds of the land, if they can find no outlet for activity outside of the limits of the United States, broad as those are, great as is the population that lives within them and will live within them, still the potential manufacturing development of the country will come against a dead wall and be brought to a stop, with the sure result of commercial crises, of checks in the development of the country, which would be dangerous not only for our manufac-

turing prosperity, but for our social peace.

So the problem is, Mr. Chairman, What can be done to increase our hold, to give our manufacturers the fairest possible chance in their contention for the world's markets? There are two or three considerations which bear upon the importance of this question and which may be taken in mind by thought-ful men. The great volume of our exports during most of our past history has been from the products of the soil, from the articles with which life is sustained. It is as certain as that day follows night that the tendency in the future must be to a diminution of the volume of such exports from the country. While the population has not yet caught up with the product of the soil, it is much nearer to it than was the case twenty-With the growth of population that is before five years ago. us, and upon which we can rely with absolute certainty, the time will come, and not so very far off, when the production of the articles of the soil necessary for consumption for food in this country will not very largely exceed, if it exceeds at all, the demands of our own population. Then, necessarily, the importance of our exports of manufactures will be very greatly increased.

There is another consideration which it befits all thoughtful men to have in mind, and that is the great problem of the conservation of the natural resources of the land. Already we realize that those natural resources are not boundless, already we realize that the consumption of the potential wealth that is above the soil and still more underneath the soil is going on at a rate that not only can not continue forever, but can not continue for a long period, as periods go in the history of a nation.

It seems to me, Mr. Chairman, that it is the part of wise legislation to draw so far as can be done from every other land in the world the raw material which we may take and manufacture and sell in the world's markets, and so far as can be done preserve our own. If there is a ton of coal, if there is a ton of lead in the United States that stays in the mines, it is not lost. It is as safe there as if it were money in a savings bank. Sooner or later the time will come when it must be used, and the value of a ton of raw product which is saved for twentyfive years will be greater at the end of the twenty-five years All of these reasons suggest that it is the it is to-day. part of wisdom so far as can be done to obtain from other countries what can be used by us in our manufacturing industries and to preserve our own resources. Doubtless, under any circumstances the contribution by other countries of raw material to be consumed in our manufactures will be comparatively small, and yet in the aggregate it may be of much importance.

As the problem is to improve the opportunities of our manufactures in obtaining possession of the markets of the world, this leads to a consideration of what are the things that make up the cost of a manufactured article and what is the situation of our country compared with other countries in reference to them.

Roughly speaking, there are two elements of cost.

One is raw material; the other is the work that is put on the raw material. What can be done by law in either of these directions to assist the manufacturer in the problem before him of being able to sell his goods in the world's markets at the lowest possible price? In reference to the cost of labor, all recognize the fact that the safety and prosperity of this country rests and must continue to rest upon well-paid labor. That no one contests or questions. And yet, Mr. Chairman, when considering the rivalry between us and other nations I think too much importance is sometimes paid to the relative price of our labor compared to that paid to the workmen of other lands, because the problem is not what you pay the man, but what you pay for the work the man does, and the differ-ence in the efficiency and skill between the average American laborer and the average laborer elsewhere is so considerable that the problem of relative cost is somewhat modified. But however important that may be, nothing can be done or should be done that in any way would tend to diminish the satisfactory system of wages upon which our country's prosperity is based. So, Mr. Chairman, it seems to me all the more important to see that the law does all it can to enable the American manufacturer to obtain the raw material he needs at the lowest possible price.

Mr. SHACKLEFORD. May I ask the gentleman a question in that connection?

Yes Mr. PERKINS. Mr. SHACKLEFORD. What about the producer in this country, mainly the farmer?

Mr. PERKINS. Well, I will say something about him, too.

Mr. DOUGLAS. I would like, if the gentleman does not mind an interruption

Mr. PERKINS. Oh, no. Mr. DOUGLAS. To ask one question, and that is in connection with the definition you have given of those things, the natural resources of other countries, being brought here and the salvation of our own; what are they, in your mind, other than mineral products?

Mr. PERKINS. I am going to refer in my remarks to three or four. Of course, Mr. Chairman, the term "raw material" is always an embarrassing one because there is some labor bestowed on everything. Nothing reaches the shop or reaches the individual so as to be of any value unless man's work has done something to it. The lumber of the forests does not by some force of nature tumble into the carpenter's shop, but some work must be bestowed upon it. The ore in the mine does not come out by any natural process, by any evolution, by any earthquake force, but some labor must be bestowed upon it, and yet when we come to deal with this question, as all such questions must be dealt with, as a practical question, I think we have

little difficulty.

A certain amount of labor for which due consideration must be had has been given to the tree that has been chopped down and floated down the stream and comes to the market, and yet the amount of labor on that is insignificant compared with the percentage of labor that is given to the contents of that tree when finally it appears in the furniture of the house or in the building of the house itself for man's occupation. A certain amount of labor is given in the ore that is produced, but an infinitely greater amount of labor is bestowed on the ore when it is finally turned into some form fit for human use. said a moment ago, upon a sufficient wage rests our prosperity, and it is of special importance to see that our manufacturer, in his struggle all over the world, is aided by the cheapest possible raw material, because the cheaper he gets the material, the better able is he to see that fair wages shall be paid to his When we consider whether we shall adopt artificial measures to enhance the price of an article which receives a very small amount of labor, or shall assist the man, the manufacturer, in the production of whose goods a great amount of labor is bestowed, necessarily it is the part of wisdom to see that the law does not impose its burden upon the person who has the most important work to do and by whom the greatest body of laborers are employed.

And another consideration arises in reference to some of the articles of raw material. There is no branch of a tariff law that does not affect different people differently. It is hardly possible to conceive of a change in any schedule of the tariff which would not affect certain persons favorably and certain persons unfavorably. So where we find a duty, the result of which imposes a burden upon comparatively few, and of which the benefit is reaped by many, such a provision, it seems to me, should remain in the law; and where we find a provision the benefit from which is enjoyed by comparatively few and the burden of which falls upon comparatively many, then that is a provision of the tariff, Mr. Chairman, that it seems to me should

be modified and where revision is needed.

Now, with these general considerations that I have suggested, I want to say a few words in reference to some particular items of detail. It would be impossible at this time to attempt any discussion of the multiplicity of items that must come before this House for its action, but I want to suggest two or three where it seems to me the principles that I have suggested have special application. They are all of them materials upon which a small amount of labor has been bestowed when they come to the manufacturers, in comparison with the great amount of labor that will be bestowed upon them before they come to the final consumer. They are all of them articles, the resulting benefit from the tariff imposed upon which is enjoyed by few, whereas the burden falls upon very many.

And so, under the considerations which, it seems to me,

should guide us in any revision of the tariff, they are items which specially demand a proper and judicious revision in the way of reducing the imposts upon articles which constitute a burden upon our manufacturers and take some money out of the pockets of many to go in larger bundles into the pockets of

a very few.

The first item which I care to discuss is the duty upon lumber. Mr. CLARK of Missouri. Mr. Chairman, before the gentleman proceeds further I would like to ask him a question or two, if it will not break up the continuity of his speech.

Mr. PERKINS. Not at all. Mr. CLARK of Missouri. Now, as to this question of raw material. It is absolutely true that what is a finished product to one man is raw material to another, is it not?

Mr. PERKINS. Yes.

Mr. CLARK of Missouri. Now, take the woolen question, for instance. The farmer presents his finished product, so far as he is concerned, in the shape of raw wool. The next step in the process is what they call tops, and the next process is yarn, and the next process is the cloth. Now, if you are going to distribute the benefits of the tariff, I want to ask the gentleman this question: What is the reason that the first one has not as much right to assistance, if that is what you want to call it, as the second, the third, or fourth man in that chain?

Mr. PERKINS. Well, the point, and the only point, which I intend to discuss in the brief remarks which I shall make today is to suggest certain items of large importance to the manufacturing industries, where it seems to me that the benefits to be derived by the reduction will be shared by very many and the loss to be imposed by reduction will fall upon very few. and of those, and those only, do I intend to speak to-day. woolen question, suggested by my friend, is a very broad and complex one, which I have no time to discuss to-day.

Mr. CLARK of Missouri. All right.
Mr. PERKINS. Now, take lumber. That any person should be opposed to a change in law which will render it more easy for us to obtain any amount of lumber from another land is certainly a thing that excites wonder. One of the great prob-lems before us, constantly dinged into our ears, and justly dinged, is the denudation and destruction of our forests. It is said, and truly said, that this may affect most injuriously the water supply of the country. There are portions of the world now as barren as the Desert of Sahara that once were fertile lands, that have been turned into deserts from an improper and unfortunate destruction of the forests, which has destroyed the water supply, until what once was fertile land is now barren land. And the same thing, Mr. Chairman, may occur in certain portions of our own country. We make appropriations, and I do not think any appropriations are more judicious, for preserving the forests on account of their great value. I do not think there is any money voted by this Congress that is voted more wisely, and yet when it is possible, to some extent, to lessen the unfortunately and inevitably rapid destruction of the forests by getting from foreign lands whatever relief we can, opposition is made.

Apart from any question of use for manufactures, apart from any question upon whom the burden falls, any process of law by which we get the wooded product of a single acre of land from any other land and save the wood that stands upon an acre of our own land would be a wise thing if it had no other explanation behind it. But, further, I state, and I think it can not be too often said, that we should consider in these laws where the burden falls and where the benefit goes. is no great industry, and it is still a great industry, that to so large an extent is in in the hands of a few men as the ownership of timber land. Of the available timber land of this country a great proportion is in the hands of a few great corporations or a few great owners. If the price of lumber is enhanced by artificial means, they get the benefit. Upon whom does the burden fall? It falls on every man in the United States who builds a frame house. There is no more important problem for us than that men of moderate means should be comfortably and with reasonable economy furnished with habitations. In the case of every frame house in the United States the price of lumber is enhanced by the tariff. The price of every fence put up by the farmer is enhanced by the tariff, and the price of the chair on which a man sits in his own house is enhanced by the tariff. Let us consider another thing. The price of lumber has increased enormously in the last four years. Hemlock, which was sold at \$12 a thousand feet not so long ago, now sells at \$25 a thousand, and perhaps more.

Now, that great rise, of course, is not due entirely to the action of the tariff. It is due in part to that and in larger part to the diminution in the supply of timber; but, Mr. Chairman, there is no man that owns timber land who has not seen the price of his products enormously increase. As the result of natural laws the hemlock he was selling a few years ago at \$12 a thousand he is now selling at twice that price. He has reaped the benefit and an enormous enhancement in the price of his product has to be paid by every man in the United States that uses his product. It comes with a very poor grace for the owners of timber land who have profited so greatly from natural causes to insist on obtaining an additional \$2 per thousand by retaining the duty on lumber. No men have prospered more in the last few years than the owners of timber land, and a duty for their benefit increasing the already greatly enhanced value of their property makes every man who builds a frame house pay them so much more. I do not believe that a duty, the benefit of which goes to a few men who are rich and the burden of

which falls on many men who are poor, should continue on the statute book.

In this connection, considering where a change in the tariff will be to the advantage of the largest industry-to the industry which employs the greatest number of men-I wish to say a word in passing on the question of wood pulp. It has been discussed before in this House liberally, and will be again.

I call attention to the fact that the enhanced price of wood pulp is a burden upon one of the greatest industries of the land. and that is the news paper making industry. There is between the industry that makes news papers and the industry that makes pulp a great disparity. It may be safely said that the news-paper manufacturers employ 40 men where the manufac turers of wood pulp employ 1 man. It is a fact that the making of wood pulp in this country, as stated by the Census Bureau, in a single year strips bare an area of timber land as large as the State of Rhode Island; and so, both from the motive of conserving, as far as we can, our forests, and the motive of benefiting, so far as we can, a great industry, the abolition of this tax may well be considered by those who have in charge the duty of tariff revision.

Now, let us pass to another duty about which I wish to say a few words and which seems to be especially obnoxious, and that is the duty on lead. The lead mines of this country are owned by comparatively very few. They are owned for the most part by a few very rich corporations. I find no fault with them. But when the question is as to who gets the benefit of the tax and upon whom the burden falls, this may be well taken in account by our law revisers. Undoubtedly they are entitled to fair profits, but not to exorbitant gains that injure other branches of business. Considering the richness of our mines, I believe lead ore can be produced in this country as cheaply as in any other part of the world.

Let me suggest in passing that a very large proportion of this ownership is controlled, as I had occasion to say in this House two or three years ago (and what I said then has never been controverted to my knowledge), by the American Smelting Company. I have neither the time nor the desire to go into the history of that corporation; but as we have been told that there are good trusts and bad trusts, certainly there can be no question that the American Smelting Company belongs to the latter division.

Upon whom falls the burden? It falls first upon very many large manufacturing industries. The people who make telephone goods, for instance, a very great industry in this land, have to pay an additional price for their lead by reason of the tariff upon lead. Going to the other extreme, the man who puts a sink in his house and has a lead pipe to carry off the surplus water has also, to the small extent that it falls upon him, to pay an increased price for lead as a result of the tariff.

Now, there was put in the Dingley tariff (and as far as I can find out few even of those who are most emphatic in support of that law think it was wisely put in) a duty of 1½ cents per pound on lead, or \$30 a ton, and 2½ cents, or something over \$40 a ton when it appears in the shape of pig lead and other partially manufactured forms. What is the result? Lead enters largely into the uses of our great manufacturers, who are competing for the world's markets.

The manufacturer in London who uses lead in his goods, the manufacturer in Toronto who uses lead in his goods, can get it, taking an average price, for, we will say, 31 cents per pound. The dealer who makes his goods in Buffalo or Rochester, just across the line from Toronto, the dealer who makes his goods in New York or in any other part of this country, has to pay on an average 5 cents a pound, when his competitor in Canada or in England is paying 31 cents a pound. That imposes upon every American manufacturer who uses lead as a raw product a duty of pretty nearly 50 per cent when he comes to compete in the world's markets with other manufac-

Now, Mr. Chairman, I believe in the protection of American manufacturing industries. I believe in their enhancement and their growth; and I believe in assisting their enhancement and growth by legislation that will help them and not check them by legislation that will harm them, and that is why I do most sincerely hope that in the revision of the tariff we shall see a large reduction in the duty upon lead.

One other item, and then I will weary the committee no longer, because I do not believe that a great amount of time should be taken in this discussion, which is to some extent premature; but I want before closing to say a few words more about a subject that has been so often discussed in this House and in which discussions I have sometimes taken a small part. That is the duty upon hides, which is paid by the manufacturers of

boots and shoes, and also by the manufacturers of leather goods

of every sort and by tanners.

I will take one branch only, the manufacturers of boots and shoes. Let us see to how large an extent a Congress that believes in protecting American industries and American manufactures, that believes in enhancing the volume of American goods to be sold in other markets, should listen to the claims of that industry. How important is that industry; how largely has it the right to ask, as it does ask, not affirmative legislation of its benefit, but at least that there shall not be imposed upon it any burdens that tend to cripple it?

May I ask the gentleman a question? Mr. SHEPPARD.

Mr. PERKINS. Oh, yes.

Mr. SHEPPARD. Is not the industry to which he now re-

fers practically dominated by a trust?

Mr. PERKINS. The gentleman is entirely wrong. I do not know of any great industry which is more entirely free from trust control than the manufacture of boots and shoes. There are hundreds, I do not know but that there are thousands, of manufacturers of boots and shoes from the Atlantic to the Pacific, and there not only has never been a trust to control them, but there has never been any combination to control the price. In the city where I live there must be, I should say at a guess, 70 or 80 manufacturers of boots and shoes, larger or smaller, each one earning his own living by the sale of his own goods as best he may. My friend from Texas is wrong in that suggestion.

Mr. SHEPPARD. The gentleman from New York will do me the fairness to state my suggestion properly. I asked whether the industry was dominated by a trust. Now, I will ask him if the United States Leather Company is not a trust and if it does not control 75 per cent of the business?

Mr. PERKINS. That has nothing to do with the manufac-

ture of boots and shoes.

Mr. SHEPPARD. They use hides.
Mr. PERKINS. Oh, yes; they use hides.
Mr. SHEPPARD. And you will be acting in the interest of this trust when you remove the duty on hides without at the same time removing the duty on leather.

Mr. PERKINS. Oh, I am not disturbed by any doubt that the manufacturers of boots and shoes will not get the benefit of it. Now, Mr. Chairman, that industry employs over 100,000 people. That 100,000 people probably furnish sustenance to four or five hundred thousand people. That is a large industry even in this great land, one that furnishes a livelihood to almost a half million people. It is an industry upon which it seems to me we do not want to impose any burdens that nature does not impose. If we do not protect them, whom shall we

Mr. REEDER. Will the gentleman from New York yield for

a suggestion;

Mr. PERKINS. Certainly.
Mr. REEDER. I should like to suggest to the gentleman that there are about three times 500,000 people in Kansas alone who are raising hides.

Mr. PERKINS. I do not profess to be an authority upon any economic question, but I sometimes can cite names which I think are recognized authorities. James G. Blaine, a good authority on protection-

Mr. KEIFER. Oh, no. Mr. PERKINS. Sufficient to be a candidate of the Republican party for President.

Mr. KEIFER. Not many years ago he was just the other

Mr. PERKINS. Was he? He said in reference to this tax, what history has verified, that the tax upon hides would be for the benefit of the butcher, the man who needed it least, and the enhanced cost would fall on every man who bought shoes for himself or his children.

Mr. GARNER. Will the gentleman yield? Mr. PERKINS. I will yield to the gentleman.

GARNER. If the burden falls upon the consumer, how would the manufacturer get the benefit if you took off the duty? Mr. PERKINS. I do not understand the gentleman.

Mr. GARNER. The gentleman says that Mr. Blaine contended that the burden would fall on the consumer. I ask, if the burden falls on the consumer, how would the manufacturer get the benefit of the removal of the duty?

Mr. PERKINS. Because now he has to pay more for his

Mr. GARNER. How would the manufacturer get the benefit if the consumer finally pays?

Mr. PERKINS. By larger sales. The gentleman must remember always that the problem before us is not merely the sale of boots and shoes to 80,000,000 people, but to 800,000,000

people. Burdened as it is, such is the ability of American inventiveness and of American labor that boots and shoes can be made in the United States in competition with all the world, and are sold to some extent now in London, Paris, and the other great capitals, because, no matter what the price is, the American shoe is so much better a shoe than can be made anywhere else in the world that it sells, regardless of the

Let us give the manufacturer who by his skill is able to sell his shoes, no matter what the price is, to a certain extent, all the advantage he can have, that the American boot and shoe may be sold not only in London and Paris, but to the Chinese who live in that flowery land, and to the people of India. The possible development of the boot and shoe industry alone, I do verily believe, is of such importance that, with this duty on hides removed, its magnitude would confound us. I look forward to the time, and let Congress do all it can to hasten the time, when the boots and shoes that are now sold to 80,000,000 people will be sold in all lands, to the benefit of those who will wear them and to the profit of those who will sell them.

Mr. BANNON. Will the gentleman yield? Mr. PERKINS. Certainly.

Mr. BANNON. The gentleman referred to a letter written by Mr. Blaine.

Mr. PERKINS. I think it was a statement.

Mr. BANNON. No; it was a letter. Is not the gentleman aware of the fact that at the time Mr. Blaine wrote that letter the value of the raw cattle hides was less than 25 per cent of what they are at the present time?

Mr. PERKINS. I do not know how that is. I do not see

how it affects the question.

Mr. BANNON. If the value of the raw hide taken from a head of cattle is equal to 20 per cent of the entire value of that animal, as it is, would the gentleman from New York say that the hide was such an unimportant by-product that the farmer got no benefit from it, and that the butcher was the man who did get all the benefit? When Blaine wrote his letter hides were so cheap they might have been considered an unimportant by-product.

Mr. PERKINS. The most satisfactory way to consider these things is to consider the course of the market. We can all reason and say, for instance, that wheat ought to sell for a dollar a bushel, or for 80 cents a bushel, and prove it to our own satisfaction; but the proof is in the price at which that

commodity does sell.

And we can all of us reason and say if hides go up beef goes up, and the individual seller of an individual steer on the farm is going to get something more for his steer because hides have gone up, but the course of prices for years shows what is the necessary result, I think, of any fair process of reasoning. There is not a steer in the United States market from the Atlantic to the Pacific that is raised and bred that the man may sell him for his hide. He is raised and bred to be sold for his meat. That is why we never can have a sufficient supply of hides, no matter what the demands of the boot and shoe people are. In this country, usually, where there is a demand there is also a supply, but when it comes to the demand for hides it can not be supplied. Why? Because no matter what the price is, the man is not going to raise steers simply for the hides. He will raise the number of steers that are required to be eaten that he can sell at Chicago or Kansas City to be slaughtered,

those and those alone, and the result—
Mr. GRIGGS. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from New York yield

to the gentleman from Georgia?

Mr. PERKINS. For a question; yes.

Mr. GRIGGS. I understand the gentleman is in favor of free hides.

Mr. PERKINS. I am; yes, sir.
Mr. GRIGGS. Is he in favor of free leather?
Mr. PERKINS. Yes.

Mr. GRIGGS. And free boots and shoes?
Mr. PERKINS. Oh, yes. That does not trouble us a little bit, if we have corresponding reduction on the cost of the mate-

Mr. BANNON. And is the gentleman in favor of free harness and free saddlery for the farmer?

Mr. PERKINS. Surely. [Applause.] Yes. It should be correspondingly reduced.

Mr. DAVIS. The gentleman certainly would not want to rob

the producer of the hides for the benefit of the manufacturer? Mr. PERKINS. No; and I do not think he is going to be

Mr. DAVIS. I will say I agree with the gentleman there, under existing conditions. I would ask the gentleman to devote a little time, please, to the fact as to whether the producer of the hides reaps any benefit from the present tariff on hides.

Mr. PERKINS. I do not see that he does. I base that on figures. It seems to me that, necessarily, he can not get much benefit, because where an animal is sold by weight on the hoof the article that must control the price is necessarily the value of the chief article, which is the meat, and the by-product does not make much difference to the seller. Furthermore, let us take some statistics. For instance, in 1893-and I could take a dozen illustrations, though I have taken only two-steers sold at 6 cents a pound, and in 1893 hides sold at 9 cents a pound. Very well, those were the conditions then. I think at that -I may be wrong-there was no duty on hides. It makes no difference. When they were selling at 9 cents a pound steers were selling at 6 cents a pound. My friend from Ohio [Mr. Bannon] suggests, if the price goes up, should not we farmers get some of the benefit? It is certainly desirable that the farmer should get all the benefit he can from anything, but we find seven years later-I think it was in 1900-that hides had gone up and there was a duty on hides, and the man that bought hides to put them into boots and shoes, instead of paying 9 cents a pound, paid 13 cents, an enhancement of almost 50 per cent, which is a great element in the cost of an article in these days of close competition and large manufactories. Where was the benefit of the seller-not of the butcher, not of Armour & Co. who, if they had any hides, sold them at 13 cents instead of at 9 cents? Where was the benefit to the farmer, in whose be-half my friend from Ohio asks the question? What was he getting? He was still getting 6 cents a pound for the steers in the markets of Chicago. The price of hides had gone from 9 to 13 cents, and the man who brought his steer there, who sold it by its weight on the hoof, got to a dollar the same price for his thousand-pound steer that he got in 1893.

Mr. DOUGLAS. Will the gentleman yield for a question? Mr. PERKINS. I do not believe I can. I hate to seem dis-

courteous to my friend, but my time is very short.

Mr. DOUGLAS. I was simply going to suggest that, he might have gotten less for his steer if hides had been cheaper.

Mr. PERKINS. That is all very well, but when the duty is imposed on a certain article and the question is who gets the benefit, and I find that the article on which the duty is increased has gone up 50 per cent and the butcher is still paying the raiser the same price, I am going to believe that the profit

goes to the butcher. [Applause.]

Now, in this industry of boots and shoes, to illustrate how great are the problems, the duty on hides, of course, first must necessarily be paid on all the hides brought from South America. Furthermore, the result of the duty is to enhance the price of all the hides that are sold in this country, and the enhancement in the cost of hides used by the boot and shoe manufacturers, if the figures given me are correct, is approximately, we will say, \$4,000,000. In other words, the representatives of one of the great industries of the country pay \$4,000,000 more for the hides they must use than they would pay if there was no duty on hides.

The entire volume of the boot and shoe business is less than \$300,000,000. Let us call it \$300,000,000. In these days of close competition if a great manufacturing industry reaps a net profit of 5 per cent on the total volume it does well. So, if we assume the entire profit of the boot and shoe industry is \$15,000,000, divided among all the innumerable manufacturers from New York to San Francisco, we are not far out of the We talk about protecting and building up manufacturing We want to enhance the manufactures of the United States that they may grow in prosperity, that the number of their employees may be increased, and that the amount of money they can pay them may be enhanced, that their sales may go all over the world and the manufacturing supremacy of our country be assured, and on one great industry we impose as a result of one duty an additional cost which is more than 25 per cent of the entire profit of the industry. Now, Mr. Chairman, as I said before, I believe in protecting American industry, and that is the direction I hope the revision of the tariff will take. I believe that we should act with wisdom and consider upon whom falls the burden, and where it is the part of wisdom to lay the tax in the revision of the tariff. You probably can not change any duty without imposing some loss on somebody who before profited by it. The part of wisdom is to consider where shall we do the greatest good to the greatest number, where shall we make our changes so as to preserve, increase, and enhance the great manufacturing industries of the United States; where shall we place our duties so as to bring about results by which a permanent supremacy of the United States may be secured, so as to put it within the power of the manufacturers of the United States to compete from the North Pole to the South with any manufacturer from any other land.

Mr. Chairman, we have in this country natural resources that can not be equaled in any other land. We have a body of manual labor which, in industry, in intelligence, in the result of its labor, can not be equaled in any other land on which the sun shines. We have business men and those in control of business interests who, in their intelligence, in their activity, in their power to meet new problems, have not their equals in any other land. There is but one thing that can prevent the commercial supremacy of the United States increasing by leaps and bounds and lasting until long after this generation shall cease to have anything to do with the affairs of this world, and that is check it, hinder it, and repress it by unwise legislation. Such legislation I trust will not be the result of the deliberations of this Congress. [Loud applause.]
Mr. DOUGLAS and Mr. WATSON rose.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes more to the gentleman to answer such questions as he may desire.

Mr. PERKINS. I do not desire, but I am perfectly willing

to do so.

Mr. DOUGLAS. I would like to ask the gentleman if he is in favor of free hides and free leather and free boots and shoes and free saddles and free harness, what is he in favor of protecting?

Mr. PERKINS. Oh, there are a thousand things.

Mr. DOUGLAS. I want to find out on what side the gentleman belongs.

Mr. PERKINS. I belong on the side that believes in building up American industries and I understand that is the Republican side.

Mr. DOUGLAS. By protection?

Mr. PERKINS. Why surely by protection, but by wise protection, not by unwise protection, not by protecting the millionaire owner of timber lands. I do not think that is wise protection.

Mr. WATSON. Would not the argument the gentleman has made in reference to hides apply with equal force to wool?

Mr. PERKINS. No; I Mr. WATSON. Why? No; I do not think it would.

Mr. PERKINS. It would take me an hour to discuss that question. That is a very complicated question which I have no time to talk about. When that comes up for discussion, when the bill is reported, then we can discuss the question fully. I When that comes up for discussion, when can not answer the gentleman in two minutes, it would take an hour, and although he may differ with me in reference to hides we will probably be more nearly in accord with reference to wool than his question suggests.

Mr. MANN. Will the gentleman yield further?

Mr. PERKINS. Oh, yes.

Mr. MANN. The gentleman gave figures as to the price of hides and beef on the hoof. Will the gentleman tell us what the

figures refer to and what he obtains them from?

Mr. PERKINS. Those figures I have obtained from some compilations of trade prices.

Mr. MANN. Of course, the prices of beef are so variable, not only from day to day, but every day, as to quality, unless the gentleman states what the price is for—
Mr. PERKINS. These were the average prices that were con-

tained in some statistics that I examined—the average prices on the hoof sold in Chicago.

Mr. MANN. The gentleman is mistaken when he thinks that 6 cents is the average price at which beef is sold on the hoof at

Mr. PERKINS. These are statistics prepared by those interested in the business. Of course I must take those second hand. Mr. MANN. I am not questioning what the gentleman says,

except to ask where the information comes from.

Mr. PERKINS. They are statistics that have been furnished in the various hearings and arguments in reference to the bills by parties in interest, and, I assume, have been substantially

Mr. MANN. I wish I could find out, if it were possible, in order to ascertain whether they are correct.

Mr. BUTLER. Will the gentleman answer me a question? Mr. PERKINS. I will if I can.

Mr. BUTLER. I am very sorry I did not hear all of the gentleman's speech.

Mr. PERKINS. The gentleman lost very little.

Mr. BUTLER. I lost a great deal, if the gentleman will allow me to have my own opinion. Will the gentleman inform the committee about how much reduction will be made in the price of shoes provided all of that duty is taken off of hides?

Mr. PERKINS. I am sure I can not even tell the gentleman, such is my ignorance about the details of the duty, not having the honor of being on the Committee on Ways and Means.

Mr. BUTLER. Did the gentleman understand my question? Mr. PERKINS. All I have been talking about is the duty on hides and not on shoes.

The gentleman has not been informed of Mr. BUTLER. how much reduction will be made to the consumer on the shoes

he may buy'

Mr. PERKINS. I am informed by a gentleman who represents the great boot and shoe industries of Massachusetts that it would be 7 to 12 cents a pair.

Mr. BUTLER. It will be reduced 7 to 12 cents?
Mr. PERKINS. I yield to the gentleman from Massachusetts [Mr. Tirrell] to answer the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I would like to answer that question.
Mr. HAY. Mr. Chairman, I yield thirty minutes to the gentleman from Tennessee [Mr. GAINES].
Mr. GAINES of Tennessee. Mr. Chairman, for the last five or six years, as the debates of the House show, Congress has and to deal incidentally, if not directly, with the trouble that has grown out of possibly a faulty patent law, or the practice that obtains about patents that are procured by officers and employees of the Federal Government when they are working in the line of duty, and are directed to investigate a particular subject and make a discovery as a walk of their investigation. subject, and make a discovery as a result of that investigation, and patent it in their own name and claim it as their own prop-

The particular patent which I have in mind is what is known as the "smokeless-powder patent." There are several others of this class. The complications that have arisen as a result of private parties claiming this powder patent caused Congress to pass a resolution, in the Fifty-ninth Congress, directing the Department of Commerce and Labor to investigate the subject

and report thereon.

I called at the department a day or two ago to get the report, and the obliging law officer of the department informed me that the Committee on Patents sent for his report before he had finished all of it, but the part that refers to the issuance of patents to employees, and so forth, is complete, and I hold it in my hand. The resolution reads:

Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases.

Resolved, etc., That the Secretary of Commerce and Labor be, and he is hereby, directed to investigate and report to the Congress what existing patents have been granted to officers or employees of the Government of the United States upon inventions, discoveries, or processes of manufacture or production upon articles used by the Government of the United States.

Now, that is one proposition which is answered. The department has reported on that. The next is:

And how and to what extent such patents enhance the cost or otherwise interfere with the use by the Government of articles or processes so patented, and shall also report what royalties, if any, have been paid to officers or employees of the Government on any articles or processor.

Approved, February 18, 1907.

No report made on that portion of the resolution.

I hope I will be able to show before I conclude the importance of Congress dealing with this matter by legislation, and possibly otherwise. I shall deal with it generally. You will remember that last session of this Congress passed a bill allowing parties "hereafter" to sue the Government when the Government uses their patents. I voted against the bill, because I knew of this smokeless-powder patent trouble, and other similar cases, and I was afraid it did not protect the Government sufficiently.

Of course, if the Government takes or uses a man's property it ought to pay for it, but the question in this case is, Whose property is the patent? Is it the employee's or officer's, under

certain circumstances, or is it the Government's?

Now, to show you that there is something wrong either in this bill Congress passed last session or somewhere else, the President stuck that bill in his pocket—gave it a "pocket veto" although Congress passed it. I cite this for what it is worth. I do not know why he did not approve it. I understand he says nothing about it in any of his messages. I would be glad to have all his reasons for vetoing that bill.

Gentlemen, the main purpose of my discussion to-day is to bring sharply to your attention the law on this subject, so that we may know to-morrow more than we do to-day as to what the rights of the Government are and what the rights of the employees and-officers are while in the line of duty, under special directions to improve on an article, they make a discovery. I hold in my hand the opinion of the Court of Claims in the case of Solomons v. The United States.

The judgment in this case was affirmed by the Supreme

Court of the United States in an opinion written by Justice Brewer, and found in One hundred and thirty-seventh United

States Report, page 345, here on my desk. I will read the syllabus, Mr. Chairman, of the opinion, so as to be exact, hoping that my remarks shall be educational, if nothing else:

VI. Though the Government may not obtain a monopoly of an inven-tion made by one of its officers in its service, nor a right to share in the profits, or exclude other persons from the use of it, nevertheless it may acquire the right to manufacture and use without liability to the inventor.

In that case Soloman was employed to make an internal-revenue stamp. He produced one he had previously made while chief of the bureau, which he had "perfected by the means and appliances of the Revenue Department." He got a patent on it, and he or his assigns sued the Government for a royalty. The Government won in all the courts. Judge Nott, of the Court of Claims, the first time this case was tried, said:

In the case of Burns (12 Wall., 246) the Supreme Court said: "If an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it."

The alternative which the Supreme Court suggested seems to be presented by the present case. Here an officer of the Government in the civil government was "especially employed to make experiments with a view to suggest improvements."

Now, in the smokeless-powder matter, an officer was "specially employed" to experiment with this powder and improve on it. He was given by the Government everything he needed or desired to do the work. He discovered the smokeless-powder process and obtained a patent on that process.

Now, that man was Professor Munroe, who had been professor of chemistry at the Naval Academy for twelve years. He was

succeeded afterwards by another member of the navy.

The Supreme Court of the United States (137 U. S. R., 346). passing upon the Soloman case, said:

An employee performing all the duties assigned to him in his department of service, may exercise his inventive faculties in any direction he chooses, with the assurance that whatever invention he may thus conceive and perfect is his individual property. There is no difference between the Government and any other employer in this respect. But this general rule is subject to these limitations:

If one is employed to devise or perfect an instrument, or a means for accomplishing a prescribed result, he can not, after successfully accomplishing the work for which he was employed, plead title thereto as against his employer. That which he has been employed and paid to accomplish becomes, when accomplished, the property of his employer.

Whatever rights as an individual he may have had in and to his inventive powers and that which they are able to accomplish he has sold in advance to his employer.

So, also, when one is in the employ of another in a certain line of work, and devises an improved method or instrument for doing that work, and uses the property of his employer and the services of other employees to develop and put in practical form his invention, and explicitly assents to the use by his employer of such invention, a jury or a court trying the facts is warranted in finding that he has so far recognized the obligations of service flowing from his employer an irrevocable license to use such invention.

There are later similar opinions, but Members can see the

There are later similar opinions, but Members can see the point from these opinions and as applicable to the facts set out in the report of the Department of Commerce and Labor on this subject, from which I quote the following:

subject, from which I quote the following:

Smokeless powder (navy).—Prof. Charles E. Munroe, John B. Bernadou, commander, U. S. Navy, and George A. Converse, rear-admiral, U. S. Navy, retired, were connected with the development of smokeless powder in the navy. Professor Munroe received patent No. 489684 for explosive powder and process for making same; to Bernadou and Converse were granted patents Nos. 550472 upon a process of making nitrocellulose powders; 551306 upon apparatus for making explosives; to Bernadou, patents Nos. 586586 upon smokeless powder and process of same; 652455, process of making smokeless powder; 652505 smokeless powder; 673377, colloid explosive and process of making same. As it appears from the reports of the Secretary of the Navy that these patents were the results of experiments conducted by these officers at the United States torpedo station, Goat Island, Newport, R. I., a somewhat detailed investigation has been made of their development.

The work undertaken at the torpedo station in this connection was to discover a powder which would be practically smokeless and which would be entirely consumed in the course of explosion, and in addition to this give a muzzle velocity as great and an internal pressure no greater than that of gunpowder.

Commander Goodrich was in charge of the station when this work began and he was succeeded by Commander Jewell. The work progressed under Goodrich during 1887, 1888, and 1889. The report of 1890, Commander Jewell, in charge of the station, discussed The results of the work at the torpedo station up to this point are covered by patent No. 489684, granted to Prof. Charles E. Munroe for explosive powder and process for making same, dated January 10, 1893. Professor Munroe states that at the time of taking out this patent he requested the Chief of Ordnance to secure the patent covering the discoveries which had been made at the torpedo station up to this time, in order to protect the Government in this pioneer development of the subject in America. That officer declined to take this action, whereupon Professor Munroe took out the patent himself, with this end in view.

The torpedo station passed under the command of Commander George A. Converse, U. S. Navy, and upon the resignation of Professor Munroe, who hads been in charge of the chemical laboratory for seven years, Lieutenant Bernadou took active charge of the experimental work.

These patents, says the department, representing the success of the work at the government experiment station, the licenses to the Government to manufacture thereunder in consideration of sums ranging from \$1 to \$120, and the sale of the title to the patents to private manufacturers, are dated just on the eve of the introduction of smokeless powder into the army and navy and its appearance among powder manufacturers as an item of great economic value. He says:

"Several private firms in the United States have indicated their willingness to undertake the manufacture of smokeless powder on the specifications prepared by the department, and contracts for this purpose will be shortly made."

In 1897 the Secretary of the Navy estimated that it would require \$6,500,000 to at once refill all the vessels of the Navy with smokeless powder.

In 1897 the Secretary of the navy estimated that it wou

sications prepared by the department, and contracts for this purpose will be shortly made.

In 1897 the Secretary of the Navy estimated that it would require \$8,500,000 to at once refill all the vessels of the Navy with smokeless powder.

Solono to the three individuals who received the patents hereinbefore described based upon the experimental work at the torpedo station, Prof. Charles E. Munroe states that the ploneer patent taken out in his name was applied for solely for the purpose of protecting the Government in the use of the discoverles made at the experiment station, and he has never received any royalty or remuneration whatsoever other than his salary while in charge of the work.

Commander John B. Bernadou, U.S. Navy, states that he received the patent for the assignment to the Navy Department of a license to use the patent (the records of the Patent Office show that this sum ranged from \$1 to \$120); that he benefited by the proceeds of the sale or assignment to a private individual of rights outside of those held by the Government; that said sales were outright and contained no stipulation for the payment of a specified sum per amount of Navy, was associated with him in the development of some of the steps in the manufacture of smokeless powder, and followed his guidance in the matter of the sales of patents, receiving such share of the proceeds as Bernadou deemed him entitled to; that he has acted independently in this matter, and has no relations with other patents or persons in connection therewith; that he was told that two other discovering the patents of the patent to another officer, which he refused to do as he did not see what that officer had to do with the matter; that he was naked to give part of the proceeds from the sale of the patent to another officer, which he refused to do as he did not see what that officer had to do with the matter; that he has not been to the navy separatment has used these patents for many years, and that he has been told, and has reason to believe, that they a

I call your attention to these words of the department:

From a general study of the whole process of development, however, it seems reasonably certain that the progress in the art and the practical employment of the art and the practical employment of the various formulas are all based directly upon the experiment done at the torpedo station under the direction of the Navy Department.

Mr. Chairman, under these circumstances certain members of the navy have taken patents out in their own name and then sold them to outsiders, and these outsiders have sold these patents to what is known as the "powder trust." Now, then, what are the rights of the patentee? He is entitled to own a patent under the law. I do not mean to say that these gentlemen have done anything morally wrong. I am not going to discuss the question of morals; I am talking about the law side of the case.

Now, we are confronted with this trouble: When the Secretary of the Navy or the Secretary of War invites bids for the making of smokeless powder, no one but the "powder trust" can bid, because they alone control the patents by which process this powder must be made. That is a condition the Govern-

ment is in.

Mr. BURTON of Delaware. Will the gentleman permit me to interrupt him?

Mr. GAINES of Tennessee. Certainly.
Mr. BURTON of Delaware. I understood you to say that
from your reading of the law on the subject that the party in whose employ the inventor was had a license to use that in-

Mr. GAINES of Tennessee. It is a question whether or not the employer owns the right or patent entirely, or the person or employee who discovers the process owns it, and simply gives

a license to his employer—the Government.

Mr. BURTON of Delaware. To whom was the patent granted? Mr. GAINES of Tennessee. The first patent was granted to Professor Munroe. He asked the department to take out a patent to protect the department, and the department would not do it, and he did it himself. Later, there were two other tentees—navy men, Mr. BURTON of Delaware. Was it granted in Munroe's

Mr. GAINES of Tennessee. Granted in his name. Mr. BURTON of Delaware. Was not that, then, the fault of the Commissioner of Patents in granting the patent?

Mr. GAINES of Tennessee. With the lights before me, I will say to the gentleman that the question is an open question, hence I am discussing it here to-day. I am trying to get Congress to pass a statute on the subject to protect the Government under these circumstances, and to protect the navy, our officers and employees-define the rights of the individual.

Mr. BURTON of Delaware. Has not the Government always used any of these patents at its pleasure free of charge?

Mr. GAINES of Tennessee. By grace, I would say, and not as a legal right, I think. These navy men have given the Government the use of this, to make powder for the Navy Department only. They do not even go so far as to let them use it for the War Department. That shows they claim title.

Mr. BURTON of Delaware. You say they have been allowed

to use it by grace?

Mr. GAINES of Tennessee. Yes.

Mr. BURTON of Delaware. Then, so far as you know, the question has never arisen as to whether they have a legal right,

because it was not necessary.

Mr. GAINES of Tennessee. The courts have never passed on these particular cases. The Attorney-General has not even on these particular cases. The Attorney-General has not even been asked to pass an opinion upon it, says General Crozier. The Judiciary Committee of the House or Senate have never passed upon it—everything is in the air, so to speak—but these passed upon it—everything is in the air, so to speak—but these gentlemen have taken the patents in their own names and gone and sold them to outside parties, and when the Government wants to make powder the only outside parties that can bid on it and can come up to the requirements are the parties to whom these patentees have sold their patents, so that the thirty or forty independent powder makers of the United States can not compete, because they have not the patents

The powder trust has them and holds them as their private

property

Mr. BURTON of Delaware. As I understand, the patentee has sold the rights that were granted to him by the regular authorities.

Mr. GAINES of Tennessee. Yes; the Patent Commissioner. Mr. BURTON of Delaware. And that has not been called And that has not been called into question-his right to sell that?

Mr. GAINES of Tennessee. No; not in the courts nor in the Department of Justice nor elsewhere, to my knowledge, except in Congress in debate. If the bill which the President stuck in his pocket had become law, the question would have soon, perhaps, been in the courts.

These patentees were directed to experiment to discoverthey discovered these processes. These decisions and others I have read show that the patents belong to the Government. These decisions and others

I think that Congress put up the laboratory. The department directed them specifically to experiment with some powder samples and improve on them. They did experiment and did discover improvements, and patented them. Now, if these patents belong to the Government, then Bernadou and Converse, who made the discovery, had no right to sell them to the powder trust or to anyone else.

Mr. HARDY. Is not the Government estopped by the acts of the Patent Commissioner issuing these patents to these

parties?

Mr. GAINES of Tennessee. Well, that question I can not answer. I am not a patent lawyer. If estopped, the Govern-

ment could reply, perhaps, fraud.

Mr. HARDY. The plain doctrine of estoppel would apply. Mr. HARDY. The plain doctrine of estoppel would apply. Mr. GAINES of Tennessee. I want to say that Professor Munroe asked the government authorities to take out a patent for the Government, but it was not done. The authorities declined to take action, whereupon Professor Munroe took out the patent with this end in view-protecting the Government.

Mr. Chairman, I do not care to make a speech; I am bringing this important matter before Congress. I want the facts bare and plain to Congress. These facts are important in a number We are enlarging our powder factory.

Mr. HARDY. Will the gentleman yield again? Mr. GAINES of Tennessee. I will yield to the gentleman.

Mr. HARDY. Would not the proper practical suggestion be to direct that where a discovery was made by an officer in the employ of the Government in the pursuit of experiment, that the Government in that case should be prohibited from issuing a patent to anybody?

Mr. GAINES of Tennessee. Except perhaps to protect the Government and the people, who, after all, bear the burden. I will tell you what Secretary Wilson does—that splendid old Scotchman. The rule that he made in his department is that when one of the employees of the Agricultural Department discovers anything, he shall turn it over to his department for the Government and the people, and it is done. Here is a list of some of the things, says the Department of Commerce and Labor in this report, that have been patented in his department:

Apparatus for determining water in butter.
Serum for prevention and treatment of hog cholera.
Method of extracting potash from feldspathic rock.
Naturalist's camera.
Sampling machine.
Apparatus for determining the moisture in grain.
Hand blotter.
Seed-packet filler.
Nitroculture germs.
Loose-leaf files.
Labels for inspected meats.
Wireless telegraph, about which there are some complications.

Now, nearly all of these have been turned over to his department under this rule, based upon the act of 1883. I presume he thinks that when they discover in the line of duty—taking up the government time, opportunity, and money—that the fruits of their labor belong to the public, and he requires them to turn the whole thing over for the benefit of the public. I read from this report:

on March 3, 1883, the Congress enacted into law a provision that if an employee of the Government would dedicate the free use of his invention to the Government—the people of the United States—a patent would be issued to him without the payment of fees. As this provision cuts off all hope of remuneration from the patent, both from its use by the Government and the public, the inventors in the government service have not generally resorted to it. This law is, in form, merely permissive, but the Secretary of Agriculture has attempted to make it compulsory in his department by his general order of May 8, 1905, in which he requires employees making useful discoveries or inventions connected with the work of the department, through the expenditure of government time and government money, to cause the patent to be applied for through the law officer of the department under the terms of this act.

Now, you see what Mr. Wilson has done, and you will ob-

Now, you see what Mr. Wilson has done, and you will observe that a number of these patents are useful.

Now, Congress was, in 1898, driven to put up a powder factory at Indianhead. We made an appropriation (\$250,000) here a few days ago to enlarge that plant, and General Crozier (for the War Department) is calling for \$175,000 to enlarge the one authorized in 1906 at Sandy Hook. The War Department, under the license given by the navy officers, could not use these patents at Sandy Hook. The letter of Rear-Admiral Mason, Chief of the Bureau of Ordnance, states that the wording of the Chief of the Bureau of Ordnance, states that the wording of the license precludes the use of the patent for the War Department. It is in reply to Senator PERKINS.

Rear-Admiral Mason says:

From this wording the patent can not be used by any other department of the Government than the Navy Department.

United States Senate, Committee on Naval Affairs, Washington, D. C., March 21, 1906.

Rear-Admiral N. E. Mason, U. S. Navy, Chief Bureau of Ordnance, Navy Department.

Chief Bureau of Ordnance, Navy Department.

Dear Admiral: Will you kindly inform me what consideration, if any, our Government paid for the licenses to manufacture smokeless powder for the Navy Department under patents 673377, 652455, and 652505?

May I also ask if, in your opinion, our Government has the right to use the formulæ contained in these patents in manufacturing smokeless powder under the license named for any branch of the Government other than the Navy Department?

Thanking you in advance for your reply by the bearer, I remain, Very truly, yours,

Geo. C. Perkins.

GEO. C. PERKINS, United States Senate.

DEPARTMENT OF THE NAVY,
BURBAU OF ORDNANCE,
Washington, D. C., March 21, 1906.

SIR: Replying to yours of March 21, 1906, relative to letters patent
Nos. 673377, 652455, and 652505, covering processes for the manufacture of smokeless powder:

1. The bureau has to inform you that the licenses to manufacture smokeless powder under the three licenses mentioned in your letter were made to the Bureau of Ordnance, Navy Department, for a nominal consideration of \$1 each.

2. These licenses are to the Bureau of Ordnance, Navy Department, only, and state they can be used for the purposes of the United States Naval Powder Works at Indianhead, Md., or at any other works that may hereafter be built by the Navy Department of the United States.

3. From this wording, it is the opinion of the bureau that the patents could not be used by any other department of the Government than the Navy Department.

Respectfully,

N. E. Mason.

Hon. George C. Perkins, U. S. S.
United States Senate, Washington, D. C.

Now, in 1906 the appropriation was made for the War Department powder plant. That department seems to have got some sort of a process by which it now makes 300,000 pounds of smokeless powder. They ask now for \$175,000 to enlarge the plant to make it a war-capacity plant. The Navy Department asks for the navy plant \$250,000, to raise that up to a war-capacity plant—all to relieve from high prices and meet emergencies. There was a board of army officers, whose report I find here in this House document of 1906 composed of Majorfind here in this House document of 1906, composed of Major-General Story, Brigadier-General Crozier, Brigadier-General Mackenzie, and others which, in concluding its recommendation about preparations for war, say:

The present capacity of the plant would not be sufficient in time of war.

That was in 1906 or 1907, and General Crozier stated the same thing in substance to the Senate committee. He also came last year and asked the Appropriations Committee for \$175,000 to bring the war plant up to a war basis. He comes this year and asks the committee to give him \$175,000 to bring it up to a war standard. He states that the recommendations of the war board are that we must have a large amount of "reserve powder," a reserve for war and not for peace, and that it will take some six or seven years to get that amount of war powder, and possibly longer. Hence he asks for the capacity of the powder plants to be enlarged. Gentlemen, you have either got to drive the Government of the United States into making all of its powder at its government powder plants or you have got to do something with this smokeless-powder patent, because the other powder manufacturers say that they can not bid because they have no patent, it being owned by the powder trust.

Now, then, Mr. Chairman, what is the powder trust? I propose to say what I have to say, not simply because I do not agree with the manner in which the politics of that concern are run. Not a bit; I have no malice in the matter whatever. am working for the benefit of my country, and when I think I can not in good faith do that I will not only close my mouth, but I shall beat a retreat. What does General Crozier say? He says that-

There is no competition between these four companies. They all supply powder at the same price. There has been no competition between them for a couple of years at least.

That was in 1906 or 1907.

That is, you advertise for bids and all the bids are alike?

Senator Allison asked General Crozier that question and he replied "Yes." Then Senator Allison says, "At the same price?" And General Crozier answered "Yes." Further along General Crozier says that the navy has a powder manufactory at Indianhead, down the Potomac River about 22 miles, but that the army

Now, Mr. Chairman, we have built the army factory. We have just got it to work. It was ordered built in 1906—a little slow. It takes "seven months after powder is made before you

can use it," says General Crozier. Here is the war board and here is General Crozier and his aids calling for an increase in the actual output of powder, and they are calling for an increased capacity at our plants, and yet they are required to make the powder by those patents in the Navy Department, and not in the War Department, and no outsider can bid. Perhaps the Du Pont powder concern permits them to use their patent at the war plant because they get the bids; they furnish our powder, save what we make. It is very difficult to find out how much powder we use. I believe I will ask the gentleman from Iowa who is in charge of this bill how much powder the

Mr. HULL of Iowa. I can tell the gentleman when I get the hearings how much we appropriate for. I can not give the gentleman what is used in the Artillery Corps, which is in another bill. I think there are about 3,500,000 pounds of powder used,

but I may be entirely mistaken on that.

Mr. GAINES of Tennessee. I have industriously sought to find out.

Mr. HULL of Iowa. I will give the gentleman that information when we reach that point of the bill.

Mr. GAINES of Tennessee. Here is what General Crozier

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REEDER. Mr. Chairman, I desire to occupy the time allotted to me in discussing a matter which I regard as of very much importance to the Nation, and a matter that I do not believe is receiving deserved attention at the hands of this House. My connection with irrigation has brought to my attention the subject which I propose to discuss this afternoon, and I have been working incessantly upon the same since the passage of the national irrigation law in 1902. I realize we will probably not be able to pass a bill this Congress that will enact the desired regulation into a law. I had counted that public opinion and the innate rightness of the proposition had convinced the Members of the House so that if the matter I am going to speak of was brought before them we would have no difficulty in presenting it to the House nor in obtaining the votes necessary to secure its passage, but I find that the Members have so many things they are interested in personally, and that there are so many other matters which the House must take care of at once that they do not have time to give attention to matters which are not pressing for immediate consideration.

This, without doubt, is the reason the matter has not impressed itself upon the minds of the Members of the House as The point I have been trying to make is to save the funds that were so generously granted by Congress for the purpose of making homes from our desert lands in the West, and to retain the rough portion of the timber lands of the Nation for perpetual use in the growth of forests. these two very important objects in view, important because they lie right at and form a part of the foundation of our future welfare and greatness as a nation, and because the effects will reach so far into the future, I introduced a bill soon after the passage of the national irrigation law, which was referred to the Committee on Irrigation, and the reference changed the next morning to another committee, where it yet sleeps the sleep of the just. Again I introduced the bill at the opening of the Sixtieth Congress, when it was again referred to the Committee on Irrigation, considered and reported by this committee to the House, and it is now on the calendar. I am not saying that under the circumstances it should be considered.

But, owing to the fact that many of the Members have not given the subject sufficient consideration to regard it as important, and others fear it can not receive proper consideration with so many other matters which must be looked after, leaves little hope that it can reasonably receive attention at this session. This does not, however, detract from the importance of the subject, but rather furnishes an additional reason that the subject should be speedily and thoroughly agitated. Matters of minor importance sometimes demand immediate attention, while matters of vastly greater importance, the effects of which will be felt only in the future, are often temporarily set aside.

Some Members of the House who know well in regard to the matter I desire to have considered have constituents who are interested in seeing that a law such as I have been proposing be not adopted. These constituents are personally interested, and I am not blaming them for their interest, nor do I blame the Members for catering to some extent to the wishes of such

constituents. I may add that in almost every section the public conscience to an extent is made up and governed by the interests of that particular section. In fact, I have heard it stated there is in the West such a thing as what we may call "public-land conscience." I have lived in the West for a great many I have lived in the West for a great many years and I am inclined to think that such a conscience is prevalent there. I am also convinced that those persons who have taken or desire to take advantage of the laws in regard to timber on the public domain in the West are not so different from the rest of us as one might imagine, and I cite you to my friend, the Senator from South Carolina, and to myself, for I am perfectly free to say that if I were in the timber section of the West and could acquire a quarter section of that timber land for \$400, which could be sold for \$4,000 to \$6,000, I would secure it.

So I insist I am not laying any particular blame in the matter to anyone. There is no question but what if I could have presented this bill to the House and had the support of those who have no interest except the good of all for the future, it would have received favorable consideration and have become a law by a large majority. Then the question arises, if I have been working on this matter for four or five years, why should not I have publicly called the attention of the House to it before? I answer this by saying I have felt sure that public opinion in the United States upon the question was such that everybody was convinced of the advisability of this legislation. Almost every great gathering of people in the United States in different conventions for the past four or five years, and especially the great manufacturers' association that has met in Washington once or twice recently, have emphatically indorsed the proposition, as have nearly all the other great organizations in their conventions, and I am surprised, especially when considering what my friend from New York [Mr. Perkins] has said this afternoon in favor of this proposition, that the impression is not strong enough in the House to bring it before the House, as well as to carry it through. The most fatal mistake that has been made by nations in ages past has been the improper distribution of land. Nations have tottered and fallen because of this improper distribution of their lands. I am not sure but that the land policy, which has been in vogue so long that we scarcely ques-

tion it, is fundamentally wrong.

That is property in land or property in the soil. This may be fundamentally wrong. The sustenance of all must come from this soil, and I am very doubtful whether there should be laws which will permit a monopoly of that which God has given us and made necessary to the sustenance of every human being. I believe England's greatest weakness to-day is her land distri-The fall of Rome was largely due to the same cause. But when nations fall, whatever may be the cause, people can still utilize the soil. This is not true, however, when the forests are destroyed. Then come desolation and depopulation. Smiling plenty becomes a desert. The gentleman from New York [Mr. Perkins], while speaking this afternoon, referred to forest destruction in different parts of the world and stated that for this reason these countries had actually become uninhabit-There is no question but that when forests are destroyed the soil is washed from the hillsides and the country becomes uninhabitable. I cite you to Palestine and Manchuria. churia lies near one of the most densely populated parts of the world; and yet it has become practically uninhabited, because they have destroyed their forests. We are showing a great deal of ability in this Nation of ours to improve the great opportunities that we enjoy. I do not think that any people on earth at any time in the past has had such an opportunity to build a great nation, and we are showing our ability to utilize these opportunities by early realizing our necessity for frugality in their use-as we have.

I wish now to advert for a few moments to the Forest Service of our country. There is a complaint in the western section of this country to-day that the Forest Service is infringing on the rights of the people. This is not true. Our Forest Service is one of those beneficent moves which show our ability to look forward before we have largely destroyed our opportunity for effectual work in caring for our forests as have other nations in their treatment of forest problems.

For instance, our sister Republic, France, noted for the frugality and foresight of her citizens, did neglect this important matter so long that now she is endeavoring to repair the waste by the use of \$40,000,000 directly from her treasury to stop the soil waste occasioned by just such a cutting of the forest as we have had under our timber and stone law, lieu-land scrip, and so forth.

They are even using cement on their hillsides in places to prevent further erosion of the soil.

Yet some of our wise legislators say that reckless cutting of the timber, with careless strewing of the ground with limbs

and refuse, which causes fires to destroy all young trees and other forest cover, does not accelerate soil washing from the

I purpose trying to show you that the Forest Service is treating the people of the West with absolute fairness. I believe I will first cite you to the report of the Chief Forester to show that this is true.

This report shows that citizens, schools, and churches in the neighborhood of a forest reserve are permitted to have whatever timber they may need for their own use, and in 1908 30,714 private permits were granted for 131,582,000 feet of boards, valued at \$168,720. The increase in these privileges, as the people come to understand them, is shown by comparison with the year 1907, when only 63,000,000 feet of lumber, valued at \$75, 000, was given away to people within the neighborhood of the

The same classes of people—that is, settlers living on or adjacent to the reserves, prospectors, campers, and travelers—are allowed free grazing for 10 head of milch cows or the same number of horses or other work animals, and those who purchase timber are given the same privilege for the horses needed in their work. In Arizona and New Mexico 30 goats may be grazed free upon the public domain by any family.

The total receipts from timber sales each year have been, as

follows: 1905, \$60,136.62; 1906, \$245,013.49; 1907, \$668,813.12;

1908, \$849,027.24.

In making timber sales the Forest Service seeks small in preference to large sales, and aims to safeguard a supply for future needs rather than to swell the immediate receipts. it desired, the present receipts from timber sales could be quickly doubled. During the year it was found necessary in the interest of a continued supply to restrict the sales on many forests. Nevertheless, use of the national forests as a source of timber supply was more general than ever before.

In classifying sales as large or small a sale means, of course, the total amount of timber disposed of under a single contract, not the amount covered by each cash payment made under the

terms of a contract.

The minimum price set has often been higher than the prevailing local price of stumpage. In fixing this minimum price the Forest Service has had in view the following principles:

(1) The Government must not take advantage of local needs

to exact a monopoly price.

(2) The Government must act as a trustee in the interest of the public to prevent undue depletion of a necessity of life which

can not be replenished without long delay.

(3) A reasonable price for national forest stumpage must be fixed primarily in the light of general conditions, but with due allowance for local factors. The national forests exist not for the sake of revenue to the Government, but for the sake of the welfare of the public. The timber-sale business is managed to give stability to industry and promote the upbuilding of the country.

Care is also taken to protect the public from monopoly prices which purchasers of national forest timber in large quantities might be in position to charge. The fullest possible competition is secured through the advertisement of sales, but the Forest Service reserves and liberally exercises the right to refuse sales to would-be purchasers when the interest of the consumer of lumber will be better served by such action. Sales of more than \$500 worth of lumber may be awarded to two or more bidders if this will tend to prevent monopoly, and several were so

divided during the past year.

To avoid overcutting, the approximate annual yield of each forest has been computed. Sales are regulated in the light of this yearly increment and prospective local needs. Where the stand is limited and the local demand for domestic and noncommercial purposes is great, no sales are made; the timber is reserved for free use. Where the supply of timber is more plentiful, but needed for the support of local industries or the development of near-by communities, an amount not to exceed the annual yield of the forest may be sold. On forests where the annual yield allows a sufficient surplus over the amount needed locally, sales are made to supply the general market, in order that the removal of mature, defective, and dying or dead trees may open room for a new and more vigorous growth.

In the administration of our forests, as compared with the forests of the world, we are expending at present 11 cents an acre for the protection and care of our forests. ceiving from our forests about 1 cent an acre per annum. I wish to compare these receipts and expenditures with those of our sister Republic, Switzerland, a country which is giving the best care, I believe, of any nation in the world to its forests. Switzerland is spending about \$4 an acre for the care of her forests each year, and is selling about \$9 worth of products

therefrom. That is \$5 per acre of clear gain annually, and these forests are growing upon rough mountain land, such as this bill would retain to our Government. If we did as well with our forests we could thus clear enough to pay the expenses of this great Government of ours without even selling a postage stamp collecting any tariff. But to secure this \$9 Swiss expend annually \$4 per acre where we are laying out 11 cents per acre annually. Their property is improved. not expect to get from wild lands the profit which a highly improved forest will give. But we will work along and will some time come to this point ourselves, without doubt.

Mr. HARDWICK. Mr. Chairman, I find the gentleman very much in favor of the present foresty policy of the Government. I would like to inquire if the gentleman would also be in favor of extending the Forestry Service throughout the country?

Mr. REEDER. Yes, sir; and I propose discussing the subject my friend, Mr. HARDWICK, is interested in, the White Mountain and Appalachian forest reserves, later.

Mr. HARDWICK. I will be very glad to have the gentleman

Mr. REEDER, Mr. Chairman, I am taking this opportunity to call the attention of the House to a bill for securing a fair value for timber sold from the public domain, and, as I have said before, I am not especially faulting anyone because of the probability that the matter will not come before Congress for consideration at this term. I introduced a bill of this kind six years ago, and I have been doing my best to get it reported from a committee since. Probably the difficulty is that not enough has been done toward creating a public sentiment here in the House in favor of such legislation. I have now succeeded, however, in getting it reported from the Committee on Irrigation, and while I do not now hope to see it come before the House for consideration this session, because of the impossibility of considering bills now that will require time for extended discussion and also get through routine business that must be given attention before March 4, yet I hope to see such a bill become a law while it will save of the government domain a few million acres of rough lands for future forest growth. The object of the bill is to repeal the timber and stone act, and yet do nothing that will encroach on the rights of another important committee of this House, the Committee on Public Lands; so we provide that we may sell the timber in the States covered by the law of 1902 only where it is within the public domain and is worth more than \$2.50 an acre, and at an appraised value, hoping thus to get something near its value, and we base our rights to consider it on the fact that the money received from this sale of timber goes into the irrigation fund by a law already on our statute books.

The fact is, if such a bill had become a law when the national irrigation law passed in 1902 the national irrigation fund would be vastly increased, and such increase would not have cost the Government a cent. It would simply have been a saving from the sale of timber. In addition to this, a most important thing would have occurred, and that is, that the rough lands, and all the lands in fact, would remain in the hands of the Government. And between the time that that bill was first introducd, six years ago, and now, we would have about seven or eight million acres of land yet in the possession of the United States which is now in the hands of speculators. They did not want the land. They did not buy the timber to get the land. They bought it to get the lumber. They have getten the timber and probably have largely disposed of it. If we could have that six or seven millions of acres, we would have given to homesteaders all that is suitable for cultivation and retained that which is too rough to cultivate to grow timber on continuously, and thus augment future timber supplies, hold back floods, preserve water power, and conserve water for irrigation at no cost, but at an actual profit to the Government. And I desire to say to those people who are interested in the Appalachian and White Mountain forest reserves, you can readily see what position we will be placed in in the future if for lack of public ownership, which we can now retain at a profit, the destruction in the western country occurs as the private ownership of the Appalachian and White Mountain forests is causing that section now in damaging your water powers and the navigation of your rivers. And it will then, as now, be exceedingly difficult to get money from the Public Treasury to buy that land which we ought now to retain.

Mr. STEENERSON. Will the gentleman yield for an inter-

ruption?

Mr. REEDER. Yes, sir.

Mr. STEENERSON. Under your bill you provide for the disposal of the timber on the public lands in the State of Minnesota, as well as in the irrigation States, do you not?

Mr. REEDER. Yes, sir.

Mr. STEENERSON. Then, the bill proceeds to turn the proceeds of the timber on the public lands of Minnesota into the irrigation fund, whereas the State is not included in the irriga-

Mr. REEDER. I will say to the gentleman from Minnesota that this provision was simply an oversight. It was not the intention to have it apply to the State of Minnesota or any other, except the States included in the law of 1902, but we it does, and if the bill comes up for consideration, we would have accepted an amendment suggested ourselves to cover that point.

If this bill could have been passed six years ago, it would have saved \$100,000,000 to this irrigation fund by this time. The irrigation fund is now about \$42,000,000. It is said that

the man who succeeds in making two blades of grass grow where one grew before is a public benefactor.

I wish to say that with this \$42,000,000 the Reclamation Service are making from seven to ten homes for families every day-that is, every time the sun goes down we have from seven to ten homes, each of which will support a family, where there was practically not a blade of grass growing before, and homes under the very best conditions possible for developing good citizenship. At the time we were trying to have this fund created some Eastern and Middle State Members talked about the worthlessness of this land, and again the same suggestions were made when we were talking of bringing in Arizona and New Mexico as one State; some spoke of the land in Arizona and New Mexico as absolutely worthless. The facts are that out in that western country, say in the Yakima country in Washington, or in the Grand Junction country in Colorado, or in the country about Phoenix, Ariz., land sells for as high as \$2,000 an acre, and will pay a profit on account of what it will produce from the soil. There is probably no land in Illinois or in Iowa or in New York that will produce a reasonable profit on over \$200 an acre from crops raised thereon, except some garden patches near cities. So that in actual fact the production of crops on western land is often several times more valuable than the most fertile eastern land, and yet some eastern people talk about it being perfectly worthless.

Mr. LEVER. Will the gentleman permit me to interrupt

Mr. REEDER. Certainly.

Mr. LEVER. \$42,000,000? As I understand, the irrigation fund is

Mr. REEDER. Yes, sir. Mr. LEVER. Under the operation of your bill you would

increase it up to \$100,000,000?

Mr. REEDER. I was speaking of what we might have had in the fund if we had repealed the timber and stone act in 1902 on the passage of the national irrigation law and sold the timber at a fair valuation. Besides, we would have in the possession of the Government some twelve to twenty million acres of land for home and for future timber growth.

Mr. LEVER. But what I desire to ask you is to what extent you expect to increase this fund by the operation of your bill?

Mr. REEDER. We will increase it just as much as possible, but the increase will not be very large. The reason is this: The hearings on this bill before the Committee on Irrigation last year brought out the fact that land which in some cases contains over 50,000 feet, board measure, to an acre-and that same timber is now selling at \$4.50 a thousand in some cases, or for something over \$200 an acre-was being sold under the timber and stone law at \$2.50 per acre. And it was also developed at those hearings that the law did not so provide, but it was merely a ruling of the department. The law does provide that \$2.50 shall be the minimum price, and the department was holding that \$2.50 was the maximum price until last year, was nothing that \$2.50 was an when these hearings developed what the law really is, and now it will sell the timber at the appraised value or for now it will sell the timber at the appraised pretty near the price under the law as it is that it would bring if this bill became a law; and if the Land Department had so construed the law for the past six or eight years much the same saving would have been had as under this bill had it become a law. The only great advantage in passing this bill now would be the retention of the land for settlers or for future forest growth.

Mr. LEVER. I had in mind this idea: We are now spending \$42,000,000 a year in irrigation, which goes to that work of irrigation. Now, there are some 80,000,000 acres of land in this country susceptible of drainage, which will give 20,000,000 homes, and I was in hopes that your plan was to increase this fund so that it could be used in those States needing drainage, as well as in the States where it is to be applied for irrigation. I would be just as interested in making homes out of swamp lands as out of desert lands. Homes owned by the families who

occupy them and get their sustenance therefrom are the greatest bulwark a nation can have.

If we can pass a law that will not take a cent from the Treasury, except such amounts as present laws provide may go into the pockets of speculators, and from such savings make homes for 20 families a day-500 such homes each monthwhere families are extraordinarily sure of a sustenance for their toil, and where few are likely to become abnormally rich, we have built one tower of great strength to our Nation.

Few realize that with, say, 60,000,000 acres of desert that can be reclaimed, and 60,000,000 more acres of swamps that can be drained, we can continue to make these 20 homes each day for at least two hundred and fifty years and for at least 40,000,000 citizens. I regard this as just a little more important than a few battle ships or a slight change in tariff schedules.

Mr. MANN. Will the gentleman allow me to ask him a

question?

Mr. REEDER. I yield to the gentleman from Chicago.

Mr. MANN. I have not heard all the gentleman has said, but if he reaches the point in the bill where he discusses the authority to sell in large quantities, half at the time and half in three years, I would like at that point to ask him a few

Mr. REEDER. I will come to that very soon. My friend, the genial Member from Illinois, whom I regard and have often said was a public benefactor in the number of bad bills he prevents passing this House, is among the Members who think the provisions of this bill would not produce the very best results possible in the way of selling the timber for what it is worth, or for as much as the present law as it is now construed would sell it, and hence much of my difficulty in getting a consideration of the bill. I think they are mistaken, and as this is the very question my friend desires to talk about, I believe I will discuss it right now. As I said, I think they are mistaken, and for this reason: If a man wants to buy 160 acres of land, nine times out of ten he is purchasing it for speculation. He does not want the land or the timber, and he could not use either, probably. Under the present regulations the department has the value of the timber on the land appraised. The individual will not purchase it because this makes the price too near its value.

Mr. PARSONS. When you say "purchase," are you alluding

to the purchase from the Government?

Mr. REEDER. Yes, sir. The individual will not purchase this land from the Government because there is no speculation in such purchase, and it leaves it so that there is no competition with the lumber companies that desire to buy the timber on the land, and the lumber companies can not afford to buy it in such small quantities because they can not handle it thus. Thus there is not an opportunity to sell the timber for as good a price as there would be under the provisions of this bill, in my judgment.

I have said, however, that it will make no great difference in the price received for this timber, but the difference, if any, under the new ruling as to such sales would be in favor of sales under the bill I have presented and for above reasons. Larger amounts would be sold, and mill owners could thus secure enough timber to warrant them putting in a mill to cut it. The bill also provides that small buyers shall have preference in such sales.

By selling in the larger amounts, these lumber companies could afford to buy and probably would buy for nearer what If they buy timber under the provisions of the timber is worth. the bill, they leave the land in the hands of the Government, and with proper care trees will continue to grow on the land, and it seems to me clearly a good deal better disposition to make of the land than to put it in the hands of the people who do not care anything about it. The difference is about this: Under the present law the Government loses the land.

The timber is cut without restriction, the brush is scattered about, and soon fires destroy the brush together with all the new forest growth, and the fires often spread over large sections of live timber. Then comes soil erosion, lower lands are destroyed with the wash, water power lessened in value, and navigation at least much depreciated-all of which would be exactly the opposite under the bill I would press for consideration. So it seems to me it is a much better arrangement than the present timber and stone law. I have admitted it does not make any very great difference in the price the timber will bring, but I believe the difference in favor of this bill is well worth our consideration. Does the gentleman wish to ask any questions?

Mr. MANN. I should like to ask this question: What part

of the bill is it that gives preference to these small buyers? Mr. REEDER. It is in the bill. I have not the bill before

me, but it is there.

Mr. MANN. I have the bill right before me, and I am not able to find anything that gives any preference to the man who wants to buy a hundred acres over the man who wants to buy

Mr. REEDER. To buy the timber you mean?

Mr. MANN. Yes.

Mr. REEDER. I do not know how quickly I can find the provision, but it is in the bill.

Mr. MANN. If the gentleman says it is in the bill, it means that the gentleman wants it there; and if it is not there, it is very easy to put it there.

Mr. REEDER. It is in the bill now.

Mr. MANN. Now, as I understand the bill, and I have read it very carefully-I am only asking the gentleman a questionit authorizes any person to make application to the Interior Department to have certain pieces of timber land sold under rules and regulations, in large or small quantities?

Mr. REEDER. That is right as to the timber on the land. But sales are to be at the discretion of the Secretary of the Interior and under rules and regulations laid down by him.

Mr. MANN. Then it is advertised for sale for eight weeks only, giving the person or company making the application a decided priority. Now, does the gentleman think that more or less timber would be sold to large companies under a bill such as he proposes, authorizing large areas of timber lands to be sold to one person, or under the existing law authorizing only 160 acres to be sold to one person?

Mr. REEDER. In the first place, there is a distinction here The laws as they are authorize the sale of the land. This bill does not authorize the sale of the land at all; so the gentleman is entirely mistaken, because there is no desire to sell any of

Mr. MANN. I am talking about the timber.

Mr. REEDER. You said land. Mr. MANN. Timber land.

Mr. REEDER. You said land.
Mr. MANN. If I said land, I will change it. I mean timber. The gentleman's argument in his exhaustive report, which I have read with pleasure and care, is wholly based upon the proposition of saving the timber to the country.

Mr. REEDER. The gentleman is mistaken again. The purpose is to sell the timber as soon as needed and use the pro-

ceeds in building homes.

Mr. MANN. Is the gentleman more likely to save the timber in small quantities rather than in large quantities, and if his bill passes, would not all the timber be in the hands of large

companies in a few years?

Mr. REEDER. The gentleman is mistaken again. The purpose of the report and the bill is not to save the timber. The purpose is to sell the timber for something near its value; if men want to cut the timber and dispose of it, we are willing they should do so, but we desire to retain the land for continued growth of timber and get the money out of the tim-ber for the irrigation fund. Instead of getting \$2.50 an acre, the price that we were getting when this bill was reported, we desire to get the value out of the timber. We do not wish or expect to save the timber; we want to save the land for continued growth of timber and for homes for the people where it is fit for cultivation.

Mr. KEIFER. Will the gentleman yield for a question? Mr. REEDER. Certainly.

Mr. KEIFER. What kind or species or variety of timber grows upon this land?

Mr. REEDER. Largely pine. Mr. KEIFER. Is the land good for cultivation after the timber is removed?

Mr. MANN. Oh, this applies to all public land in the United States; all varieties of timber, of course, grow upon it.

KEIFER. But the gentleman from Kansas is now speaking of a particular region, I think.

Mr. MANN. He can not say that one kind of timber grows upon all the land covered by the arid States.

Mr. REEDER. Well, largely pine. Let me say further—Mr. KEIFER. I would like to have the gentleman state if the soil is good for anything for cultivation after the timber has been taken off.

Mr. REEDER. I have spoken about that; but I will say again that some of the soil is much better than the soil in the State of Ohio, and in some sections sells for \$2,000 per acre because of its capability in the production of crops.

Mr. HULL of Iowa. Two thousand dollars an acre!

Mr. REEDER. Yes, sir; I am referring to the Yakima coun-

try in Washington, and other sections of the Great American

Mr. KEIFER. Washington; the gentleman does not mean timber land?

Mr. MANN. No; he means land with large apple orchards on it, producing great quantities of fruit.

Mr. REEDER. I admit it will not sell for this price growing sagebrush.

Mr. HULL of Iowa. Does the gentleman mean to say that the land without anything on it is worth \$2,000 an acre?

Mr. REEDER. Without anything but growing crops some of this land sells for \$2,000 an acre; say when it is planted to orchards, or hops, or other crops.

Mr. HULL of Iowa. And there must be improvements on

it, too.

Mr. REEDER. No improvements except growing crops.
Mr. KEIFER. Is any of it "pine land," as the quality is generally designated?

Mr. REEDER. Some of the valleys are covered with heavy timber, say, 50,000 feet board measure and over per acre, and when the timber is removed it will make fine farming land. Does not the gentleman from Washington say so [referring to

Mr. HUMPHREY of Washington. Yes.

Mr. REEDER. I wish to go a little further with this statement. I want to bring this matter up because I believe for lack of information, largely on account of the great amount of important business the Members who run this Congress have on their hands, we are failing to do our duty in retaining these lands for the benefit of future generations in the growth of timber thereon. I believe we are making a mistake. If we could pass this bill, we would save six or seven million acres of rough land and twelve or fourteen million acres of land which would make homes for people because it would be valuable for cultivation. If we could have passed this law six years ago, at the time we passed the national irrigation law, we would have saved at least \$100,000,000 to the irrigation fund, and where we are now making 6 to 10 homes for families each day we would be making 20 homes each day where there was no home before. By the way, this is one very good way for us to find a market for our manufactures. No foreign market will ever equal a home market, if the consumers own their own homes and make a good living from the soil.

I wish to say to the people who favor drainage that there is as much land in the United States proper to be drained as to be irrigated, and probably more. We are making a mistake if we do not proceed to drain these lands. I have been in favor of letting the gentlemen who are in favor of draining share onequarter of the fund that would be saved, and I do not understand how anybody could be against the proposition if we can save the money to use on the draining of the land and the irrigation of the land and not go into the Treasury for it. A home for a family on good land looks good to me, whether of desert or swamp land. One real objection to government drainage is that most of the swamp land is in private ownership, and those who would utilize it must pay a bonus to some speculator, but in a very few years any young couple who would own a home in this Nation must first contribute a considerable sum to some speculator, owing to a custom so old we do not dare to question it, which is probably fundamentally wrong-that is, property in the soil.

Mr LEVER. Will the gentleman yield for a question?

Mr. LEVER. Would the gentleman be in favor of dividing the present irrigation fund between drainage and irrigation?

Mr. REEDER. I would not.

I would be in favor of dividing what we could save by means of the new method of disposing of the timber on the public domain with the drainage fund, as a home made on swamp land is as much of a benefit to our Nation as a home made for a family on desert land.

Mr. LEVER. Why not divide the present fund?

Mr. REEDER. We have it already in use and projects now commenced that will cost, when completed, \$89,000,000, and it would be a great mistake now to stop this improvement.

Mr. MANN. Will the gentleman yield?

Mr. REEDER. Yes, sir.

Mr. MANN. The gentleman refers to saving the fund?

Mr. REEDER. Saving the money.

Mr. MANN. Well, I suppose the gentleman means by that that we would get a higher price for the timber that is sold? Mr. REEDER. That is right. Mr. MANN. Is it not the fact that this timber is to-day be-

ing sold at its full market value when sold at all?

Mr. REEDER. I have said once or twice that I do not think it would make as much difference now as it would at any time

before this bill was reported, owing to a change in the application of the law as it is, but there is a great advantage in this bill in that it saves this land for the Nation instead of giving it away to people who do not want it, which would be followed by the West coming to Congress and asking an appropriation to buy it in the future to grow forests. The plan adopted in this bill would without doubt sell the timber for a higher price

than the present law, but not to any great extent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes more to the gentleman from Kansas.

Mr. REEDER. Mr. Chairman, I will ask gentlemen not to interrupt me further, as I have but five minutes to close. The public do not need any further discussion of this subject. They are generally convinced that the thing to do is to repeal the timber and stone law. That has been indicated, as I have said, by the great gatherings of different associations in their conventions for the past few years. Every great gathering of people, without an exception, which has expressed an opinion on the subject of our timber and stone law for the past five years have passed strong resolutions urging or demanding its repeal. Why do we not heed these demands? The purpose of this bill is to repeal the timber and stone law, and not infringe on the rights of another committee of this House.

The Appalachian and White Mountains people are urging us to appropriate \$10,000,000 to purchase about a million acres of land on these mountains. They have come to the place where theories do not convince. They know that the soil on their hillsides is being washed away, and that they are losing their water powers, and that navigation is becoming impossible where the same was of much value when their stream flow was more regular and sediment did not clog the channels of their rivers. Would we not do well to heed the warning of this condition? And now, when we can in a few hours pass legislation that will save three to five times as much rough land as they will now have to pay at least \$7,000,000 to \$10,000,000 to secure, especially when by the same enactment we can retain a like amount or more that can be utilized for homes for our citizens.

There is no more important question before this House or before this Nation than to now save the rough land yet in the public domain, and so care for it that it will continue to grow timber perpetually. This will not be done in private ownership. [Applause.]

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. Mann].

Mr. MANN. Mr. Chairman, while I would like to discuss the bill introduced and referred to by the gentleman from Kansas [Mr. Reeder], that is not my intention at the present time. I have introduced into the House two or three bills in regard to interstate and foreign commerce in habit-forming and poisonous drugs. Many Members of the House have asked me in reference to one or two of these bills recently, owing to correspondence from their constituents, and the bill that is the special object of reference is House bill 21982. I rise now simply for the purpose of asking unanimous consent to insert into the RECORD a criticism of that bill by Doctor Johnson, of this city, which criticism I sent to Doctor Wiley, in order that he might make a more careful answer so far as the chemical propositions were concerned, and I wish to insert his answer in the RECORD in connection with the criticism of Doctor Johnson.

The CHAIRMAN. Is there objection?

There was no objection.

The papers referred to are as follows:

Office of H. L. E. Johnson, M. D., Washington, D. C., December 14, 1908.

Hon. J. R. Mann, Committee on Interstate and Foreign Commerce

Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

Dear Sir: I respectfully request that your honorable committee report adversely on H. R. bill 21982, Sixtieth Congress, first session, entitled:
"A bill relating to the transportation of habit-forming and poisonous drugs in interstate and foreign commerce, and for other purposes."
In support of my request, I submit the following reasons and explanations:
Section 1. Section 1. provides that the commerce of the commer

planations:

Section 1. Section 1 provides that it shall be unlawful for any person, firm, or corporation to send, carry, ship, or bring into any State, Territory, or the District of Columbia by freight, express, mail, or otherwise from any other State, Territory, or the District of Columbia, or from any foreign country directly to a consumer, or to sell, or furnish, or give away, or have in his or her possession certain drugs or any derivative or preparation or compound of the same, except on the original written prescription or order of a legally authorized practitioner of medicine * * * which prescription shall be dated and shall contain the name of the person for whom prescribed. Such written prescription or order shall be kept on file for not less than three years by the person or corporation compounding the same. Shall not be again compounded or dispensed except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. It also provides for inspection of these prescriptions at all

times by any federal or state official designated by the Secretary of combination, which may be ordered in a physician's prescription.

Section I prevents a regular registered, civil, or millitary physician from having in his possession certain drugs necessary and essential to suffering by requiring him to write a prescription and have it compounded in each case before such medicines shall be administered to the patient. He can not have in his possession morphine tables for the compounded in each case before such medicines shall be administered to the patient. He can not have in his possession morphine tables for the compounded in each case before such medicines shall be administered to the patient. He can not have in his possession morphine and write incuments of the control of the control

court.

Section 2 is inconsistent with and annuls the physician's written prescription and the quantity clause of section 1 for certain identical drugs, to wit: In section 1 chloral hydrate, morphine, opium, scopolamine, their derivatives and preparations, can be transported, sold, etc., and held in possession only on physician's written prescription, with limitation on the quantity ordered. In section 2 the same drugs—chloral hydrate, morphine, opium, scopolamine, their derivatives and preparations—can be transported, sold, etc., and held in possession in unlimited quantity by complying with the poison-label clause, independently of the physician's written prescription and quantity-limit requirement of section 1.

Section 1 does not require the above-named drugs, their derivatives and compounds in prescriptions to be labeled "poison;" section 2 is mandatory as to the poison label and makes no exception or exemption to these drugs when compounded in a physician's prescription. The penalty clause for violations applies equally to both sections, notwithstanding their positive inconsistency. An invalid leaving this District for a health resort (say, at the ocean), taking with him to use en route a prescription compounded in conformity with section 1, but containing any drug restricted by section 2, or an invalid entering this Distirct with the same compounded prescription, though it was compounded in a State having no such statute requirement, would violate this law and, if detected by an inspector of the Department of Agriculture, both would be subject to arrest, trial, fine or imprisonment, or both, if the poison label was not affixed to the box, bottle, or other container. The following substances, compounds, preparations, or their derivatives are enumerated in section 2 and can not be transported, received for shipment, sold, or given away unless they conform with the poison-label clause, viz:

ment, sold, or given away unless they conform with the poison-label clause, viz:

The caustic hydroxides of ammonium, potassium, and sodium; the concentrated mineral acids; the essential oils of bitter almonds, pennyroyal, rue, and savin; wood alcohol and yellow phosphorus or any preparation or compound containing the same; the salts and derivatives of antimony, arsenic, barium, chromium, copper, gold, lead, mercury (excepting calomel), silver, and zinc, or any preparation or compound containing the same; the following-named substances and their derivatives or any compound or preparation containing the same, namely, acetanilide, acetphenetidine, aconite, antipyrine, belladonna, cannabis indica, cantharides, carbolic acid, chloral hydrate, chloroform, coculus indicus, codeine, colchicum, cotton root, creosote, croton oil, damiana, diacetyl morphine, digitalis, ergot, formaldehyde, hydrocyanic acid, hyoscine, hyoscyamus, ignatia, laudanum, lobelia, morphine, nux vomica, opium, oxalic acid, paragoric, Paris green, phenacetine, physostigma, phytolacca, pyramadon, scopola, stramonium, stropanthus, strychnine, sulphonal, tansy, trional, veronal, veratrun viride, or any other virulent poison.

The bringing into or carrying from the District of Columbia or any other Territory or State simple substances which are in common use and necessary in the arts, trades, or households, and many regular pharmaceutical preparations and physicians' prescriptions, put up in convenient form by reputable drug houses for the convenience of the physician and the public, if not labeled poison with skull, crossbones, etc., would be in violation of section 2 of this act and subject the person to a fine or imprisonment or both.

The following simple things in everyday use are either compounds, preparations, or derivatives of substances restricted in this bill by section 2 and must, under penalty of fine and imprisonment, be labeled poison with skull and crossbones, viz:

Made from caustic hydravides of ammoniam.—Ammonia liniment. Aromatic sp

throat. Chiloride of ammonia, for telephone and telegraph electric batteries.

Made from caustic potassium and sodium.—Common washing soap. Soft soap. Soap liniment. Soap plasters. Compound cathartic pills and asafetida pills contain soap.

Made from concentrated mineral acids.—Acid mixture, used by tinners for soldering roofs. Aromatic sulphuric acid. Most of the sulphates, nitrates, and muriates of metals, used in the arts.

Essential oils.—One of which, the oil of pennyroyal, used to drive off mosquitoes and the treatment for relief of mosquito bites.

Phosphorus.—Common blue-head matches.

Containing salts of antimony.—Sirup of squills, Brown Mixture, Brown Cough Tablets, and cough mixtures containing the above.

Containing assentic.—Some natural mineral waters. Oild-fashioned fly paper, and in the manufacture of other papers.

Containing barium.—Dipilatories, for removing superfluous hair.

Containing chromium.—Tanning mixtures for hides and leathers.

Mixed paints. Electric-battery solutions. Solution for setting colors of fabrics.

Containing copper.—Mixed paints. Solution for electric batteries for railroad-signal relays, medical and scientific batteries.

Containing gold.—Gold paint and compounds, for decorating glass,

Containing gold.—Gold paint and compounds, for decorating glass, china, etc.

Containing lead.—A base for most mixed paints, for wagons, houses, etc. Adhesive plasters. Common and family liniments, or household liniments, for man and beast.

Containing mercury.—Plasters and continents. Antiseptic scaps, for surgeons' use. Dog scaps. Fireworks. Bisulphide mercury, for pocket betterles.

batteries.

Containing silver.—Indelible ink. Films for kodaks. Dyes.

Containing zinc.—Zinc olntment. Adhesive plaster.

Containing acetanilide.—Migrane tablets.

Containing belladonna.—Olntments for piles. Belladonna plasters.

An ingredient in most laxative pills.

Containing cantharides.—Hair tonics. Fly blisters.

Containing chloral hydrate.—Physicians' prescriptions. Solutions for preserving pathological specimens.

Containing coloroform.—Liniments in common use for man and beast.

Containing colorie.—Physicians' prescriptions. Many pharmaceutical preparations.

Containing colchicum.—Physicians' prescriptions. Most common gout remedies.

containing colonicum.—Flysicians prescriptions. Most common gout remedies.

Containing hyoscyamus.—Ointments for piles. Laxative pills.

Containing nux vomica.—Laxative pills.

Containing phenacetin.—Many standard pharmaceutical preparations.

Containing stramonium.—Ointments for piles.

The principal effect of this bill, if enacted, will be the embarrassment of the legally registered physicians and surgeons in the lawful practice of their profession. The universal or indiscriminate use of a poison label will defeat the protective purpose of the law proposed.

The following criticism is made by a prominent member of the bar practicing before the supreme court of the District of Columbia and the Supreme Court of the United States:

"Memorandum. H. R. bill 21982, relating to the transportation of habit-forming and poisonous drugs in interstate and foreign commerce, etc.

habit-forming and poisonous drags in interstate and foreign connecte, etc.

"The first section of this bill prohibits the transportation by any method into any State or Territory or this District of certain enumerated drugs or of any derivative or preparation thereof or the possession of such by anyone within the Territories or this District, 'Except upon the original prescription or written order of a legally authorized practitioner of medicine, dentistry, or veterinary medicine.' It also prescribes the maximum amount of these drugs which one prescription

may contain, and that the name of the person who is to use the medicine shall be written on the prescription.

"No renewal of such medicine or compound shall be furnished to any person except upon a new written order of the original prescriber.

"The articles which, together with their derivatives and all preparations containing them, are embraced in this section are:

"Chloral hydrate; cocaine; cucaine (alpha and beta); hyoscine; more and the probabits and the probabits are probabits selling, furnishing, or giving away of any such specified articles, their derivatives, or any preparations containing any of them. If enacted into law, the following will be some of the consequences of this act:

"I. The maximum cose or quantity for either external or internal states are all the probabits and the probabits of the consequences of this act:

"I. The maximum cose or quantity for either external or internal states are all the probabits of the probabit

[Extract from the Medical Journal of the Medical Society of the District of Columbia, Vol. VII, No. 5, p. 392, November, 1908.]

The following bill (House bill No. 21892) was introduced into the House of Representatives May 12, 1908, and referred to the Committee on Interstate and Foreign Commerce. It is claimed by some that the first section of the bill would prevent physicians dealing directly with pharmaceutical houses outside the District of Columbia; that a physician who dispenses more or less of the products of such houses would be compelled to buy from jobbers and retail druggists in the District, and then only on a prescription; that if he should want to give a hypodermic injection of morphine at midnight to some suffering patient he would have to write a prescription for the same and wait till the druggist filled it. It is thought best, therefore, to print the bill in full for the information of the members of the Medical Society.

Respectfully,

H. L. E. JOHNSON.

United States Department of Agriculture, Bureau of Chemistry, Washington, D. C., January 7, 1909.

Washington, D. C., January 7, 1909.

House of Representatives, Washington, D. C.

Dear Sir: Your favor of December 19, together with criticisms of H. R. 21982 by Dr. R. L. E. Johnson of this city, at hand, and in reply desire to state that we have conversed with several of the parties who brought the original bill to my attention, and they are of the opinion that the criticisms of Doctor Johnson are mostly without foundation in that they are either criticisms of the present District law, or involve points not within the purview of the bill. The bill embodies

those features of the District law which deal with habit-forming and poisonous drugs, being modified for interstate commerce, extended to cover several additional pernicious drugs, and restricting the amounts that a single prescription may call for. The District law, considered one of the best on the subject, was passed by Congress at the request of the various branches of the medical and pharmaceutical professions of the District. The law received the full sanction of the medical fraternity, and therefore criticism involving this law by Doctor Johnson is unwarranted, and comes with ill grace from one who poses as a public reformer. The bill deals only with agents to be used for medicinal purposes, and not commodities intended for technical, battery, and similar purposes. At least 90 per cent of the doctor's criticisms are either indirect criticisms of the District law, or cover subjects not within the purvlew of the bill. For your information a few of them will be briefly considered:

Phosphorous matches, arsenical fly paper, tanning material, battery supplies, mordants, fireworks, kodak films, dyes, paints, acids used by tinners for soldering purposes, chloral hydrate for preserving pathological specimens, etc., are not drugs within the meaning of the bill.

Neither the doctor or his patient is prohibited from carrying medicines from one State to another, as can readily be seen from inclosed Food Inspection Decision No. 57.

Nothing in the law could be construed to interfere in any manner with physicians dispensing their own medicines.

Telephoning prescriptions is not only a hazardous business, but would permit habitués ordering any amount of cocaine, morphine, etc., in the name of some physician. The druggist could not recognize the fraud over the phone.

I fail to find either conflict or inconsistency between sections 1 and 2—the one simply supplements the other.

over the phone.

I fail to find either conflict or inconsistency between sections 1 and 2—the one simply supplements the other.

Probably 75 per cent of the States have laws requiring the filing and official inspection of prescriptions calling for habit-forming drugs. This, in my opinion, is the least that should be required for controlling the evil of drug addition. Remove this restriction, and the curse is reampart.

The bill requires the attachment of poison labels to the caustic hydroxides and concentrated mineral acids and not to preparations in the manufacture of which they or their salts are used.

manufacture of which they or their salts are used.

In my opinion, every mother in the land should be advised against the use of laudanum, with or without "sweet oil," in the treatment of earache. The oil and water are either absorbed or dissipated, leaving residual matter, forming an excellent nidus for bacterial growth and thus aggravating conditions. I do not recall a single toothache remedy which contains any of the prescribed drugs, and if there is such a remedy, its use is absolutely uncalled for, because there are plenty of efficient remedies that can be used which are free from habit-forming events.

agents.

Cough mixtures containing cocaine, morphine, opium, codeine, heroine, chloral hydrate, etc., singly or combined, can not in any sense of the word be considered harmless. I have before me one of these cough remedies containing 110 grains of chloral hydrate to the ounce, sent into the home without restriction, containing no warning whatever, either by dosage or otherwise, relative to its dangerous character. It is to be used for croup, whooping cough, etc. A single teaspoonful would land a child in eternity. The promiscuous, indiscriminate use of cough sirups containing the drugs named in the bill is liable to form a pernicious, life-wrecking habit.

The above. I think, are sufficient to indicate the character of certain criticisms offered by the doctor.

I shall now turn to several points which, in my opinion, deserve careful attention:

careful attention : careful attention:

-The doctor claims that the present bill permits druggists purchasing these products unrestricted, which is correct. I believe that the law to be finally enacted should require that every druggist, wholesaler, manufacturer, or otherwise, should keep a complete record of all purchases and sales of certain habit-forming drugs. This excellent feature now constitutes a part of the laws of New York and New

Jersey.

It is claimed that the prescribed limitation relative to the amount of drugs that may be called for by a single prescription is too restricted in the case of chloral hydrate, and an attorney makes the criticism that the amounts would not permit the physician sufficient range to enable him to give proper dosage. There is no objection whatever to thereasing the amount of chloral hydrate to 1 ounce, but the claim that there is not enough material permitted to give sufficient dosage to patients is incorrect, because there is enough material provided in each case, with the exception of chloral hydrate, to kill a score or more of men.

The doctor claims that the law could could be sufficient to the sum of the sum of the could be sufficient to the sum of the sum of

more of men.

The doctor claims that the law could easily be circumvented by giving numerous prescriptions calling for given drugs. While this is torrect, it also places on record the transactions of the physicians, and thus enables the authorities to investigate the final use to which these drugs may be put. In this respect I believe that the Gallinger bill (S. 4892) contains an important nucleus. I believe the Government will be called upon sooner or later to supervise the manufacture, distribution, and final consumption of the drugs forming pernicious habits, with a view to decreasing the present illegal consumption. It is estimated that at least one-half of the cocaine, opium, morphine, etc., at present used in the United States is used for improper purposes. There is now a movement on foot to place a prohibitory importation duty on cocaine and its derivatives, and at the same time impose an internal-revenue tax to cover the expense of supervising the sale and distribution of cocaine and its derivatives.

The poison-schedule list is virtually the same as that in the District law, excepting that there have been added to this list opium, morphine, cocaine, heroine, chloral hydrate, codeine, acetanliide, antipyrine, and phenacetine.

phenacetine.

There is no question in my mind but that all of these should be included. Some objections may be raised relative to acetanilide, antipyrine, and phenacetine, but we have in our possession positive proof that these drugs, their mixtures, or combinations have caused at least 1,666 cases of poisoning, 55 deaths, and 169 habitual users, a record which certainly renders these products eligible to membership in the poison schedule.

Attention should also be directed to the control of the certain of the control of the certain of the

poison schedule.

Attention should also be directed to the fact that many of the poisonous agents are put up in the form of sugar-coated pills and are sent throughout the United States by mail and otherwise to various consumers without any information whatever relative to their dangerous character, and parents not being warned in any manner relative to their poisonous nature are probably not as careful as they otherwise would be. The attractive sugar-coated pills and tablets appeal to the child

who, from their taste, believes them to be candy, cat same, and a life is sacrificed.

Last, but not least, I desire to say a word relative to abortifacient drugs and agents intended to bring about abortion. We have now in the bureau at least 100 different brands of these products, and it is certainly little enough to ask that the public be informed relative to their dangerous character by the simple application of a poison label. In my opinion, such products should be absolutely prohibited from sale except by direct advice of physicians.

There is at present an imperative need of a federal law regulating interstate shipments of certain pernicious habit-forming drugs, for the purpose of assisting state officials and others in their efforts to diminish crime, depravity, debauchery, and general wrecking of life among certain classes.

Respectfully,

H. W. Wilex, Chief.

United States Department of Agriculture, Bureau of Chemistry.

FOOD INSPECTION DECISIONS 54-59.

54. Declaration of the quantity or proportion of alcohol present in drug products. 55. Method of stating quantity or proportion of preparations (containing opium, morphine, etc.) used in manufacturing other preparations. 56. Names to be employed in declaring the amount of the ingredients as required by the law. 57. Physicians' prescriptions: The status of packages compounded according to physicians' prescriptions and entering into interstate commerce. 58. The labeling of products used as food and drugs as well as for technical and other purposes. 59. National Formulary appendix.

(F. I. D. 54.)

DECLARATION OF THE QUANTITY OR PROPORTION OF ALCOHOL PRESENT IN DRUG PRODUCTS.

DECLARATION OF THE QUANTITY OR PROPORTION OF ALCOHOL PRESENT IN DRUG PRODUCTS.

The question of stating the percentage of alcohol present in drug products has caused a multitude of inquiries. The following questions along this line serve as examples:

"Is it necessary to give the amount of alcohol present in U. S. Pharmacopoeial or National Formulary products? It seems to me that such a requirement is absurd, and not contemplated within the spirit of the act. None of them are patent medicines. Will I be compelled to tell how much alcohol is present in such goods?

"If we apply for and obtain a serial number, must we in addition to putting this number on our labels state the per cent of alcohol?

"Will it be necessary to give the per cent of alcohol present in such products as ether, chloroform, collodion, spirit of nitrous ether, and similar preparations?"

The law is specific on the subject of declaring the amount of alcohol present in medicinal agents, as can readily be seen from the following language: "An article shall also be deemed misbranded * * * if the package fall to bear a statement on the label of the quantity or proportion of any alcohol * * contained therein." No medicinal preparations are exempt, whether they are made according to formulae given in the United States Pharmacopæia or National Formulary or formulæ taken from any other source. The serial number, with or without the guarantee legend, does not exempt a preparation from this requirement. The law does not make any statement as to the amount of alcohol that may or may not be employed. It requires, however, that whatever amount be present shall be set forth on the label. The percentage of alcohol given on the label should be the percentage of absolute alcohol by volume contained in the finished product. The manner in which it should be printed is shown in F. I. D. 52.

JAMES WILSON, Secretary of Agriculture.

WASHINGTON, D. C., March 13, 1907.

WASHINGTON, D. C., March 13, 1907.

(F. I. D. 55.)

METHOD OF STATING QUANTITY OR PROPORTION OF PREPARATIONS (CONTAINING OPIUM, MORPHINE, ETC.) USED IN MANUFACTURING OTHER PREPARATIONS.

TAINING OFIUM, MORPHINE, ETC.) USED IN MANUFACTURING OTHER PREPARATIONS.

Many inquiries are received as to the method of stating the quantity or proportion of preparations (containing opium, morphine, etc.) used in the manufacture of other preparations. Of these the following are typical:

"If the label on the bottle were to bear the words 'Tincture of Opium,' I reason that as this is a definite preparation, constituting a preparation of opium, and so definite as to its composition that to any intelligent person it expresses definitely all that it is desirable to express, the use of this title alone should be sufficient. I feel that as a preparation it is distinct from opium, and if this particular tincture is used in the manufacture of a preparation the mention of it alone should be sufficient."

"Where extract or tincture of cannabis indica, or extract of opium, is employed in making other drug products, would it not be complying with the law if the use of such articles be clearly indicated on the label, as prescribed by the law, or is it necessary to give the actual amounts of the drugs themselves represented by these preparations?"

Names of drug products bearing any of the names of the ingredients enumerated in the act are construed as representing "preparations" within the meaning of the act; and if the same are clearly declared upon the label, as required by regulations 17 and 30, it will not be necessary to give the actual amount of the primary drugs used or represented by such article. It is desirable, however, that the word or words used in the law shall constitute the first part of the name of the product. For example: "Opium, Tincture of;" "Cannabis Indica, Extract of," followed by the amount of tincture or extract used.

JAMES WILSON, Secretary of Agriculture.

Secretary of Agriculture.

WASHINGTON, D. C., March 13, 1907.

(F. I. D. 56.)

NAMES TO BE EMPLOYED IN DECLARING THE AMOUNT OF THE INGREDIENTS AS REQUIRED BY THE LAW.

Many inquiries are coming to this department relative to the names that may be employed in declaring the quantity or proportion of the ingredients as required by Congress.

The following are representative:

"The word 'alcohol' has received so much unfavorable notoriety during the last few years that we hesitate to place it upon our labels. Could we not employ some other words in place of it, such as 'cologne spirits,' 'spirits of wine,' 'pure grain alcohol,' etc.?

"Would it be satisfactory for us to use 'Phenylacetamide,' or the following formula, CoHoNH(CHoCO), for the chemical acetanilide?
"One of our preparations contains trichlorethidene ethyl alcoholate, which would undoubtedly under the law be considered a derivative of chloral hydrate. Will it be satisfactory for us to use this name on our trade packages in giving the amount of this chemical present in the product?
"In the manufacture of some of our products we use opium. It

chloral hydrate. Will it be satisfactory for us to use this name on our trade packages in giving the amount of this chemical present in the product?

"In the manufacture of some of our products we use opium. It would, however, be a financial loss to state this fact on the label. Could we not say this preparation contains 20 grains of the concentrated extract of Papaver somniferum to the fluid ounce?

"Dover's powder is mentioned in the regulations as one of the preparations of opium. It would seem at first glance that Dover's powder as a preparation, if mentioned on the label, would be all that could be required as to opium."

One of the objects of the law is to inform the consumer of the presence of certain drugs in medicines, and the above terms do not give the average person any idea as to the presence or absence of such drugs. In enumerating the ingredients, the quantity or proportion of which is required to be given upon the principal label of any medicinal preparation in which such ingredients may be present, the act uses only common names, and the permission to use any but such common names for any ingredients required to be declared upon the label is neither expressed nor implied in any part of the law.

The term used for acetanilide is "acetanilide" and not phenylacetamide. No reference is made to the use of the chemical formula in designating the presence of chemicals. The words "chloral hydrate" appear in the act, but not the chemical name trichorethidene glycol. It can readily be seen that if the act were not closely adhered to in this connection there would soon be such a confusion and multiplicity of names and phrases that one of the objects of the act would be defeated.

The names to be employed in stating the quantity or proportion of the ingredients required by the act to appear on the label of all medicinal preparations containing same are—

First. Those used in the law for the articles enumerated; example, "alcohol," not "spiritus rectificatus."

Second. In the case of derivatives: (a) The na

stitute the first portion of the name of the first portion of the name of the first portion of the name of the first powder, etc.) of preparations containing an ingredient enumerated in the law, provided such name or names are accompanied in parentheses by some such phrase as "preparation of opium" or "opium preparation," followed by the number of minims or grains, as specified in the regulations; for instance, "laudanum (preparation of opium), 40 minims per ounce."

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., March 13, 1907.

(F. I. D. 57.) Physicians' Prescriptions.

THE STATUS OF PACKAGES COMPOUNDED ACCORDING TO PHYSICIANS' PRESCRIPTIONS AND ENTERING INTO INTERSTATE COMMERCE.

Physicians' Prescriptions.

The Status of Packages compounded according to Physicians' prescriptions and entering into interestate commerce.

Packages resulting from the compounding of physicians' prescriptions under the food and drugs act are the subject of many queries, of which the following are representative:

"If a druggist compounds a physician's prescription and sends it into an adjoining State, will it be necessary to state upon the label the amount of alcohol, morphine, etc., that may be present?

"Supposing a regularly licensed practicing physician has patients located in various States of the Union and supplies medicines to them through the malls, by express, and otherwise, do such packages come under the provisions of the law; and, if so, can the required information be given in pen and ink on the, label?

"We treat drug addictions on a very gradual tonic treatment reduction plan. For instance, if John Doe writes for information as to the home treatment for his addiction, I send him a symptom blank which contains, among other questions, an inquiry as to the kind of drug he uses, how he uses it, the length of time he has used it, etc. In addition to giving me a complete history of his case, he states he is using 10 grains of sulph, of morphine (each twenty-four hours), hypodermically or internally, as the case may be. In prescribing in his case I immediately put him on just one-half of the amount he reports as his daily allowance, combining same with a bitter tonic.

"It is necessary for the reduction in drug cases to be made without the patient's knowledge. It is, of course, understood by all physicians that you can not trust a drug habitué to properly make his own reducing his daily allowance of oplates he would imagine the reduction too rapid, he would get frightened, and would take to his former drug for relief. Treatment prepared in this way I do not think would come under the head of a proprietary preparation or a patent medicine, as I prescribe the contents of each bottle to meet the requirem

Commerce.

The package may be marked so as to comply with the act by either stamp, pen and ink, or typewriter, provided all such written matter is

distinctly legible and on the principal label, as prescribed in Regulation 17.

JAMES WILSON, Secretary of Agriculture.

WASHINGTON, D. C., March 13, 1907.

(F. I. D. 58.)

THE LABELING OF PRODUCTS USED AS FOODS AND DRUGS, AS WELL AS FOR TECHNICAL AND OTHER PURPOSES.

Frequent requests for information relative to the proper labeling of products bearing the names of foods and drugs, but used also for technical and other purposes, are received. The following are typical:

"We will kindly ask you to advise us in regard to the new law that governs the line of oils. We manufacture a compound product, so-called 'turpentine,' which contains pure turpentine and a very fine petroleum product. It is used in most branches where pure turpentine is used, with the exception of medicinal purposes, for which we do not sell it.

"We understand that if we were to sell any cotton-seed oil so branded as to indicate that it was intended to be used as a food, as, for example, under the brand 'Blank Salad Oil,' it would be necessary to observe the requirements of the law referred to; but we are in doubt and would be glad to have your opinion as to whether a sale or shipment of this oil (for lubricating purposes) under the ordinary trade brand of cotton-seed oil, and without anything to indicate that it was of a quality suitable for use as a salad oil, would subject us to the provisions of the act."

During personal interviews the question of marking chemical reagents has also been discussed.

Products used in the arts and for technical purposes are not subject

During personal interviews the question of marking chemical reagents has also been discussed.

Products used in the arts and for technical purposes are not subject to the food and drugs act. It is, however, a well-recognized fact that many articles are used indiscriminately for food, medicinal, and technical purposes. It is also well known that some products employed for technical purposes are adulterated or misbranded within the meaning of this act. Inasmuch as it is impossible to follow such products into consumption in order to determine to what use they are finally put, it is desirable that an article sold under a name commonly applied to such article for food, drug, and technical purposes be so labeled as to avoid possible mistakes. The ordinary name of a pure and normal product, whether sold for food, drug, technical, or other purposes, is all that is necessary. Pure cotton-seed oil or turpentine may be sold without any restrictions whatever, whether such article is sold for food, medicinal, or technical purposes, but it is suggested that a cotton-seed oil intended for lubricating purposes, or a so-called "turpentine" consisting of a mixture of turpentine and petroleum oils, used by the paint trade, be plainly marked so as to indicate that they are not to be employed for food or medicinal purposes. Such phrases as the following may be used: "Not for food purposes," "Not for medicinal use," or for "Technical purposes only," or "For lubricating purposes," etc.

In order to avoid complication it is suggested that chemical reagents sold as such be marked with such phrases as the following: "For analytical purposes," or "Chemical reagent," etc.

JAMES WILSON.

Secretary of Agriculture.

Washington, D. C., March 13, 1997.

WASHINGTON, D. C., March 13, 1907.

(F. I. D. 59.)

NATIONAL FORMULARY APPENDIX.

The National Formulary is one of the standards recognized under the law. The question has been asked a number of times whether the appendix of this authority would be construed as part and parcel of the book itself. On page IV of the preface it is distinctly stated that the formulæ collected in the appendix of the National Formulary are "no longer designated as 'N. F.' preparations." This shows that these formulæ are not integral parts of the book under the law, which covers only those products of the National Formulary recognized as such by this authority. By this it is understood that if a drug product is sold under a name contained in the appendix of the National Formulary it will not be necessary for such product either to conform to the standard indicated by the formula or to declare upon the label its own standard strength, quality, and purity if a different formula is employed in its manufacture. Such articles are, however, subject to the law in every other respect, as is the case of other medicinal products not recognized by the United States Pharmacopæia or National Formulary.

James Wilson

JAMES WILSON, Secretary of Agriculture.

WASHINGTON, D. C., March 13, 1907.

LIST OF FOOD-INSPECTION DECISIONS.

- F. I. D. 1-39 practically concern imported foods only and were not issued under the food and drugs act, June 30, 1906.

 440. Filing guaranty.

 411. Approval of labels.

 422. Mixing flours.

 433. Relabeling of goods on hand.

 444. Scope and purpose of food-inspection decisions.

 445. Blended whiskies.

 466. as amended. Fictitious firm names.

 477. Flavoring extracts.

 488. Substances used in the preparation of foods.

 499. Time required to reach decisions on different problems connected with the food and drugs act, June 30, 1906.

 490. Initiation coffee.

 501. Coloring of butter and cheese.

 502. Form of label.

 503. Formula on the label of drugs.

 504. Declaration of the quantity or proportion of alcohol present in drug products.

 505. Method of stating quantity or proportion of preparations (containing opium, morphine, etc.) used in manufacturing other preparations.

 506. Names to be employed in declaring the amount of the ingredients as required by the law.

 507. Physicians' prescriptions: The status of packages compounded according to physicians' prescriptions and entering into interstate commerce.

 508. The labeling of products used as food and drugs as well as for technical and other purposcs.

 509. National Formulary Appendix.

United States Department of Agriculture, Bureau of Chemistry, Washington, D. C., January 14, 1909.

Hon. James R. Mann, House of Representatives.

DEAR SIR: Replying to your favor of January 12, I am returning herewith Doctor Johnson's criticisms, and I beg to state that I have no objection to having our letter published with his criticisms in the Congressional Record.

Respectfully,

H. W. Wiley, Chief.

Respectfully,

Mr. HULL of Iowa. Mr. Chairman, a question may come up to-morrow, and I hope will, dealing with the question of aeronautics in connection with war. I know that in the minds of a great many people it seems absurd that a ship in the air can be of any service to the country, and possibly they are right. But the chance of such people being right is much less now than a few years ago. I am not prepared to say positively whether that will be a valuable adjunct to our military force, but I am not prepared to say it will not be the most valuable one of all modern inventions. I can remember in my lifetime—while it has been reasonably long it is not as long as I hope it will be been been reasonably long it is not as long as I hope it will be before I am through with it-

Mr. TOWNSEND. I share the hope.

Mr. HULL of Iowa. That we made a great deal of a jest of the first telephone. It seemed perfectly absurd that people would seat themselves in houses a block apart and talk with each other, and yet to-day we notice we can talk from New York to Chicago. When the first proposed electric telegraph was presented in this House to come from Baltimore to Washington a majority of the Members in the beginning believed it was simply an absurdity to appropriate any money for that purpose. When wireless telegraphy was first given the world very few believed it possible to send messages through the air, We are and yet within a week we have seen its great value. now advancing in all lines of invention so rapidly, both for peace and war, that it seems to me that the Congress of this Nation is not justified in ignoring any proposed advancements,

Nation is not justified in ignoring any proposed advancements, no matter in what line they may be.

I want to insert in the Record, and discuss this matter more fully to-morrow, what other nations are doing. We find that in Russia more than \$1,000,000 is appropriated this year for aeronautical experiments. Germany subscribed, in addition to what the Government gave, more than \$1,000,000 by citizens of the German Empire. This Nation alone of all the nations, if this Congress refuses to make an appropriation for this line of investigation, will refuse to do anything to promote this new line of aerial navigation. You can not, gentlemen, fight an airship with anything except another airship. If it is possible to develop them to the point that they can be made effective, the nation that controls the air will be more formidable than the nation that controls the fortifications on the land; and for that reason, whether anything shall come of it or not in the future, I hold it is the duty of this Congress to make such appropriations for investigation that will keep us abreast of the other nations of the earth in these experimentations.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman, the chairman of the committee, if it is not true that there has already been brought to the attention of at least the members of the committee that has to deal with military affairs the fact that already aerial navigation has been developed to that extent that as a source of information it is of practical

and extreme value to any army?

Mr. HULL of Iowa. There is no doubt about that. I could make these extracts longer, but I do not want to encumber the Record. I only desire to get in enough to insure the reading of it; but, as my colleague says, it has been developed until it is absolutely certain the dirigible balloon is a possibility, if not an accomplished fact.

Mr. SLAYDEN. It is a fact now.

Mr. HULL of Iowa. It is a fact now; and not only that, Mr. Chairman, it is in the estimates, and I hold that the Committee on Military Affairs has absolute jurisdiction over it. But you may have to pass on the question to-morrow. It pertains to work of the line of the army and not the coast defense in any regard as a separate proposition. I desire to present this question to the House to-morrow, and I have alluded to it now so that we may know what I desire the House to-morrow to consider; and I now ask unanimous consent to insert in the RECORD this information as to what other nations are doing.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to insert in the Record certain information. Is there objection? [After a pause.] The Chair hears none.

The extracts are as follows:

Résumé of status of military aeronautics, January, 1909.

Our military attaché at St. Petersburg reports under date of December 15, 1908, that the Russian Government has allotted the sum of \$1,083,750 for dirigible balloons for the year 1909. The war depart-

ment has placed an order for one dirigible balloon of the Republique type to cost 300,000 francs, which will be completed in June, 1909. There are 79 officers and 3,255 enlisted men in the balloon corps of Russia.

FRANCE.

The French army has in actual service three large dirigible balloons. The latest type is the Republique, completed in 1908. The Liberté is to be delivered during the current year, and is to be stationed at Befort. The French army has 24 officers and 432 enlisted men organized into an aeronautical battalion, exclusively employed in aeronautical

After the destruction of the Zeppelin No. 4 on August 5, 1908, popular subscriptions throughout Germany donated a million dollars for an aeronautical plant and air ships in Germany. The German army now has four dirigible air ships in actual operation. The cost of the Zeppelin type air ships is about \$112.000 each. The cost of the smaller type of air ship is about \$60,000 in Europe, and the import duty to this country is about 45 per cent. Six more Zeppelin air ships are to be constructed this year. Twenty officers and 465 enlisted men make up the balloon battallon of the German army.

The treaty of The Hague conference relative to dropping explosives from air ships was not signed by any first-class European or Asiatic power.

from air ships was not signed by any first-class European or Asiatic power.

It has never been the policy for the United States to maintain a large military force, but it has been the policy to furnish the American army with the latest and best types of war material as fast as they are developed, namely, the best guns, ammunition, and equipment of all kinds. It is agreed by all military authorities that the only way of effectively opposing military air ships is by means of air ships. It is not considered possible to protect against air ships by stationary guns from the earth. This new weapon of war is now a part of the military establishment of the principal European powers, against which this country has no means of protecting itself either at home or in case of operations abroad. It is entirely practicable to-day, with a single dirigible balloon of the type of the new La Republique of the French army, to destroy by means of explosives, and particularly incendiary mixtures, the shipping of any of our large seacoast cities, as well as property of enormous value, against which this Government has no means to protect itself.

Military authorities summarize the applications of air ships to warfare as follows:

a. To gain information in peace time respecting harbors, fortifications, etc.

b. Patrols and frontier guards

a. To gain information in peace time respecting harbors, fortifications, etc.
b. Patrols and frontier guards.
c. For reconnoissance and photographic work.
d. Dispatch work.
e. Checking an enemy's reconnoissance on land or sea.
f. Signaling and wireless-telegraph stations.
g. Directing artillery fire and drawing enemy's fire.
h. Destroying the enemy's aerial fleet.
f. Attacking an enemy's base line, destroying stores, etc.
j. Destroying rallways and other communications.
k. Raiding the capital of the enemy's country.
l. Making night or surprise attacks on field forces, using explosives or incendiary mixtures.
m. Raiding harbors and naval bases.
n. Carrying out over-sea raids.
o. Locating and capturing or destroying submarines.
p. Locating mines.
q. Following up a victory by land or sea and completing the route.

EXTRACT FROM REPORT OF THE MILITARY ATTACHÉ OF THE UNITED STATES AT ST. PETERSBURG, RUSSIA.

EXTRACT FROM REPORT OF THE MILITARY ATTACHÉ OF THE UNITED STATES AT ST. PETERSBURG, RUSSIA.

The first dirigible balloon built in Russia was tried last September. It is a small balloon, built on the model furnished by Captain Shapski, Russian army, after the La Patrie type. Captain Shapski received as a reward for the model from the war department 8,000 rubles. The balloon was built at the Aeronautic Park of the Government. The motor power was 16 horsepower, 2 motors. On the trial it ascended to a height of 460 meters, attaining a speed of 6 meters per second with the wind. It successfully described circles when going against the wind. Its cost was \$100,250, of which \$43,000 was for the engines.

A larger balloon of this model will be built in Russia of Russian material. Specifications for balloon: Length, 61 meters; diameter 11 meters; gas capacity, 4,000 cubic meters; carrying capacity, 2,644 pounds. One motor of 90 horsepower.

The war department has also given an order for the construction of a dirigible balloon to the firm of Lebaudy, of Paris, of the Republique type, to cost 300,000 francs. It is to be ready by the end of June, 1909. Its size is to be about 3,500 cubic meters, and it will have 2 motors of 80 horsepower each.

The war department has allotted \$25,000 for experiments with heavierthan-air machines, and has granted \$2,500 to the Aero Club, of Odessa, on condition that any property of the club will be placed at the disposal of the Government in time of war.

The war department has also made the large grant of \$1,083,750 for dirigible balloons during the year 1909.

EXTRACTS FROM REPORT OF THE MILITARY ATTACHÉ OF THE UNITED STATES AT BERLIN, GERMANY.

The entire country has shown its Interest in the matter by the subscriptions that poured in when the Zeppelin balloon was accidentally destroyed. The Crown Prince has made at least two ascensions in the Zeppelin balloon and one or more in the Gross military balloon, and the King of Wurtemberg has shown his interest on several occasions and also made ascents. The Emperor himself has also encouraged Von Zeppelin by visits and decorations, as well as by donations to the fund, and he has also several times inspected the Gross military balloon as well as the Von Parseval balloon. All these incidents indicate the nation's interest and pride in its balloons.

THE VON ZEPPELIN AIRSHIP.

Zeppelin did not believe in first building a small model and trying to learn from that how to construct a real, full-sized airship, but proceeded at once to the latter. His experiments have been expensive, but

as far as they went they have also been final, and it is a remarkable fact that, with all his accidents, through eight years of trials, there has been no loss of life involved.

The radius of action is about 1,426 miles, which makes it possible to travel from Lake Constance to Konigsberg, on the Baltic, and back again. The new balloon was fitted out with a searchlight for traveling at night, and also with both sending and receiving stations for wireless telegraphy. The cost was about \$100,000.

The cubic contents of the balloon are about 13,000 cubic meters (460,000 cubic feet), and when fully loaded for a thirty-hour trip it can still carry 4,620 pounds ballast.

The compartment system of ships has been adopted for the balloon, and the gas is taken up by 19 separate spherical balloons inside. This prevents a single bullet from bringing down the balloon.

July 3, 1908. The series of trials to test the new airship with its third filling of gas ended in a short trial, with the King and Queen of Wurttemberg as passengers. The King alone went up first.

At 3.30 p. m. the balloon left the hall and circulated over the palace of Friedrichshafen, and at 4.04 landed again on the lake, near the balloon hall. The King went ashore and the Queen took his place aboard. After a short tour over the palace the balloon landed again at 4.40 near the balloon hall and the Queen went ashore. The air ship started out a third time, and at 5 made another landing, but went up again for a short time, stopping finally at 6.35 on account of an approaching thunderstorm.

The Emperor of Germany sent the count a congratulatory telegram. July 7, 1908. Count Zeppelin reported to the Imperial Government that the new balloon had been taken to the balloon hall recently acquired by the Government.

July 13, 1908. The trial trip of the Von Zeppelin balloon for its official acceptance by the Government had been postponed for about a week on account of bad weather, but on this day the weather looked promising for an ascent on the morrow, and all preparations were made.

An accident, however, prevented the balloon from getting off. The new tugboat did not work well, and the wind, suddenly veering about at the same time that the towboat ported, sent the balloon against the balloon hall.

A hole was made in the balloon envelope by a loosened plank. The other compartments were uninjured, but it would probably take two or three weeks to repair the damage.

It is assumed, however, that immediately after the trial trip the air ships Nos. 3 and 4 will be turned over to the Government, while Count Zeppelin will retain No. 5, now building. Six new ones after the model of No. 5 are to be ordered.

All Germany had been greatly elated by the success of Count Zeppelin in going as far as Metz, so that when the catastrophe was announced the reaction was very great. Soon, however, the people, after expressing their sympathy, began sending in subscriptions from all over Germany, and in a few days a million or more marks had been subscribed, and the rebuilding of the old balloon, as well as the construction of an entirely new one, was at once begun.

CONCLUDING REMARKS.

The Zeppelin air ship, as is thus seen, has practically proven its efficiency on innumerable occasions, and must be regarded as a success and reckoned with in future as an engine of war.

Whatever may be the success of the flying machine, or of the smaller dirigibles, the air ship will have a strategic value in a campaign that can not be estimated at present, but which will certainly be very great.

SUPPLEMENTARY NOTES ON ZEPPELIN AIR SHIP.

November 19, 1908. The competitive plans for the new balloon hall for two Zeppelin air ships were submitted this day. Over 70 plans were submitted.

November 24, 1908. The jury of award (Professor Müeller, of Berlin; Professors Dietz and Ebert, of Munich) gave the first prize for the design for the new hall to the Brückenbauanstalt (Brüge-building Company), Flender, in Beurath, near Düsseldorf; the second to Guto-Hoffnungshütte, in Oberhausen on the Rhine; the third to Vereinigten Maschinenfabriken, Augsburg-Nurnberg.

Another 100,000 marks was paid over to Count Zeppelin out of the government fund.

December 1, 1908. The payment of the 1,500,000 marks for Zeppelin I was completed to-day.

Zeppelin III will not be begun until one of the two halls now occupied by I and II, respectively, become available.

This completes the history of the Zeppelin air ship to date.

THE MILITARY BALLOON OF MAJOR GROSS.

The new balloon is 216.5 feet long and has a diameter of 36 feet. The entire envelope is mounted on a frame of steel tubing and rests in a long trough-shaped aluminum plate, to which it is tied and screwed. The frame is entirely covered with balloon stuff, so that it is not exposed to view.

The gondola, which is 16 feet long and 6 feet wide, is also made of steel tubes and is connected with the keel of the balloon by means of a frame resting on ball bearings.

There are two 75-horsepower Coerting motors in the gondola. Each motor drives a propeller with three aluminum screws. The screws are run by ropes. The propellers are over the gondola close under the balloon, to the keel of which they are fastened.

In long trips only one motor is to be used.

August 20, 1908. In the morning at 7 o'clock the military balloon (in company with the Parseval balloon) maneuvered for one and one-half hours over Berlin. The wind blew about 8 meters a second from east-northeast. Both balloons sailed over Jungfernheide, along the Spandau canal, then turned around the victory column, flew over the

Tiergarten to the Brandenburger Thor, and along the Linden to the palace. After maneuvering there for a quarter of an hour, they returned to Tegel and effected an easy landing.

At 10.45 a. m. the military balloon again rose and passed over Reinickendorf, Wittenau, and Weidmannslust to Hubertustock and Werbellinsee, about 32 miles north of Berlin, returning at 3 p. m.

August 22, 1908. At 9 a. m. General v. Moltke, chief of the general staff, made an ascent in the military balloon, maneuvering for three-fourths of an hour in a strong wind (about 25 miles an hour). It was landed with difficulty.

August 21, 1908. The military balloon was inspected by the crown prince and princess. At 5.30 p. m. the balloon made a brief ascent and landed easily again.

The crown prince then at 7 p. m. made an ascent, remaining up and maneuvering about for half an hour or more at a height of 1,000 feet. August 27, 1908. The military balloon, after a rest of nearly a week, again began its ascents. At 11.25 a. m., with the wind blowing about 5 meters a second, it rose and sailed against the wind over Charlottenburg and Spandau to Potsdam, where it arrived at 1 p. m. There it went several times around the marble palace; then returned to Jungfernheide, landing in Tegel at 2 p. m.

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Sentember 11, 1908. The Gross military balloon started on a love.

September 11, 1908. The Gross military balloon started on a long night trip at 10.30 p. m. At 6.50 a. m. Stendal was reached. At 8.10 a. m. the balloon passed over Magdeburg, where, at a height of only about 500 feet, it performed a number of evolutions.

From Magdeburg the balloon returned to Tebel over Stendal and Rathenow, arriving at 11.31 a. m., maneuvering at a height of 1,600 feet for some time and landing at 12 m.

September 12. The balloon was, therefore, over thirteen hours in the air, thus breaking the world's record.

The balloon was in perfect condition and needed only a supply of benzine.

The wind during the night blew very strong, about 10 meters a second. At times the balloon went as high as 3,900 feet. The distance covered was about 175 miles.

On the way to Magdeburg both motors had to be used; on the way back only one was necessary. It took both motors nine and one-half hours to go to Magdeburg, whereas one motor brought the balloon back in three and one-half hours.

The ballast used during the journey amounted to 33 pounds, and the benzine and oil supply was sufficient for four hours more.

The radius of action is therefore about seventeen or eighteen hours.

November 7, 1908. The military balloon made another ascent with 8 persons in the gondola. The wind was blowing from the northeast about 7 meters per second.

THE VON PARSEVAL BALLOON.

The trials of the von Parseval dirigible balloon were continued throughout the year.

August 20, 1908. The Parseval balloon, at 7.15 a.m., made an ascent and trial of one and one-half hours, in company with the Gross military balloon.

The duke went in the military balloon on this day. Both balloons went over Berlin and back to Tegel.

August 22, 1908. The Parseval balloon made an ascent in company with the military balloon, in spite of the threatening weather and strong wind.

The military balloon got back safely to its hall, but the Parseval balloon was not so successful. While working at full speed of the motors, at a height of 1,600 feet, a plate of the cooling apparatus broke, and to prevent overheating the number of revolutions had to be lowered, but this also diminished the speed of the balloon, and the wind (which was blowing 25 miles an hour) drove it to the northeastward. The same gas filling had been in the balloon (additions having been made to it from time to time) for six weeks, consequently the chauffeur decided to land in the vicinity of Wittenau, which was effected without difficulty.

to land in the vicinity of vicinity, difficulty.

The balloon was packed on wagons in three-quarters of an hour and brought back to its hall.

September 9, 1908. The newly-filled balloon rose at 5.30 p. m. gradually to a height of 1,000 feet. At the earth's surface there was little wind, but at an elevation of 450 feet the balloon found a 17-mile breeze blowing. After a series of evolutions over Charlottenburg the balloon, at 1.10 p. m., landed smoothly on the Tegel grounds.

Near Burg, at 4.10 p. m., the balloon turned homeward, reaching Tegel at 7 p. m., after a eleven and one-half hour trial trip.

Every part functioned perfectly, and no ballast was thrown out during the run. Benzine had been provided for a ten and one-half hour run at full speed, but there was still a quantity left at the end of the trial. The greatest elevation reached was about 1,900 feet.

The performance of the types of the three great systems of dirigible balloons are here briefly given:

1. Zeppelin: Longest trip, twelve hours; greatest speed, 15 meters per second; capacity, 15,000 cubic meters.

2. Gross: Longest trip, thirteen hours; greatest speed, 13 meters per second; capacity, 4,800 cubic meters.

3. Parseval: Longest trip, eleven and one-fourth hours; greatest speed, 15.5 meters per second; capacity, 3,200 cubic meters.

It is thus seen that, with considerably smaller volume, the Gross and Parseval balloons have done as well as the Zeppeiin, and in some respects have even surpassed it.

Parseval II is nearly ready for its outdoor trials. Meanwhile the details of the new construction are being tested indoors.

The endurance test has been made and there remains only the elevation and then the emptying and filling in the field.

On acceptance by the war department the sum of 225,000 marks will be paid for it by the Government.

October 23, 1908. At 12.30 p. m. orders were received to proceed with the trial in presence of a general staff officer representing the war department. An east wind of about 8 meter-seconds was blowing at an elevation of 900 feet.

After a short run the balloon rose to a height of 1,500-1,600 meters and maneuvered there for an hour. Between 3 and 4 the balloon landed again.

November 4, 1908. The balloon to-day made final trip. At 7.15 a. m. the balloon, loaded on two wagons, was taken to a designated point on the Spandau Weg. At 12.30 p. m. the filling was completed, 720 flasks of compressed hydrogen being required for the purpose.

The balloon then rose directly from the field and sailed northwest. There was a heavy fog at the time, and it became necessary to land in Schoeneiche, near Friedrichshafen, as it was found dangerous to attempt to return to Tegel.

November 5, 1908. The Parseval balloon was not accepted by the War Department because the speed had not yet been definitely determined.

The construction of a new Parseval balloon has already begun.

The two motors, of 100 horsepower each, are so arranged to the right and left that all parts can be readily reached for the purpose of inspection or repair.

The entire gondola weighs 5,500 pounds.

The envelope for the 5,600-cubic-meter balloon has already been delivered, and the new balloon will be ready before long. Its first ascent will probably be made in Bitterfield.

The following detailed description (by Engineer W. Friedlaender, Berlin) of the Parseval balloon now owned by the German Government and in use by the army may not be uninteresting, especially since Germany is now committed to the adoption of this type of nonrigid balloon for field use, and will probably soon have a fleet of them.

The balloon consists of balloon with rigging and gondola.

The gondola was built by the Neue Automobile Gesellschaft in Ober-Schoenewelde, near Berlin. The balloon body, without any rigid framework parts whatever, was constructed by Riedinger, in Augsburg. It is 190 feet long, its greatest diameter is 31 feet, and its volume 3,800 meters. In front its surface is a semiellipsoid, with semidiameters of 15.4 and 11.8 feet, falling off gradually in its nearly cylindrical part to a diameter of 29.5 feet at a point two-thirds of its length back, and then at the rear end coming to a point.

The weight of the ballon envelope is 1,650 pounds, the rigging and tackle, consisting of holding and carrying ropes, 220 pounds, the drag rope 220 pounds, so that the entire balloon weighs 5,170 pounds, and, therefore, with its total buoyancy of 6,820 pounds, leaves about 1,650 pounds for chauffeur and engineer, passengers, ballast, implements, etc. Six persons have often gone up in it, while the ballast has never been used, not even in the long endurance trial trip.

The greatest speed thus far attained was 15 meter-seconds, or about 334 miles an hour.

The advantages of the Parseval balloon, especially for military purposes, are very great, and the most important among them are the easy transportation. due to its nonrigid construction, and its light weight as compared with its carrying power. Its cost is also comparatively small.

CONCLUSIONS.

The balloons at present adopted in Germany are the Zeppelin and the Parseval; that is, the rigid type and the nonrigid; nevertheless, it is believed that the Gross balloon will yet prove its efficiency, and that its type, or the semirigid, will also find a place in the military establish-

ment.

The various characteristics of the three types have been sufficiently explained and discussed. The rigid type will find its principal application in strategy over the entire theater of war, on the entire front of strategic deployment of the army on the frontier, while the semi-rigid and nonrigid types will be used mainly in the domain of tactics, and the nonrigid more particularly with the advance troops of the field army.

army.

There is no doubt whatever but that the Zeppelin balloon is a practicable air ship, and the same is true of the other two, although the Gross, or military, balloon requires further improvements to make it more

As regards the absolute safety of these machines, it must be acknowledged from the foregoing accounts that there is still much to be desired, but, comparatively, their safety is about the same and is sufficient for ordinary purposes. This is evidenced by the fact that the crown prince of Germany has been taken up in every one, which would not have been undertaken or allowed had not the inventors and the Government felt sufficient confidence in their safety and reliability.

Reconnoissance in war will hereafter be more thorough than in the past, and commanding generals will have more accurate information. This will not always make their task easier, but neither will ignorance of the enemy's positions or actions be an excuse for making mistakes in strategy and tactics in the future. Indeed, the commander in chief who is a good strategist and tactician will profit by this new war material, but he who is weak in both respects must suffer from them if his adversary has the ability to properly utilize the better information he receives.

tion he receives.

Dirigible balloons and air ships, therefore, will not make strategy, as an art, any easier, but they will facilitate the execution of sound strategic plans by furnishing better, more definite, more complete, and more comprehensive information regarding the enemy's positions and forces.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly. Mr. MANN. Some years ago the military authorities set aside a sum of money for experimentation purposes for Professor Langley, Secretary of the Smithsonian Institution. Does the gentleman know whether that is out of the fund appropriated for fortifications or out of the fund appropriated through the Committee on Military Affairs?

Mr. HULL of Iowa. I think it was out of the fund appro-

priated by the Committee on Appropriations and not, I think,

out of the fund for fortifications. I think it was specifically appropriated for that purpose and reported from that committee, as I now remember.

Mr. MANN. Oh, but the gentleman is mistaken about that. There was very bitter criticism indulged in on the floor of this House by a member of the Committee on Military Affairs because that money was to be expended in that direction without the specific sanction of Congress, and it has been always understood it broke the heart of Professor Langley and practically caused his death, as he was the foremost man in the world in reference to that subject.

Mr. HULL of Iowa. I remember, Mr. Chakman, very dis-tinctly that the question was asked if the Committee on Military Affairs had made the appropriation. I answered "no," and I think I made light of the experimentation. I have not any doubt but I did.

Mr. MANN. I do the gentleman credit to say that I do not think the gentleman expressed any opinion on the subject at the time

Mr. HULL of Iowa. I did. I said they could not charge up any such foolishness as that against the Committee on Military Affairs. But I want to say that, in the light of investigation and what the world is doing, I have a different opinion on the question. I hope I may say I have grown in the last five years. But I do not think they will ever reach such a state of perfection in aerial navigation that I will trust myself in one of their ships.

Mr. MANN. I do not agree with the gentleman. I want to get into the first one that I can.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise. I understand that the general debate is now closed.

The CHAIRMAN. It is not closed.

Mr. HULL of Iowa. Then, I will withdraw my motion, and ask that the Clerk proceed with the reading of the bill. I ask unanimous consent.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the motion that the committee do now rise be vacated. Is there objection?

There was no objection.

Mr. HULL of Iowa. I ask for the reading of the bill, Mr. Chairman.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the army for the year ending June 30, 1910:

Mr. HULL of Iowa. Now, Mr. Chairman, as that closes general debate, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. Perkins, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 26915, the army appropriation bill, and had come to no resolution thereon.

CONTESTED-ELECTION CASE-WARMOTH V. ESTOPINAL.

Mr. MANN. Mr. Speaker, I rise to present a privileged re-

The SPEAKER. The gentleman from Illinois presents a privileged report, which the Clerk will report.

The Clerk read as follows:

The Committee on Elections No. 1, to which was referred the memorial of H. C. Warmoth, contesting the right of Hon. Albert Estopinal to a seat in the House of Representatives from the First Congressional District of Louisiana, and also a letter from Mr. Warmoth, stating that he withdraws his contest, beg leave to respectfully report and recommend that said memorial and petition do lie upon the table.

Mr. MANN. Mr. Speaker, I move that the papers referred to do lie on the table.

The motion was agreed to.

CANAL CONNECTING PUGET SOUND WITH LAKE WASHINGTON.

The SPEAKER laid before the House the bill S. 8695, a similar House bill having been favorably reported from the Committee on Interstate and Foreign Commerce.

The Clerk read as follows:

bill (S. 8695) extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington.

connecting the waters of Puget Sound with Lake Washington.

Be it enacted, etc., That, subject to all the other provisions contained in the act of Congress entitled "An act authorizing James A. Moore, or his assigns, to construct a canal along the government right of way connecting the waters of Puget Sound with Lake Washington," approved June 11, 1906, and contained in the modification of said act made in the act of Congress entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 2, 1907, the time limitation for the completion of the canal authorized by said acts is hereby extended until June 11, 1912.

Mr. HUMPHREY of Washington. Mr. Speaker, I move the passage of the bill.

Mr. CLARK of Missouri. The only change it makes is to extend the time?

Mr. HUMPHREY of Washington. That is all.

The bill was ordered to a third reading, was read a third time, and passed.

A similar bill (H. R. 26984) was laid on the table.

WAR CLAIMS.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent that the first legislative day after the army appropriation bill has been passed be set aside, in lieu of to-day, for the consideration

of claims upon the Private Calendar.

The SPEAKER. The gentleman from Vermont [Mr. Has-KINS] asks unanimous consent that the first legislative day after the completion of the consideration of the army appropriation bill may be treated as to-day-Friday-under the rule for the consideration of business in order on Friday.

Mr. GARRETT. May I ask the gentleman if that will include bills reported by the Committee on Claims as well as the

Committee on War Claims?

Mr. HASKINS. The Committee on Claims will have next

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I feel compelled to object at this

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for fees for witnesses in trial of land-fraud cases (H. Doc. No. 1380)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriations for rental for public offices at Petersburg, Va. (H. Doc. No. 1381)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner Rebecca, Mildmay Smith and John Hall, master (H. Doc. No. 1382)—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BANNON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.," reported the same without amendment, accompanied by a report (No. 1986), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8333) to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas, reported the same without amendment, accompanied by a report (No. 1987), which said bill and report were referred to the House Calendar. Mr. GREENE, from the Committee on the Merchant Marine

and Fisheries, to which was referred the bill of the Senate (S. 8266) to require life-preservers on motor vessels, reported the same without amendment, accompanied by a report (No. 1991),

which said bill and report were referred to the House Calendar. He also, from the same committee, to which was referred the bill of the Senate (S. 8460) to provide for the deduction of

hatchways and water-ballast space from the gross tonnage of vessels, reported the same without amendment, accompanied by a report (No. 1992), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 7157) for the relief of W. P. Dukes, postmaster at Rowesville, S. C., reported the same without amendment, accompanied by a report (No. 1988), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 25064) for the relief of Angeline C. Burgert, reported the same without amendment, accompanied by a report (No. 1990), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 27336, reported in lieu thereof a resolution (H. Res. 525) referring to the Court of Claims the papers in the case of Robert Graham, accompanied by a report (No. 1989), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5459) granting a pension to Ellen Harrington-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9600) granting an increase of pension to Charles Haggett-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns—Committee on Claims discharged, and referred to the Committee on Private Land Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KENNEDY of Iowa: A bill (H. R. 27361) providing for the erection of a federal building at Fort Madison, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. AMES: A bill (H. R. 27362) to regulate the business

of insurance within the District of Columbia-to the Committee

on the Judiciary.

By Mr. COOPER of Texas: A bill (H. R. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou-to the Committee on Rivers and Harbors

By Mr. EDWARDS of Georgia: A bill (H. R. 27364) providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army-to the Committee on the Library.

By Mr. SHEPPARD: A bill (H. R. 27365) to regulate the importation of virus that may be infectious for domestic ani-

mals—to the Committee on Agriculture.

Also, a bill (H. R. 27366) for an investigation by the Secretary of Agriculture to promote the more general use of cotton goods and materials manufactured from raw cotton in the United States-to the Committee on Agriculture.

By Mr. SCOTT: A bill (H. R. 27367) to provide for the inspection of nursery stock at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect—to the Committee on Agriculture.

By Mr. FERRIS (by request): A bill (H. R. 27368) authorizing the Secretary of the Interior to enroll certain intermarried persons as Kiowa and Comanche Indians-to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 27369) to amend an act approved August 15, 1894, an agreement with the Alsea and other Indians on the Siletz Indian Reservation, in Oregon-to the Committee on Indian Affairs.

By Mr. MILLER: A bill (H. R. 27370) to regulate the interstate-commerce shipments of intoxicating liquors—to the Com-

mittee on the Judiciary.

By Mr. COOPER of Pennsylvania: A bill (H. R. 27371) to establish a fish-cultural station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: A bill (H. R. 27372) to increase the efficiency of the Engineer Corps of the United States Army—to the Com-

mittee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 27373), to provide for the construction of a revenue cutter of the first class for service at the port of New London, Conn., and adjacent waters—to the Committee on Interstate and Foreign Commerce.

By Mr. BANNON: Resolution (H. Res. 524) concerning the

documents and books ordered printed by the present Congress-

to the Committee on Printing.

By Mr. BURLEIGH: Resolution (H. Res. 526) to pay the drivers of the folding room wagons an additional compensation-to the Committee on Accounts.

By Mr. HARDY: Resolution (H. Res. 527) requesting the President to furnish to the House certain information concerning certain property in the city of Washington-to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 27374) granting a pension to Edwin R. Walston-to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 27375) granting an increase of pension to James D. Place—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 27376) granting an increase of pension to Edmund B. Updegrove-to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27377) granting an increase of pension to William L. Martin-to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 27378) granting a pension to Luella Belle Davis-to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 27379) granting an increase of pension to George W. Wade-to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 27380) granting an increase of pension to Smith A. Hunt-to the Committee on Invalid Pen-

By Mr. FORNES: A bill (H. R. 27381) for the relief of Mary Priscilla Shipman and other heirs at law of John J. Shipman, deceased—to the Committee on Claims.

Also, a bill (H. R. 27382) for the relief of Mary Priscilla Shipman and other beirs at law of John J. Shipman, deceased to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 27383) granting an increase of pension to Robert T. Wright—to the Committee on Invalid Pensions,

Also, a bill (H. R. 27384) granting an increase of pension to B. M. Laur-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27385) granting a pension to John B. Carmon—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 27386) granting

an increase of pension to William M. Myers-to the Committee

on Invalid Pensions. Also, a bill (H. R. 27387) granting an increase of pension to William F. Atkinson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27388) granting an increase of pension to Isaac H. Myers-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27389) granting an increase of pension to Rane C. Carter-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27390) granting an increase of pension to Alexander H. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27391) granting an increase of pension to Amanda McGillum-to the Committee on Invalid Pensions

Also, a bill (H. R. 27392) granting a pension to Robert Pasco-to the Committee on Pensions,

By Mr. GARDNER of New Jersey: A bill (H. R. 27393) for the relief of the owners of the schooner T. P. Leined or their legal representatives—to the Committee on War Claims.

By Mr. GARRETT: A bill (H. R. 27394) granting an increase of pension to P. A. Cashon—to the Committee on Invalid Pen-

sions.

By Mr. GILHAMS: A bill (H. R. 27395) granting an increase of pension to Stephen P. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27396) granting an increase of pension to Francis M. Vedder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27397) granting a pension to Anna Spanburg—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 27398) granting an increase of pension to Dan O'Connor—to the Committee on Pensions.

By Mr. GRIGGS: A bill (H. R. 27399) for the relief of the estate of Dr. R. H. Hardeway, deceased-to the Committee on War Claims.

By Mr. OLLIE M. JAMES: A bill (H. R. 27400) for the relief of the estate of N. N. Rice, deceased-to the Committee on War Claims.

Also, a bill (H. R. 27401) granting a pension to Robert A. Hearell—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27402) for the relief of the legal representatives of George W. Johnson-to the Committee on War Claims.

Also, a bill (H. R. 27403) granting an increase of pension to John C. Smallwood-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27404) granting an increase of pension to Samuel F. May-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27405) granting a pension to Clay Brandenburg-to the Committee on Pensions.

By Mr. McCREARY: A bill (H. R. 27406) granting a pension to Philip Thran-to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 27407) granting an increase of pension to Willis Blackwell-to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 27408) granting an increase of pension to William M. Elder-to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 27409) for the relief of the heirs or legal representatives of Eugene Senette, deceased—to the Committee on War Claims.

Also, a bill (H. R. 27410) for the relief of the heirs or legal representatives of Joseph Ezernack, deceased—to the Committee on War Claims

By Mr. RANSDELL of Louisiana: A bill (H. R. 27411) granting a pension to C. D. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27412) to amend an act entitled "An act in relation to the Hot Springs Reservation, in Arkansas"—to the Committee on the Judiciary.

By Mr. REID: A bill (H. R. 27413) granting an increase of pension to Vergil Hoyle—to the Committee on Invalid Pensions. By Mr. SLEMP: A bill (H. R. 27414) granting an increase of

pension to Isaac Sloan—to the Committee on Invalid Pensions, By Mr. STANLEY: A bill (H. R. 27415) granting an increase of pension to Thomas Cullin-to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 27416) for the relief of W. A. Mooney—to the Committee on Claims.

By Mr. DE ARMOND: A bill (H. R. 27417) for the relief of Robert Graham—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 27418) to correct the military record of Lieut. James M. Wiley—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 27419) to repeal the act of June 29, 1906, granting a pension to Jackson Adkins—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BIRDSALL: Petition of citizens of Dubuque, Iowa, against a duty on tea and coffee-to the Committee on Ways and Means.

By Mr. BURKE: Petition of the Standard Sanitary Manufacturing Company, asking partial remission at least of duties on sanitary goods exported to the Philippines-to the Committee on Ways and Means.

Also, petition of the Yellow Pine Manufacturers' Association of St. Louis, against reduction of tariff on lumber-to the Committee on Ways and Means.

Also, petition of Pittsburg Association of Credit Men, favoring proposed amendment to the bankruptcy act as per the Sherley

bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of the J. S. McCormick Company, against a tariff being placed on graphite—to the Committee on Ways and Means.

By Mr. CALDER: Petition of Joseph Wild & Co., favoring the Sherley bill (H. R. 21929), amending present bankruptcy act—to the Committee on the Judiciary.

Also, petition of the National Board of Trade, against federal inspection and grading of grain (S. 382)—to the Committee on

Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of Rhode Island Chapter of American Institute of Architects, against placing the Lincoln memorial near the Union Station—to the Committee on the Library.

Also, petition of Rhode Island state board of agriculture, for a national highways commission and for federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Business Men's Association of Pawtucket, R. I., for preservation of the forests on the high watersheds of the White Mountains—to the Committee on Agriculture.

By Mr. DAVIS: Petition of citizens of Morrison, Ill., favoring the Davis bill, for industrial education—to the Committee on

Agriculture,

Also, petition of Sigmond & Olson, of Zumbrotta, Minn., and W. H. Tomlinson and others, of Le Sueur, Minn., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Paul Business League, against S. 7867, the Taliaferro naval stores regulation bill—to the Committee on

Naval Affairs.

By Mr. DAWSON: Petition of N. B. Baker Post, No. 88, of Clinton, Iowa, against increase of pay of army officers to the prejudice of enlisted men—to the Committee on Military Affairs.

By Mr. DOUGLAS: Petition of citizens of Ohio, for a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. DRAPER: Petition of the Yellow Pine Manufacturers' Association, against any changes of the tariff on lum-

ber-to the Committee on Ways and Means.

By Mr. ELLIS of Oregon: Petition of Nelson Pickering and 30 others, of Columbia County, Oreg., favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Milwaukee Association of Credit Men, favoring any enactment to improve present bankruptcy law amendment, as per H. R. 13266—to the Committee on the Judiciary.

By Mr. FORNES: Petition of New York Produce Exchange, against federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Protective Tariff League, against a tariff commission—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Dorset (Vt.) Grange, for H. R. 15837, in aid of highways—to the Committee on Agriculture.

By Mr. FOWLER: Petition of Hamilton W. Mabie, of Summit, N. J., favoring a federal bureau for children (H. R. 2414)—to the Committee on Education.

Also, petition of Indian Association of Morristown, N. J., Louisa Stevenson, and others, against liquor in the Montana Fort Peck Reservation—to the Committee on Indian Affairs.

By Mr. FULLER: Petition of Local No. 192, United Garment Workers of America, of Streator, III., favoring amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Robert S. Waddell, president of Buckeye Powder Company, of Peoria, Ill., favoring a tariff on explosives—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Standard Sanitary Manufacturing Company, of Pittsburg, asking a partial remission at least of duties on exports of sanitary goods from this country to the Philippines—to the Committee on Ways and Means.

Also, petition of Pittsburg Association of Credit Men, favoring proposed amendment to bankruptcy act, as per the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of Yellow Pine Manufacturers' Association, of St. Louis, Mo., against any changes in the tariff on lumber—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of citizens of Cass County, N. Dak., against reduction of import duty on grain—to the Committee on Ways and Means.

Also, petitions of J. K. Martin & Co., of Coteau, and citizens of Pisek, both in the State of North Dakota, against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HAYES: Paper to accompany bill for relief of Betsey E. Higgins—to the Committee on Invalid Pensions.

Also, petition of Asiatic Exclusion League of North America, against concession to any other nation of the right to determine any of our domestic questions—to the Committee on Foreign Affairs.

Also, petition of San Francisco Chapter of American Institute of Architects, against placing the Lincoln memorial near the Union Station in Washington or on any other site than that advised by the park commission—to the Committee on the Library.

Also, petition of Canners' League of California, favoring the Fulton bill, amending interstate-commerce act suspending any proposed advance in freight rates pending investigation as to its reasonableness—to the Committee on Interstate and Foreign

Commerc

Also, petition of Sacramento Valley Development Association, against the Englebright bill, changing the law in regard to the disposition of the reclamation fund—to the Committee on Irrigation of Arid Lands.

By Mr. HIGGINS: Petition of dealers in crockery, china, and glass ware, against a higher duty on such products—to the Com-

mittee on Ways and Means.

By Mr. HILL of Connecticut: Petition of State Business Men's Association of Connecticut, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petition of E. M. Lyman and others, of Park Ridge, N. J., favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. KAHN: Petition of Canners' League of California, favoring enlargement of powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Com-

Also, petition of San Francisco Chapter of American Institute of Architects, favoring west end of Mall as site for Lincoln memorial—to the Committee on the Library.

memorial—to the Committee on the Library.

By Mr. KNAPP: Paper to accompany bill for relief of Frederick Appenzeller—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: Petition of Canners' League of California, for amendment to rate law granting Interstate Commerce Commission further power to suspend proposed advances in rates pending investigation of their reasonableness—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of Wareham Grange, No. 82, of Southampton, Mass., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-

Roads.

Also, petition of Egremont Grange, of Egremont, Mass., for a national highways commission and federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. LEVER: Petition of Georgetown (S. C.) Chamber of Commerce, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Columbia (S. C.) Chamber of Commerce, against S. 7876 (naval-stores inspection law)—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of merchants of Alpena, Mich., against parcels post on rural delivery routes and establishment of postal savings banks—to the Committee on the Post-Office and

Post-Roads.

By Mr. MARTIN: Petition of South Dakota State Horticultural Society, favoring H. R. 21318, relative to insecticides and fungicides—to the Committee on Interstate and Foreign Commerces.

By Mr. NEEDHAM: Petition of Asiatic Exclusion League of North America, against concession of sovereign rights of a State, etc., in regard to immigration question—to the Committee on Foreign Affairs.

By Mr. PUJO: Paper to accompany bill for relief of heirs of Joseph Ezernack—to the Committee on War Claims.

By Mr. RANSDELL of Louisiana: Paper to accompany S. 8649, relating to Hot Springs Reservation, in Arkansas—to the Committee on the Public Lands.

Also, paper to accompany bill for relief of C. D. Benton—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Western Fruit Jobbers' Association, favoring increase of power of Interstate Commerce Commission in certain cases—to the Committee on Interstate and Foreign Commerce.

Also, petition of New Orleans Cotton Exchange, for investigation by Secretary of Agriculture into use and substitution of other articles of manufacture for raw cotton and report thereon—to the Committee on Agriculture.

Also, petition of Texas Hardware Jobbers' Association, of Fort Worth, favoring H. R. 22901, 22902, and 22903, all relative

to authority of Interstate Commerce Commission touching changes in freight rates-to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of trustees of the Newberry Library, against increase of duty now levied on books-to the Committee on Ways and Means.

By Mr. SLEMP: Paper to accompany bill for relief of Isaac Sloan-to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Memorial of Capital Grange, No. 540, Patrons of Husbandry, of Lansing, Mich., favoring a

Ro. 340, Fatrons of Husbandry, of Lansing, Mich., Lavoring a tariff on beans—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Eagle Grange, No. 294, Patrons of Husbandry, of Chatham, N. H., favoring H. R. 15837, for a national highways commission and appropriation for federal aid in road building-to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Petition of Yellow Pine Manufacturers' Association, against reduction of tariff on lumber—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

Saturday, January 30, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of yesterday's proceedings was read and ap-

BRIDGE ACROSS THE MISSISSIPPI RIVER AT BURLINGTON, IOWA.

Mr. KENNEDY of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 26466.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause and insert, so that it will

"That the time fixed by the act of Congress entitled 'An act to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River,' approved January 23, 1908, for the construction and completion of the bridge therein authorized to be constructed is hereby extended one year and three years, respectively, from January 23, 1909. "Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "A bill to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as

Strike out all after the enacting clause and insert in lieu thereof the

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the time fixed by the act of Congress entitled 'An act to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River,' approved January 23, 1908, for the construction and completion of the bridge therein authorized to be constructed, is hereby extended one year and three years, respectively, from January 23, 1909.

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

The title was amended so as to read: "A bill to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4931. An act to correct the military record of Corwin M. Holt; and

H. R. 17572. An act for the relief of George M. Voorhees.

The message also announced that the Senate had passed bills and concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8510. An act to extend the time of payments on certain homestead entries in Oklahoma;

S. 8223. An act turning over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes

S. 8601. An act to provide for the payment of claims of the Roman Catholic Church in Porto Rico;

S. 7348. An act authorizing the procuring of additional land for the site of the public building at Beatrice, Nebr.;

S. 7872. An act to promote the administration of justice in the navy

S. 7381. An act authorizing and directing the Secretary of the Interior to pay to the Flandreau tribe of Indians in South Dakota certain funds to the credit of said Indians;

S. 8376. An act providing for the reappraisement of unsold lots in town sites on reclamation projects, and for other

S. 7971. An act for the relief of Samuel W. Campbell;

S. 7862. An act to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma;

S. 7742. An act to increase the limit of cost for purchase of site and erection of post-office building at Elwood, Ind.;

S. 8273. An act to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment;"

S. 5756. An act to remove the charge of desertion from the military record of Solomon M. Bennett;

S. 4090. An act to provide for the acquiring of additional ground and for the enlarging of the government building at Boise, Idaho:

S. 6554. An act for the erection of a monument to the memory of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.:

S. 4033. An act to satisfy certain claims against the Government arising under the Navy Department;

S. 8839. An act for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other pur-

S. 8429. An act to refund certain tonnage taxes and light dues levied on the steamship Montara without register;

S. 7641. An act setting apart certain lands in the Standing Rock Indian Reservation, in the State of South Dakota, for cemetery purposes; and

Senate concurrent resolution 62.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made on the shores and waters of Lake Michigan at Leland, Leelanau County, Mich., with a view to determining the advantage, best location, and probable cest of a breakwater to form a harbor of refuge at that point, and submit a plan and estimate for such improvements.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5461. An act for the relief of Lawson M. Fuller, major, Ordnance Department, United States Army;

H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane;

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes;

H. R. 3388. An act for the relief of L. B. Wyatt;

H. R. 25019. An act granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison;

H. R. 16191. An act to refund certain meneys paid into the Treasury of the United States through mistake by Augustus Bannigan;

H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government;

H. R. 18744. An act for the relief of the estate of Mark S. Gorrill; and

H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County,

The message also announced that the Vice-President had appointed Mr. Burrows and Mr. Bailey tellers on the part of the Senate, as provided for in Senate concurrent resolution 57.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

SENATE CONCURRENT RESOLUTION AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 62.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made on the shores and waters of Lake Michigan at Leland, Leelanau County, Mich., with a view to determining the advantage, best location, and probable cost of a breakwater to form a harbor of refuge at that point, and submit a plan and estimate for such improvements.

to the Committee on Rivers and Harbors.

S. 4033. An act to satisfy certain claims against the Government arising under the Navy Department—to the Committee on Claims.

S. 4090. An act to provide for the acquiring of additional ground and for the enlarging of the government building at Bolse, Idaho—to the Committee on Public Buildings and Grounds.

S. 5756. An act to remove the charge of desertion from the military record of Solomon M. Bennett—to the Committee on Military Affairs.

S. 6554. An act for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, to the Committee on the Library.

S. 7348. An act providing for the procuring of additional land for the site of the public building at Beatrice, Nebr.—to the Committee on Public Buildings and Grounds.

S. 7381. An act authorizing and directing the Secretary of the Interior to pay to the Flandreau tribe of Indians in South Dakota certain funds to the credit of said Indians—to the Committee on Indian Affairs.

S. 7641. An act setting apart certain lands in the Standing Rock Indian Reservation, in the State of South Dakota, for cemetery purposes—to the Committee on Indian Affairs.

S. 7742. An act to increase the limit of cost for purchase of site and erection of post-office building at Elwood, Ind.—to the Committee on Public Buildings and Grounds.

S. 7862. An act to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma—to the Committee on Ways and Means.

S. 7872. An act to promote the administration of justice in the navy-to the Committee on Naval Affairs.

S. 7971. An act for the relief of Samuel W. Campbell-to the Committee on Claims.

S. 8223. An act turning over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes-to the Committee on Indian Affairs.

S. 8273. An act to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment"—to the Committee on Indian

S. 8429. An act to refund certain tonnage taxes and lighter dues levied on the steamship Montara without register-to the Committee on Claims.

S. 8510. An act to extend the time of payments on certain homestead entries in Oklahoma-to the Committee on Indian Affairs.

S. 8839. An act for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes-to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled resolution and bills of the following titles, Speaker signed the same:

H. J. Res. 200. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon the terms and conditions as may be prescribed by the marshal of the District; H. R. 24492. An act to authorize the Secretary of War to do-

nate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 26073. An act to legalize a bridge across Indian River North, in the State of Florida;

H.R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpleces and cannon balls to the county court of Marshall County, W. Va.

H. R. 16954. An act to provide for the Thirteenth and subsequent decennial censuses:

H. R. 5461. An act for the relief of Lawson M. Fuller, major,

Ordnance Department, U. S. Army;

H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining the light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government

H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on the Willoughby Spit, Norfolk County,

H. R. 3388. An act for the relief of L. B. Wyatt; H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane;

H. R. 18744. An act for the relief of the estate of Mark S.

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes;

H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan; and

H. R. 25019. An act granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison.

BELLEFOURCHE LAND DISTRICT, SOUTH DAKOTA.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the

present consideration of the bill which I send to the desk.

The SPEAKER. The gentleman from South Dakota unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill and consider it at this time in the House.

The Clerk read as follows:

A bill (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land dis-

State of South Dakota, to be known as the Bellefourche land district.

Be it enacted, etc., That all that part of the State of South Dakota lying within the following described boundaries, to wit: Commencing at a point where the township line between townships 18 and 19 north intersects the boundary line between the States of South Dakota and Montana; thence east on the said township line to the northeast corner of township 18 north, of range 9 east; thence south along the range line between ranges 9 and 10 to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to the northeast corner of township 12 north, range 11 east; thence south along the range line between ranges 11 and 12 to where the same intersects the township line between townships 6 and 7 north; thence west on said township line between townships 6 and 7 to a point where the same intersects the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming and Montana to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Bellefourche land district; and the United States land office for said district is hereby located at the town of Bellefourche, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The SPEAKER. This bill was read on a former day-vester-Is there objection?

Mr. GAINES of Tennessee. I reserve the right to object, and

want to ask the gentleman to explain the bill.

Mr. MARTIN. Mr. Speaker, almost the entire western half of South Dakota has not been traversed by railroads until within the last two years. As a result, settlers are coming in and settling that State very rapidly, several thousand each This has made it impossible to accommodate the business of the western part of the State without the creation of an additional land district. The people to be affected by this land district are now going upon the land, and are located a very long distance from any present land office. The purpose of this bill is purely to accommodate the dispatch of public business and make the land office reasonably accessible to the settlers.

Mr. GAINES of Tennessee. How many land offices are now in the State?

Mr. MARTIN. Not so many as there were a few years ago. Mr. GAINES of Tennessee. How many now? Mr. MARTIN. There is one at Aberdeen, one at Mitchell, which has been transferred farther into the interior to accommodate the settlers. There is only one besides this one in the western portion of the State, and one on the line between North and South Dakota.

Mr. GAINES of Tennessee. How many in all are there in the State?

Mr. MARTIN. There are either three or four in the eastern half of the State; none in the western half, except as stated.

Mr. GAINES of Tennessee. How far do you propose to establish the headquarters of this office from the nearest office

already established?

Mr. MARTIN. This proposed office is to be established at the end of a railway. The country to be reached by it is from 50 to 75 miles about, in the immediate vicinity. There is no office nearer many of the settlers who are to be affected by this office than 100 miles or thereabouts, 75 miles of which is without a railroad.

Mr. GAINES of Tennessee. Why I asked the gentleman that question was because my information is that it was proposed to establish a headquarters of this office about 50 miles from

another office.

Mr. MARTIN. This office is 65 miles, and part of it without a railway, from the nearest land office to the territory affected. Mr. GAINES of Tennessee. Will this require any new offi-

cers, any expense to the Government?

Mr. MARTIN. It is paid by the fees of the office.
Mr. GAINES of Tennessee. How much does that pay?
Mr. MARTIN. A minimum of \$600, a maximum of \$3,000, according to the business of the office. But it is all paid from the receipts of the office. I will say to the gentleman that the committee of which the gentleman is a member considered this very fully. The gentleman from Tennessee was not present at the time, however.

Mr. GAINES of Tennessee. I attend the meetings of the committee, but not every day. I can not and will not give all my time to any one committee or subject. I do not see any reason why this should not pass. I withdraw the point of order.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

UNITED STATES COURTS, SUPERIOR, WIS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27311) amending chapter 501 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

The SPEAKER. This bill is on the Union Calendar. The gentleman from Wisconsin asks unanimous consent that the

Committee of the Whole House on the state of the Union be discharged from the further consideration of the following bill and for consideration of the same in the House at this time. The

Clerk will report the bill.

The Clerk read as follows:

Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That chapter 591 of the United States Statutes at Large, approved May 26, 1900, be, and the same is hereby, amended so as to read as follows:

"Section 1. That two terms of the circuit and district courts of the United States for the western district of Wisconsin shall be held annually at the city of Superior, one term beginning on the fourth Tuesday in January and another term beginning on the second Tuesday in Jaly. Either of said terms may be adjourned by the court, or by said cierk by the direction of the court, to any other day and from time to time at the same place.

"Sec. 2. That in addition to the two clerks now provided for, the circuit and district judges of the western district of Wisconsin shall appoint a clerk, who shall be clerk both of the circuit and district courts for the western district of Wisconsin, who shall reside and keep his office at Superior, Wis., and who shall receive such fees and compensation for services performed by him as are now fixed for clerks and limited by law; and one or more deputies of the clerk of the circuit and district courts may be appointed by the fudges of said courts on the application of the clerk, and may be removed at the pleasure of the judges authorized to make the appointments. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified.

"Suc. 3. All summonses, writs, warrants, and processes issued by the said courts or the clerks shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced or pending therein.

"Sec. 4. All causes triable in either of said courts when the summonses, writs, warrants, and processes shall be issued from the said courts at Superior shall be tried at Superior, unless by consent of parties, or unless otherwise ordered by the court.

"Sec. 5. A grand jury and petit jury sha

The SPEAKER. Is there objection? There was no objection.

The bill was ordered to be engrossed and read a third time. and was accordingly read the third time and passed.

On motion of Mr. Jenkins, a motion to reconsider the last

vote was laid on the table.

RESURVEY OF PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24835) authorizing the necessary resurvey of public lands.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may in his discretion cause to be made, in the manner now provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: Provided, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands effected by such resurvey or retracement.

With the following amendment:

In line 10 strike out "effected" and insert "affected."

The SPEAKER. Is there objection?

Mr. FERRIS. Mr. Speaker, reserving the right to object, I should like to give the chairman of the committee an opportu-

nity to explain the measure.

Mr. MONDELL. Mr. Speaker, there is some question whether the Secretary of the Interior has authority to make resurveys or retracements of lands which have been once surveyed, the surveys of which have been accepted. It is my opinion he has no such authority. The Secretary has in some instances held that he has that authority. Where resurveys are needed the Congress has, from time to time, passed bills authorizing the resurvey and retracement of definite areas of land. It is to avoid the necessity for the introduction and passage of these bills, and to limit resurveys to those absolutely necessary, that we seek to give this authority to the Secretary. We believe it to be in the interest of economy. We believe that if this authority is vested in him beyond question, he will only make such resurveys and retracements as are absolutely necessary in order to provide for the disposition of public lands.

Mr. STAFFORD. Will the gentleman permit a question?
Mr. MONDELL. I shall be glad to.
Mr. STAFFORD. Does this bill cover instances of lapsed lands which have not been included in the original government survey? There are many small tracts that have been overlooked and not included in the original survey.

Mr. MONDELL. It would enable him to make such resur-

veys as are necessary to mark the boundaries of public lands

remaining undisposed of.

Mr. STAFFORD. There are many instances in Wisconsin of small tracts of land which have not been included in a public survey, but which have been disposed of to bona fide owners, and yet under technical construction of the law are still public lands. I should like to ask whether this law would deprive the bona fide owners of their interest in those lands?

Mr. MONDELL. Not at all; because it provides that no resurvey or retracement shall be so executed as to impair the bona fide rights of any claimant, entryman, or owner of lands

affected by such resurveys or retracements.

Mr. STAFFORD. But, as I understand, the department at present has no authority whatsoever to order a resurvey of lands that were not originally covered.

Mr. MONDELL. My opinion is that it has not. There is a difference of opinion in the department, and the department has never, except in one or two instances, exercised that authority. It hesitates to do it without more specific authority.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. MANN. How is the expense of these surveys paid, and out of what fund?

Mr. MONDELL. Paid out of the general annual appropria-tion for surveys and resurveys of public lands, which is apportioned by the Commissioner of the General Land Office among the various surveying districts.

Mr. MANN. Can the gentleman give to the House any estimate of the total cost it will be to the Government if this bill be passed?

Mr. MONDELL. My opinion is that, instead of costing the Government anything, this legislation will save a considerable amount of money.

Mr. MANN. Will the gentleman then give us any idea as to what expense this bill will entail upon the Government, the bills that will have to be paid out of the general fund that the

gentleman has referred to?

Mr. MONDELL. Well, Mr. Speaker, we now annually appropriate from three to four hundred thousand dollars a year for surveys and resurveys of public lands. That has been sufficient in the past and will be more than sufficient in the not distant future; but these resurveys are, in my opinion, sometimes made more extensive under the congressional bills authorizing them than perhaps they would be executed if the Secretary of the Interior had general authority to investigate the matter himself and to make only such retracements as are necessary to outline and fix the boundaries of the public lands remaining undisposed of. And if the gentleman will notice, the bill limits his authority to such resurveys and retracements as may be necessary for that purpose.

Mr. MANN. I understand that a large amount of land has been surveyed and the boundary lines are now missing. What I ask the gentleman is, in all frankness, to state if he can how much expense this work will entail on the Government.

Mr. MONDELL. Oh, the gentleman from Illinois must certainly know that it would be utterly impossible for anyone to say just how many miles of the public lines may have to be resurveyed.

Mr. MANN. Can the gentleman give any idea on the subject; has the gentleman any estimate at all, or any guess upon I say to the gentleman that the purpose of asking the question is to find out whether or not it is desirable in the bill itself to make a limitation as to the cost.

Mr. MONDELL. That would be utterly impossible. In the last three or four years Congress has passed bills without question authorizing the resurvey of from three to four hundred townships. These resurveys cost a great deal of money, and we have authorized them without any question.

Mr. MANN. We have not done it without any question.

Mr. MONDELL. Congress has assumed that the Secretary of the Interior ought to have the power to inquire into and, if found necessary, make resurveys which he considered necessary.

This does not authorize the expenditure of a single dollar.

It simply provides that if the resurveys or retracements are necessary in the opinion of the Secretary of the Interior in order to bring about a disposal of the public land, he may make such resurveys and retracements.

The present Secretary believes that he now has that authority. There are people in the department who do not share in that opinion. It is a point upon which there is some difference of opinion. The Secretary clearly ought to have that authority in order that when his attention is brought to a condition in a certain area seeming to warrant a resurvey or retracement he may send a qualified person to examine into the situation and may have the resurvey or retracement executed as

Mr. MANN. The gentleman states that the bill would not authorize the expenditure of a single dollar. The gentleman means that it does not appropriate any money, because it might authorize the expenditure of hundreds of millions of dollars.

Mr. MONDELL. Of course some money would be spent under this authorization; no more, in any event, than is now being spent, and in the long run less than will be spent if we continue our present system. I suggest that if this was a proposition to allow the Secretary of the Interior from time to time to patch the roof of the Patent Office it would be very difficult to say just how much of an expenditure it would authorize.

Mr. MANN. And I would object, and so would the gentleman

from Wyoming, to the passage of such a bill.

Mr. MONDELL. I do not think so.

Mr. MANN. No officer of the Government has that authority. MONDELL. These resurveys must be executed if the public lands are to be disposed of. The annual cost of such resurveys is not great. Those of us who live in public-land States have this experience continually where surveys were executed many years ago: Settlers go onto these lands and find no corners, and that means an investigation by the Congressman, the introduction of a bill, the passage of a bill in the House, the passage of a bill in the Senate authorizing the resurvey not only of the territory immediately in question but the surrounding territory, in order that there may be no question but what sufficient territory will be resurveyed.

Now, it is better practice, it is better business practice, to give to the officer charged with the responsibility of the public lands authority to inquire into these questions when raised, and after having inquired into them to authorize such resurvey and retracement as may be necessary, rather than these larger resurveys and retracements which are liable to be executed when Congress places its stamp of approval on authority for the re-

survey of a large region. Mr. MANN. If the gentleman will permit me, I will say that in what the gentleman tries to get at he and I would probably agree. I think that the passage of a bill like this is desirable if there is some limitation as to the total amount that may be expended by authority of the act. I will not, as far as I am

concerned, give unanimous consent to the passage of a bill that permits the Secretary of the Interior, without any restraint whatever, to spend any sum of money he may please, now and hereafter, upon such a matter.

Mr. MONDELL. The gentleman from Colorado [Mr. Bon-YNGE] has just made a suggestion which I believe would be satisfactory. Of course these resurveys and retracements must be within the annual appropriation made by Congress.

Mr. MANN. Not at all.

Mr. BONYNGE. Well, put that in the bill.
Mr. MONDELL. I do not think there is any question about it, but if there be any question in the mind of the gentleman, if he will kindly add to the bill language that will keep the expenditure within the annual appropriation, I will be satisfied.

Mr. MANN. It seems to me it would be easier to add something to the following effect: And provided further, that the total expense authorized by this act shall not exceed so and so, whatever is fair, stating the amount of dollars

Mr. MONDELL. As long as we have public lands we oc-

casionally will have to make retracements.

Mr. MANN. Oh, well, Congress will still be in session at that

Mr. MONDELL. We all know that Congress each year appropriates for the survey of public lands, and if we provide that these expenditures shall not be above the annual appropriation, that ought to be satisfactory.

Mr. MANN. Here is a man who wants a resurvey. There may be no good occasion for it at all. If there is no limitation on the expense whatever, some department officer considers that there should be a resurvey, for favoritism perhaps, and a resurvey is ordered, but if there is a limitation on the total amount of expense authorized by the act, then the resurvey is considered a little more critically.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, for the present I will object, unless the gentleman accepts my amendment.

The SPEAKER. Objection is heard.

CALAVERAS BIGTREE NATIONAL FOREST.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1574) to create the Calaveras Bigtree National Forest, and for other purposes, and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washingtoniana, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township 4 north, range 15 east, Mount Diablo meridian, the northeast quarter of section 1; in township 4 north, range 16 east, Mount Diablo meridian, the north half of section 6; in township 5 north, range 15 east, Mount Diablo meridian, the southwest quarter of section 23, and southeast quarter of section 20, northwest quarter of section 23, and southeast quarter of section 23, and southeast quarter of section 36; and in township 5 north, range 16 east, Mount Diablo meridian, the west half of section 28, the east half and southwest quarter of section 33, and such area or areas, as fast as complete title is acquired, shall be known as the Calaveras Bigtree National Forest, and shall be administered, protected, and improved by the Secretary of Agriculture to prolong the existence, growth, and promote the reproduction of said big trees, and to make said national forest accessible and convenient for the public: Provided. That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said hall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which shall, if found subject to such lieu selection, be patented to said owners in lieu of the land conveyed, and if any selection is rejected other healt of the land conveyed, and frany selection is rejected of any land conveyed, as determined by the Secretary of Agriculture; or an

With the following amendments:

Page 3, strike out all after the word "section" in line 9. On page 2 of the bill, at the end of line 10, insert the word "and;" and after the word "protected," in line 11, strike out "and improved."

In lines 13 and 14 strike out the words "and to make said national forest accessible and convenient to the public."

On page 3 strike out lines 5, 6, 7, 8, 9, and up to the word "section" in line 10, and insert the following: "Equal to the amount of timber and wood on the land acquired by the United States under the provisions of this act."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I desire to reserve the right to object. I want to ask the gentleman from California this question: What committee reported the bill?

Mr. SMITH of California. The Committee on the Public

Mr. UNDERWOOD. Was the question as to whether there was any constitutional authority for the Government to buy land to establish a national forest reserve considered by the committee?

Mr. SMITH of California. It was not raised during the consideration by the committee; no, sir.

Mr. UNDERWOOD. Well, there was no consideration of the

question whatever.

Mr. SMITH of California. I do not understand the question. Mr. UNDERWOOD. I want to know if there was no consideration by the committee whatever of the question as to whether there was authority under the Constitution to buy land to establish a forest reserve?

Mr. SMITH of California. I think that subject was not brought up and considered at all in the committee. think anyone thought of it. I am sure I did not. The Government has done that in several instances, and in this case it is merely an exchange of land. It does not provide for the purchase. That portion of the bill which refers to the acquiring of moneys from California, and so forth, is stricken out by the amendment I offer, and as it now stands it provides for two things-either the exchange of other lands or the exchange of stumpage for these groves of big trees. The legal question to which the gentleman refers was not considered in the committee.

Mr. UNDERWOOD. There is no limitation on the amount of stumpage that the Secretary is authorized to exchange for this land.

Mr. SMITH of California. I am offering an amendment now to limit it to the value of the lumber in the trees that we get.

Mr. UNDERWOOD. What is the value of that stumpage? Mr. SMITH of California. Oh, I do not know, I am sure. It is a matter of surveying the trees and finding out. It is left to the Secretary of the Interior and the Secretary of Agriculture to make this exchange. The trees are owned by a lumberman at this time. There are two groves containing these extraordinary trees. The trees are said to be the oldest living things on the face of the earth, and according to the estimates they are many thousands of years of age.

Mr. UNDERWOOD. I understand that, and I am heartily in accordance with the gentleman's idea of preserving these trees if we can do so in a constitutional way and without opening a way to rob the Government of its timber or money. I think to pass a loose bill giving unrestricted authority to exchange stumpage may mean that the forests of the Government may be depleted in that way, and I think that outside of any constitutional question the gentleman said that he was advised of one or two precedents for this being done. I do not recall that myself, and I would like to have him inform the House as to what those precedents are.

Mr. SMITH of California. Well, I think there have been bills passed for land that was included in a national park. I know of a bill that passed the Senate about a week ago appropriating money to acquire private holdings that lay within a national park in my district. I had that in mind when I spoke of the precedent just now.

Mr. UNDERWOOD. I call the gentleman's attention to the fact that this same question arose with reference to the establishment of a national forest reserve in the Appalachian Mountains, and I do not think that bill has been allowed to come before Congress or has been brought before the House.

Mr. SMITH of California. I think there is quite a substantial difference between acquiring property for a utilitarian purpose like the Appalachian forest reserve, and acquiring property

which is a natural curiosity, in the nature of a monument.

Mr. UNDERWOOD. I do not see the distinction—I do not draw the distinction which the gentleman does, and I want to ask the gentleman, if he receives unanimous consent-I am willing to waive the constitutional question, as that is a question that can be checked by the Supreme Court of the United States—if the gentleman will agree to an amendment limiting the stumpage absolutely to the stumpage that is now on the land, and also to an amendment agreeing that this bill shall not become a charge upon the Public Treasury.

Mr. SMITH of California. Yes; I think the first amendment is already there now, and if the Clerk will read again the amendment I am offering to the third page of the bill I think that covers the point.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Strike out all after line 4 and insert: "Equal to the amount of timber and wood on the land acquired by the United States under the provisions of this act."

Mr. UNDERWOOD. I think that would be satisfactory, as I presume the Secretary of Agriculture would guard the interests under that provision. Now, I would ask the gentleman if he is willing to offer an amendment—if he gets unanimous consent for the consideration of the bill-to the effect that the passage of this bill shall not be a warrant for appropriations from the Public Treasury to carry out this project?

Mr. SMITH of California. Do you mean for the acquisition

of the land?

Mr. UNDERWOOD. For the acquisition of the land.

Mr. SMITH of California. Yes; I would accept such an amendment, but I hardly understand the necessity for it. bill provides only two ways. One is to exchange lands for it; the other to exchange stumpage for it. Now, I do not know how anybody could incur any obligation of a financial nature.

Mr. UNDERWOOD. It might be a warrant to carry on an appropriation bill hereafter—an appropriation from the Treasury for that purpose—and I do not think it ought to be done.

Mr. SMITH of California. I am certain—
Mr. UNDERWOOD. I do not desire to object to the gentleman's bill if he will give the House an opportunity to vote on that proposition; but I insist if the bill is considered that there be a limit put on that matter.

Mr. SMITH of California. If the gentleman will state clearly

what he wants, I think I will agree to it. Will it not be sufficient to leave that subject of appropriations to be dealt with when we come to it? I have no thought or desire whatever to ever come here and ask for anything to help this out in the way of an appropriation. I can assure the gentleman of that.

Mr. UNDERWOOD. I think the bill ought to be limited, be-

cause if it is not limited now it may be used as a lever to put an appropriation in an appropriation bill and not make it subject to a point of order that it is contrary to existing law.

Mr. SMITH of California. State the amendment you wish,

and I think I will agree to it.

Mr. UNDERWOOD. The amendment I desire placed in the bill is to this effect: Provided, that nothing contained in this act shall warrant an appropriation from the Treasury for the purchase or payment for any portion of this land.

Mr. SMITH of California. I will accept that.

Mr. SHERLEY. Mr. Speaker, still reserving the right to object, I would like to know if this bill is based upon any actual knowledge of whether these trees can be acquired.

Mr. SMITH of California. Yes.

Mr. SHERLEY. Now, what is that knowledge? Mr. SMITH of California. A man by the name of Whiteside, living, I think, in Minnesota at some place, owns the principal part of the groves, and he has stated to people in California, who have been interested in having this accomplished, that he would trade. He is in the lumber business, a wealthy lumberman, and he says he would rather have lumber than beauty. He is quite willing to exchange this for timber that would be nearer transportation, that he could mill and put on the market.

Mr. SHERLEY. Has he ever made a definite proposition, or has it ever been determined what he considers a fair trade?

Mr. SMITH of California. We are exchanging this for an equal amount of lumber.

Mr. SHERLEY. I understand, but an equal amount of lumber does not necessarily represent an equal amount of value, because locality has a great deal to do with value. Now, to whom do you leave the discretion of determining what is to be given in exchange?

Mr. SMITH of California. The Secretary of the Interior and the Secretary of Agriculture, by the terms of the bill,

negotiate the trade.

Mr. SHERLEY. I am in such hearty sympathy with the desire to preserve these trees that I dislike to make any objection, but the information that the House is getting as to the terms of this bill is practically nil. Even the amendments, as I heard them read, are not understandable from the floor; and the report itself does not give me any understanding of what the terms of the bill are as it will be passed.

Mr. SMITH of California. I am adding some amendments to further limit the amount that they may give in exchange for the trees, making it closer, so that they may not be permitted to be extravagant in what they give.

Mr. SHERLEY. I do not mean to doubt the accuracy of the gentleman's statement. But we have only a statement. We can not tell a thing from what has been read here of the legislation we are proposing to pass.

Mr. SMITH of California. I will ask the Clerk to read it again.

Mr. SHERLEY. I would like to have the bill read as proposed to be amended.

The SPEAKER. Without objection, the bill will be read as it would read if the amendments were agreed to.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequola washingtoniana, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: * * * And such area or areas, as fast as complete title is acquired, shall be known as the Calaveras Bigtree National Forest, and shall be administered and protected by the Secretary of Agriculture to prolong the existence, growth, and promote the reproduction of said big trees: Provided, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which shall, if found subject to such lieu selection, be patented to said owners in lieu of the land conveyed, and if any selection is rejected, other selections may be made under conditions applicable to the one rejected; or the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest reserve land an amount of timber and wood equal to the amount of timber and wood on the land acquired by the United States under the provisions of this act.

Mr. SHERLEY. May I ask the gentleman a question?

May I ask the gentleman a question?

Mr. SMITH of California. Certainly.
Mr. SHERLEY. If I understood the reading, it practically gives to the owner of these trees a right to an equal amount of timber anywhere in the public domain?

Mr. SMITH of California. Wherever the Secretary of Agriculture and the Secretary of the Interior may agree to give it

Mr. SHERLEY. Is that last statement warranted by the bill? Does it not give him the option to file a claim where he pleases, and the only question left for the two Secretaries to de-

termine is as to the quantity and not the location?
Mr. SMITH of California. I think so.

Mr. SHERLEY. Does not the gentleman think that is a pretty broad proposition? In other words, while these trees have a very great and inestimable value because of their character, in a commercial sense their value is limited? Now, you are giving to the man the right to have an equal amount of stumpage anywhere that he may choose in the public domain.

Mr. SMITH of California. I do not discover that it specifies any particular part of the United States where he is to take the stumpage. The value of the stumpage is the thing we are interested in.

Mr. SHERLEY. Yes; but the value of the stumpage is alto-

gether determined by where it is situated.

Mr. SMITH of California. That is right, and the Secretaries, I think, could be trusted to see that he did not get an excessive They are not obliged to give him an equal amount.

Mr. SHERLEY. Let me ask the gentleman another question. Has any effort been made by the State of California to get possession of these lands?

Mr. SMITH of California. Not anything of a concerted nature; no. The experience of California in controlling a national park, as we had it when we controlled the Yosemite, was not

very satisfactory.

Mr. SHERLEY. But California might go ahead and acquire title to the land under consideration, and then deed it to the

United States as in the Yosemite Park case.

Mr. SMITH of California. The State of California did not acquire the Yosemite Valley in that way. It acquired it as trustee from the Federal Government and afterwards returned the trust.

Mr. SLAYDEN. I want to ask the gentleman about this bill, as it was practically impossible to hear for the noise. I want to ask the gentleman if an excessive value has not been placed by Mr. Whitesides on the stumpage that he owns in the State of California? Now, I am one of those who are interested in the preservation of those trees if it is possible, but I notice on page 2 of the report, in the paragraph at the bottom, it is stated "The appraisement is liberal." The suggestion is

made that it might be excessively liberal. Now, when we are dealing for this timber, it is not timber that is very valuable for lumber purposes. Now, is it not possible that if this exchange is made that, as they have overvalued that which they are to transfer, they may undervalue that which the Government will give in exchange?

Mr. SMITH of California. We have got to trust these mat-ters to some one. If you are going to make a trade, you have to leave it to some one to make the terms, and I do not know that you can leave it to anyone better than the two Secretaries.

Mr. SLAYDEN. But there may be no use in making such trades. I think, in making the trade, it should be made by those who are disinterested.

Mr. SMITH of California. Well, with the limitations to be placed on how the land is to be acquired, I do not see why the Secretary himself, who suggests that the appraisal has been too high, will not probably see that a new one is made so as to protect the Government.

Mr. SLAYDEN. I am anxious not to oppose any proper measure that will have these big trees preserved, and will do

anything fair and right to have it done.

Mr. SMITH of California. I am glad the House is of the mind to do anything to preserve these great wonders. In order to make it possible, we have got to trust to some representative of the Government to do what is fair, and I think these two Secretaries can be trusted as well as any other officials we might select. It is not possible to come to Congress and submit the matter to Congress as to exactly what is right. I think these two Secretaries can be trusted to give the Government a fair deal.

Mr. SLAYDEN. The inquiry has been made, which Secretaries it refers to—those that are coming in or those that are now in.

Mr. SMITH of California. That depends upon how soon we

get the bill passed.

Mr. SHERLEY. We have been asked in my committee for \$1,000,000 to be added to the annual appropriations for the investigation of fraudulent patents to part of the public domain; and judging by the past, we can not rely so very much upon what Secretaries may do to protect the public lands. Therefore, I think that while this matter is important, it can at least wait a day or two, when we can have presented to us something more of a detailed statement than we have.

The SPEAKER. Is there objection? Mr. SHERLEY. For the present I object.

ADMINISTRATION OF JUSTICE IN THE NAVY.

Mr. ROBERTS. Mr. Speaker, I renew the request I made yesterday for unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill H. R. 6252; and couple with that the request that the bill be not read, as it was read in full and explained vesterday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 6252) to promote the administration of justice in the

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Let the bill be reported.

The SPEAKER. The bill was reported yesterday.

Mr. KEIFER. It was read yesterday and printed in the RECORD.

Mr. GAINES of Tennessee. I reserve the right to object.

Mr. KEIFER. There is an amendment to be offered that will not take any time, and it will be accepted. I shall not object.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Mr. KEIFER. Mr. Speaker, I offer for adoption an amendment which I send to the desk.

The SPEAKER. The committee amendments will first be disposed of.

The amendments of the committee were agreed to.

The SPEAKER. The gentleman from Ohio offers the following amendment.

The Clerk read as follows:

Page 3, line 13, after the word "litigated," insert "and such officer shall have power to pardon any punishment such court may adjudge."

Mr. ROBERTS. That amendment is accepted on the part of the committee.

Mr. KEIFER. That conforms to the provision for courtmartial by the garrison court in the army.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CORWIN M. HOLT.

The SPEAKER laid before the House the bill (H. R. 4931) to correct the military record of Corwin M. Holt, with a Senate amendment, which was read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

GEORGE M. VOORHEES.

The SPEAKER also laid before the House the bill (H. R. 17572) for the relief of George M. Voorhees, with a Senate amendment, which was read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House

concur in the Senate amendment.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26915, making appropriations for the army.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the army appropriation bill, with Mr. Perkins in the chair.

The Clerk, resuming the reading of the bill, read as follows:

OFFICE OF THE CHIEF OF STAFF.

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, office, toilet, and desk furniture, text-books, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, and for all other absolutely necessary expenses, including \$25 per month additional to regular compensation to chief clerk of division for superintendence of the War College building, \$10,000.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I fail to find in this bill anything which was included in the last bill prohibiting the competition of marine and army bands with civilian musicians.

Mr. HULL of Iowa. That was carried in the provision making the increase of the pay of the army. That being permanent law, will never be found in this bill again, but when estimating for the pay of bands it will be estimated in accordance with that law

Mr. BARTHOLDT. I merely asked the question to make sure that that is the construction put upon it by the War Department. I withdraw the pro forma amendment.

The Clerk read as follows:

The Clerk read as follows:

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the army by telegraph or otherwise, \$250,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out, in line 11, page 5, the word "two"—

I reserve a point of order on the paragraph. Mr. HULL of Iowa. Of course the point of order should be determined first. I do not want to amend the paragraph and

then have it go out on a point of order.

Mr. MACON. I do not want to make a point of order unless the paragraph is subject to it, but I reserve the point of order to find out if we have been appropriating for war balloons here-

Mr. HULL of Iowa. Yes; we have, right along.

Mr. MACON. Is there any existing law that authorizes them? Mr. HULL of Iowa. Just exactly the same as the others. There is no existing law authorizing many of the other things carried in this paragraph, so far as I know, except the general law that whatever is for the support and development of the army goes to this committee. The gentleman can also raise the same objection to telephone operators, electrical installations and maintenance at military posts, and the rest of it on the same grounds.

The CHAIRMAN. What point of order does the gentleman

from Arkansas make?

Mr. MACON. I reserve the point of order against the words war balloons," in line 3, page 5. Unless it can be shown that it is in accordance with existing law, I make the point of order. The gentleman has said there was no existing law authorizing it. I do not think it a wise provision, and as a legislator here I object to it, and therefore make the point of order.

The CHAIRMAN. The gentleman from Arkansas makes a point of order against the words "war balloons." Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL of Iowa. I only desire to be heard to this extent, that this development of supplies for the army and its equipment is not provided for by any specific law other than the act creating the Signal Corps. It has been carried on the appropriation bill, I think, for at least ten years in the exact language that it is now, except as to post telephone exchanges. That is of more recent origin. It is the development of the care of the army, its proper administration and equipment, and, in my judgment, does not require specific law. If it did, it would make it so that no improvement could be made without first passing a bill through Congress to provide for making each specific improvement.

Mr. GAINES of Tennessee. Is this money to experiment with

war balloons or to buy them as military appliances?

Mr. HULL of Iowa. For experimentation.

Mr. GILLETT. Is the amendment you propose to offer, of \$500,000, all for war balloons?

Mr. HULL of Iowa. Yes.

Mr. GAINES of Tennessee. I will ask the gentleman if other countries are not also experimenting with the war balloon for

the purpose of increasing the efficiency of their armies?

Mr. HULL of Iowa. Yes; of course they are; but that is a question that is not in order to be discussed until the point of order is disposed of.

Mr. GAINES of Tennessee. I have no copy of the bill or I

would not have asked the question.

Mr. HULL of Iowa. I will say to the gentleman that if there is no amendment made in the appropriation, they will still carry on the experimentations they have been making for ten years under the provisions of this law. I think gentle-men will understand that there must be a certain latitude in order to enable certain lines of improvement to be carried on as we go along,

Now, I think if any new legislation was put in here it would be subject to a point of order, but the fact that it is the same as the post telegraph changes, and perhaps two-thirds of the

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. GAINES of Tennessee. Is not the law elastic enough for the War Department or the Navy Department to experiment with instruments that it may or may not need to use in the army and navy?

Mr. GILLETT. I would like to ask the gentleman if he does not think there is a difference in the legality of a small appropriation for some little incidental thing and the appropriation

of a half a million dollars for new service, like balloons?

Mr. HULL of Iowa. The question of appropriation is one that is within the jurisdiction of the House, and whether it is

subject to a point of order or not is not affected by the size of the appropriation, whether it is \$10 or \$10,000,000.

Mr. GILLETT. That is just the question I wanted to ask the gentleman. Does not the gentleman think that an appropriation for a small article costing \$10 might be held in order, while for a large embarkation on a new enterprise which costs half a million dollars it might properly be considered new legislation and requiring some authority of law before you could embark in it?

Mr. HULL of Iowa. The gentleman and I do not look at this in the same light. The point of order is to strike out the words "war balloons." That has been carried in the bill for years. Now, the question as to how much shall be given is a question that must be determined after we have determined whether we will appropriate anything or not. If the point of order is sustained, we can not appropriate any sum.

Mr. MANN. Will the gentleman yield?
Mr. HULL of Iowa. I will yield to the gentleman from Illinois.

Is the subject of experimenting with war bal-Mr. MANN. loons a work that is now in progress in the army?

Mr. HULL of Iowa. It has been for some years; and I will say to the gentleman, further, that I understand the reason that this appropriation is so small it is only to pay for a very small part of that experimentation. The larger part of it has been

taken out of money given by the Committee on Appropriations, and that really there was no particular authority for it except that it was set aside for that purpose.

Mr. MANN. Have the experiments that have been made by the War Department been made under this provision or appro-

priation !

Mr. HULL of Iowa. Not the larger ones; no. I want to say to the gentleman from Illinois [Mr. MANN], who is perhaps as good a parliamentarian as there is in the House, that taking it out of any appropriation heretofore would not settle the question of inrisdiction.

Mr. MANN. I was not referring to the question of jurisdic-on. I should assume that if the War Department had adopted the experimentation with war balloons as a method of warfare, it would be very likely a work or object in progress just as much as changing the ordnance would be. No one assumes that it required an act of Congress to change the description or character of a big gun to a small one.

Mr. HULL of Iowa. I am much obliged to the gentleman for the suggestion. It is clearly a work that has been prosecuted

for eight or ten years.

Mr. BUTLER. Will the gentleman yield for a question? Mr. HULL of Iowa. Certainly.

Mr. BUTLER. Does the gentleman know of any law authorizing the purchase of guns or swords or other instruments with which to kill people? Is it not done as a part of the establishment?

Mr. HULL of Iowa. Yes; as part of a work not first definitely

authorized by law.

The CHAIRMAN. This discussion is going on upon a point of order upon which the Chair must finally rule, and the Chair desires that gentlemen will cease conversation and that the committee may be in order.

Mr. PRINCE. Mr. Chairman, I want to say something on the

point of order.

Mr. SHERLEY. I understand the gentleman from Iowa has the floor on the point of order.

Mr. HULL of Iowa. I do not desire to say anything further at this time, unless somebody wishes to ask a question.

The CHAIRMAN. The Chair will then recognize the gentle-

man from Illinois [Mr. Prince] on the point of order.

Mr. PRINCE. Mr. Chairman, as I understand, the gentleman from Arkansas [Mr. Macon] made a point of order against the words "war balloons," on page 5, line 3, of the bill. On page 4, line 22, you will find the subject under discussion, "Office of the Chief Signal Officer, Signal Service of the Army." The words "war balloons" have been carried in bills prior to this measure. The words "war balloons" are a designation of a certain kind of signaling which is necessary for the Signal Service of the Army.

The army has been operating under the use of war balloons. It is a continuing policy of the method now in operation that we are seeking to continue by the use of the words "war balloons." It seems to me, Mr. Chairman, that the words "war balloons" are not subject to a point of order, for it is a continuation of an appropriation carrying out a work in progress which is necessary under the views of the War Department as a part of the Signal Service of the Army.

Mr. SHERLEY. Will the gentleman yield for a question? Mr. PRINCE. I will. Mr. SHERLEY. Have not estimates for experimentation in war balloons, the purchase of war balloons, been sent to the Committee on Appropriations having in charge the fortifications bill, and is not the work that the gentleman speaks of as in progress the work which has been carried on as a result of the expenditure of appropriations carried in the fortifications bill?

Mr. PRINCE: It is quite likely that the chief of the Signal Office has been before the Committee on Appropriations. is only another evidence of the misfortune of having an appro-

priation divided between two committees.

Mr. SHERLEY. Will the gentleman please answer my

question?

Mr. PRINCE. I think that the question of fortifications, as well as the one under discussion, properly belongs to the Committee on Military Affairs and ought not to be considered in any particular by the Committee on Appropriations.

Mr. SHERLEY. For this observation I am indebted, but will

the gentleman now please answer the question as to whether the work in progress is not being carried on from the appropriations made in the fortifications bill?

Mr. PRINCE. It may be carried on in both.

Mr. SHERLEY. Which is the fact, because that is the im-

portant question in this parliamentary discussion.

Mr. PRINCE. I don't know as I can answer the gentleman directly, but I will ask the chairman of the Committee on Military Affairs to answer that question.

Mr. PARSONS. Mr. Chairman, I can answer the gentleman's question.

Mr. PRINCE. I yield for the answer to the chairman of the

committee, the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman, I will yield to the gentleman from New York to supplement what I have to say. question has nothing to do with the question of jurisdiction, because it has been held uniformly that the mere fact of an estimate being sent to one committee or the other gives that committee no jurisdiction. It has nothing to do with it as a matter of fact. It is in the Book of Estimates, and not under the head of the "Military establishment," so it was not brought to the attention of the Committee on Military Affairs until after the bill was reported.

Mr. SHERLEY. If the gentleman contends that it is in order because it is in continuation of a work in progress, I want to know what work is in progress, and whether the work in progress does not get its status by virtue of an appropriation

carried in the fortifications bill.

Mr. HULL of Iowa. It makes no difference, in my judgment, where it gets its status. As a matter of fact, it is from both committees

Mr. SHERLEY. I differ with the gentleman in that.

Mr. HULL of Iowa. I know the gentleman differs with me, but I think the gentleman is wrong.

Mr. SHERLEY. If the gentleman's position is right, you can appropriate in the war bill for any other work in progress.

Mr. HULL of Iowa. No; not at all. Answering the gentle-man's question further, I will say that in my judgment this work in progress has been carried on by this bill and by the other bill also.

Mr. PARSONS. That is it exactly.

Mr. HULL of Iowa. So that so far as the work in progress is concerned, it is in progress by appropriations by Congress, and it affects a corps of the army entirely distinct from the The only reason that I can see for its going to fortifications. the gentleman's committee is because under the appropriations for fortifications the Board of Fortifications is allotted some money without going to Congress for specific reasons.

One of the reasons was to get money wher-Mr. SHERLEY.

ever they could get it.

Mr. PARKER. Will the gentleman permit a question? Mr. SHERLEY. Certainly.

Mr. PRINCE. Mr. Chairman, I do not want to yield the floor until I have an opportunity to make one other observation.

Mr. PARKER. Then will the gentleman from Illinois permit question?

Mr. PRINCE.

Mr. PARKER. Is it not true that the balloons might be needed for fortifications in order to spy around and see what was going on, and likewise might be needed for the Signal Service Corps of the Army, who were carrying on general signal service for the whole country, but would be in each case a different style of balloon?

Mr. SHERLEY. And they might not be needed in either case, Mr. COCKRAN. That is true of every other appropriation. Mr. PRINCE. In addition to what I have said, Mr. Chair-

man, one of my colleagues, the gentleman from Nebraska [Mr. HITCHCOCK], tells me that at Omaha they have a balloon house, a war balloon for signaling purposes, and that he understands that it is exclusively under the control and management of the Signal-Service Corps, evidently showing that this is, as I have stated to the chairman, a work in progress and not subject to a point of order.

Mr. PARSONS. Mr. Chairman, I would like to be heard on the point of order. There are two experiments going on with war balloons, one under the appropriation in the fortifications bill and the other under this appropriation. Under the appropriation in the fortifications bill prizes were offered, under which the Wright brothers and Herring competed and are to be awarded prizes if they meet the tests; but under this appropriation the Signal Corps not only has constructed a balloon house at Omaha, but it has purchased a balloon—a war balloon—which is called "Dirigible No. 1," paid for entirely out of this appropriation. If we increase this appropriation, we will continue this work of building war balloons, and they will be called "Dirigibles Nos. 1 and 2," clearly showing that it is a work in progress, entirely made up out of this appropriation and distinct from the uses to which the fortifications bill provision has been put.

Mr. GILLETT. Mr. Chairman, I want to say just a word on the point of order. This appropriation is supported on the ground that it is a work in progress. As I understand the meaning of that rule, it is not that a department, to take this illustration of balloons, by voting a toy balloon in one year can thereby establish a work in progress which ever after will be a foundation upon which to rest the claim that they have jurisdiction over the subject because of that work in progress, but I understand the rule to mean that the work in progress must be some specific work that is of some determinate nature; that it is not a mere indefinite work. The gauging of streams, for instance, is parallel to this and has been held to be not a work in progress because it is an indefinite work, and so it seems to me this experimentation in ballooning is not such a work as comes under the rule, because it is an indefinite and indeterminate project. It must be some specific definite work, and, therefore, it seems to me that this point of order should be sustained.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. PARKER. Mr. Chairman, I have but a word to say. The Committee on Military Affairs by the rules have all bills as to the military establishment-that is, the army-and the public defense, including appropriations for its support. War balloons are no new things. They were used in the civil war. War balloons are only changing in their form, and it is not fair to say that the work being done is altogether experimental. It is work that has been done ever since the balloon was used in war and the endeavor has been to get the best, and the bill itself commits us to no indeterminate process of experimentation. It recognizes only that the use of war balloons has so increased, and the money that is needed for them has so increased, and its need for the Signal Service is so much a part of the national defense that their purchase ought to be specifically recognized in the bill as the purchase of military arms for a mobile army. Now, the continuance of a public work is applicable because this bill does not provide for any specific thing at any special point, but provides for the entire national defense by a mobile army so that whatever arm is necessary for that mobile army, even if it were a new kind of explosive, can be authorized in this bill. We have authorized the purchase of nitrates, we have authorized the purchase of new kinds of powder and new kinds of arms, and we certainly can authorize the purchase of a well-known form of military signal for the use of the Signal Corps.

Mr. MANN. Mr. Chairman, I would like to submit a few observations on the point of order. I notice in the bill, in the same paragraph, authority for the "purchase, equipment, and repair of field electric telegraphs." There is no provision of law for that. Also, "signal equipments and stores, binocular glasses." There is no provision under the law for that. "Telglasses." There is no provision under the law for that. "Telescopes;" there is no specific provision of law for that; and various "instruments for use on target ranges." There is no specific provision of law for that. Now, what is the situation as to these items? Are they subject to the point of order or are they in order as carrying on a work or object in progress; and if so, what is the work or object in progress? Not merely the purchase of these specific items, but the preparation of the country for its military preservation. That work or object in progress is the maintenance of the army. Now, while it is true in my judgment you could not insert entirely new items in the bill, when the work has commenced, when the army is making use of those instruments, they become a part and parcel of the work or object in progress, which is the proper maintenance of the army.

Mr. GILLETT. May I ask the gentleman a question?

Mr. MANN. In just a moment. As to the subject of war balloons the department is now experimenting in the use of war balloons. Are they part of the work or object in progress? How can you make a distinction between war balloons and necessary instruments for use on target ranges? You can not maintain an army with efficiency without instruments for use on target ranges, and there is no specific law for that.

Mr. MACON. Can it not be done without balloons? not done in the war between Russia and Japan? Was it not done in the war waged by England against South Africa? And was it not done in the war between the United States and Spain?

Mr. MANN. It may be possible to maintain an army with sufficient efficiency without war balloons; but it has now become, in my opinion, a part of the maintenance of the army, and has been carried in the appropriation bills for years.

The question arises as to which committee has jurisdiction of the item, whether it be the Committee on Appropriations in the fortifications bill or the Committee on Military Affairs in the army bill. It seems to me that the question is settled by the existing law. The last appropriation act specifically provided for war balloons. Congress itself has by its own action indicated that the Committee on Military Affairs has jurisdiction of this item, because for ten years it has included the item in the army appropriation act.

Now, it may be true that the Committee on Appropriations also has jurisdiction. For instance, we appropriate for telephones in the fortification service and we appropriate for telephones in the military posts under the jurisdiction of this It can not be said that because one committee has jurisdiction to report an appropriation for telephones that therefore the other committee has not. We appropriate for ordnance in the fortifications bill; we appropriate for ordnance in the army bill. It can not be said that because the one committee has jurisdiction over ordnance the other committee has not. And it seems to me, Mr. Chairman, that the construction and use of war balloons has now become a part and parcel of the work or object in progress, to wit, the maintenance of an efficient army, and that, so far as the jurisdiction is concerned—
The CHAIRMAN. The Chair will state that so far as the

question of jurisdiction is concerned his mind is entirely clear. He does not care to hear any further argument on that point, He would like to hear on the point of order as to whether it is new legislation, and consequently obnoxious to the rule.

Mr. MACON. Before the gentleman from Illinois [Mr. MANN]

mr. MACON. Before the gentleman from Inhols (arrivally) proceeds further, I want to say—

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. Certainly; I yield.

Mr. MACON. I am anxious to do those things that are for the best interests of this country, and if the gentleman can cite a single instance where a war balloon has played any concite a single instance where a war balloon has played any considerable part in connection with any single war engagement within the lifetime of the gentleman, I will withdraw the point of order.

Mr. MANN. Mr. Chairman, if the gentleman will permit me to answer him, no one could have cited ten days ago any case where the wireless telegraph had saved hundreds of lives in a shipwreck at sea. The time for citing the case in reference to balloons will come after they have saved possibly hundreds of millions of dollars and maybe hundreds and thousands of lives, and possibly a great many more.

Mr. MACON. Did the National Government, however, appropriate funds for the purpose of establishing that great scientific development that caused the saving of twelve hundred lives?

Mr. MANN. For years, I may say to the gentleman, we have appropriated in several branches of the Government for the development of wireless telegraphy, and the efforts of our country in that respect have been of incalculable value to the whole world, and especially to our own country.

The gentleman said a while ago that none of us Mr. MACON. knew up to ten days ago that such a thing as the saving of hundreds of lives by the instrumentality of wireless telegraphy would ever be done. We did not know that the wireless telegraphy would be the cause of the saving of over twelve hundred lives at one time, it is true, but we knew several years ago that it would be done if the occasion ever arose to afford an opportunity to do so. But you can not show me anything that these war balloons have ever done, or what you will do with them to save that number of lives.

Mr. PARSONS. Will the gentleman from Illinois yield to me for a question?

Mr. COCKRAN. Mr. Chairman, with the permission of the gentleman from Illinois [Mr. MANN], I venture to state an historical fact which may shed some light on the question propounded by the gentleman from Arkansas [Mr. MACON]. balloon-and it might be fairly called a "war balloon"-did perform a very signal part in the war between France and Ger-When the Prussian lines surrounded Paris and the provisional government established after the fall of the Empire was confined in the city, Leon Gambetta escaped from Paris in a balloon and organized the national defense which continued the French resistance for several months.

Mr. MANN. Now, Mr. Chairman, on the question of legislation, it seems to me the rule provides that legislation on an appropriation bill shall not be in order, but it also provides that the item is in order if it is carrying on a work or object in Now, I do not see how you can strike out this item without striking out almost everything in this bill, and absolutely, if carried into effect, destroy the very object now of maintaining an army, because merely appropriating for the officers and enlisted men of the army is not sufficient. is no authority in law except the appropriation bill for the purchase of a dollar's worth of arms or ordnance of any

Mr. HULL of Iowa. I would like to say just a word or two upon the point of order. I do not believe, Mr. Chairman, that it is necessary to go beyond the argument of the gentleman from Illinois. It seems to me that it is conclusive; but I desire to call the attention of the Chair to the act of 1890, pertaining to

the Signal Corps, which prescribed certain duties that were known and definite, and then adds this:

And all other duties usually pertaining to military signals.

Now, I want to call the attention of the Chair to the report of the department, and what they say here in regard to recon-

Reconnoissance in war will hereafter be more thorough than in the past, and commanding generals will have more accurate information. This will not always make their task easier, but neither will ignorance of the enemy's positions or actions be an excuse for making mistakes in strategy and tactics in the future. Indeed, the commander in chief who is a good strategist and a tactician will profit by this new war material, but he who is weak in both respects must suffer from them if his adversary has the ability to properly utilize the better information he receives.

Now, to-day we have appropriations that carry the telegraph lines over the field of battle right up next to the troops, at all times keeping headquarters in connection with the most remote parts of the army. In our modern warfare the Russian army in Manchuria was scattered over 60 miles of front. The Japanese army covered 60 miles of front. If a general is to keep the whole of his force at work and carry out his plans, there has to be some way of managing it, and the report goes on:

Dirigible balloons and air ships, therefore, will not make strategy, as an art, any easier, but they will facilitate the execution of sound strategic plans by furnishing better, more definite, more complete, and more comprehensive information regarding the enemy's positions and forces.

This department is authorized to develop this, and under the organic act was authorized to go into anything that would pertain to military signaling, and one of the great benefits of this whole balloon system is military signaling.

Just one word. As suggested by the gentleman from New York, for more than two years aeronautics have been practiced by the Signal Corps, experimentally. At Leavenworth and all the maneuver camps we have had them, showing how they can detect the position of the enemy and signal headquarters from the balloon.

Mr. CAPRON. Mr. Chairman, that this point of order may be speedily withdrawn, according to the promise of the gentleman from Arkansas, I will say that in the spring of 1862, as a signal officer, I was occupying an army position opposite Cock Pit Point, on the Potomac, where a balloon was supplied with which we watched the other side of the Potomac. After the battle of Malvern Hill, also, a balloon was used all the time we laid there, and that balloon was attached to a wagon and swung above the trees and used to observe the enemy until we were below Williamsburg, showing that the use of balloons is not new. Now, as the gentleman said if he could have shown him one instance where a balloon had been used he would withdraw the point of order, I ask him now to withdraw it.

Mr. MACON. In the performance of duty. Mr. CAPRON. Oh, no.

Mr. MACON. There was another qualification I made to that, and that was it must have occurred in the lifetime of the gentleman from Illinois. [Laughter.]

Mr. CAPRON. Why, the gentleman from Illinois was an old man then. [Renewed laughter.]

Mr. MACON. I withdraw the point of order. Mr. SHERLEY. I renew the point of order.

Mr. MANN. I would be willing to accept the libel to have the point of order withdrawn. [Renewed laughter.]

The CHAIRMAN. Does the gentleman from Arkansas withdraw the point of order?

Mr. MACON. Yes; I withdraw the point of order.
Mr. SHERLEY. I renew it. [Cries of "Rule!"]
Mr. HOBSON. Mr. Chairman—
The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. HOBSON. I desire to be heard on the point of order.
Mr. Chairman, the situation to-day in regard to the status of
the dirigible balloon is analogous to the situation that prevailed in 1885 as to battle ships. When we first determined to build battle ships

Mr. HULL of Iowa. A point of order on the point of order. After debate and after the point of order has been withdrawn, can it be renewed?

The CHAIRMAN. Oh, yes.

Mr. HOBSON (continuing). The first battle ship authorized was the *Texas*. It was known as "battle ship No. 1." The second authorized was the *Maine*, and was known as "No. 2." Then came the three battle ships of the *Oregon* class, Nos. 3, 4, and 5. We are now building Nos. 29 and 30. It would have been just as much in order to strike out the authorization of battle ships Nos. 2, 3, 4, and 5 after battle ship No. 1 had been ordered as to strike out the present provision, which will be for dirigibles

Nos. 2 and 3. The same rule that applies to battle ships on the naval appropriation bill must apply to our balloons on the military appropriation bill now that such balloons have been built and tested and employed in active service, as has been dirigible No. 1.

Mr. GAINES of Tennessee. Mr. Chairman, I will discuss the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. GAINES of Tennessee. Before I begin, I should like to ask the gentleman from Alabama when we first established the Signal Service in the army?

Mr. HOBSON. I should like to give the gentleman correct information, and therefore I will ask the chairman of the Committee on Military Affairs to supply it.

Mr. GAINES of Tennessee. I thought the gentleman could tell me.

Mr. HAY. It was used during the civil war.

Mr. HOBSON. I know it is very old. It has been long established.

Mr. GAINES of Tennessee. It certainly has been established Mr. Chairman, the telegraph, the telephone, the courier, the war balloon, and all that sort of thing are a part of the signal-service system, and I think I can show the Chair where, in former appropriation bills, Congress has almost said "bal-In these bills Congress has construed the term "Signal Service" by its acts. Let me read you:

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target ranges; telephone apparatus (excluding exchange service) and maintenance of the same.

The CHAIRMAN. From what does the gentleman read? Mr. GAINES of Tennessee. I am reading from the United

States Statutes at Large, volume 27.

The CHAIRMAN. Is the gentleman reading from an appropriation bill?

Mr. GAINES of Tennessee. Yes; from an appropriation bill, for the purpose of giving the Chair a congressional definition of the words "signal service."

The CHAIRMAN. The Chair understands that war balloons have been repeatedly appropriated for in appropriation bills.

Mr. GAINES of Tennessee. I am trying to get a congressional definition or construction of the term "signal service" or "signal-service system." It operates by "telegraph or otherwise." Those words are used in this appropriation bill, which became law. I will continue the reading from this appropriation (bill) law:

Maintenance and repair of military telegraph lines, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the army by telegraph or otherwise.

Now, if a balloon is not a carrier used for the transmission of intelligence, and if a balloon can not be covered in that language, "or otherwise," I hardly see what would cover it, unless we used the word "balloon." The signal-service system sends and seeks information by the "telegraph or otherwise." Thus Congress has defined "signal service."

Now, I find in other similar bills the same language, in effect, as to existing law. The Constitution provides that the Congress "shall declare war," "raise and support armies," "provide and maintain a navy." The Signal Service is part of the army service, and the law so declares. By the general law, I presume, the navy has experimented with smokeless powder, and I have the report of the Department of Commerce and Labor stating it did so experiment, and perhaps the War Department has done so. Under its general authority to "maintain" the Navy Department, under the general law establishing the navy, that department must have the right to experiment from time to time with things that will build up and support and "maintain" the navy, and the same must be true as to the army. The de-partment has experimented with various other processes for the same purposes. So, I say, under the Constitution and the general law creating these departments and Signal Service, to carry information, under a proper construction shows that there is existing law sufficient to justify the Chair in overruling the point of order, and also because the Signal Service is a continuing and unfinished system or work.

The CHAIRMAN. The Chair is ready to rule. The ques-

tion presented is one of considerable embarrassment to the Chair, and is undoubtedly close to the border line. several considerations that have been advanced in the debate, which are entitled to weight. The point is first made, as I

understand, that the Committee on Military Affairs has not jurisdiction of appropriations for this subject. On that the Chair has no doubt. The balloons, for which appropriations are asked to be made, are to be used in connection with the Signal Service of the Army. There can be no question that the Signal Service of the Army is within the jurisdiction of the Committee on Military Affairs.

It may be that balloons could be used in reference to some

other branch of the government work under the charge of some other committee, and that the question of the application of war balloons for such a use might be under the jurisdiction of some other committee. However that may be, it is not for the Chair to say now. It is sufficient to say when the question arises for the use of war balloons for the Signal Service of the Army that it seems to the Chair that that is plainly within the jurisdiction

of the Committee on Military Affairs.

The next question that arises, and a far more serious one, is whether this appropriation asked for by the committee has been authorized by existing law so far as the statutes are con-cerned creating the signal service. From the superficial examination which the Chair has been able to give, it does not seem that there is any specific provision that would cover such a field of activity as this. The signal service is authorized to connect points by suitable telegraph lines, and to use life-saving stations, signal stations, and so forth, provided in the specific act by which the signal service is created. It hardly seems to the Chair that under the statutory authority it can be said that there was any authorization of such a work as this. But it is argued, however, that under the rule of construction which is established in the procedure of this House, this may be regarded as a work in progress; that the further appropriation for war balloons may be regarded as a continuation of a work now in progress in connection with the Signal Service Corps of the

That rule has been variously applied. It has been held that an additional appropriation for new ships, for instance, was the continuation of a work carried on for the construction of a navy. It has been assumed in practice, apparently, that the purchase of guns, cannon, for which I think there is no specific authority in so many words, was yet a continuation of the work of carrying on the maintenance and equipment of the

On the other hand, it was held, for instance, that when an appropriation was asked for the navy for a new type of boat not for the construction of such a boat as had been used, but the construction of a new type of boat—that that was not in order on the naval appropriation bill and could not be regarded

as a continuation of a work in progress.

From these decisions arises the difficulty in passing upon this specific question. But, on the whole, this seems to the Chair a reasonable rule to apply. The wholesome rule that prevents new legislation getting on an appropriation bill is one of great value. The rule which prevents appropriations for objects which need specific legislation is an exceedingly wholesome one, and yet, on the other hand, I do not think we should go so far as to strain it or to prevent appropriations being continued which anyone can see are fairly and reasonably incidental to and inherent in the necessities of the service.

Now, it appears that for years war balloons have been used in connection with the signal service. The gentleman from Massachusetts suggests that this might be regarded as a mere work of experimentation that had never reached the dignity of what should be regarded as a work actually underway, in furtherance of the objects of the army. But the Chair does not think, on the whole, that is fairly stated. War balloons, whether of more or less value, unquestionably are used, and have been used, in con-

nection with the signal service.

It seems to the Chair that a balloon is a mode of operation of obtaining information, of inspecting the condition of the surrounding country, and seems to inhere closely to and be naturally a part of the work done by the Signal Service of the Army. That is the object of the Signal Service—to obtain information, to spy out the land-and in connection with that work it is said that these balloons have been used to a greater or less extent. The use of the balloon seems to the Chair so largely to be inherent with the character of the work required to be done, that he is inclined to rule that it is proper, and must be regarded as a continuation of a work undertaken and forming a portion of the work done by the Signal Service Corps.

If this was brought before the Chair as a suggestion for in-

stalling some new large force of air ships, in a measure independent and not incidental to existing service, or some question of that sort, without suggesting any ruling upon that question, still anyone can see that that would present a different proposition and be regarded from a different standpoint. But continuing the appropriation for many years made for war balloons, it seems to the Chair, may fairly be regarded as the continuation of a work in progress, and therefore the Chair overrules the point of order made by the gentleman from Arkansas. [Applause.]

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 11, strike out "two" and insert "seven," so as to read "\$750,000."

Mr. GILLETT. Mr. Chairman, to that I reserve the point of order.

Mr. HULL of Iowa. Let us have the point of order disposed of. I do not desire to say a word on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts on the point of order.

Mr. GILLETT. Mr. Chairman, it was suggested to me by the ruling of the Chair, in which I understood the Chair to say that if this contemplated a large establishment, a new air ship, that then it would be a different question from what it is now. It seems to me that is exactly what it does.

Mr. PRINCE. How does the gentleman know for what purpose this is to be used? There are a number of items in the

measure.

Mr. GILLETT. That is the reason I prefer to have the gen-

tleman proceed with his argument first.

Mr. SHERLEY. I am inclined to think that the point made by the gentleman from Illinois is well taken. We never know for what work these appropriations are to be used.

Mr. MACON. We would like to know for what this amendment is.

Mr. MANN. Let the point of order be determined. Mr. HULL of Iowa. I want to call the Chair's attention simply to this fact, that this paragraph carries with it a large number of articles to be provided for by the Signal Corps, and it is within the power of the House to determine whether it wants any more than this or less than this.

Mr. GILLETT. I will admit that the point of order, of course, on its face, is preposterous. It was simply made because of the suggestion of the Chair that if it was attempted to establish a large air ship or a branch of the service, it might be subject to a point of order. I venture to say the gentleman from Iowa [Mr. Hull] will admit that is the purpose of this amendment, and it is only upon the Chair's own suggestion, as carried

in the ruling, that I reserved the point of order.

The CHAIRMAN. The Chair is ready to rule. thinks the rule is quite clear. The gentleman from Iowa moves to increase the amount in the appropriation. Of course if the appropriation is itself legal and proper, that always is in order. The gentleman from Massachusetts suggests that this money may be turned to purposes not contemplated by the wording of the section. Certainly the Chair has no right to assume that. The Chair has ruled that an appropriation for war balloons is in order. There is contained in this section appropriations for many other purposes connected with the Signal Service, and the Chair must assume that the money will be spent by the War Department for purposes authorized by the section. The Chair can not entertain the suggestion that it may be perverted or turned to some other use not covered by the section. The Chair therefore overrules the point of order made by the gentleman from Massachusetts.

Mr. MACON. Mr. Chairman-

Mr. HULL of Iowa. Does the gentleman desire to discuss it? Mr. MACON. Yes; I want to discuss it long enough to find out something about the intention of the gentleman, as to what he has in mind.

Mr. HULL of Iowa. I will tell the gentleman that with perfect frankness.

Mr. MACON. I would like to hear it.

Mr. HULL of Iowa. Is that the only question the gentleman would like to ask?

Mr. MACON. That is what I want to know now.
Mr. COCKRAN. Let us get the reasons.
Mr. HULL of Iowa. The Chief of the Signal Service, in his report on pages 43, 44, and 45, gives very full and good information as to what has been done during the past year by the Signal Service Corps with dirigible balloons, and the necessity for an increased appropriation to continue this work. I will, with the consent of the House, be glad to insert it in the RECORD.

Mr. BUTLER. What was the appropriation for this last

Mr. HULL of Iowa. There was no specific appropriation.

Mr. MANN. Would it not be just as well to let the House have the information, because it is quite certain the House will not read it in the RECORD; and if it did, it would not do any

good on this vote?

Mr. HULL of Iowa. Then I shall talk for a few minutes and get the time within which the Clerk may read it, because he will do it so much better than I. From what is in the Record this morning it shows something of what other nations are doing. As shown here by reports, Russia, which is not supposed to be the most progressive of nations, appropriated something over \$1,000,000 this year for this specific purpose of war balloons. Germany had an accident with one balloon, which was burned, and in addition to what the Government is doing in that line, the patriotic people of Germany subscribed a million dollars to continue the experimentation in addition to what the Government had given. France is engaged in the We have put but little money in war balloons. same work. We have done enough in this line, having purchased dirigible balloons and operated them to demonstrate the value of them, and it is proposed, if this amendment carries, that we will spend \$500,000 in the experimentation and development of war

Mr. BUTLER. How many balloons does the gentleman expect to buy for \$500,000?

Mr. HULL of Iowa. I would be governed by the necessities

of the service as to the number to be purchased.

I do not believe we can limit the question as to what we will buy. Here is a great departure in all the science of war. is not a military authority on earth who does not admit the claim and declare that in the event of war, with the dirigible balloon as now developed, if no other developments are made, the nation as now developed, if no other developments are made, the nation that has them will be at an overwhelming advantage over the nation that does not have them. An army in the field with a great line of contest on, without balloons, has got to depend upon the old method of sending on the ground people to every point, to touch, feel, and learn from contact where is the opposing army. In a balloon you go up in the air and make a reconnoissance. The wireless telegraphy, to which the gentleman has referred that we have never done anything for, will be estabreferred that we have never done anything for, will be established in these balloons, and you can communicate with your own headquarters and draw your map and give to the army the absolute information as to where the opposing forces are located. You can not combat these war ships with anything but war ships. It is not a question of land fortifications. You can not train great guns or heavy artillery so the shot can reach the altitude of the balloon. The artillery is intended more for horizontal work.

Your muskets may carry for 2,000 yards, but they can not touch the balloon in the air and injure it at the altitude to which it can go, and it will still have the power against any arm of the service to make the very best of observations. want to say to you that this great Nation of ours, with a small army, with its citizen soldiery, ought to have the very best protection to life and property of any nation on earth. We are not carrying a great standing army. We are developing, in time of peace, all lines of information that will make us able to call upon this citizen soldiery in time of danger to take the field, and now let us, as the Congress of the United States, not refuse to protect them with all the best appliances of modern war-

Mr. SHERLEY. Mr. Chairman-

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman-

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Kentucky?

Mr. HULL of Iowa. Yes.

Mr. SHERLEY. The gentleman has offered an amendment increasing the appropriation \$500,000?

Mr. HULL of Iowa. Yes. Mr. SHERLEY. Now, having fixed a definite increase, the gentleman must have in mind what that money is to be expended for, and I would like to get from the gentleman something besides a general eulogy on war balloons for what that expenditure is to be made.

Mr. HULL of Iowa. The gentleman has had full hearings on that; I did not bring his hearings in—

Mr. SHERLEY. I understand; but the Committee of the Whole House, which has to vote upon this extra money, have not had that information, and they are entitled to it and to know for what this money is going to be expended.

Mr. HULL of Iowa. If I had known the gentleman had not posted himself on the hearings in his committee, I would have

brought them in with me.

Mr. SHERLEY, Now, if the gentleman will be frank, he knows this Committee of the Whole House is entitled to know for what this \$500,000 is to be expended.

Mr. HULL of Iowa. It is for continuing these experimenta-

The CHAIRMAN. The time of the gentleman from Iowa has expired

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman's time be extended-

Mr. COCKRAN. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.]
The gentleman from Iowa is recognized for five minutes.

Mr. HULL of Iowa. The Book of Estimates states what it is for; it is for the purpose of continuing the study of and taking advantage of these new instruments of war.

Mr. SHERLEY. Is that the only information the chairman of the Committee on Military Affairs has to give this committee?

Mr. HULL of Iowa. That is all the information that is neces-

sary to be given in favor of this amendment to influence my action.

Mr. MANN. Does the gentleman think it is desirable to inform the world just what we are going to do with these new instruments of war?

Mr. HULL of Iowa. No, not fully; I do not.

Mr. SHERLEY. Does the gentleman know, in point of fact, that a large part of this money is to be expended in building a house to house balloons?

Mr. HULL of Iowa. No.

Mr. SHERLEY. And that a large part is to be expended in manufacturing gas for the use of balloons. I submit to the gentleman in good faith, in view of his position in this House, he ought to treat this Committee of the Whole House with fairness and give the information as to what the money is to be expended for. I am not saying it is a wrong expenditure, but

there is no reason for secrecy.

Mr. HULL of Iowa. It is to be expended along different lines of this kind of experimentation. Of course you have to provide for caring for the balloons, you have to provide for the manufacture of gas, and you have to provide for everything that goes

with this line of experimentation—
Mr. DRISCOLL. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. DRISCOLL. Since we have no war, and there is no danger of a war, and if there should be a war it will not be on land, and since Russia, Germany, and other countries are engaged in the manufacture of these balloons at present, why should we not wait until they perfect them and then get them as we need them instead of expending our own money for them now in the way of wasteful experiment?

Mr. HULL of Iowa. Let me ask the gentleman a question and answer him in that way. England, Germany, and France have been experimenting with a high-power gun for their infantry and cavalry. Would he think it good policy for us to wait until they finished their experiments and keep the muzzle-

loading guns until we go to war?

Mr. DRISCOLL. That is quite another question.

Mr. HULL of Iowa. Not a bit.

Mr. GAINES of Tennessee. I would like to ask the gentleman if he can give to the House any authority asking for the

money that the gentleman asks?

Mr. HULL of Iowa. It is submitted here in an estimate from the department.

Mr. GAINES of Tennessee. Will the gentleman read that? Mr. HULL of Iowa. I will ask the Clerk to read it, and in

the meantime Mr. GAINES of Tennessee. Will the gentleman read it now? want to have a little something to say about this thing, and

Mr. HULL of Iowa. I am not trying to cut anyone off.

Mr. GAINES of Tennessee. I would like to get the information.

Mr. HULL of Iowa. The gentleman from Texas [Mr. Slayden] has the estimates there right now.

Mr. MACON. I want to ask the gentleman from Iowa a question in connection with the one of the gentleman from Tennessee [Mr. Gaines]. I want to ask the gentleman this ques-

Mr. HULL of Iowa. I will yield to the gentleman from Texas [Mr. Slayden] to read from the Book of Estimates.
Mr. Slayden. The Book of Estimates, page 330, says the

appropriation is asked-

For the purchase, fabrication, or construction of balloons, air ships, aeroplanes, and other aeronautical devices and accessories; their maintenance, operation, and tests, including the salaries of experts, engineers, and other necessary employees connected with the construction or use of aeronautical devices; for providing the grounds and buildings necessary in connection with military aeronautics and the purchase of necessary patent rights as may be approved by the Secretary of War; to be available immediately and until expended.

And then there is a proviso-

That not more than \$20,000 annually of this sum shall be expended in the District of Columbia for the salaries of engineers, draftsmen, and other employees necessary to carry into effect this appropriation.

Mr. Chairman, it seems to me that that goes as minutely into a definition of the purposes for which the appropriation is to be expended as it is expedient for the War Department to do. Everybody knows—or nearly everybody, at least, in this country believes—that the best acroplane in the world has been made by Americans, the two Wright brothers. They have had to go to Europe to find a market for the device which has lifted American inventors to the very topmost peak of development in the line of navigating the air. Unquestionably we would have to buy patent rights in some cases; and this sets forth in detail, as much as can be said with expediency, what purposes the \$500,000 will be expended for.

Mr. HULL of Iowa. Now, Mr. Chairman-

Mr. MACON. I want to ask the gentleman a question.
Mr. HULL of Iowa. I think the gentleman will take the

floor in his own right in a few minutes.

Mr. MACON. I want to ask a question. If the estimates call for the amount the gentleman suggests, why did the bill not carry that amount when it was originally brought into

Mr. HULL of Iowa. Mr. Chairman, that is easy to answer. The estimates that were submitted were sent by the Speaker or

Speaker's clerk to the Committee on Appropriations.

The Speaker holds that that gives no jurisdiction to the committee to which the estimate is sent. But the attention of the Committee on Military Affairs was not specifically called to this proposition until it was learned that the Committee on Appropriations would not act. I will say in entire frankness to the committee that the Committee on Appropriations were not going to give a dollar for this purpose. If they had brought it in here I should have made some remarks on the subject, stating that I did not believe they had jurisdiction, but I believed it was of such supreme importance that I was willing for any committee to pass it that was willing to do so. soon as we found that the Committee on Appropriations would not pass it, we took it up.

Now, Mr. Chairman, I want to make one other statement to

the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN. Mr. Chairman, I ask that the gentleman be allowed to proceed without limitation.

Mr. GAINES of Tennessee. We want to know about this. Mr. MANN. I think there should be some limit.

Mr. COCKRAN. I ask that the gentleman be given ten minutes, then.

The CHAIRMAN. The Chair will recognize the gentleman

from Iowa for ten minutes.

Mr. HULL of Iowa. Now, let me just state this: If this amendment carries what we have proposed, I intend to offer a proviso to this paragraph—and would be glad to do it now if I did not believe some one might raise the point of order-" not to exceed \$500,000 shall be used for experimentation in the development of war balloons." So that if the amendment carries, I shall offer that or the provision in the estimates as an additional

Mr. MANN. That is subject to a point of order.

Mr. HULL of Iowa. I doubt that. It is a limitation. The provision in the estimates certainly would be subject to a point

Mr. FOSTER of Indiana. I want to ask the gentleman one question.

Mr. HULL of Iowa. I yield to the gentleman.

Mr. FOSTER of Indiana. And it is as to the term "war balloon." What I would like to ask the gentleman is whether, by the use of that term, he would not exclude experiments with heavier-than-air machines, such as those invented by the Wright brothers?

Mr. HULL of Iowa. I think not. I think a war balloon may have to carry hand grenades. The only significance is that we have been appropriating for war balloons for years, and the only question is whether our amendment is for the purpose of advancing the national defense of the army. I think the limitation is entirely proper to be made.

Mr. COCKRAN. Will the gentleman allow me to ask him a

question?

Mr. HULL of Iowa. Yes.

Mr. COCKRAN. First, I would ask the gentleman from Iowa if all the information in possession of his committee concerning the extent to which this science of balloon construction has been carried is embodied in these papers which appear in the RECORD this morning's

Mr. HULL of Iowa. No. We have additional papers, with photographs of balloons and their development and evolution, in the committee room. But the Committee on Military Affairs have not had a committee on investigation of this question.

Mr. MANN. Is it not a fact that Major Squires has recently published-within the last few days-a book upon this subject?

And is he not a member of the Signal Corps?

Mr. HULL of Iowa. Yes.
Mr. COCKRAN. I understand from the papers submitted here, and which are printed in the RECORD this morning, that experiments in balloon construction are being conducted in every country, practically, that maintains a military establishment.

Mr. HULL of Iowa. Yes.

Mr. COCKRAN. And reference is made here in the Record to many of the experiments. Will the result of these experiments by other countries be obtainable by us, or must we rely entirely upon experiments conducted by our own Government?

Mr. HULL of Iowa. They will be preserved for the in-

dividual government, as would be the case with all other matters

pertaining to defense, so far as practicable.

Mr. COCKRAN. And any experiments of which we can obtain the benefit are those conducted by the Government for our own use only?

Mr. HULL of Iowa. Oh, yes; so far as possible. But we must also have this work for ourselves in order to have trained

May I ask the Clerk to read from the report of the Secretary that portion relating to the Signal Corps on page 43, down to the word "importance," on page 45?

The Clerk read as follows:

SIGNAL CORPS-MILITARY AERONAUTICS.

The Clerk read as follows:

SIGNAL CORPS—MILITARY AERONAUTICS.

For several years past there has been great activity in practical aeronautics, and marked progress in this new and interesting field has been made during the past year. The subject of aeronautics is now technically divided by experts into "aerostation," covering the navigation of the air by machines lighter than air, and "aviation," which applies to the use of heavier-than-air machines. The dirigible balloon, which consists essentially of a gas bag supporting a suitable car equipped with power to drive it through the air, comes under the first head. All other forms of machines which possess no gas bag, but depend for suspension upon the dynamic reaction of the atmosphere, come under the latter. To this class the aeroplane belongs.

The first public flight with a dirigible balloon was made by Santos-Dumont in Paris October 19, 1902. The following year Farnam, a French aeronaut, made a flight of a couple of hundred yards with an aeroplane, and in January, 1908, made 1 mile, returning to the starting point. Since then he has progressively increased his distance, until, within the current month, he has made a successful trip from town to town. M. Blerlot, with his monoplane aeroplane, has also succeeded in flying from Toury to Artenay, in France, within the current month. During the past few months the Wright brothers, of Dayton, Ohio, have made public flights with their aeroplane, both in France and the United States, which have far exceeded all previous records.

The rapid progress that is now being made in aeronautics apparently indicates that the age of practical mechanical flight is almost at hand. It is the belief of many military men that when mechanical flight has been developed to the extent now belleved probable, it will profoundly affect modern warfare. Millitary men everywhere are intensely interested in this subject. The armies of the principal foreign powers are devoting special attention to military aeronautics, England now having 5 offi

Ing and investigating the military aeronautical establishments of these countries.

During the past year the Signal Corps has purchased, under contract, after satisfactory tests, a small dirigible balloon capable of carrying two persons and having a speed of 20 miles per hour, and this machine is at present being used for the training of officers and men. As a result of efforts to secure a heavier-than-air flying machine, 24 bids were received, and contracts were awarded to A. M. Herring, of New York City, and the Wright brothers, of Dayton, Ohio. The Herring machine is not yet ready for testing, and although the preliminary tests of the Wright brothers' aeroplane at Fort Myer, Va., have publicly demonstrated the practicability of mechanical flight, the contract with them has not yet been completely fulfilled, due to the deplorable accident that resulted in the death of Lieut. Thomas E. Selfridge, a most promising

young officer, and the serious injury of Mr. Orville Wright, on September 17, 1908.

An estimate has been submitted to Congress for consideration at the present session for an appropriation of \$500,000. With this sum, it is believed that the Signal Corps will be able to take up this rapidly developing military auxiliary in a manner commensurate with its intrinsic

Mr. HULL of Iowa. Mr. Chairman, I do not care to say much more

Mr. SHERLEY. Will the gentleman now tell the House how the \$500,000 is to be expended?

Mr. HULL of Iowa. Yes.

Mr. SHERLEY. I would be glad for him to do so.
Mr. HULL of Iowa. It would be expended in the development of air ships; and if the gentleman will permit it, he can

put a limit on the appropriation.

Mr. SHERLEY. Of course the gentlemen does not know whether I would object or not, and has no right to assume, but I would like to know if the Committee of the Whole House is to be told anything about how the appropriation of half a million dollars is to be used, or if we are to rest with the gentleman's statement that it is to be in the interest of aerial navigation.

Mr. HULL of Iowa. Mr. Chairman, I suppose it would be impossible to go into all the details, even if desirable about what this country wants to do. But we have been studying it two years and know what wonderful progress has been made in knowledge on the subject; and the purpose is to keep us abreast with all the other nations in the details necessary for the construction of the air ships for war purposes, balloons for war

Now, the gentleman's question is purely technical, and he knows it. It is not a question for information as to show how

little minutiæ of detail can be given to this House.

Mr. SHERLEY. Oh, no. Mr. HULL of Iowa. The House is considering this in its broader sense, of what is necessary to do by means of experimentation and development of these balloons; and when gentlemen come in here and ask me as to the cost of a musket, it would not be of much value to get the cost of the barrel, how much for the stock, and how much for the trigger, how much for the ramrod, and ask these as legitimate questions. I say, we are dealing with this subject in its broader sense and not in details. No man, not even the department itself, could give all the details of the stage of every experiment to show where they are going.

Mr. SHERLEY. Does not the gentleman know— Mr. COOPER of Wisconsin. Let me ask one question right

Mr. HULL of Iowa. One at a time.

Mr. COOPER of Wisconsin. Would the gentleman from Iowa be willing to put into the bill the provision from the Book of Estimates read by the gentleman from Texas [Mr. Slayden]?

Mr. HULL of Iowa. I have it here and want to put it in. Mr. COOPER of Wisconsin. It seems to me that entirely Mr. HULL of Iowa. But I want this amount passed on first, because if we do not adopt the amendment there is no object in putting it in. I have it here to offer.

Mr. COOPER of Wisconsin. But if the amount is adopted—Mr. HULL of Iowa. Then, I propose to offer this, Mr. GAINES of Tennessee. Will the gentleman read the proposition?

Mr. BUTLER. The gentleman from Texas [Mr. Slayden] read it.

Mr. GILLETT. The gentleman desires \$500,000—
Mr. SHERLEY. Mr. Chairman—
Mr. HULL of Iowa. One at a time, please, gentlemen.
Mr. GILLETT. The gentleman has asked for \$500,000, but we do not know how many balloons we are going to get for \$500,000, or whether \$400,000 or \$300,000 would not be sufficient. Does not the gentleman think he ought to tell us about how many balloons we are going to get, and what this will do?

Mr. HULL of Iowa. I will say frankly that I have not read

over the testimony that was taken before the gentleman's committee.

Mr. SHERLEY. Does not the gentleman-

Mr. HULL of Iowa. One minute. Let me answer, if possible. The gentleman's committee had this subject before it for some time, and examined it at length. We only took it up yesterday. It was impossible to get the details. The gentleman has in his hand the hearings before his committee. I did not even have time last night to read the full report, but I want to say to the gentleman that we are dealing with this question in its larger aspects, and the whole question is whether we shall go on with that work. We have our departments here that make estimates. They have given information to the gentleman's committee; information which we were denied, because of the mistake of send-ing it to the wrong committee; and it never would have been

taken up by the Committee on Military Affairs if the gentleman's committee had not treated it as though it was an utterly worthless enterprise, while we believe it is one of supreme moment to this country. Now, if the gentleman will read the hearings before his own committee, he will probably get the information he

is asking for more in detail.

Mr. Chairman, no man in this House enter-tains a higher respect for the chairman of the Committee on Military Affairs than I do. I say that not in the way of ful-some flattery, but in sincerity; but the gentleman's course in this debate has not been creditable to his well-earned reputation. He comes in here with an amendment to increase an appropriation \$500,000, and he then becomes irritable because some Member suggests that the Committee of the Whole, that is asked to appropriate this money, should have some statement made as to what the money is to be expended for, and he throws himself back on the broad proposition that "We are dealing with this question in its big aspects and not in its details." Let me suggest to the gentleman that we would not have the extravagant expenditures we do have if we gave a little attention to details. Now, if the gentleman had been frank in the beginning, as he has been in the conclusion, and had said that he did not have time to read the hearings before the Fortifications Committee, and that he did not know what this was to be expended for, but believed that it ought to be expended, we might have differed with the gentleman's conclusions, but would at least have admired his frankness. But when he undertakes to say, "Oh, that is not material," and further seeks to leave the committee under the impression that the information is such as should not be given out, he does not deal fairly with the committee. Now, what is the fact? General Allen came before the Committee on Appropriations. my part I have no care whether this matter is considered by our committee or the gentleman's. The point is whether the action of Congress shall be right and not through what instrumentality. General Allen came before our committee and said he wanted this exact sum. He was asked for what purpose. The gentleman from New York [Mr. FITZGERALD] asked him:

You ask for \$500,000?

You ask for \$500,000?

General ALLEN. Yes, sir.

Mr. FITZGERALD. What do you propose to do with this money?

General ALLEN. In the first place, if we are going into this business we must have a plant. We have got to have a large balloon house to start with. We have to have a gas plant, and tubes for transporting the gas. The balloon house will cost \$100,000—a good, big house. Then we have to have unlimited and cheap hydrogen gas. We can buy a plant that was used in Germany, which will manufacture the gas at 50 cents a thousand, for \$100,000. If we had that plant here in Washington, Philadelphila, or New York, where the citizens could purchase the gas at cost price, the whole aeronautic business of this country would take a big boom. There are thousands of people here who are willing to do things, but they can not afford to buy a gas plant.

Mr. FITZGERALD. You use hydrogen?

General ALLEN. Yes, sir. Out at Omaha we have a limited plant where the gas costs \$5 a thousand.

Mr. FITZGERALD. It will take \$100,000 for the gas plant?

General ALLEN. Yes, sir.

Mr. FITZGERALD. And the balloon house will cost \$100,000?

General ALLEN. Yes, sir.

Mr. FITZGERALD. Where would you put the gas plant?

General ALLEN. The gas plant should be located where we can get cheap coal and iron ore, near Philadelphia, New York, or Washington.

Mr. FITZGERALD. How much do you estimate will be required for the plant?

General ALLEN. If we can not get some place where we have govern-

Mr. FITZGERALD. How much do you estimate will be required for the plant?

General Allen. If we can not get some place where we have government land, we would have to buy a site. Probably we could find some site convenient to transportation which would be very moderate in cost.

That is practically the information that comes to our committee. Now, it passes my understanding why the Committee of the Whole, considering this item, should not know that \$200,000 is not to be used for the purchase of balloons, but that \$100,000 is to be used for a balloon house to house the balloon, and another hundred thousand dollars in making gas to fill the balloon, and to be sold to balloon experimenters. I am not now saying that it may not be a proper expenditure, but I do say it is the duty of the Committee on Military Affairs and the chairman of that committee, when he comes into the Committee of the Whole asking for as large an appropriation as this, to give to the House these material facts, and that he ought not to be sensitive or irritable when some gentlemen want to bring this information to the House in order that it may act with some understanding; and it is no answer to say: "We are dealing with the question in its broad aspect."

Will the gentleman from Kentucky yield for Mr. MANN. a question?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. I ask that the gentleman may proceed for five minutes.

The CHAIRMAN. Without objection, the request will be There was no objection.

Mr. MANN. Will the gentleman tell us what the other \$300,000 is to be used for.

Mr. SHERLEY. We did not get very much other detail from General Allen. One of the things that actuated the committee in not recommending the appropriation was the absence of detailed information at this time, when we are seeking to reduce

Mr. SMITH of Iowa. If the gentleman from Kentucky will yield to me, I want to suggest that General Allen stated before the Appropriations Committee that this estimate for the balloons would only cover two balloons. All the rest has been apportioned for accessories. It was stated that such balloons as he wanted would cost \$60,000 each in Europe, and would cost, with the duty added, about \$75,000, and would probably cost that much to produce them in this country. He later handed in a statement in which he attempted to apportion the whole \$500,000, and in that he put in each balloon at \$90,000, or \$15,000 above the price he said they would cost if produced here.

Mr. PARSONS. Will the gentleman from Iowa point out in

the hearings where he put in each balloon at \$90,000?

Mr. SMITH of Iowa. I can not, because it is not printed in

the hearings.

Mr. MANN. Does the committee have hearings and then throw them away; is this the "frankness" of the gentleman's committee?

I will answer the gentleman by saying that Mr. SHERLEY. every word testified before the committee was printed, but find, if you can, the printed testimony in the report of the hearings before the Committee on Military Affairs.

Mr. MANN. The gentleman from Iowa says it has not been

Mr. SHERLEY. They had a hearing that they did not print,

and we have all of ours printed.

Mr. HULL of Iowa. I want to say to the gentleman from

Kentucky that we had no hearings on this at all.

Mr. SHERLEY. The gentleman from Texas [Mr. SLAYDEN] stated to me that you had General Allen before you, and did have a hearing, but did not have it taken down.

Mr. HULL of Iowa. Not in that matter.

Mr. SMITH of Iowa. Mr. Chairman, I would like to be recognized in my own right.

Mr. SHERLEY. I am perfectly willing to yield to my col-

Mr. SMITH of Iowa. Mr. Chairman, everything said by General Allen, so far as I can recollect, was taken down, and subsequently he furnished a tabulated statement, that is not in the hearings, in which he had apportioned the entire \$500,000. as I have already stated. In that statement \$90,000 apiece was set apart for the balloons in place of \$75,000, as shown by the

Mr. PARSONS. In the hearings did it not appear that the balloon used in France was a standard type, and that that balloon cost \$75,000, but the Zeppelin type of balloon, used in Germany, was a much larger balloon and would cost much more?

Mr. SMITH of Iowa. I can not agree with the gentleman as to what the hearings show.

Mr. PARSONS. I will ask the gentleman to read.
Mr. SMITH of Iowa. I do not have to read the hearings;
I know what is in the hearings. The record shows that the type of balloon costing \$60,000 in Europe—with the added duty, \$75,000 in America—is, if there be such a thing as yet, a standard military balloon. It is true that Germany is experimenting with a still larger balloon, but which can not in any conceivable sense be considered as yet a standard balloon.

The whole import of the testimony of General Allen was that what he wanted was standard balloons, said to cost \$60,000 in Europe and \$75,000 here; and when he furnished a tabulated statement after the hearings he had two balloons in at \$90,000 each, and all of this \$500,000 except \$180,000 is for purposes other than the purchase of balloons.

I simply state this that the House may know what the subdivisions of this estimate are. I am not able to agree with my colleague from Iowa [Mr. HULL] that the mere fact that the Fortifications Committee took the hearings and then refused to recommend the appropriation is itself sufficient ground for the House to allow the appropriation.

Mr. HULL of Iowa. Mr. Chairman, I want simply to say that I do not regard that as the only reason. If it was something that I agreed with them upon, I would commend them for their action. I want to read a little from these hearings that I their action. I want to read a little from these hearings that I have had so little time to look at in answer to what my friend has said. Going on further with what my friend from Kentucky [Mr. Sherley] referred to, on page 29 of the hearings

before the Committee on Appropriations on the fortifications bill we find the following:

General ALLEN. Most of the money is going to build up the plant. A good big balloon house will cost about \$100.000. That will have to be larger than the one we have at Omaha. That cost us \$36,000. The estimated cost of the gas plant to make this cheap hydrogen gas is \$100,000. It is the German plant that the English bought the other day and the Russians bought. Whether they paid \$100,000 I do not know. That is the price put on it. 'We want some of the tubes to carry the compressed gas, at least 2,000 of them, and they will cost \$60,000. Two balloons will probably cost \$150,000. Then for the wagons and transportation, and the special things we have to carry the balloons, I should say \$10,000. I have estimated for the experts \$10,000. That would leave \$70,000 of the \$500,000 for aeroplanes or anything else. The amount of money is not large for starting a new enterprise of the importance that this is. The War Department regards it as a very important matter.

Now, that is pretty definite information. Mr. SHERLEY. Very much more definite than the gentleman gave the House.

Mr. ESCH. Out of the money, if the amendment is carried, which is provided for in this appropriation, would the War Department be justified in offering awards or prizes for any de-

vices connected with war ballooning? Mr. HULL of Iowa. I should say, when they estimate \$10,000 for experts, they would have a right to pay for any expert advice they could get on the subject. In other words, I think you have got to leave the development of this largely to the experts that devote their entire lives to the subject of this line of work.

Mr. COCKRAN. Mr. Chairman, I would like to ask the gentleman from Iowa [Mr. Hull] a question, which perhaps may reconcile his position with that taken by the other gentleman from Iowa, Mr. SMITH. As I understand the gentleman from Iowa, Mr. SMITH, he states that General Allen estimated the cost of two balloons at \$180,000.

Mr. SMITH of Iowa. Finally he did, but this statement is \$150,000.

Mr. HULL of Iowa. I was reading simply from the hearings

Mr. COCKRAN. In addition to the estimated cost of balloons, the appropriation contemplates the establishment of a plant and the allowance also of a sum for experiments. Am I correct about that? I ask the chairman of the committee if that is also his understanding?

Mr. HULL of Iowa. Yes; not only that, but wagons and other necessary things to make this line of defense of benefit.

Mr. COCKRAN. I understand. Now, so far as this appro-

priation provides for experiments, of course it is impossible to give definite estimates, and with that explanation it seems to me there is very slight difference between the statement of General Allen's position, as it has been given by the gentleman from Iowa, the chairman of the committee, and as given by the other gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I do not understand there is any conflict at all. The fact is, our committee has all there is on the subject.

Mr. COCKRAN. The impression was obtained over here, I think, that there was a conflict, and I desired to remove what

appeared to be a conflict by reconciling the statement.

Mr. SMITH of Iowa. It was a misunderstanding. I said that there is \$100,000 carried in the fortifications bill for the board that is engaged constantly in making such experiments, and that board usually has about that amount on hand out of which it has conducted these numerous experiments recently, and that \$100,000 is practically constantly kept on hand for the purpose of conducting such experiments.

Mr. HULL of Iowa. Or any other experiments?

Mr. SMITH of Iowa. Yes.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. MANN. Does the gentleman think that under an appropriation like this for war balloons the department would be permitted to purchase or construct a building for the purpose of housing the balloons, or a gas plant for the purpose of selling

Mr. HULL of Iowa. Oh, it is not for selling at all. Mr. SMITH of Iowa. That is what he says.

Mr. MANN. The hearings that the gentleman himself read expressly stated that that was one of the objects-to sell gas.

Mr. HULL of Iowa. He says tubes to carry the compressed gas; at least 2,000 of them, and they will cost \$60,000. You can not move your plant around wherever the balloon is to go up.

Mr. MANN. In an appropriation including an item for war

balloons, does that include an item for the provision that you may construct a plant?

Mr. HULL of Iowa. I think not, unless you put this in.

Mr. COOPER of Wisconsin. What is that? Read it and get it into the RECORD.

Mr. HULL of Iowa. I do not think they could use anything except for the bailoon itself, unless you put this in.

Mr. COOPER of Wisconsin. What is it?
Mr. HULL of Iowa. The proviso they submitted in the Book of Estimates. It has been read once, and I will read it again if necessary. It gives in detail what the appropriation can be used for.

Mr. GILLETT. That proviso is subject to the point of order.

Mr. HULL of Iowa. I think so. Mr. SHERLEY. If I understood the gentleman's reply to the gentleman from Illinois, it was that he did not think that this appropriation would warrant the expenditure of any of

this money for the building of a plant.

Mr. HULL of Iowa. Unless we put the proviso in.

Mr. GILLETT. Which is subject to a point of order. Mr. HULL of Iowa. Very true.

Mr. SHERLEY. Then there is no limit-

Mr. HULL of Iowa. No; I think they would be limited to whatever is necessary for the balloon experimentations they were carrying on. I think they could buy a war balloon, but I do not think they could build any buildings—
Mr. SHERLEY. Did the gentleman fix the sum of \$500,000

for expenditures solely in the purchase of war balloons?

Mr. HULL of Iowa. No; I was in hopes the other would be added, certainly if not here, at some other place or by some

Mr. SHERLEY. The gentleman has just confessed he has

no knowledge of these details.

Mr. HULL of Iowa. I have knowledge of those and have had since yesterday. Since it was brought to my attention I looked up the Book of Estimates. I knew in a general way the Chief of the Signal Service was before your committee; and while I did not believe you had jurisdiction, I was willing not to say anything in regard to that matter in hopes you would

Mr. SHERLEY. I am sorry the gentleman had that knowledge, because I was in hopes his failure to give the information to the Committee of the Whole House was because of the

absence of knowledge. Oh, no; I knew that had been submitted, Mr. HULL of Iowa. and I did not care about any controversy about it if we could

get the appropriation.

Mr. SHERLEY. I am talking about the Committee of the Whole House. I can not understand why the gentleman will not give the Committee of the Whole House that information.

Mr. HULL of Iowa. That has been read. I knew all the time the gentleman had full hearings, but I did not happen to

have them here on yesterday.
Mr. GAINES of Tennessee. I would like to ask the gentleman from Iowa why he does not limit some of this money to the building of a plant, and not turn all this money loose to go up in the air, but keep some of it on the ground.

Mr. HULL of Iowa. I will say to my friend from Tennessee

that I propose to offer a limitation:

Provided, Not to exceed \$500,000 shall be used "for the purchase, fabrication, or construction of balloons, air ships, aeroplanes, and other aeronautical devices and accessories; their maintenance, operation, and tests, including the salaries of experts, engineers, and other necessary employees connected with the construction or use of aeronautical devices; for providing the grounds and buildings necessary in connection with military aeronautics, and the purchase of necessary patent rights as may be approved by the Secretary of War, to be available immediately and until expended"—

And so forth.

Mr. GAINES of Tennessee. Is not that subject to a point of order as being new legislation, or is it in the nature of a limita-

Mr. HULL of Iowa. I think it is more than a limitation, but it is intended as a limitation in offering it; but I think it goes

further than that and describes what it can be used for,
Mr. GAINES of Tennessee. Suppose that goes out on the point of order, do you propose, then, to offer a limitation or propose to limit so much of this money to the building of a plant?

Mr. HULL of Iowa. Oh, no; you can not; if that goes out on a point of order; the other would be subject to a point of order. Mr. SHERLEY. Is there any limitation in amount as to the

expenditure for these various items? Mr. HULL of Iowa. No; but the whole amount can not be used for that, unless the proviso shall be adopted.

Mr. SHERLEY. Could not the whole \$500,000 be used for building a house to shelter war balloons?

Mr. HULL of Iowa. Possibly, if we assume they would do such an idiotic thing as that.

Mr. SHERLEY. Does the gentleman think it is wise to

legislate in that loose form?

Mr. HULL of Iowa. I would be glad to have the privilege of providing a strict limitation.

Mr. SHERLEY. I am very glad to get the gentleman to a point where he is willing to admit there is something to be considered besides the broad-

Mr. HULL of Iowa. I am not willing to take back anything have said in that respect at all.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HULL].

Mr. GILLETT rose.
The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] desire to be recognized?

Mr. GILLETT. I do.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, I wish to say a word on this question along a line that has not been touched upon yet, and to give my reasons for opposing the adoption of this amendment. It seems to me, in the first place, that this House has not been told and does not know why we need this particular sum of \$500,000. I assume we all want to do something toward developing aeronautics, but is that any proof that we want to appropriate \$500,000 more in addition to what is already appropriated? In the last year, as the gentleman from Texas said, there has been splendidly developed in America a new type in aeroplanes.

How was that done? Why, under the appropriation we made last year. And, as it appears, we have now a plant out in Omaha for dirigible balloons. How was that made? Under the appropriation that is already in this bill. So it is not a question of whether we shall do nothing, but it is simply a question whether we shall appropriate half a million dollars more for this war measure. Now, it seems to me the United States, with no armies on its frontiers, with no immediate menace of war, can well wait and proceed slowly with military appropriations, as we have in the past, and let foreign nations who have armies right on their frontiers make these large appropriations; let them make the big experiments, and let us go on modestly, as we are now, but successfully, as we have in the last year, in both the direction of aeroplanes and dirigibles. It seems to me we are doing enough now to simply keep our force developed, to keep track of what is done in other nations, to keep our experts employed, so that we are not ignorant and uneducated. We are not a nation which is compelled by its situation to be in the van in these new warlike endeavors and experiments.

Mr. GAINES of Tennessee. How much have our experiments cost this last year?

Mr. GILLETT. I do not know.

Mr. GAINES of Tennessee. You ought to know.

Mr. GILLETT. We appropriate \$100,000 in the other board and \$250,000 here. Why ought I know more than the gentleman? Mr. GAINES of Tennessee. I said we ought to know. thought the gentleman from Massachusetts knew

Mr. GILLETT. I know we have appropriated enough to produce fine results.

Mr. GAINES of Tennessee. How much have we spent?

Mr. GILLETT. We have spent \$100,000 under the other appropriation. How much went for balloons, I do not know.
Mr. AMES. I would like to suggest to my colleague that the

progress that has been made in aeronautics is not on account of any expenditure made by the War Department. They spent but a few dollars last year. They have not spent anything for Wright or Herring yet. They are waiting for the acceptance of their machines, and that will come from the fortifications appropriation.

Mr. GILLETT. It came from the Government.

Mr. AMES. They have not spent it yet.

Mr. GILLETT. It does not make any difference, that I can see, which branch of the Government it comes from.

Mr. AMES. They have no experts to sustain or keep working. Mr. GILLETT. It was read in one of these reports that they had a number of experts—I forget how many—who are officers of the army and at work out in Omaha.

Mr. AMES. Army officers?

Mr. GILLETT. That is what I mean. We are developing our army experts.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman a question, but perhaps I will have to begin my question with a statement. I have been groping, in a way, for information with reference to this matter, and I have reached the conclusion that it is the opinion of military men with whom I have talked that the navigation of the air as an adjunct to military operations and as an essential part of a successful defense of the country or the successful prosecution of a campaign is established and is beyond the experimental stage.

Other governments have led. We have not been in the van. Other governments have led in these experiments, notably Germany, where the citizens contributed a large sum of money to help the government appropriations out; and if that is true and the gentleman's judgment on that is no doubt better than mine-does he not think we ought to have such an equipment as will in a measure place the Army of the United States in as good a position as that of any other army of any other country in the world?

Mr. GILLETT. Mr. Chairman, we are in an experimental stage. The Signal Service admits that. They say this is for experimentation, and I do not think the United States, with no army on its frontier at all, is in a condition where it ought to spend as much for war defense, for war preparations, as Germany, France, or Russia, who are every moment threatened on their frontiers

Mr. SLAYDEN. I entirely agree with the gentleman in that

respect.

Mr. HOBSON. Mr. Chairman, I desire to make a very short statement. I am confident that the judgment of the Committee of the Whole House will support this amendment. Leaving out the question of conflict between the two great committees that have handled the subject, I wish to point out that the estimates as sent by the War Department, judging from similar estimates, are well taken.

Mr. YOUNG. Will not the gentleman permit a suggestion? I understood the gentleman to speak of the conflict between the two committees. I desire to say that the Committee on Military

Affairs never considered this question.

Mr. HOBSON. I will not enter into a discussion of that part of the question. I am calling attention to the estimates. The cost of a balloon, based on the cost abroad, plus the duty, is placed at \$75,000. I believe that a practical man, when it came to the responsibility of building one, would be justified in adding from 14 to 20 per cent, and that an estimate of \$90,000 is reasonable and conservative. When the cost of battle ships is figured on a margin of 15 per cent to 20 per cent would be allowed. In the estimates a margin of \$70,000 is allowed, which is only 14 per cent of the total, and is thus very conservative and reasonable.

Criticism has been made that only two balloons are provided requiring \$180,000, whereas the total amount asked for is \$500,000. We provided two battle ships, costing about \$20,-Yet the bill accompanying it carried more than \$100,-000.000.

000,000 besides.

The proportion of \$180,000 to the \$500,000 total appropriated is even larger than the cost of two battle ships or of new construction was to the total naval appropriation bill. would be as reasonable not to provide channels, harbors, wharves, docks for battle ships as not to provide the accessories called for in this appropriation. The War Department has sent in careful estimates founded upon information and experience, and furthermore the total asked for is very reasonable. are at the stage in aerial navigation that we were in about 1885 in submarine navigation. The problems involved in the two are the same. America held behind in developing torpedoes. the point was reached where it was clear that the problem had been solved, all the other nations went forward and equipped their service.

America dragged behind, and to-day we are in a most embarrassing, even dangerous, condition of want. We have in our fleet only 53 up-to-date torpedoes. There are three nations that have 4,000 torpedoes each and one that has 8,000. If war should come upon us we would find ourselves in a most serious position of inferiority in this important weapon. We ought not to repeat such a mistake in the matter of aerial navigation. It has passed the experiental stage. It has now come time to equip our service, as all other great nations are equipping their services, with these aerial weapons and with all their accessories. We ought not to be surprised to find \$500,000 asked for at this session. This amount is very conservative, and we ought not to be surprised if a larger amount is asked for at future [Applause.]

Mr. HITCHCOCK. Mr. Chairman-

Mr. HULL of Iowa. I ask unanimous consent that debate on this paragraph be closed in five minutes, and that the gentleman from Nebraska be recognized in that time.

The CHAIRMAN. The gentleman from Iowa asks that debate on this paragraph be closed in five minutes. Is there objection? [After a pause.] The Chair hears none. jection?

Mr. HITCHCOCK. Mr. Chairman, I desire to make some-

what of a correction-

Mr. Chairman-Mr. TAWNEY.

The CHAIRMAN, For what purpose does the gentleman

Mr. TAWNEY. I will have to object unless there can be more than five minutes. [Cries of "Too late!"]
The CHAIRMAN. The Chair understood it was agreed to.

Mr. TAWNEY. I did not hear the Chair submit the question to the committee.

The CHAIRMAN. It was submitted. Mr. HITCHCOCK. Mr. Chairman, I desire to make somewhat of a correction of what the gentleman from Massachusetts [Mr. Gillett] said. In analyzing the situation in aeronautics he conveyed the impression that this country is proceeding already to develop the various branches of aeronautics in a moderate way. In doing so he referred to the balloon house at Omaha and the balloon at Omaha as intended for a dirigible balloon or air ship. This, I understand, is not the case. It is simply and solely a signal balloon, not an air ship, and it is limited in its operations to signal purposes. These expensive balloons, which have been referred to in this debate as costing from \$75,000 to \$90,000, are air ships. They are not already covered by the appropriation in this bill. As it is, the bill provides for nothing except signal balloons, and possibly some aeroplane experimenta-If we are to have air ships that in character compare at all with the great air ships of Germany, France, and other large countries, it is absolutely requisite that some additional appropriation be made.

Mr. Chairman, while I am opposed to great military expenditures and opposed to a great army, I do believe that in the progress and development of the art of military warfare and the study of the science of warfare, and in securing new devices of warfare, the United States ought not to be behind any country in the world. It has been those countries which have seized upon new devices which have succeeded in war. During the civil war the wonderful Merrimac was an irresistible instrument of destruction until the genius of a great inventor gave us the still more wonderful Monitor, and wherever war develops that nation which first seizes and develops the devices of great efficiency wins success. I am for this amendment because I think the United States should keep pace with most advanced nations of the world in developing and adopting the latest de-

vices of military science.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

Mr. DOUGLAS. May the amendment be read again?
The CHAIRMAN. If there be no objection, the Clerk will

again report the amendment.

The Clerk read as follows:

On page 5, line 11, strike out "two" and insert "seven," so as to read "\$750,000."

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Iowa if it is not his purpose, when this amendment is agreed to, then to offer an amendment providing for the expenditure of the additional \$500,000 for exploiting the air for army war purposes or air ships?

The CHAIRMAN. All debate has been closed.

Mr. TAWNEY. In five minutes, and we have one minute remaining. He has time to answer the question.

Mr. HULL of Iowa. Mr. Chairman, I stated what I wanted to do. The House is in full possession of the information. There is no secret about it.

The question being taken, on a division (demanded by Mr.

AWNEY) there were—ayes 51, noes 46. Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. HULL of Iowa and Mr. TAWNEY

The committee again divided; and the tellers reported-ayes 75, noes 55.

Accordingly the amendment of Mr. Hull of Iowa was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That not to exceed \$500,000 shall be used for the purchase, fabrication, or construction of balloons, air ships, aeroplanes, and other aeronautical devices and accessories; their maintenance, operation, and tests, including the salaries of experts, engineers, and other necessary employees connected with the construction or use of aeronautical devices; for providing the grounds and buildings necessary in connection with military aeronautics and the purchase of necessary patent rights as may be approved by the Secretary of War; to be available immediately and until expended: Provided, That not more than \$20,000 annually of this sum shall be expended in the District of Columbia for the salaries of engineers, draftsmen, and other employees necessary to carry into effect this appropriation, \$500,000.

Mr. MACON. Mr. Chairman, I reserve a point of order.

Mr. TAWNEY. I make the point of order.

The CHAIRMAN. The gentleman from Minnesota will state his point of order.

Mr. TAWNEY. The proposed amendment authorizes an expenditure of money not now authorized by law and, furthermore, is a continuing appropriation.

Mr. HULL of Iowa. There is no use in discussing the point of order. If the gentleman makes it, that ends it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Clerk read as follows:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1911 from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, \$100,000: Provided, That the conveyance by George C. Hazelet, trustee, of a tract of about 2 acres of land in the town of Cordova, on Orea Inlet, Alaska, which it is proposed to donate to the United States as the site for a cable station be, and the same is hereby, accepted.

Mr. DRISCOLL. Mr. Chairman, I reserve a point of order on the proviso just read. I wish to ask a question about it. I have no right to question the motives of Mr. Hazelet, and I do not object to the Government taking anything that is given to it without a string or without eventually entailing extra expense, but I should like to ask whether the accepting of this property from Mr. Hazelet will eventually require the expenditure of more money, which will in some way benefit him?

Mr. HULL of Iowa. Not at all. Mr. DRISCOLL. What is it for?

Mr. HULL of Iowa. It is for a cable station at this place. If we put in a proviso here to purchase 2 acres of land, it will be subject to a point of order. This man offers to give it to the Government. The Secretary of War, on December 31, transmitted his offer to us, with the request that we accept the 2 acres of land.

Mr. DRISCOLL. Has Mr. Hazelet any ulterior motive in offering to give 2 acres of land to the Government?

Mr. HULL of Iowa. I do not see how he could have. Mr. DRISCOLL. Has the Government the right to accept

this without any legislation?

Mr. HULL of Iowa. No; I think not.

Mr. DRISCOLL. This is new legislation?

Mr. HULL of Iowa. This is new legislation.
Mr. MANN. We did the same thing last year for another station up in Alaska—accepted a gift of land from Tilly McTisney. Perhaps the gentleman draws a distinction and would not make a point of order on Tilly McTisney, but thinks it is more suspicious if it is George C. Hazelet.

Mr. DRISCOLL. Is this going to increase the value of the

adjoining property?

Mr. HULL of Iowa. I do not know that it will, except that there is a cable station at this place. This man owns the land where they want to put the station, and the Secretary of War wants us to accept it, for the reason that he believes it is for the benefit of the Covernment to do so. benefit of the Government to do so.

Mr. DRISCOLL. I am disposed to look with some suspicion upon gifts that are purely voluntary. I, however, will waive

the point of order.

Mr. GAINES of Tennessee. I renew the point of order, Mr. Chairman. There has been so much confusion in the House that it was almost impossible to hear the gentleman from Iowa: I would like to know why the gentleman wants to tie the Secretary down to George C. Hazelet's lot in the town of Cordova, on Orca Inlet.

Mr. HULL of Iowa. Let me read a letter from the Secretary of War. There is a station to be established there. Under the date of December last, the Secretary of War sent this letter:

WAR DEPARTMENT,
Washington, December 31, 1908.

SIR: I have the honor to transmit herewith draft of an item authorizing the acceptance of a proposed conveyance by George C. Hazelet, trustee, of a tract of land in the town of Cordova, on Orea Inlet, Alaska, which it is intended to donate to the United States as a site for a cable

It is requested that this item be inserted in the pending army appropriation bill, under the heading "Signal Service of the Army."

Very respectfully,

LUKE E. WRIGHT Secretary of War.

Hon. J. A. T. Hull,
Chairman Committee on Military Affairs,
House of Representatives.

Item for insertion in the army appropriation bill, under the heading "Signal Service of the Army:"
"Provided, That the conveyance by George C. Hazelet, trustee, of a tract of about 2 acres of land in the town of Cordova, on Orea Inlet, Alaska, which it is proposed to donate to the United States as the site for a cable station, be, and the same is hereby, accepted."

The CHAIRMAN. Does the gentleman from Tennessee in-

sist on his point of order?

Mr. GAINES of Tennessee. I would like to go a little further in this matter, Mr. Chairman. I do not think General Wright

has been to Alaska, and he must depend on some one else to give him the information. As a member of the Public Lands Committee, we have been dealing with the supposed town of Cordova. I am not disposed to believe that there is much of a town there. I think there was a conference report made yesterday, which I signed, having something to do with this town. I do not know what the value of the property is, and I do not think it is of much value anyway, but to appropriate \$100,000 for Hazelet's lot—as the bill says "provided that the conveyance by George C. Hazelet, trustee of the tract of about 2 acres of land in the town of Cordova—which it is proposed to devote to the United States" for a cable station, and so forth, "be, and

Mr. MANN. But it is free; he donates it.
Mr. GAINES of Tennessee. All right; if they are going to give it to us we will take it. I withdraw the point of order. The Clerk read as follows:

Annunclator buzzer systems at target ranges: For installation of annunclator buzzer systems at target ranges at Fort Ethan Allen, Vt.; Fort Niagara, N. Y.; Fort Leavenworth, Kans.; Fort Riley, Kans.; Fort Sam Houston, Tex.; Fort Sheridan, Ill.; Presidio of Monterey, Cal.; and Fort William McKinley, P. I., \$18,200.

Mr. MACON. To that I reserve a point of order.

Mr. HULL of Iowa. The buzzer system for target practice is an instrument employed to save much labor, and is much more rapid in reporting results. Without this you have to have a man to mark the target and report back by telephone. This is in the interest of progress in military science. It is the first time it has been in the bill, but I think the organic act of the Signal Service Corps would cover it.

Mr. EDWARDS of Georgia. The gentleman thinks that it

would save money?

Mr. HULL of Iowa. It would save money; it would be much cheaper; it would save expense; and, especially, it would save

Mr. MACON. The gentleman from Iowa has not shown where

would save any expense.

Mr. MANN. Is not the purpose evident, just like the telephone connection, to save people traveling back and forth? You do this by the buzzer system—make communication as to the result of the shot. Instead of sending a man—it may be half a mile—you use this system. It is much cheaper, I suppose, to press a button and read the indications at the other end than to have men travel back and forth to get the information.

Mr. MACON. I do not think it will be \$18,000 a year

Mr. HULL of Iowa. Mr. Chairman, I want to read this from the hearings. General Allen says:

When a man fires at a target the marker at the target can not tell whether the target has been shot at or not. With this system, when a man shoots at a target he presses a button and the man at the target knows which target has been shot at, and if it has not been hit he marks it zero. It is a time saver. Otherwise they are calling back and forth by telephone.

Mr. Kahn. Without this system, if a man should miss the target the marker would not know anything about it?

General ALLEN. No; then he has got to call back, and it is an endless delay. This is a time-saving device all the way through.

Mr. Stevens. This does not provide that they should be extended to other posts?

General ALLEN. At the larger ranges.

ner posts?
General ALLEN. At the larger ranges.
Mr. KAHN. I suppose it would not be necessary in a small range, here men were shooting at one or two targets?
General ALLEN. No, sir.

It facilitates the target practice and has come in use in every nation now, and it seems to me the gentleman from Arkansas can not subserve any good purpose by raising a point of order. If he does, I want to call the attention of the Chair to the organic act of the Signal Corps, which provides for the telephone and other matter under his control, and I do not believe it is subject to a point of order while it is new in the bill.

Mr. MACON. Mr. Chairman, in response to what the gentleman from Iowa has said, I desire in reply to state that I do not believe, as I stated a moment ago, that there will be as much of a saving to the Government as the amount carried in this

provision if this system is installed.

Mr. HULL of Iowa. Yes; but once installed it lasts forever,

practically

Mr. MACON. I want to say further that I have noticed since I have been a Member of the House that small appropriations this year lead up to large appropriations next year, and larger still the next year, until they grow to gigantic proportions in the end. A few moments ago there was appropriated \$250,000 for war balloons over the protest of a point of order, and a great many other things were included in the total, and as soon as the Chair held that it was in order to appropriate for war balloons, along with the several other objects, the chair-man of the committee immediately offered an amendment to increase that appropriation to \$750,000; and hence we do not

know what will become of this particular appropriation, how much of an increase will be wanted, and how many other places will be selected at which to install this buzzer system. Another thing I desire to state is that in times of peace I do not think the saving of time, so far as time only is concerned, is of much importance to the army, for it has more time upon its hands than anything else.

Mr. HULL of Iowa. Mr. Chairman, I raise the point of order that the gentleman from Arkansas is not discussing the point of

The CHAIRMAN. The Chair will hear the gentleman from

Arkansas on the point of order.

Mr. MACON. Mr. Chairman, in response to what the gentleman from Iowa [Mr. HULL] has just said, I desire to state that I had too much respect for him to raise a point of order against his remarks a few moments ago, when they were not directed to the question under consideration.

Mr. HULL of Iowa. Mr. Chairman, I will withdraw my ob-

jection then.

Mr. ADAIR. Mr. Chairman, the gentleman from Arkansas [Mr. Macon] has stated that he does not believe this would bring about any saving, that it would not amount to \$18,000; and in order that we may vote intelligently on the question, I would like the gentleman from Arkansas to state upon what he bases his information. The chairman of the committee has stated that it will result in a saving of this amount. If the gentleman from Arkansas has anything on which he bases this statement, I would like to hear it.

Mr. MACON. Mr. Chairman, I did not yield for an argu-

ment on the question.

Mr. ADAIR. I am asking the gentleman from Arkansas to

state the facts upon which he bases his conclusion.

Mr. MACON. Upon the fact that appropriations are never made in this House with a view of saving the Government any money, but with a view of putting something into the pockets of somebody. Anything to take money out of the Treasury and put it into the pockets of individuals, to make for them easier places in life perhaps than they had before seems to be the rule here. Mr. Chairman, the point of order is simply this: This is a new paragraph and was never in any other appropriation bill. It is a new system sought to be established, and for that reason I insist that it is out of order upon an appropriation bill and not authorized by existing law, and hence in conflict with the rules of the House.

Mr. HULL of Iowa. Mr. Chairman, I desire to call the attention of the Chair to section 2 of the act of October 1, 1890, 26

Statutes at Large, page 462, where this language is used as to what are the duties of the Chief Signal Officer:

Under the direction of the Secretary of War he shall have charge of all military signal duties, of books, papers, and devices connected there-with, including telegraph and telephone apparatus, and the necessary meteorological instruments for use on target ranges.

It seems to me that this is clearly a matter covered by the

The CHAIRMAN. The Chair is ready to rule. These ranges are all been authorized by law. There are a number of target have all been authorized by law. There are a number of target ranges authorized by law and intended for the purpose of target practice for the improvement of marksmanship of the Those have been established, and it seems to the Chair very clear that any ordinary appliance necessary for the proper practice of the men in the target ranges is not new legislation, but is continuing work that has been undertaken, and is perfecting a system that has already been established by Congress. It is evident that this installation of these buzzers is for the more rapid and more convenient record of the shots that have been made and for the information of those that are taking part in the practice. The Chair overrules the point of order, and the Clerk will read.

The Clerk read as follows:

Wireless telephone apparatus: For the purchase and development of wireless telephone apparatus, \$30,000.

Mr. DRISCOLL. Mr. Chairman, I reserve the point of order on this paragraph to inquire about it. I would like to know, first, whether the department is to purchase wireless telephone apparatus and appliances, or whether it is going to experiment in the way of developing that apparatus, the same as it is going to experiment with air ships, or what is proposed to be done

with this \$30,000?
Mr. HULL of Iowa. If you have the hearings, on page 24 General Allen, you will see, gives a very full explanation of it.

He says:

Mr. Stevens. How long a distance can you talk?

General Allen. The farthest we are talking with success is about 6 miles, but a German system talks 30 or 40 miles; but our hopes now are largely centering on another system, that of an American, and we think in the next year there will be developed something very practical.

Mr. Stevens. The navy is taking the initiative in this work?

General Allen. We are all trying to work together. A commercial company has put them on its line of ships, and claims that they will talk 40 miles. If they will work there, of course they will work for us. The CHAIRMAN. It is a telephone instead of a telegraph system? General Allen. Yes, sir; a telephone, not telegraph. The CHAIRMAN. You say that you have been able to talk 60 miles without a wire?

without a wire?
General Allen. We talk about 6 miles with a small set that we have.
I have heard them talk 30 to 40 miles in Germany, but not constantly.

Mr. DRISCOLL. Will it be a saving of expense?

Mr. HULL of Iowa. That I do not know.

Mr. DRISCOLL. By saving the wires that should be strung

along from place to place?

Mr. HULL of Iowa. I do not know which is the cheaper, but it is a system that in Alaska, and some other places, the army is very anxious to develop. They have already developed very largely there the wireless telegraph system. This is a telephone system, and the wireless telegraph saves laying a great many miles of cables. Why not thus save miles of wire and numbers

Mr. DRISCOLL. It is not to experiment with?

Mr. HULL of Iowa. I understand it is not intended for experiment; it is simply to purchase.

Mr. DRISCOLL. I withdraw the point of order.

The Clerk read as follows:

For pay of officers for length of service, to be paid with their current monthly pay, \$1,600,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of ascertaining some information in regard to the preceding paragraph. Has the gentleman any information as to the method of operation, whether it is similar to the Marconi system in wireless telegraphy?

Mr. HULL of Iowa. I have not.

Mr. STAFFORD. As I understand, it is at present estab-

lished in the army, but to a minor extent.

Mr. HULL of Iowa. General Allen says it is on the verge of being made very successful. He says there are three or four systems and that they have inspected all of them, and it is expected within the next six months or a year they will put them on the ships and in the main artillery posts, in order that they may communicate with the navy and with each other.

Mr. DRISCOLL. This paragraph here provides for the de-

velopment of this wireless

Mr. HULL of Iowa. Well, General Allen's testimony is as I have quoted.

Mr. MADDEN. I wish to ask the chairman of the committee in charge of the bill how the increase of \$1,423,800 is made up in the pay of officers of the line.

Mr. HULL of Iowa. It is made up in the Book of Estimates by the number of officers authorized by law at the rate of pay fixed by the Congress of the United States.

Mr. MADDEN. Is that on account of increase of pay? Mr. HULL of Iowa. Yes.

Mr. MADDEN. No larger number of officers now than a year

Mr. HULL of Iowa. The gentleman from New Jersey [Mr. Parker] says there are some; I do not recall any of them.
Mr. MADDEN. Last year the appropriation for this purpose was \$4,556,200, and this year it is \$7,000,000.

Mr. HULL of Iowa. I will say to the gentleman, we have added \$500 to every grade of the army except second lieutenants.

Mr. MADDEN. How many are there of these men?

Mr. HULL of Iowa. About 3,700.

Mr. MADDEN. Commanding officers?

Mr. HULL of Iowa. No; officers from second lieutenants up. This is not quite the amount, for if every one was commissioned there would be a shortage in this amount; but there is always from 75 to 150 vacancies, some of them on account of waiting for the graduation of West Point cadets, and for other causes;

so it is never entirely filled. Mr. MADDEN. If all the officers were on duty, it would not

be sufficient to pay them?

Mr. HULL of Iowa. We cut off a hundred and eight thousand and some odd dollars because we believed they would not have the full number to draw pay.

The CHAIRMAN. The Clerk will read.

Mr. HULL of Iowa. Mr. Chairman, I did not understand the length-of-service paragraph had been read. If it has, I desire to offer an amendment—simply a verbal amendment—to strike out the words "of officers," in line 22, page 6, and insert, after the word "for," the word "additional;" so it will read "for

additional pay for length of service."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, in line 22, page 6, by striking out the words "of officers" and ssert, before the word "pay," the word "additional," so as to read: For additional pay for length of service."

The question was taken, and the amendment was agreed to.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. The current appropriation bill carries an appropriation for \$10,000,000 for pay of enlisted men.

Mr. HULL of Iowa. Yes; on page 7.

Mr. DRISCOLL. Yes; top of page 7; and this bill proposes to appropriate \$15,500,000 for the same service.

Mr. HULL of Iowa. Yes; for the same service.

Mr. DRISCOLL. Did not the increase pay go into effect last year?

Mr. HULL of Iowa. The increase pay went in a lump sum of \$7,000,000.

Mr. DRISCOLL. In addition to the \$10,000,000?

Mr. HULL of Iowa. In addition to the \$10,000,000. Mr. DRISCOLL. What is the increase pay of the enlisted

Mr. HULL of Iowa. On the first enlistment it is \$2 a monththat is, privates only. For the noncommissioned officer the increase is a great deal more than \$2 a month. For an orderly sergeant, for instance, the increase is from \$25 to \$45 a month.

Mr. DRISCOLL. It strikes me we ought to know how or why the increase is made in the appropriation from \$10,000,000 to

\$15,000,000 in one year.

Mr. HULL of Iowa. I put in the Record yesterday morning, Mr. Chairman, a full statement from the department, giving this information in answer to the question of the gentleman from Illinois. The increase pay, or, rather, the appropriation caused by the increase pay—and I want to say to the gentleman from New York that the amount that is given by the Committee on Military Affairs is not for the full number of men authorized. The army last year had a shortage of something near 20,000 men. This year when we made up this bill there was a shortage of about 5,000 men. We cut off over a million and a half as figured by the War Department, which is for the full number of men that can be put in. If the entire number were in the army it would require more than the amount that we have here by something like a million and a half dollars.

Mr. DRISCOLL. Well, this large increase is not on account

of additional pay for length of service.

Mr. HULL of Iowa. Not at all.

Mr. DRISCOLL. That is appropriated for in the next paragraph.

Mr. HULL of Iowa. Yes; in the next paragraph.

Mr. DRISCOLL. So this increase is for straight pay.

Mr. HULL of Iowa. For straight pay.
Mr. DRISCOLL. Which is an average of \$2 a month, I esti-Mr. DRISCOLL.

Mr. MANN. The total increase here is about 24 per cent.

Mr. HULL of Iowa. For enlisted men. Mr. DRISCOLL. You mean per man. Mr. HULL of Iowa. I think it is nearer 35 per cent.

Mr. MANN. I figured it out from the figures which the gentleman inserted in the RECORD yesterday, and it was a trifle

Mr. HULL of Iowa. That does not include the full amount of the enlistment. A full army would have more than we have appropriated.

Mr. MANN. No; but on the estimates that were made, which the gentleman put into the Record, the increase in pay on the average was a trifle less than 24 per cent.

Mr. DRISCOLL. Of what?

Mr. MANN. Of what it used to be before we passed the law

Mr. DRISCOLL. That is what I thought.

The increase of pay of enlisted men. Mr. MANN.

Mr. DRISCOLL. Here is an increase in the general sum of 55 per cent in one year.

Mr. MANN. That partly comes from the increase in pay of enlisted men and partly from increase of the army of something over 11,000 men, with nearly a \$4,000,000 increase in the actual pay of that increased number of men.

Mr. HULL of Iowa. The gentleman will find it on page

1639 of the RECORD.

The Clerk read as follows:

ENGINEERS.

Four hundred and sixty-seven thousand five hundred and eighty dollars.

Mr. HULL of Iowa. Mr. Chairman, I move to amend by putting in the words "corps of" before the word "engineers."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HULL of Iowa. In line 16, I move to insert the words "for pay of enlisted men."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Line 16, page 7, insert the words "for pay of enlisted men."

The CHAIRMAN. Without objection, the amendment will be [After a pause.] The Chair hears no objection.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of getting information. I see that this appropriation for engineers is increased nearly a hundred per cent.

Mr. HULL of Iowa. I will say to the gentleman, it is figured

by the department exactly on the law that we passed last year for the increased pay and for the number of men that are now in the service.

Mr. MACON. You have an increased number and therefore

increased pay, all based upon existing law?

Mr. HULL of Iowa. All based absolutely on the existing law.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection. The Clerk read as follows:

Additional pay for length of service, \$27,000.

Mr. HULL of Iowa. Mr. Chairman, I ask to amend, by putting the word "for" before the word "additional," in line 11, and the word "pay" after the word "additional."

The CHAIRMAN. Without objection, the amendment will be

agreed to.

There was no objection.

The Clerk read as follows:

One hundred and forty-four sergeants, at \$36 per month each, 2.208. \$62,208. Twenty-four cooks, at \$30 per month each, \$8,640.

Mr. HULL of Iowa. The committee did put the words in, but in some way they were left out. Insert, line 20, the words "for pay of enlisted men.'

The Clerk read as follows:

Line 20, insert "for pay of enlisted men."

Mr. HULL of Iowa. And in line 22 insert the word "for." The CHAIRMAN. Without objection, the informal amend-

ment will be agreed to.

There was no objection.

Mr. SLAYDEN. I want to say to the chairman of the committee that that error in printing goes through the bill. I do not see why we should continue this process of offering amendments at each place. I ask unanimous consent that where the error occurs it be corrected.

The CHAIRMAN. The Chair would suggest to the gentleman that it might not be possible for the Clerk to determine that

matter.

Mr. HULL of Iowa. I think we had better call attention to them. I do not see any other way to do it.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Two hundred post quartermaster-sergeants, at \$45 per month each, \$108,000.

Mr. HULL of Iowa. Mr. Chairman, I move to insert the

words "pay of."

Mr. MACON. Mr. Chairman, I reserve the point of order upon that paragraph. I want to ask the gentleman a question. I notice in the current law where you appropriate for 200 quartermaster-sergeants at \$81,600. Here you appropriate for 200 post quartermaster-sergeants at \$45 a month each.

Mr. HULL of Iowa. Forty-five dollars a month was fixed as their pay. This is simply giving them what the law fixed.

Mr. MACON. When was the law passed that fixed that?

Mr. HULL of Iowa. In the appropriation bill last year. a rule they brought it in here, which made it an order, and it passed in the House at the rate fixed in this paragraph.

Mr. MACON. Then why was it not put in the last law? Mr. HULL of Iowa. Because the last bill was framed before, and we appropriated a lump sum to make up the difference after the pay was increased.

The Clerk read as follows:

Additional pay for length of service, \$25,000.

Mr. HULL of Iowa. I ask to have the word "for" put in before the word "additional."

The amendment was agreed to.

Mr. EDWARDS of Georgia. I move to strike out the last word for the purpose of asking the gentleman to make an explanation. What is this additional pay for?

Mr. HULL of Iowa. Length of service.

Mr. EDWARDS of Georgia. What is that for?

Mr. HULL of Iowa. The law provides that they shall have so much pay for length of service. For instance, when an officer has been in five years he gets additional pay, and a quartermaster-sergeant gets additional pay for length of service. Some

of these quartermaster-sergeants can go all the way to more than \$60 a month.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

Two hundred post commissary-sergeants, at \$45 per month each, \$108,000. Additional pay for length of service, \$27,000.

Mr. HULL, of Iowa. I ask the same amendment; before the word "Two," insert the words "for pay of;" and on line 11, I ask to insert the word "for" before the word "additional."

The CHAIRMAN. Without objection, the amendments of-

fered by the gentleman from Iowa will be agreed to.

There was no objection.

The Clerk read as follows:

SIGNAL CORPS.

Thirty-six master signal electricians, at \$900 each, \$32,400.

Mr. HULL of Iowa. Now, Mr. Chairman, I ask to insert "for pay of," in line 14, before the words "thirty-six."

The amendment was agreed to. The Clerk read as follows:

One hundred and thirty-two first-class sergeants, at \$540 each, \$71,-280.

Mr. HULL of Iowa. I ask the same amendment, that the words "for pay of" be inserted in line 16.

The amendment was agreed to.

The Clerk read as follows:

One hundred and forty-four sergeants, at \$36 per month each, \$62,208.

Mr. HULL of Iowa. On line 19 I ask for the same amendment, that the words "for pay of" be inserted.

The amendment was agreed to.

The Clerk read as follows:

Twenty-four cooks, at \$30 per month each, \$8,640.

Mr. HULL of Iowa. I ask for the same amendment there, "for pay of."

The CHAIRMAN. Without objection, the amendment will be agreed to.

Mr. HAY. Mr. Chairman, I ask unanimous consent that all these amendments relative to the Signal Corps shall be considered as offered.

Mr. HULL of Iowa. I ask to amend by inserting the words "for pay of" before the words "one hundred," in line 24; before the words "five hundred," on page 9, line 3; before the words "one hundred," in line 6.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to insert in the beginning of each of the three para-graphs named "For pay of." Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

One hundred and sixty-eight second-class privates, at \$15 per month each, \$30,240.

Mr. HULL of Iowa. I move to strike out the words "second class," in line 6. Since this bill was prepared I have received word from the Pay Department that in the Signal Corps the designation now is "first-class privates" and "privates;" so that these words, heretofore carried properly, are not proper at this time. It should be simply 168 privates.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 6, page 9, strike out the words "second class."

The amendment was agreed to.

The Clerk read as follows:

Additional pay to 11 sergeants, serving as mess sergeants, at \$6 per month, \$792.

Mr. HULL of Iowa. Mr. Chairman, I move to insert the word "for" before the word "additional." It is merely a verbal amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 12, insert the word "for" before the word "additional."

The amendment was agreed to.

The Clerk read as follows:

Additional pay for length of service, \$50,000.

Mr. HULL of Iowa. I move to insert the word "for" before the word "additional," in line 12, page 9. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 12, insert "for" before "additional."

The amendment was agreed to.

The Clerk read as follows:

HOSPITAL CORPS.

Nine hundred and forty-two thousand one hundred and sixty-eight dollars.

Mr. HULL of Iowa. Mr. Chairman, I move to insert the word "for" before the word "nine," in line 15.

The Clerk read as follows:

Page 9, line 15, insert the word "for" before the word "nine."

The amendment was agreed to.

The Clerk read as follows:

Additional pay for length of service, \$140,000.

Mr. HULL of Iowa. Mr. Chairman, I move to insert the word "for" before the word "additional" in line 17, page 9.

The Clerk read as follows:

Page 9, line 17, insert the word "for" before the word "additional."

The amendment was agreed to.

The Clerk read as follows:

In all. \$66,500.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out, in line 4, the words "in all, \$66,500."

The Clerk read as follows:

Page 12, line 4, strike out "in all sixty-six thousand five hundred dollars."

The amendment was agreed to.

The Clerk read as follows:

Medical Department: For pay of officers in the Medical Department, \$1,300,000.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. Here again is an enormous increase which, it seems to me, requires explanation. For the present year the appropriation is only \$686,000. It is increased in this bill to \$1,300,000,

about twice as much as it was last year. Why is this?

Mr. HULL of Iowa. We increased the Medical Corps last year by a very considerable number of officers. In addition to that, by the passage of that bill, we have done away with 200 contract surgeons for whom we have heretofore appropriated \$400,000.

Mr. DRISCOLL. Three hundred and sixty thousand, was it not?

Mr. HULL of Iowa. About \$400,000, as I remember it. Another large increase comes in the fact of the increased pay of the army. At the time the Medical Corps was increased it was understood that a certain number of the medical reserves would be assigned to duty as contract surgeons. When that bill was passed, the Medical Reserve Corps, if commissioned as first lieutenants, while serving would have drawn \$1,500 a year each. With the increased pay they draw \$2,000 a year, so that there is \$500 increase for each one of those men. Contract surgeons were fixed at \$1,800 a year flat pay. It was understood at the time we passed that reorganization of the Medical Corps that it would make a real saving in the Medical Corps; but the fact that Congress afterwards increased the pay of a first lieutenant from \$1,500 a year flat pay to \$2,000 a year flat pay made a difference of \$500 in each one, practically, of these entire 200 contract surgeons.

The result of it is a large increase which comes from the Medical Reserve Corps taking the place of the contract surgeons. But the increase in this item is not so great, however, when you consider the \$400,000 heretofore given to the contract surgeons. Mr. SLAYDEN. It is a calculation made strictly as required

under the law?

Mr. HULL of Iowa. Yes; the increase was so startling to me that we took a good deal of time before we passed it. I do not believe under the law you can cut it down.

Mr. DRISCOLL. It does seem as if the increases in this bill

are more than in any of the others.

Mr. HULL of Iowa. Yes; after the bill was passed last year Congress appropriated a lump sum of \$7,000,000 by which they equalized, as far as they could, this pay. I think if the gentleman from New York will examine the naval bill he will find the same great increase of pay.

Mr. DRISCOLL. And as the revenues go down the expenses are going up.

Mr. HULL of Iowa. Congress passed a bill fixing the pay, and the committee must give the amount required by the law.

The Clerk read as follows:

Provided, That the act approved November 3, 1893, authorizing the detail of officers of the army and navy to educational institutious, be amended so as to provide that retired officers, when so detailed, shall

receive the full pay and allowances of their rank, except that officers above the grade of major shall receive the same pay and allowances as a retired major would receive under a like assignment.

Mr. DRISCOLL. To that I want to reserve a point of order. Mr. HULL of Iowa. I want to say to the gentleman from New York that when we provided for the detail of retired officers for various duties we left out the detailed instructors of

colleges and universities.

Colleges, as a rule, want active officers. If they can use retired officers, it saves the demand for the increase of the number of officers. The University of Illinois has a retired officer who is entirely satisfactory to them, but he gets no extra pay or allowance, and they can not keep him unless some provision of this kind is made. In my judgment, it is a matter of economy, if we can provide for them in the general law, by which all colleges and schools can be provided with instructors from the retired list instead of taking them from the active list. It makes an additional expense of one-quarter pay and allowance of his grade, not going beyond the grade of major. It seems to me that it is a provision of very great benefit, and if allowed to remain in, I have an amendment that I want to offer that will make it clear that no one shall get the pay beyond that of a major.

Mr. DRISCOLL. How much does this increase the expense? Mr. HULL of Iowa. For one man? This case would not have been called to the attention of the committee if it had not been for the fact that the gentleman from Illinois [Mr. McKinley] called the attention of the War Department to it, and the War Department called it to the attention of the committee. The very minute you take the man away from there they will insist on the detail of an active officer, who would get more pay than the one who is there now, if he is of higher rank, even if this provision is adopted.

Mr. DRISCOLL. Is this law to apply only to this man?

Mr. HULL of Iowa. No; to all. The University of Illinois case brought it to our attention. This man can not stay there and perform the duties and get no addition to his pay.

Mr. MANN. I did not know that this item was specially directed to the University of Illinois, where I went to school. The man who is there now, I think, is a lieutenant-colonel.

Mr. HULL of Iowa. Yes; but a lieutenant-colonel's pay on the retired list is not equal to a major's pay on the active list.

Mr. MANN. This would give him the active major's pay, but Mr. MANN. This would give him th not an active lieutenant-colonel's pay?

Mr. HULL of Iowa. No. Mr. DRISCOLL. Why not?

Mr. MANN. Because we limit it to the pay of a major on

the active list.

Mr. HULL of Iowa. There is a question whether the language fully covers that or not. If my amendment shall carry, I simply provide that the limitation of the pay of officers of the army above the rank of major shall be as provided for under the acts of March 2, 1905, and July 12, 1906; that those re-strictions shall remain in force. That language has been con-

Mr. MANN. I have no objection to the amendment, although I do not see how language can be clearer than this language

here in the bill. It says:

Except that officers above the grade of major shall receive the same pay and allowances as a retired major would receive under a like assignment.

Mr. HULL of Iowa. That might be up to the point of a colonel being assigned; if a higher officer, he might get full pay. This amendment that I propose to offer cuts it off so that a brigadier-general could not be assigned on full pay; and if he should be assigned, he could not get full pay. It would be a limitation, as that language has already been construed. the amendment is agreed to, it will make it absolutely certain. Mr. MANN. All the state universities have these officers.

Mr. HULL of Iowa. There are 100 of such details now authorized. Under the law there is authorization for a detail of 100 officers from the active list for this purpose. There are not that many detailed, and they are trying to work in all the retired officers they can so as to cover that hundred. It is a matter of economy to do it, and good administration.

Mr. DRISCOLL. I withdraw the point of order, Mr. Chair-

man.

Mr. HULL of Iowa. Mr. Chairman, I now move an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 14. line 19, strike out the word "officers" and insert the words "the limitations on the pay of officers of the army;" and in lines 19, 20, and 21, strike out all after the word "major," in line 19, and insert in lieu thereof "as provided in the acts of March 2, 1905, and June 12, 1906, shall remain in force," so that it shall read, "except that the limitations on the pay of officers of the army above the grade of major, as provided in the acts of March 2, 1905, and June 12, 1906, shall remain in force."

The CHAIRMAN. The question is on the amendment. The question was taken, and the amendment was agreed to. The Clerk read as follows:

RETIRED ENLISTED MEN.

For pay of the enlisted men of the army on the retired list, \$2,000,000. Mr. DRISCOLL. I move to strike out the last word. Here is an appropriation almost double that of last year. I think that requires an explanation.

Mr. HULL of Iowa. The law added three-quarters of \$500 to

the grade of each one of the retired officers.

Mr. DRISCOLL. These are enlisted men; it is at the bottom

of page 14.

Mr. HULL of Iowa. That is simply enlisted men retired. We added to the pay of every one of them in the same proportion we did to the others. In other words, there is a law now on the statute books that provides the pay of retired men shall be based on three-quarters of the pay of the active force of the

Mr. DRISCOLL. Is it not a pretty large jump in one year? Mr. HULL of Iowa. The increase of the retired men and the increase of the pay together make up these figures.

Mr. ADAIR. Did not the gentleman from New York vote

for that increase?

Mr. DRISCOLL. I do not think I did. I have consistently voted in almost every instance since I have been here, in army and navy appropriation bills, for moderate sums instead of for large ones.

Mr. HULL of Iowa. I will say to my friend from New York that the estimates call for the pay of 3,100 enlisted men retired to the amount of \$2,200,000; but the committee believe that the proportion of them that will die over those who will come in during the next year will justify a reduction of \$200,000.

Mr. DRISCOLL. How much does that law the gentleman

talks about increase this appropriation?

Mr. HULL of Iowa. I can not give the figures exactly. If the gentleman will look back at the number of men who were on last year when we appropriated he will find out. All the other increase is made up in the increase in pay.

Mr. DRISCOLL. This particular appropriation bill is not very

artistically drawn nor is it very clear, nor is the report very clear or comprehensive. It does not show anywhere the amount

carried in last year's appropriation bill.

Mr. HULL of Iowa. Would the gentleman think that the bill when it is reported to the House should carry also the amounts appropriated last year?

Mr. DRISCOLL. Most of them do. I do not mean the bill

itself, but bills usually carry that as a sort of appendix.

Mr. HULL of Iowa. We have that in the first print of the bill.

Mr. DRISCOLL. I would like to know how much the army appropriation of the bill of last year was when it was brought into the House.

Mr. HULL of Iowa. One million one hundred and ninety-

three thousand four hundred and forty-five dollars.

Mr. DRISCOLL. The whole bill?

Mr. HULL of Iowa. No; for this item. We appropriated last year in round numbers, I think, about ninety three or four million dollars. Subtract \$7,000,000 out of that and you have substantially what was reported here. I will say to my friend that there is an increase here to this bill of pay, and different provisos we put in, of some four million more than we carried last year, and there is also a decrease of nearly six millions from the estimates as they were sent to us.

Mr. DRISCOLL. I withdraw the pro forma amendment. The Clerk read as follows:

For 100 nurses (female), \$55,020.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 6, after the word "for," insert the words "pay of."

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

For 31 dental surgeons, \$57,960. For contract surgeons, \$36,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the same amendment, in line 14, page 15, after the word "for," insert "pay of."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

In line 14, page 15, after the word "for," insert "pay of."

The question was taken, and the amendment was agreed to. Mr. HULL of Iowa. Also the same amendment in line 16. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 16, page 15, after the word "for," insert the words "pay of,"

The question was taken, and the amendment was agreed to. Mr. DRISCOLL. I suppose that is the \$360,000 that the chairman of the committee spoke of a while ago as \$400,000. that right?

Mr. HULL of Iowa. No; that is all that is left of the \$400,000; that is all that is left of it. There are some places, I will say to the gentleman, such as arsenals, where the civilian employees get paid \$75 a month. There are some places where there are only a few men, but they have to have medical attendance. There they pay a civilian physician, who attends to his own practice at the same time, and he is not subject to being ordered away from there at any time. This refers simply to such places where it would not pay to keep a regular medical officer.

Mr. MANN. Is the gentleman able to inform us what is the total additional expense caused by the law passed last year with reference to the medical bureau or Medical Department?

Mr. HULL of Iowa. I should say the total additional expense would amount to something over \$300,000 a year, off hand. It may be a little more or a little less.

Mr. MANN. Is that amount increase in pay or increase in number?

Mr. HULL of Iowa. In both. Some of it is increase in number-quite a considerable increase, as you will observe, in the Medical Corps; and then another large increase I refer to as a saving is the difference in pay between contract surgeons and a first lieutenant of the army at this time. At the time that bill was passed there was a saving in the pay of contract surgeons and a first lieutenant. A contract surgeon then got \$1,800 a year, and a first lieutenant received \$1,500 a year.

Mr. MANN. I think I called the attention of the gentleman to the fact at that time there was no saving, and the appropriations now prove the statement was correct.

Mr. HULL of Iowa. If the law had been left as it was, there would have been a saving. Under the new law it is not.

Mr. MANN. May I ask the gentleman further; under that increase in pay for the Medical Department is there now any dif-

ficulty in securing surgeons for the army?

Mr. HULL of Iowa. I think not at all. I think there are

more applicants than we have places for them.

Mr. KEIFER. A good deal.

Mr. MANN. They might turn them over to the Marine-Hospital Service because the Marine-Hospital Service now insists that it is not possible for them to obtain surgeons because they all go to the army, therefore we should increase the pay of the Marine-Hospital Service.

Mr. HULL of Iowa. I think I can supply them with a lot if they want them, as I am overrun with applications. I will be very glad to refer them to the Marine-Hospital Corps.

Mr. MANN. When their bill comes up in the House I hope the gentleman will give them that information, so if they do not get their bill passed they can get the surgeons.

The Clerk read as follows:

For commutation of quarters to commissioned officers on duty without troops at stations where there are no public quarters, \$450,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, and I would like to ask the chairman of the committee what is the cause of the increase of \$32,000 in this item?

Mr. HULL of Iowa. Which item is that?

Mr. MADDEN. Commutation of quarters to commissioned

officers on duty without troops at stations.

Mr. HULL of Iowa. Simply the Quartermaster-General reports it is the best he can get this furniture for, and he made this estimate as being necessary. I will say to the gentleman this will not complete the equipment of the posts already provided by law with this heavy furniture.

Mr. MADDEN. Is it for additional quarters—
Mr. HULL of Iowa. I beg your pardon; I made a mistake;
this is based on the number of officers stationed at posts where there are no quarters provided by the Government and also on the fact that in the last year or so Congress increased commutation of quarters to officers.

Mr. MADDEN. To each officer; now he gets a larger com-

mutation than heretofore?

Mr. HULL of Iowa. Yes. Mr. MADDEN. How much larger? Mr. HULL of Iowa. Just one room. The captain gets 3 rooms, a major 4, a lieutenant-colonel 5, a colonel 6

Mr. MADDEN. Just what is the amount in dollars? Mr. HULL of Iowa. Twelve dollars a month to the room.

Mr. MADDEN. To each individual officer?

Mr. HULL of Iowa. Yes; owing to the grade, and rooms are given according to the rank. A second lieutenant, I think, gets \$24 a month for commutation of quarters.

Mr. MADDEN. I understood the gentleman to say some time ago that there were no greater number of officers now, but that there were a less number of officers than there were a year ago.

Mr. HULL of Iowa. That would not affect this item for this reason, that in case of war we probably would not have any officers, except the staff corps, here in Washington, because this provides for commutation where there are no public quarters. In case of war, they would then live in tents and get no com-

mutation. They would be stationed in the field.

Mr. MADDEN. This appropriation, then, indicates that there are a large number of officers living in sections of the country where there is not anything of a military nature for them to do?

Mr. HULL of Iowa. I would not like to say that, Mr. Chair-For instance, take the gentleman's town of Chicago. That is a concrete example. They have there headquarters for a department. They have a general and his aids, a member of the General Staff, a representative of the Quartermaster, Commissary, and Medical departments, and all the different staff corps represented there, and the Government does not furnish any of those officers quarters.

The law provides a scale of what each one is entitled to as commutation. They give three rooms to a captain and four to a major, as I recollect, and so on up, increasing the number of rooms for each rank, and these rooms are commutated at the rate of \$12 a month for each room. Of course this is only done in places where the Government does not furnish quarters.

Mr. MADDEN. The thing that struck me was that there seemed to be a larger number of men assigned to duty at places where there is no military force stationed than there have been heretofore.

Mr. HULL of Iowa. That is liable to change. You take any department headquarters

Mr. MADDEN. And I thought I would ask the chairman of the Military Committee to advise us why this excessive number

of officers were so stationed.

Mr. HULL of Iowa. I will say to my friend that there were detailed a year ago 612 officers. There is now a detail of 734 officers, and the chances are that a large number of these get commutation of quarters.

Mr. MADDEN. Is there any reason why so large a number of officers of the army should be stationed at points where there is nothing to do?

Mr. HULL of Iowa. I do not think that is a fair statement. We have sent 15 officers to the Isthmus of Panama-engineer officers. We have several over in Cuba, aiding the provisional government there. We have a few of them in the Philippine Islands, and many on recruiting and other necessary service.

Mr. MADDEN. Will the gentleman allow me? I understood

him to say that a number of engineer officers had been sent to the Isthmus of Panama.

Mr. HULL of Iowa. Yes.

Mr. MADDEN. And does the gentleman wish the House to understand that those who go to Panama are allowed a certain amount of money for quarters?

Mr. HULL of Iowa. If the Government does not furnish them a house; yes.

Mr. MADDEN. But the Government does furnish them a house-a palace-such as is not to be found anywhere else in the universe.

Mr. HULL of Iowa. Then they get no commutation. Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask a question.

Mr. HULL of Iowa. All right.

harbor work?

Mr. HUMPHREYS of Mississippi. A number of officers detailed away from their troops, some 700, include the engineer officers?

Mr. HULL of Iowa. All officers, staff and line. Mr. HUMPHREYS of Mississippi. How many engineer officers are there?

Mr. HULL of Iowa. I do not think I can give that, because they are all put in together, and I could not separate them.

Mr. HUMPHREYS of Mississippi. The reason I ask the

question is that I wanted to know if that includes the engineer

Mr. HULL of Iowa. The engineers on the river and harbor work are entirely different, and are paid out of a different fund. Mr. HUMPHREYS of Mississippi. And there are 734 officers in addition to the engineer officers now engaged in river and

Mr. HULL of Iowa. I understand that there are 188 engineer officers detailed for river and harbor work who are not in this list of 734 at all.

The Clerk read as follows:

For pay of exchange by disbursing officers of the Pay Department serving in foreign countries, \$200.

Mr. HULL of Iowa. Mr. Chairman, I move to amend by striking out the word "pay" and inserting the word "payment;" before the word "disbursing" insert the word "special;" strike out the word "officers" and insert "agents," so that it will read "For payment of exchange by special distributions agents." bursing agents."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 16, amend so as to read "For payment of exchange by special disbursing agents of the Pay Department."

Mr. HULL of Iowa. That is right.
The CHAIRMAN. Without objection, the amendment will be adopted.

There was no objection.

The Clerk read as follows:

For subsistence, mileage, and commutation of quarters to officers of the national guard attending service and garrison schools, \$17,000.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to amend by inserting, after the word "quarters," in line 18, the words "including heat and light."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of line 18, "to include heat and light."

Mr. HULL of Iowa. Mr. Chairman, I will say, in regard to that, the quarters for the Regular Army officer does include heat and light. I have no objection to include the same things for the national guard also.

The amendment was agreed to.

The Clerk read as follows:

For additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, 650 at \$150 each per annum; 150 at \$200 each per annum; \$127,500.

Mr. MADDEN. I move to strike out the last word. This is a new item in the bill, is it not?
Mr. HULL of Iowa. Yes, sir.
Mr. MADDEN. How does it happen that there is this addi-

tional charge?

Mr. HULL of Iowa. The old law made a flat distinction between the pay of officers in the cavalry and officers in the infantry of \$200 a year, on the theory that the officer of the cavalry or light artillery furnished his own mount, while, as a matter of fact, the Government furnished a large proportion of these mounts and gave these officers the extra pay without any reason whatever. Now, the law is changed so that the officers shall not have any extra pay for the mount unless he furnishes it himself. Where he really furnishes his own mount he gets \$150 a year for one horse, and \$200 a year where he is authorized to and really keeps two horses.

But under the new law the officers of the army all get the It strikes me, although I have not consulted with same pay. It strikes me, although I have not consulted with the committee in regard to the matter, that it could be amended by striking out the words "650, at \$150 each per annum; 150, at \$200 per annum," for the reason that the amount given is for the keeping of horses under the law. This language is simply a reenactment of the existing law. I think, if there is no objection, I will move to strike it out. Strike out lines 6 and 7 down to the word "annum."

The Clerk read as follows: same pay.

The Clerk read as follows:

Page 18, lines 6, 7, and 8, strike out, down to and including the word "annum" in line 8, "650, at \$150 each per annum; 150, at \$200 each per annum."

Mr. HULL of Iowa. This is simply a reenactment of law that is now on the statute books, and I therefore move to strike out these words.

The amendment was agreed to.

For amount required to make monthly payment to Jennie Carroll, widow of James Carroll, late major and surgeon, United States Army, as per act of Congress approved May 23, 1908 (Private act, No. 57), \$1,500.

Mr. HULL of Iowa. Now, Mr. Chairman, it has been suggested to me by the War Department, and I think it is a good suggestion, to strike out the words "(Private act, No. 57)" and insert "35 Statutes at Large, 155."

Mr. MANN. You do not need to insert anything at all; neither one is in place. It is only an act of this Congress.

Mr. HULL of Iowa. That is all, so far as the payment is concerned.

Mr. DRISCOLL. Why do you carry these two appropriations? Mr. MANN. It provides that they are to be placed upon the roll of the War Department.

Mr. HULL of Iowa. Yes; under an act of Congress. So, Mr. Chairman, I move to strike out the words "(Private act, No. 57)."

The amendment was agreed to.

The Clerk read as follows:

For amount required to make monthly payment to Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, as per act of Congress approved May 23, 1908 (Private act No. 57), \$1,500.

Mr. HULL of Iowa. Mr. Chairman, I offer the same amendment, in line 19, page 18, to strike out "private act No. 57."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 19, strike out "private act No. 57."

The amendment was agreed to.

The Clerk read as follows:

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the word "provisional." The law now makes this a regiment of eight companies, and not a provisional regiment.

Mr. SLAYDEN. If the gentleman from Iowa will permit me, the legal title of that regiment now, according to public act 142, is the Porto Rico Regiment of Infantry of the United States Army. I move to insert the words "of the United States Army" in line 21, page 18, and to strike out the word "provisional."

Mr. HULL of Iowa. If the gentleman wishes it, I will not object. It occurs to me that if you strike out the word "provisional" it will cover that.

It all refers to the United States Army. Mr. MANN.

Mr. SLAYDEN. I am offering this amendment at the suggestion of the Delegate from Porto Rico [Mr. LARRINAGA], who is jealous of the only thing for Porto Rico in the bill. He wanted the title put in to conform to the law.

Mr. HULL of Iowa. I have no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 21, strike out the word "provisional" and insert after "Infantry" the words "of the United States Army."

The amendment was agreed to.

The Clerk read as follows:

Pay of officers of the line, \$63,400. Mr. HULL of Iowa. Mr. Chairman, I move to strike out the words "of the line."

The Clerk read as follows:

Page 18, line 23, strike out "of the line."

The amendment was agreed to.

The Clerk read as follows:

PHILIPPINE SCOUTS.

Pay of officers of the line: Fifty captains, \$120,000.

Mr. HULL of Iowa. I move to strike out the words "officers

Mr. SABATH. I desire to ask the gentleman a question about the Philippine Scouts. What do we understand by 50 captains of the Philippine Scouts? Are they Filipinos?

Mr. HULL of Iowa. Not necessarily.

Mr. KEIFER. Some of them.

Mr. HULL of Iowa. Last year we passed an act relating to this subject. Before that the law provided for the detail of 50 first lieutenants of the Regular Army, to have the rank of captain while serving in the Philippine Scouts. We have changed that by providing for 50 captains of Philippine Scouts. They We have changed are taken from men who have served as lieutenants. They are taken from the Filipinos themselves, if they can pass the examination; but they start in as second lieutenants, whether Filipinos or Americans.

Mr. SABATH. Are they independent of the Regular Army that we have now in the Philippine Islands?

Mr. HULL. No; they are a part of it, but a separate organization and officered differently than the Regular Army. The field officers of the scouts are all detailed. They are either captains or majors of the Regular Army.

Mr. SABATH. What is our army to-day in the Philippine

Mr. HULL of Iowa. I think about 12,000 Americans and about 5,000 Philippine Scouts in round numbers. It will not vary much from that one way or the other. My friend from Texas [Mr. Slayden] and my friend from New Jersey [Mr. Parker] and the other members of the Military Committee can correct me if I am mistaken, because I do not claim to give the number exactly.

Mr. SABATH. We have about 17,000 men there now?

Mr. HULL of Iowa. Yes.

Mr. SABATH. At an expense of how much?

Mr. HULL of Iowa. Whatever it costs to keep them there under the law.

Mr. SABATH. Can the gentleman inform me what the cost is?

Mr. HULL of Iowa. The gentleman can figure it under the law just as readily as I can.

Mr. SABATH. I do not know how many officers we have

there.

Mr. HULL of Iowa. If you will add up the amounts that we have given here, you will substantially get at it.

Mr. SABATH. These amounts as given here add up \$1,000,000.

That is extra, is it not?

Mr. HULL of Iowa. No; it is not extra; because if we did not have these men there, we would have to send others from the Regular Army.

Mr. DRISCOLL. It only applies to the officers.

Mr. SABATH. It applies to the officers and men and amounts to \$989,000.

Mr. HULL of Iowa. Oh, no; it does not.

Mr. MANN. That includes privates. Mr. HULL of Iowa. Privates are estimated for on a different price, the amount fixed for the Regular Army; this is fixed by the War Department. This estimate is made on the number of men we have at the price fixed by the department. You will have to add to this somewhat for field officers. The field officers are carried on the regular force of the army.

Mr. SABATH. How long will it be necessary to keep an army

Mr. HULL of Iowa. The gentleman is as well able to guess on that as I am. We will keep them there as long as is neces-

Mr. SABATH. Rather expensive, is it not?

Mr. HULL of Iowa. The gentleman can figure on that as well as I can. It is one of the obligations resting on this Government, and my observation is the Government will not hesi-tate to carry out all those obligations as long as it is demanded by humanity, or the best interest of our people.

Mr. SABATH. Rather expensive, though.

Mr. HULL of Iowa. I think not; but, however, that has nothing to do with this bill.

Mr. SABATH. We are appropriating for this service all

these different amounts, and I would like to know what benefit we get from them.

Mr. HULL of Iowa. The gentleman is as competent to

answer that as I am.

Mr. SABATH. No; I have not had as much experience as

the gentleman from Iowa.

Mr. HULL of Iowa. Some gentlemen will say that there is no benefit, and others will say that there is much benefit. man must make up his mind for himself and govern himself accordingly. It is the law, and we are appropriating under the

The CHAIRMAN. The pro forma amendment is withdrawn. Mr. HULL of Iowa. Now, I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

In line 11, page 19, strike out the words "of the line" and insert before the word "fifty" the word "for."

The amendment was agreed to.

The Clerk read as follows:

Fifty-eight first lieutenants, \$116,000.

Mr. HULL of Iowa. Mr. Chairman, I move to amend by inserting, before the word "fifty," in line 13, page 19, the word "for."

The amendment was agreed to.

The Clerk read as follows:

Fifty-eight second lieutenants, \$98,600.

Mr. HULL of Iowa. Mr. Chairman, I move to insert in line 15, page 19, before the word "fifty," the word "for."

The amendment was agreed to.

The Clerk read as follows:

Additional for length of service, \$80,000.

Mr. HULL of Iowa. Mr. Chairman, I move to amend by inserting before the word "additional," in line 22, page 19, the word "for."

The amendment was agreed to.

Mr. HULL of Iowa. And after the word "additional," in line 22, page 19, I move to insert the word "pay."

The amendment was agreed to.

The Clerk read as follows:

Noncommissioned officers and privates, 50 companies, \$587,899.20.

Mr. HULL of Iowa. I offer the following amendment, which I ask the Clerk to read.

The Clerk read as follows:

Strike out all of line 23 and insert "for pay of enlisted men."

The amendment was agreed to.

The Clerk read as follows:

For additional pay for reenlisted service, \$50,000.

Mr. HULL of Iowa. Now, I want to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Amend line 1, page 20, so as to read, "for additional pay for additional length of service."

The amendment was agreed to.
Mr. HULL of Iowa. Now, I want to amend by inserting that which the Clerk will read.

The Clerk read as follows:

After line 2, insert "all the money hereinbefore appropriated except the appropriation for mileage of officers, contract surgeons when authorized by law, for pay of the army, and miscellaneous, shall be disbursed or accounted for by officers of the pay department of the army, and for that purpose shall constitute one fund."

The amendment was agreed to.

The Clerk read as follows:

Encampment and maneuvers, organized militia: For paying the expenses of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1911, \$425,000.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. HULL of Iowa. Mr. Chairman, there seems to be such a universal desire to stop, and the House having had such a very strenuous week of it, I will move that the committee do now

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26915, the army appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE. By unanimous consent, leave of absence was granted to Mr. NICHOLLS for one week, on account of important business.

MARINE-HOSPITAL SERVICE.

Mr. WANGER. Mr. Speaker, I desire to file at this time the report of the Committee on Interstate and Foreign Commerce on the bill (H. R. 18794) to promote the efficiency of the Public Health and Marine-Hospital Service, and to ask unanimous consent that the minority may have up to and including Wednesday next within which to file their views.

The SPEAKER. The bill would ordinarily go through the

basket, but the gentleman desires to report the bill, with the request that the minority have until and including Wednesday next within which to file their views. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE.

The SPEAKER designated Representative Allen to act as Speaker pro tempore to-morrow, Sunday, January 31, 1909.

ADJOURNMENT.

Then, on motion of Mr. Hull of Iowa (at 4 o'clock and 45, minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for repairs of the public building at Perry, Okla. (H. Doc. No. 1383)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for providing temporary quarters at Rock Island, Ill. (H. Doc. No. 1384)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an

estimate of appropriation for providing temporary quarters for federal officers at Roanoke, Va. (H. Doc. No. 1385)—to the Committee on Appropriations and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1386)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Public Printer submitting an estimate of appropriation for construction of an oil storage house (H. Doc. No. 1387)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Public Printer submitting an estimate of appropriation for an electric storage battery (H. Doc. No. 1388)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (8. 6580) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907, reported the same without amendment, accompanied by a report (No. 1996), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18794) to promote the efficiency of the Public Health and Marine-Hospital Service, reported the same with amendment, accompanied by a report (No. 2000), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, reported the same without amendment, accompanied by a report (No. 1998), which said bill and report were referred to the House Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 26291) to extend the time of payments on certain homestead entries in Oklahoma, reported the same with amendment, accompanied by a report (No. 1999), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8276) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank, reported the same with amendment, accompanied by a report (No. 1994), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 27232, reported in lieu thereof a resolution (H. Res. 528) referring to the Court of Claims the papers in the case of James C. McFarland and heirs, accompanied by a report (No. 1995), which said resolution and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 20165) to reimburse various persons for damages and losses as recommended by the Light-House Board, reported the same without amendment, accompanied by a report (No. 1997), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15960) for the relief of Rivilow N. Spohn—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 25634) granting a pension to Sarah A. Tasker—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOWLER: A bill (H. R. 27420) to provide for the erection of a public building at Morristown, N. J.—to the Committee on Public Publices and Crownels.

mittee on Public Buildings and Grounds.

By Mr. SLEMP: A bill (H. R. 27421) to amend the act approved February 27, 1902 (32 Stat. L., p. 43), entitled "An act for the relief of parties for property taken from them by military forces of the United States"—to the Committee on War Claims.

By Mr. BURTON of Delaware: A bill (H. R. 27422) for the relief of members of the Fifth and Sixth Regiments of Delaware Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 27423) to provide for the issuance of homestead patents in the State of North Dakota in certain cases—to the Committee on the Public Lands.

By Mr. TAYLOR of Alabama: A bill (H. R. 27424) for a survey of Mobile Harbor, in the State of Alabama, with a view of deepening the same to a depth of 30 feet—to the Committee on Rivers and Harbors.

By Mr. JENKINS: A bill (H. R. 27425) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes—to the Committee on the Judiciary.

the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 27426) to provide for the extension of Park place NW.—to the Committee on the District of Columbia.

By Mr. PAYNE: A bill (H. R. 27427) to prohibit the importation and use of opium for other than medicinal purposes—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: A bill (H. R. 27428) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. HOBSON: A bill (H. R. 27429) to promote the cause of international peace and arbitration—to the Committee on Naval Affairs.

By Mr. WATKINS: A bill (H. R. 27430) to amend section 7, chapter 3591, first session Fifty-ninth Congress, so as to require the charge of freight to be inserted in the bill of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON: Resolution (H. Res. 529) to pay employees operating elevators on the House side—to the Committee on Accounts.

By Mr. MANN: Joint resolution (H. J. Res. 249) to enable the States of Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan—to the Committee on the Judiciary.

By Mr. SCOTT: Concurrent resolution (H. C. Res. 62) providing for disposition of the public documents of the Sixtleth Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 27431) granting an increase of pension to George B. Light—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 27432) granting an increase of pension to Jehu Madden—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 27433) granting an increase of pension to David Hay—to the Committee on Invalid

Also, a bill (H. R. 27434) granting an increase of pension to Samuel Sneath—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 27435) for the relief of the estate of John C. Green, deceased—to the Committee of War Claims.

By Mr. BRADLEY: A bill (H. R. 27436) granting an increase of pension to Mary Kelaher—to the Committee on Invalid Pensions,

Also, a bill (H. R. 27437) granting an increase of pension to John H. Thompson—to the Committee on Invalid Pensions. By Mr. BURTON of Ohio: A bill (H. R. 27438) granting an

increase of pension to Charles Reader-to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27439) granting an increase of pension to Benjamin Vine-to the Committee on Invalid Pen-

By Mr. CRAWFORD: A bill (H. R. 27440) granting an increase of pension to Nathan Coward-to the Committee on Pen-

By Mr. CRUMPACKER: A bill (H. R. 27441) granting an crease of pension to Patrick Reilley-to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 27442) granting an increase of pension to Pauline Suing Bloom—to the Committee on Pensions. By Mr. FRENCH: A bill (H. R. 27443) for the relief of Dan August-to the Committee on Claims.

By Mr. GARNER: A bill (H. R. 27444) granting an increase of pension to Sanford Brown—to the Committee on Pensions. By Mr. HAWLEY: A bill (H. R. 27445) granting an increase

a pension to William Hardy-to the Committee on Invalid Pen-

By Mr. HIGGINS: A bill (H. R. 27446) granting an increase of pension to Ira A. Wood—to the Committee on Invalid Pensions.
Also, a bill (H. R. 27447) to pay Thames Tow Boat Company amount due them on a dredging contract with Government-to the Committee on Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 27448) granting a pension to Amanda C. Swiger—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 27449) granting an honorable discharge and a pension to W. Scott King-to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 27450) for the relief of the trustees of the Methodist Episcopal Church of Winfield, W. Va.—to the Committee on War Claims.

By Mr. HOWLAND: A bill (H. R. 27451) granting an increase of pension to Helen L. Fitch—to the Committee on In-

valid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 27452) granting an increase of pension to Nathan R. Mathis-to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 27453) granting an increase of pension to John H. Langley-to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 27454) granting a pension to Clara V. Rayner-to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 27455) granting an increase of pension to William Garrett-to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 27456) granting an increase of pension to Charles F. Schlorff-to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 27457) withdrawing from entry and sale and granting to the city of Los Angeles, Cal., certain lands therein described—to the Committee on the Public Lands.

By Mr. MARSHALL: A bill (H. R. 27458) granting an increase of pension to James T. Scott-to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 27459) granting a pension to James J. Booth-to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 27460) granting an increase of pension to Emerson O. Place—to the Committee on Invalid

By Mr. NELSON: A bill (H. R. 27461) granting an increase of pension to James Graham-to the Committee on Invalid Pen-

By Mr. NYE: A bill (H. R. 27462) granting a pension to Berintha L. Barnes-to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 27463) granting a pension to W. C. Whitthorne-to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 27464) granting a pension to Emmett Puckett—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 27465) granting an increase of pension to Osker Gross—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 27466) granting a pension to Edwin A. Prothro—to the Committee on Pensions.

Also, a bill (H. R. 27467) granting an increase of pension to

George Williams-to the Committee on Pensions.

By Mr. MARSHALL: A bill (H. R. 27468) granting an increase of pension to Hamlin F. Eaton-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows

By the SPEAKER: Memorial of American Society of Civil Engineers, praying for appropriation for the establishment of testing machines—to the Committee on Appropriations.

By Mr. ACHESON: Petition of American Protective Tariff League, against a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges (S. 6973)—to the Committee on Appropriations.

Also, petition of Pride of New Castle Lodge, No. 2, State of Pennsylvania, against the drawback provision of the Dingley tariff law touching tin plate-to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of Beaver County, Pa., favoring a rivers and harbors bill for this the second ses sion of the Sixtieth Congress-to the Committee on Rivers and Harbors.

By Mr. ALLEN: Petitions of J. L. Shortbridge and others, of Kittery, Me., and J. O. Sanborn and others, of Baldwin, Me., against parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of citizens of Henry County, Ohio, favoring repeal of duty on hides-to the Committee on Ways and Means.

By Mr. BARCHFELD: Papers to accompany bill for the relief of John Madden—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Papers to accompany bill for the relief of estate of John C. Green for stores and supplies—to the Committee on War Claims.

By Mr. BRADLEY: Petitions of Midland Grange, No. 1071, Patrons of Husbandry, of Divine Corners, N. Y., and Mountainville Grange, No. 946, Patrons of Husbandry, of Mountainville, N. Y., favoring enactment of legislation to create a national highways commission—to the Committee on Agriculture.

Also, petition of Florida Grange, No. 1053, Patrons of Husbandry, favoring a parcels-post and postal savings bank bill-to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Petition of Allegheny County Medical Society, favoring repeal of duty on medical books and surgical instruments-to the Committee on Ways and Means.

Also, petition of W. N. White, of Covington, Tenn., asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during the civil to the Committee on Invalid Pensions.

Also, petitions of Taylor & Dean, the Houston Brothers Company, the Bindley Hardware and Manufacturing Company, the Logan-Gregs Hardware Company, the Dakota Coke and Coal Company, the Waverly Oil Works, the Pittsburg Elastic Enamel Company, and the Alling & Cory Company, for continuance of the bankruptcy act and favoring H. R. 21929—to the Committee on the Judiciary

By Mr. BURLEIGH: Petition of Victor Grange, of Fairfield, Me., favoring a parcels-post and savings banks laws-to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of Consumers' League of Wisconsin, favoring the Beveridge-Parsons bill relative to child labor-to the Committee on Labor.

Also, petition of Milwaukee Association of Credit Men, favoring present bankruptcy law and any legislation for its improvement-to the Committee on the Judiciary.

By Mr. COOK: Petition of Yellow Pine Manufacturers' Association, against reduction of duty on lumber-to the Committee on Ways and Means.

By Mr. DAVIS: Petition of citizens of Northport, N. Y., favoring the Davis bill, for technical secondary education-to the Committee on Agriculture.

Also, petition of Christi Juni and other merchants of Jordan, Minn., against parcels post on rural free-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of John J. Getty and others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. ESCH: Petition of Consumers' League of Wisconsin, favoring the Beveridge-Parsons bill, relative to child labor-to the Committee on Labor.

By Mr. FOCHT: Petition of Juniata Grange, No. 352, of Petersburg, Pa., favoring a national highways commission—to the Committee on Agriculture.

By Mr. FULLER: Petition of Federation of Jewish Organiza-tions of State of New York, for appointment of chaplain in army of the Jewish faith—to the Committee on Military Affairs.

Also, petition of the Anti-Saloon League of Illinois, against appointing a commission of inquiry to investigate the character and effects of the liquor traffic upon the welfare of the Government and the people-to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petition of residents of Aransas Pass, Tex., favoring appropriation for improvement of that harborto the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Sanford Brown-

to the Committee on Pensions.

By Mr. GRAHAM: Petition of the Alling & Cory Company, the Pittsburg Iron and Wire Works, the W. E. Osborn Company, and the Logan-Gregs Hardware Company, favoring improvement of bankruptcy act in the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of the L. L. Satler Lumber Company, against reduction of duty on lumber—to the Committee on Ways and

By Mr. HILL of Connecticut: Petition of the Methodist Episcopal Church of Litchfield, Conn., favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Education.

By Mr. HINSHAW: Petition of citizens of Malmo, Ithaca, Colon, Cuereo, Tamora, and Waco, all in the State of Nebraska, favoring a parcels-post law-to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Petition of certain citizens of Washington, asking for the removal of the import duty on jute grain bags and burlap cloth used in the manufacture of grain bags-to the Committee on Ways and Means.

By Mr. KNAPP: Paper to accompany bill for relief of Frederic Appenzeller-to the Committee on Invalid Pensions.

By Mr. IANDIS: Petition of sundry citizens of Indiana, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of Minnesota State Horticultural Society, against free distribution of seeds by the Agricul-

tural Department—to the Committee on Agriculture.

Also, petition of J. F. Kroes, of the North Star Lodge, No. 197, International Association of Mechanics, of Brainerd, Minn., for the abolishment of the piece or task work system now in force at Mare Island Navy-Yard-to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of American Protective Tariff League, against a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of J. W. Miller, favoring H. R. 7620, establish-

ing a naval militia-to the Committee on Naval Affairs.

Also, petition of Yellow Pine Manufacturers' Association, against reduction of duty on lumber-to the Committee on Ways and Means.

By Mr. LOUD: Petition of citizens of Alpena, Mich., for creation of a national highways commission—to the Committee on Agriculture.

Also, petition of merchants of Harrisville, Mich., parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. McGAVIN: Petition of board of directors of Newberry Library, against a tariff on books—to the Committee on Ways and Means

By Mr. MAYNARD: Paper to accompany bill for relief of James J. Booth—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of citizens of Pottawatomie County, Kans., for legislation pensioning members of the United States Telegraph Corps in the civil war-to the Committee on Invalid

Also, petition of certain citizens of Kansas, favoring parcelspost and postal savings banks laws-to the Committee on the Post-Office and Post-Roads.

Also, petition of certain citizens of Burlington, Woodson County, Coffey County, and Greenwood County, all in the State of Kansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. REEDER: Paper to accompany bill for opening Indian reservation suggested by H. L. Dellaplaines—to the Committee on the Public Lands.

By Mr. SPERRY: Petition of citizens of Orange, Conn., favoring the establishment of a rural parcels post—to the Committee

on the Post-Office and Post-Roads.

Also, resolutions of the State Business Men's Association of Connecticut, against the establishment of parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of Foley Brothers and Kelly and others, of St. Paul, against a duty on tea or coffee-to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of E. A. Peters, W. E. Sims, and other citizens of Franklin County, Ohio, for legisla-tion to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. E. Berry, A. M. Moore, and other citizens of Franklin County, Ohio, favoring national highways commission—to the Committee on Agriculture.

By Mr. TIRRELL: Petitions of J. M. Scarborough and others, of Middlesex, and Worcester Grange, No. 3, of Massachusetts, for the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. TOU VELLE: Petition favoring parcels-post and savings banks laws, as recommended by the Postmaster-General-

to the Committee on the Post-Office and Post-Roads.

Also, petition for creation of a national highways commission, for federal aid in construction of good roads, and against appropriation for seed distribution—to the Committee on Agriculture.

By Mr. WANGER: Petition of Trades League of Philadelphia, favoring increase of salaries of United States circuit court judges to \$10,000 and of United States district court judges to \$9,000 per annum—to the Committee on Appropriations

Also, petition of Yellow Pine Manufacturers' Association of the Southern States, favoring retention of present duty on lum-

ber—to the Committee on Ways and Means.

Also, petition of Palmer Rich, master, and Joseph L. Briggs, secretary, of Edgewood Grange, No. 688, Patrons of Husbandry, for the creation of a national highways commission and an appropriation for aiding in the improvement and maintenance of public roads—to the Committee on Agriculture.

By Mr. WEEKS: Petition of Boston Society of Architects, against bill appropriating \$5,000,000 for purchase of a site for the Lincoln memorial—to the Committee on the Library.

By Mr. WEISSE: Petition of Milwaukee Association of Credit Men, favoring any amendment to improve present bankruptcy law-to the Committee on the Judiciary.

Also, petition of Yellow Pine Manufacturers' Association, against repeal of tariff on lumber—to the Committee on Ways and Means.

Also, petition of citizens of Scott and Oostburg, Wis., favoring establishment of parcels post and postal savings banks-to the Committee on the Post-Office and Post-Roads.

Also, petition of Consumers' League of Wisconsin, favoring the Beveridge-Parsons bill, relative to child labor-to the Committee on Labor.

HOUSE OF REPRESENTATIVES.

SUNDAY, January 31, 1909.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Hon. Amos L. Allen, Representative from Maine.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our God and our Father, whose name is sacred to the heart of every true man and the inspiration of every noble deed, help us to realize that the highest service we can render to Thee is willing and unselfish devotion to the welfare of our fellow-men, which reflects itself on the pages of history, sacred and profane, in song and story, in monuments of bronze and granite.

We are here to-day in memory of one who served his State and Nation with patriotic fidelity and devotion and has left

behind him a record worthy of emulation.

Inspire us with courage, zeal, and fidelity, that we may be worthy and pass on to the reward of those who, true to themselves, reflect in thought, word, and deed the character of their Maker.

Comfort, we pray Thee, his friends, colleagues, and those near and dear to him by the bonds of kinship with the blessed hope of the immortality of the soul, and Thine be the praise forever, in Jesus Christ our Lord. Amen.

EULOGIES ON THE LATE HON. LLEWELLYN POWERS, OF MAINE.

The SPEAKER pro tempore. The Clerk will read the order for the day.

The Clerk read as follows:

On motion of Mr. Guernsey, by unanimous consent, "Ordered, That there be a session of the House at 12 m. Sunday, January 31, for the delivery of eulogies on the life, character, and public services of the Hon. Llewellyn Powers, late a Member of this House from Maine."

Mr. GUERNSEY. Mr. Speaker, I send the following resolutions to the desk and ask to have them read by the Clerk.

The Clerk read as follows:

House resolution 530.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. LLEWELLYN POWERS, late a Member of this House from the State of Maine.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. GUERNSEY. Mr. Speaker, on the 28th day of July last, an honored Member of this body, a distinguished citizen and former governor of the State of Maine, passed from the activities of this world after an illness of several months.

He was, I believe, more widely and intimately known to the people of Maine, whom he has of late represented in the Congress of the United States, than any man who has appeared in public life in our State during the past forty years—the Hon. Liewellyn Powers, of Houlton, Me.

It becomes my solemn duty as the successor to Mr. Powers in Congress from the Fourth Congressional District of Maine to call attention to some of the characteristics and achievements of his long and active career. I first became intimately acquainted with him when he became governor of our State, and I soon recognized that he was a farsighted man, of unusual tact, and possessed unfailing judgment of men and public affairs.

LLEWELLYN POWERS was born in Pittsfield, Somerset County, Me., in 1836, the eldest of ten children, and of the eight boys six have attained distinction in the legal profession, and when LLEWELLYN Powers was in active practice he was regarded as

one of the best-equipped attorneys of the Maine bar.

His parents were of sturdy New England stock, several ancestors being in the Revolutionary war. He grew up in his native town, and fitted for college in its common schools and Maine academies, and spent two years at Colby College, but, desiring to fit himself for the legal profession, he left at the end of two years and entered Albany Law School, where he graduated. He was not forgotten by his alma mater, however, and in later years received honorary degrees from Colby College.

In 1860 he returned to Maine and was admitted to the bar, and in 1861 began at Houlton to practice his chosen profession, which he continued for nearly forty years. His legal ability was early recognized, and he soon had a large and growing practice, in addition to which he took up the duties of a prosecuting officer, being elected as attorney for the State in his county, which office he held for three terms.

In 1873 he was sent to the state legislature, serving in that body three terms, and upon leaving there was elected to the Forty-fifth Congress at the same election with Eugene Hale and WILLIAM P. FRYE, who have so long and honorably represented the Commonwealth in the Senate.

At the end of his term of office he retired to private life and devoted his time and attention to his legal and business interests, except one term in the Maine legislature.

In 1892 he was again sent to the state legislature, and served for three successive terms, being unanimously chosen speaker the last term; and in 1896 was nominated and elected governor of Maine, receiving the largest plurality vote ever cast for a gubernatorial candidate in Maine. He was chosen a second time as governor.

During his legislative service in the Maine house he reported from an evenly divided judiciary committee, of which he was chairman, a bill abolishing capital punishment, and was successful in having the measure become a law. Many other pieces of important legislation in the interest of the State might be mentioned, but I will not weary you with their recital.

His administration as governor was one of the best that has ever been given the State of Maine. He gave to the office the same careful oversight that marked his private business, and on one occasion during the early part of the Spanish-American war, when there was strong pressure from all over the State to call an extra session of the legislature to appropriate money for the equipment of men and purchase supplies for the expected volunteer regiment, he was opposed to it on account of the large and needless expense to the State, and acting in accord with the judgment of other conservative business men of his party refused to call the extra session, but when funds were necessary he advanced the large sum of money required, and his patriotic and public-spirited action was approved by the next legislature,

which refunded the money he had advanced from his private purse.

Soon after his retirement from the governor's chair he was chosen to fill out the unexpired term of the Fifty-seventh Congress occasioned by the death of Congressman Boutelle, in 1901, and was returned to Congress with each succeeding election, but he was obliged to withdraw from the renomination to the Sixtyfirst Congress, which had been tendered him by acclamation by the Republican party in his district, on account of his continued ill health.

His career in the National House of Representatives has been marked by conservatism and sound business judgment in all matters in which he took part, and on account of his long experience in financial and legal matters he was always listened to with much attention and interest on pending questions relating to banking and currency and problems concerning state-hood for the Territories, and his fairness and courtesy in debate won him many friends on both sides of this Chamber.

He was a firm believer and advocate of a revenue system which would afford protection to American industries and workingmen and give American manufacturers the preference in our domestic markets.

He never posed as an orator, yet he was classed as a very effective speaker, and, with but one or two exceptions, no political speaker of Maine ever addressed a greater number of audiences during the campaigns. It seemed to be a part of his life to meet and mix with men and discuss the affairs of State and Nation, and for more than thirty years he took part in every political campaign in Maine, and sometimes lent his voice to campaigns in neighboring States.

In his private life he was always regarded as the friend of the poor man, and many a prosperous citizen of the State has received his start from the kindly advice and financial assistance which it was their good fortune to receive from him, and it is said he never spurned one of his less fortunate friends of younger days when they came to him for aid.

He was a man of great tact and shrewdness and always preferred to conciliate rather than to antagonize.

He was a generous giver to charitable and benevolent objects, and it is said his donations to church organizations extended to almost every church which has been dedicated in the last twenty years in eastern Maine.

But, Mr. Speaker, words of eulogy can not add to or detract from the fame of this or any man; so having given a brief outline of the life and affairs of him who brought honor to his native State and district and whose service in this House was marked by dignity and wisdom, who was a kind and loving husband and father, I will close, leaving it to others to portray his greatness in more eulogistic terms.

Mr. BURLEIGH. Mr. Speaker, my colleague, who so ably represents upon this floor the district formerly represented by our deceased friend, has so fully covered the salient points in his career that I may well confine myself to a personal and heartfelt tribute growing out of the cherished memories of an acquaintance and friendship extending over a period of more than forty years.

I first made the acquaintance of LLEWELLYN POWERS in 1861, when, a year after his graduation from the Albany University Law School, he came to Houlton, the shire town of the great county of Aroostook, to enter upon the practice of his profes-I was living at the time in an adjoining town, where I was born. Very well do I recall the appearance of Mr. Powers at that time, and the rapidity with which he impressed his strong and masterful personality upon the community. Young, affable, of splendid physique, alert of body and of mind, an indefatigable worker, he brought to his labors rare qualities of leadership and the elements that win success in the practice of the law. He combined with marked powers of con-centration a wonderful capacity for close and sustained application. He not only had a comprehensive and thorough grasp of legal principles, but he possessed, moreover, the ability to detect at once the weak point in the case of opposing counsel. and the aggressive force to make the most of it. Like Ulysses of old, he was "full of resources." Few men in the history of the Maine bar have equaled him in the ability to so marshal the strong points in his case as to make them carry conviction to the minds of a jury.

But it was not alone in his profession, where he speedily built up a large and lucrative practice, that he attained dis-Born on a pioneer farm, the eldest of a large family, he was forced from boyhood to be the architect of his own fortunes, and yet he did not enter into the competitions of life devoid of capital. He was peculiarly rich in the qualities that command success, in the full vigor of a splendid physical and intellectual strength, in abounding health, in self-confidence to meet and conquer the difficulties that confronted him, and in a personal magnetism that speedily drew about him a wide circle of devoted and admiring friends. There was in the make-up of Mr. Powers no trace of snobbery or affectation. He was all his life in close and sympathetic touch with the plain people. Warm-hearted, cordial, and genuine in his dealings with those about him he constantly extended the circle of his friendships. It was a real pleasure for him to meet old acquaintances and make new ones. His instincts were social. He loved the companionship of his fellow-men, and few there were who could resist the rare charm of his personality. As he came and went he had a cordial word of greeting for everyone he met. He looked out upon life with the spirit of an optimist, and from the depths of his own frank and generous nature radiated an atmosphere of hope and cheer upon those about him.

His own pioneer training stood him in good stead and specially fitted him for leadership in the community with which he had cast his lot. The great county of Aroostook of that day was only in the early stages of the splendid development that has since been achieved there. It was then a pioneer commu-nity, and it is doubtful if its own citizens had more than a vague conception of its vast resources still waiting the hand of development. A large part of its splendid domain, now covered with rich and fertile farms, was then a virgin forest. All over it men were engaged in the slow, laborious work of reclaiming the wilderness to the uses of husbandry. Among the hardy, industrious people of this community Mr. Powers soon won the distinction of admitted leadership, both at the bar and in its political life. He served for six years, with notable success, as county attorney, and for four years as collector of customs, declining a tendered reappointment. Then followed a membership in the Maine house of representatives for three consecutive sessions, during which he took a conspicuous part in its proceedings and made a name for himself all over the State. he was elected Representative to Congress from the Fourth Maine District and served out his term with a degree of distinction not often vouchsafed to new Members. He was renominated by acclamation in 1878, but was defeated, in common with other Republican candidates, by the so-called "Greenback wave' that rolled over the State in the election of that year.

In 1883 Mr. Powers again represented his home town in the State legislature, following which he was for a number of years out of personal politics, devoting his time and energies to the practice of his profession and the management of his large and

growing timber-land interests.

In 1892, yielding to the earnest solicitation of his friends, he was once more elected to the state house of representatives, where he speedily became recognized as the Republican leader. He was returned to the house in 1895, and was unanimously chosen as its speaker, in which position he further strengthened his strong hold upon the people of his State.

In the summer of 1896 he was nominated for governor of Maine by acclamation, and elected the following September by

a record-breaking majority.

It was my privilege to be closely associated with him in his canvass for the gubernatorial nomination, which terminated so favorably to him, and to see him in new lights. What particularly impressed me at that time was his large and tolerant spirit and his willingness to overlook and forget present and past differences. He seemed to be singularly incapable of harboring personal or political animosities. He looked calmly out upon the situation in a broad and generous way, without jealousies and without recrimination. What impressed his friends at all times was the attitude of absolute fairness which he maintained toward those who at first were not favorably disposed to his candidacy. It was this spirit, I know, which ultimately made it possible for him to secure without opposition the high honor he sought. His record during the two terms he served as governor of Maine was a notable one. He brought to the many and exacting duties of the office the same calm judgment, firm purpose, and clear grasp of affairs that had won him eminence in other walks of life. The result was a record in administration in the highest degree creditable to himself and to his State.

I shall not undertake to enlarge upon his distinguished career as a Member of this House. Others who will speak here to-day, and who were more closely associated with him in its work, are far better qualified to do that. In paying this small tribute to my late colleague and friend of many years, I am impressed anew with a sense of the uncertainty of life. Four of the distinguished Members of this House from the State of Maine with

whom it has been my privilege to serve on this floor have laid down the burdens of life and crossed that mysterious border line that separates time from eternity. Truly-

Death rides on every passing breeze, He lurks in every flower.

In the death of LLEWELLYN POWERS his State and his country lost a man of large mold, who had in a marked degree the high qualities that win success both in private and in public life. Genial, tactful, untiring, he stood always in the open, having in full measure, at all times and in all places, the courage of his convictions. He was called to high places of power and responsibility in the public service, and out of the fullness of his strength was able to discharge every duty that devolved upon him with signal ability and success. He performed well his part in the busy world of affairs. His work is ended. He is at rest. His death is sincerely mourned by a host of warm friends and admirers, who watched with interest his rise to influence in his State and in the Nation, and who felt a deep and an abiding pride in his distinguished career.

Leaves have their time to fall, And flowers to wither at the north-wind's breath, And stars to set; but all, Thou hast all seasons for thine own, O Death!

Mr. GAINES of Tennessee. Mr. Speaker, I rarely ever engage in a memorial service. I have made it a rule of my life to tell my friend of his golden characteristics while he lives. That may, as intended, give him some joy. It does me. I think that that is a much better rule than to wait until after he is dead and gone. But after his demise it is well to speak of his strong and valuable characteristics, that we as individuals, as a people, and as a Republic may profit by it. If the deceased had any faults, I never knew them.

I knew Governor Powers intimately from the time he appeared as a Member of the Fifty-seventh Congress. His striking personality first attracted my attention. He was a man of large frame, large head, covered with a heavy shock of hair, crowning a thoughtful and expressive face. He showed every appearance of a delightful, social, generous, and thoughtful man. I knew him more intimately socially than I did in the House. I was thrown with him very frequently, almost daily,

after the House adjourned.

He was very resourceful in conversation and in debate. With a wonderful fund of information upon almost every subject, he was at ease with anyone anywhere. He was gifted in the knowledge of statecraft. His life was spent mostly as a public servant, and happy have been the results of his splendid stewardship. In these respects he was a very remarkable man.

You have but to recall the places of trust that he so well

filled amongst his own people and in the Nation to be thoroughly convinced that he must have been a most useful man in every

sphere of life.

He was born in 1836. He was one of 10 children. 8 boys, 6 of whom, we are informed, achieved distinction. know that he did. I was talking with him one evening about the able supreme court that the State of Maine nearly always had, and alluded to some particular opinion, which, as I remember, I had used in a debate in Congress, and asked him if he knew the Judge Powers of that court who wrote the opinion, and in a modest way, but with a loyal pride, with sunshine beaming in his face, he told me he was his brother.

If he had a weakness, it was his extreme modesty at all times. He was educated in the common schools, in the academies, and attended a university, which afterwards honored him. He then graduated in law from the Albany Law School, and came to the bar in 1860. He soon demonstrated his legal ability and his affability, and won the people, for in a short while they elected him as attorney for the State in his county. He was reelected, serving three terms, from 1864 to 1871. He was then appointed customs officer and served four years. In the trying year of 1873 he was elected to the legislature. He was reelected, serving three terms. He was then elected to the Forty-fifth Congress, thirty years ago. He served in the House one term, and retired to take up his private affairs. He again served in the legislature, a rather unusual thing to do, Mr. Speaker, after serving in Congress; but that showed that he loved his neighbors, and wanted to build up his State.

Again, in 1802, he was sent to the legislature. He served three terms. He was unanimously elected speaker the last Thus honors were heaped upon him. Then he was elected governor in the noted campaign of 1896. He was reelected governor, and must have made—and I am informed did make—one of the best executives that great State ever had, and Maine has always been noted for her great public servants, many of whom I have personally known, of whom we frequently speak and from whom we often quote. I shall not stop to recite their names.

When the Spanish war began, I believe he was governor; and the question of equipping, so as to send promptly to the front, the patriotic volunteers of Maine was a question of dollars and cents, with the legislature not in session and no public funds available.

Being a man of large means, which he had accumulated by the sweat of his own face; being patriotic, as I think he always was, he opened his own purse and promptly equipped the troops. The legislature, appreciating his patriotic act, promptly in-dorsed his public-spirited act by refunding the money.

He was next elected to the Fifty-seventh Congress, succeeding Mr. Boutelle, a distinguished Member of this body for many years. He was elected to the Fifty-eighth, the Fifty-ninth, and the Sixtieth Congresses, declined a renomination, and died in July, 1908. I personally know that he did not wish to come back even to the Sixtieth Congress, but he said to me:

"If my people want me to serve them, I shall obey their will."

We often "paired," but he never broke faith, through pressure, to change the pair in a trying struggle and vote. "They pressed me mightily, my boy, but I kept my word with you."

How herole, how honorable that

How heroic, how honorable, that.

Here is about thirty-seven years of actual, official service, and I have not seen, even in the partisan press, at any time, a single uncomplimentary criticism of any of his public acts.

That, Mr. Speaker, speaks well of the man as a man and of his high sense of duty, thoroughly believing, as he did, that a public office is a trust," as the Supreme Court of the United States said many years ago.

He was a man of deep convictions. He did his own thinking and he decided for himself, always having a keen sense of jus-tice and feeling for the masses. I remember an instance here on the floor of this House, showing the strength of the man's character and his power to discriminate; and for the purpose of showing you his keen sense of justice and "where his heart was," I shall quote his words from the RECORD.

There was a bill pending in this House for reimbursing persons for customs duties paid under a rather lax protest on some building material-steel products.

His questions were serious and searching:

Mr. Powers. I want to ask the gentleman two or three questions, so that I may be better able to vote intelligently on the bill.

Mr. Powers. How many years does it show they were paying this extra duty of 15 per cent?

Answer. Four years.
Mr. Powers. And these men paid the duty?

Answer. Yes, sir.
Mr. Powers. The duty was added to the cost?

Answer. I can not tell you that.
Mr. Powers. And they used the steel and manufactured it, and we poor fellows paid the price, and so did the people all over the country?

He was again interrupted by his Republican friend, and Mr. Powers in reply said:

I do not know if the gentleman gets my idea. If the importer adds the price of duty to the article, the consumer has to pay that additional price, and so the consumer pays the duty, and not the importer.

Then, another Republican Member exclaimed:

That is good Democratic doctrine.

Now, here is the point of my reference. Mr. Powers, not the

least disconcerted, instantly replied:

It is a pretty fair doctrine. I say that the consumer pays the additional duty if he can not buy it at a less rate in the market.

He was known at that time on both sides of the House as a "standpatter," Mr. Speaker; but I say he had a keen sense of justice, and with both heart and head decided matters, particularly when they reached down to the fireside of the masses and home building in this country.

He was as loyal to his party and to party creed in a purely partisan contest as any man, I think, in Congress, but fostered his own judgment and individuality.

If you will recur to the hearings of the Banking and Currency

Committee you will discover, though rich in years and a sick man, that he was almost regularly present and took an active and inquisitive part in the grave and great consideration that his mature judgment and experience.

was given the currency question by that committee during the last past session of Congress.

He was an indulgent husband. It was always a sunny day and starry night to him when his wife and children adorned his presence here in Washington. I have seen him meet them with tenderness and pride. I have seen him pained to part with the little ones as they returned to school. These scenes were notice-

able, beautiful, and refining.

It is well that he lived. He fought life's battle well.

LLEWELLYN POWERS was most useful to home, to State, and to the Republic.

Mr. Speaker, his motto must have been, as ours should be, "Country, God, and truth."

Mr. COLE. Mr. Speaker, I am grateful indeed for the opportunity of paying tribute to the memory of Governor Powers. It was my good fortune to serve with him on the Territories Committee, and I early formed a high opinion of his ability and character. His consideration for the rights of new Members soon won for him a permanent place in their esteem.

Governor Powers was a product of the State of Maine; and is truly typical of the manhood of that great Commonwealth.

Maine's contribution to the grandeur of this Republic is universally recognized. Her citizens have ever fought for the triumph of right. Her statesmen had championed with commanding power the cause of human freedom. The patriotism of her people is an imposing fact in the Nation's history. the judgment of her sister States, Maine stands for manhoodpure, noble, and exalted.

Governor Powers in both private and public life has been true to the best traditions of his native State.

Nature bequeathed to him rare endowments of heart and mind. These were his sole reliance in life's contest. Fortunate is he so richly endowed of resources so royal. He carved out his own career unassisted. He conquered by his courage, and through years of toil succeeded. Emerson says:

Sculpture in its truest sense is history; and the sculptor chisels character from marble. Every trait recorded by the artist is first seen in real life.

The master hand of an unseen Sculptor carves character in the human form and face. With strict fidelity, true to each trait the lines are drawn. We have noted the potency of that truth in him whose memory we honor. The very form and expression of his face, deep furrowed with thought and care, displays great strength and character. Resistance to circumstance, true measure of man's worth, is recorded there. The austere virtues by Bryant to purest gold compared were fadelessly empressed. Resolution was written there by an invincible will. Deep engraven was his determination to achieve high purposes. mark of dishonor marred its rugged grandeur. There is no line typifying failure.

High intelligence, strict integrity, and imposing personality are qualities which the public seldom fail to recognize. He was chosen chief executive of the State of Maine. His name stands undimmed in that galaxy of magnificent men. He came with exceptional equipment to the discharge of duty as a national lawmaker. Laurels gathered in other fields of endeavor are of little note in this House. Here is found equality of merit. Demonstrated capacity to do is the only rule of recognition. The pretender is denied preferment. This unyielding rule proved no bar to his progress. He had measured every upward

step in life by that same standard. All his time and talent were devoted to his work. He comprehended the broader questions of national policy, but neglected not the trying details of lesser concerns. He was faithful in all things; negligent in none. He was sound in judgment, safe in council, fearless in action. The character of his services in the House of Representatives has won for him the respect and admiration of his fellow-Members, and entitles him to enduring remembrance as a faithful and capable public servant. His life is a splendid illustration of the possibilities of young American manhood. Under our system of free institutions there are no heights of human achievement to which he may not aspire.

So near is grandeur to our dust, So near is God to man, When Duty whispers low, "Thou must," The youth replies, "I can!"

Mr. HAMILTON of Michigan. Mr. Speaker, Llewellyn Powers was my friend. We were associated in legislative work upon the Committee on the Territories, and in his service upon that committee he impressed upon its legislation the stamp of He was born in Maine in 1836, and he loved the soil of his native State. His name will always have a place among Maine's most distinguished men, and to be among Maine's distinguished men is high honor.

He was county attorney, collector of customs, member of the Maine legislature, speaker of the Maine house of representatives, governor, and Representative in Congress.

With him faculty went with opportunity, and he was what the world calls a successful man—successful in business, successful in politics.

Whatever his hand found to do, he did it with his might, but at last his health failed, and one day he bade me good-by, stood for a moment watching reflectively the business of a busy session, which I think he had a premonition he was quitting forever, then went away out of it all.

The House of Representatives, to which he first came in 1876, and then again in 1901 to serve until his death, with its shifting membership, its varying types, its ambitions, and its failures, is not only representative politically and socially of our civilization, but it is a stage, typical of human life, across which some pass quickly, upon which some few linger, but from which most depart having accomplished little of what they hoped for.

Here, as elsewhere, some showy talent frequently succeeds, while sober diligence seldom receives its due reward.

There are waits between acts; administrations come and go; new messages arrive from new Presidents; but the curtain is never finally rung down, and "when you and I behind the veil have passed," others will crowd upon our footsteps.

Every man arrives here more or less a legislative experiment, and any dream that he may have had about his work holding his name forever above "the flood of years" suffers a change.

His identity becomes merged with that of many others in connection with some policy which may or may not survive to become a part of history on which the ayes and noes were called.

Down on the Avenue a blear-eyed old man on sunshiny days sits in front of his secondhand book store, smoking his pipe, and waiting while the feculent dust of the street blows in, and we go by on our way to the Capitol on the hill to help to make more history to be sold at secondhand.

And some men have made great noise and vociferation here on the hill; some have even become famous, but the dust of the street will after a time blow over their works sold at second-hand, just as it has blown over the works of thousands who have gone before them.

But the curtain is never finally rung down here. When it is, there will be an end of popular government.

Out of the stress and rush and rivalry of this scene LLEWELLYN POWERS went the way of all flesh—prince, peasant, harlequin, and sage—beckened by a hooded figure in the wings.

He had finished his work. Whether he was satisfied with it or not depends upon his ideals.

Few men are satisfied with what they accomplish. George Frederick Watts spoke of his paintings as "only studies for the picture that might have been."

Bacon says:

endeavor.

"If a man meditate much upon the universal frame of nature, the earth with men upon it—the divineness of the soul excepted—will not seem much other than an ant hill, where some ants carry corn and some carry their young, and all go to and fro, a little heap of dust."

and fro, a little heap of dust."

Bacon's exception—"the divineness of the soul"—is the only element that makes the ant heap explainable.

If the reason of life is that life shall reproduce itself, run its short course, and then die, then life is a tragedy, and the greater the intelligence the greater the tragedy.

The acquisition of knowledge, the development of character under discipline of circumstance only serve to educate a keener consciousness of the stinginess of happiness and the opulence of misery.

But the soul idea gives purpose to existence and dignity to effort.

"No philosophy will ever satisfy men which can not throw a

plank across the grave."

If the hope of continued, conscious existence after death ever fades out of humanity, then the light will have gone out of the world; the deepest inspiration to right living will have gone out

of human conduct, and human existence will have become a meaningless tragedy.

With that hope we are on a journey toward superlative issues.

With that hope we are as much in eternity now as we ever

shall be, and every day is a part of the evolution of a personality being trained for a higher destiny.

That hope transforms Bacon's ant heap and glorifies human Mr. Bryce, in his American Commonwealth, says:

"Sometimes, standing in the midst of a great American Commonwealth, one is startled by the thought of what might befall this huge yet delicate fabric of laws and commerce and social institutions were the foundations it has rested on to crumble away. Suppose that all these men ceased to believe there was any power above them, any future before them, anything in heaven or earth but what their senses told them of."

LLEWELLYN Powers performed his duty to his State and to the Nation loyally and honestly. He was courageous, manly, loyal in his friendships, strong in his likes, strong in his dislikes, and never a waverer. He had keen zest in the pursuit of his business, the practice of his profession, and the performance of his political and official duties.

He died a manly, upright man who had used the talents given him to the best of his ability.

Mr. HAYES. Mr. Speaker, it seems to me most fitting that when the scenes of strife and confusion which usually fill this Chamber have been succeeded by the Sabbath quiet we should put aside the ordinary activities and thoughts of the world and spend a little time in meditating upon the virtues and conduct of those of our colleagues who have penetrated the great beyond.

The great Giver of Life has so ordered things that after the allotted years that man spends in the activities and strife of this world he should pass on to another state of existence, where, no doubt, he will find new conditions and new opportunities for the exercise of all those powers which his schooling in this world has developed. Our fellow-laborer, Lewellyn Powers, after a life of great activity and usefulness in business and the public service, has made this change. We can not penetrate the veil and discover what his present condition may be. It only remains for us to think of and talk over his useful life and derive such lessons and strength from it as we may.

When I entered the Fifty-ninth Congress, I at once came into close relationship with Llewellyn Powers as a member of the Committee on Banking and Currency, of which he also was an old and active member. I should say that the strongest elements in his character were his absolute independence, his self-reliance, his boldness and fearlessness in defending those things that he conceived to be right and for the highest interests of his country, and attacking fiercely those things that he judged wrong or ill advised.

But the legislative warfare of Mr. Powers was never personal; it never had any bitterness in it. While he respected the opinions of his fellows, while he freely yielded to them the same right of individual judgment and action which he claimed for himself, he did his own thinking; he made up his mind without much reference to the opinions of his fellows. After careful research and investigation, after informing himself as thoroughly as circumstances would permit, and having made up his mind upon any matter, he was like adamant; he could not be moved nor swerved from his purpose to be loyal to his own convictions by personal considerations, selfish suggestions, or any ulterior motive whatever. For these characteristics in his life I admired LLEWELLYN Powers while he was among us; I revere his memory now that he has passed from us, and I am glad of this opportunity to testify to my appreciation of his strength as a legislator, to his strict honesty, and his unfailing courtesy to all his brother Members of this House.

The people of his district evidently knew of his sterling characteristics, appreciated his honesty and unselfish devotion to their interests, and his character as a man at their full value, and kept him here many years as their Representative. His service in this House has honored them as well as himself, and in his death the House has lost one of its most conscientious, industrious, and able Members, his district a Representative of the first order, and his country a statesman and patriot.

Mr. Powers was not what would be called a religious man. His mind was of that practical turn which was interested in and busied itself with all the business and material activities of life; but he had a simple, child-like trust, and I have no doubt that as he went down into the dark valley he could say in truth with the great poet of humanity,

I know not where His islands lift Their fronded palms in air; I only know I can not drift Beyond His love and care.

If it be given to those who have entered the great beyond to have memory of the deeds done in the body and to know of the results of the life they led here, surely satisfaction must fill the heart of our brother in the realms above when he thinks of the useful and stainless life which he led in this world. Let us emulate his virtues; and while recognizing that like all hu-

manity he had his frailties and failings, we can not do better than to follow in his footsteps in our service in this Chamber, and strive as he strove, with singleness of heart, to uphold that which is right, to fight with courage and persistence against that which is wrong in legislation, and to do our part in bringing the country which we all love up to a full realization of its highest ideals.

Mr. STANLEY. Mr. Speaker, Llewellyn Powers was the scion of a martial race. Beneath the gentleness of his mien, the modesty of his manner, there was easily discernible the stalwart strength and the unfaltering courage that under other circumstances would have made a warrior.

The elements So mix'd in him, that Nature might stand up And say to all the world, "This was a man!"

And the elements were so mixed as not only to make a model man, but a typical legislator. He came of a family of lawyers, too. It was not necessary to read his biography to know that LLEWELLYN POWERS was not only a jurist, but that he possessed fundamentally a judicial mind, clear, lucid, strong, practical. It was natural that such a man should become a lawmaker. It was fortunate for his people that he was so long intrusted with the great responsibilities which he discharged with such signal fidelity.

At this time we can look back over the career of this remarkable man with peculiar pleasure and peculiar reverence. He possessed that rare quality that Gibbon has aptly portrayed in Antoninus Pius—equanimity. It is necessary in a lawmaker, it is essential to a successful executive. This man did not seek the limelight. He was in no sense spectacular. Appreciating and deserving the confidence of the people, he sought their sober approval rather than their hilarious applause. He was not deterred by popular clamor. He was not intoxicated by fulsome praise. These qualities made him a great governor.

The phenomenal, the unprecedented majority which he received when a candidate for that high office indicated the confidence of his people, their unalterable faith in a man whom they had known so long and whom they had tried in so many, so varied, and responsible positions. And from my knowledge of the legislator and the man, it is with peculiar pleasure that I can contemplate him as the chief executive of a great Commonwealth. Fearless, possessing that serene courage that is not even conscious of danger, is not even conscious of its own fearlessness, any more than a saintly woman thinks of her sinlessness or virtue, it was a matter of course; firm as adamant, yet without stubbornness, modest, willing to hear, possessing that humility that always accompanies deep thought and great learning.

A good listener, conscious of his own fallibility, careful, considerate, patient in research, he at last reached his own conclusion; and when convinced of the rectitude and the wisdom of his action, no consideration of interest or fear could move him. There was a clamor in his own State, as there is clamor in every State when we stand upon the precipitous brink of war, and he turned a deaf ear to his critics, and then secured the end for which they loudly protested by the voluntary sacrifice of his private fortune.

He came into this House rich in honor and in experience. Without seeking the position, he discharged its duties with patience, with diligence, and with marked ability.

Back again to the practice of the great profession that he loved and honored he displayed his signal disinterestedness, his earnest desire to serve his people and do their bidding. Having been a Member of Congress, he became again a member of the state legislature. It is a simple incident, but it is a strong light upon character. I know nothing that indicates to my mind more conclusively the self-abnegating patriotism of Thomas Jefferson than his willingness, his continual willingness, whenever the exigencies of the occasion or his sense of duty demanded, to lay aside the so-called "high honors" that encircle the brow of a man who has been chosen by his constituency to represent them in this Chamber, and to return to what by many are considered the smaller duties and the modest emoluments of a member of the state legislature.

He did it because he believed it was best for his State; and it is a pity, Mr. Speaker, it is to be regretted that more men rich in experience, in honor, beyond even the suspicion of personal ambition, do not return to their state legislatures and give to those bodies the benefit of splendid talents and long experience. Were it done, this atrophying of the authority and the power of the States, this failure of the state governments to exercise all the power and the authority that was conferred

upon them by the Constitution, to preserve intact and in full their autonomy and their equilibrium in this constellation of States called the "Federal Government," would not be so manifest or so universally lamented.

In the state legislature, as in the Federal Congress, the modest work of Illewellyn Powers was soon recognized. He was

made speaker and, as I have said, governor.

There is another characteristic of this man which will be long remembered, and remembered most pleasantly, not by those who simply hear his name on the tongue of rumor, or from the trump of fame, but those who are near to him. His humanity is a precious heritage to friends and to kindred. He was a great combination of head and heart. Humanity marked every consideration. He was strong, but he was not stern or cruel. It was a strange mixture of strength and gentleness. He felt for the fallen.

He sought to lift the burden from the bowed back of toil, to alleviate pain, and even the criminal he spared, so far as his duty to the State and the safety of society would permit.

Mr. Powers abhorred capital punishment. He hesitated to take human life wherever it was found. He possessed that same humanity, that feeling for a brother's wrong as though that brother were his own, although they were only members of the same great family, and the brother was a stranger, bound to him by no bond of blood or creed or interest. At a time when this Nation was divided against itself, when "hate raged to flesh its fangs in hostile hearts" he won the admiration of his foes.

its fangs in hostile hearts," he won the admiration of his foes.

He was not sectional. He was not narrow. To be sectional and to be narrow is, in a sense, Mr. Speaker, to be cruel. The secret of the liberality of his mind is to be found in the good-

ness and tenderness of his great heart.

This brave, truthful, serene, modest, heroic man faced the grim destroyer, faced the untold mysteries of the beyond, and embarked upon that sea whose nether shores are eternity, with the same courage, with the same conscientiousness of his rectitude with which he met the duties of the day, and we have every reason to believe that he, upon his awakening, we know not where or how, shall still, void of fear and reproach, adorn a brighter and a higher and a happier sphere.

Mr. FOWLER. Mr. Speaker, I want to speak only of my personal relationship with Mr. Powers and the development of his character as it revealed itself to me in my committee. He came onto the Committee on Banking and Currency immediately after his entrance into Congress. For about eight years we sat together. I well recall the impression that he first made upon me—that of a rather surly and stubborn man. As time went on I discovered that he was always present at meetings, and often when there were no committee meetings. This brought us into frequent companionship. We had many long conversations, and it developed into a sort of personal relationship. I was not, of course, long in finding out that he was a man of thorough education, indeed, of ripe learning; and that he was not merely a student and scholar, of which he often gave evidence by quotations from the classics, but a business man of wide experience and rare acumen. He told me at one time that he had continued to study the classics long after he had finished his college course, which was evidenced by these frequent recitals.

But LLEWELLYN POWERS was a far better thinker than he was a student. He was a man of logical mind, and a man of such comprehensive mental grasp that he could keep the whole array of facts before him and arrive at conclusions which he could strongly defend. He was a man of intellectual honesty. He never deceived himself by counting an immaterial fact of

greater value or force than it ought to have.

He had a highly judicial mind and would have made a great judge. His mind was keen, discriminating, just. He was a man of perfect composure, of balance of mind, and in any discussion, however intense it became, he never seemed to lose the sense of fairness to his fellows; and whenever in the course of discussion he found that some one disclosed a larger view and more thorough study, he had that breadth of view and generosity of consideration to waive his own impressions in favor of what he believed was the more thorough understanding of his opponent.

I learned to think of him as a sweet character; not a single stinging word ever dropped from his tongue, and yet he was always strong, firm, steadfast, and persistent in the conclusions to which he had arrived after study and thoughtful deliberation.

I well remember one instance that was so peculiarly characteristic of his fair-mindedness. Although he had been for years of a certain opinion upon a given question—indeed, per-

sistent in his defense of it, unvarying in the complexion of his view with regard to it, after a restatement of the case, even in the very last session of Congress and upon one of the very last days that he appeared in our committee, he referred to the restatement with a degree of interest that was marked in himfor he never showed that he was moved to any great degree—that he was deeply impressed, and virtually changed his attitude, saying:

I have believed this all my life, but I have come to the conclusion that I have been old-fogyish with regard to it.

And so it was with him always.

He was simple, he was true, he was intellectually honest, he was self-respecting, he was self-reliant. He was deeply and profoundly a patriotic man, as I understand it. As I came to know him thoroughly and comprehended him, I discovered he was as proud of our country as any man I ever knew. He was proud of Maine; he was proud of the many great men Maine had produced; he was proud of the fact that he was one of a family that had made its name respected; he was proud of the county in which he lived, and his little town. Often did he discourse upon the great county of Aroostook and of what it produced. He was not only proud of the family of which he was one of the sons, but he was proud of his own children.

The life of LLEWELLYN POWERS is typical of the best citizenship we have in this country. He was essentially self-made. Always devoted to every public duty, he was equally devoted to his private affairs. There was no detail so small or any consideration so slight in matters of legislation as ever to be brushed aside with indifference; and to him it came to be our invariable habit in our committee to look when discussing a close question and hunting for exact expressions for precise legislative language. This was because he had not only great ability and training, but because we could rely upon his intel-

lectual integrity and discriminating judgment.

So that, as time went on, the man that I first looked upon as stubborn became simply a great, strong character, mingled, as has been happily said, with a peculiar simplicity and sweetness. I admired him; I liked him; and I confess to a feeling that I have for few men. I came toward the last years of my association with Llewellyn Powers to hold him in affection. After all, when you say that a man is intellectually honest—and so define character—it is, indeed, all there is of us. Character is a thing that is left in the world to impress the force of a human soul on those who come after us. It is only a possibility that as we pass away from the world it may have been improved, made a little better, a little more advanced, lifted a trifle above the plane it was when the soul entered. But certain it is there was nothing in the career of Llewellyn Powers that his hand ever touched, that his mind ever recast, that was not in a very marked degree improved and embellished by the fact that his mind had come in contact with it. And so I can fittingly recall this beautiful verse:

And when the stream Which overflowed the soul was passed away, A consciousness remained that it had left Deposited upon the silent shore Of memory images and precious thoughts That shall not die, and can not be destroyed.

[Mr. LLOYD addressed the House. See Appendix.]

Mr. SWASEY. Mr. Speaker, I had not intended to occupy any time in this memorial service, for I knew that my colleagues from Maine were more intimately acquainted with the life of Congressman and ex-Governor Powers than I was. Our homes were hundreds of miles apart, and I had no acquaintance with him during his early life, except what I gained through communication with his friends. Thirty-five years ago last January at our state capitol, at the inauguration of Hon. Nelson Dingley as governor of our State, was the first time, as I now remember, that I ever met LLEWELLYN POWERS. For three consecutive years in the legislature of Maine I served with him, and we were assigned to many of the joint and all of the special committees of those legislatures. It was an important period in Maine's legislation. There were great and beneficial reforms inaugurated under Governor Dingley. It was the first time that there had been a suggestion of taxation of public service corporations in our State. Important investigations into the previous financial management of our State were started.

The revision of our state constitution was another of the important measures. Under the wise leadership of Hon. Nelson Dingley, who served so many years with such honor and distinction in this great body, we wrought great changes in our legislation, and in all Mr. Powers took an active leading part. Through the service upon those committees, associated as I was

with Governor Powers, I early learned that he was, as has been said here repeatedly, an able lawyer, a man of wide information, a man of honest purpose and of strong convictions. His record is the best testimony that can be presented as to his life work in his home State, and the best evidence of the confidence reposed in him by the people who knew him best. After his service in the legislature and his further more intimate acquaintance with the people of our State, the record of the immense majority by which he was chosen our chief executive is more to his credit, more evidence of the qualities and characteristics that brought him success than any words I can offer.

But, Mr. Speaker, I have been highly pleased, yea, eminently gratified to find that Llewellyn Powers, after he had received all the honor that it was possible for his district and his State to confer upon him in a political sense, received here in this larger field of activity the implicit confidence and the large respect of the Members of this body, as evidenced by these eulogies which, now that he has passed through the valley of the shadow, have been so earnestly, honestly, and eloquently spoken

on this occasion.

In behalf of his constituency, in behalf of the sovereign people of Maine who had honored him again and again, I want to thank the Members of this House for their words of comfort to his family and friends, and for the honor to all who have been interested in the great public career of LLEWELYN POWERS.

I want to thank the speakers further for what they have said in honor and remembrance of those whom we have sent from that State, situated as it is in the northeast corner of this great Union. It is unimportant, perhaps, in some respects, compared with other States of the Union, but I am proud to realize that, though small and unimportant, our people have been able to contribute in so large a measure to the growth, development, and glory of the American Republic.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have leave within the next twenty days to print remarks on the life, character, and services of the late Representative Powers.

The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from Tennessee?

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolutions already agreed to, and as a further mark of respect to our deceased colleague, this House stands adjourned until to-morrow at 12 o'clock noon.

Accordingly (at 1 o'clock and 43 minutes p. m.) the House adjourned.

SENATE.

Monday, February 1, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1908 (H. Doc. No. 1407), which was referred to the Committee on Patents and ordered to be printed.

GEORGETOWN GASLIGHT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Gaslight Company for the year ended December 31, 1908 (H. Doc. No. 1398), which was referred to the Committee on the District of Columbia and ordered to be printed.

GREAT FALLS AND OLD DOMINION RAILROAD.

The VICE-PRESIDENT laid before the Senate the annual report of the Great Falls and Old Dominion Railroad Company for the year ended December 31, 1908 (H. Doc. No. 1397), which was referred to the Committee on the District of Columbia and ordered to be printed.

CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company, of the District of Columbia, for the fiscal year ended December 31, 1908 (H. Doc. No. 1386), which was referred to the Committee on the District of Columbia and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Brightwood Railway Company for the year ended December 31, 1908 (H. Doc. No. 1396), which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON BAILWAY AND ELECTRIC COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Railway and Electric Company, of the District of Columbia, for the year ended December 31, 1908 (H. Doc. No. 1395), which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the year ended December 31, 1908 (H. Doc. No. 1393), which was referred to the Committee on the District of Columbia and ordered to be printed.

POTOMAC ELECTRIC POWER COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Company for the year ended December 31, 1908 (H. Doc. No. 1394), which was referred to the Committee on the District of Columbia and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1908 (H. Doc. No. 1391), which was referred to the Committee on the District of Columbia and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the City and Suburban Railway, of Washington, D. C., for the year ended December 31, 1908 (H. Doc. No. 1392), which was referred to the Committee on the District of Columbia and ordered to be printed.

CREDENTIALS.

Mr. WARNER presented the credentials of William Joel STONE, chosen by the legislature of the State of Missouri a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. BULKELEY presented the credentials of Frank B. Brandegee, chosen by the legislature of the State of Connecticut a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. TILLMAN presented the credentials of E. D. SMITH, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8695) extending the time for the construc-tion by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 4931. An act to correct the military record of Corwin M. Holt:

H. R. 17572. An act for the relief of George M. Voorhees; and

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces

and cannon balls to the county court of Marshall County, W. Va.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6252. An act to promote the administration of justice in the navy;

H. R. 24635. An act to create a new division in the middle

judicial district of the State of Tennessee; H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 25552. An act to amend an act entitled "An act to au-

thorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907: approved March 2, 1907;

H. R. 26062. An act authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district;

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa; and

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.'

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. Llewellyn Powers, late a Representative from the State of Maine.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

H. R. 3388. An act for the relief of L. B. Wyatt;
H. R. 4836. An act granting to the Norfolk County Water
Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.;

H. R. 5461. An act for the relief of Lawson M. Fuller, major,

Ordnance Department, U. S. Army; H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining the light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Gov-

H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane;

H. R. 16191. An act to refund certain moneys paid into the

Treasury of the United States through mistake by Augustus Bannigan:

H. R. 16954. An act to provide for the Thirteenth and subsequent decennial censuses;

H. R. 18744. An act for the relief of the estate of Mark S. Gorrill; H. R. 21957. An act relating to affairs in the Territories;

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes:

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County. W. Va.

H. R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 25019. An act granting a franking privilege to Frances

F. Cleveland and Mary Lord Harrison; H. R. 26073. An act to legalize a bridge across Indian River North, in the State of Florida;

H. R. 26606. An act to authorize the Lewis Bridge Company to construct a bridge across the Missouri River:

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia:

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory; and

H. J. Res. 200. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon the terms and conditions as may be prescribed by the marshal of the District.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of the State of Washington, in favor of the removal of the duty on grain bags, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senate joint memorial 4. By Senator Cox.

To the honorable Senate and House of Representatives in Congress assembled:

Whereas the raising of wheat and other grain crops is one of the principal industries of the States along the Pacific coast, and one of the principal sources of their wealth; and

Whereas, owing to the shipping conditions existing upon the Pacific coast, it is necessary that all wheat and other grains should be sacked by the grower in jute bags; and

Whereas the expense of such bags is a very heavy item in the cost of growing, harvesting, and disposing of wheat and grain products, the farmers of Washington alone paying out annually almost \$1,500,000 for such bags; and

Whereas there is at the present time a duty imposed upon grain bags which adds materially to the cost of the same to the farmer, greatly increasing the burden upon him and upon the consumer over what it would be if grain bags were admitted free of duty; and

Whereas there is in the United States about one factory engaged in the manufacture of jute bags for grain products, and that is a small concern which can not manufacture a tithe of the grain bags required for handling the crops of the State of Washington alone: Now therefore be it

for handling the crops of the State of Washington alone: Now therefore be it

Resolved by the senate of the State of Washington (the house concurring). That it would be of inestimable benefit to the farmers of the Pacific Coast States, and particularly of the State of Washington, that the duty upon grain bags be removed; that the removal of the duty upon jute and grain bags would not be of detriment to any established or large industry; and the sole effect of the removal of the duty would be to lessen the already heavy burden upon the farmer in the marketing of his grain, and tend to reduce the cost of wheat and other grains to the producer; and therefore that such duty should be removed at the earliest possible moment.

Resolved further, That a copy of this resolution be forthwith transmitted to the Senators from the State of Washington, and to each Congressman from the State of Washington, also to each member of the Ways and Means Committee of the House of Representatives, for their use in endeavoring to secure the removal of the duty referred to.

Passed by the senate January 13, 1909.

M. E. Huy,
President of the Senate.

M. E. Huy, President of the Senate.

Passed by the house January -, 1909.

LEO. O. MEIGS, Speaker of the House.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Valdez, Alaska, praying that an appropriation be made for the construction of a trunk road from Valdez to Nome via Tanana Valley, which was referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of Valdez, Alaska, praying for the enactment of legislation providing for the creation of a fourth judicial district in that Territory, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Harbor No. 82, of Tampa, Fla., and a petition of Atlantic Harbor, No. 77, of Brooklyn, N. Y., all of the American Association of Masters, Mates, and Pilots of Steam Vessels, praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which were referred to the Committee on Commerce.

Mr. CULLOM presented a petition of Typographical Union No. 16, American Federation of Labor, of Chicago, Ill., praying for the enactment of legislation to curtail the power of judges in imposing jail sentences on leading members of organized labor, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of the State of New Hampshire, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Rhode Island Avenue Suburban Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the extension of Franklin street NE., in the District of Columbia, which was referred to the Committee on the District of Co-

He also presented a petition of the congregation of the Dumbarton Avenue Methodist Episcopal Church, of Washington, D. C., praying for the passage of the excise bill as recommended by the Commissioners of the District of Columbia, which was

referred to the Committee on the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Board of Trade of Washington, D. C., in favor of the recommendations embodied in the report of the commission appointed to investigate the existing conditions at the jail and workhouse in the District of Columbia, which were referred to the Committee on Appropriations.

Mr. PLATT presented a petition of the Beckwith-Chandler Company, of New York City, N. Y., praying for the enactment of legislation providing for the inspection and grading of grain

under federal control, which was ordered to lie on the table.

He also presented the petition of C. de Morinni, of White Plains, N. Y., and a petition of sundry members of the congrega-

tion of the First Congregational Church of Mount Vernon, N. Y., praying for the enactment of legislation to establish a national children's bureau, which were referred to the Committee on Education and Labor.

He also presented petitions of Academy Grange, No. 62, Parons of Husbandry, of Ontario County; of Local Grange No. 826, Patrons of Husbandry, of Rhinebeck; and of sundry citizens, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House concurrent resolution 11. By Turner.

Memorializing Congress to add to Platt National Park, at Sulphur Springs, Okla., the three portions of the Sulphur town site lying south of said park.

of said park.

Be it resolved by the house of representatives (the senate concurring therein), That

Whereas in the establishment of Platt National Park the United States has separated three different parcels of the Sulphur town site, lying south of the park, from the main part of the town site, so that these properties are taxed for water works, sewers, and lights, from which taxation they receive no benefits: Therefore be it

Resolved, That Congress be respectfully requested, as a matter of simple justice, to add to Platt National Park the three portions of the Sulphur town site lying south of said park, and that copies of this resolution be sent to each member of the Oklahoma delegation in Congress.

Congress.

Passed the house of representatives January 22, 1909.

BENJAMIN F. WILSON,

Speaker of the House of Representatives.

Passed the senate January 26, 1909.

George W. Bellamy, President of the Senate.

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House concurrent resolution 5. By Jahn.

House concurrent resolution 5. By Jahn.

Memorializing the Congress of the United States for a national law protecting migratory game birds against extinction.

Whereas there are divers birds and wild fowl or birds—namely, geese, ducks, brant, swans, wild pigeons, doves, plover, snipe, woodcock, cranes, and probably other varieties, commonly known as "game birds" and migratory in their habits—some now nearly exterminated and others, as in the case of the wild pigeon, apparently already totally extinct; and

Whereas the natural migratory habit of these wild fowl (or game birds) makes a proposition to in any manner protect them necessarily an interstate effort; and

Whereas it is neither possible nor feasible for one State to effectually or successfully protect them as in this resolution contemplated: Therefore be it

Resolved by the house of representatives of the second legislature of the State of Oklahoma (the senate concurring herein). That the Congress of the United States be, and hereby is, memorialized and petitioned to pass an act protecting the game herein mentioned against slaughter or molestation of any kind while passing through or over, or through and over, those of the United States in their ordinary and natural route to and from their breeding places during their seasons of hatching and breeding, or in such other manner as they in their wisdom may deem best, in accord with the spirit and intent of this resolution.

BENIJAMIN F. WILSON,
Speaker of the House of Representatives.
GEORGE W. BELLAMY,
President of the Senate.

Mr. OWEN presented a concurrent resolution of the legisla-

Mr. OWEN presented a concurrent resolution of the legislalature of Oklahoma, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

House concurrent resolution 10. By Bryan.

Memorializing Congress to extend the reclamation fund and service to include drainage.

Memorializing Congress to extend the reclamation rund and service to include drainage.

Whereas the State of Oklahoma is traversed and bounded by rivers, the flood plains of which extend through several States, and embrace large areas of fertile lands which are subject to frequent and destructive inundations from such rivers; and

Whereas a systematic and comprehensive scheme for the drainage of said lands can only be accomplished through federal effort; and Whereas Oklahoma has contributed, through the sale of public lands, more than \$4,000,000 to the national reclamation fund: Therefore be it Resolved by the house of representatives (the senate concurring therein). That the Congress of the United States be, and the same is hereby, memorialized to extend the uses and purposes of said national reclamation fund and the work of the Reclamation Service to include drainage as well as irrigation, and that our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to that end.

Passed the house of representatives January 22, 1909.

BENJAMIN F. WILSON, Speaker of the House of Representatives.

Passed the senate January 25, 1909.

Passed the senate January 25, 1909.

GEORGE W. BELLAMY, President of the Senate.

Mr. OWEN presented a petition of sundry members of the permanent council of the Eastern, or Emigrant, Cherokees of the State of Oklahoma, praying for the adoption of a certain

amendment to the Indian or sundry civil appropriation bills, to reimburse them for attendance upon meetings and travel pay in connection with services rendered, which was referred to the Committee on Indian Affairs.

Mr. WARREN presented a memorial of the Yellow Pine Manufacturers' Association of New Orleans, La., against the repeal of the duty on lumber, which was referred to the Committee on Finance.

Mr. NELSON presented sundry papers to accompany the bill (S. 8620) granting an increase of pension to Daniel W. Ingersoll, which were referred to the Committee on Pensions.

Mr. LONG presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Be it resolved by the senate (the house concurring therein), That our Senators and Representatives in Congress be requested to support and use their utmost efforts to effect a speedy passage of Senate bill No. 5758, now pending in the Congress of the United States, authorizing the President to nominate, and, by and with the advice of the Senate, appoint John F. Lewis, late first lieutenant of the Twenty-first United States Infantry, a first lieutenant of infantry in the Army of the United States, and providing for his retirement from the army with such rank; and be it

Further resolved, That a copy of this resolution be transmitted to the Senators and Representatives in Congress from the State of Kansas, I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 20, 1909.

W. J. FITEGERALD,

President of the Senate.

B. E. WYANT,

Secretary of the Senate.

Secretary of the Senate.

Passed the house January 22, 1909.

J. N. DOLLEY, Speaker of the House.

Approved January 27, 1909.

W. T. Beck, Chief Clerk of the House. W. R. Stubbs, Governor.

Mr. LONG presented a petition of the Medical Society of Sumner County, Kans., praying for the enactment of legislation to create a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Yellow Pine Manufacturers' Association of St. Louis, Mo., remonstrating against the repeal of the duty on lumber, which was referred to the Committee on Finance.

He also presented a petition of the Missouri River Wholesale Grocers' Association, of Kansas City, Mo., praying for the adoption of certain amendments to the present interstate-commerce law relative to the power of the Interstate Commerce Commission to investigate and postpone any advance in passenger or freight rates by common carriers, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Effingham, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Sunshine Grange, No. 1443, Patrons of Husbandry, of Tonganoxie, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of sundry citizens of Hinsdale, N. Y., and a petition of Lenox Grange, No. 43, Patrons of Husbandry, of Madison County, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a petition of members of the Grain Exchange of Omaha, Nebr., praying for the enactment of legislation providing for the appointment of a commission to investigate the grain trade of the country relative to the first handling at terminal markets and the exportation of grain and kindred matters, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Grain Exchange of Omaha, Nebr., praying for the adoption of certain amendments to the present interstate-commerce law relative to the limitation of the power of common carriers to impose any freight rate upon the public, which was referred to the Committee on Interstate Commerce.

Mr. CURTIS presented a petition of Sunshine Grange, No. 1443, Patrons of Husbandry, of Tonganoxie, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Forty-second National Encampment of the Grand Army of the Republic, of Toledo, Ohio, remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Peabody, Kans., praying for the adoption of a certain amendment to the present pension law relative to the applications of widows for pensions regardless of the date of their remarriage, which was referred to the Committee on Pensions.

He also presented a resolution of the legislature of Kansas, praying for the enactment of legislation authorizing the nomination and appointment of John F. Lewis, late first lieutenant, Twenty-first U.S. Infantry, a first lieutenant of infantry in the Army of the United States, and providing for his retirement from the army with such rank, which was referred to the Committee on Military Affairs.

Mr. HALE presented petitions of sundry citizens of Auburn, South Paris, and Fairfield, all in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "pos-tal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Bangor. Me., praying for the enactment of legislation to establish a national forest reserve in the White Mountains and Katahdin districts in that State, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of members of the Monday Afternoon Club, of Brewer, Me., praying for the enactment of legislation to create a national children's bureau, which was referred to the Committee on Education and Labor.

Mr. BROWN presented a petition of members of the Com-mercial Club of Auburn, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRANE presented a memorial of sundry citizens of Boston, Mass., remonstrating against any further appropriations being made for the increase of the navy, which was referred to the Committee on Naval Affairs.

Mr. DANIEL presented a petition of the town council of Suffolk, Va., praying that an appropriation be made for deepening the channel of the Nansemond River, in that State, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Appropriations, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on the District of Columbia, which was agreed to:

A bill (S. 8449) to repeal acts heretofore passed relating to alienation of the title of the United States to land in the District of Columbia, and for other purposes; and

A bill (S. 8450) to provide for ascertaining the interest or title of the United States in any land or water rights in the District of Columbia.

Mr. DICK, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3836) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank (Report No. 891); and
A bill (H. R. 17214) for the relief of Harry Kimmell, a com-

mander on the retired list of the United States Navy (Report No. 892)

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 8905) for the establishment of a probation system for the District of Columbia, reported it without amendment and submitted a report (No. 890) thereon.

Mr. OWEN, from the Committee on Public Lands, to whom was referred the bill (S. 7226) granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla., reported it with an amendment and submitted a report (No. 893) thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 8553) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," reported it with an amendment and submitted a report (No. 894) thereon.

Mr. BURNHAM, from the Committee on Agriculture and For-

estry, to whom was referred the bill (S. 6515) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris greens, lead arsenates, and other insecticides, and for regulating traffic therein, and for other purposes, reported it with amendments and submitted a report (No. 895) thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 8487) to correct the military record of Michael Fitz Simmons, deceased, reported it without amendment and submitted a report (No. 896) thereon.

Mr. DOLLIVER, from the Committee on Agriculture and Forestry, to whom was referred the amendment submitted by Mr. Bourne January 29, intended to be proposed to the bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, reported favorably thereon and moved that it lie on the table, Senate bill No. 382 having been reported from the Committee on Agriculture and Forestry January 15 last.

PRESIDENTIAL SUCCESSION.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 102) proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases, to report it favorably without amendment. As it is short and relates to a matter of general interest, I ask that the joint resolution may be read in order that it may go into the RECORD, where all can see it who desire to examine it.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures in the several States, which when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the Constitution, viz:

"ARTICLE XVI.

"In all cases not provided for by Article II, clause 5, of the Constitu-tion where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice-President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

The VICE-PRESIDENT. The joint resolution will be placed on the calendar.

Mr. BACON. I ask that the fifth clause of Article II of the Constitution, which shows the present state of the law, may be published in the RECORD, in order that the law as it now stands may appear, and also the necessity for such a law as is proposed to be enacted.

There being no objection, the fifth clause of Article II of the Constitution was ordered to be printed in the Record, as follows:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 8950) to provide for the extension of Park place NW., which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. McLAURIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8951) for the relief of Hannah J. Jones, executrix of Emanuel Jones, deceased, a British subject;
A bill (S. 8952) for the relief of the heirs of Mrs. Elizabeth

Hynes, deceased;

A bill (S. 8953) for the relief of the heirs of Tillman Whatley, deceased;

A bill (S. 8954) for the relief of the heirs of Eldred Nunnally, deceased; and

A bill (S. 8955) for the relief of the heirs of Isaac Whitaker,

Mr. FRYE introduced a bill (S. 8956) granting an increase of pension to Francis M. Johnson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 8957) granting an increase of pension to Norman H. Holt, which was read twice by its title and referred to the Committee on Pensions.

Mr. LONG introduced the following bills, which were sev- and referred to the Committee on Claims.

erally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8958) granting an increase of pension to Timothy

Donovan; and
A bill (S. 8959) granting an increase of pension to James M. Hallett.

Mr. DILLINGHAM introduced a bill (S. 8960) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SCOTT introduced a bill (S. 8961) to amend section 3165 of the Revised Statutes of the United States relative to revenue officers who may administer oaths and take evidence, which was read twice by its title and referred to the Committee on Finance.

Mr. SUTHERLAND (by request) introduced a bill (S. 8962) to amend section 3329 of the Revised Statutes of the United States relating to the exportation of distilled spirits, which was read twice by its title and referred to the Committee on Finance.

Mr. du PONT introduced a bill (S. 8963) for the relief of members of the Fifth and Sixth Regiments of Delaware Infantry Volunteers, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8964) granting an increase of pension to William H. Maxwell; and

A bill (S. 8965) granting an increase of pension to Martin V. Benkert

Mr. KNOX introduced a bill (S. 8966) granting an increase of pension to William H. Hoffman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8967) for the relief of Joseph E. Adams and others, which was read twice by its title and, with

the accompanying papers, referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 8968) granting an increase of pension to Charles J. Decker, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 8969) granting a pension to Israel W. Bennett, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 8970) granting an increase of pension to Henry B. Furbee, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8971) for the relief of the estate of Fritz Eggert, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

bill (S. 8972) granting an increase of pension to Isaac Hollister;

A bill (S. 8973) granting an increase of pension to Spencer M. Hillibert

A bill (S. 8974) granting an increase of pension to Abraham Rhodes;

A bill (S. 8975) granting a pension to Charles B. Flynn; and A bill (S. 8976) granting an increase of pension to George W.

Mr. PAYNTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8977) granting a pension to Vinney Streets; and A bill (S. 8978) granting a pension to Eliza Jane Ellis.

Mr. HEYBURN introduced a bill (S. 8979) granting an increase of pension to Alexander Kinney, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8980) granting an increase of pension to Thomas H. Brown, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8981) to correct the military record of John P. Griffith, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8982) granting an increase of pension to Elias Baker, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8983) for the relief of the estate of Joseph Kulage, deceased, which was read twice by its title

Mr. BACON introduced a bill (S. 8984) for the relief of the legal representatives of Adolph M. Cohen, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on

A bill (S. 8985) for the relief of the heirs of George W. Perkerson deceased

A bill (S. 8986) for the relief of Mrs. Mary Fagan; A bill (S. 8987) for the relief of Mrs. Susanna M. Clay;

A bill (S. 8988) for the relief of the heirs of Eliza Ann Davis, deceased:

A bill (S. 8989) for the relief of the heirs of Larkin Nash, deceased:

A bill (S. 8990) for the relief of Mary Perkinson;

A bill (S. 8991) for the relief of the heirs of Mary E. Walsh, deceased;

A bill (S. 8992) for the relief of Mrs. S. A. Dunn:

A bill (S. 8993) for the relief of the heirs of Nancy Scroggins, decensed:

A bill (S. 8994) for the relief of the heirs of Matthew Higginbotham, deceased;

A bill (S. 8995) for the relief of the heirs of Greenberry Backus, deceased;

A bill (S. 8996) for the relief of the heirs of W. S. Brown. deceased:

A bill (S. 8997) for the relief of Thomas S. Causey; A bill (S. 8998) for the relief of Mary A. F. Preston;

A bill (S. 8999) for the relief of the heirs of Clark Gorham, deceased:

A bill (S. 9000) for the relief of the heirs of Mrs. Ellen Mc-Allister, deceased:

A bill (S. 9001) for the relief of the heirs of Mrs. Hannah Pruett, deceased

A bill (S. 9002) for the relief of the heirs of Elisha Mashdeceased;

A bill (S. 9003) for the relief of the heirs of Lydia Golasby, deceased; and

A bill (S. 9004) for the relief of James Peek. Mr. NELSON introduced a bill (S. 9005) for the relief of Julius G. Maertin, which was read twice by its title and referred to the Committee on Public Lands.

Mr. SMITH of Maryland introduced a bill (S. 9006) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BURKETT introduced a bill (S. 9007) granting a pension to William G. Glasgow, which was read twice by its title and

referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 9008) granting an increase of pension to Robert Hilliard, which was read twice by its title and, with the accompanying papers, referred to the Committee

Mr. LODGE introduced a bill (S. 9009) granting a pension to Emeline Maud Salstrom, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 9010) granting an increase of pension to Volney J. Shipman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CRANE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9011) granting an increase of pension to Rosetta E. Arnold; and

A bill (S. 9012) granting an increase of pension to Emma Jane Thomas

Mr. DANIEL introduced a bill (S. 9013) providing for the payment of a specified sum to the estate of Henry Yonge, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9014) granting an increase of pension to America J. Austin, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 9015) granting an increase of pension to Martin Maginnis, which was read twice by its title and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 9016) providing for the erection of a statue of the late John Sherman, which was read

twice by its title and referred to the Committee on the Library.

Mr. KNOX introduced a joint resolution (S. R. 122) to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909. which was read twice by its title and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. PERKINS introduced a joint resolution (S. R. 123) to allow the city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys in Yosemite National Park, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment relative to paymasters' clerks, United States Army, etc., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$75 to reimburse J. H. Schmidt, of Golebo, Okla., for damages done him by cattle of Rainy Mountain School, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to turn over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes, intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. DIXON submitted an amendment proposing to amend the law relative to the survey and allotment of lands now embraced within the limits of the Flat Head Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate \$2,600 to pave Scaton place, from North Capitol street to Lincoln road, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PREVENTION OF INTERSTATE RACE GAMBLING.

On motion of Mr. Depew, it was

Ordered. That 500 copies of the hearings before the subcommittee of the Committee on the Judiciary on the bill (S. 509) to prevent the nullification of State antigambling laws by interstate race gambling by telegraph be printed for the use of the Committee on the Judiciary.

AMOUNTS DUE UNDER SUPREME COURT DECISIONS.

Mr. LODGE submitted the following resolution (S. Res. 270), which was considered by unanimous consent and agreed to:

which was considered by unanimous consent and agreed to:

*Resolved**, That the Secretary of the Treasury is hereby directed to report at his earliest convenience to the Senate, if the following amounts opposite the respective names, or if not these, what amounts, if any, are due under the decisions of the Supreme Court in the cases of Swift & Co. v. The United States (105 U. S., 691) and Swift & Co. v. The United States (111 U. S., 22), viz:

To Alligator Match Company, \$105; A. Beecher & Sons, \$1,407; W. T. Brown & Co., \$830; John I. Brown & Son, \$2,535; John Bull (estate), \$1,278; Jeremiah Curtis & Sons, \$4,010; Curtis & Brown Manufacturing Company, \$49,50; Andrew Dougherty, \$5,645; Henry Dalley, jr., \$220,13; P. H. Drake & Co., \$990; A. Elchele & Co., \$3,527; Griggs & Scott, \$380; William Gates' Sons, \$203,98; L. G. Hunt, \$155; Holman Liver Pad Company, \$21,04; S. B. Hartman & Co., \$345,68; Joseph Lochr, \$2,961,44; R. H. McDonald & Co., \$2,436; National Match Company, \$1,040; D. Ransom & Co., \$400; H. R. Stevens, \$348; Swift, Courtney & Beecher Company, \$7,000; Trenton Match Company, \$755,20; John Lochr, \$4,521,44; Demas Barnes & Co., \$1,890.

REPAIRS OF BATTLE SHIPS.

Mr. CLAY. I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 272) was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate the amount of money spent since May 13, 1908, on repairing the Brooklyn, the San Francisco, the Baltimore, the Alabama, the lowa, the Kearsarge, the Kentucky, the Maine, the Adder, the Bennington, the Grampus, the Moccasin, the Pike, the Paul Jones, the Nicholson, the O'Brien, the Narkeeta, and the Holland, said report to show the sum expended on each of said vessels, when and where said repairs were made; and he is also directed to inform the Senate about what sum is required annually to keep in repair and in good condition a first-class battle ship. He is also directed to forward to the Senate the sum expended for coal during the last fiscal year for the operation of ships, and, as far as practicable, the prices paid for coal and the names of the person or persons or corporations from whom coal was purchased.

The VICE-PRESIDENT. Is there objection to the present

consideration of the resolution?

Mr. BEVERIDGE. I wish to ask the Senator presenting the resolution how many of the ships named, if any, were included in the list of ships given by the general board as obsolete? Does the Senator know?

Mr. CLAY. I do not. I will say to the Senator that during the last session of Congress those ships were mentioned in the naval appropriation bill and we specified the amount that was to be used for the purpose of repairing the ships. The to amount, according to my recollection, was about \$7,000,000. think most of those ships during the last six or eight months have been out on the ocean. I doubt if that much money has been spent for their repair. I am not advised in regard to the matter.

I observe that the naval appropriation bill, as it passed the House, carries between \$8,000,000 and \$9,000,000 for the same purpose in a lump sum.

Mr. BEVERIDGE. Naming the ships?

Mr. CLAY. The last naval appropriation act carried between \$7,000,000 and \$8,000,000 for the purpose of making these repairs, specifying the amount that was to be spent upon each ship. My purpose in introducing the resolution is to ascertain how much of that sum was used in repairing these identical ships last year.

For some reason the naval appropriation bill as it passed the House simply carries a lump sum of between \$8,000,000 and \$9,000,000, and out of that lump sum the Navy Department is authorized to make repairs. I know we had considerable contention in regard to these repairs during the consideration of the naval appropriation bill at the last session of Congress, and my recollection is that one or two items were cut down between two and three hundred thousand dollars.

My purpose in submitting the resolution is to find out how much was utilized in repairing each of these ships appropriated for during the last session of Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HALE. I do not know, Mr. President, that there is any objection to the Senator having the resolution passed and getting these facts about repairs. It will be a duplication of what this already been sent in, especially about the larger vessels.

Three years ago Congress put on the naval appropriation bill

a very valuable and comprehensive measure, which required the department in every case of a naval ship needing repairs exceeding in amount \$200,000 to report beforehand to Congress each vessel and the amount the department believed to be necessary for repairs.

The measure did not stop there, but it went further and provided that no appropriation should be made for repairs for vessels covered by the provision except in detail after the appropriation had been recommended by the department. We are acting under that provision now.

If the Senator will look over the bill as passed by the House, he will find that while small appropriations for small vessels, which are of not much account in the aggregate, are covered by a general clause, the large repairs upon the big ships are menfioned in detail.

The committee in examining the bill have found a clause in it that might be construed as taking the place of the very valuable provision to which I have referred, and have recommended that it be stricken out, so that the department will not be allowed to depart from the rule we laid out by that, I think, very useful provision, which is a part not of a law running with the appropriations, but it is a permanent law.

If the Senator wants the information especially in regard to

these particular vessels, there is no objection to it. He will

get it, I have no doubt, very quickly.

Mr. CLAY. The Senator remembers that during the last session of Congress the question came up in regard to the amount of repairs for naval vessels. It is my recollection that there was one ship for repairs to which \$625,000 was asked, and but three days before we considered that bill an estimate had been made of \$250,000. A subsequent estimate came to the Senate while we were considering the bill on the floor, and the Senator from Maine consented that the item for \$625,000 should be stricken out and \$225,000 inserted in lieu thereof.

Mr. HALE. I remember the case.

Mr. CLAY. It is difficult for me to understand how we spent on the identical ships named in this resolution \$7,000,000 for re-

pairs during the last year when most of them were on the ocean away from home.

I am not criticising the Committee on Naval Affairs. As I understand, the Committee on Naval Affairs as yet have not completed the consideration of the naval appropriation bill. was simply referring to the bill as it came to the Senate from the other House. I think the resolution can not do any possible

harm and may do some good.

Mr. HALE. No; it will do no harm. The Senator will be less surprised at the extent of the repairs for these big ships when we get the results and estimates that will be made when the fleet, which is circumnavigating the globe, is overhauled and repaired. He will find then what we are all finding out, that the expenses of a big battle ship just begin when we build her and pay for her.

Mr. BACON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.
Mr. BACON. I think the Senator will remember that when the fleet started on the cruise around the world, the suggestion was made that it was going to involve a very large expenditure for repairs which would be required to put them in the condition in which they were when they started.

Mr. HALE. There is no need of anybody predicting. We shall get the estimates. They will come in from the department and will be faithful and truthful. Under the statute to which I have referred the estimates for repairs will have to be in detail for each ship, and appropriations will have to be made in detail after the estimates are submitted. It is one of the things that we have got to consider at all times that a ship is constantly wearing out and has got to be repaired or overhauled from time to time and it can not be helped. I do not object to the Senator's resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

NATIONAL CURRENCY ASSOCIATIONS.

Mr. CLAY. I submit another resolution, and ask unanimous consent for its present consideration.

The resolution (S. Res. 271) was read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the names of the national currency associations formed under the act approved May 30, 1908, known as an act to amend the national banking laws, the names and location of the banks composing each association, the principal place of business of each association thus formed, the name and location of each bank belonging to any national currency association applying for an issue of additional circulating notes under the provisions of the act approved May 30, 1908, together with a list of the securities deposited for the redemption of such notes and the total amount of notes issued under this provision of law.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideration of the resolu-

Mr. ALDRICH. The information called for by the resolution is already in the possession of Congress, and I think the resolu-tion had better go over. I will investigate the matter. The VICE-PRESIDENT. The resolution will lie over.

LOYAL CREEK INDIAN CLAIMS.

Mr. OWEN submitted the following resolution (S. Res. 273). which was referred to the Committee on Indian Affairs:

which was referred to the Committee on Indian Affairs:

Whereas by articles 3 and 4 of a treaty between the United States and the Creek tribe of Indians, concluded June 14, 1866, the United States agreed to ascertain the amount of losses sustained by Creek Soldiers who enlisted in the Federal Army, and the loyal refugee Creek Indians and freedmen, who were driven from their homes during the civil war, and to pay the amount found due, with interest at the rate of 5 per cent from the date of the ratification of said treaty; and Whereas the amount of such losses was ascertained, as provided by said treaty, to be \$1,836,830.41; and
Whereas by an agreement between the United States and the said Creek Indians, accepted, ratified, and confirmed by Congress and approved by the President on March 1, 1901, it was and is provided and agreed that said claims should be presented to the Senate of the United States for determination; and
Whereas the said claims were submitted to the Fifty-seventh Congress and a partial payment made thereon: Now, therefore be it

*Resolved, That the Committee on Indian Affairs be, and is hereby, authorized and directed to examine and consider said claims and report its conclusions to the Senate.

In making such examination and adjustment the committee will take into consideration any and all payments heretofore made on account of said claims.

Mr. OWEN. In connection with the resolution, I present a

In connection with the resolution, I present a memorial relating to the Loyal Creek claims. I move that it be printed as a document (S. Doc. No. 690) together with the resolution, and referred to the Committee on Indian Affairs.

The motion was agreed to.

IMPROVEMENT OF POPHAM BEACH, MAINE.

Mr. FRYE submitted the following concurrent resolution (S. C. Res. 83), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Popham Beach, Maine, with a view to the building of a bulkhead or breakwater along said beach for the protection of property of the United States and to prevent the deposit of sand in navigable waters adjacent thereto.

HOUSE BILLS REFERRED.

H. R. 6252. An act to promote the administration of justice in the navy, was read twice by its title and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 24635. An act to create a new division in the middle

judicial district of the State of Tennessee;

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Forty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district court of the United States at Superior, Wis.;

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," was read twice by its title and referred to the Committee on the Philippines.

The following bills were severally read twice by their titles

and referred to the Committee on Commerce:

H. R. 25552. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907; and

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa.

BELLEFOURCHE LAND DISTRICT.

The bill (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district, was read the first time by its title.

Mr. GAMBLE. I ask unanimous consent for the present con-

sideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time, at length, as follows:

The bill was read the second time, at length, as follows:

Be it enacted, etc., That all that part of the State of South Dakota lying within the following-described boundaries, to wit: Commencing at a point where the township line between townships 18 and 19 north intersects the boundary line between the States of South Dakota and Montana; thence east on the said township line to the northeast corner of township 18 north, of range 9 east; thence south along the range line between ranges 9 and 10 to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to the northeast corner of township 12 north, range 11 east; thence south along the range line between ranges 11 and 12 to where the same intersects the township line between tanges 11 and 12 to where the same intersects the township line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming and Montana to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Bellefourche land district; and the United States land office for said district is hereby located at the town of Bellefourche, in Butte County. That the President be, and he hereby is, anthorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The VICE-PRESIDENT. Is there objection to the passent

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GAMBLE. I move that the bill (S. 7377) authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district, be indefinitely postponed.

The motion was agreed to.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I move that the Senate proceed to the con-

sideration of Senate bill 5729.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth United States Infantry, who were discharged without honor under Special Orders, No. 266, War Department,

November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to.

Mr. FORAKER. I inquire whether there is any Senator who

desires to speak upon this measure at this time?

Mr. McLAURIN. Mr. President, I do not desire to speak now, but I should like to have the Senator allow the bill to go over until to-morrow. I have an idea that probably I shall say something on it at that time. I do not desire to speak now, but, if I am going to speak at all, I will speak on it to-morrow, unless some other Senator shall take the floor on it at that time.

Mr. FORAKER. The Senator is not prepared to proceed now

Mr. McLAURIN. I prefer not to proceed now.
Mr. FORAKER. But will speak to-morrow, if he cares to
speak at all. Under such circumstances, I think the bill may
go over until to-morrow. I give notice that I will renew the
motion at the conclusion of the routine morning business to-

Mr. CULBERSON. Before the bill goes over-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly. Mr. CULBERSON. Before the bill goes over, I will ask the Senator if he will agree to this amendment at the end of section 1:

Provided, That said report of the court of inquiry shall be approved by the President.

Mr. ALDRICH. Mr. President, as I am responsible, in a sense, for the bill in its present form, I will say for myself that I would not consent to the amendment suggested by the Senator from Texas.

Mr. CULBERSON. I do not want to call attention to it in the shape of debate, Mr. President, but I will say to the Senator from Rhode Island that the bill in its present form will authorize a court of inquiry to reverse an order of the President of the United States. I wanted the bill so framed, if passed at all, that an executive order of the President as Commander in Chief of the Army and Navy of the United States should not be reversed by a court of inquiry ipso facto.

Mr. ALDRICH. This bill can not become a law unless with

the approval of the President of the United States.

Mr. CULBERSON. It can become a law, Mr. President, of course, over the veto of the President. But the President may approve such a bill as this, and yet he would not think that the findings of a court of inquiry ought to reverse the executive order of his predecessor or of himself. That is the point.

Mr. FORAKER. I do not want to take time to discuss that question now, but I will say to the Senator from Texas that if this bill should have the effect he suggests it would be because it is an act of the Congress of the United States approved by the President; in other words, the law of the land; and the law of the land is competent to revoke even an executive order, especially with respect to a matter of this nature, where the Congress, rather than the President, according to the view I entertain, has control of the matter anyway. But in view of what the Senator from Mississippi [Mr. McLaurin] has said, I am willing that the bill may go over until to-morrow, when I shall renew the motion.

Mr. CULBERSON. Let me understand the situation. As I understand, this bill is not the unfinished business—

Mr. FORAKER. No. Mr. CULBERSON. But is simply to be taken up at the con-

clusion of the routine morning business to-morrow.

Mr. FORAKER. At the conclusion of the routine morning business to-morrow I will renew the motion to proceed to the consideration of this bill. It not being 2 o'clock, we are in the morning hour, and proceeding to the consideration of the bill under the motion does not make it the unfinished business. As understand, at 2 o'clock the unfinished business, of which the Senator from Montana [Mr. CARTER] has charge, will come up.

EXECUTIVE SESSION.

Mr. FRYE. I regard it as important that there shall be an executive session; and I move that the Senate proceed to consider business in executive session.

The motion was agreed to, there being on a division—ayes 33, noes 18; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened.

THE CALENDAR-BILLS PASSED OVER.

Mr. KEAN. We have not been upon the calendar for some days, and I suggest that we go to the calendar, under Rule VIII.

The VICE-PRESIDENT. The calendar, under Rule VIII, is in order; and the Secretary will state the first business

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, parks, and other premises owned or used by the United States Government was announced as the or used by the United States Government was announced as the first business in order on the calendar.

Mr. KEAN. I do not see present the Senator who reported the bill, and I ask that it may go over.

The VICE-PRESIDENT. It will go over without prejudice, at the request of the Senator from New Jersey.

The bill (S. 6576) to regulate the interstate commerce ship-

ments of intoxicating liquors was announced as the next business in order.

Mr. KNOX. I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Pennsylvania.

The bill (S. 6484) to establish postal savings banks for deposting savings at interest, with the security of the Government for repayment thereof, and for other purposes, was announced as the next business in order.

Mr. KEAN. Let the bill go over, it being the unfinished busi-

The VICE-PRESIDENT. The bill will go over.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as the next busi-

ness in order. Mr. KEAN. I do not see the Senator from Vermont [Mr. DILLINGHAM], who reported the bill, in the Chamber. I ask that may go over. The bill has been partially considered.

The VICE-PRESIDENT. Without objection, the bill will go it may go over.

over, at the request of the Senator from New Jersey.

The bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States was announced as the next business in order.

Mr. KEAN. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from New Jersey.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as the next business in order on the calendar.

Mr. FLINT. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from California.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was announced as the next business in order on the calendar.

The VICE-PRESIDENT. This bill has heretofore been considered and certain amendments agreed to.

Mr. CLARK of Wyoming. The Senator from Maine [Mr. Hale] spoke in opposition to this bill when it was under consideration before, and while I am anxious that the bill shall pass, I hope it will not be considered in his absence.

The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from Wyoming.

The bill (S. 7697) to ratify an act of the legislature of the

Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Lahaina. Territory of Hawaii, was announced as the next business in order on the calendar.

Mr. KEAN. This bill and the next, being the bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii, I think, have been included in another bill. The Senator from California can tell us.

Mr. FLINT. That is correct.
Mr. KEAN. Has that bill been passed?
Mr. FLINT. It is in conference.
Mr. KEAN. Let the bills go over.
The VICE-PRESIDENT. Without objection, the bills referred to by the Senator from New Jersey will go over without

The bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, was announced as the next business in

order on the calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

The bill (S. 7210) to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River,

in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan was announced as the next business in order on the calendar.

Mr. SCOTT. Neither of the Senators from Michigan is pres-

ent. I suggest that the bill go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from West Virginia.

LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY.

The bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906, was considered as in Committee of the Whole.

It proposes to amend the section referred to by striking out the words "three years" and inserting the words "six years" in lieu thereof; also by striking out the words "ten years" and inserting the words "thirteen years" in lieu thereof.

Mr. TELLER. I desire to make an inquiry about the bill. I

understand it simply extends the time for building the canal?

The VICE-PRESIDENT. That is the effect of it as the Chair understands.

Mr. TELLER. It does not change the law except as to the time?

The VICE-PRESIDENT. That is as the Chair understands it. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. ROSSELL, JR.

The bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy was announced as the next business in order on the calendar.

Mr. TELLER. Let the bill go over.

The VICE-PRESIDENT. It will go over without prejudice,

at the request of the Senator from Colorado.

PAUL SINOCK.

The bill (S. 3164) to correct the military record of Paul Sinock was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 4, before the words "to amend" to strike out "and directed," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to amend the records of the Second Regiment of Louisiana Infantry Volunteers so as to show that Paul Sinock, late a sergeant of Company G of said regiment, was born in Germany, and to issue to him a certificate of honorable discharge as of date of April 18, 1899, showing such highlyless. such birthplace.

The amendment was agreed to.

Mr. KEAN. Ought not the bill to be amended so as to provide that the beneficiary shall receive no pay, bounty, or other emolument?

The VICE-PRESIDENT. The Senator from New Jersey proposes an amendment which will be stated.

The Secretary. It is proposed to add at the end of the bill the following:

Provided. That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SANTEE RIVER BRIDGE, SOUTH CAROLINA.

The bill (H. R. 23711) to build a bridge across the Santes River, South Carolina, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW WHITLEY.

The bill (S. 5273) for the relief of Andrew Whitley was announced as the next business in order on the calendar.

Mr. McCREARY. Mr. President, I reported the bill from the Committee on Military Affairs, and I am informed by the Senator from Montana [Mr. Dixon] who introduced the bill that Andrew Whitley is dead. Is that correct?

Mr. DIXON. That is true.

Mr. KEAN. Let the bill be indefinitely postponed.

The VICE-PRESIDENT. Without objection, the bill will be

indefinitely postponed.

JAMES D. ELLIOTT.

The bill (S. 4984) for the relief of James D. Elliott was announced as the next business in order on the calendar.

Mr. KITTREDGE. Let the bill go over under Rule IX.

The VICE-PRESIDENT. It will go to the calendar under Rule IX.

Mr. GAMBLE. I was about to suggest that the bill would undoubtedly lead to discussion, and I concur in the suggestion of the junior Senator from South Dakota that it be placed under Rule IX. It is rather late in the session, and undoubtedly the bill can not be considered and disposed of at this session.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX at the request of the Senator from South Dakota.

JOHN M'KINNON, ALIAS JOHN MACK.

The bill (S. 7631) to grant an honorable discharge from the navy to John McKinnon, alias John Mack, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs, with an amendment in line 4, before the word "discharge," to strike out "an honorable" and insert the article "a," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to grant a discharge from the naval service of the United States to John McKinnon, alias John Mack, late seaman on the U. S. S. North Carolina, and the U. S. S. Brooklyn, provided that no bounty, pay, or other emolument shall become due or payable by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES R. WYRICK.

The bill (H. R. 8050) for the relief of James R. Wyrick was considered as in Committee of the Whole. It proposes to appropriate \$150, in full liquidation of the amount due James R. Wyrick, being the value of a mule furnished the Army of the United States during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF THOMAS J. MILLER.

The bill (H. R. 13319) for the relief of the heirs of Thomas J. Miller was considered as in Committee of the Whole. It directs the Secretary of War to ascertain the loss and damage sustained by Thomas J. Miller by the seizure and sinking of his ferryboat on the Columbia River by the armed forces of the United States and appropriates \$500 to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay to the heirs of Thomas J. Miller the amount of loss and damage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK DAUBERT.

The bill (H. R. 17344) for the relief of Frederick Daubert was considered as in Committee of the Whole.

Mr. ALDRICH. If I did not make a mistake in hearing the

bill read, it directs the Secretary of the Interior to pay money now in the Treasury. I do not know by what law the Secretary of the Interior would pay out money in the Treasury.

Mr. LODGE. It must be the Secretary of the Treasury, of course.

Mr. ALDRICH. It reads Secretary of the Interior, does it The Secretary of the Interior is not in charge of the Public Treasury.

Mr. KEAN. I will say to the Senator from Rhode Island that, if I remember this bill rightly, it is a case where money was paid on deposit in the land office.

Mr. ALDRICH. It is in the Treasury, and all money in the Treasury is under the jurisdiction of the Secretary of the Treasury, as I understand.

The VICE-PRESIDENT. The Secretary will again read the bill.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and empowered to pay to Frederick Daubert \$596.31, out of the moneys paid by said Daubert under cash entry No. 195, made at the El Reno, Okla., land office, and to deposit in the Treasury of the United States on account of sales of public lands the sum of \$85.19, being the balance paid by said Daubert under said entry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL PRISONERS.

The bill (S. 7652) to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.
The VICE-PRESIDENT. The bill will go over, without prejudice, at the request of the Senator from New Jersey.

GOVERNMENT OF THE NAVY.

The bill (S. 7651) to amend article 53 of the Articles for the Government of the Navy was considered as in Committee of the Whole. It proposes to amend the article referred to so as to read :

ART. 53. No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer or midshipman, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALIENS IN THE NAVY OR MARINE CORPS.

The bill (S. 7793) to provide for the naturalization of aliens who served or shall hereafter serve five years in the United States Navy or Marine Corps was considered as in Committee of the Whole. It proposes that any alien of the age of 21 years and upward who has faithfully served or may hereafter so serve five consecutive years in the United States Navy or Marine Corps shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such and without proof of residence on shore.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE WHARF AT HUMBOLDT BAY, CALIFORNIA.

The bill (S. 8260) providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to construct a coal shed on the light-house wharf at Humboldt Bay, California, at a cost not to exceed \$5,600.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT TOWER AT ALCATRAZ ISLAND, CALIFORNIA.

The bill (S. 8261) providing for the remodeling and reconstruction of the light tower and keeper's dwelling at Alcatraz Island, Bay of San Francisco, California, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to remodel and reconstruct the light tower and keeper's dwellings at Alcatraz Island, Bay of San Francisco, California, at a cost not to exceed \$35,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROAD AND BRIDGES ON WARM SPRINGS RESERVATION, OREG.

The bill (S. 7882) to authorize the Secretary of the Interior to construct a road and two bridges on the Warm Springs Reservation, Oreg., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN CHILDREN IN SCHOOLS.

The bill (S. 8306) to amend the act of March 2, 1895 (28 Stat. L., p. 876), entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes," was considered as in Committee of the Whole. It proposes to amend the last paragraph of the act, so as to read:

paragraph of the act, so as to read:

That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek-to induce, by withholding rations or by other similar means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation: Provided, That the foregoing provisions shall not interfere with the removal of children from the Sac and Fox Reservation in the State of Iowa, under orders of the Commissioner of Indian Affairs, by the superintendent in charge of such reservation to the Sac and Fox Indian school near the city of Toledo, Iowa, for educational purposes. tional purposes

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT, HILARY WILLIAMS.

The bill (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, U. S. Navy, was considered as in Committee of the Whole. It directs the Secretary of the Navy to amend the naval record of Lieut. Hilary Williams, U. S. Navy, by placing his name on the official Navy Register of the Navy Department next after that of Lieut. Charles T. Owens, U. S. Navy, and to receive rank of lieutenant, United States Navy, from January 1, 1904.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. COMMANDER KENNETH M'ALPINE.

The bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine was considered as in Committee of the Whole. It authorizes the President of the United States to appoint, by and with the advice and consent of the Senate, Lieut. Commander Kenneth McAlpine, U. S. Navy, a commander in the navy on the active list, subject to examination, to take rank next after Gustav Kaemmerling, as originally borne on the Navy Register from 1886 to 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CROWLEY.

The bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy was considered as in Committee of the Whole. In consideration of services rendered in the United States Navy during a period of thirty-two years, from April 11, 1865, to June 20, 1897, the bill directs the Secretary of the Navy to place John Crowley on the retired list of the navy with the retired pay of the rating in which he was serving at the time of his last honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF THE CALENDAR.

Mr. ALDRICH. Mr. President, there are quite a number of bills on the calendar, and it seems that this is a good time to dispose of them. I ask unanimous consent that the consideration of unobjected bills on the calendar be proceeded with under Rule

VIII until the calendar is disposed of.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the remaining bills on the calendar, unobjected to, be considered under Rule VIII until the consideration of the calendar is completed. Is there objection? Chair hears none and it is so ordered.

Mr. LODGE. Unobjected bills?
The VICE-PRESIDENT. Unobjected bills.

WILLIAM H. HOUCK.

The bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That William H. Houck shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Seventeenth Regiment Indiana Volunteer Infantry, on June 18, 1865; and the Secretary of War is hereby authorized to grant to the said William H. Houck an honorable discharge as of that date: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. BACON. Is there a report accompanying the bill? The VICE-PRESIDENT. There is a report accompanying the bill.

I ask to have it read. Mr. BACON.

The VICE-PRESIDENT. Without objection, the Secretary will read the report.

The Secretary read the report (S. Report No. 760) submitted

by Mr. Warren, January 14, 1909, as follows:

The Committee on Military Affairs, which has had under consideration the bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck, reports it to the Senate favorably, and recommends that it be passed, amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

Strike out all after the enacting clause and insert in field thereof the following:

"That William H. Houck shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Seventeenth Regiment Indiana Volunteer Infantry, on June 18, 1865. And the Secretary of War is hereby authorized to grant to the said William H. Houck an honorable discharge as of that date: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act."

A report on this case made by the War Department to Hon. E. D. CRUMPACKER is filed herewith and made a part of this report. It is shown that this soldier was mustered into the service on June 14, 1861, to serve three years. That he reenlisted February 15, 1864, and served faithfully until April 21, 1865, when he absented himself without leave and remained absent for nineteen days, or until May 10, 1865. He returned to his regiment on the last-named date and continued in the

service until June 18, 1865, when he left his command and never thereafter returned. It is shown by affidavits filed with the committee that the soldier did excellent service while with his command, participated in many battles, and suffered many hardships.

Your committee believes that in view of the long and honorable service of the soldier, and in view of the fact that he did not leave his command until the war was practically over and his services were no longer required, his offense should be condoned and that he should receive an honorable discharge.

WAR DEPARTMENT, THE ADJUTANT-GENERAL'S OFFICE, Washington, April 28, 1908.

The Adjutant-General's Office, Washington, April 28, 1998.

Sir: Referring to your letter of yesterday, received to-day, in which you request the military record of William H. Houck as a member of Company K, Seventeenth Indiana Volunteer Infantry, and the Fifteenth Indiana Infantry, I have the honor to advise you as follows:

It is shown by the records that William H. Houck was enrolled June 14, 1861, and was mustered into service on the same day as a private in Company D, Fifteenth Indiana Infantry Volunteers, to serve three years; that he reenlisted February 15, 1864; was transferred to Company K, Seventeenth Indiana Infantry Volunteers; deserted April 21, 1865; returned from desertion May 10, 1865, under the President's proclamation of March 11, 1865, which provided for the pardon of deserters who should return to their commands and serve the remainder of their original terms of enlistment and, in addition thereto, a period equal to the time lost by desertion; again deserted June 18, 1865, never thereafter returning to his command, which remained in service until August 18, 1865.

In connection with an application for removal of the charge of desertion standing against him, this soldier testified in an affidavit dated June 13, 1907, that on June 18, 1865, he became intoxicated at Macon, Ga., and upon his return to the regiment was ordered confined to the guardhouse, but thinking the order oppressive, he left the command. The application for relief in this case has been denied, and now stands denied, on the ground that the soldier's service prior to May 1, 1865, was not faithful, and his own statement shows that he finally deserted while in arrest for a breach of military duty, which fact bars the case from relief under the provisions of the act of Congress approved March 2, 1880, the only law in force governing the subject of removal of charges of desertion.

Very respectfully,

F. C. Ainsworth,

The Adjutant-General.

F. C. AINSWORTH, The Adjutant-General.

Hon. E. D. CRUMPACKER, House of Representatives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INDIAN LANDS IN SOUTH DAKOTA AND NORTH DAKOTA.

The bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into

Mr. KEAN. I see that the bill involves some \$415,000 or \$420,000. I think it had better go over. Let it go over.
The VICE-PRESIDENT. The bill will be passed over with-

out prejudice at the request of the Senator from New Jersey.

Mr. GAMBLE. Does the Senator from New Jersey insist on his objection?

Mr. KEAN. I do not know anything about the bill, but I see that about \$415,000 are involved.

Mr. GAMBLE. Mr. President, I will state the object of the

A year ago I introduced a bill for the opening of about 3,000,000 acres of land in the Cheyenne River and Standing Rock Indian reservations, in the States of North and South Dakota. The bill which I introduced was used as a basis for negotiating an agreement with those Indians; that is, I mean to say, an agreement or contract was informally submitted to them. This informal agreement was conditioned on the part of the Indians by the payment of \$2.50 per acre for the school lands in the two States that went to the States of North and South Dakota under the enabling act.

The bill was favorably reported by the Committee on Indian Affairs, and it passed the Senate at \$2.50 per acre. It went to the House, but there was a modification made whereby the price of the school lands was reduced to \$1.25 per acre. The department is most anxious that the Government shall keep the utmost good faith with the Indians and suggested a change of the statute as it passed a year ago, so as to provide for the payment of \$2.50 per acre instead of \$1.25 per acre and increasing the amount of the appropriation therefor.

I say this should be done in simple good faith to the Indians and in conformity with their understanding as the bill was framed by the Senate Committee on Indian Affairs and as it passed the Senate. I think in good faith the bill should be passed without amendment.

Mr. TELLER. will get this money. Mr. TELLER. I should like to ask the Senator if the Indians

Mr. TELLER. It was a reservation when the States were admitted?

Mr. GAMBLE. Yes, sir.

The VICE-PRESIDENT. Does the Senator from New Jersey insist on his objection?

Mr. KEAN. I think the bill had better go over.

VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

JAMES E. C. COVEL

The bill (S. 4836) to correct the military record of James E. C. Covel was considered as in Committee of the Whole. It proposes to remove the charge of dismissal from the service standing against the name of James E. C. Covel, formerly first sergeant in Company H, Sixteenth Regiment Iowa Volunteer Infantry, to amend his record accordingly, and to grant him an honorable discharge.

Mr. KEAN. I suggest as an amendment to add the usual proviso that no pay, bounty, or other emolument shall accrue by reason of the passage of the act.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to add at the end of the bill

the following proviso: Provided, That no pay, bounty, or other emolument shall accrue or become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION AND GRADING OF GRAIN.

The bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. LODGE. Let the bill go over.
Mr. KEAN. The bill will create a great deal of discussion. I suggest that it go over.
Mr. LODGE. Let it go over under Rule IX.

Mr. FULTON. I ask the Senator to withhold his objection for just a moment. I do not wish to have the bill considered now, but I should like to have an amendment made inserting Portland, Oreg., among the grain-inspection cities.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the bill go to the calendar under Rule IX.

Mr. FULTON. I understand; but I ask if there is any objection at this time to inserting in section 2, line 11, after the words "Portland, Me.," the words "Portland, Oreg.;" simply making it one of the cities where grain inspection is to be made. Portland is to-day the greatest wheat-shipping point in the United States.

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. FULTON. After it is amended the bill may then go over. Mr. LODGE. I have no objection in the world to the amendment, but I do not see how the bill can possibly be amended unless it is considered.

The VICE-PRESIDENT. The Chair understands that it can

Mr. FULTON. But I ask the Senator to allow the bill to

come before the Senate for that purpose alone.

Mr. LODGE. I object, and many other Senators object strongly to the bill. It will give rise to great debate, and I do not think anything can be gained by amending it now.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from Massachu-

Mr. FORAKER. Before we leave the bill, I have a great many protests against it which I should like to file. One of them is in the form of a telegram from the Chamber of Commerce of Cincinnati, which I should like to have read at the

The VICE-PRESIDENT. Without objection, the Secretary will read the telegram sent to the desk.

Mr. FORAKER. I will be satisfied if it is simply printed in

The VICE-PRESIDENT. Without objection, it is so ordered. The telegram referred to is as follows:

CINCINNATI, OHIO, January 25, 1909.

Hon. J. B. Foraker,

United States Senate, Washington, D. C.

The grain trade of Cincinnati is opposed to enactment of Senate bill 382 reported by the Committee on Agriculture and Forestry relating to federal inspection of grain, introduced by Senator McCUMBER. The proposed action appears to reflect a view that federal inspection of grain in interstate commerce will insure more uniform and reliable

work than can be expected from work of commercial exchanges or under state regulations. Otherwise it would have no excuse for being offered. Grain dealers of this country as a class compare favorably with any other class in homorable intent and practices in business operations. They are vitally interested in inspection questions and reliability of inspection work. They act through local, state, and national organizations in efforts at reaching the best attainable conditions promotive of the interests of seller and buyer. The sellers recognize the fact that to have business there must be buyers for their products, and to have buyers there must prevail such practices as will afford confidence and guaranty in matters of compliance with trade understandings and contracts. Grain products are susceptible to changes in condition and quality from meteorological influences and transportation. Grain that may have the apparent or real elements of soundness and of strictly merchantable condition at point of shipment may be so affected by subsequent atmospheric influences during movement to destination with possible delays necessarily beyond the control of the shipper, that arrival conditions are not equal to the original or shipping grading. This is liable to occur in shipments on orders from foreign markets, and when such grain at destination arrives out of order not equal in condition to specifications in the order for shipment, the receiver feels impelled to make complaint, which often implies a charge that there has been lack of proper work of inspection at the shipping point.

The call for federal inspection has arisen from such complaints, which, however, can not carry with them any assurance that federal inspection can accomplish anything of remedy in such matters. The complaint of the foreign receiver affords no reasonable ground for change from inspection, including reasons why the various markets, in the nature of the foreign receiver affords no reasonable ground for change from inspection, including pressons why

Superintendent.
John H. Allen,
Chairman Grain Inspection Committee.

The VICE-PRESIDENT. The telegraphic memorial will lie on the table.

Mr. FORAKER presented memorials of members of the Produce Exchange of Toledo; of the E. A. Grubbs Grain Company, of Greenville; of the Metamora Elevator Company, of Metamora; of C. A. King & Co., of Toledo; and of August Ferger & Co., of Cincinnati, all in the State of Ohio, and of the Board of Trade of Chicago, Ill., remonstrating against the enactment of legislation providing for the inspection and grading of grain under federal control, which were ordered to lie on the table.

INDIAN LANDS.

The bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was announced as next in order.

Mr. CLAPP. I ask that the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over, without prejudice, at the request of the Senator from Minnesota.

IMPROVEMENT OF HARBOR AT PORT SANILAC, MICH.

The next business on the calendar was Senate concurrent resolution 66, which was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harkor at Port Santlac, Santlac County, Mich. with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improve-

IMPROVEMENT OF HARBOR AT FORESTER, MICH.

The next business on the calendar was Senate concurrent resolution 67, which was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Forester, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

SADDLE MOUNTAIN NATIONAL PARK.

The bill (S. 7372) to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park," was announced as next in order.

Mr. TELLER. I ask that the bill be passed over without

prejudice so that I may have a chance to look at it.

The VICE-PRESIDENT. The bill will be passed over with-

out prejudice.

Mr. FULTON. I hope the Senator from Colorado will not insist on that. It includes only a very few acres of land, and it is simply for the purpose of preserving the natural beauty of a high mountain peak in the Coast Range in the county where I There can be no possible objection to it. It is not withdrawing a large area at all. I hope the Senator will not insist on the bill going over.

Mr. TELLER. I am opposed to the policy of the United States establishing parks all over the country. I do not intend to vote for any of those if I can avoid it in the short time I am to be here. If this is a matter of local interest and covers a

small area, I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The amendments were, in section 1, page 2, line 4, after the word "and," to insert "the northwest quarter and;" in line 6, after the word "and," to insert "the northeast quarter and;" and in line S, after the word "meridian," to strike out the proviso in the following words:

Provided, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park.

So as to make the section read:

So as to make the section read:

That there are hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows: The south half and the northeast quarter of section 7, and the west half and the southeast quarter of section 8, and the southwest quarter of section 9, and the northwest quarter of section 16, and the north halves of sections 17 and 18, in township 5 north, range 8 west; and the southwest quarter of section 27, and the southeast quarter of section 28, and the northwest quarter of section 28, and the northwest quarter and the southwest quarter of section 28, and the northeast quarter and the southwest quarter of section 28, and the northeast quarter and the southeast quarter of section 29, in township 6 north, range 8 west of the Willamette meridian.

The amendments were agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LITTLE COLORADO RIVER BRIDGE.

The bill (S. 7883) to authorize the Secretary of the Interior to construct a bridge across the Little Colorado River abutting on the Navajo Indian Reservation, in the Territory of Arizona, and for other purposes, was announced as next in order.

Mr. LODGE. I do not think I have any objection to the bill, but it is put down as having been reported from the Committee on Military Affairs by the Senator from Tennessee [Mr. TAY-

Mr. WARREN. It is probably from the Committee on Indian The correction ought to be made.

Affairs. The correction ought to be made.

Mr. LODGE. It is only a blunder in the calendar, and I call attention to it; that is all.

Mr. CLAPP. I can explain it. It should be Committee on

Indian Affairs. Mr. LODGE. Precisely; it should be Indian Affairs, and it is Military Affairs. It is important that the calendar should be accurate.

Mr. CLAPP. It is a department bill.

The VICE-PRESIDENT. The bill in the hands of the Secretary is correct, and states that it was reported from the Committee on Indian Affairs.

Mr. CLAPP. There is no objection to the bill, I su Mr. KEAN. We have just passed one similar to it. There is no objection to the bill, I suppose.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS BANKS.

VICE-PRESIDENT. Under the unanimous-consent agreement made at the request of the Senator from Rhode Island [Mr. Aldrich], it is not necessary to lay the unfinished business before the Senate. It will retain its place on the

Mr. CARTER. What is the nature of the unanimous-consent agreement?

Mr. LODGE. Unanimous consent was given to go through the calendar.

Mr. CARTER. I understand that unanimous consent to go through the calendar was given without displacing the unfinished business.

The VICE-PRESIDENT. The unanimous consent is that unobjected bills under Rule VIII shall be considered.
Mr. CARTER. That unanimous consent does not involve
displacing the unfinished business?

The VICE-PRESIDENT. It does not,

PATRICK CONLIN.

The bill (H. R. 7963) for the relief of Patrick Conlin was considered as in Committee of the Whole. It provides that Patrick Conlin shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, from the 27th day of January, 1862, to the 8th day of August, 1865, and had been honorably discharged on the date last named herein.

Mr. WARREN. I wish to call the attention of the Senator

who reported the bill to the fact that there should be an amendment at the end of it to provide that no pay or other emolument

shall accrue on account of the passage of the bill.

Mr. WARNER. I think that is provided for in the bill. Mr. KEAN. It is provided for in the bill. It is a House bill, but is very badly worded.

Mr. LODGE. That clause ought to be in the bill.

Mr. WARREN. It occurs further up in a different shape.

Mr. KEAN. It is in a different form.

Mr. WARREN. Let the Secretary read the bill again. The VICE-PRESIDENT. The Secretary will again read the

The Secretary again read the bill.

Mr. LODGE. I suggest again that in making up the calendar this bill was put down as having been reported from the Committee on Indian Affairs, when it was reported from the Committee on Military Affairs. The names of the committees reporting the two bills became transposed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTION OF INDUSTRIAL PEACE.

The bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace" was announced as next in order.

Mr. ALDRICH. I must confess that I was not aware that we had a law of this kind in the statutes. There is a provision in the bill which strikes me as an extraordinary one-

That the industrial peace committee herein constituted shall arrange for such meetings and conferences in the city of Washington, D. C., as it may deem advisable, of representatives of labor and capital, for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees; it shall call such conferences in case of great industrial crises and take such other steps as in its discretion will promote the general purposes of the foundation, subject, however, to such rules and regulations as may be prescribed by the trustees.

It proposes to put in the hands of the commission powers which it is doubtful that Congress possesses. I object to the consideration of the bill, for I would be glad to know something about it before it is brought up for action.

The VICE-PRESIDENT. The bill will be passed over with-

out prejudice, at the request of the Senator from Rhode Island.

NATIONAL ACADEMY OF ARTS AND LETTERS.

The bill (S. 8396) incorporating the National Academy of Arts and Letters was announced as next in order.

Mr. KEAN. Let the bill be passed over. The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from New Jersey.

NATIONAL INSTITUTE OF ARTS AND LETTERS.

The bill (S. 8395) incorporating the National Institute of Arts and Letters was announced as next in order.

Mr. LODGE. Let the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Massachusetts.

LANDS AT FRUITA, COLO.

The bill (S. 1199) to grant certain lands to the town of Fruita, Colo., was considered as in Committee of the Whole.
The bill was reported from the Committee on Public Lands

with an amendment to strike out section 2, in the following words:

SEC. 2. That the right to convey water in pipes across the public lands from the aforesaid tract of land to the aforesaid town of Fruita is also hereby granted to that town.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LADING AND UNLADING OF VESSELS.

The bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes, was announced as next in order.

Mr. FRYE. I ask that the bill may go over, without prejudice.

The VICE-PRESIDENT. The bill will be passed over, without prejudice, at the request of the Senator from Maine.

JAMES H. OWEN.

The bill (S. 7782) for the relief of James H. Owen was considered as in Committee of the Whole. It proposes to pay \$930 to James H. Owen, of Los Angeles, Cal., found and held to be due him by the Secretary of the Interior under contract of May 31, 1906, for the construction of buildings and irrigation works at the Truxtun Canyon Indian School, Arizona.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. H. LEWIS.

The bill (H. R. 10986) for the relief of L. H. Lewis was considered as in Committee of the Whole. It proposes to pay to L. H. Lewis \$33.65, amount due him for expenses incurred in excess of his traveling allowance as deputy collector of internal revenue for the fiscal year ending June 30, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. A. LEWIS.

The bill (H. R. 10987) for the relief of A. A. Lewis was considered as in Committee of the Whole. It proposes to pay to A. A. Lewis \$128.02, amount due him for expenses incurred in excess of his traveling allowance as deputy collector of internal revenue for the fiscal year ending June 30, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARSEY O. BURROUGH.

The bill (S. 7859) for the relief of Parsey O. Burrough was considered as in Committee of the Whole. It proposes to confer jurisdiction upon the United States circuit court for the eastern district of Pennsylvania to adjudicate the two suits at law commenced in the court of common pleas of Philadelphia which by certiorari were removed to the said circuit court, namely, the suits of Parsey O. Burrough for the recovery of alleged illegally collected taxes, paid under protest, one against the administrator of William H. Barnes, late collector of internal revenue for the first district of Pennsylvania, in which claim is made for the sum of \$2,204.49, and the other against the administrator of John H. Diehl, late collector of internal revenue for the second district of Pennsylvania, in which claim is made for the sum of \$1,807.09.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSIT SAVINGS ASSOCIATION, MOBILE, ALA.

The bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., was read.

Mr. ALDRICH. I should like to hear the report to that case. The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from Rhode Island, if there is no

The Secretary read the report submitted by Mr. Clapp, from

the Committee on Claims, January 19, 1909.

Mr. ALDRICH. I think the bill had better go over.

afraid its passage might establish a very dangerous precedent.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

Mr. JOHNSTON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Alabama?
Mr. ALDRICH. Certainly.

Mr. JOHNSTON. Mr. President, I ask the Senator from Rhode Island if he has read the report on this bill? It shows that the bill has been considered by the other House and by the Senate on several occasions and unanimously approved by each every time it has been considered. The bill provides for the restoration of a tax that this association was informed by the collector of internal revenue was not due at all, but it was paid; and it was upon three separate rulings of the department that these certificates of deposit were issued. I hope the Sena-tor from Rhode Island will not ask that the bill go over. It has been, as I have stated, fully considered and unanimously con-curred in on every occasion when it has been before either House.

Mr. ALDRICH. Without taking the time of the Senate to debate it now, I should like to examine the bill, because it is important, in my judgment, that a precedent should not be established of relieving a banking institution from the payment

of the 10 per cent tax if the notes which it issued could be construed as being circulating notes.

Mr. CLAPP. If the Senator from Rhode Island will pardon me for a moment

The VICE-PRESIDENT. The Chair would suggest that debate on this bill is by unanimous consent.

Mr. CLAPP. I know; but I merely wish to say that Congress passed a law relieving all such institutions as to "pending cases," but the parties having sold the property in this case, the department held that it was not a "pending case" within the law which had been expressly passed for the relief of those associations, and consequently a congressional enactment is required. The bill establishes no precedent. Had the property not been already sold, so that it could not have been called a "pending case," it would have come under the law which Congress did pass to relieve such cases. It is nothing to me personally; but the Senator from Alabama [Mr. Johnston] is interested in the bill.

Mr. ALDRICH. Were certificates of deposit issued in de-nominations so that they could pass as currency?

Mr. CLAPP. They undoubtedly were; but Congress afterwards relieved the associations from that ruling, and this association would have been relieved, except that the property had been seized and sold, and the department held that this was not pending case."

Mr. ALDRICH. I should be glad to examine the case, and I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

CLAIMS OF RELIGIOUS ORDERS IN THE PHILIPPINES.

The bill (S. 8478) to provide for payment of the claims of certain religious orders in the Philippine Islands was considered as in Committee of the Whole. The bill had been reported from as in Committee of the Whole. The bill had been reported from the Committee on the Philippines with amendments, on page 1, line 4, after the words "sum of," to strike out "\$80,243" and insert "\$80,083.50;" in line 10, after the word "thousand," to strike out "nine" and insert "eight;" on page 2, line 2, after the name "Recoletos," to strike out "\$13,024.50" and insert "\$12,615;" and in line 4, after the name "Franciscans," to strike out "six thousand six hundred and thirty" and insert "six thousand nine hundred and eighty" so as to make the bill read:

out "six thousand six hundred and thirty" and insert "six thousand nine hundred and eighty," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$80,083.50, to be paid by the Secretary of War to the properly accredited representatives of the following-named four religious orders of the Roman Catholic Church in the Philippine Islands according to the amounts set forth: The Augustinians, \$43,822.50; the Dominicans, \$16,666; the Recoletos, \$12,615; and the Franciscans, \$6,980; and that the acceptance by the properly accredited representatives of said respective religious orders of the separate amounts above specified shall be in full satisfaction of all claims for use and occupation of the property of said respective religious orders in said islands, and for damages done thereto by the military forces of the United States prior to the date, to wit, January 24, 1906, of the official report of the "board on church claims," which said board, composed of John A. Hull, lieutenant-colonel, judge-advocate; Alexander O. Brodie, lieutenant-colonel, military secretary; and J. W. Moore, first lieutenant, Second Cavalry, was duly convened, August 1, 1905, at headquarters Philippine Division, in the city of Manila, in said islands, to consider and report upon said claims.

The amendments were agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. FOSTER AND HORACE H. SANFORD.

The bill (S. 5009) to reimburse John G. Foster and Horace H. Sanford was considered as in Committee of the Whole. It proposes to pay to John G. Foster and Horace H. Sanford

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

S. W. LANGHORNE AND H. S. HOWELL.

The bill (S. 1177) for the relief of S. W. Langhorne and H. S. Howell was considered as in Committee of the Whole. It proposes to pay to S. W. Langhorne and H. S. Howell, of Helena, Mont., \$1,568, that being the amount paid by them for rent of the building used by the United States for a land office at Helena, Mont., from November, 1885, up to and including June, 1900, a period of fifty-six months, at \$14 per month, and to pay the further sum of \$280 for janitor service for the same period at \$5 per month, in all \$1,848.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF TUG JUNO.

The bill (S. 5510) for the relief of the owners of the tug Juno was considered as in Committee of the Whole. It proposes to

pay to the owners of the tug Juno \$376.50, in full compensation for damages occasioned by collision with the United States Marine-Hospital Service steamer Neptune in Wilmington Creek, Delaware, on June 4, 1907.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

OWNERS OF BRITISH STEAMSHIP MAROA.

The bill (S. 8379) for the relief of the owners of the British steamship Maroa was considered as in Committee of the Whole. It proposes that the claim of the owners of the British steamship Maroa for reimbursement for the cost of repairs and for demurrage as the result of a collision with the U. S. S. Rocket on the night of February 2, 1907, in the harbor of Norfolk, Va., be referred to the United States district court, eastern district of Virginia, with jurisdiction to hear and determine the same to judgment; but the petition must be filed within twelve months from the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

E. C. STURGES.

The bill (H. R. 13955) to compensate E. C. Sturges for property lost during the Spanish-American war was considered as in Committee of the Whole. It proposes to pay to E. C. Sturges, late captain, First Illinois Volunteer Infantry, war with Spain,

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT S. DAME.

The bill (H. R. 10606) for the relief of Robert S. Dame was considered as in Committee of the Whole. It proposes that Robert S. Dame shall be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant, Company D, First U. S. Veteran Volunteers, and authorizes the Secretary of War to issue him a certificate of honorable discharge; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAFAYETTE L. M'KNIGHT.

The bill (H. R. 16015) for the relief of Lafayette L. McKnight was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to add at the end of the bill:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc. That Lafayette L. McKnight, also borne as Lafayette McNight, be held and considered to have served as a private in Captain Brooks's company, Mechanic Fusileers, later designated as the Fifty-sixth Illinois Infantry, from October 20, 1861, to January 28, 1862, and to have been honorably discharged therefrom: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

OFFICERS OF MEDICAL DEPARTMENT, U. S. ARMY.

The bill (S. 6199) to credit certain officers of the Medical Department, U. S. Army, with services rendered as acting assistant surgeons during the civil war, was considered as in Committee of the Whole. It proposes that any officer of the Medical Department, U. S. Army, below the grade of brigadiergeneral, who served creditably as an acting assistant surgeon in the army during the civil war prior to April 9, 1865, and has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the army with the rank and retired pay of one grade above that actually held by him at the date of his

Mr. KEAN. Mr. President, let us have an explanation of that bill by the Senator from Wyoming [Mr. WARREN].
Mr. WARREN. Mr. President, this bill will affect but five

Mr. WARREN. Mr. President, this bill will affect but five people. These five served in the civil war and waited their turn to be made regular assistant surgeons, but were serving as acting assistant surgeons, or really more like contract surteedel, it will go to the calendar under Rule IX.

geons, until an opening should be made. Later they were taken into the regular establishment, as were many volunteer officers. The bill proposes to place them on the level with all others who served either as officers or privates during the civil war.

Mr. KEAN. But, Mr. President, does the bill make any distinction between officers who are already on the retired list? It allows these, I notice, to be advanced one grade.

the others retired in the same way?

Mr. WARREN. All the others were retired in the same way; the only difference being that these five were serving during the civil war a part or all of the time as acting assistant or contract surgeons before they entered the regular service, and they served during the balance of the war and continually thereafter until retirement. All the other officers have been given this advancement.

The act approved April 23, 1904, grants advancement or re-tirement to any officer below the grade of brigadier-general who served with credit as an officer or enlisted man during the civil war prior to April 9, 1865. It is held, however, that an officer who served as a contract surgeon or an acting assistant surgeon is not comprehended within the terms of that act. It appears to be plain that the service of these medical officers was, in its essential nature, of the same character as that intended to be rewarded by the act, and in equity its provisions ought to be extended so as to embrace the five officers provided for in this bill.

Mr. McCREARY. I will add, Mr. President, that this action is also recommended by the Assistant Secretary of War.

Mr. WARREN. Oh, yes.
Mr. KEAN. And it only affects five officers?
Mr. McCREARY. I think there are only five.
Mr. WARREN. I am not certain that there are five now liv-

ing. There were six living when the bill was first introduced, but only five living now.

Mr. KEAN. And they are probably all pretty old by this

time?

Mr. WARREN. Yes; all of them. Mr. KEAN. I should think it probable they would be.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEZ PERCÉ INDIAN RESERVATION LAND.

The bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation was considered as in Committee of the Whole, It proposes that the law providing for the sale of any isolated or disconnected tract or parcel of the public domain shall be extended and made applicable to any isolated and unappropriated public lands embraced within the Nez Percé Indian Reservation; but for agricultural lands purchasers under this act shall pay not less than \$3.75 per acre, and for lands valuable for stone and timber not less than \$5 per acre.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LE BEAU LAND DISTRICT, SOUTH DAKOTA

The bill (S. 8067) authorizing the creation of a land district in the State of South Dakota, to be known as the Le Beau land district, was announced as next in order.

Mr. KITTREDGE. Let that bill go over under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the junior Senator from South Dakota.

Mr. GAMBLE. Mr. President, I presume, under the rule of the Senate, that motion will be insisted upon. This bill, however, is a matter of importance to our State. About 3,000,000 acres are to be opened under existing law, and registration under the administration of the department will be had during the coming fall. It is a matter of the utmost importance to the people in our State that this bill be passed. It has been favorably recommended by the department. After the fullest consideration, the bill was prepared for the creation of this district, the segregation of some of the lands, and the putting them into another district already existing.

The bill has been unanimously reported by the Committee on Public Lands; and if my colleague [Mr. KITTREDGE] has objection to it, would it not be better to permit the bill to be passed over, but retaining its place upon the calendar, so that it might be taken up at some convenient time? I respectfully ask that

ELIZABETH G. MARTIN.

The bill (S. 8252) for the relief of Elizabeth G. Martin was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with an amendment, in line 3, after the words "sum of," to strike out "twenty-five" and insert "five," so as to make the bill read:

Be it enacted, etc., That the sum of \$5,000 for the aid and support of Elizabeth G. Martin, widow of James P. Martin, who lost his life as the result of injuries received on the 6th day of April, 1906, by being run over by an engine of the Isthmian Canal Commission at Paraiso belonging to the United States, being operated on the Panama Railroad at Paraiso, in the Canal Zone, be hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be paid to the said Elizabeth G. Martin by the Secretary of the Treasury immediately upon the approval of this act.

Mr. KEAN. Mr. President, I have no objection to the amendment, but this belongs to a class of claims that I think ought to be paid out of the appropriation for the construction of the canal. I do not think such claims ought to be paid from the Treasury of the United States in this manner. I should like to hear what the chairman of the Committee on Interoceanic Canals has to say on the subject.

Mr. KITTREDGE. I beg pardon of the Senator from New

Jersey; I was not listening at the moment.

Mr. KEAN. This is the claim of a person named Martin for the killing of her husband on the Isthmus of Panama by being run over by a railroad train there. She seeks to get redress from the Treasury of the United States, instead of from the Canal Commission.

Mr. KITTREDGE. Mr. President, under the statement made by the Senator from New Jersey, I move that the bill be re-

ferred to the Committee on Interoceanic Canals.

Mr. FULTON. Mr. President, I do not think that motion should prevail. This is a meritorious bill.

Mr. KEAN. I agree with the Senator that it is a meritorious

bill.

Mr. FULTON. Well, it should not be referred to another committee. It would, I think, be doing the claimant a great deal of injustice. It is a case where her husband was killed in a manner grossly negligent, utterly inexcusable, and entirely indefensible. The committee unanimously agreed to a favorable report on the bill. I only regret that the sum was not made larger. I do not think that the bill ought to be rereferred.

The VICE-PRESIDENT. The question is on agreeing to the motion to refer the bill to the Committee on Interoceanic

Canals.

Mr. CURTIS. Mr. President, a similar bill was passed at the last session of Congress and the amount carried by it was to be paid out of the Treasury of the United States. The item was finally put on an appropriation bill. I have not recently leaked into the case but was stream have not recently looked into the case, but my attention has been called to it. As the Senator from Oregon [Mr. Fulton] has said, this is a very meritorious bill. I hope there will be no delay in acting upon it and that it will go through to-day.

Mr. KITTREDGE. It is quite true that at the last session of Congress a bill of the character mentioned was passed by this body, but that bill was referred to the Committee on Interoceanic Canals, acted upon favorably by that committee, and passed by the Senate upon its recommendation. I insist that claims of this character should go to the Committee on Interoceanic Canals, that they may have the benefit of such information as the Isthmian Canal Commission may have, and then be acted upon.

I know nothing of this claim. The first I ever heard of it was from the suggestion of the Senator from New Jersey [Mr. Kean]. It seems to me that, in the first instance, this bill ought to have gone to the Committee on Interoceanic Canals and

there have been acted upon.

Mr. FULTON obtained the flocr. Mr. CURTIS. Mr. President

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. FULTON. I will yield in a second.

Mr. President, I disagree entirely with the Senator from South Dakota as to the jurisdiction of the respective committees. This is essentially a claim against the United States Govern-It is a claim-

Mr. KEAN. It is a claim against the Isthmian Canal Com-

Mr. FULTON. It is not. It is a claim against the United States Government. The Isthmian Canal Commission is not an incorporated body; it is simply a commission, an agency of this Government; and what that commission does this Government does, just exactly the same as when a private individual is represented by his agent.

demands of this character should go to the Committee on Claims. The Senator might, with equal consistency, contend that the bills that arise under the Navy Department should go to the Committee on Naval Affairs; but they do not. Under the rule and under the judgment of the Senate, determined a year or two ago, all such claims or demands go to the Committee on Claims, because they are claims against the Government—not against a department, not against a commission. Would anyone pretend to say, Mr. President, that under any rule of law a claim could be established by a proceeding against the Isthmian Canal Commission? That is simply a representative body, an agency of this Government.

I should care nothing about this matter, personally, were it not for the fact that I know that to refer this bill to the Committee on Interoceanic Canals would simply mean to defeat it at this session of Congress at least; and, knowing as I do the merits of the bill and the very great hardship the widow of this man has had imposed upon her by this casualty, I will not consent to a reference of the bill so far as my vote is concerned.

Mr. KITTREDGE. Will the Senator from Oregon advise me of the character of the injury and the circumstances under

which the injury occurred?

Mr. FULTON. The circumstances were these: The man was an employee on the Canal Zone, an accountant or acting in some capacity of that character. He was crossing a railroad track. A train coming down did not whistle, gave no indication whatever of its approach, and ran over him. The engine did not ring its bell and gave no alarm whatever.

Mr. KITTREDGE. Was the train operated by the railroad

company or by the commission?

Mr. FULTON. The commission, I suppose, controls the operation of it. It is owned by the Government.

Mr. KITTREDGE. But, Mr. President, for the information of the Senator from Oregon, let me suggest that the Panama Railroad Company is a New York corporation.

Mr. FULTON. We understand that, but we also understand that the Comment controls and controls and controls and controls.

that the Government controls and operates it.

Mr. CARTER. Mr. President-The VICE-PRESIDENT. De

Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. I yield to the Senator.

Mr. CARTER. I suggest that this protracted debate is in violation of the unanimous-consent agreement.

Mr. KITTREDGE. Let the bill go to the calendar under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from South Dakota.

JOHN WAGNER.

The bill (H. R. 4119) to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John Wagner, of Campbell Hall, N. Y., \$152.53, for carrying the United States mails to the Wallkill Valley Railway and to the post-office at Campbell Hall, N. Y., from November 3, 1897, to January 7, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. TRACY.

The bill (H. R. 20171) to correct the military record of George H. Tracy, was considered as in Committee of the Whole. The bill was reported by the Committee on Military Affairs with an amendment on page 1, line 12, after the word "revoked," to insert "Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act," so as to make the bill read:

as to make the bill read:

Be it enacted, etc., That George H. Tracy, late captain Company I, Thirtythird Regiment Missouri Volunteer Infantry, shall be held and considered to have been honorably discharged from the service of the
United States by Special Orders, No. 24, Department and Army of the
Tennessee, dated March 4, 1865, and said orders shall be held in force,
and Special Orders of the War Department No. 102, dated March 1,
1865, dishonorably dismissing said Tracy, shall be held revoked: Provided, That no pay, bounty, or other emolument shall become due or
payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BAILROAD TRACKS IN THE DISTRICT.

The bill (H. R. 15448) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the The bill properly went to the Committee on Claims. No other committee of the Senate properly has jurisdiction of it. All press and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, was considered as in Committee of the Whole. It proposes that section 12 of the "Act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, be amended by inserting after the words "shall be paid by said company'

Provided, however, That said company, for the purpose of making the necessary change from underground to overhead wire in the conduct and operation of its cars at the north end of the new Highway Bridge, shall be permitted to use an approved overhead-wire system on the approach to said bridge for a distance of not more than 350 feet from the northerly or Washington end of the bridge; the location, construction, and maintenance of all parts of the overneed and underground systems of the necessary plow pits and of the asphalt or other paving between the tracks and the 2 feet outside thereof on the bridge and both approaches to be subject at all times to the supervision, instructions, and approval of the Secretary of War; and all instructions and requirements of the Secretary of War shall be fully complet with by the said company within the time specified, at its own expense and without cost to the United States.

The hill was reported to the Senate without amendment or-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF DISTRICT FOUNDLINGS HOSPITAL

The bill (8. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia, was considered as in the Committee of the Whole. It proposes to amend section 4 of "An act incorporating a hospital for foundlings in the city of Washington," approved April 22 1870 (16 Stat., p. 92), which provides that "It shall be 22, 1870 (16 Stat., p. 92), which provides that "It shall be the duty of the president and directors to report to the Secretary of the Interior the condition of said institution on the 1st day of July in each year," by substituting the words "Commissioners of the District of Columbia" for "Secretary of the

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIRE ESCAPES IN THE DISTRICT.

The bill (S. 6160) to amend section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," was considered as in Committee of the Whole. The bill was reported from the Committee on the District of Columbia with amendments, on page 2, line 6, after the word "extend," to strike out "to or," in the same line, after the word "with," to insert "ventilating;" in line 7, after the word "skylight," to strike out "guides" and insert "and guide;" and in the same line, after the word "buildings," to strike out "except stores and warehouses;" in line 11, after the word "escapes," to strike out "guides," and insert "and guide;" and in the same line, after the word "signs," to strike out "lights, and alarm gongs" and insert "when the stairways, elevator shafts, and means of egress are reasonably safe in the judgment of the Commissioners of the District of Columbia;" so as to make the bill read:

Be it enacted, etc., That section 5 of an act entitled "An act to require act to require the erection of fire escapes in certain buildings in

Be it enacted, etc., That section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907, be so amended as to read as

follows:

"Sec 5. That each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fire-proof compartment or inclosure separating the elevator shalt and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with self-closing fireproof doors; and that such elevator shaft shall extend above the roof and terminate with ventilating skylight. That such buildings as are defined under the building regulations of the District of Columbia to be fireproof are exempted from the requirements of this act as to fire escapes and guide signs when the stairways, elevator shafts, and means of egress are reasonably safe in the judgment of the Commissioners of the District of Columbia."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAN CARLOS INDIAN RESERVATION, ARIZ.

The bill (S. 8443) to authorize the Secretary of the Interior to permit the quarrying and sale of tufa stone from the San Carlos Indian Reservation, in Arizona, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CHURCH, IDAHO.

The bill (S. 7185) authorizing the Secretary of the Interior to issue patent in fee to the Domestic and Foreign Missionary

Society of the Protestant Episcopal Church of the United States of America, for the use of the Protestant Episcopal Church in Idaho, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN LANDS IN CALIFORNIA.

The bill (S. 8048) to withdraw from settlement and entry certain lands in the State of California was considered as in Committee of the Whole. It directs that all of the public lands in section 8, township 1 south, range 2 west, and in sections 2, 4, 8, 10, and 12, in township 1 south, range 3 west, San Ber-2, 4, 8, 10, and 12, in township I south, range 5 west, that is nardino base and meridian, in the State of California, be withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernard

dino Valley. But the proposed act shall not defeat any vested right which has attached under any pending entry or location.

Mr. KEAN. I think this is an adverse report. Am I correct?

Mr. FLINT. No. There are two bills. One bill is adversely reported, but the one which has just been read has a favorable

report.

Mr. KEAN. I was mistaken. I turned over one page too many on my calendar, and found a similar bill with an adverse report.

Mr. FLINT. That has reference to another bill, reported at the same time as this. The difference between the two bills is that there is a proviso in the bill just read that this bill shall not interfere with any claims now upon these various tracts of land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNIVERSITY OF THE STATE OF IDAHO.

The bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was to strike out all of section 1 in the following words:

That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the State of Idaho, for the use of the Northern Idaho Insane Asylum, land not to exceed in area four sections, to be selected by the governor of the State, within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said State to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior, but which shall not be less than \$2.50 per acre. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

The amendment was agreed to.

The next amendment was, on page 2, line 4, to strike out the words "Sec. 2," so as to read:

Words "Sec. 2," so as to read:

That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the regents of the University of the State of Idaho, for the use of said university, land not to exceed 640 acres in area, to be selected by the said regents of the said university within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said regents to pay therefor, upon receiving a grant thereof, such price as shall be fixed by the Secretary of the Interior, but which shall not be less than \$2.50 per acre. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CANCELLATION OF INDIAN ALLOTMENTS.

The bill (S. 8442) to authorize cancellation of Indian allotments covering unsuitable lands and allotment of lands in lieu thereof, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, in line 7, after the word "unappropriated," to insert "unoccupied," so as to make the bill read:

Be it enacted, etc., That if any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPEALS TO SUPREME COURT IN CERTAIN CASES.

The bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes, was announced as the next business in order on the calendar.

Mr. CLAPP. Let the bill be passed over.

Mr. KEAN. Let the bill go to the calendar under Rule IX. Mr. CLAPP. I hope the Senator will not press that request. It is a department bill, and it is one we ought to pass, but there is amendment to be made to it, and we are not prepared to make it at present.

Let it go over. Mr. KEAN.

The VICE-PRESIDENT. The bill will be passed over, at the request of the Senator from Minnesota.

PRACTICE OF MEDICINE IN THE DISTRICT.

The bill (S. 8541) to amend section 12 of the act regulating the practice of medicine and surgery in the District of Columbia was announced as the next business in order on the cal-

Mr. GAMBLE. In the absence of the chairman of the committee, I suggest that the bill go over, retaining its place on the calendar. Since the bill was reported certain information has been received, and I do not think the chairman of the committee intends to call it up at present.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from South Dakota.

DISTRICT MILITIA

The bill (H. R. 21926) for the organization of the militia in the District of Columbia was announced as the next business in order on the calendar.

Mr. CARTER. I do not see present the Senator having the bill in charge, and I suggest that it go over, retaining its place. The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Montana.

REGISTERS OF LAND OFFICES.

The bill (S. 6986) for the relief of registers and former registers of the United States land offices was announced as the next business in order on the calendar.

Mr. KEAN. This is rather an important bill, and I think it had better go over. I have been trying to find out how much

money is involved in it, and I can not.

Mr. CLAPP. It is impossible to ascertain that with exact-It is to reimburse for fees held up. The report explains the bill very carefully and very fully.

The VICE-PRESIDENT. Does the Senator from New Jersey

object to the present consideration of the bill?

Mr. KEAN. Let it go over.
The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

ROCK RIVER (ILLINOIS) BRIDGES.

The bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois, was considered as in Committee of the Whole.

Mr. CULLOM. I suppose the bill was reported from the Committee on Commerce?

The VICE-PRESIDENT. It was.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO CERTAIN WIDOWS.

The bill (S. 7960) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," was considered as in Committee of the Whole. It proposes to amend section 2 of the act referred to, so as to read as fol-

Sec. 2. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late civil war and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army or navy service, be placed on the pension roll from the date of the filing of her application therefor under this act at the rate of \$12 per month during her widowhood: Provided, That said widow shall have married said soldier or sailor prior to the passage and approval of this act, and the benefits of this section shall include those widows whose husbands if living would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906.

Mr. KEAN. I should like to have the Senator from North Dakota [Mr. McCumber] explain the bill—how much money it will take and what the increase is.

Mr. McCUMBER. Mr. President, I will explain the bill very Senators all understand that on June 27, 1890, we briefly. enacted a law which granted to all widows who were married prior to that date to soldiers of the civil war the sum of \$8 per month. It excluded all of those who might be married after that date—June 27, 1890. Those who were married after that date were excluded, I presume on the assumption that a great many ingenious young women, desiring to secure a pension for life, might marry some of the old soldiers and in a very few years get the benefit of the pension.

The law continued in that shape as amended until 1908, when we passed a law granting all widows a pension at the rate of \$12 a month, but we limited the application again to that same old date—June 27, 1890. The bill passed the Senate in that condition, it being an amendment to a House bill. In order to get the bill for the increase of the pensions through, it was necessary for the Senate conferees to consent to drop

that portion of the bill.

So the bill for the increase left this limitation upon the

right of the widows to secure its benefit.

Mr. President, there is no reason on earth to my mind for excluding those widows who were married subsequent to 1890. None of those who married between June 27, 1890, and June 16, 1908, could have married for any consideration other than the usual matrimonial considerations, because none of them could have anticipated a possibility of securing a pension by reason of the marriage. I assume, therefore, that all of those marriages were regular and were proper in all respects.

I find that the average age of the soldier at that time was

about 48 years, and I am inclined to think there were not many women in the United States who took advantage of the immature men of 48 years of age and married them against their will. So I can see no reason for limiting the application of this law

June 27, 1890.

Now, as to the marriages since that date, assuming that they were regular and proper, and remembering also that nearly four-fifths of all the marriages have taken place since 1865, after the close of the war, there is just as much reason for granting a pension to a widow who was married after 1890 as to grant one a pension who was married between 1865 and 1890.

With respect to the cost of this bill, it is estimated by the department that there are about 20,000 of such widows who would come in under this proposed law. I do not know how the department arrives at this estimate. I do not know how they can ascertain the facts, and therefore I assume it is but a rough guess as to the number of marriages which have taken place since that time. If there were 20,000, it would probably amount to about \$2,000,000 additional per year.

Mr. WARREN. Will the Senator state how much a month

it is? Mr. McCUMBER. It would provide them all with \$12 a month.

Mr. WARREN. A hundred and forty-four dollars a year.
Mr. McCUMBER. It can be computed very rapidly. I have
not computed just exactly what it would be if there are 20,000,
but I assume it would be from a million to a million and a half dollars.

The cost of pensions during the last year has decreased be-tween two and two and a half million dollars, notwithstanding the enormous amount that we added a year ago.

Is the explanation sufficient?

Mr. KEAN. It is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. BLUROCK.

The bill (H. R. 19839) for the relief of W. H. Blurock was considered as in Committee of the Whole. It proposes to pay \$185 to W. H. Blurock for property destroyed by fire at Arling-

ton dock, Seattle, Wash., on May 7, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASTERN SALT COMPANY.

The bill (H. R. 14361) to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty was considered as in Committee of the Whole. It proposes to pay to the East-ern Salt Company, of Boston, Mass., \$384.84, the same being the amount of money paid by them as excess duty on certain salt in bulk.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

B. D. CROCKER.

The bill (S. 7861) for the relief of B. D. Crocker was considered as in Committee of the Whole. It proposes to credit B. D. Crocker, collector of internal revenue for the district of Washington, and his accounts with the sum of \$2,500, being the value of a book of retail liquor dealers' special tax stamps charged to him, destroyed by accidental burning in the building in Tacoma, Wash., in which the collector's office is located.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third

time, and passed.

WILLIAM MARTINSON.

The bill (S. 2544) for the relief of William Martinson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of William Martinson, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, and grant him an honorable discharge.

The amendment was agreed to.

Let the usual amendment be put on.

Mr. WARNER. Yes; strike out the period at the end of the bill and insert the usual proviso.

The Secretary. At the end of the bill it is proposed to insert: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESERT LAND IN NEW MEXICO AND ARIZONA.

The bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, was announced as the next business in order on the calendar.

Mr. KEAN. I think we ought to have some explanation of

the bill.

Mr. HEYBURN. I am loath to ask that this matter shall go over, but it seems to me that sufficient consideration has not been given to it to justify us in passing it at this time. I call attention to the fact that on the calendar it purports to have been reported from the Committee on Territories. The bill was reported from the Committee on Public Lands. That error runs all through the printing of the bill. It purports to come from the Committee on Territories. I will say I do not know where the error crept in. I was a member of the committee that reported the bill, and reserved the right to oppose it on the

Mr. KEAN. Let it go over.
Mr. HEYBURN. I think it had better go over.
The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Idaho.

Mr. HEYBURN. I would suggest that the correction be

made as to the committee from which the bill came.

The VICE-PRESIDENT. The Chair will state that the proper indorsements are upon the bill as it appears in the hands of the Secretary, it having been reported from the Committee on Public Lands. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8893) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

Ishac F. Jewett, late of Company D, Sixteenth Regiment

Maine Volunteer Infantry, and Company C, Tenth Regiment Vet-

eran Reserve Corps, \$30.

William Finsley, late of Company C, Fifth Regiment West Virginia Volunteer Cavalry, \$30.

Rodolph Crandall, late of Company A, First Battalion Nebraska Volunteer Cavalry, and captain Company L, Fifth Regiment Iowa Volunteer Cavalry, \$30.

James S. Bush, late of Company C, Eleventh Regiment Ohio

Volunteer Cavalry, \$24. Henry Lohr, late of Company K, Eighteenth Regiment Pennsylvania Volunteer Cavalry, \$24.

John F. Langley, late major, Twelfth Regiment New Hampshire Volunteer Infantry, \$50.

John W. Burst, late first lieutenant Company C, One hundred

and fifth Regiment Illinois Volunteer Infantry, \$50.

John C. Crawford, late of Company I, Forty-fourth Regiment

Illinois Volunteer Infantry, \$30.

James T. Kent, late of U. S. S. Huntress, Mississippi River

Squadron, U. S. Navy, \$24.
William Haines, late of Company K, Ninth Regiment Ohio Volunteer Cavalry, \$24.
Isaac A. Arnold, late second lieutenant and first lieutenant

Company A, Forty-sixth Regiment Illinois Volunteer Infantry,

William F. Windle, late of Company C, Sixty-sixth Regiment

Indiana Volunteer Infantry, \$24.
Samuel West, late first lieutenant and adjutant Fifty-ninth

Regiment Illinois Volunteer Infantry, \$50. Lauren Mullin, late of Company K, Sixty-third Regiment Indiana Volunteer Infantry, \$24

James M. McKain, late of Company I, Eighteenth Regiment

Iowa Volunteer Infantry, \$24.

Robert A. McNutt, late of Company K, One hundred and seventy-seventh Regiment Pennsylvania Drafted Militia Infantry, \$24.

William H. Manson, late of Company B, Fifty-ninth Regiment New York Volunteer Infantry, \$30.

John Womersley, late of Sixteenth Independent Battery,

Massachusetts Volunteer Light Artillery, \$30.

Thomas D. Osborne, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, \$24.

George D. Smith, late of Company K, Second Regiment New

York Volunteer Infantry, \$30. Lois M. Price, widow of Albert C. Price, late of Company G, Thirty-seventh Regiment New York State Militia Infantry, \$12.
William C. George, late of Company D, Ninth Regiment In-

diana Volunteer Infantry, \$24.

Isaac N. Van Pelt, late of Company I, One hundred and sixtyeighth Regiment Ohio National Guard Infantry, \$24.

Alfred A. Gambill, late of Company A, Thirteenth Regiment

Kentucky Volunteer Cavalry, \$30.

Albert W. Brewster, late first lieutenant and adjutant One hundred and forty-second Regiment Illinois Volunteer Infantry,

Richard Pascoe, late of U. S. S. Constitution, United States Navy, \$24.

Arthur Ruble, late of Company A, Fifteenth Regiment West

Arthur Ruble, late of Company A, Threenth Regiment West Virginia Volunteer Infantry, \$30.

Joseph Swarthout, late of Company K, Twentieth Regiment Michigan Volunteer Infantry, \$24.

William Passler, alias John Kropston, late of Company A, First Regiment Indiana Volunteer Heavy Artillery, \$24.

George W. McAllister, late first lieutenant Company B, Sixteenth Regiment Illinois Volunteer Infantry, \$30.

Abraham W. Howard, late of Company G, Seventh Regiment Ohio Volunteer Cavalry, \$24.

Isaac H. Sprague, late of Company C, Twentieth Regiment New York Volunteer Cavalry, \$24.

Charles Hanson, late of Company A, Second Regiment, and Company G, Sixth Regiment, Wisconsin Volunteer Infantry, \$30. George F. Cook, late of Company I, Second Regiment Iowa

Volunteer Infantry, \$24.
George W. Tilton, late of Company H, Ninety-second Regiment, and Company G, Sixty-fifth Regiment, Illinois Volunteer Infantry, \$24.

Harrison J. Case, late of Company F, Third Regiment Wis-

consin Volunteer Cavalry, \$24.

Robert B. Longstaff, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, \$30.

James R. Rundlett, late of Company D, Nineteenth Regiment

Wisconsin Volunteer Infantry, \$24.
William Bernard, late of Company B, Sixty-eighth Regiment

Illinois Volunteer Infantry, \$24.

Frederick E. Sebastian, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, \$24.

Alvin W. Bunnell, late of Company B, Seventh Regiment Con-

necticut Volunteer Infantry, \$30.

James M. Perkins, late of Company H, Fourteenth Regiment

Connecticut Volunteer Infantry, \$30.

Peter Schang, late of Company C, Tenth Regiment New York Volunteer Cavalry, and Company C, First Regiment New York Provisional Volunteer Cavalry, \$30. William Condo, late of Company I, Ninth Regiment Indiana

Volunteer Infantry, \$24.

Florence Haggerty, late of Company E, Ninety-ninth Regiment, New York National Guard Infantry, \$12.

Charles N. Baker, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, \$30.

John Ackley, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$24.

Luman M. Grout, late of Company D, Ninth Regiment U. S. Infantry, war with Mexico, and major, Eighth Regiment Vermont Volunteer Infantry, \$30.

Francis L. Knapp, late of Company D, Sixth Regiment Vermont Volunteer Infantry, \$30.

Henry K. Haskell, late of Company F, Fifty-second Regiment Massachusetts Volunteer Infantry, \$30.

Richard R. Davies, late of Company H, Thirty-sixth Regiment Wisconsin Volunteer Infantry, \$30.

Marcus Daniels, late of Company D, Nineteenth Regiment

Marcus Danieis, late of Company D, Mineteenth Regiment Michigan Volunteer Infantry, \$30.
William A. Menor, late of Company I, Forty-sixth Regiment Wisconsin Volunteer Infantry, \$24.
Henry C. Washburn, late of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, \$30.
Joseph D. Holt, late acting assistant surgeon, United States

Army, \$40.

Lewis Sims, late captain Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, \$40.

Robert E. Huff, late of Company G, Forty-seventh Regiment

Illinois Volunteer Infantry, \$30.

Robert B. Mills, late of Company H, Thirty-seventh Regiment New York Volunteer Infantry, \$24.

Wesley Hoover, late of Company A, One hundred and fifth Regiment Pensylvania Volunteer Infantry, \$24.

Irena Brown, widow of James W. Brown, late of Companies and D, Second Regiment Kansas Volunteer Cavalry, \$12.

John P. Bastian, late of Company K, Fifth Regiment Pennsyl-

rania Volunteer Cavalry, \$24.

Edwin B. Brewster, late of Company D, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, \$30.

Edwin E. Chase, late of Company B, Third Regiment Massa-chusetts Volunteer Cavalry, \$30.

Joel E. Cox, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, \$30.

Charles H. Bassett, late of Company D, First Regiment Wis-

consin Volunteer Cavalry, \$30.

Martin Long, late of Company I, Fourth Regiment Illinois Volunteer Cavalry, and U. S. S. Cairo, New Era, and Clara Dolsen, United States Navy, \$30.

Samuel L. Shannon, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, \$24.

Susannah M. Magee, widow of Dennis Magee, late of Company C, Second Battalion, District of Columbia Volunteer Infantry, \$12.

Theophilus K, Harman, late of Company H, Tenth Regiment Indiana Volunteer Infantry, \$30.

Albert Boon, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, \$24.

William J. Renard, alias Charles A. Douglas, late of Troop D, Fifth Regiment U. S. Cavalry, \$30.

Stephen Robinson, late of Company G, Fifth Regiment, and Company F, Thirtieth Regiment Maine Volunteer Infantry, \$24. Mary E. Shrewsbury, widow of Joel L. Shrewsbury, late of Company E, Enterprise Home Guards, Fourth Regiment, Second Brigade, Indiana Legion, \$12.

James S. Davis, late of Company L, Tenth Regiment Rhode

Island Volunteer Infantry, \$24.
William Bernhard, late of Company A, Eleventh Regiment

Rhode Island Volunteer Infantry, \$30.

George W. Stoddard, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, \$30.

Thomas B. Stewart, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, \$24.

John Martin, late of Company B, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, \$30.

Samuel J. Taylor, late of Company I, One hundred and fifteenth Regiment Indiana Volunteer Infantry, \$24.

Napoleon B. Bowker, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, \$24.

Virginia L. Caldwell, widow of Charles T. Caldwell, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, \$20.

William M. Clapp, late of Company G, Fifth Regiment Massachusetts Volunteer Infantry, \$30.

Darius S. Sanborn, late of Company D, Maine Volunteer Coast Guards, \$24.

John Deneen, late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, \$30.

Edward J. Golden, late of Company L, Second Regiment Illinois Volunteer Light Artillery, \$24.
William S. Safford, late of Battery B, Fifth Regiment U. S.

Artillery, \$24.

Erwin C. Watkins, late captain and assistant adjutant-general, United States Volunteers, \$30.

George W. Buswell, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and first lieutenant and adjutant Sixty-eighth Regiment U. S. Colored Volunteer Infantry.

fantry, \$24. William J. Gardner, late of Company B, Third Regiment Delaware Volunteer Infantry, \$24.

John M. Adams, late captain Company F, Thirty-fourth

Regiment U. S. Colored Volunteer Infantry, \$30.

Mary A. Hayward, widow of William H. Hayward, late of Company H, Fifty-second Regiment Massachusetts Volunteer Infantry, \$20.

Thomas Entwistle, late of Company D, Third Regiment New Hampshire Volunteer Infantry, \$30.

Ellen R. B. Morrill, widow of Ezekiel Morrill, late assistant surgeon Thirteenth Regiment New Hampshire Volunteer In-fantry, and surgeon First Regiment New Hampshire Volunteer Heavy Artillery, \$25.

Heavy Artillery, \$25.

Daniel M. White, late of Company E, First Regiment New Hampshire Volunteer Cavalry, and major and assistant inspector-general second division, Fourth Army Corps, \$50.

Rebecca W. Carroll, former widow of Enoch Lurvey, ir., late of Company H, Fourth Regiment Maine Volunteer Infantry, and United States Navy, \$12.

The bill was reported to the Senate without amendment, ordered to be recognited for a third reading road the third time.

dered to be engrossed for a third reading, read the third time. and passed.

TIMBER IN ALPENA AND ROSCOMMON COUNTIES, MICH.

The bill (S. 8786) to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties Mich., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to sell and dispose of the dead, down, and injured timber upon the public lands of the United States in the counties of Alpena and Roscommon, Mich., killed, felled, or injured by the forest fires which burned over the public lands in that territory during the year 1908.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. poses to place upon the pension roll at the rate per month therein specified the following-named persons:

Clara J. Sitton, widow of Felix G. Sitton, late of Company H, First Regiment Doniphan's Missouri Mounted Volunteer Infantry, war with Mexico, \$12.

Caloway G. Tucker, late of Company C, Third Regiment Tennessee Volunteer Infantry, \$30.

Thomas B. Stewart, late of Company I, Eighth Regiment Massachusetts Volunteer Infantry, war with Spain, \$12. Alanza A. Bailey, late of Battery A, Wyoming Volunteer Light.

Artillery, war with Spain, \$50. Caroline Oliver, widow of Edward Oliver, late of Captain

Parker's company, A, Iowa Dragoon Volunteers, war with Mexico, \$12.

Prudencio Ortagus, late of Captain Mickler's independent company, Florida Mounted Volunteers, Florida Indian war, \$16. Benjamin B. Turner, late of Capt. Thomas Ledwith's com-

pany, Florida Militia, Florida Indian war, \$16. The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

THOMAS C. CLARK.

The bill (S. 4426) for the relief of Thomas C. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "\$1,056" and insert "\$758.75," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas C. Clark, inspector of construction, quartermaster's department at Seattle, Wash., the sum of \$758.75, out of any money in the Treasury not otherwise appropriated, to reimburse him for household goods destroyed by a fire which con-

sumed the quartermaster's warehouse at Seattle, Wash., May 7, 1906, which goods were in the custody of the United States Government for transportation.

The amendment was agreed to.

Mr. BURKETT. I should like to have the chairman of the Committee on Claims, who reported this bill, explain it somewhat. Will he state whether this is not doing something that we have not been usually doing? I can not understand the bill just from hearing it read, and from glancing through the re-port hastily it seems to me it is a departure.

Mr. FULTON. I think the Senator is mistaken in saying it has not been customary to pass such bills. It is a character of claim which has been regularly recognized. This party had placed his household effects on the government wharf. He was on his way to Spokane in government employ; by direction of the Government he was moving to that point, and his household goods, arriving at Seattle, were placed on the government wharf, and were there burned. It has been the practice in these cases, where a party is traveling by direction of the Government, taking along only such things as the Government deems proper and necessary in the circumstances, and they are lost en route, to compensate him for them.

Mr. BURKETT. In what department was he employed? Mr. FULTON. I will have to look at the report, because there are several such cases. Perhaps the Senator from Washington [Mr. Piles], who is more familiar with the circumstances, can answer the question.

Mr. PILES. Mr. Clark was inspector of construction at Fort Casey, State of Washington, and he was directed by his superior officers to proceed to Spokane, Wash., in pursuance of other government employment. The Government having ordered him to this point, he had to take his household goods with They were shipped on the steamship Cartwright, a government vessel, from Fort Casey to Seattle, Wash., and while the goods were awaiting transfer from the wharf to the train they were destroyed in a government warehouse.

Mr. FULTON. Will the Mr. PILES. Certainly. Mr. FULTON. I will s Will the Senator from Washington allow me?

Mr. FULTON. I will state——
Mr. BURKETT. That removes the difficulty, so far as I am

Mr. FULTON. I merely wanted to say, had he been an enlisted man the account would have been audited by the department and paid direct.

The bill was reported to the Senate as amended, and the

amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY G. RUPP.

The bill (S. 2489) for the relief of Harry G. Rupp was considered as in Committee of the Whole. It proposes to pay to Harry G. Rupp, quartermaster's clerk at Seattle, Wash., \$1,556.70, to reimburse him for household goods destroyed by a fire which consumed the quartermaster's warehouse at Seattle, Wash., May 7, 1906, which goods were in the custody of the United States for shipment on a government bill of lading from Seattle, Wash., to Spokane, Wash.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ESTATE OF GEORGE W. FLEMING.

The bill (H. R. 6032) to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903, was considered as in Committee of the Whole. It proposes to pay to Zora S. Fleming, or to her successor, administratrix of the estate of George W. Fleming, deceased, \$1,073.35, for services rendered by said George W. Fleming as letter-box inspector at Adrian, Mich., from March 29, 1902, to June 13, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHAPLAIN HENRY SWIFT.

The bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "of," to strike out "\$1,231.98" and insert "\$1,003.18," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,003.18, said sum to be a payment in full for all losses of personal property incurred by him by reason of the wreck of the U.S. transport Morgan City in the Inland Sea of Japan on

or about September 1, 1899: Provided, That the accounting officers of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

The amendment was agreed to.

Mr. FULTON. There should be another amendment made. After the word "pay," in line 4, I move to insert the words "to Chaplain Henry Swift."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NINETEENTH STREET EXTENSION.

The bill (S. 7996) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

The joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, was considered as in Committee of the Whole.

Mr. CARTER. I ask for action on the substitute which was reported by the Senator from Rhode Island [Mr. WETMORE], from the Committee on the Library.

The VICE-PRESIDENT. The amendment of the committee

The Secretary. The Committee on the Library propose to strike out all after the resolving clause and to insert:

That the 12th day of February, 1909, the same being the centennial anniversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories: Be it further

Resolved, That it is hereby recommended that the American people at home and abroad, the States and Territories, and the District of Columbia, all municipalities and towns, all organized bodies of citizens, all associations, and all people generally, set apart the centennial of the birth of Abraham Lincoln to do reverent honor to his memory: Be it further

associations, and all people generally, set apart the centennial of the birth of Abraham Lincoln to do reverent honor to his memory; Be it further

Resolved, It is hereby recommended that at all places where people gather for public purposes, and in schools, colleges, and all seats of learning, addresses be made in enlogy of Lincoln, and other special and appropriate exercises be held: Be it further

Resolved, That the President be authorized to issue a proclamation, in accordance with the foregoing, inviting governors of States and Territories and mayors of cities to participate in the public recognition of the centennial anniversary of the birth of Abraham Lincoln, recommending that said day be observed as a special holiday; Be it further

Resolved, That with a view to the construction of suitable memorials to commemorate the public services and character of Abraham Lincoln, which memorials may include a great national highway to be called "The Lincoln Way," from Washington to the battlefield of Gettysburg, in the State of Pennsylvania, the sum of \$50,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses in making a survey, plans for construction and estimates of cost by engineers of the United States Army, for said highway.

The amendment was agreed to.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

THOMAS J. SHOCKER.

The bill (H. R. 19893) for the relief of Thomas J. Shocker was considered as in Committee of the Whole. It provides that Thomas J. Shocker shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company B, Twelfth Regiment Ohio Volunteer Cavalry, from the 12th day of September, 1863, to the 1st day of July, 1865, and had been honorably discharged on the date last named herein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN C. BEACH.

The bill (S. 4029) to appoint Warren C. Beach a captain in the army and place him on the retired list was announced as next in order.

Mr. KEAN. Let the bill go over. The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from New Jersey.

LANDS AT NEAH BAY, WASH.

The bill (S. 8712) to authorize the Secretary of the Interior to issue patents for town lots in the village of Neah Bay, Wash., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAKAH INDIAN RESERVATION LANDS.

The bill (S. 8781) to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON HOME FOR FOUNDLINGS.

The bill (S. 8187) to change the name of the Washington Hospital for Foundlings was considered as in Committee of the Whole. It proposes to amend the act entitled "An act for incorporating a hospital for foundlings in the city of Washington," approved April 22, 1870, by changing the name of the institution to the Washington Home for Foundlings.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

NEW YORK AVENUE EXTENSION.

The bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road was considered as in Committee of the

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER F. ROGERS.

The bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, was considered as in Committee of the Whole.

Mr. KEAN. I should like to have the Senator from Montana [Mr. Carter], who reported the bill, explain it. Is this the only case we are going to have for damages done by the opera-tion, and so forth, of the new Union Station, or is it one of a

large number of cases?

Mr. CARTER. This is an exceptional case. Mr. Rogers was appointed executor of the estate. He had an understanding with the district attorney that he would be given notice at the time the appraisement was to be made. Such notice was omitted through inadvertence, and the executor was not thus accorded the privilege of proving damages in behalf of the estate.

Mr. KEAN. The bill involves the sum of only \$200?

Mr. CARTER. The amount involved is only about \$200, Mr. KEAN. All the other cases are settled?

Mr. CARTER. I understand that this is the only case of this kind.

And no others can arise? Mr. KEAN.

Mr. CARTER. I am not prepared to state that, but we have not been advised of any.

Mr. KEAN. I should be loath to assent to any such prece-

dent, if there were many cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPHUS ERWIN WELLS.

The bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to muster Adolphus Erwin Wells, of North Carolina, as of Company E, Ninth Regiment Tennessee Cavalry, said muster to

date from the 16th of June, 1864, and to issue to said Adolphus Erwin Wells an honorable discharge from said service, to date from the mustering out of said regiment: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INDIAN LANDS IN OKLAHOMA.

The bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause

and insert:

and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be alloited as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: Provided, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore alloited to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said lands shall thereupon be removed: Provided, That no action shall be taken under this section until a majority of the adult members of said Modoc tribe shall consent to such action, said consent to be given in an open council, at a meeting called for the purpose of passing upon the terms of this section, the date and place of such council to be fixed by the Secretary of the Interior.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EMPLOYMENT OF CHILD LABOR.

The bill (S. 7657) to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia," was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 10, after the word "not," to strike out the words "less than \$2 nor," so as to make the bill read:

Be it-enacted, etc., That section 15 of the act of May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia," be, and the same is hereby, amended by adding at the end of said section 15 the following:

"Any person violating any of the provisions of sections 11, 12, 13, 14, or 15 of this act shall be punished by a fine of not more than \$20."

The amendment was agreed to.

Mr. KEAN. I ask that the report of the committee be published in the RECORD. It shows what the act is and in what way it changes the existing law. The bill merely provides for a penalty, and I think it is all right.
The VICE-PRESIDENT. With

Without objection, the report will

be printed without reading.

The report, submitted by Mr. Burkett, January 29, 1909, is as follows:

The Committee on the District of Columbia, to whom was referred Senate bill 7657, "to amend the act approved May 28, 1908, entitled 'An act to regulate the employment of child labor in the District of Columbia," report the same back to the Senate with the recommendation that it be amended by striking out the words "less than \$2 nor" in line 10, of page 1, and that as amended the bill be passed.

The objects of the bill are set forth in a communication of the president of the Board of Commissioners, which is as follows:

Washington, December 9, 1908.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to amend an act approved May 28, 1908, entitled 'An act to regulate the employment of child labor in the District of Columbia,'" and to recommend its early enactment.

The necessity for this amendment is obvious from the fact that there is now no penalty for the violation of the sections named in the proposed legislation.

Very respectfully,

HENRY B. F. MACFARLAND, President Board of Commissioners District of Columbia.

Hon J. H. Gallinger, Chairman Committee on the District of Columbia, United States Senate.

Sections 11, 12, 13, 14, and 15 of this act, to which this proposed amendment applies, are as follows:

"SEC. 11. That no male child under 10 and no girl under 16 years of age shall exercise the trade of bootblacking, or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever, upon the streets, roads, or highways, or in any public place within the District of Columbia.

"SEC. 12. That from and after July 1, 1908, no male child under 16 years shall exercise the trade of bootblacking or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever upon the streets, roads, or highways, or in any public place within the District of Columbia, unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of public schools of the District of Columbia, or by a person authorized by him in writing for that purpose upon the application of the parent, guardian, or other person having the custody of the child desiring such a permit and badge, or in case said child has no parent, guardian, or custodian, then on the application of his next friend, being an adult.

"SEC. 13. That such permit and badge shall be issued free of charge to the applicant, but shall not be issued until an age and schooling certificate shall have been issued as provided in this act.

"SEC. 14. Such permit shall state the date and place of birth of the child, he name and address of its parent, guardian, or next friend, as the case may be, and describe the color of hair and eyes, the height and weight, and any distinguishing facial mark of such child, and shall further state that the age and schooling certificate has been duly examined and filed, and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit and the name of the child. Every such badge on its reverse side, shall be si

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT AGENCIES.

The bill (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 13, before the word "days," to strike out "thirty" and insert "fifteen," so

as to read:

Employment agents or agencies shall be entitled to receive in advance from the applicant for work or employment, either male or female, \$1 each, one-half of which is to be returned on demand if such applicant is not secured a fair opportunity of employment within fifteen days after the receipt of said original fee of \$1.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GEORGE W. HEDRICK.

The bill (H. R. 7006) to correct the military record of George W. Hedrick was considered as in Committee of the Whole. It provides that George W. Hedrick, late of Company B, Seventh West Virginia Volunteers, shall be held and considered to have been honorably discharged from the service of the United States as of April 2, 1864; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

ALASKA SHORT LINE RAILROAD.

The bill (S. 7781) to extend the time for the construction and beginning construction of the Alaska Short Line Railroad, in Alaska, was announced as next in order.

Mr. KEAN. Let the bill go over.
The VICE-PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

Mr. PILES. Before the bill is put over, in view of the correspondence I have on the subject, I move to procede to its consideration, notwithstanding the objection. I can state what the bill is before the question is disposed of.

Mr. KEAN. Under the unanimous-consent agreement, that motion can not be made at this time.

Mr. PILES. What unanimous-consent agreement?
Mr. KEAN. The unanimous-consent agreement under which the calendar is being considered.

Mr. PILES. Is a motion in order at the present time to take up the bill, notwithstanding the objection?

The VICE-PRESIDENT. It is not, under the terms of the

unanimous-consent agreement.

Mr. GALLINGER. The Senator from Washington can make the motion after the next two bills on the calendar are disposed of.

Mr. KEAN. I trust the Senator will not make any such mo-

IRVINE AGEE.

The bill (S. 3175) to correct the military record of Irvine Agee was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Irvine Agee shall hereafter be held and considered to have been honorably discharged as a private in Company D, Third Regiment Kentucky Volunteer Cavalry, on January 20, 1862. And the Secretary of War is hereby authorized to issue to the said Irvine Agee a certificate of honorable discharge as of that date: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSEBUD INDIAN RESERVATION LANDS.

The bill (S. 7379) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. KITTREDGE. Let the bill go over under Rule IX. The VICE-PRESIDENT. The bill will go to the calendar

under Rule IX

Mr. GAMBLE. Mr. President, I appreciate that under the rules of the Senate the objection may be insisted upon, but here is a matter of very great interest to the people of my State. The Rosebud Indians have a reservation of nearly 2,000,000 acres. A bill has been introduced and favorably reported upon by the Interior Department, and a unanimous report made from the Committee on Indian Affairs, under which it is proposed to open about one-half of the reservation to settlement. As the conditions are, those Indians have largely been allotted. A few minors are still to be allotted. Under no circumstances could action be taken looking to the opening of the reservation earlier than the coming fall. In the meantime all of the allotments would be made. With this reservation standing unopened to settlement, it is retarding the development and growth of that section of the State.

If my colleague has any proper or reasonable amendments to offer to the bill, I will be very glad to have them offered and considered by the Senate, but I do protest that under the unanimous-consent agreement we entered into a mere objection can throw the bill over under Rule IX.

If it were in order, Mr. President, I would move that the Senate proceed to the consideration of the bill, the objection of

the Senafor to the contrary notwithstanding.

The VICE-PRESIDENT. The bill goes to the calendar under Rule IX, at the request of the senior Senator from South Dakota [Mr. Kittredge]. This completes the printed calendar under the unanimous-consent agreement.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

Mr. TELLER. Mr. President, I wish simply to give a notice. A few days since, I asked that Senate resolution 248, offered by the senior Senator from Georgia [Mr. BACON], might lie on the table. I wish to state that after the routine morning business on the 3d instant I shall call up the resolution for the purpose of making a few remarks upon it.

PRESIDENTIAL SUCCESSION.

Mr. BACON. There was one measure, and I do not know but that there may be others, reported by a committee this morning not on the printed calendar. Are they not in order?

The VICE-PRESIDENT. They would be in order, although

not upon the printed calendar.

Mr. WARREN. Are the reports printed?

The VICE-PRESIDENT. The reports are not printed.

Mr. BACON. I will state to the Senator what the measure is. Mr. WARREN. I have no objection to any particular meas-

Mr. BACON. If there is any objection, of course I shall not

Mr. WARREN. I have no objection to any particular measure, but I assumed from what the Senator said that he wished to take up all the bills reported this morning.

Mr. BACON. I am interested only in one, and that is the joint resolution which came from the Judiciary Committee this morning concerning the presidential succession, one which has heretofore passed the Senate and which is recognized by every-body as a matter of importance. There was no written report, but simply a verbal report.

It is simply to provide against the possibility of a vacancy in the office of President without any provision of law for filling it. If there is any objection to it by any Senator, of course I do not wish to insist upon it, but I never heard any

Senator object to it in any way.

The VICE-PRESIDENT. The Chair would state that the reports made this morning have gone to the Printer for printing, and they are not at hand at the moment.

ALASKA SHORT LINE RAILROAD.

Mr. PILES. I now ask the Senate to proceed to the consideration of the bill (S. 7781) to extend the time for the construction and beginning construction of the Alaska Short Line Railroad in Alaska.

Mr. KEAN. Mr. President—
Mr. PILES. I wish to explain to the Senate why I ask for

the consideration of the bill at the present time.

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from New Jersey?
Mr. PILES. Yes; for a question.

From what committee did the bill come? Mr. KEAN.

Mr. PILES. From the Committee on Territories.

I am a member of that committee, and I re-Mr. KEAN. ceived no notice of any meeting of the committee.

Mr. PILES. That may be true, but the committee was polled. I should like to impress upon the Senate the importance of considering the bill at this time.

Mr. KEAN. It is a bill that I consider ought not to pass. Mr. BURKETT. Mr. President, I rise to a parliamentary

inquiry.

The VICE-PRESIDENT. The Senator from Nebraska will

state his parliamentary inquiry.

Mr. BURKETT. I desire to know if unanimous consent was not given to lay aside the postal savings banks bill for the purpose of considering the calendar under Rule VIII. correct, the only thing in order now is to lay before the Senate the unfinished business

The VICE-PRESIDENT. That is the effect of the agree-

ment.

Mr. BURKETT. I call for the regular order.

The VICE-PRESIDENT. The agreement was that the consideration of the calendar under Rule VIII should be proceeded with until it was concluded, the unfinished business having been displaced to that extent.

Mr. BURKETT. I call for the regular order. The VICE-PRESIDENT. The unfinished business is properly before the Senate.

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Gov-

ernment for repayment thereof, and for other purposes.

Mr. PILES. I ask the Senator from Montana if he will yield for a moment until I can explain Senate bill 7781. Of course, if the Senate wish to defeat the bill under the circumstances they can do it, but I should like the Senate to know what it is about.

Mr. CARTER. Mr. President, I have no desire to press the unfinished business this afternoon, for the reason that certain Senators who have amendments to offer are not present and did not anticipate that the bill would come up for consideration during the day.

While on this subject I take occasion again to state to Senators who desire to present amendments that while some latitude will be allowed for the consideration of the Brownsville case, if continuing over from the morning hour to-morrow, I shall feel called upon to press the postal savings banks bill on Wednesday. I believe that we are entitled to the privilege of perfecting the bill according to the best judgment of the Senate, and when so perfected I think we shall be entitled to a vote upon the bill

I fully realize the improbability of the bill becoming a law in the few remaining days of the present Congress, but that apprehension does not relieve the Senate of its duty in the premises. I think the country is entitled to know whether a majority of this body is favorable to this class of legislation or not, and I think the committee of the Senate which may deal with the subject-matter during the next Congress is entitled to the judgment of the Senate upon the various amendments now pending offered by Senators to the bill.

I make these remarks at this time hoping that Senators wishing to offer amendments will be present when the time for the consideration of the bill arrives each day. If not present, I shall consider Senators as waiving their proposed amendments and ask that the consideration of the bill be proceeded with.

For the purpose of accommodating the Senator from Washington [Mr. Piles] and other Senators, I now ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

INSPECTION AND GRADING OF GRAIN.

Mr. McCUMBER. Mr. President, I wish to make an inquiry about the calendar. I was not here when we started on the calendar. I desire to know what was done with Calendar No. 754, being the bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

The VICE-PRESIDENT. The bill referred to went to the

calendar under Rule IX.
Mr. McCUMBER. Upon the request of what Senator?

The VICE-PRESIDENT. That can only be told by reference to the reporter's notes.

Mr. McCUMBER. I do not know who asked that the bill go to the calendar under Rule IX. If I knew what Senator had made that request I would ask permission, instead of going to the calendar under Rule IX, that the bill be passed over, retaining its place on the calendar under Rule VIII.

The VICE-PRESIDENT. The record shows that it went to the calendar under Rule IX at the request of the Senator from Massachusetts [Mr. Lorge]

Massachusetts [Mr. Lodge].

Mr. McCUMBER. I should have been glad to have had my attention called to it before the bill was placed under Rule 1X. Mr. FORAKER. The bill was called up and I came in

while it was being read.

Mr. WARREN. Allow me to correct the Senator. It was

not called up, but came up in regular course.

Mr. FORAKER. I was not in the Chamber when it came up. Mr. WARREN. And the Senator from Iowa [Mr. Dolliver] was not here.

Mr. McCUMBER. I simply want to give notice that to-morrow, when the Senator from Massachusetts [Mr. Lodge], who made the objection, is here, I will ask that the bill be taken from the calendar under Rule IX and placed upon the calendar under Rule VIII.

ALASKA SHORT LINE RAILBOAD.

Mr. PILES. Mr. President, I should like to have the Senate consider at this time Senate bill 7781, but the Senator from New Jersey [Mr. Kean] tells me he wants to examine it.
Mr. KEAN. I suggest that I should like to examine the bill

further.

Mr. PILES. Therefore I will not press the bill now, but I give notice that I shall press it at the earliest date possible.

Mr. BACON. I now have the joint resolution to which reference was made a few moments ago, and, if there is no objection, I should be glad to have it acted upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 102) proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases. It provides that the following amendment to the Constitution of the United States be proposed for ratification by the legislatures in the several States, which when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

In all cases not provided for by Article II, clause 5, of the Constitu-tion where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice-President. The Congress may by law provide for the case where there is no per-son entitled to hold the office of President or Vice-President, declaring what officer shall then act as President, and such officer shall act accord-ingly until the disability shall be removed or a President shall be elected.

Mr. BACON. I will state, Mr. President, that the joint resolution comes with the unanimous recommendation of the Committee on the Judiciary.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in favor thereof.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 2, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1909. COMMISSIONER DISTRICT OF COLUMBIA.

Henry L. West, of the District of Columbia, to be a commissioner of the District of Columbia.

PROMOTIONS IN THE NAVY.

Lieut. Commander William W. Gilmer to be a commander in the navy

Lieut. Ivan C. Wettengel to be a lieutenant-commander in the navy

Passed Asst. Surg. Charles St. J. Butler to be a surgeon in the navy.

POSTMASTERS.

GEORGIA.

George B. Grier to be postmaster at Dublin, Ga.

INDIANA.

John C. Bartindale to be postmaster at Otterbein, Ind. John B. Davis to be postmaster at Poseyville, Ind. Leonard E. Moore to be postmaster at Shirley, Ind. Herman Schumacher to be postmaster at Newburg, Ind.

MASSACHUSETTS.

Benjamin Derby, jr., to be postmaster at Concord Junction,

Charles C. Phelps to be postmaster at Gilbertville, Mass.

HOUSE OF REPRESENTATIVES.

Monday, February 1, 1909.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

SMOKING OPIUM.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 27427) to prohibit the importation and use of opium for other than medicinal purposes and the bill (S. 8021) to prohibit the importation and use of opium for other than medicinal purposes, which were read a first and second time and, with the accompanying report (H. Rept. No. 2003), referred to the Committee on the Whole House on the state of

the Union and ordered printed.

Mr. PAYNE. Mr. Speaker, I now move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 27427) to prohibit the importation and use of opium for other than medicinal purposes, and to pass the same, which bill I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That after the 1st day of April, 1909, it shall be unlawful to import into the United States oplum in any form or any preparation or derivative thereof: Provided, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

Sec. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding \$5,000 nor less than \$50, or by imprisonment for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

The SPEAKER. Is a second demanded? Mr. KEIFER. Mr. Speaker, I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from New York [Mr. PAYNE] is entitled to twenty minutes and the gentleman from Ohio [Mr. Keifer] to twenty

Mr. PAYNE. Mr. Speaker, this bill is the bill drafted by the former Secretary of State, Mr. Root, and sent to Members of the House and Senate the latter part of December last, with this exception, the regulations are to be prescribed by the Secretary of the Treasury instead of the Secretary of Agriculture, the Secretary of the Treasury now having charge of all matters pertaining to imports. Also the clause, which appears for the first time, I believe, in any of these bills, preserving the duty on opium which may be imported for medicinal purposes. object of the bill is to prohibit the importation of opium prepared for smoking, or smoking opium. The language goes to the importation of all opium, with a proviso that opium for medicinal purposes may be imported under rules and regulations prescribed by the Secretary of the Treasury and subject to the duties provided by law. The second section is redrafted from section 3082 of the Revised Statutes, which provides punishment for knowingly or fraudulently disobeying the laws in reference to the importation of articles in general, applying that section to the importation of opium into the United States. That law was passed in 1799, and was reenacted and amended in 1866 and in 1876, and has been frequently construed by the courts and its meaning fully ascertained and its constitutionality also upheld.

Several days ago a bill was called up by the gentleman from Illinois [Mr. Mann] prohibiting the importation of opium for smoking purposes. At that time I objected to the consideration of the bill for reasons which I fully stated to the House and which appear in the RECORD of that day. I was somewhat surprised on Saturday afternoon to receive a copy of a letter from the gentleman from Illinois, in which he seemed to totally misconstrue my objection into an objection to prohibit the importation of smoking opium. What I objected to in the law-as I saw it, then presented for the first time to me in the shape in which it was when it was read here from the Clerk's deskthat it did not prohibit and would not stop the use of opium

or tend to stop it in the United States.

After making that objection I went to see the Secretary of State to find out the reasons for the bill, and he told me that two years ago last summer the subject had been brought up while the Secretary of State himself was out of town and the Assistant Secretary then, now Secretary of State, had charge of affairs, and it resulted in his negotiating with the different powers of the world for the convocation of a convention at Hongkong on the 1st of January. That was afterwards postponed until the 1st of February because of the death of the Emperor of China, and he told me that most of the powers had come into the conven-That convention meets at Hongkong to-day, and he was particularly anxious that this bill should pass, because the United States had the initiative in calling that convention and it would strengthen the hands of the administration. He also stated something in regard to the effect of the bill which passed the House in reference to the importation of opium in the Philippine Islands, and the good effects which resulted from that bill. although we have police powers in the Philippine Islands, and that act went beyond this in that respect, because we had the

Mr. Speaker, smoking opium is manufactured abroad, exclusively in China. There is a process by which it can be manufactured in this country from medicinal opium, but Chinamen desire opium prepared for smoking in their own country; but rather than not have it at all they would take that prepared in this country, undoubtedly. A suggestion has been made, which was made by the gentleman from West Virginia [Mr. GAINES], that this act might be greatly strengthened by putting a tax which would be prohibitive upon the manufacture of smoking opium in this country. That suggestion came, how-ever, too late for its consideration if action was to be had upon

The committee will take up that suggestion in the preparation of the new revenue bill, and I am in hopes that we can report an effective measure that will make it extremely difficult, at least, to manufacture smoking opium in this country. That, in connection with this bill, as gentlemen will readily see, will do very much to cut off the use of smoking opium in this country. We still have the danger of importation through smuggling, because it is a well-known fact that when we had a rate of \$12 per pound upon smoking opium there was a good deal of it imported into the United States that did not come through the custom-house. The tax was reduced to \$6 a pound in order that we might collect the duty that we have collected upon the full amount. It is true that this bill in its effect will cut off over \$900,000 of the revenues of the Government, and it should not be enacted unless it will do some good, but I am heartily in sympathy, and always have been, with any well-directed effort to suppress the opium habit, either in this country or in any other country, and the only objection I ever had to this bill was that it would not affect that traffic in the opium as it appeared to me at first blush and at its first reading the other day in the House. But it seems to me after a conversation with the Secretary of State, who has had this matter under consideration now for over two years, and weighing carefully the facts which he presented, that it will tend in some manner to make it more difficult and therefore to suppress in part the use of smoking opium in the United States; therefore, I am very cheerfully for this bill, which was introduced as soon as I could get a conference with the Secretary of State and get his opinion upon the subject. It is a unanimous report from the Committee on Ways and Means.

A word further, Mr. Speaker. We have reported back the bill of the Senate, which was referred to our committee, because they clearly had no jurisdiction of the subject-matter. It was a matter that related to the raising of the revenues, and under all the decisions it was clearly a matter that must originate in the House of Representatives. We have accompanied that report with a resolution to table that bill, stating our reasons for such action; also requiring that the Clerk shall transmit a copy of the resolution to the Senate. I bring this matter up now, because I shall call up that report immediately after the conclusion of the House upon this bill and ask it to pass that resolution, and I suppose it will not be open to debate at that time.

I reserve the balance of my time, Mr. Speaker. Mr. KEIFER. Mr. Speaker, I did not demand a second upon this motion and bill for the purpose particularly of opposing it. It is very difficult to understand always the purpose and purport of a bill offered for consideration as this one was. therefore demanded a second in order that we might have a full explanation of the character that we have just had of the bill. I hope, Mr. Speaker, that the bill will not have the effect of taking away the \$900,000 of revenue only, but that another step will be taken to prohibit the manufacture of opium in this If we take the step proposed by this bill, it may promote the manufacture of opium here and not suppress the smoking habit here.

I now, Mr. Speaker, yield ten minutes of my time to the gen-

tleman from West Virginia [Mr. GAINES].

Mr. GAINES of West Virginia. If it is the desire to yield, first, to the gentleman from Illinois [Mr. Mann], I am perfectly willing to wait until he gets through.

The SPEAKER. Does the gentleman from Ohio [Mr. Keifer]

yield to the gentleman from Illinois [Mr. Mann]?
Mr. KEIFER. I am perfectly willing to yield to the gentleman from Illinois first, but I had promised the gentleman from West Virginia [Mr. GAINES] ten minutes.

Mr. Speaker, how much time have I left? Mr. PAYNE.

The SPEAKER. Eleven minutes.

Mr. PAYNE. I will yield ten minutes to the gentleman from Illinois [Mr. Mann].

Mr. KEIFER. I will yield ten minutes to the gentleman. Mr. MANN. Mr. Speaker, I did not demand a second upon

the motion because I thought someone opposed to the bill was first entitled to demand a second. The gentleman from Ohio [Mr. Keifer] says that he is in favor of the bill, and I assume now that at this time everybody in the House is in favor of it. It is a righteous measure.

Mr. Speaker, more than a year ago the gentleman from Michigan [Mr. DENBY], the recognized authority in this House upon Chinese matters, and a member of the Committee on Foreign Affairs, brought to my attention, because I had had something to do with the pure-food legislation and had then pending in the House one bill in regard to the transportation of habitforming drugs, the necessity of some legislation which would prohibit the importation and transportation of opium in the United States. In accordance with that suggestion, the gentleman from Michigan [Mr. DENBY], the State Department, the Agricultural Department, and myself worked upon a bill on that subject which was introduced at the last session of Congress, but which covered a great deal more than the mere importation of opium. At this session of Congress the gentleman frem Michigan again brought up the subject, stating that it was highly desirable for Congress to enact legislation before the commission met in Shanghai-not in Hongkong, as suggested

by the gentleman from New York [Mr. PAYNE]-and a bill was prepared by the State Department, introduced by the gentleman from Michigan [Mr. Denby] and referred to the Committee on Interstate and Foreign Commerce. When that bill came up for consideration in the committee it covered, among other things, the manufacture of opium, and the gentleman from New York [Mr. PAYNE] now suggests that his committee will take up the question of the manufacture of opium. Why, Mr. Speaker, our committee and everybody understand that when the matter is presented the United States can not determine the question of the manufacture of opium. It is a federal question.

Mr. PAYNE. If the gentleman will allow me to state right there-under the internal-revenue tax law. I did not state

that, but I meant to do so.

Mr. MANN. Now, Mr. Speaker, that bill was referred to a subcommittee, of which I had the honor to be the chairman, and we took up the matter with the gentleman from Michigan [Mr. DENBY] and the State Department. The bill now pending was prepared by the Secretary of State at the request of myself and the gentleman from Michigan. It came here and was introduced by the latter, referred to the Committee on Interstate and Foreign Commerce as a regulation of commerce, and reported by me into the House. When reported into the House I called the attention of the gentleman from New York [Mr. PAYNE] to it, on the ground that he might think it was revenue legislation which belonged to his committee. He made suggestions and objections to the bill, which I proposed to correct with an amendment, not submitted to the gentleman the day it was called up, as I understood him to say, but submitted to the gentleman several days in advance, and laid by the gentleman before his committee, or certain members of it, at least. When the bill was presented to the House the gentleman from New York [Mr. PAYNE] objected.

I am proud of the gentleman from New York [Mr. PAYNE] more because he now has the manhood to acknowledge that he was wrong then and to now propose the bill himself for the favorable consideration of the House, though I give the credit, where it belongs, for this legislation to the gentleman from Michigan [Mr. Denby]. I want to say, Mr. Speaker, I do not care what committee the legislation comes from or what committee has considered the bill. I wanted to see this legislation enacted into law, to see the bill pass the House, and I am glad that the Committee on Ways and Means, or one of its members, on Saturday, after receiving a little billet which I have sent out to various Members of the House, promptly and properly introduced a bill almost, if not quite, an exact copy of the bill then pending in the House, and now have the good judgment and the manhood to report it into the House and ask favorable consid-

eration of it.

Mr. Speaker, the gentleman from New York has been active on opium legislation, much to his credit. In 1905 Congress passed the Philippine tariff bill. One of the provisions of that law was that no opium except for medicinal purposes should be imported into the Philippine Islands after the 1st of March last. I have a report from the officials of the Philippine Islands stating that on the 1st of March last there were more than 40,000 people in the Philippine Islands habituated to the use of opium, and because of the prohibition of the importation of smoking opium into those islands since March 1, that the number of 40,000 has now been reduced to less than 5,000. No better example in the world can ever be given of the effect of absolute prohibition in such cases; and I am glad the controversy between committees may be settled by the passage of the bill in the interest of humanity, one great step forward again in the civilization of the world, without regard to petty jealousies in the House of Representatives. [Applause.]

Mr. KEIFER. Mr. Speaker, how much time have I re-

maining?

The SPEAKER. The gentleman has eleven minutes re-Mr. KEIFER. I yield the balance of my time to the gentle-

man from West Virginia.

Mr. GAINES of West Virginia. Mr. Speaker, I regret very much that the gentleman from Illinois has to-day seen fit to base his argument, in discussing this matter, on the question of petty jealousies between committees. I assure the membership of this House that that insinuation, that aspersion by the gentleman from Illinois is not correct; that the Ways and Means Committee in the action it has taken has not been actuated by any such motive. I regret also that the gentleman from Illinois saw fit to say in a letter to Members of the House that the chairman of the Ways and Means Committee objected to the passage of the bill prohibiting the importation of opium. The chairman of the Ways and Means Committee, Mr. Speaker, is a storehouse of legislative information, and he is a conspicuous example of legislative integrity and courage. The members of the Ways and Means Committee who objected to the bill brought up by the gentleman from Illinois the other day did so because they believed that it would not accomplish the purpose which he sought; not only that, but because they believed it would tend to accomplish the exact opposite.

Mr. MANN. Will the gentleman yield for a question? Mr. GAINES of West Virginia. Yes; for a question? Mr. MANN.

In what respect does the present bill differ? Mr. GAINES of West Virginia. Mr. Speaker, I have not time to go into a comparison of the two bills. That is not the question. I believe that this is a piece of half-baked legisla-The history of the tariff on opium in this country is this, if the House will give me attention: In the McKinley tariff bill the duty on opium was \$12 a pound; when the Wilson bill was passed it reduced the tariff on opium to \$6 a pound. While that matter was under discussion in the Senate of the United States Senator Sherman said that he would not only oppose the bill, but delay in every possible way its passage if it contained a proposition reducing the duty on opium. He was assured by Mr. Vest that the reason the duty was proposed to be reduced on opium was because the administrative officers on the Pacific coast assured the committee that a duty of \$12 a pound made smuggling so profitable that more opium was introduced at that duty than would be introduced at a lower duty; and for that reason, in order to reduce the use of opium and not increase it, the Wilson bill reduced the duty on opium to \$6 a pound.

Now, unfortunately, because of the conservatism of the Chinese people, they so much prefer to have their oplum prepared in China that the high rate of duty has not stimulated the manufacture of opium in this country; but it is a notorious fact, known of all men, that those who are addicted to the opium habit will secure the drug in some form, even though not the preferred form, if they are prevented from getting it in the form in which it is preferred. My belief and fear is that this proposition presented to the House of Representatives by the gentleman from Illinois would but stimulate the manufacture and preparation of opium for smoking in this country, and, instead of protecting the morals of the country, the thing that every good American citizen, including the gentleman from

Illinois, would most hate to see would occur.

This matter was before the legislative body in the Philippine Islands. They provided there that no person might use opium unless he registered himself as a confirmed opium smoker. We have no such power in this country. It takes plenary power to stamp out such a habit—if it can be suppressed at all—the full police power. Our Federal Government does not have it. It has occurred to me that perhaps if this legislation passed, at a future time a bill could be introduced supplementing it with further legislation, and that we might accomplish the object sought by the gentleman from Illinois by placing a prohibitive internal-revenue tax on the transportation of opium for smoking in this country.

I believe that this bill is not well thought out; and I want now, Mr. Speaker, to register my protest against the habit in this country that is to-day in vogue in this House and among members of other legislative bodies to criticise the motives of those who would give full consideration to a proposition before

they vote upon it.

This is a matter that the civilized nations of the world have been considering for a century. It must occur to every man that if a thing which is so desirable to be done as stamping out the smoking of opium could be done by a simple law prohibiting the importation of opium, that remedy would have been thought out and applied long ago.

Mr. MANN. It would have been applied a week ago if there

had not been objection to it.

Mr. GAINES of West Virginia. It would have been applied years and years ago if there were anything in so simple a proposition. Is it possible that a man lives, except those engaged in the traffic and those addicted to the habit, who would not stamp it out at any time if he could? The question is, What legislation will accomplish the purpose? I protest against the attitude of the gentleman from Illinois in undertaking to make the House and the country believe that those who would give the legislation better consideration than has been given to it have some motive

which he has that to criticise.

It may be it. Speaker, that not having the police power to prevent the inharcure of opium in this country, we may yet prevent the bad results that would have followed upon the legislation that the gentleman from Illinois proposed by imposing a prohibitive internal-revenue tax. After I have opportunity to consult the administrative officers upon the Pacific coast, after I have opportunity to consult the Treasury Department, I hope to introduce a bill to place such a revenue tax upon the preparation of opium for smoking in this country. In the meantime I wish that we could have had a measure introduced, such as that which the Japanese Government introduced to control the opium traffic in the island of Formosa, the most intelligent legislation, according to the report of our Philippine Commis-

For my part, Mr. Speaker, yielding to no man, not even the gentleman from Illinois [Mr. Mann], in my hostility to the practice of opium smoking and in my hostility to the drug habit generally, I shall vote against this legislation in its present condition, and if it passes the House I shall attempt to supplement it in such manner as to prevent the evils that would follow from it if left in the condition in which it now is.

Mr. STEPHENS of Texas. Will the gentleman yield for

question?

Mr. GAINES of West Virginia. I will.

Mr. STEPHENS of Texas. Does not the gentleman think the last sentence in the last section is dangerous?

Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such oplum or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

I will ask the gentleman if this does not change the wellrecognized rule of criminal evidence as held in United States courts and also in the courts of every State in this Union, that defendant is presumed to be innocent until his guilt is established by competent evidence. Here in the first section of this bill it is provided that opium may be imported into the United States for medical purposes, and may be sold to and be lawfully in the possession of a druggist or a doctor, or a man to whom it is prescribed by a doctor.

Yet the possession of the drug by that individual is made criminal and the prima facie evidence is reversed against him in this bill, and the man lawfully in possession of opium under the first section of the bill would under the second one be presumed to be a criminal. I think it is a dangerous and unjust perversion of the well-known rules of criminal evidence in that

respect.

Mr. GAINES of West Virginia. I will answer the gentleman in this way: Sufficient time has not been given to think out this question, either as to the manner in which the act shall be drafted or the substance of its provisions. But my information-curbstone information-is this, that a similar provision in the federal criminal statutes has been held repeatedly to be constitutional.

Mr. STEPHENS of Texas. My objection is that it repeals the law of criminal evidence heretofore used in all criminal trials in this country and compels a defendant to prove his innocence, when in the courts of all civilized countries that evidence is presumed.

Mr. GAINES of West Virginia. It is an exception to the rule, but I repeat that I understand it has been held constitu-

tional.

But neither that question nor any other in connection with this measure has been given the attention that the subject ought to have by the Congress.

Mr. MANN. Mr. Speaker, I ask unanimous consent to insert in the Record the bill for which I asked unanimous consent for

consideration the other day.

The SPEAKER. Is there objection?

There was no objection.

Mr. GAINES of West Virginia. What was the request?

Mr. PAYNE. The gentleman from Illinois wants to insert in the Record the bill to which he refers. The House will be able to see the difference between the two, or gentlemen can look at the two propositions now and see the difference. no objection to stating what it is.

Mr. MANN. I understand what the difference is. There is no difference in the principle of the bill at all.

The bill referred to by Mr. MANN is as follows:

A bill (H. R. 24863) to prohibit the importation and use of opium for other than medicinal purposes.

other than medicinal purposes.

Be it enacted, etc., That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: Provided, That opium and preparations and derivatives thereof other than smoking opium or opium prepared for smoking may be imported for medicinal purposes only under regulations which the Secretary of Agriculture is hereby authorized to establish.

SEC. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not ex-

ceeding \$5,000 nor less than \$50, or be imprisoned for any time not exceeding two years, or both. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such oplum or preparation or derivative thereof, such possession shall be deemed evidence sufficient to anthorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

Mr. PAYNE. Oh, well, now the gentleman is getting down to the difference in the principle of the bills. We added to the

And when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

The duties imposed by law on opium for medicinal purposes imported into the United States amounted to \$450,000 last year, and that is quite a little addition, as the gentleman will find.

Mr. MANN. I would if I had not had the opinion of the department officers that the other bill did not affect the duties on

Mr. PAYNE. I do not know what department officers construed the bill in that manner.

Mr. MANN. Just such departments as the Attorney-General's department and the Department of the Treasury, and other departments of that kind, which, of course, in the gentleman's estimate, amount to nothing.

Mr. PAYNE. Mr. Speaker, the first opium bill that was shown me by the gentleman from Illinois was shown me the day before he called it up.

Mr. MANN. Oh, I beg the gentleman's pardon. Mr. PAYNE. And I immediately said to the gentleman on reading it, at the first sight, that I found two defects in it. One was that the Secretary of the Treasury should be substituted for the Secretary of Agriculture.

Mr. MANN. The gentleman does not wish to make an erroneous statement. I showed it to him several days before I called it up, and sent a copy of the bill to the room of the Ways and Means Committee at his request two days before I called it up.

Mr. PAYNE. Mr. PAYNE. Mr. Speaker, I again make the affirmation that the gentleman from Illinois is mistaken. The first day that I saw the bill was the day before the gentleman called it up, but that is immaterial. When I did see the bill and read it. I immediately suggested to the gentleman that the Secretary of the Treasury should have charge of these regulations and not the Secretary of Agriculture. I also called attention to the fact that the provisions in the bill eliminated the duty on medicinal opium. I made that suggestion at that time. I told him the bill, of course, belonged to the Committee on Ways and Means, but I would make no objection because it had not been referred to that committee, and as we were meeting every day, I would submit it to the subcommittee.

Mr. MANN. I would like to ask the gentleman from Ohio

if he has any more time.

Mr. PAYNE. How much time does the gentleman want? Mr. MANN. Considering that the gentleman from New York and the gentleman from Ohio had forty minutes, and I was entitled to half of it, I will not ask any further consideration of the gentleman from New York.

Mr. PAYNE. The gentleman from Illinois is always trying to put some one else in the wrong, but I will yield to him.

Mr. MANN. I will let the gentleman finish his sentence. Mr. PAYNE. I told the gentleman from Illinois that I would submit it to the subcommittee in the afternoon. We met at 2 o'clock, and I did submit it to them. I stated to the subcommittee that, as far as I was concerned, I would make no objection, because the bill had not been referred to our committee. I told the subcommittee the objection I had to the bill, and some of them raised further objections. The next day the gentleman from Illinois brought in the bill which appears in the RECORD, and it differs from this bill in the most important particulars

But that is not very essential to this controversy. I should not have brought it up if it had not been for the remarks made by the gentleman from Illinois. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes.

Mr. PAYNE. I will yield three minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I can see no special object in continuing this controversy concerning the bill between the gentleman from New York and myself; and yet I think it is fair to myself to say something, because the gentleman has unintentionally misrepresented the matter. If it be correct that the gentleman and his committee cared nothing about the jurisdiction of the committee, why in the world did the gentleman on Saturday introduce a bill and have it sent to his committee when it is almost identically the same bill which was reported into the House?

Mr. PAYNE. Does the gentleman want an answer now?

Mr. MANN. If he will yield me more time.

Mr. PAYNE. I introduced it retaining the revenue on medicinal opium.

Mr. MANN. The gentleman introduced it with an amendment which could have been adopted here.

Mr. PAYNE. It is in the bill; the gentleman does not seem to know what he is talking about.

Mr. MANN. I am satisfied with the apology offered by the gentleman from New York in his effort to pass this bill which

he objected to a few days ago. [Applause.]

Mr. PAYNE. Mr. Speaker, I have no hesitancy in saying that had I heard the statement of the Secretary of State before the gentleman brought up the bill and presented it to me I should have endeavored then to have it amended so as to preserve the

revenue, and would have united with him in the passage of the

bill. After I got that information, I introduced a bill before I received the bill of the gentleman from Illinois.

Mr. OLLIE M. JAMES. Mr. Speaker, a parliamentary inquiry. Would it be in order at this time to move to appoint a select committee whose duty it shall be to ascertain the difference, if any, between the bill of the gentleman from Illinois [Mr. Mann] and the bill of the Ways and Means Committee introduced by Mr. Payne? [Laughter.]

The SPEAKER. The question is on suspending the rules and

passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

Mr. PAYNE. Mr. Speeter, I now call up the resolution on

the Senate bill, reported by the committee, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 531.

Resolved, That the bill of the Senate (S. 8021) to prohibit the importation and use of oplum for other than medicinal purposes in effect repeals in part the provision of section 43 of the act of July 24, 1897, the existing tariff act, and in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be laid upon the table; that a copy of this resolution be transmitted to the Senate.

Mr. PAYNE. Mr. Speaker, I move the adoption of the resolu-

The SPEAKER. The question is on agreeing to the resolution. The question was taken, and the resolution was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 24863) to prohibit the importation and use of opium for other than medicinal purposes be laid upon the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

BANKRUPTCY LAW.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

House Order No. 20.

House Order No. 20.

Ordered, That on Saturday, February 6, it shall be in order to consider in the House the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903; and upon consideration of said bill it shall at once be in order to offer an amendment, in the nature of a substitute, providing for a repeal of the existing bankruptcy law, and the vote on said substitute amendment shall be taken before amendments to the text of the bill shall be in order.

The SPEAKER Is there objection?

The SPEAKER. Is there objection? Mr. BENNET of New York. I object.

Mr. SHERLEY. Mr. Speaker, I then move to suspend the rules and agree to the order.

The SPEAKER. Is a second demanded? [After a pause.] No demand being made, the question is on the motion of the gentleman from Kentucky to suspend the rules and agree to the

The question was taken; and in the opinion of the Chair twothirds having voted in favor thereof, the rules were suspended, and the order was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 26062. An act authorizing the creation of a and district in the State of South Dakota, to be known if the Bellefourche land district.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15372. An act for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, with Senate amendments, was taken from the Speaker's table and referred to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly en-rolled bills of the following titles, when the Speaker signed the same:

H. R. 17572. An act for the relief of George M. Voorhees;

H. R. 4931. An act to correct the military record of Corwin M. Holt.

The Speaker announced his signature to enrolled bill of the

following title:

S. 5473. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

GOVERNMENT OF THE CANAL ZONE.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

House Order No. 21.

Floured, That it shall be in order on Tuesday, the 9th day of February, 1909, at any time after reading the Journal, to move to go into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, and that general debate upon said bill shall not occupy more than two hours.

The SPEAKER. Is there objection?
Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I will ask the gentleman from Minnesota what this bill contemplates.

Mr. STEVENS of Minnesota. It contemplates a civil govern-

ment for the Canal Zone.

Mr. CLARK of Missouri. Have we not got a civil govern-

ment now?

Mr. STEVENS of Minnesota. No; only under executive orders of the President; and under the order of the President courts must be established from which there is no right of appeal to any courts of the United States. All of the functions of government now exist only by an arbitrary order of the Executive. There are no legislative rights there at all, and the power of the Executive is doubtful as to its basis and limited necessarily in its scope. So a dangerous condition of affairs exists. That condition has been reported to this Congress several times by the President and by the Secretary of War and the heads of the commission, and they ask that proper legislation be had establishing a system of civil government there. That is what this bill does.

Mr. CLARK of Missourt. Is this a proposition to establish a permanent arrangement down there or just to tide over

something?

Mr. STEVENS of Minnesota. It is practically a temporary stem. The language of the bill establishes a permanent system, but the fact is it is a system to assist in the construction of the canal and during the construction of the canal while existing conditions shall continue. It is a system to coordinate the civil with the engineering authorities in the construction of the canal.

Mr. CLARK of Missouri. It is going to wipe out this present

system down there?

Mr. STEVENS of Minnesota. Yes; it does.

Mr. CLARK of Missouri. Does the gentleman think that two hours is sufficient time within which to discuss a system of government for that Canal Zone?

Mr. STEVENS of Minnesota. The general debate is for two

hours. The balance of the day will be used to discuss the sections of the bill under the five-minute rule.

Mr. CLARK of Missouri. How much time will be allowed

Mr. STEVENS of Minnesota. The legislative day of Tues-

Mr. CLARK of Missouri. Will there be free right of amendment?

Mr. STEVENS of Minnesota. Yes; all the rights that exist under the rules of the House; no limitation at all except as to the time for general debate. Mr. CLARK of Missouri. And the gentleman will not try to

cut it off? Mr. STEVENS of Minnesota. Not at all. There will be the utmost freedom of debate and right of amendment, as I have before stated.

The SPEAKER. Is there objection?
Mr. HARRISON. Mr. Speaker, I ask unanimous consent to have the order again read.

The SPEAKER. Without objection, the order will be read. There was no objection, and the Clerk again reported the

The SPEAKER. The Chair hears no objection. The question is on agreeing to the order.

The question was taken, and the order was agreed to.

BILLS ON PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk reads as follows:

House Order No. 22.

Ordered, That on Friday next it shall be in order in the House as in the Committee of the Whole House to consider all bills on the Private Calendar to the consideration of which no objection is made.

The SPEAKER. Is there objection?
Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman how he is going to find out whether there is any objection?

Mr. MANN. If this order should be passed, the House could still, if it chose, go into Committee of the Whole House under the rules as they exist; but unless it so chooses, the calendar would be called in the House without going through the form of taking the time to pass the bills twice; and if anybody objects the bills will be passed, the bills will be laid over, and then the House could still go into the Committee of the Whole House on those bills afterwards, if it saw fit and there was time.

Mr. CLARK of Missouri. Now, if there is a little team work of the right sort objection could be made to any bill. I think

I have seen that trick worked here.

Mr. MANN. Oh, yes; you could, I think; but of course the House at any time it chooses could go out from the operation of this order and go into the regular order and go into the Committee of the Whole House, but the gentleman understands very well there are a number of bills on the Private Calendar, none of which have been considered; and it is nothing to me, I am not interested-

Mr. HINSHAW. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, then I move to suspend the rules

and pass the order.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and agree to the order. Is a second demanded?

A second was not demanded.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the order was agreed to.

SECRET SERVICE.

Mr. OLMSTED. Mr. Speaker, by direction of the select committee appointed under House resolution No. 480, I ask unanimous consent for the reading of a short preliminary report, which I have sent to the Clerk's desk, and the present consideration of the resolution which forms a part thereof.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following resolution and the reading of the report, which the Clerk

will read.

The Clerk read as follows:

House resolution 532.

House resolution 532.

The select committee appointed in pursuance of House resolution No. 480, begs leave to make this preliminary report and shows that it has already proceeded sufficiently far to learn that to make the full inquiry required by the second branch of said resolution as to the number of persons employed in the different branches of the public service in the prevention of frauds and apprehension and bringing to trial and punishment of persons charged with violating the laws of the United States, the names of persons so employed, the specific duty performed or engaged in by each such employee each day since the beginning of the fiscal year 1908, can not be completed during the present session of the House, but would require many months of investigation beyond the life of the present Congress.

Your committee therefore recommends the adoption of the following resolution:

"Resolved, That the select committee, appointed in pursuance of House resolution No. 480, and thereby requested to report to the House during the present session, shall inquire and report only as follows:

"First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year 1909 that could be used to prevent frauds in and depredations upon the several branches of the public serv-

ice, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States; also what increase, or decrease, if any, was made in any of such appropriations as compared with the amounts appropriated for the fiscal year ending June 30, 1908.

"'Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose duties, in whole or in part, are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by law of the appropriation establishing or providing for such service; the number of all persons employed, for any period, in each branch of such service during the current and last fiscal year, and the rates of compensation and allowance paid or being paid to them.'

"The committee, or any subcommittee thereof, is authorized to sit during the sessions of the House; to send for persons and papers; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary; all expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

Mr. BENNET of New York. Mr. Speaker, reserving the right to object

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Pennsylvania [Mr. Olm-STED] to explain the purpose of the modification of the original resolution.

Mr. OLMSTED. I will explain very briefly, Mr. Speaker, that the two substantial changes which this resolution would make in the powers conferred upon the committee by the previous House resolution, No. 480, are these: In the first clause the only change that is made is by adding the words "or decrease," which complies with the request of the gentleman from New York [Mr. Bennet] embodied in the resolution which he offered the other day, so that the committee will ascertain any decrease as well as any increase of the appropriations. I hardly think it necessary, as the committee would make such inquiry under the old resolution, but it answers the interrogatory and complies with the desire of the gentleman from New York, and in any event is fair and proper.

The second and most important change is in this particular: The original resolution, House resolution under which the committee was appointed, requires the committee to ascertain and report at this session, among other things, the names of all persons engaged in any branch of the public service in the prevention or detection of fraud and in arresting and bringing to trial violators of the laws of the United States; and not only their names, but the persons upon whose recommendations they were appointed; and also a statement of the specific duty in which each one of these persons was engaged for each day during the two fiscal years. The committee has already proceeded sufficiently far to find that that could not be done, nor even fairly commenced, within the time of the present session. We have learned that each person so employed submits to the department each day a card setting forth where he has been, what service he has performed, his expenses, and so forth.

Now, if we assume that there are only 300 persons so employed, and there are a great many more, that would be in two years, allowing 300 working days each year, 600 cards for each one of 300 persons, or a total of 180,000 cards which would have to be inspected, considered, and embodied in a report, which would fill not less than 7,500 pages. That would be away beyoud the possibility of accomplishment within the present session. In order to limit the inquiry so that we could hope to make an intelligent and, perhaps, useful report during the present session, as the House has commanded, the committee unanimously asks for this modification.

Mr. BENNET of New York. Reserving the right to object, I would like to ask the gentleman from Pennsylvania if his resolution contains anything new except that part embodied from my resolution?

Mr. OLMSTED. No additional power, unless one is conferred by adding the words "or decrease."

Mr. BENNET of New York. And also if the gentleman would have any objection to adding to his resolution a provision that the committee should also make recommendations such as seem to them advisable at the conclusion of their investigation?

Mr. OLMSTED. I would have no objection, Mr. Speaker, except this, that as the resolution now stands it will cause all the work we can possibly perform within the remaining days of this Congress.

Mr. MANN. Is it not the intention under this resolution to extend the committee beyond the session?

Mr. OLMSTED. No; not at all. The SPEAKER. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to.

RESIGNATION OF JUDGES.

Mr. CAULFIELD. Mr. Speaker, I move to suspend the rules, to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill S. 4535, with amendment, and pass the bill as amended.

The SPEAKER. The gentleman from Missouri [Mr. CAUL-FIELD] moves to suspend the rules and pass the following Senate bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 4535) to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

Be it enacted, etc., That section 714 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 714. When any judge of any court of the United States resigns his office, after having held a commission or commissions as judge of such court or courts at least ten years, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation."

Also the following committee amendment:

Page 1, after the word "States," in line 7, insert "appointed to hold his office during good behavior."

Mr. MANN. Mr. Speaker, I demand a second.

Mr. CAULFIELD. Mr. Speaker, I ask unanimous consent that the second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. CAUL-FIELD] is entitled to twenty minutes and the gentleman from

Illinois [Mr. Mann] to twenty minutes. Mr. CAULFIELD. Mr. Speaker, I am informed that this bill was unanimously passed by the Senate, and it has been approved by the Committee on the Judiciary of the House. Under the present law a judge of the United States, in order to have the privilege of retirement on pay, must have served ten years in one office, so that if it happens that he has served five years on the district bench he can not accept promotion to the circuit bench without being penalized in that his right to retire must be postponed for five years longer, because he can not have the right to retire until he has served ten years in the last office. I believe, Mr. Speaker, that that is against the good of the service, against the efficiency of the judiciary. The passage of this bill will increase the efficiency of the judiciary by making it possible, when a vacancy occurs in a higher judicial office, to fill it with a man whose service and experience on a lesser bench have peculiarly fitted him for the higher place, yet without postponing his retirement beyond an age when both his inclination and a proper regard for the public good should We should consider this bill from the solicit his retiring. standpoint of the public good, for while by unduly postponing the time for retirement we may run counter to the desire of a judge here and there, we are more likely to decrease the efficiency of our courts by continuing men too long in judicial office.

Mr. SIMS. Will the gentleman allow me to ask him a question? Why does the gentleman call this "penalizing?" If the district judge is getting the district judge's full salary and we remove the inducement to him to seek promotion to a circuit judge by which he can be retired at a larger salary, why does the gentleman call that "penalizing?"

Mr. CAULFIELD. I mean that it may be necessary to the efficiency of the service that a judge be promoted or changed from the district to the circuit court; and if he is, and has served five years on the district bench, his right to retire has been postponed for five years, because he must serve ten years on the circuit bench.

Mr. SIMS. It does not compel him to accept it.

Mr. CAULFIELD. That is true; and that is an argument in favor of the passage of this bill, because it may be necessary and proper for the good of the service that he do accept; and we want to remove the inducement from him not to accept.

Mr. SIMS. Is it not a fact that the district judges perform all of the duties of the circuit judge except sitting on the court of appeals?

Mr. CAULFIELD. That may be true.

Mr. SIMS. How are you to promote the service if you change the salary-and-retirement inducement by merely changing them from district to circuit judges?

Mr. CAULFIELD. It is not true that they always perform those duties. They sometimes do, and often do. Mr. SIMS. A district judge told me the other

Mr. SIMS. A district judge told me the other day that for years he had been hearing all the cases that a circuit judge would hear, except when the circuit judge was sitting on the court of appeals.

Mr. CAULFIELD. If he is performing all the duties of the

circuit judge he ought to be promoted to a circuit judge.

Mr. SIMS. Better let him go on and do the work that a higher-priced judge would do.

Mr. CAULFIELD. It is but fair if he performs the service

that he should be paid for it.

Mr. SIMS. He is paid for it. This bill simply offers an inducement to the district judges to try to become circuit judges, in order to get a higher pay during the time they are serving, and then to be put on the retired list in less time if they go on the circuit bench. Is not that the practical effect of your bill?

Mr. CAULFIELD. I can not say that it is.
Mr. SIMS (continuing). Without any benefit at all to the public service; because the district judge can properly discharge the duty of the circuit judge, and is competent to do so; and the only object of the bill of the committee is that he will not have to serve the same number of years in the place that he is required to now.

Mr. ALEXANDER of New York. May I answer the gentle-

man from Tennessee?

Mr. CAULFIELD. How much time have I left, Mr. Speaker? The gentleman has twelve minutes re-The SPEAKER.

Mr. CAULFIELD. I yield seven minutes to the gentleman

from New York

Mr. ALEXANDER of New York. Mr. Speaker, in reply to the question raised by my friend from Tennessee [Mr. Sims], I desire simply to say that if a district judge has served eight years and is promoted by the President to a circuit judge-

Mr. SIMS. You mean he appoints him a circuit judge? Mr. ALEXANDER of New York. He appoints him.

Mr. SIMS. It is not a promotion except in effect? Mr. ALEXANDER of New York. It is really a promotion, and the courts so regard it.

Mr. MURDOCK. He gets a higher salary?

Mr. ALEXANDER of New York. He gets \$7,000; the district judge gets \$6,000.

Now, having served two years as a circuit judge, he has a right to retire under this bill.

Mr. SIMS. No; he has not.

Mr. ALEXANDER of New York. He has a right to retire at the age of 70. Now, the question is, shall we let him have the right to retire, with pay, or shall we keep him working until he is 78 years old?

Mr. SIMS. If it was compulsory for him to accept this new appointment, then the argument would be good; but inasmuch as it is merely elective, and he accepts the honor rather than the retirement pay it shows he would rather become a circuit judge than to serve two years more as a district judge and retire on the full pay of a district judge. It is not penalizing him, it is promoting him, and this bill provides that in two years' service as a circuit judge he may retire with the benefits and emoluments of a circuit judge who has been there for ten years.

Mr. ALEXANDER of New York. Which is preferable, to keep a judge on the bench after he feels too old to work and desires to be retired or require him to serve eight years longer? Unless this bill becomes a law, you make it impossible for him to retire with salary until he is 78—that is, until he has served

ten years as a circuit judge.

Why should he be appointed to the circuit bench Mr. SIMS.

at the age of 68?

Mr. ALEXANDER of New York. That is a question for the Executive

Mr. SIMS. Are there not enough ex-Senators and ex-Members of the House to be appointed circuit judges and serve ten years, and glad to do it? Why put this 68-year-old district judge in line of retirement with full pay as a circuit judge in only two years? [Applause.]

Mr. ALEXANDER of New York. That is an executive func-We can not control the President, but we can help the service by allowing an honorable, hard-working district judge who is made a circuit judge to retire under the law with pay before he becomes too old and perhaps useless; and most men do get too old for work before they are 78 years old, especially if they have been hard workers all their days.

Mr. SIMS. Let me say that you are forming what practically becomes an endless chain. Every time the district judge is 68 and the circuit judge is 70 the circuit judge walks out on full pay for life, and the district judge then is appointed and in two years he walks out with full pay, and by the possible operation of this bill you can load this country down with district judges drawing the retirement pay of circuit judges after having rendered two or three years' service, or, maybe, not one.

Mr. ALEXANDER of New York. I did not yield for a speech; I yielded for a question. We allow army officers to be promoted

and then retired.

Mr. SIMS. How long does an army officer have to serve?

Mr. ALEXANDER of New York. Until he is 64, I believe.

Mr. SIMS. How many years all told.
Mr. ALEXANDER of New York. A judge may serve thirty
years as a district judge, and then, because he takes a reappointment as a circuit judge, you would compel him to serve beyond the retirement age, even though his health be broken.

Mr. SIMS. Oh, no; I will not compel him to accept the appointment. He does not have to accept it. He does it as a

matter of honor, and if he would rather have honor money, I glory in his selection; but why fix up this matter here for men who are looking for money rather than an honorable

career on the bench?

Mr. ALEXANDER of New York. Oh, well, we are all human. If a judge has worked hard for twenty or thirty years, standing out like a snow-capped peak as one of the best district judges of the country, and the President recognizes his ability by promoting him to a circuit judgeship, shall this House say that he must serve eight years after the retirement age before he may be retired with pay? I hope not.

Mr. SIMS. Let me say that these "snow-capped peaks" are

now out for an increase of 50 per cent in their salaries.

Mr. ALEXANDER of New York. Well, it is the custom in the army, and our judges should be treated as generously. is a short-sighted policy to require them to serve after their health is broken, if they have already served ten years as a dis-

trict and circuit judge. Mr. SIMS. Then there are very few worthy judges, accord-

ing to the gentleman's statement.

Mr. CAULFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. How much time has the gentleman remaining? The SPEAKER. The gentleman has five minutes remaining. Mr. STAFFORD. I want to ask the gentleman from Missouri a question.

Mr. MANN. I will yield time enough to the gentleman from Missouri to answer the question of the gentleman from Wis-

Mr. STAFFORD. In reading over the bill, I thought it was ambiguous in phraseology in one particular, and that it did not clearly accomplish the purpose intended. As I understand it, the word "courts," in line 10, is the word upon which you hinge the right of a judge who has held another judgeship to obtain the retirement fund. Would it not be better phraseology, and express the intent more clearly, if you struck out the word "such," in line 9, before "court" and add after the word "courts," in that line, the words "of the United States," so as to read: "judge of any court or courts of the United States?" The word "such" refers to the court in the first line. I think the suggested phraseology would make the intent of the law much clearer.

Mr. MANN. I yielded for a question. Is the question ended? Mr. STAFFORD. The gentleman yielded sufficient time to

the gentleman to answer my question.

Mr. MANN. I agreed to give some time to the proponents of the bill, but I do not want to give all the time.

Mr. CAULFIELD. I would say, in answer to the objection made by the gentleman from Wisconsin, that the word "such" relates back to show that it is meant the judges of the United States who have held office during good behavior. If you said "judge of any court or courts," it might render the meaning ambiguous.

Mr. STAFFORD. I would insert after the word "courts"

the words "of the United States."

Mr. CAULFIELD. I understand that you can not amend a bill under the motion to suspend the rules.

Mr. STAFFORD. But the gentleman could ask unanimous consent.

Mr. MANN. Mr. Speaker, the object of this bill is to offer an incentive to the President of the United States to appoint a district judge, after he reaches the age of 60, to the circuit court bench. Without this bill being passed the President does not appoint district judges over the age of 60 to the circuit bench; and I believe the bill, if passed, applies only to one case in the whole United States. In other words, there is only one case where a district judge over the age of 60 years has been appointed to the circuit bench.

Now, Mr. Speaker, I am not in favor of offering a premium to the President to appoint old men upon the circuit bench. I think when a man has reached the age of 60 he has reached the age where, under ordinary circumstances, at least, he ought not to be appointed a circuit judge. If as district judge he is learned in reference to bankruptcy matters and other matters peculiarly within the province of the district bench, let him remain a district judge until he reaches the age of 70, when he can be retired, and let some younger man who may make a more efficient circuit judge be appointed on the bench.

The value of the law as it now exists is shown by the fact that it has not been the habit of the executive to appoint old men, over 60 years of age, on the circuit bench. But if this bill passes every district judge in the United States will be seeking an appointment, when he reaches the age of 60, to the circuit

bench in his circuit.

Mr. KEIFER. What circuit judge does the gentleman refer to?

Mr. MANN. United States circuit judges.

Mr. KEIFER. The gentleman means the circuit court of

I do not. I mean the United States circuit Mr. MANN. The circuit court of appeals is made up from the United States circuit court judges. There are no judges appointed by the President to the United States court of appeals. Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Missouri. Mr. RUSSELL of Missouri. I understand that the present law gives a salary of \$6,000 to district judges. Is that correct?

Mr. MANN. The gentleman is as well informed as I am. I

believe that is correct.

Mr. RUSSELL of Missouri. The circuit judges get an increased salary over that. They get \$7,000. Would it not be manifestly unjust if a man should serve as a district judge nine years at the lower salary and then be promoted, and then at the end of one year's service at the increased salary be retired for life and paid the increased salary?

Mr. MANN. I quite agree with the gentleman from Mis-

uri. Mr. Speaker, how much time have I remaining?
The SPEAKER. The gentleman has fourteen minutes.
Mr. MONDELL. Mr. Speaker, I would like to ask the gentleman from Illinois a question.

Mr. MANN. I will yield to the gentleman from Wyoming.

Mr. MONDELL. What would occur in a case of this kind: A man under 60 years is appointed to the circuit bench, and his physical condition becomes, within four or five years, such that it would be for the interest of the service that he should be retired. He would not, under the present law, be eligible to retire with a continued payment of salary.

Mr. MANN. If a man who is appointed judge on the bench becomes incapacitated physically and does not properly perform the functions of his office, he draws his salary until he reaches the retirement age. Mr. Speaker, I now yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill is a very simple proposition. There is nothing so involved or complicated or mysterious or far-reaching or direful about it as the gentleman from Tennessee [Mr. Gaines] seems to think there is. It is a simple proposition, where a judge who has served one, two, three, or five or more years as district judge, in case he is promoted to be circuit judge, is to be credited in the computation of his time of service with those one, two, three, or five years service as district judge in making up the requisite ten years which must concur with the 70 years of age to enable him to be retired on pay. Without this bill, he must serve, in case of his promotion to the circuit judgeship, continuously ten years as circuit judge, notwithstanding he may have served nine years and three hundred and sixty-four days as district judge. That is the proposition. There is but one other idea that I have heard suggested in this debate, and that is it is said that it is an increase of pay. So it is, Mr. Speaker, if he is promoted. The promotions under this bill would be very rare; but suppose there is an increase of pay in case of such promotion, that is one of the unavoidable incidents that attach to a meritorious promotion deservedly won by an honorable judge in the discharge of the duties of his high office. answer may be made to it: There is not a district judge in the United States of first-class ability—mark the words, not a district judge in the United States of first-class ability—who has not from time to time and will not from time to time be called upon to serve as circuit judge in addition to his work as district judge. I have in mind to-day, and I think my colleague from Alabama will bear me out, a conspicuous example, where a district judge residing in his district performs all of his duties as district judge and holds court for other judges in their districts, and, in addition, a large part of his time is consumed in presiding as an associate justice on the circuit court of appeals.

That is pursuant to law, and it is right, and the district judge. can be directed from time to time and is directed, particularly if he is a man of conspicuous ability and a man who can dispatch business rapidly in his own district-I say he is designated from time to time to go and sit on the circuit court of appeals. Now, should that sort of a man, who has served in two offices, one with pay and the other without pay-for when he acts as circuit judge he does not draw the salary of a circuit judge-should such a man as that, when he has won this reputation and discharged this work, met all the obligations of one office and reached out and met a part of the duties of another office by a designation pursuant to law, be deprived of that deserved promotion? I say that if you deprive that sort of a man of a deserved promotion which the Executive has a right to give to him, if you say to him that he can not have that promotion without losing credit for the time that he has served as district judge, without losing credit for the work that he has done both as district judge and as associate judge on the circuit court of appeals, then you penalize him, and I submit to the candid judgment of any fair-minded man whether it would be right to do so in any given case. This bill comes from the committee without any opposition in the shape of minority views. [Applause.]

Mr. GAINES of Tennessee. Suppose that if the judge serves on the district bench for twenty years and is then appointed to the circuit bench. Must be then serve ten years more?

Mr. CLAYTON. He would, undoubtedly, unless this law is

passed.

Mr. GAINES of Tennessee. Then, that is the whole case. The SPEAKER. The time of the gentleman has expired. Mr. MANN. Mr. Speaker, I yield two minutes to the gentle-

man from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, it seems to me that the gentleman who has just taken his seat has given in concrete form the objection to the bill. He says if a district judge had served nine years and three hundred and sixty-four days as district judge and then was promoted before he could retire, he would have to serve ten years more to get the increased pay. I want to reply to that by saying that if this bill goes into operation and the district judge has served nine years and three hundred and sixty-four days and the President appoints him on that three hundred and sixty-fourth day as a circuit judge, and he retires, then, on the three hundred and sixty-fifth day, for that one day's service as a circuit judge, should he live to be 80 years of age, he would receive ten times \$1,500, the increase he gets on the retirement by virtue of his appointment on the last day of service. In other words, one day's service as circuit judge enables him to receive \$15,000 more civil pension than he would otherwise have obtained.

Mr. BURKE. Would the gentleman regard that as a gross abuse of power by the President of the United States, to appoint a man one day prior to his attaining the age of 70? And does the gentleman suppose for a moment that the Senate of the United States would confirm such an appointment?

The SPEAKER. The time of the gentleman has expired. Mr. HARDY. Mr. Speaker, I would like to have permission to

answer that question.

Mr. MANN. While, Mr. Speaker, I would be perfectly willing to yield to the gentleman to ask a question, it would be hardly necessary for the President of the United States constantly-and every President has-to run a whole batch of army officers through one office, in order to give them additional title and emoluments, all in a day. The Senate never has refused to confirm one of them yet, that I have ever heard of.

Mr. CLAYTON. You mean the present Chief Executive has done that?

Mr. MANN. I mean Mr. Cleveland, when he was Executive, did that. [Applause on the Republican side.]

Mr. CLAYTON. How about the present Chief Executive?

[Applause on the Democratic side.]

I do not think he is exempt from it, and whoever Mr. MANN. is President will do it as long as the power remains, and I am not in favor of giving him the power in regard to judges which he now has in regard to army and navy officials. [Applause.]

Now, Mr. Speaker, if this bill is passed every district judge in the United States, whenever there is a vacancy on the circuit bench, will be trying to get that appointment for the purpose of being retired as circuit judge at a higher salary, and they will get the appointment, not for the purpose of performing the duties of the office, but merely for the purpose of receiving extra pay on the retired list. There is no occasion for giving that encouragement.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. MANN. I desire to have the gentleman from Missouri [Mr. DE ARMOND] heard.

The SPEAKER. Does the gentleman reserve his time? Mr. MANN. Mr. Speaker, I think it would be well to have silent prayer at this time and a contemplation of the enormity of the bill while waiting for the presence of the gentleman from Missouri, and I hope the House for a moment will indulge in

silent prayer on the subject under consideration.

Mr. GAINES of Tennessee. Mr. Speaker, just before the silence begins [laughter and applause] I would like to ask the

gentleman a question.

Mr. MANN. Now, Mr. Speaker, I yield to the gentleman from Missouri [Mr. DE ARMOND] such time as I have remaining.

Mr. DE ARMOND. Mr. Speaker, I am one of those members of the Judiciary Committee who at the time this measure was before the committee thought it better not to report it favorably, and I am of the same opinion yet. Ten years' service, as matters stand now, upon one particular bench, the age of 70 years having been reached, entitles the judge to be retired upon full pay. If one having served ten years upon a par-ticular bench chooses to go to a higher bench, or having served eight or nine years chooses to go to a higher one, there is no particular reason why he ought to have the pay of the higher position when retired, and there are strong reasons why pressure for promotion for higher pay and retirement should be avoided.

Now, if the bill were to provide for retirement at a given period of continuous service with the pay of the lower office or the one in which the larger service was rendered-the one in which the longer term of service was rendered-it would be An army or navy officer, as I understand, has to different. serve thirty or forty years before he is entitled to retirement. As the law now is the judge may be retired upon ten years' service as a member of some particular court, having reached

the age of 70 years.

The proposition is to retire him if he reaches 70 years of age with a total service of ten years upon one, two, three, or, if there were so many, ten or fifteen benches, aggregating ten years' service in the federal judiciary. That is the proposition in this bill, and I do not think it is a good one. I think it is better to leave the law as it is, or if service upon one court is to be tacked onto service upon another, I think it a better and fairer provision that the compensation, or, rather, the pension or life allowance which the judge shall receive after he retires, shall be based upon his compensation in the lower court.

It will do very well to talk about the judge who has served faithfully and well for twenty or thirty years; but this bill applies to judges who serve—maybe faithfully, maybe efficiently, maybe unfaithfully, maybe inefficiently—for ten years in a number of courts. My judgment is that the bill ought not to be passed. I think the law as it stands is better than it will be if

this measure be incorporated in it. [Applause.]

The SPEAKER. The time of the gentleman has expired. Mr. CAULFIELD. Mr. Speaker, of course I realize what it means when the gentleman from Illinois [Mr. Mann], with his great learning upon so many subjects, joins with the gentleman from Missouri [Mr. De Armond] in opposing this meritorious measure. But I can not help but believe that these gentlemen, with all their learning and all their experience, fail to grasp the real intention of the retirement law. We do not provide for retiring judges upon pay in order to pension them. This law is not written for the benefit of the judges, but it is written for the benefit of the judiciary system of the United States. It is not well that judges should stay upon the bench after they have ceased to be efficient, and the wisdom of this Congress has set 70 years as that time. I say to you that under the present system a judge might have served twenty-four years, and have reached the age of 85 years, and not be able to retire. I do not appeal for his benefit, but I appeal for the benefit of the judiciary system. It is not well that he should occupy the position so long. This is intended to rectify that. I believe that the law as it was originally drawn was intended to operate just as this bill would make it operate.

They say that there will be more promotions than there are That can not be true to any great extent, though I hope that it would be true to some extent, because there can not be promotions without vacancies, and there can not be vacancies under this bill except those caused by the voluntary retirement of men whose course of life has nearly run, whose efficiency has ceased, and whose places ought to be vacant and can not be made vacant unless this bill shall become a law.

I say to you that this bill, in my judgment, and in the judgment of the Judiciary Committee, is a good bill and ought to ent of the suntainty states of the vote for it.

The SPEAKER. The question is on suspending the rules and

passing the bill with an amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CAULFIELD. Division, Mr. Speaker.

The House divided; and there were—ayes 63, noes 82.

Mr. CAULFIELD. Mr. Speaker, I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The yeas and nays were refused.

So the House declined to suspend the rules and pass the bill.

LATE SENATOR ASBURY C. LATIMER.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk. The SPEAKER. The gentleman from South Carolina asks for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Order No. 23.

Ordered, That at the conclusion of other special orders Sunday, February 21, there be a session of the House for the delivery of eulogies of the life, character, and public services of the Hon. Asbury C. Latimer, late a member of the United States Senate from the State of South Carolina.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the reso-

The question was taken, and the resolution was agreed to.

CONFERENCE REPORT-CORDOVA BAY.

Mr. MONDELL. Mr. Speaker, I desire to call up the conference report on the bill (S. 6418) authorizing the sale of land at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6418) entitled "An act authorizing the sale of land at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment

as follows: Strike out all after section eight.

And the House agree to the same. F. W. Mondell,
A. J. Volstead,
Jno. W. Gaines,
Managers on the part of the House. FRANK P. FLINT, W. B. HEYBURN, J. H. BANKHEAD Managers on the part of the Senate.

STATEMENT.

To accompany conference report on Senate bill 6418.

The House amendment to Senate bill 6418 struck out all of the Senate act, and contained two separate and distinct propositions, which had been recorded by the House Committee on the Public Lands in two separate bills. The first of these propositions, which constituted the first eight sections of the amendment, related to the sale of lands at the head of Cordova Bay, in the Territory of Alaska, which was also the subject-matter of Senate bill 6418, though the provisions of the legislation in the House differed in detail from the provisions in the Senate bill, reducing from five to two thousand acres the area sold, and laying further restrictions and conditions on the sale.

The second proposition contained in the House amendment, sections 9 to 14, related to the sale to the Alaska Terminal and Navigation Company of lands on Kanak Island, Alaska. In the agreement reached by the conferees the House legislation with reference to the lands on Cordova Bay was accepted by the Senate without amendment, while the legislation relating to the sale of land on Kanak Island was stricken out.

F. W. MONDELL, A. J. VOLSTEAD, JNO. W. GAINES Managers on the part of the House.

The SPEAKER. The question is on agreeing to the confer-

ence report. The question was taken, and the conference report was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26915, the army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, with Mr. PERKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 26915, the army appropriation bill.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

the bill H. R. 26915, the army appropriation bill.

The Clerk read as follows:

Subsistence department.

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the army, without pay, as guides and scouts, and military convicts at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties, and applicants for culls, ent with the pay of a property of the payor of the vessels of the army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties, and applicants for endistence of military convicts confined at military posts without pay or allowances, and applicants for enlistment while held under observation; for issues of toilet articles, barbers, laundry, posts without pay or allowances, and applicants for enlistment while held under observation; for issues of toilet kits to recruits upon their first enlistment; lee for issue to organizations of enlisted men at such places as the Secretary of War may determine; for sales to officers and enlisted men of the army; coffee roasters and cooking apparatus in the field, and when traveling (except on transports), bate ovens and apparatus pertaining thereto; scales, weights, measures, utensits, toods stationed at the contract of the contract

Mr. HULL of Iowa. Mr. Chairman, I move to amend line 17, page 23, by inserting the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Amend line 17, page 23; after the word "fund" insert the proviso: "Provided, That of the amount herein appropriated the sum of \$1,587 may be used."

Mr. HULL of Iowa. Then strike out all after the word "available," in line 20, to the close of the paragraph. It is simply a duplication, the committee will notice.

The Clerk read as follows:

Strike out all after the word "available," in line 20, down to the end of the paragraph.

The CHAIRMAN. The question is on the adoption of the

Mr. DRISCOLL. I reserve the point of order on that. I un-

derstand it refers to the cadets at West Point.

Mr. HULL of Iowa. It does. Mr. Chairman, the West Point

judgment is that without this language on which the gentleman from New York reserves the point of order, it would keep the cadets from coming here. Of course, he has power to do that; but Congress has never refused this extra appropriation in order to allow them to take a part in the inauguration of their future Commander in Chief, the President of the United States. The means under which the naval cadets can come here have been provided for, and the rations for them. This is in addition to the regular appropriation providing for the cadets at West Point. It is an extra appropriation, but it is something the Government has never refused, and I sincerely hope my friend from New York will not refuse it this year.

Mr. DRISCOLL. I would like to have that amendment read

again.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again reported.

Mr. DRISCOLL. That is all in here, except the words "immediately available."

Mr. HULL of Iowa. It is. They want it. I will say, Mr. Chairman, to my friend from New York it is no additional amount to ask for the Subsistence Department, but in the preparation of the bill it was left in such a way that we have made a duplication of the appropriation of \$7,786,000. The duplication is not stricken out, as it should have been when the bill was prepared to be reported. It was provided that \$1,587 for the expenses of the cadets should be paid out of the total sum appropriated for the Subsistence Department and no increase of the amount for the Subsistence Department. This amendment is simply to harmonize what the committee ought to have done. Mr. DRISCOLL. I withdraw the point of order.

Mr. COX of Indiana. I renew the point of order. I want to

ask the chairman of the committee a question.

Mr. HULL of Iowa. Yes.

Mr. COX of Indiana. I reserve the point of order. I want to ask the gentleman from Iowa whether or not it has always, so far as the gentleman is informed, been the uniform custom to pay the traveling expenses of the West Point cadets?

Mr. HULL of Iowa. It is, whenever they are ordered anywhere. It is so when they are sent to Sandy Hook for practice. It is so when they are ordered here. It was so four years ago, and I think, if gentlemen will take other appropriation bills, they will find it has been done heretofore. We give an extra appropriation beyond what is given regularly for the subsistence de-partment of these men. Then we provided for "the subsistence of West Point cadets while attending the inaugural ceremony, to be immediately available, \$1,000." Now, we give a little more this year, because there are more cadets.

Mr. COX of Indiana. How many of these cadets will attend? Mr. HULL of Iowa. In the neighborhood of three or four

hundred.

Mr. COX of Indiana. Is there any appropriation made by any of the departments to get them to attend if this is stricken out?

Mr. HULL of Iowa. If this is stricken out, there is no way by which they can be gotten here except by private subscription.

Mr. DRISCOLL. They can come if they pay their own way.

Mr. HULL of Iowa. We would not ask them to do that.

Mr. DRISCOLL. I think they are paid pretty well.

Mr. HULL of Iowa. It takes pretty near all they get to keep them and supply their uniforms. I have no doubt that a part of these cadets could pay \$1,000 to come here; but the great body of the cadets are from poor families, and they would not be able to come. The West Point Academy and the academy at Annapolis are the two greatest democratic institutions on earth, where there is no difference between the washer-woman's son and the millionaire's son. They are not allowed to have money to spend except what the Government provides for them. If they get leave of absence, there are doubtless some that would be able to pay their own way, but they would not be any part of the parade, and consent should not be given to any of them except as a corps of cadets.

Mr. SLAYDEN. I will ask the chairman of the committee if he saw a statement in a newspaper to the effect that the naval cadets would not come and that there was some feeling among the cadets at the Naval Academy over what they regarded as discrimination in favor of the Military Academy?

Mr. HULL of Iowa. No; I did not see it.

Mr. SLAYDEN. I saw a statement to the effect that they were not coming, and I did not know where it had been provided that they should come.

Mr. HULL of Iowa. I saw in the paper that the naval cadets

would come here in the morning and go back in the evening, be-Mr. HULL of Iowa. It does. Mr. Chairman, the West Point cause they are only 40 miles away, and that a very distincadets have of late years attended the inauguration. My own

I had not seen where they were not coming. I think they will all come.

Mr. SLAYDEN. The paper was perhaps misinformed. Mr. HULL of Iowa. But from West Point they have got to be out all of one night, both going and coming, and be here all of one day

Mr. COX of Indiana. Have the committee figured out the exact cost of bringing them here and taking them home?

Mr. HULL of Iowa. Only as the department have given these

Mr. COX of Indiana. These are submitted by the depart-

Mr. HULL of Iowa. They are submitted by the department.
Mr. COX of Indiana. I make the point of order.
Mr. HULL of Iowa. The point of order, I understand, is made simply to the part relating to the extraordinary subsistence of the West Point cadets?
Mr. COX of Indiana.

Mr. COX of Indiana. Yes. Mr. HULL of Iowa. If the Chair sustains the point of order, of course I want to make the other amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL of Iowa. Then, I move to strike out, commencing with the word "seven," in line 20, all the rest of the paragraph. The Clerk read as follows:

In line 20, after the word "dollars," strike out the remainder of the

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, a parliamentary inquiry.

It has been suggested to me that the point of order was raised to the proviso. My understanding was that the point of order was to the appropriation for the subsistence of the West Point cadets.

Mr. COX of Indiana. That is all, that \$15,000. Mr. HULL of Iowa. Then, my understanding is correct.

Mr. MANN. Mr. Chairman, the point of order I had pending on Saturday was not disposed of. I do not know whether the gentleman wants to dispose of it or not.

Mr. HULL of Iowa. I have such confidence in the gentleman from Illinois that I supposed he raised that point of order in order to get an adjournment.

The CHAIRMAN. What was the point of order?

Mr. MANN. That is a point of order on the paragraph, beginning with line 3 and ending with line 14, on page 20. So far as I am concerned, I withdraw the point of order.

The CHAIRMAN. If there be no objection, the point of order

will be withdrawn.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

The Clerk read as follows:

QUARTEEMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts, and repair and maintenance of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost in the operation of the act approved May 31, 1902, for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; and nothing in the act making appropriations for the fiscal year 1908, or any other act, shall hereafter be held or construed so as to deprive officers of the form, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any me

suance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, \$9,300,000.

Mr. DRISCOLL. Mr. Chairman, I reserve a point of order on page 24, line 8, commencing with the words "the buildings" down to and including the words "nineteen hundred and two,"

in line 10, on that page.

Mr. HULL of Iowa. The gentleman's point of order is to the

The buildings erected at private cost in the operation of the act approved May 31, 1902.

I want to say, Mr. Chairman, that under that act there have been donations. Miss Helen Gould started it, I think, by erecting Young Men's Christian Association buildings for the use of the posts. There is one at Fortress Monroe and there is one, I think, at Leavenworth. Those buildings, under the law, can not be lighted or heated at public expense.

Mr. DRISCOLL. By whom are they owned? Mr. HULL of Iowa. By the Government of the United States, donated to the Government, all the cost of building borne by Miss Gould, and possibly others, for the benefit of the moral standing of the army.

She has no interest in them whatever; she simply erects them

and donates them to the Government.

Mr. DRISCOLL. And this is for heating and lighting those buildings?

Mr. HULL of Iowa. Yes; the same as we light other build-

ings

Mr. SLAYDEN. I wish to say to the gentleman that the citizens of San Antonio are constructing a chapel which is to be donated to the Government in the same way.

Mr. DRISCOLL. I have no objection, and Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

withdraw the point of order.

The Clerk read as follows:

Incidental expenses: Cost of telegrams on official business received and sent by officers of the army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for the United States military prison guard; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military posts or on the frontiers or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the care of officers' mounts when the same are furnished by the Government and the hire of interpreters, spies, or guides for the army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prisoners, and the expenses incident to their pursuit, and no

Mr. HULL of Iowa. Mr. Chairman, on page 27, after the word "Government," in line 18, I ask to strike out the semicolon and insert a comma.

Mr. MACON. I make a point of order as to the paragraph. The Clerk reported the amendment, as follows:

On page 27, line 18, strike out the semicolon and insert a comma.

The CHAIRMAN. The point of order will be first disposed of. Mr. MACON. I reserve the point of order against the paragraph for the purpose of asking a question. I notice on line 7, page 38, the words "including the care of officers' mounts when the same are furnished by the Government." That has not been

carried in the bill heretofore.

Mr. HULL of Iowa. No; because of the change of law last year by which the Government furnished the mounts and did not pay the officers on account of it. This is only to comply with that law.

Mr. MACON. I notice that there has been an increase of about \$50,000. I suppose that is to cover cases of this kind.

Mr. HULL of Iowa. Undoubtedly a part of it. We save a much larger sum by reducing the pay of the mounted officers than this would cost. This language, while it is new, is in accordance with the law.

Mr. MACON. I withdraw the point of order.

Mr. DRISCOLL. I move to strike out the last word in order to ask the gentleman a question right there. Page 28, line 8, there is a provision for the employment of spies. Is not that

Mr. HULL of Iowa. No; we have always had it. I think it has been in there, certainly, for eighteen years, and while I have had anything to do with the bill. It has been in all the bills I have had anything to do with. A few years ago there was a good deal of fun made because we had no use for them. If we had a war we would have use for them.

The amendment offered by Mr. Hull was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Horses for cavalry, artillery, and engineers: For the purchase of horses for officers entitled to public mounts for the cavalry, artillery, and engineers, service school and staff colleges, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, \$510,000: Provided, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in the open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: Provided, That no part of this appropriation shall be used for breeding purposes: Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by army regulations for cavalry and artillery horses.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the last proviso for the purpose of getting an explanation.

Mr. HULL of Iowa. I do not believe it is subject to a point of order, but I am glad to give the gentleman the reasons for the committee putting it in. There has been a proposition in the last few years to supply polo ponies for the different camps. The proposition was to cut down the regular standard horses, 5 to a troop of cavalry, and have 5 polo ponies. The committee did not believe that the Congress of the United States should give a sum to buy polo ponies from unless it was a direct appropriation, so that they would know what they were doing. priation, so that they would know what they were doing.

Mr. MADDEN. Is it the idea of the officers to buy polo

ponies at the expense of the Federal Treasury in order that they may have the instrumentalities to play the game?

Mr. HULL of Iowa. We were afraid they might get at it, and so we have fixed it so they can not.

Mr. MADDEN. And have they been doing that? Mr. HULL of Iown. I think they bought a few undersized horses.

Mr. MADDEN. I withdraw the pro forma amendment. The Clerk read as follows:

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, other than seacoast artillery, storehouses for the safe-keeping of military stores, for offices, recruiting stations, to provide such furniture for the public rooms of officers' messes and officers' quarters at military posts as may be approved by the Secretary of War, and the Auditor for the War Department is authorized and directed to remove any suspensions of accounts of quartermasters for the fiscal years 1907 and 1908, for the purchase of furniture where the same has been or may be approved by the Secretary of War; for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: Provided, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: Provided further, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than \$150 per month, except upon the approval of the Secretary of War, \$2,500,000: Provided, That no part of the sum herein appropriated shall be used for the construction of officers' quarters at the Army War College: Provided further, That \$15,000 of this sum may be used for the construction of a chapel on the military reservation at Fort Des Molnes, Iowa.

Mr. MACON. Mr. Chairman, I reserve a point of order

Mr. MACON. Mr. Chairman, I reserve a point of order upon the language contained in the last proviso of the paragraph.

The CHAIRMAN. To what portion?

Mr. MACON. To the proviso that \$15,000 of this sum may be used for the construction of a chapel on the military reserva-

Mr. HULL of Iowa. Mr. Chairman, possibly the point of order is well taken. I want to say that there is a regimental post there, and they have no chapel and are anxious to have one. The officers have asked for it, and the department wants to build it out of this fund, and they do not feel that they have the right to take other buildings or barracks for a chapel.

Mr. MACON. Is there not some other place for them to

worship in?

Mr. HULL of Iowa. Yes; they can go 41 miles into the city and attend church at the different churches, but it is not good discipline. They have an excellent chaplain there, and I think there is no difference of opinion among the officers and men as to the desirability of a building.

Mr. MACON. How are they worshiping now? Mr. HULL of Iowa. At any place they can find.

Mr. MACON. Can they not continue to worship in that way? Mr. HULL of Iowa. Oh, yes; they could go without worship,

Mr. MACON. Not necessarily. They could worship in the open air if they were really anxious to do it.

Mr. HULL of Iowa. They would freeze their noses at this time of year, with the thermometer at 4 degrees below zero.

Mr. MACON. I will say to the gentleman that he knows as

well as anyone in the House that at this particular time we are running behind in our revenues. I will ask him if he thinks it a wise policy to inaugurate new institutions of this kind while our revenues are so low?

Mr. HULL of Iowa. I did think it wise or I would not have favored it. We have not increased the appropriation by it. We may cut off some new quarters some place else by putting this in. We do not require that they shall use it, but I presume it would be something they would probably recognize. They have been wanting a chapel there for two or three years, and their chaplain waited upon me when I was home and urged it so strongly that I have told him I would do what I could to get it for him, and that is all there is to it.

Mr. MACON. Mr. Chairman, if I felt that these soldiers would not have an opportunity to worship Almighty God according to the dictates of their own conscience unless this chapel could be erected at this time, I would not make the point of order, but I verily believe they have a place now where they can worship God if they so desire, and that this expense of \$15,000 is unnecessary, and that when once started it will be a precedent for the establishment of other structures of this character, and that there is no telling where the end will be. Therefore I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Transportation of the army and its supplies: For transportation of the army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees; of clothing and equipage and other quartermaster's stores from army depots on places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; for payment of wharfage, tolls, and ferriage; for transportation of funds of the army; for the hire or employees; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: Provided, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: Provided further, That in expending the money appropriated by this

the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase and repair of such harness, wagons, carts, and drays as are required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; and for extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; and for the purchase and repair of harbor boats, and repair of boats for the seacoast artillery service; in all, \$12,250,000.

Mr. Chairman, I offer the following amend-

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting in line 3, page 32, after the word depots, the following:

"Provided, That hereafter one of the infantry companies at each recruiting depot shall have the organization of a band, to which recruits showing an aptitude for music may be attached for examination and instruction before assignments to organizations in the army."

Mr. MADDEN. Mr. Chairman, on that I make the point of

Mr. SLAYDEN. I will ask the gentleman to reserve the point of order.

Mr. MADDEN. I reserve the point of order.

Mr. SLAYDEN. Mr. Chairman, the amendment simply aids in the organization and does not cost the Government a cent, and will actually result in an economy. There is a demand constantly, of course, for recruits at these various recruiting depots for new members of the bands as well as for other branches of the service. There are three recruiting depots in this country to which all recruits are sent. There they are tested, examined, and drilled, and it is proposed that at each one of these three recruiting depots one infantry company shall have the organization of a band where the alleged musicians may be tested, and then, if found competent, dispatched to the particular post or garrison somewhere in the country where the services of such a man will be required. It is requested by the administration officers, and it costs the Government nothing in the way of outlay. It saves the Government money because the men will be dispatched from the recruiting depots directly to the post in which they can render the best service. Otherwise they might be assigned to a post in the North and very soon thereafter transferred to one in the South, to which they should have been sent in the first place.

Mr. MADDEN. I would like the gentleman to state how this

saves the Government any money.

Mr. SLAYDEN. Because it probably saves the shifting of re-

cruits about from one station to another.

Mr. MADDEN. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I reserve the point of order; I

The CHAIRMAN. The gentleman from Illinois renews the point of order, and reserves it against the amendment offered by the gentleman from Texas.

Mr. HAY. Mr. Chairman, what is the parliamentary situa-

The CHAIRMAN. The gentleman from Texas [Mr. Slay-pen] has offered an amendment. The gentleman from Illinois [Mr. Madden] reserved the point of order and then withdrew it, and the gentleman from Illinois [Mr. MANN] now renews the point of order.

Mr. HAY. Can the gentleman renew the point of order after

debate has been had?

The CHAIRMAN. There has been no debate. The gentleman has a right to renew the point of order.

Mr. MANN. Mr. Chairman, I will ask to have the amendment again reported.

The Clerk again reported the amendment.

Mr. MANN. I withdraw the point of order.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to. Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information on this paragraph. If I am correct, the last appropriation bill for this

purpose carried \$2,314,613.75.

Mr. HULL of Iowa. It carried \$11,250,000.

Mr. COX of Indiana. Probably I am incorrect. In this paragraph I see it carries \$12,250,000-

Mr. HULL of Iowa. Yes

Mr. COX of Indiana. Why the increase? Mr. HULL of Iowa. Because of the increased demands on the appropriation.

Mr. COX of Indiana. What has caused the increased demands for the appropriation?

Mr. HULL of Iowa. One is the large increase we are now compelled to pay the railroads on account of their having paid their debt to the United States. Heretofore there was a large amount of this transportation carried and charged against the railroads. Page 195 of the estimates gives very clearly the reasons for it. We cut them down some. They thought they reasons for it. We cut them down some. They thought they ought to have the full amount; possibly they ought to have, but we cut them down. In the hearings, after Mr. Slayden had interrogated General Aleshire on the question of \$12,632,846.50, General Aleshire said:

The total increase, or total excess, is \$1,382,846.50; \$720,643.50 is on account of expenses in the United States—

Mr. COX of Indiana. What page of the hearings? Mr. HULL of Iowa. Page 166 of the hearings and \$652,203 is on account of the Philippines estimate.

Then General Aleshire goes on to say in regard to this \$652,203:

Then General Aleshire goes on to say in regard to this \$652,203:

In explanation of the excess on account of the United States I would say that the Southern Pacific Railroad having in August, 1908, settled its indebtedness to the Government, it becomes necessary to pay in cash for all transportation over that road, instead of the Government receiving a credit therefor on the road's indebtedness to the Government, as was the rule prior to the liquidation of its indebtedness. For the payment of transportation over this road \$350,000 is estimated, which is an increase of \$120,000 over the amount estimated for that purpose for the current fiscal year. It was not anticipated when the estimates for the fiscal year 1909 were prepared that these accounts would have to be paid in cash for the entire year, and there was only included the amount thought to be necessary for payments after the date on which the road's last note was due—February 1, 1909.

The other items of increase are as follows: Transportation of supplies for the Signal Corps, \$40,000, which the Chief Signal Officer reported would be in excess of the current year's expenses because of the increased quantities of signal stores to be transported in Alaska. Then there is \$15,000 of the increase due to the expenses of crating and packing baggage for which we have no apportionment this year, and the cost-keeping records indicates that would be the amount required for 1910.

There is \$22,002.35, which is the amount of increase we estimate.

packing baggage for which we have no apportionment this year, and the cost-keeping records indicates that would be the amount required for 1910.

There is \$22,002.35, which is the amount of increase we estimate would be necessary in the transportation of recruits, taking into consideration the discharges and enlistments. There is \$2,177.75 for the transportation of recruiting parties. In the transportation of applicants for enlistment there is an increase of \$19,440.10. In regard to the transportation of prisoners, the number of prisoners being discharged will be in excess of those for the current year, so far as the records show, and the estimated increased cost on this account is \$5,000.

For the transportation of supplies to the militia we estimate an increase of \$4,234; for the transportation of clothing and equipage, and the transportation of other quartermaster supplies and of horse equipments, \$127,471.15; for the transportation of subsistence stores, based upon the report of the Commissary-General, we estimate the increase to be \$20,000. With reference to ordnance and ordnance stores, the competroller has decided that the transportation of heavy ordnance between railroad stations or wharves and battery emplacements must be paid from the appropriations of the Quartermaster's Department instead of the Engineer Department, as formerly, that being an additional service, the cost of which is estimated at \$46,155.

I will say be goes all the way through and gives very minute

I will say he goes all the way through and gives very minute

details of the increase.

Mr. COX of Indiana. As I understand from the gentleman, a large amount of this increase for the ensuing fiscal year is because the Government has been compelled to pay full rates for transportation of supplies, and so forth.

Mr. HULL of Iowa. Yes.
Mr. COX of Indiana. To what railroads?
Mr. COX of Indiana. To what railroads?
Mr. COX of Iowa. The total estimates foot up here \$12,-632,846.50. The committee, in figuring it over, believed that in

giving them \$12,250,000 we cut it to the very lowest point.

Mr. COX of Indiana. But what railroads in the United States have heretofore been carrying troops and supplies and getting credit for the same with the Government?

Mr. HULL of Iowa. The Southern Pacific is one, and the Union Pacific at one time; but I should say all the land-grant railroads and the bond-aided roads.

Mr. COX of Indiana. When did that stop? Mr. HULL of Iowa. When they paid their debt to the Government.

Mr. KAHN. August, 1908; the Southern Pacific.
The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. DRISCOLL. Mr. Chairman, I would like to know if the Quartermaster-General has not made any special contracts with the transcontinental roads for a rate to carry soldiers, and so forth, across the continent.
Mr. KAHN. Some of the land-gr

Some of the land-grant roads, under their grants, are required to carry soldiers and supplies for the army at a lower rate, and all other lines that compete with those land-

grant roads make the lower rate. Mr. DRISCOLL. Wait a moment. Some years ago the Government was having its soldiers transported across the country, say from Chicago, Milwaukee, and other places in the West, to the Pacific and paying theatrical rates—that is, at the rates that were charged to theatrical companies, baseball clubs, and other organizations which were out giving exhibitions, and those

railroads accepted what was paid, but retained their claims against the Government for the balances, which were the difference between individual rates and club rates for all those soldiers who were carried across the continent during several years. Has that matter been settled, as far as the gentleman knows?

Mr. KAHN. I know nothing about that matter at all. So far as I have investigated the matter, the Government has paid the special rates provided for by the act granting the land to the land-grant railroads, and even the competing roads that were not land-grant roads made similar rates for the Govern-

Mr. DRISCOLL. There was certainly a dispute between the railroads and the Quartermaster-General, and especially between railroad companies and the local quartermasters out there who were transporting the troops. The railroads claimed individual rates the same as they charge you or me or any other individual, whereas the quartermasters claimed the right under the law to have these squads of soldiers transported at the same rate as the railroads were transporting theatrical companies, baseball clubs, and other organizations going out to give exhibitions along the line. Has that matter been adjusted, so far as the gentleman knows?

Mr. KAHN. I do not know of any such arrangement, or

whether it was adjusted.

Mr. DRISCOLL. Do not know anything of the claims the railroads have against the Government for balances of transportation, and whether they are paid or not?

I have never heard of them. They never have been presented to the Committee on Military Affairs, to my

Mr. DRISCOLL. They have been presented to the Court of

At the bottom of page 32, what do you mean by "paying only 50 per cent of the full amount of service to be paid?

Mr. HULL of Iowa. It means that under the organic law we could retain 50 per cent. There were a great many of them that retained 50 per cent for a while.

The Clerk read as follows:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, \$350,000, to remain available until close of fiscal year 1911.

Mr. COX of Indiana. Mr. Chairman, I want to ask the gentleman a question.

Mr. DRISCOLL. Mr. Chairman, I reserve the point of order

on the whole paragraph.

Mr. COX of Indiana. I want to ask the chairman of the committee a question. I see in the paragraph that two kinds of roads are designated, namely, military and post roads. Are they the same?

Mr. HULL of Iowa. It is a combination. It is connecting the different posts and troops in Alaska, and they are carrying mail over the same route.

Mr. COX of Indiana. Then, as I understand the chairman of the committee, it is all the same road?

Mr. HULL of Iowa. It is all the same road.

Mr. MADDEN. The Government is spending a hundred thousand dollars more there this year than they did last year?

Mr. HULL of Iowa. I will say to the gentleman from Illinois that Major Richardson claimed that by giving them this amount they could complete all the roads practically that Congress has authorized, and he thinks thereafter there will be no appropriations for this purpose except for small sums for maintenance.

Mr. MADDEN. How much have they spent all together for

building roads in Alaska?

Mr. HULL of Iowa. I should say that when they get this through it will be a million dollars, but that is a guess.

Mr. MADDEN. How many miles of road?

Mr. HULL of Iowa. It is being figured up. it is not a road of the same fine character that you would have here, that you would call a regular government road. It is a trail, and through what is called, I think, "tundra;" they try to put in corduroy enough so that they can get over it during the soft season of the year. During the winter nature provides a

I understand we have expended about \$825,000, counting this. Then I should say the amount of trails and roads we have built must be in the neighborhood of 800 miles. The secretary of the Military Committee says that he has been over them, and that there is more than that.

Mr. MADDEN. How many troops are stationed in Alaska?
Mr. HULL of Iowa. Not a very large number, but they are
very badly scattered. We have troops at Fairbanks, Valdez,
and a number of places through there, but these main places are on the coast from Fairbanks to Valdez.

Mr. MADDEN. Is it generally understood now in the department that if this amount is appropriated it will build all

the roads they need?

Mr. HULL of Iowa. No; I would not want to say that. I have letters from Alaska wanting a million dollars, but these are the roads that are necessary to connect these different military detachments or posts.

Mr. MANN. Will the gentleman yield for a question? Mr. HULL of Iowa. In a moment. The hearings of Major Richardson were very full. He is the man who has charge of all this construction. He could get along with \$200,000. They are building one great bridge; and he said by purchasing all the material and get it in during the winter, without waiting another appropriation, they could do their work better, more promptly, and more economically. We first thought to cut it down to \$200,000, with the idea of giving \$150,000 next Congress, but it was put in on his statement that if they could get this amount this year they would finish it up, and that it would ultimately save some expense to the Government. Now I yield to the gentleman.

Mr. MANN. Mr. Chairman, I would ask the gentleman, Are these roads a military necessity or a necessity purely for the

purposes of ordinary commerce?

Mr. HULL of Iowa. Well, Mr. Chairman, when they first started out I insisted that they were not a military necessity, and I did not want to go into that business; but Congress over-ruled me; and now I think they are almost a military necessity, for the reason that the posts in the interior have got to have transportation, and without these roads for government purposes the extra expense of transportation to the posts would be more than enough in a short time to make what it cost the Government to build the roads.

Mr. MANN. What I want to get out is whether the actuating motive for the construction of the road was a military use of the road or was by the civil authorities and for civil pur-

poses?

Mr. HULL of Iowa. I would say without the military use this committee would never be justified in expending a cent. I remember very well when the first proposition of this kind was made the committee refused to make an appropriation, and the gentleman will remember it. A gentleman from New York came in and his eloquence carried the Committee of the Whole off its feet, and they did make an appropriation and gave it for this purpose.

And now, in my judgment, it has been a wise provision; not altogether a military purpose, but on account of the peculiar situation of the people of Alaska. In other words, I think they are situated in such a way that the Government is justified in extending some aid in consideration of the widely separated parts of the Territory, that it would not be justified in extend-

ing to territories in our own continental country.

Mr. MANN. If the gentleman puts it on the needs of roads for the people, that is one thing; but if it is for military necessities, then I suggest to the gentleman whether at this time, with a deficiency for this year of \$150,000,000 or thereabouts in the Treasury, the necessities—the military necessities—of Alaska are sufficiently great to authorize an expenditure of \$350,000 for building roads. In other words, if the gentleman does not think he can afford to cut out the roads for one year in Alaska?

Mr. HULL of Iowa. Well, Mr. Chairman, by cutting out this work will prevent us from receiving a benefit from the large

amount we have already expended there.

Mr. MANN. But I do not so understand that.

Mr. HULL of Iowa. And I think as a military proposition that it is wise that this appropriation should be made.

Mr. MANN. Well, Mr. Chairman, I submit that so far as the military necessity is concerned it could just as well be put off for another year until we know what the revenues are going to be.

Mr. HULL of Iowa. If it were an original proposition, I might have a different feeling. There is a peculiar condition existing between Alaska and this country, and I think it would be a mistake to cut off this appropriation.

Mr. DRISCOLL. How does the War Department get juris-

diction to undertake the expenditure of this money?

Mr. HULL of Iowa. The whole country belongs to the people, and a military board has this.

Mr. DRISCOLL. Does that authorize the committee to spend, through the War Department, money for the construction of roads? The act provided "for the construction and maintenance of roads, the establishment and maintenance of schools."

Mr. HULL of Iowa. That is a different proposition.

Mr. DRISCOLL. Where did you get this act?

Mr. HULL of Iowa. This gives the jurisdiction itself, as a continuing work.

Mr. DRISCOLL. What does?

Mr. HULL of Iowa. This board that is established there; and an army officer is at the head of it; and it is the War Department that is engaged in this construction work. Major Richardson has charge of it.

Mr. DRISCOLL. But it is-

For the construction and maintenance of roads-

Mr. HULL of Iowa. Yes.

Mr. DRISCOLL (continuing)-

and the establishment and maintenance of schools and the care and support of insane persons in the district of Alaska.

Mr. HULL of Iowa. No; you are reading from the organic tt. This act under which this appropriation is to be expended for the construction of roads was described in such act; but that was a different and independent act.

Mr. PARKER. I would like to say a word.
Mr. MACON. I reserve the point of order for the purpose

of asking a question.

Mr. PARKER. I would like to say a word before the gentleman asks his question, because I may be able to answer it in anticipation. In Alaska, as is well known, there are three divisions practically. One is the south coast along the Pacific Ocean, along the coast reached by water; the other is the western extremity on Bering Sea at Cape Nome, which is near the mouth of the Yukon River. The third, which is reached only in the summer by the great Yukon River, includes the north and central portion, but separated from the Pacific Ocean by very high mountains.

Through all of the summer work and a great deal of the winter work trails from the ocean to our central camps on the Yukon are an absolute necessity. At first the transportation was over short trails, from the more eastern part of the Territory, with curious connections, partly through British territory, by trail, lake, and river to what was known as Dawson; but we have found it necessary for the support of our military posts, and for the delivery of the mail to the people who are in Alaska only in the summer, to create a through trunk road from Valdez, on the Pacific, to Fairbanks. It is 386 miles long. It is constructed with the utmost economy, with macadam where necessary, and with simple road-making where that is sufficient for a wagon trail to be used all through the summer. Of this appropriation \$247,000 goes to complete this road, which, as a whole, will have cost half a million dollars and is absolutely essential to the delivery of the mails and communication with our military posts, which are occupied all the year round, and for reaching the population which is there in the summer. The two objects can not be separated. Beyond that there were planned a few years ago certain short trunk lines into different parts of the country, which are being constructed from the license-tax fund that is collected outside of incorporated towns

in Alaska.

Mr. MADDEN. How much does that amount to? Mr. PARKER. Those are not out of this appropriation.

Mr. MADDEN. How much do they amount to?

Mr. PARKER. I do not know. But the other roads that have been planned by the board are shorter sections of roads, which are also military and post roads like this one. One is from Fort William Seward up the Chilkat River, for which an estimate was made of \$20,000 for completion to the boundary

They want to build a road from Fort Egbert, Eagle, out to the Fortymile country, for \$7,000. They want to connect the post of Fort Liscum with the main route from Valdez to Fairbanks, a purely military route, for \$8,000. They want, further, to improve the united mail trail and sled route from Fairbanks through to St. Michael and Nome, \$20,000, that being a winter route. They want to construct a mail trail from Fort Gibbon north to the Koyukuk for \$10,000. There is a preliminary route or cut-off, for winter travel only, through from the head of Cook Inlet to the Innoko and Seward Peninsula, which it is estimated will cost \$50,000. If I remember right, that shortens the time some forty days. It is a great shortening of the journey. Now, these trails are necessary in order to connect our scattered military posts and these widely separated summer camps. They are essential for the military service, essential for the mail, essential for the lives, perhaps, of the people in that country to get

in provisions. The work has been done under the War Depart-

I remember when the Navy Department of the United States ran what was called the "Vanderbilt route" to California for some years through Nicaragua. I know that all through the West the original trails through wild country were established by the military forces of the United States. It is nothing new. It is only that this, unlike most countries that we have now, is really a new country, and to be administered as such. I think it has been done in the most economical fashion by one of the most careful men that I ever met; a man who spends all the road-making season in Alaska and comes here to Washington and gets his directions and makes his plans and his arrangements in the winter. I know of no work of the Government which is considered as important as the completion of this system of trunk lines of trails and roads for mails, passengers, and supplies, which must be transported over these roads until private enterprise takes up the building of railroads in Alaska.

Mr. COX of Indiana. How many military posts have we in Alaska?

Mr. CALE. Six.

Mr. COX of Indiana. I should like to ask the gentleman from New Jersey whether or not it is to be the policy of the Government to connect all the military posts that we now have in Alaska by means of military post routes?

Mr. PARKER. Those that I have named are the only ones that have now been planned. There are no others in sight.

Mr. COX of Indiana. Can the gentleman state that if this appropriation goes through it will connect all the main military routes in Alaska?

Mr. PARKER. All that now exist; that is to say, it connects it partly by trail, and it is done by boat in summer and by travel over the ice in winter. The difficulty is to get over these terrific mountains to the Yukon Valley.

Mr. COX of Indiana. This will be the only appropriation

asked for, will it?

Mr. PARKER. Oh, we do not know. You can not guard

against the discovery of new gold fields. Mr. MANN. The gentleman from Indiana does not look so

innocent as to make a remark like that. [Laughter.]
Mr. PARKER. Now, Mr. Chairman, I would like to have the Delegate from Alaska explain some of those matters, with which

he is more familiar than the rest of us. Mr. MACON. Mr. Chairman, I want to ask the chairman of the committee if this appropriation for the construction of roads in Alaska is based upon existing law? Is there a law that authorizes the construction other than that carried in the

annual appropriation bill? Mr. HULL of Iowa. It is a work commenced some four or five years ago. We have been appropriating and continuing it from time to time until we have reached a point in that progressive work where the gentleman in charge of it says that

this amount will complete all the work commenced in previous years. Mr. MACON. Is it authorized by existing law? Mr. HULL of Iowa. I think it comes on appropriation bills

from session to session. Mr. MACON. And that is the only law for it?

Mr. HULL of Iowa. I think so. I think the original act, entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska," is the foundation for it, but I never read it, and so I

Mr. MACON. Mr. Chairman, I want to be heard on the point

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. DRISCOLL. I have not withdrawn it, and I would like

to hear what the gentleman from Arkansas has to say.
Mr. MACON. Mr. Chairman, according to the statement of the chairman of the committee, this provision is only authorized at this time by reason of the fact that appropriations have been carried heretofore in the annual appropriation bill for the construction of these roads in Alaska. The Chair, of course, is familiar with the decisions of the House to the effect that the fact that appropriations are carried, or have been carried, in annual appropriation bills is no reason why they should be carried there continually, if objection is made to them.

The Chair will remember the other day when the post-office appropriation bill was before the House, that the gentleman from Tennessee [Mr. Moon] made a point of order against the provision carried in that bill for several years providing for the pay or expense of certain employees when they were traveling

away from their places of employment, and the Chair very properly held that notwithstanding the appropriation had been carried for several years, still it was not authorized by existing law, and hence obnoxious to the rule of the House upon that

Mr. Chairman, I received this morning, and I suppose almost every Member of the House received from some one interested in the project, some printed matter-I do not recollect whether it was typewritten or printed-in reference to this particular appropriation, in which it was given as one reason therefor that since 1880, a period of twenty-nine years, Alaska had furnished to the United States \$140,000,000 in gold. It gave that as a reason why this road should be constructed and why we should extend it and continue to improve it.

Mr. Chairman, I call attention to the fact that the farmers of the West only last year gave the United States more than \$2,000,000,000 worth of corn, more than one billion and a half dollars' worth of wheat, more than \$1,000,000,000 worth of hay and oats combined, and the South, the particular section of the country that I happen to hail from, gave the United States something over \$750,000,000 worth of cotton; and that these particular sections of the West and South have been asking aid from the National Government for the construction of roads in their particular sections, but have received nothing, while Alaska has received several hundred thousand dollars of the people's money to construct roads within its borders. insist that it is wrong to continue such a one-sided policy. It is not necessary for us to have military roads in Alaska con-The Chair knows that there structed at enormous expense. are no military operations going on in Alaska, and the military part of it is a mere subterfuge to get the money to construct roads for the use of the people who happen to reside in Alaska.

I remember to have read a good many years ago that a flock of geese as a military adjunct had a great deal to do with the saving of a certain important city by acting as sentinels and raising an alarm. Would the Chair tolerate the thought of allowing this bill to carry an appropriation for the purpose of raising a flock of geese because geese once had something to do with a military feat, upon the claim that it was a proper military creation, that might be useful in time of war and add strength to the military forces or affairs of this country in case of war? I think not. The geese appropriation would be just as proper, however, as the one to construct military roads in Alaska, in my judgment. In this case they are simply trying to get money out of the Treasury of the United States to make roads for the gold diggers of Alaska, and not for the army of the United States. The farmers all over the country are crying for assistance from the Government to aid them to improve their roads, but Congress will not hear them as it hears the call from Alaska. I hope it will be decided that this appropriation is contrary to the rules of the House, and that a stop will be put to this extravagant appropriation of the people's [Applause.] money. [Applause.]

Mr. CALE. Mr. Chairman, the ground has been pretty well

covered in relation to this appropriation by the gentleman from New Jersey [Mr. PARKER], together with what the chairman of the committee has said. The object of this appropriation is not exclusively for military purposes. There are post-roads, which it is the duty of the Government to build, that this appropriation is to be used for. There are few people who can fully realize the conditions that exist in Alaska. Our mail to-day goes from Valdez through to Nome, a distance of 1,700 miles by dog teams, except the 400 miles between Valdez and Fairbanks. In days gone by, only a year or two ago, before this road was begun, the mail that went through that road cost the Government of the United States at least \$3.50 a pound to trans-I refer, of course, to the winter season. To-day we get that mail through for about \$1.75. That is largely due, if not entirely, to this trail, on account of its being shortened some 200 miles, and because of the building and improvement of the There is to-day bunched at Valdez, Alaska, over 5,000 pounds of mail that the people of Nome and Fairbanks and the interior of Alaska stand in need of. Are we to stand and quibble over the sum of \$300,000 which we will spend not only for the convenience of the people of the Territory of Alaska, but of the Government of the United States in opening up and developing one of the grandest noncontiguous possessions that

the United States ever did own? [Applause.]
You are spending to-day on the Philippine Islands, on Porto Rico, and Hawaii, tramendous sums of money, and while I realize and understand the importance of these Territories, yet, put them all together and they neither equal nor compare with our arctic northland. Again, Alaska has never been a millstone on the neck of the Government, but has been a source of revenue and profit since it became a part of this great Nation. So I simply say that this money we are asking for Alaska is

a mere atom as compared with what was really necessary and what the Territory is entitled to. The gentleman from Arkan-sas [Mr. Macon] seems to think that the Government ought to spend money in Arkansas for the same purposes it does in the Territory of Alaska, and that they have the same reason for it. I wish to say to the gentleman that he has his own state government to look after his roads, and so forth, and they have the absolute control of their own revenue. We have ample revenue, which is turned into the Treasury of the United States, some of which we are asking for in this measure. We have no local government, and must ask Congress for our own money. For these reasons we are entitled to a consideration that a State does not ask.

Mr. MACON. Did the Territories of this Nation have that right originally?

Which right? Mr. CALE.

Mr. MACON. Control of all their revenues, election of their officers, and so forth.

Mr. CALE. No. Mr. MACON. Then, did the Government help to build the roads in California? Mr. CALE. Certainly.

Mr. MACON. Did the Government help to build them in Arizona and New Mexico?

Mr. CALE. Certainly.
Mr. MACON. And does the Government help to do it now?
Mr. CALE. They build it whenever it is necessary. They built them in Michigan-post-roads-and in Wisconsin. donated large areas of government lands for making military trails through all of the Northern States, all through Wisconsin and Michigan, and I worked on them myself, on military trails built by the United States Government.

Mr. COX of Indiana. And the Government has even built

railroads.

Mr. CALE.

Mr. CALE. Yes. Mr. MACON. The gentleman says the Government of the United States constructed those roads?

Mr. CALE. They appropriated money for the building of

Mr. MACON. And the money paid for the work?

Mr. CALE. Certainly.
Mr. MACON. A government appropriation?

Certainly. I think that is all. [Applause.] The CHAIRMAN. Does the gentleman from New insist on his point of order?

Mr. DRISCOLL. Mr. Chairman, in my judgment this whole tragraph is subject to a point of order. There is no law auparagraph is subject to a point of order. thorizing this kind of work or improvements in Alaska, and the act referred to on which this paragraph is hung provides for civil improvements and does not provide at all for military roads, or post-roads, or bridges, or trails, but in view of the arguments and the reasons given by the gentlemen, I will not insist on the point of order.

Mr. MACON. I renew the point of order.

Mr. HULL of Iowa. Mr. Chairman, I just want a word on the point of order and then the Chair can rule. I want to call the attention of the Chair to the fact that the first appropriation for this character of roads was made in 1906. A continuation of it was made in 1907, and another appropriation in 1908, and now this amount is asked to complete what the Congress has already commenced and has largely completed.

The plan was all adopted in the beginning. There is a large amount of material accumulated there under the appropriation. If it is held that the Congress can start a work of this character, and then some one can come in and claim that a point of order will prevent an appropriation for it, the Government could at all times be robbed of every dollar of investment in machinery, in improvements, bridge materials, and so forth, as in this case. The act that is referred to here is an act providing for the creation of a board to provide for the construction and maintenance of roads and the establishment and maintenance of schools, and so forth. I do not believe this appropriation can properly be based on that, because that act provides for 60 per cent of the receipts from the licenses and taxes for schools and roads and the care of the insane.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. MANN. I understood the gentleman from Alaska to say that the taxes that were raised from Alaska were not spent in Alaska. Is it not a fact that all the taxes raised from Alaska are spent in Alaska?

Mr. HULL of Iowa. That is my understanding. Mr. MANN. And that a large share is spent for this purpose? Mr. CALE. My reply to the gentleman from Illinois is that there are a million dollars in the United States Treasury now belonging to Alaska.

Mr. MANN. Oh, every State claims a million dollars or two; it is a poor man who can not claim a million dollars.

Mr. CALE. But I said we did not control it. Mr. MANN. But the gentleman's Territory got it.

Mr. HULL of Iowa. For three years we have been engaged in this work, we have the machinery collected necessary for road building, we have material for building a large bridge largely on the ground, and if this appropriation shall be made we will complete that bridge. It is a work in progress absolutely, and I want to call the attention of the Chair, as the Chair so well knows, to paragraph 2 of Rule XXI:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

This work was put in progress by authority of the Congress of the United States and is, in my judgment, a continuation of actual work, especially when it comes to the very completion of it, and it is not obnoxious to the rule.

Mr. DRISCOLL. I would like to ask the gentleman if it is true that there is no provision of this kind in the present current appropriation?

There is exactly such a provision and Mr. HULL of Iowa.

in the year before and the year before that.

Mr. DRISCOLL. I do not think there is; the gentleman can look and see.

Mr. STEVENS of Minnesota. I have it here and it reads exactly the same and it has been in for four years.

Mr. HULL of Iowa. This is the fourth time, commencing in

1906, 1907, 1908, 1909.

Mr. MACON. I would like to ask the gentleman this question: He says this is a work in progress, and therefore, in his judgment, ought to be sustained by the House. I desire to ask him if his committee has assumed jurisdiction of some naval project, no objection being offered to it at all, and an appropriation therefor had been carried in his bill for a period of years, and that a war ship had been partially constructed therewith; does he mean to say that if he further attempted to appropriate for that purpose that a point of order would not lie against it because it was a work in progress, and hence that he ought to be permitted to go on making appropriations for the work in progress that was unlawfully begun?

Mr. HULL of Iowa. The question of jurisdiction might be

raised, but the question-

Mr. MACON. You do not have jurisdiction of this matter under existing law; you just assumed jurisdiction.

Mr. HULL of Iowa. We have over these military roads. Mr. MACON. This is not a military road, in my judgment.

Mr. HULL of Iowa. We have absolute jurisdiction of the subject, and if the law was passed it would give us power to go on from year to year for any new subject we cared for. The point is we have jurisdiction of the question. I did not suppose that was raised. I supposed the only question raised here was whether this is a work in progress, and it seems to me it is absolutely a work in progress.

Mr. MACON. I would like to ask the gentleman another question. Is there any limit to it; is there any limitation of

this work in progress?

Mr. HULL of Iowa. No; but I shall not object if the gentleman wants to put one in here saying that this appropriation is

Mr. MACON. There is no limit to it, then?

Mr. HULL of Iowa. The material is all along the line now.

Mr. MANN. Mr. Chairman, while it would seem to be an Mr. MANN. Mr. Chairman, while it would seem to be an anomalous proposition that this is not a work or object in progress, yet it seems to me it is the case.

The CHAIRMAN. The Chair did not get what the gentle-

man from Illinois said.

Mr. MANN. Mr. Chairman, while it would seem to be anomalous to deny this is a work or object in progress, yet that

seems to me to be the case.

An appropriation is authorized in one bill for road building. Query: Does that of itself authorize appropriation for all roads in Alaska and for all time so far as being an object or work in progress is concerned? The gentleman from Iowa [Mr. Hull] says this is to complete a project. Not at all. This is not to complete a project. It is for construction and maintenance.

Mr. HULL of Iowa. These appropriations have been made on plans that were adopted, and the Congress has been informed each time as to the roads and that the amount appropriated then

would not be sufficient to complete them.

amount of money for the construction and maintenance of military and post roads, and the presumption is that that is for a completed project. It is not toward the construction and main-

tenance of roads.

The law has been for the construction and maintenance of a road. For the construction of a road does not mean, I take it, for commencing the construction of a road, which is a work or object in progress, perhaps, for years to come. The point of order may be waived one year in order to do the work provided for that year, but that is not authority, I take it. commence an object or work in progress—that is, to build roads all over Alaska. Now, this item, of course, is subject to the point of order irrespective of that, because it makes the appropriation available after the next fiscal year, and all that the Committee on Military Affairs has jurisdiction to report in this bill is for the maintenance of the army for the ensuing fiscal year and not for the fiscal year ending 1911. So that, so far as the general item is concerned, it is clearly subject to that point of order, but it seems to me that it is subject to the point of order as not being a work or object in progress, because the bill itself and the law contemplate the completion of the work.

Mr. PARKER and Mr. KEIFER rose.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. Parker].

Mr. PARKER. Mr. Chairman, I desire to be heard but a moment on the point of order. The act of 1905, referred to, provides for a board consisting of one engineer officer and two other officers of the army. The chief of the board is to reside in Alaska. The board are to prepare plans for the construction of roads and to construct the same to prepare plans for the construction of roads and to construct the roads. By that act the proceeds of roads and to construct the roads. By that act the proceeds of the liquor licenses in Alaska go into what is called the "Alaskan fund" for the construction of those roads. Therefore, there is a plan for roads authorized by Congress. The Alaskan fund not proving sufficient to construct these military roads, there has been appropriated for three or four years in the army appropriation bill certain sums of money which are to be expended by that board upon that plan. I can not see, therefore, how it can be alleged at all that there is not a plan and a continuing work—one that has been recognized by Congress as such, and toward which appropriations have been made, and toward which they are now continued in pursuance of the military policy of the United States.

Mr. MANN. Will the gentleman yield for a question?

Mr. PARKER. Certainly.

Mr. MANN. Does the gentleman think that authority to build a road to be paid for out of a certain fund will warrant an appropriation out of another fund to build that road?

Mr. PARKER. Perhaps not, as an original appropriation, but the appropriation-

Mr. MANN. That is the question here.

Mr. PARKER. Excuse me; but the appropriation has been made. The work has been begun under those different appropriations according to that plan. That plan is a legal and recognized plan by the old statute, and it is in aiding that plan that we have constructed and are contributing the military part of the road there.

I want to ask if under this paragraph there Mr. DRISCOLL. is anything to prevent this board not only from completing or continuing the work already in progress, but from commencing to build new bridges and new trails, so by having a lot of them in progress next year it would make the work continuous as

long as we live?

Under this bill, appropriation is made toward Mr. PARKER. a plan which has been adopted under a United States statute

which is recited in this appropriation.

Mr. COX of Indiana. I want to ask the gentleman one ques-My question is whether the organic act is broad enough to keep up a continuous construction of roads-after one is completed, go on to another, and thus become a continuous

Mr. PARKER. It is for the building of roads and trails in Alaska, which are to be laid out by this commission, and we add appropriations in this because it is for the benefit of the

military posts.

Mr. COX of Indiana. But my question is whether the organic act under which the appropriation is proposed is broad

enough to allow it universally?

Mr. PARKER. This is not an organic act. This is an act which creates the board. The board has planned the building would not be sufficient to complete them.

Mr. MANN. The gentleman's committee may have had plans.

Congress has never had plans and never has adopted any. All that the appropriation has ever carried was for a certain Alaska will be utterly insufficient to keep up communication with the United States and with these posts.

Mr. COX of Indiana. Then, the gentleman thinks the organic act is broad enough to give Congress power to make appropriations for the completion of the construction of these roads?

Mr. PARKER. I think so.

Mr. COX of Indiana. Now, another question; conceding the organic act be for that purpose, whether it is broad enough to lay out a uniform system of highways throughout the Territory of Alaska and keep Congress continually appropriating.

Mr. PARKER. I do not think that would be possible. Mr. COX of Indiana. I am trying to find out what the

power is

Mr. PARKER. This board is composed of three military officers

Mr. MACON. I want to ask the gentleman from New Jersey a question. You said the original act provided for the fund to construct this road?

Mr. PARKER. We have already built part of this road out

of the fund.

Mr. MADDEN. Mr. Chairman, I think in view of the fact that Congress had enacted a law establishing a board, fixing the duties of the board, giving that board authority to plant or build roads, that the appropriation sought to be made to-day is authorized by law, and is not subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. It seems entirely clear that the appropriation contained in the present paragraph is not authorized by the statute to which reference has been made. In 1905 a law was passed which provided that moneys derived from liquor licenses and other purposes stated in Alaska might be used for certain ends. After stating the scheme, and referring to the construction of roads, it further goes on:

The cost and expense of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury out of the road and trail portion of the said Alaska fund.

It seems to the Chair perfectly clear that an act which authorized the construction of roads and trails, to be paid for out of a certain specified fund, known as the "Alaskan fund," to be derived from certain specific sources of revenue, is not the authority of law which is required to authorize an appropriation to be made in a general appropriation bill to be paid out of the Treasury at large; and so it seems to the Chair that this appropriation is not authorized by statute.

It is then argued that even if not authorized originally by statute, it may be regarded under the rule of the House as the continuation of a work already in progress, and for that reason in order upon this bill. The Chair is familiar with that rule. If the construction of a building, for instance, for a public purpose has been commenced, even though originally subject to the point of order, yet the work having commenced and there being no

limit of cost, further appropriations may be made.

It is entirely possible that if a road or highway for military purposes, or even for other purposes, is once commenced, with no limitation on the appropriation, although originally subject to the point of order, yet the work having been undertaken it would be in order to make an appropriation for a continuation of the work. But the present section is very different, because it authorizes the expenditure of money as follows:

For the construction and maintenance of military and post-roads, bridges, and trails in the district of Alaska.

In other words, the argument is, if a road had been begun in one State or Territory, this would authorize an appropriation to be made for any other roads or bridges. Two bridges might have been begun in the district of Alaska. Would this authorize this appropriation to be used for the construction of any number of additional roads and bridges in different parts of the district that it might be deemed expedient to build? It does not seem to the Chair that under the rule which authorizes the completion of a work begun, the fact that one road has been commenced in the district would authorize Congress to proceed and extend throughout the entire district any number of roads, and the construction of any number of bridges which the board may not even have planned yet. Therefore the Chair feels constrained to sustain the point of order.

Mr. HULL of Iowa. Mr. Chairman, I desire to offer an amendment.

Mr. MACON. Does the gentleman offer it as a new paragraph?

Mr. HULL of Iowa. I offer it as a new paragraph, in place of the one stricken out.

The Clerk read as follows:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For continuance of the construction and maintenance of military and post roads, bridges, and trails already begun, in the dis-

trict of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, \$200,000.

Mr. MACON. Mr. Chairman, I reserve the point of order

against the provision.

Mr. HULL of Iowa. I do not desire to say a word on the point of order.

Mr. MACON. I make the point of order that there is no

law authorizing it.

Mr. MANN. I call the attention of the Chair to the fact that a continuation of a road begun on the Pacific Ocean, if pursued far enough, would land on the Atlantic Ocean. This does not locate the road.

Mr. HULL of Iowa. There is definite information and Mr. Hull of Iowa. The gentleman from New Jersey [Mr. bare these roads are. The gentleman from heavings. where these roads are. PARKER] stated that fully, as it is shown in the hearings.

Mr. MANN. I listened to what the gentleman said, and I

did not hear it.

Mr. PARKER. It is in the statement of Major Richardson. Mr. MANN. I understand that, but nobody knows whether he is going to complete the projects under this provision or In fact, I suspect that after the gentleman and myself are both in our graves for fifty years, this same item will be proposed from year to year, continuing the improvement of roads in Alaska, and perhaps properly.

Mr. PARKER. I gave a definite statement of the proposed routes, as shown in the hearing.

Mr. HULL of Iowa. This proviso would make it impossible start any new project whatever. This is simply an approto start any new project whatever. priation for continuing, not completing, because this will not complete it. On the evidence before the committee it will take \$150,000 more to complete it.

Mr. BENNET of New York. Is this the proposition that has the support and approval of Major Richardson?

Mr. HULL of Iowa. Yes.

The CHAIRMAN. The Chair does not desire to be technical. but after all we are governed by rules that we can not disregard. The only authority for the construction of these roads is contained in the original act of 1905, and that act provides that they may be constructed, to be paid for out of a certain fund. That fund constitutes the limit of cost. It is thoroughly well settled that the construction of a work commenced can only be continued where there is no limit of cost that is exceeded by subsequent appropriations. It seems to the Chair that this is subject to that rule, and the Chair sustains the point of order against the amendment.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, \$410.000: Provided, That \$85.000 of this sum may be used for construction of additional ward buildings for the United States Army General Hospital at Fort Bayard, N. Mex.

Mr. MACON. I reserve a point of order on the proviso of that paragraph, beginning in line 15:

Provided, That \$85,000 of this sum may be used for construction of additional ward buildings for the United States Army General Hospital at Fort Bayard, N. Mex.

Mr. MANN. I should like to be heard on that. Mr. MACON. I make the point of order that it is not author-

ized by existing law.

Mr. MANN. Probably it is authorized by existing law. Upon that point I am unable to inform the gentleman, but if the gentleman will reserve the point of order-

Mr. MACON. Yes; I reserve it. Mr. MANN. I speak of this because I have a peculiar and personal interest, not in this place, but in the question of tuber-culosis. This is a hospital now maintained by the military authorities for the cure, if possible, of tuberculosis patients in the army

Mr. MACON. I withdraw the point of order, Mr. Chairman.

Mr. FITZGERALD. I renew it, Mr. Chairman.

Mr. MANN. I may say that the hospital people in charge of it are adopting a cure for tuberculosis, probably the most advanced in the world, and they are having greater success in that hospital in the cure of tuberculosis than anywhere else in the world. One of the Members of this House now lies on his back at Fort Bayard endeavoring to be cured under their method of curing tuberculosis, with every prospect of success, where, without the methods they have now adopted, in all probability, he never would have a chance to become again a well

Tuberculosis has been spread throughout the country, and if the military authorities, if the surgeons in the army, through their scientific investigations are able to add but a mite to the ability of mankind to cure tuberculosis, the expense will be the most willing expense that our people bear for any purpose. [Applause.]

Mr. HULL of Iowa. I want to say just a word on this.
Mr. FITZGERALD. I hope the gentleman will explain just
what is to be done with this appropriation.
Mr. HULL of Iowa. The \$85,000 is not for one building, but

Mr. HULL of Iowa. The \$\$5,000 is not for one building, but for a large number of buildings, for consumptive patients and administrative purposes. I think none of the buildings are to exceed \$20,000.

Mr. MANN. Perhaps not that much. Let me say to the gentleman the theory out there is to keep the people, as far as possible, out of doors and in as small buildings as possible.

Mr. HULL of Iowa. They asked for a much larger sum than the committee reported for hospitals. We cut the amount asked for so much we were afraid, after cutting it down over \$100,000, they might let Fort Bayard go by, and believing that it is the most important hospital and doing an immense amount of good—more good than any other hospital—we wanted to make it certain that this money was spent there for these houses where the patients will be kept out doors and segregated from each other as much as possible, so that they will have the least contamina-tion possible. We struck out all the large buildings, and reduced the expenditure to that amount. We did not give them what they asked for by more than \$100,000. They wanted \$40,000 or \$50,000 for a single building at other places.

Mr. MANN. When the gentleman says that the committee did not give them all they asked for, he does not refer to Fort Bayard.

Mr. HULL of Iowa. No; we are giving Fort Bayard every dollar they asked for. I do not believe the point of order could be raised on it, because we cut down the total amount asked for more than \$100,000.

Mr. FITZGERALD. I will withdraw the point of order. The Clerk read as follows:

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the national guard and organized rific clubs under regulations to be prescribed by the Secretary of War, \$155,576.50: Provided, That \$41,000 of this amount may be used for the acquisition of approximately 320 acres of land adjacent to Fort Leavenworth, Kans., as an addition to the target range, provided, that the funds herein provided, or as much thereof as may be necessary, shall be immediately available.

Mr. MACON. Mr. Chairman, I reserve a point of order

Mr. MACON. Mr. Charman, I desire to say that they against the proviso in that paragraph.

Mr. HULL of Iowa. Mr. Chairman, I desire to say that they have a post there of 7,000 or 8,000 acres of land, with a large have a post there against to make the rifle range secure. They have a rifle range now, and I doubt if it is subject to a point of order, because they have the range there, and this is only to make it secure. It is estimated for by the War Department, and in place of our passing it by a separate bill we placed it on this bill.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. HULL of Iowa. I will yield to the gentleman.
Mr. MADDEN. Does the gentleman assume to say that because the army has now 7,000 or 8,000 acres of land at this place it could go on indefinitely increasing the number of acres of land without any additional authority of law?

Mr. HULL of Iowa. Well, this is for extension of a rifle

Mr. MADDEN. What difference does that make?

Mr. HULL of Iowa. It is a question in my mind, but the Committee on Appropriations often make reports of items like this, and I supposed it would of course be in order, and believe it is in order.

Mr. MADDEN. The gentleman must not assume that because the Committee on Appropriations report things in order that

everybody else has the right to do it. [Laughter.]
Mr. HULL of Iowa. I am perfectly willing, Mr. Chairman, to leave it to the Chair, but before the Chair rules I desire the

Chair to hear the gentleman from Kansas.

Mr. ANTHONY. Mr. Chairman, I would like to say that there are 320 acres of additional land required at Fort Leavenworth, and this provision is imperatively necessary. They have a rifle range there, and since the invention of long-range guns there is an increased danger zone. Last year it was almost impossible to give rifle practice to 3,000 troops, and the Government was upon the point of sending them to Fort Riley fer target practice, at an expense of nearly \$25,000. If this provision is adopted, it will be an economy to the Government,

Mr. MADDEN. I would like to ask the gentleman a question. Mr. ANTHONY. I will yield to the gentleman.

Mr. MADDEN. I want to ask whether the territory surrounding the present rifle range is built up and inhabited, and whether

that was what caused the danger under the present conditions?

Mr. ANTHONY. No; the danger under the present condition is that the range of the rifle bullets is now longer than a few years ago, and the ricochet bullets go over the hill almost a mile or more beyond the former range.

Mr. MACON. Three hundred and twenty acres would not be

2 miles.

Mr. ANTHONY. There are scattered bullets that hit the farmers' houses there; and while no one has been killed so far, there is imminent danger.

Mr. MADDEN. If these bullets go a mile or 2 miles over the hills beyond the present range, how far beyond the contemplated range would they go if this purchase was made?

Mr. ANTHONY. This additional land embraces the entire danger zone.

Mr. MADDEN. It is not to exceed a mile in length, is it?

Mr. ANTHONY. No; but it lies in a long strip.
Mr. MADDEN. Half a mile in width?
Mr. ANTHONY. Not that much, perhaps. It is an oblong piece of land

Mr. MADDEN. It is a piece of land taken from a number of farms, then, I take it?
Mr. ANTHONY. Yes. This has been carefully investigated

by different military boards, and they report here in this sup-plementary report that it entirely covers the danger zone.

Mr. MACON. Is it contiguous to the other?
Mr. ANTHONY. Yes.

Mr. COX of Indiana. I see the proposition proposes to purchase approximately 320 acres of land at \$41,000. That is about \$128 per acre?

Mr. ANTHONY. Yes.

Mr. COX of Indiana. What is the current value of land in that vicinity per acre?

Mr. ANTHÔNY. Some land sells there for as high as \$150 an acre. Rough land is worth about \$100 an acre, and the best land \$150.

Mr. COX of Indiana. What kind of land is this?

Mr. ANTHONY. There is some valley and some rolling-all

Mr. COX of Indiana. Does the gentleman know how much this land is appraised at for taxation purposes?

Mr. ANTHONY. It is appraised at fully \$100 an acre.

Mr. COX of Indiana. Has the gentleman examined the records on that himself?

Mr. ANTHONY. No; but I know, because I live adjoining it, and I have been over the land every year, and I know that the price at which it is offered the Government is about its cash

Mr. COX of Indiana. As I understand the gentleman, he makes this statement: This is necessary in order to increase the firing range of the guns.

Mr. ANTHONY. Oh, no. It is so as to minimize the danger

to property and life.

Mr. COX of Indiana. And that, the gentleman says, has been brought about by an increase in the range of the guns recently manufactured?

Mr. ANTHONY. In the old days of black powder and the .45-caliber bullet, a bullet seldom went over onto this land that we propose to buy, but since we have the new high-power rifle they do.

Mr. COX of Indiana. And if the Government goes ahead and continues to manufacture higher-power rifles, we would

have to keep on getting more land.
Mr. ANTHONY. Yes.

Mr. COX of Indiana. Is this land owned by one farmer? Mr. ANTHONY. No; about a half a dozen different farmers. Mr. COX of Indiana. Has the Government any option on it

now? Mr. ANTHONY. No; they have no option. They practically

have, because the farmers have agreed on a price among themselves that they will sell at.

Mr. COX of Indiana. How far is it from town?

Mr. ANTHONY. About a mile and a half.

Mr. MANN. May I ask the gentleman from Iowa in charge of the bill a question? Is this the only provision in the bill in reference to the purchase of rifle ranges?

Mr. HULL of Iowa. I think so; yes.

Mr. MANN. Is there any other item carried in the bill that is intended for the purchasing of rifle ranges?

Mr. HULL of Iowa. No.

Mr. MANN. Nothing in the bill about the Virginia rifle range?

Mr. HULL of Iowa. No; nothing but this. Mr. MACON. Mr. Chairman, I withdraw the point of order. The gentleman says that the land is contiguous.

Mr. FITZGERALD. I wish to renew the point of order.
The CHAIRMAN. The point of order is renewed by the gentleman from New York. The Chair is ready to rule. In reference to the point of order that is raised, the Chair is of opinion that a certain portion of the paragraph is subject to a point of order, but only a certain portion. The first portion provides that \$41,000 of the amount may be used for the acquisition of 320 acres of land. The Chair understands that the target range has been acquired by provision of law, and there is no limitation upon the appropriation. In view of that, the Chair thinks that the acquisition of 320 acres adjacent thereto and forming a part of it, under the rules of the House and its procedure, is not subject to a point of order. The Chair will, however, state that the second proviso is subject to the point of order if the point of order is insisted upon. The Chair refers to that portion of the section which provides that the funds herein provided, or so much thereof as may be necessary, shall be immediately available. Under that provision this appropriation should go on the deficiency appropriation bill; and therefore, if the point of order is insisted upon against the whole paragraph, it would be necessary to strike it out because the second portion is obnoxious to the rule.

Mr. MANN. Mr. Chairman, before the Chair finishes his ruling-and there is no question about the point, I suppose-does the gentleman from New York [Mr. FITZGERALD] desire to prevent this \$41,000 from being made immediately available, or the

\$155,000? Mr. FITZGERALD. Mr. Chairman, it seems to me that proviso makes the entire appropriation immediately available. There is no question about the proviso being subject to the point

The CHAIRMAN. There is no question about that.

I understood the gentleman from New York Mr. MANN. The CHAIRMAN. And if the gentleman from New York

Mr. MANN. Would the gentleman object to the \$41,000 being made immediately available?

Mr. FITZGERALD. My opinion is, the entire appropriation

is immediately available.

The CHAIRMAN. The Chair will ask the gentleman from New York to state again what his point of order is. To what portion of the paragraph does the gentleman direct his point or order?

Mr. FITZGERALD. That it makes a deficiency appropriation. The CHAIRMAN. The Chair then sustains the point of order, beginning with the word "provided," in line—

Mr. FITZGERALD. I will make it against the whole para-

The CHAIRMAN. Then the point is made against the whole paragraph, because a portion of it being subject to the rule—

Mr. FITZGERALD. The rule is, Mr. Chairman, that if any portion is subject to the point of order, the entire paragraph goes out on the point being made.

The CHAIRMAN. Then the Chair must sustain the point of

order to the whole provision as it stands now.

Mr. MANN. Mr. Chairman, I offer an amendment to the paragraph after the word "range," in line 9—

Provided, That of the funds herein provided, or so much thereof as may be necessary, shall be immediately available—

that the paragraph be inserted without those lines. I yield now to the gentleman from Iowa [Mr. HULL] to offer an amend-

Mr. HULL of Iowa. The gentleman from Kansas offered the amendment.

Mr. MANN. I vield, then to the gentleman from Kansas [Mr. ANTHONY]

Mr. ANTHONY. Mr. Chairman, I offer that amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 23, page 37, reinsert the paragraph down to and including the word "range" in line —, page 38.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. MANN. Mr. Chairman, I offer an amendment to the amendment-

Provided, That of the funds herein provided, not to exceed \$41,000, or so much thereof as may be necessary, shall be immediately available.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. FITZGERALD. Mr. Chairman, let the amendment be reported, so we will know what it is.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Insert at the close of the amendment the words: "Provided, That of the funds herein provided, not to exceed \$41,000, or so much thereof as may be necessary, shall be immediately available,"

Mr. FITZGERALD. Well, I reserve the point of order against that, Mr. Chairman. I would not object to an appropriation for the rifle range being made immediately available if the House wishes to make the appropriation.

Mr. MANN. Then I withdraw the amendment and offer this amendment:

Provided, That of the funds herein provided not to exceed \$41,000, or as much thereof as may be necessary, for the purchase of an addition to said target range shall be immediately available.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Provided, That of the funds herein provided not to exceed \$41,000, or as much thereof as may be necessary, for the purchase of an addition to said target range, shall be immediately available.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Kansas as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

Buildings on Corregidor Island, Philippine Islands: For the construction on Corregidor Island, Philippine Islands, of storehouses for the Quartermaster's, Subsistence, Ordnance, and Medical departments of the army, \$250,000.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. DRISCOLL. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Arkansas make the point or reserve?

Mr. MACON. I reserve the point of order.

Mr. HULL of Iowa. Mr. Chairman, the Government is expending large sums of money in Corregidor Island in the construction of fortifications and quarters for the soldiers to man those fortifications. Those appropriations are in the fortifications bill. This island is at the opening of or the entrance to Manila Bay. It is of sufficient size to form an asylum in case of an emergency for all the civil officers and military officers and men on the island, but in order to make that of any benefit whatever as an asylum for this force of officers, it is necessary to erect buildings for the storing of supplies.

This appropriation has absolutely nothing to do with any part of the fortifications. It is for the storing of quartermaster supplies, medical supplies, and subsistence supplies, and providing for the maintenance of a large number of refugees, if it should become necessary to send them there, for at least four to six months. And it seems to me that in view of what we are doing at that island, this is a very important item. I do not see how it can be subject to a point of order, because it is a part of the work that is going on all the time, of putting up buildings in connection with the troops, that are entirely independent of the const-defense part. While I hope and believe that we will not have any occasion for the use of this island as an asylum for many years-I hope never-yet it is not the part of wisdom to fix ourselves in such shape that if the emergency should come, as it may at any time, we would be unable to take advantage of these great defenses. This island is far enough away and on heights that can be made practically im-pregnable. I do not believe it would be possible to take it by direct attack, and while they were holding out there, of course, our authorities would be engaged in sending them supplies in the nature of our fleet and additional arms.

Mr. DRISCOLL. Are there very extensive fortifications on Corregidor Island?

Mr. HULL of Iowa. Oh, yes.

Mr. DRISCOLL. You have not had much money for it yet.

Mr. MACON. I would like to ask the chairman if he knows anything about the total amount of cost of buildings that have been constructed in the Philippine Islands by this Government?

Mr. HULL of Iowa. I do not know. In the hearing they

stated that the fortifications were in a state of preparation, and that they were doing good work there and would have it so that no enemy would capture it.

Mr. MACON. Is this authorized by existing law?

Mr. HULL of Iowa. Only on the general principle that the supplies of the quartermaster's other departments are authorMr. MACON. Does existing law authorize the construction of any kind of buildings that the Committee on Military Affairs

might conceive to be necessary?

Mr. HULL of Iowa. If a place is designated as a post, we can put up all the buildings necessary for the maintenance of that post. Now, that goes a little beyond that, I will say to my friend. It is more as a reserve. It is for the troops, it is for a great reserve of medicines and a great reserve of the necessities of life, and when the question was asked as to whether or not the supplies would grow stale there the reply was:

Yes, except that we will always issue to the army in the Philippines the oldest on hand, so that we are supplying them with fresh all the time, and therefore it will not grow stale.

Mr. COX of Indiana. When was the first appropriation made

for this particular island?

Mr. HULL of Iowa. This is the first of this kind of buildings on this island. The Committee on Appropriations have carried on their part of the work.

Mr. COX of Indiana. Will the gentleman state whether or not this appropriation will be sufficient to construct all the

buildings necessary on that island?

Mr. HULL of Iowa. Yes; that was the evidence given us. As I said, we may never use it; but, on the other hand, we may have to use it in the near future in order to put our soldiers there from the mainland, and our civil officers, and to do that without any food or any preparation for caring for them would be an act of criminal negligence on the part of this Government.

Mr. DRISCOLL. Mr. Chairman, I am one of that very large and rapidly growing class of our people in this country who regret exceedingly that we ever got into the Philippines, and who hope to live to see the time when we may honorably get rid of them. I am afraid we will not, but I hope for it. And I have consistently voted against every proposition which would tend to tie us up there when the time came that we could honorably dispose of the islands and get out. I have consistently voted for permanent improvements at Subic Bay rather than Cavite, on the theory that when we get ready to leave they can hold Subic Bay and Olongapo and such improvements as we have made there. And if we do not hold Manila, we should not hold the balance of the island, nor should we hold Cavite, and certainly, if we let Manila go we can not consistently hold Corregidor Island, because that is right on the bay.

Mr. HULL of Iowa. It is 30 miles away.

Mr. DRISCOLL. You would not say for a minute that this Government can withdraw its occupation of the archipelago and surrender the island of Luzon, Manila, and Cavite, and at the same time hold an island in the bay absolutely commanding the harbor and the city which is the heart of the whole archipelago? Nobody would consistently think of doing that. fore I insist that if we do get out of the islands we will have to surrender Corregidor and Cavite and Manila and the territory around there. I have been opposed to putting any permanent improvements there except where we might hold them in case we are ready to move out and surrender occupation. Therefore I will insist on this point of order, if the gentleman from Arkansas does not, and it is clearly subject to the point of order.

Mr. MACON. I want to be heard on the point of order a few minutes. Now, the chairman of the committee, the gentleman from Iowa [Mr. Hull], says that this is not only not authorized by law, but he further says that it is not necessary, nor does he know that it will ever be necessary to use these buildings. Therefore I think it is the height of legislative folly to invest \$250,000 as the beginning of a construction of buildings that no one, not even the chairman of the committee, who has charge of investigating the necessities of the Philippine Islands, knows we will ever need; and hence, sir, it looks to me like a useless piece of legislation, a wasteful expenditure of money at this time; and there being no law authorizing it, no need for it, I can not see why anyone should insist upon it when no one knows whether we will ever need it or not. The gentleman from Texas said a few moments ago that it was 20 miles from Manila. I can not see why we can not keep our bases of supplies at Manila and not upon this island; and I think the chairman must have had that in mind when he said he did not know whether we would ever use these buildings, even if we constructed them.

Mr. SLAYDEN. Will the gentleman permit a statement? understood the gentleman to say that there was absolutely no

necessity for these buildings.

Mr. MACON. No immediate necessity.
Mr. HULL of Iowa. Oh, no; I did not say that at all.
Mr. MACON. I understood the gentleman to say that.
Mr. HULL of Iowa. Oh, no; I said I was satisfied there would be no necessity for the occupation of this island by our army from the mainland or by our fleet authorities in the care of order.

of our records, but that it might be a necessity to use the island, and it might be necessary in the near future; and if we did not have that done, it might be of great injury to the Government. I could not hear the gentleman. He was making a magnificent speech, and I did not think he was saying what he now seems to have said, and I thank the gentleman from Texas for calling my attention to it.

Mr. MACON. I said what the gentleman said.

Mr. HULL of Iowa. He might have misconstrued my remarks very much.

Mr. MACON. The gentleman said that he did not know that this island would ever be occupied, and he does not know that the buildings will therefore ever be needed.

Mr. HULL of Iowa. Oh. no.

Mr. SLAYDEN. I want to say to the gentleman from Arkansas that never have I willingly voted for money to be expended upon the Philippine Islands; and if I had my way I would get out, get out honorably, and get out immediately. [Applause.] I do not believe there is any reason why we should be there; I do not believe there is any possibility that honor compels us to stay there, but we are there. And I repeat what said, that I have never willingly voted for money to be spent there, but I did support that proposition in the committee, and support it now, and regard it as a desirable appropriation.

Mr. MACON. Does the gentleman believe that an appropriation of \$250,000 for the construction of these buildings will help us to get out of the Philippine Islands earlier? Will we not

hold them all the more?

Mr. SLAYDEN. I regret to say that I do not think so.

Mr. MACON. On the contrary, I want to say, Mr. Chairman, that, in my judgment, this will put in another nail that will fasten us the closer to those islands; and if we keep appropriating money making these constructions, we will be kept in the Philippines eternally. It is just like we have done and are doing with the capital in this District. There are places in the United States much more appropriate for a capital than this. The State of my distinguished friend from Missouri [Mr. CLARK] is much better situated for a capital, much better located than the District of Columbia, but we have invested in these grand public buildings to the extent that we will never be able to get the capital away from it; and if we keep piling millions upon millions of dollars in constructing buildings in the Philippine Islands, it will be much harder for us to get away from them.

Mr. SLAYDEN. As a general proposition, I admit that every dollar spent in the Philippines helps to fasten that incubus upon us. I have opposed that policy, but we must be reasonable in these matters. These houses are to be simply a refuge to protect those who may be tempted to flee from the wrath to come, when those terrible fellows, the Japanese, threaten the Americans out there. They merely want some safe place to which they may retire, and they must have something to eat while there; and while I oppose expenditures for permanent improvements, I regard this as a temporary matter, solely intended as a haven of retreat to meet an event which I think will never come.

It is entirely subject to the point of order, I think, but I hope the gentleman will not press it. I believe it will be wiser not to do it. I assure the gentleman that I am in perfect sympathy with his desire not to spend money in the Philippines, and I am even more anxious than he, I think, to get away. I think we can get out with honor any time, and the earliest exit will be the most honorable, for we will leave those people to govern or. if they prefer it, to misgovern themselves, which is both American and honorable.

Mr. MACON. Mr. Chairman, believing, as I do, that we ought to surrender the Philippine Islands at the earliest possible moment, and that we ought not in any wise to bind them closer to us than they now are, I would be doing violence to my conscience if I did not insist upon the point of order. Whether this is subject to the point of order or not the Chair will have to determine; but by my insistence on the point, even though it may be overruled by the Chair, I give evidence of the fact that I am, in good faith, trying to get away from the Philippine Islands-trying to get this great Nation to surrender them at the earliest possble moment. I want to put myself on record as favoring that proposition every time I have an opportunity. I want those people to be as free as we are, and I want it to be known unto them that some of us are clamoring for their liberty on all occasions.

Mr. PRINCE. I desire to be heard on the point of order, unless the Chair is ready to rule.

The CHAIRMAN. The Chair is ready to rule on the point

Mr. HOLLIDAY. I wanted to be heard on the point of order, but if the Chair is ready to rule—

The CHAIRMAN. The Chair is ready to rule, and in doing

so he merely sustains the opinion of his many predecessors in

the chair. The Chair has nothing to do with the propriety or wisdom of this appropriation; but it has been held that the construction of barracks in a navy-yard was not a continuation of a public work; that an appropriation for a naval prison was not a continuation of a public work; that an appropriation for officers' quarters and an appropriation for a hospital in a navy-yard was not a continuation of a public work. At the very last session of this Congress, in February, 1908, one of the most distinguished parliamentarians of this body, who is soon to become Vice-President of the United States, sustained a similar point of order against an appropriation for the completion of a building at the Engineers' School at Washington, stating that the tendency of the decisions on this point was strictly to the enforcement of the rule, departing somewhat from what he regarded as perhaps a certain laxity in former decisions.

In view of the whole tenor of the recent decisions, the Chair feels that he is bound by the opinions of his predecessors, and must sustain the point of order.

The Clerk read as follows:

Engineer equipment of troops: For pontoon material, tools, instruments, and supplies required for use in the engineer equipment of troops, including the purchase and preparation of engineer manuals, \$90,000.

Mr. COX of Indiana. I move to strike out the last word. The language of this paragraph is identical with the language in the last appropriation bill, except that the last bill carried \$72,500, and this bill carries \$90,000. What is the reason for the increase in the amount of this appropriation?

Mr. HULL of Iowa. The engineer officers assured us that it was impossible to supply the amount of tools, materials, and other things necessary. They have been making their accumuother things necessary. They have been making their accumulation of material, but have not yet got enough for a full bridge across, say, the Potomac River below here. They must have an accumulation of supplies more rapidly than now to replace the old supplies that we have been carrying practically since the civil war. It is absolutely necessary. They have not enough material to instruct the troops, the cadets at West Point, and the Engineer School at Washington.

Mr. COX of Indiana. Was the appropriation last year suffi-

cient?

Mr. HULL of Iowa. The evidence was that it was not nearly sufficient, and they would be glad to have more than the amount here appropriated.

Mr. COX of Indiana. Did they ask for more than this? Mr. HULL of Iowa. They would like to have \$150,000.

Mr. COX of Indiana. Did they ask for that?

Mr. HULL of Iowa. They asked the Secretary of War, and he cut them down to this.

Mr. COX of Indiana. The amount here given is the amount recommended by the Secretary of War?

Mr. HULL of Iowa. Yes.

Mr. PARKER. One hundred and thirty-five thousand dollars. Mr. HULL of Iowa. He recommended \$135,000. I want to say that this is an appropriation which you will have with you always.

Mr. COX of Indiana. Like the poor. Mr. HULL of Iowa. It is one of those cases where you are buying material all the time and accumulating some little re-If there was a likelihood of hostilities in the near future I should be in favor of multiplying this amount by 3, so as to accumulate a much larger amount of these supplies. I regard them as absolutely necessary in order to get enough for the instruction of our troops, militia, and cadets.

Mr. COX of Indiana. The amount appropriated here is merely for the purpose of buying supplies for instruction?

Mr. HULL of Iowa. No; of course they use it for instruction largely, but it is to be used in any emergency where they might need it. A large part of our powder is for instruction now.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' state homes, \$700,000.

Mr. MACON. Mr. Chairman, I make a point of order against the language "and purchase," in lines 11 and 12, page 43. It reads "manufacture and purchase," and I make the point of order against the words "and purchase."

Mr. HULL of Iowa. I only desire to say that the Government has always had the words "and purchase" in the bill until two years ago, when the committee believed we could manufacture it better and cheaper than to purchase it, and it was left out of the last appropriation bill. It was put back because the majority of the committee believed it was necessary to reinstate those words.

Mr. MACON. Mr. Chairman, if I thought it was necessary or would serve a useful purpose to incorporate the two words in this bill, I would certainly withdraw the point of order; but in the hearings before the committee when they were considering this bill, I find the following questions and answers thereto:

The CHAIRMAN. The committee and the House seemed to get an impression last time that there was a combination by which the Government was being held up on purchases; that they were charging us exceptions, prices

ment was being held up on purchases; that they were charging us exorbitant prices.

General Crozier. With reference to that, I will refresh the memory of the committee by saying that the price which has heretofore been charged is about 25 per cent greater than we can make the ammunition for at the government factory. The ammunition manufacturers have a combination for holding up the selling price. They are not combined in any other way, I believe. I think that in all other respects they are keen rivals.

Reen rivals.

The CHAIRMAN. But they will not underbid each other.

General CROZIER. They will not bid against each other in the matter of price. They do bid against each other in regard to excellence of ammunition and every other manner in which manufacturers bid, but they advance arguments in support of the view that they ought to get 25 per cent more than it costs the Government to manufacture.

Mr. Chairman, after reading the foregoing inquiries and the answers thereto, made by the chairman of the committee and answered by General Crozier, who is in charge of this matter, and who ought to know what he is talking about, I must insist that it does not seem to be in the interest of the proper conduct of the affairs of this Government, military or otherwise, for us, if we can help it, to buy ammunition 25 per cent higher in price than we can manufacture it, when, as stated here, those who are manufacturing it are combined, in the matter of selling price alone, against the Government of the United States. For that reason I insist on the point of order. I do so in accordance with my disposition to overcome the evil connection with the conduct of the affairs of this Government wherever I find it.

Mr. HOLLIDAY. Will the gentleman yield? Mr. MACON. I will yield to the gentleman.

Mr. HOLLIDAY. I suggest to the gentleman that if he strikes out the words "and purchase" that he will strike out the purchase of material for the manufacture of powder. If the gentleman's contention is supported, we can not buy material. The Government has no saltpeter factory.

Mr. DAWSON. Can I ask the gentleman from Indiana a

question?

Mr. HOLLIDAY. Certainly.
Mr. DAWSON. Was not that the language in the bill last ear—"manufacture of ammunition and materials therefor?" Mr. MACON. Yes; that is the language of the last bill. Mr. HUGHES of New Jersey. I would like to ask the gentle-

man from Arkansas a question.

Mr. MACON. I will yield to the gentleman.

Mr. HUGHES of New Jersey. Does the gentleman think that the private powder manufacturer should be encouraged to continue the manufacture of powder?

Mr. MACON. Not if they want to combine to put up prices. Mr. MANN. It seems to me that there is as much authority to purchase ammunition as there is to manufacture ammunition.

The CHAIRMAN. The Chair is ready to rule. The purchase of ammunition and materials is plainly within the general scheme for the maintenance of the army, and the Chair must

overrule the point of order.

Mr. MACON. Then I offer the following amendment.

The Clerk read as follows:

On page 43, strike out the word "and" at the end of line 11, and the word "purchase," in line 12.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and state soldiers and saliors' orphans' homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions does not exceed \$30,000, \$1.330,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that part of the paragraph beginning at the word "and," in line 1, down to and including the word "dollars," in line 8.

Mr. HULL of Iowa. I think the objectionable language commences at the word "targets," in line 1. We have already

been authorizing the issue of ammunition at the educational institutions and state soldiers and sailors' orphans' homes, but we never authorized the putting up of targets or target material.

Mr. MANN. I will say that what you have heretofore carried in the appropriation law is "an ammunition of older than current model may be issued." Now, you have entirely eliminated that proposition and propose to issue new ammunition.

Mr. HULL of Iowa. That was some time past, and the older

ammunition is exhausted.

Mr. MANN. No; it is current law. The current law says "ammunition of older than the current model." What they are doing I do not know, but if they observe the law that is what they are doing.

Mr. HULL of Iowa. I do not care about it; I had just as soon it would go out. If the gentleman insists on his point of order, I

Mr. MANN. What is the reason of it?
Mr. HULL of Iowa. The reason is the issuing of ammunition to them so that they can have an opportunity for target practice and learn to be good shots. There is a great disposition at this time to train these youngsters at these institutions, so as to make them effective.

I will say to the gentleman from Illinois that there is very strong pressure being made on the committee all the time to establish rifle practice in all the high schools of the country.

Mr. MANN. This covers all the state universities, as I understand.

Mr. HULL of Iowa. Yes. Mr. MANN. I myself am a graduate of a state university, and I have the greatest affection for my alma mater-

Mr. KEIFER. Can the gentleman shoot? Mr. MANN. Yes; I can shoot. I studied military tactics and commanded a company and went through bayonet and sword practice—and am willing to meet the gentleman at any time. [Laughter.] Mr. Chairman, it seems to me that the state universities are getting to be too much in the attitude of beggars. We have now on the calendar one bill to create a mining school in every state university in the country. have already provided so that we increase the appropriation to the state universities \$5,000 a year until it reaches, I think, \$30,000 a year for experimental purposes.

I would like to see the States have patriotism enough to use a little of their own money in buying ammunition [applause] instead of getting so that every State expects the National Government, or the National Treasury, to do all the work, most of which ought to be done by the States. I make the point of order.

The CHAIRMAN. Does the gentleman from Iowa desire to

be heard on the point of order?

Mr. HULL of Iowa. Only to say that we already furnish the ammunition, and I think the old ammunition has all been issued, so that I think the whole paragraph may as well go out if the point of order is insisted upon.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. The gentleman will probably want to reduce the

Mr. HULL of Iowa. I understand that all that is left of the paragraph now is "ammunition, targets, and other accessories for small arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service.

Mr. MANN. That is correct.
Mr. HULL of Iowa. All the rest goes out?

Mr. MANN. Yes, except the amount.

Mr. HULL of Iowa. I move to amend the amount by striking out the words "and thirty."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 9, strike out the words "and thirty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. GAINES of Tennessee. Mr. Chairman, I move to strike at the last word. When we began debate on this bill, several out the last word. days ago, I asked the gentleman from Iowa [Mr. Hull], in charge of the bill, some questions about the amount of powder we use in the army, and the gentleman asked to defer answering them until we reached this part of the bill. I would like to have the gentleman, before we go further, answer my inquiry and give me the cost of powder. My information is that we are paying 85 cents a pound for the powder we are using in

Mr. HULL of Iowa. Oh, no; I do not think so.

Mr. GAINES of Tennessee. Eighty-four and one-half cents for this year, said General Crozier a few days ago to the Appropriations Committee.

Mr. HULL of Iowa. I think it is 80 cents.

Mr. GAINES of Tennessee. Eighty-four and one-half cents for the year is the present information, and the information that I have here in this book for 1906-7 (being the hearings in the Senate on this subject) states that we are paying about 83 cents a pound for small caliber, and I would like to know how much we are now paying and how much we are buying.

Mr. HULL of Iowa. We have passed everything on that sub-

ject, I think.

Mr. GAINES of Tennessee. You provide for "ammunition"

in this paragraph.

Mr. HULL of Iowa. I will say in answer to the gentleman that the amount of powder procured annually by the army is approximately 670,000 pounds of cannon and 360,000 pounds of small-arms powder.

Mr. GAINES of Tennessee. How much do we pay for the cannon powder and how much for the small-arms powder?

Mr. HULL of Iowa. I think we pay 67 cents for the cannon powder and about 80 cents for the small-arms powder.

Mr. GAINES of Tennessee. Mr. Chairman, I want to read from General Crozier, who testified in 1906 on this subject before the Senate committee. I want the committee and the country to know all about this subject as of 1906 and now. I am reading General Crozier's own words to the Senate committee:

In 1906 he said:

There is computed to be needed-

"Needed," mind you-

for proper preparation for war, and all purposes-

"All purposes," bear in mind-

about 15,000,000 pounds of powder.

Of this 15,000,000 pounds we have on hand something over 4,000,000 pounds at present, leaving to be provided for nearly 11,000,000 pounds. The cost of this 11,000,000 pounds at the prices which we have to pay for the different kinds of powder is about \$8,500,000.

Senator PERKINS. Per annum?

General CROZIER. No, sir; those are all total figures.

Mr. Chairman, in other words, we were, in 1906, short in the army for "all purposes"—the war reserve and daily needs of the army—11,000,000 pounds, costing, if bought then, \$8,500,000. General Crozier was further asked:

Senator Warren. Averaging about 75 cents a pound?

General CROZIER. Yes. I believe 78 cents a pound for the powder which is used for the purposes of the Government by this bill (the fortifications bill) and about 83 cents a pound for that which is covered by small arms.

Senator Warren. If I figure right, 11,000,000 pounds of powder at 75 cents would be \$8,500,000.

Mr. YOUNG. Will the gentleman, state the date of those

hearings?

Mr. GAINES of Tennessee. I will do it. They are dated "February 27, 1906. Senate hearings on fortifications bill." have said that I was reading from a report for 1906, and that all the information I have been able to get, plus the information I got out of the hearings containing General Crozier's evidence on the fortifications bill, which was reported to the House a few days since, is what I have in mind. He says now (1908) that we are paying 84½ cents this year.

Mr. FITZGERALD. Eighty-four and one-half cents. Mr. GAINES of Tennessee. The gentleman from New York

[Mr. FITZGERALD], who heard General Crozier, says 844 cents

I will read this from the 1906 hearings:

I will read this from the 1906 hearings:

Senator Warren. Do the manufacturers in the United States carry any great amount of finished stock?

General Crozier. No, sir; practically none.

Senator Warren. Then if the Government should find itself in need of powder for any continued engagement with another country, would it have to go abroad for powder, unless it would wait six or seven months until it was made here?

General Crozier. Yes.

Senator Warren. That is one of the reasons why you desire to have this reserve?

this reserve?
General CROZIER. Yes.

In this same statement-1906-General Crozier said we bought smokeless from 1900 to 1906 as follows:

\$159, 900. 74 -- 2, 222, 066, 60 1, 093, 670. 40

Total pounds, 4,914,399, costing_____ __ 3, 475, 637, 74

From July, 1898, to January, 1906, he says we bought for small arms, .30 caliber powder:

14.800 pounds, at \$1______ 295,721 pounds, at 85 cents______ 882,310 pounds, at 844 cents______ \$14, 800. 00 251, 362. 85 745, 551. 95 Total, 1,192,831 pounds, costing______ 1,911,714.80

56, 461, 90

We also bought this, he says-caliber .38 powder:

\$41, 538. 65 8, 450. 00 6, 473, 25

Total, 65,719 pounds, costing_____

Total pounds (small arms), 1,258,550, costing ____ 1,068, 176.70

Think of that, gentlemen of this committee. I do not care whether the Government is buying at or manufacturing at that price; it is buying every year millions and millions of pounds of powder from private manufacturers, from that world-belting octopus, part of which is in my district, at 67, 80, and 83 cents a pound, when we are making it at 43 and buying part of it at 67 cents. And yet the gentleman from Arkansas had offered an amendment as I came into the Chamber here to put a limit, as I caught it, upon the cost, and it was defeated. We are going along here year after year, and have been for twelve years buying this powder at trust prices, millions of pounds, to be shot away in the air at sunset and sunrise, and otherwise. [Applause.] Mr. Chairman, I pray the indulgence of this com-This is nothing on earth but hard work for me, and while I have done lots of it and shall continue to do it until the 4th of March next at 12 o'clock noon, and have done so for nearly twelve years, I have done it in the name of my country and for right and justice, by the eternal. [Applause.] Now, let me read from General Crozier as to what is contemplated in our great undertaking to bring about peace, to educate ourselves to shoot peace into people. [Laughter.] have it here, and I had to go over to the Senate and borrow this

book to get it, and I want to be heard.

The CHAIRMAN. The time of the gentleman from Tennessee

has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would ask for five minutes more.

Mr. HULL of Iowa. Mr. Chairman, I hope the gentleman will let us finish the bill.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that

the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent that the gentleman may proceed for five minutes.

[After a pause.] The Chair hears no objection,

Mr. GAINES of Tennessee. Mr. Chairman, I am obliged to

the gentleman and to the committee. I was called from the Chamber a while ago and got in just at this time, or I would not delay you.

There is computed-

In 1906, says General Crozier-now look what we are running up against, gentlemen. Listen to this:

There is computed to be needed as a reserve for proper preparation for war, and for all purposes, about 15,000,000 pounds of powder.

Fifteen million pounds of powder at 83 and 85 cents, or 67 cents, if you please, unless you bring a halt to these exorbitant

Of this 15,000,000 pounds we have on hand something over 4,000,000 pounds at present, leaving to be provided pretty nearly 11,000,000 pounds. The cost of this 11,000,000 pounds at the prices which we have to pay for the different kinds of powder is about \$8,500,000.

Now, then, on another page-remember that is the reserve which we have to lay up to be ready for war-he was asked how long did he think we would need to gather up this 15,000,000 pounds of "reserve" powder. He replied:

I would be satisfied if we would take six years to do it in, but I do not think we cught to go beyond ten.

Senator Warren. You think, then, that probably 3,000,000 pounds a year would be enough?

General Crozzer. Yes, sir; to go into the reserve supply. I think that would be prudent, reasonable, and conservative.

Now, Mr. Chairman, the intelligent and distinguished gentleman, the chairman of the committee, has stated that we are now paying, I believe he said, 85 cents a pound for powder.

Mr. HULL of Iowa. No; I said 80 cents in the last report I

have here

Mr. GAINES of Tennessee. The testimony of General Crozier is that in 1906 we were paying from 75 to 85 cents on 15,000,000

Mr. HULL of Iowa. If the gentleman will just wait a min-ute, I will say that in 1907 we were paying 84.5 cents. Mr. GAINES of Tennessee. Well, the gentleman, I thought, said 85 cents, so that is pretty close to it. General Crozier, in another part of his evidence of 1906, said he paid for 30 caliber "about 85," and had no "plant" to make any and could not tell the cost to make it there. You can see what I am driving at. I am not a military man. Thank God, I am a man of peace; and I see some big lions on the General Grant monument down here in sight of the Capitol—I would rather see on that magnificent monument we are erecting the words, "Let us

have peace," than to bring all the lions in the jungles of Africa. or Great Britain and adorn that magnificent structure with

them. [Applause.]

Mr. Chairman, shall we manufacture powder? General Crozier asked the Committee on Appropriations in 1908—last year—to give him \$165,000 to enlarge the "capacity" of the Hook, but it was not given. Why not? He wanted to raise it to the "capacity" of a "war plant," so that if we have war we will proceed the next morning to start to make powder. He wanted to investigate powder prices and hold the trust at reasonable prices, and said so. It requires seven months before we can use a single pound of powder, he says, after we have made it. But the committee did not give him a cent to enlarge this plant. He comes here this year—1909—and asks the committee to give it to him, and he says he asked for it in the sundry civil bill. Why in a "civil" bill? Why wait for that late bill? Why not in the fortifications bill? Why not in this military bill, Mr. Chairman? Why in neither of our military bills? Why wait for the tail end of Congress to put that item in, and perhaps give it appendicitis and let it slough out of the bill, with no way to remedy the situation, because "we are in the dying hours of Congress?" Why not put it in this bill? Why not put it in the fortifications bill? Why have we not had up before this this great reform that General Crozier says he and his splendid aides recommend to this great Congress? I thank the committee. [Applause.]

The Clerk read as follows:

For range finders and other instruments for fire control in field batteries, to be available until June 30, 1911, \$62,000.

Mr. FITZGERALD. Mr. Speaker, I reserve a point of order against the paragraph. I wish to inquire why the chairman of the committee is making appropriation for two years instead of one in this bill?

Mr. HULL of Iowa. It is subject to a point of order, if the gentleman desires to strike it out. We fixed a specific time on the theory that there ought to be no indefinite extension of We thought that it was work that would be better done by allowing it to run on for an extra year.

Mr. FITZGERALD. The same argument would apply to

every appropriation.

Mr. MANN. It formerly was the custom to make these appropriations available until expended. I called the attention of the committee a year or so ago to the fact that the Constitution prohibited the making of appropriations for the maintenance of the army for the two years. At that time it was explained that the necessity for an appropriation was that sometimes it took more than a year to provide these things. They are manufacturing, I think, to order these range finders and instruments for fire control and field batteries, and it was then explained that it was not desirable to make the contract and require an appropriation to be delivered within a year.

Mr. FITZGERALD. I will withdraw the point of order.

The Clerk read as follows:

For the purchase of material, equipment, books of instruction, range finders, and fire-control equipment for the instruction and use of state coast artillery organizations, \$25,000: Provided, That in time of war, or threatened war, such equipment may, in the discretion of the Secretary of War, be withdrawn from armories or other places where it is in use by the state coast artillery organizations and may be used in the fortifications of the United States.

Mr. MACON. Mr. Chairman, I reserve a point of order upon that paragraph.

Mr. HULL of Iowa. I only desire to say that this appropriation here is for equipping the cavalry and the infantry with automatic machine guns that go with them into the field. It is a part of the equipment of the mobile army, independent of either coast or field artillery. It is purely for the regiments of cavalry and infantry, and if the gentleman will turn to page 2 of the hearings, he will see that this is intended entirely for the equipment of the mobile army in the field, outside of the artillery entirely. In other words, automatic guns are now carried on horses. These are not the same as heretofore provided.

In the committee, where a point of order was raised that we had no jurisdiction over the range finders, it was shown that they were for field artillery, and the chairman of the committee held they belonged to the Committee on Military Affairs. This is exactly the same character as that, only stronger, being for a branch of the service entirely under control of the Committee on Military Affairs. The line of the army has always been provided for in its equipment by the Committee on Military Affairs. Exactly the same man that handles the musket handles this new gun and uses same ammunition used in infantry rifle.

Mr. MACON. Mr. Chairman, I think in time of peace we have got enough weapons of war without appropriating \$200,000 to begin the manufacture of any new guns. We have war vessels and different rifles that we are changing every few years, and so on; and I am afraid if we proceed to the manufacture of these particular guns against which I make the point of order that they will become obsolete without having been used. I see no prospect of war, and therefore I insist upon my point of order.

The CHAIRMAN. The Chair is ready to rule.
Mr. OLMSTED. Mr. Chairman, I would like to know what the point of order is.

Mr. MACON. That it is contrary to existing law.

Mr. OLMSTED. Wherein is it contrary to existing law? Mr. SMITH of Iowa. I make the point of order that it is

not within the jurisdiction of the Committee on Military Affairs. Mr. MACON. It is certainly subject to a point of order. will read the paragraph again, so the gentleman can see that it

is obnoxious to the rules of the House: Automatic and machine guns: For the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, and equipments, to remain available until June 30, 1911, \$200,000.

That is new legislation not authorized by law, and in conflict with the rules of the House.

Mr. SMITH of Iowa. I would like to be heard on the point of order that it is not within the jurisdiction of the Committee on Military Affairs.

The CHAIRMAN. The Chair will hear the gentleman from

Iowa upon that point.

Mr. SMITH of Iowa. As I understand, there is an unbroken line of decisions that the jurisdiction of the Committee on Appropriations and the Committee on Military Affairs must be determined by the state of the division of these items as between the fortifications bill and the army bill at the time the army bill was taken from the Committee on Appropriations and given to the Committee on Military Affairs. The fortification bill for 1876 carried Gatling guns and howitzers for flank defense; the bill for 1877 carried howitzers for flank defense. In 1878 it carried Gatling and other machine guns. For 1879, 1880, 1881, 1882, 1883, 1884, and 1885, the fortifications bill carried the appropriation for machine guns. It will scarcely be claimed that an automatic gun is not a machine gun.

At all times prior to the separation of this work, giving the army bill to the Committee on Military Affairs, the carrying of machine guns was in the fortifications bill and never in the army bill; and that was determined to be the test of jurisdiction. seems to me there can be no question that these guns are within the jurisdiction of the Committee on Appropriations. Decisions without number, almost, have been made, that the decision of this question in each instance must turn upon what the division of these appropriations was just prior to the time the army bill was taken from the Appropriation Committee and given to the Military Committee. At all times, down to and including that of the separation, the appropriations for these guns were carried in the fortifications and not in the army bill. In all recent years this appropriation has been carried in the fortifications bill, and perhaps sometimes in the army bill as well. But the department itself, this year, for the first time, determined to revise the rules of the House and send the estimate for these guns to the Committee on Military Affairs. By every precedent in this House the Committee on Military Affairs has no jurisdiction of this item of machine guns.

Mr. HULL of Iowa. Mr. Chairman, before deciding the point, desire to call the Chair's attention to the fact that this is the first time there has ever been submitted for this kind of gun any estimate specifically for the cavalry and infantry arms of the

service.

Now, I want to call the Chair's attention to what this estimate is for. It is set forth in the hearings, in the statement of General Crozier, speaking of small-arms fire:

But I have estimated for these now, because they go right with the infantry and the cavalry. As it is now, the organization is of a field-gun platoon with two guns in each regiment of cavalry and each regiment of infantry; so they are handled by the infantrymen and cavalrymen; they are right with them.

The Chairman. They are not of the caliber of artillery at all?
General Crozier. No; not at all; it is small-arms fire that they deliver, of course much more rapidly than a body of troops can deliver it. It seems to me that they are more peculiarly, even than the field artillery, a part of the armament of the mobile army, because they are handled by the same men who handle muskets.

It is proposed in this appropriation to put them with each arm of the service, the cavalry and the infantry. There is to be organized a field-gun platoon of two guns in each regiment of cavalry or infantry. They are handled by the infantrymen and cavalrymen.

Now, I want to say to my friend from Iowa [Mr. Smith] that as long as they were attached to the artillery, as long as guns of the character then in existence were a part of the artillery force

of the country, it was a different proposition; but it is now proposed to organize out of each regiment of infantry and each regiment of cavalry a machine-gun platoon, with a new type of gun, so that they will always have them, in every campaign. You might as well say that range finders and other instruments for fire control in field batteries must always remain with the Appropriations Committee. And yet it has been held by the Chairman of the Committee of the Whole House recently that if they belong to the mobile army they do not belong to the Committee on Appropriations.

But it seems to me the rule, if construed properly and correctly, would give the Committee on Military Affairs the appropriation for the field artillery; but not for this type of gun, because the rule provides specifically for all of the line of the army to go to the Committee on Military Affairs for whatever is used, including its muskets, its clothing, and everything. The first decision of the Chairman of this Committee of the Whole House after the separation of the appropriation bills was that the field artillery belonged to the Military Committee. As usual, the Committee on Appropriations was strong enough, with its splendid membership and always its able leadership, to appeal from the decision of the Chair, who had correctly interpreted the rule, and set a bad precedent by reversing him by a vote of the committee on an appeal.

This being the first time that such a provision has been offered arming the mobile army, the infantry and cavalry, with these weapons, I think even the gentleman from Iowa [Mr. SMITH] will not claim jurisdiction of the Committee on Appropriations in its fortification bill. This is the first time when it is proposed to make this advance in the armament of the mobile army with this new gun, and so I submit it belongs to the committee that has entire control under the rules of the House of the line of

the army.

Mr. PRINCE. Mr. Chairman, just a word on the point of order. Paragraph 12 of Rule XI states:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows:

Subjects relating to the military establishment and the public defense, including the appropriations for its support, to the Committee on Military Affairs.

The paragraph under discussion begins on page 45, line 20, and ends with line 24, and is the paragraph relating to automatic and machine guns.

Heretofore a different automatic and machine gun has been used by the coast artillery and as a part of the fortifications, For the first time in the legislative history of a military bill, automatic machine guns are proposed for the mobile army. On page 278 of the hearings of the Committee on Military Affairs occurs the following:

The CHAIRMAN. These are for the mobile army?

General CROZIER. These are for the mobile army entirely. We require some for the fortifications, but all of these and a part of those for the mobile army have been procured. We will need of these guns something like 1,550, as it stands now.

Mr. Young. Those for the use of the mobile army also? General CROZIER. Yes; those for the use of the mobile army, too.

Now, what does the mobile army consist of? The cavalry, the coast artillery in part, the field artillery exclusively, and the infantry. These guns are to be used by the infantry and by the cavalry, which are without doubt distinctively a part of the mobile army. If the implements are to be used by the mobile army, there can be no question that as it is now presented this appropriation is in order, and is not subject to a point of order. because it properly belongs to the Committee on Military Affairs and not to the Committee on Appropriations under its subcommittee of fortifications.

Mr. OLMSTED. Mr. Chairman, I am not enough of a machine man to be able to judge whether or not an automatic

gun is a machine gun.

Mr. MANN. If a Pennsylvania politician does not know that, do not know who would.

I do not know who would.

Mr. OLMSTED. A Chicago politician probably would. But I should like to say just a word on the point of order made by the gentleman from Arkansas. If I understood, his point of order was not the one which possibly might have been made against this paragraph, but it is that the purchase or manufacture of these gaps was without previous authority of law. facture of these guns was without previous authority of law, and therefore not in order in a general appropriation bill.

The CHAIRMAN. The gentleman need not spend any time on that point. The Chair is not at all in doubt on that. The only question in the mind of the Chair is the question of juris-

Mr. OLMSTED. Then I do not care to discuss the question further. I felt sure that the Chair would not hold that every

time the army needs a new kind of gun it must first secure the passage of an authorizing act of Congress before the money to pay for the gun can be carried in a general appropriation bill.

Mr. MACON. The Chair held that when the time of limitation which had expired was extended, as this is, for two years, it made it obnoxious to the rule, and hence subject to a point of

Mr. OLMSTED. Does the gentleman think that every time the army wants to adopt a new gun it must come and get an act

of the Congress before it can use it?

Mr. FITZGERALD. Mr. Chairman, on page 527 of the Digest are several decisions that field artillery comes within the jurisdiction of the Committee on Appropriations. The point is made by the gentleman from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. PRINCE] that the guns authorized in this paragraph are not field artillery because they belong to the mobile army, and that the mobile army consists of cavalry, infantry, and artillery. The mere fact that the improvements in the character of these guns are such that instead of being dragged by horses they are now carried either on pack horses or by mounted men does not change their character-they are still, in a broad sense, field artillery. The paragraph provides for the gun carriages and equipment to be used in the field by the mobile army, and the decisions say that field artillery comes within the jurisdiction of the Committee on Appropriations.

The mere fact that the War Department has designated these guns by a different title, or has changed the method in which they have been transported, does not change the character of the weapons. They are distinctively field guns, and within the jurisdiction of the Committee on Appropriations and not within the jurisdiction of the Committee on Military Affairs.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from New York in reference to those decisions.

Mr. FITZGERALD. On page 537 of the Digest there is a decision that appropriations for field guns and their equipment belong to the Committee on Appropriations and not to the Committee on Military Affairs. There are decisions cited in the first session of the Fifty-first Congress and second session of the Fifty-fifth Congress and the second session of the Fiftyninth Congress.

Moreover, an examination of the various fortification bills in recent years will disclose that provisions practically identical with the one under consideration have been carried in it. In determining questions of the jurisdiction of committees, the practice of the House in the past has been given great weight in determining the question at issue.

Mr. PARKER. Mr. Chairman, the facts in this case are new. I desire to call the attention of the chairman to what was said

by General Crozier:

by General Crozier:

Field artillery and mountain artillery and these machine guns, all are for the mobile army, but have all been appropriated for heretofore in the fortifications bill; but I have estimated for these now, because they go right with the infantry and the cavalry. As it is now the organization is of a field-gun platoon with two guns in each regiment of cavalry and each regiment of infantry, so they are handled by the infantrymen and cavalrymen; they are right with them.

The Chairman. They are not of the caliber of artillery at all?

General Crozier. No; not at all; it is small-arms fire that they deliver, of course much more rapidly than a body of troops can deliver it. It seems to me that they are more peculiarly, even than the field artillery, a part of the armament of the mobile army, because they are handled by the same men who handle muskets; not the same individual men, but the same organizations.

Now, the point is, here is a rifle handled by the infantryman.

Now, the point is, here is a rifle handled by the infantryman, handled by the cavalryman, and the only difference from an ordinary rifle is that it delivers the fire more rapidly; and while it was quite proper that machine guns for use in fortifications should have been appropriated for by the Appropriations Committee, the machine gun, which is only a rapid-fire rifle, carried by the infantryman and carried by the cavalryman as a part of the equipment, comes under the jurisdiction of the Committee on Military Affairs, which must provide the arms which the infantrymen and cavalrymen use.

The CHAIRMAN. Where are these guns made? Mr. PARKER. I do not know where they are made. The bullet is of the same size as the other rifles.

The CHAIRMAN. At Watervliet?

Mr. PARKER. I do not know where they are made. I always supposed they were made like the others, in Springfield. do not think there is anything in the hearings as to where they are made. They are used by the infantry and the cavalry just like other rifles.

The CHAIRMAN. How are the guns carried?

Mr. PARKER. They are carried on mules, I think.

Mr. FITZGERALD. On pack horses.

Mr. PARKER. On pack horses, and they go with the regiments. There is no carriage to them.

Mr. FITZGERALD. Oh, yes; there is provision for carriages

Mr. GAINES of Tennessee. Mr. Chairman, on the point of order I would like to read three or four lines out of the manual:

The appropriations for field guns and their appurtenances belong to the Appropriations, and not to the Military Affairs, Committee. Cit-ing many authorities. But fire-control and direction apparatus for field artillery comes within the jurisdiction of the Committee on Military Affairs. Citing

within the jurisdiction of the Committee on Military Anairs. Citing authorities.

The maintenance and equipment of arsenals and armories are within the jurisdiction of the Appropriations Committee, while the Military Affairs Committee has charge of the manufacture of small arms, equipments, etc. Citing authorities.

Appropriations for barracks and quarters for troops for the seacoast artillery are within the jurisdiction of the Committee on Appropriations, and not of the Committee on Military Affairs. Citing authorities.

Mr. HULL of Iowa. Mr. Chairman, I simply desire to call the attention of the Chair to the decision of the Committee of the Whole House on the state of the Union on the question of range finders, similar to this. It is impossible to finish the bill to-night, and I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Perkins, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26915, the army appropriation bill, and had come to no conclusion thereon.

ENBOLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 200. Joint resolution granting to the Fifth Regiment, Maryland National Guard, the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia; H. R. 3388. An act for the relief of L. B. Wyatt; H. R. 12899. An act to provide for a disbursing officer for the

Government Hospital for the Insane:

H. R. 21957. An act relating to affairs in the Territories; H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.;

H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan:

H. R. 22884. An act to impose a tax upon alcoholic compounds

coming from Porto Rico, and for other purposes; H. R. 18744. An act for the relief of the estate of Mark S. Gorrill:

H. R. 5461. An act for the relief of Lawson M. Fuller, major, Ordnance Department, United States Army; H. R. 6145. An act to refund to the Territory of Hawaii the

amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government:

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces or cannon balls to the county court of Marshall County, W. Va.; H. R. 24492. An act to authorize the Secretary of War to do-

nate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York

H. R. 25019. An act granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison;

H. R. 26073. An act to legalize a bridge across Indian River North, in the State of Florida;

H. R. 26606. An act to authorize the Lewis Bridge Company to construct a bridge across the Missouri River;

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States; and

H. R. 16954. An act to provide for the Thirteenth and subsequent decennial censuses.

BRIDGE ACROSS KANSAS RIVER, KANSAS CITY.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8333), to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas, which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, is there anything about this bill that requires this railroad to build the bridge high enough to let the water through?

Mr. SCOTT. Nothing in the bill, but there is a general provision in the statutes requiring these bridges to be built in accordance with plans and specifications that are satisfactory to

the War Department.

Mr. CLARK of Missouri. The reason I ask is that it was charged at the time of that tremendous flood out there in Kansas and Missouri in 1903 that it was produced largely from the fact that the railroads, without any consent or authority from the War Department, had built bridges at all sorts of elevations to satisfy themselves, and that when the flood came the bridges themselves prevented the water from getting out of the Kaw River into the Missouri River.

Mr. SCOTT. I wish to say that the very purpose of this bill

is to permit one of these railroads to build a larger bridge.

Mr. CLARK of Missouri. I am very glad to hear that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

UNITED STATES COURT, GADSDEN, ALA.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21560) to provide for circuit and district courts of the United States at Gadsden, Ala., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the middle division of the northern judicial district of the State of Alabama is hereby established, composed of the counties of Cherokee, Dekalb, Marshall, Etowah, St. Clair, and Blount. SEC. 2. That a term of the circuit and the district courts of the middle division of the northern judicial district of the State of Alabama shall be held at Gadsden, in Etowah County, in said State, on the and on the ——: Provided, hovever, That suitable rooms and accommodations are furnished for the holdings of said courts, free of all expense to the Government, until a public building shall be provided for by law.

pense to the Government, until a public building snail be provided for by law.

Sec. 3. That all civil process issued against persons residing in said counties cognizable before the United States court shall be made returnable to the courts of the United States, respectively, to be held at Gadsden, as provided by this act, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at Gadsden: Provided, That no process or prosecutions commenced or suits instituted before the passage of this act shall be in any way affected by the provisions hereof, and that all prosecutions herefofore commenced for offenses herefofore committed against the United States in any of the said counties shall be prosecuted and tried as though this act had not been passed.

States in any of the said counties shall be prosecuted and tried as though this act had not been passed.

SEC. 4. That it shall be the duty of the clerks, marshals, and other officers of the northern judicial district to attend said terms of said court and perform the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district; and that the clerks of the circuit and district courts of said northern district shall maintain an office, in charge of themselves or a deputy, at Gadsden, which shall be kept open at all times for the transaction of the business of said division.

With the following amendments:

"Page 1, line 10, after the words 'on the' insert 'first Tuesday in February.'

February 1, after the words 'on the' insert 'first Tuesday in August of each year.'
"Strike out the words 'and Blount,' at the end of line 6, page 1, and insert the word 'and' before the word 'Saint.'"

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

IMMIGRATION OF ALIENS.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13079) to amend section 21 of the immigration law, with amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 21 of the act entitled "An act to speak or to learn the English language, and regulate the immigration of aliens into the United States," approved homesteader he could not become naturalized.

February 20, 1907, is hereby amended by adding at the end thereof the

February 20, 1907, is hereby amended by adding at the end thereof the following:

"Provided further, That any alien who is now under sentence because of conviction in this country of a felony, or who may be hereafter convicted of a felony, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act."

SEC. 2. That section 21 of the said act, as so amended, is hereby reenacted.

With the following amendment:

Strike out lines 7 to 12 and insert the following:

"Provided further, That any alien who is now under sentence because of conviction in this country of a crime punishable by imprisonment in a state prison or penitentiary for a term of one year or more, or who may be hereafter convicted of such a crime, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act, but at the expense of the 'immigrant fund.' This proviso shall not apply to an alien sentenced for a term less than one year. Each alien taken into custody on a warrant issued pursuant to this proviso shall be held for at least ten days before being actually deported."

Mr. STAFFORD. I would like to ask the gentleman whether the purpose of the amendment which has been read is to compel the deportation of aliens from this country provided they have committed a crime that is only punishable by one year's

imprisonment in a state prison or penitentiary?

Mr. BENNET of New York. No; it applies only to aliens who have committed a felony, and only applies when the term of their sentence is a year or more. I might say to the gentleman that the objections which were made to this bill when it was up before by the gentleman from Illinois [Mr. Mann] and the gentleman from Illinois [Mr. Sabath], were that it might apply to trivial crimes, to technical felonies, and also American citizens might be "railroaded." These objections have been met by making it apply to men who are sentenced to more than a year and so that the actual deportation shall not take place until ten days after the arrest. This gives them the time for habeas corpus.

Mr. STAFFORD. I can appreciate how a person might commit a minor offense and it might yet be considered a felony, under extenuating circumstances, and with no real intent to do wrong, as when drunk, and be punished for a year and committed to state prison, but who should not be deported by reason of his unfortunate condition or the peculiar conditions of

family and the like, which this amendment would compel.

Mr. BENNET of New York. In the first place, for the absolutely minor offenses no man would be sentenced for more than a year. In the second place, if by accident he was, the thing to do would be to get a pardon, in which case the bill would not operate.

Mr. STAFFORD. Are you sure? Mr. BENNET of New York. Yes; because it has been held in the Supreme Court of the United States that a pardon will wipe

out everything ab initio.

Mr. HITCHCOCK. Suppose a man has been in this country ten years without becoming naturalized. Suppose his family is here, and he commits some offense for which he is committed for a year. Is it proposed under this bill, after that man has been punished, to separate him from his family and leave them dependent upon the community?

Mr. BENNET of New York. Absolutely; and I will say to the gentleman, while I doubt if the alien has a greater friend on the floor than I, that the man who comes here and stays ten years without becoming a citizen, and at the conclusion of the ten years commits a felony, ought not to receive very great consideration. And, further, I will say, answering that which is in the gentleman's mind, perhaps, about his family. In the first place, the family would be better off without the incumbrance of that man; and in the second place, answering another argument as to who would look after the family, his family would be looked after by the same people who would look after them when the man was in jail.

Mr. FITZGERALD. Is it not possible for some man to come here and stay ten years and not be able to comply with the requirements of the naturalization act?

Mr. BENNET of New York. Any man of good moral character

Mr. FITZGERALD. Yes. The applicant must be able to comply with certain requirements, and some men could not even though they were of good moral character.

Mr. BENNET of New York. I think my friend is mistaken, although he is usually correct and accurate. If the gentleman will look to the act of June 29, 1906, I think he will agree with me that there is nothing in that act which a man ought not to be able to learn in ten years.

Mr. FITZGERALD. Some men might come here and be employed in some place where they never have an opportunity to speak or to learn the English language, and if he were not a Mr. BENNET of New York. Oh, yes.

Mr. FITZGERALD. Oh, no.

Mr. BENNET of New York. He must be able to speak the English language.

Mr. FITZGERALD. And he might be located and employed in some section of this country where he would never have the opportunity to speak or to learn enough English to become naturalized.

Mr. BENNET of New York. I doubt it, and the man who had no more initiative and ambition than not to learn the English language in ten years would not have the initiative and ambition to commit a crime of any magnitude.

Mr. HITCHCOCK. Unless there is some recommendation in this to protect the families of aliens who have been residents here for a number of years, I shall object.

The SPEAKER. Is there objection?

Mr. HITCHCOCK. I object.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. HITCHCOCK. I demand a second.

Mr. BENNET of New York. I ask unanimous consent that second be deemed to be ordered.

Mr. FITZGERALD. I object, Mr. Speaker.

The SPEAKER. An objection is equivalent to a demand for quorum?

Mr. FITZGERALD. It may be eventually.

The SPEAKER. The Chair wants to get at it. Mr. FITZGERALD. I suppose it would.

The SPEAKER. Does the gentleman propose if the bill

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Mr. FITZGERALD. This bill will not pass without a quorum.

The SPEAKER. The gentleman from Iowa.

Mr. HULL of Iowa. I move that the House do now adjourn. The SPEAKER. Pending the motion, the Chair submits the following personal requests:

WITHDRAWAL OF PAPERS.

Mr. WEBB, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of bill for relief of Millie Riddle (Invalid Pensions), no adverse report having been made thereon.

Mr. RANSDELL of Louisiana, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Eleanor M. Loise (H. R. 8635). Fifty-fourth Congress, no adverse report having been made

ADJOURNMENT.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1391)-to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the City and Suburban Railway of Washington, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1392)-to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1393)--to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the Potomac Electric Power Company, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1394) to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Washington Railway and Electric Company, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1395) to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Brightwood Railway Company, transmitting the annual report of the company for the year ended December 31, 1908 (H. Doc. No. 1396)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Great Falls and Old Dominion Railroad Company, transmitting the annual report of the

company for the year ended December 31, 1908 (H. Doc. No. 1397)-to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Georgetown Gaslight Company, transmitting a statement for the year ended December 31, 1908 (H. Doc. No. 1398)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for providing a water supply at the legation at Peking, China (H. Doc. No. 1399)—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for rent of buildings at Council Bluffs, Iowa (H. Doc. No. 1400)—to the Committee on Appropriations

and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for quarters and moving expenses at Fort Dodge, Iowa (H. Doc. No. 1401)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for rent of buildings at Ottumwa, Iowa (H. Doc. No. 1402)—to the Committee on Appropriations

and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting record of awards made by the Spanish Treaty Claims Commission (H. Doc. No. 1403)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for rent of quarters at Shreveport, La. (H. Doc. 1404)-to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriations for satisfying judgments rendered by the Court of Claims (H. Doc. No. 1405)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriations for deficiency expenditures (H. Doc. No. 1406)—to the Committee on Appropriations and ordered to be printed.

A letter from the Commissioner of Patents, transmitting the annual report for the year 1908 (H. Doc. No. 1407)—to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUSSELL of Missouri, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2001), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8628) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2004), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 24131) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company, reported the same without amendment, accompanied by a report (No. 2006), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 2007), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 2008), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 27221) for the relief of the Bank of Freeburg, of Freeburg, Mo., reported the same with amendment, accompanied by a report (No. 2009), which said bill and report were referred to the Private Calendar.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the Senate (S. 655) for the relief of Richard A. Proctor, reported the same without amendment, accompanied by a report (No. 2010), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7325) for the relief of Cadmus E. Crabill, reported the same without amendment, accompanied by a report (No. 2011), which said bill and report were referred to the

Private Calendar.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 27342) amend the military record of David H. Dickinson, reported the same without amendment, accompanied by a report (No. 2012), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred

By Mr. DAWSON: A bill (H. R. 27470) fixing the grade of certain employees at United States arsenals and proving grounds—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 27471) to regulate the inter-state-commerce shipments of intoxicating liquors—to the Com-

mittee on the Judiciary.

By Mr. STAFFORD: A bill (H. R. 27472) to authorize pay officers of the navy to issue postal money orders—to the Committee on Naval Affairs.

By Mr. DENBY: A bill (H. R. 27473) to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross"—to the Committee on Foreign

By Mr. SPERRY: A bill (H. R. 27474) for the erection of a public building at New Haven, Conn.—to the Committee on Pub-

lic Buildings and Grounds.

By Mr. STERLING: A bill (H. R. 27475) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May

30, 1908-to the Committee on the Judiciary. By Mr. YOUNG: A bill (H. R. 27476) to provide for obtaining lands and other property necessary for the construction, repair, and preservation of certain public works in the interest of commerce and navigation in the St. Marys River at Sault Ste. Marie. Mich., and for other purposes-to the Committee on Rivers and

By Mr. KENNEDY of Ohio: A bill (H. R. 27477) supplementary to an act approved March 3, 1899, entitled the "River and harbor act"-to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: A bill (H. R. 27478) constituting Ranier, Minn., a subport of entry-to the Committee on Ways and

By Mr. GREENE: A bill (H. R. 27479) to require motor vessels to be equipped with mufflers-to the Committee on the Merchant Marine and Fisheries.

By Mr. McCALL: A bill (H. R. 27480) requiring ships to be equipped with wireless-telegraph apparatus-to the Committee

on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 27481) to amend an act entitled "An act for the widening of Benning road, and for other purposes," approved May 16, 1908—to the Committee on the District of Columbia.

By Mr. THISTLEWOOD: A bill (H. R. 27482) for the relief of certain officers commissioned from the enlisted force and noncommissioned grades of the navy-to the Committee on Naval Affairs

By Mr. FOULKROD: A bill (H. R. 27483) to require fire extinguishers on motor vessels-to the Committee on the Merchant Marine and Fisheries.

By Messrs. HUMPHREYS of Mississippi and MILLER: A bill (H. R. 27522) to regulate interstate shipments of intoxicat-

ing liquors-to the Committee on the Judiciary.

By Mr. GRONNA: Memorial from the legislature of North Dakota, for federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Memorial of the legislature of North Dakota, for federal inspection and grading of grain-to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of North Dakota, concerning the appropriation made for the general improvement of the Missouri River-to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 27484) granting an increase of pension to Horace E. Burroughs-to the Committee on Invalid

By Mr. BENNET of New York: A bill (H. R. 27485) granting pension to Benjamin Hornbeck-to the Committee on Invalid

By Mr. BURLEIGH: A bill (H. R. 27486) granting an increase of pension to Sylvanus L. Hanscom-to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27487) granting a pension to John H. Neumann-to the Committee on Pensions.

Also, a bill (H. R. 27488) granting an increase of pension to John J. Moloney-to the Committee on Invalid Pensions.

By Mr. CANDLER. A bill (H. R. 27489) granting an increase of pension to Jesse W. Dabbs-to the Committee on Pen-

By Mr. COLE: A bill (H. R. 27490) granting an increase of pension to Jeremiah Shepard-to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27491) for the relief of the heirs of M. M. Wilson, decensed—to the Committee on War Claims.

Also, a bill (H. R. 27492) for the relief of the heirs at law of Charles Evans, deceased—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 27493) granting an increase

of pension to Charles A. Miller-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27494) granting an increase of pension to Alexander Ogden-to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 27495) granting a pension to Emma L. Miller-to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 27496) granting a pension to Charles O. Evans-to the Committee on Pensions.

By Mr. GODWIN: A bill (H. R. 27497) for the relief of John L. Cantwell, of Wilmington, N. C.—to the Committee on Claims. Also, a bill (H. R. 27498) granting an increase of pension to

Albert Call—to the Committee on Invalid Pensions. By Mr. HELM: A bill (H. R. 27499) granting an increase of

pension to G. S. Greenleaf-to the Committee on Invalid Pen-

sions By Mr. HULL of Tennessee: A bill (H. R. 27500) granting an increase of pension to Lucinda McDonald-to the Committee

on Invalid Pensions. Also, a bill (H. R. 27501) granting an increase of pension to Allen Hall-to the Committee on Invalid Pensions.

By Mr. McMORRAN A bill (H. R. 27502) granting an increase of pension to Caleb S. Hicks-to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 27503) granting an increase of pension to Walter C. Clark-to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 27504) granting an increase of pension to John Humphreys-to the Committee on Pensions. By Mr. SHERLEY: A bill (H. R. 27505) for the relief of Ann Ford Mattingly-to the Committee on War Claims.

Also, a bill (H. R. 27506) for the relief of Mrs. C. Hasselback-to the Committee on War Claims.

Also, a bill (H. R. 27507) for the relief of the estate of Henrietta Hudgens-to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 27508) granting an in-

crease of pension to Julia E. Wells-to the Committee on Invalid Pensions. Mr. SMALL: A bill (H. R. 27509) granting a pension to

Ansil B. Chapin—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 27510) granting an increase of pension to Edward B. Cousins—to the Committee on

Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 27511) for the relief of Sarah B. Matthews—to the Committee on War Claims.

Also, a bill (H. R. 27512) for the relief of the heirs of Elijah
B. Matthews, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 27513) to correct the military record of James M. Hensley—to the Committee on Military Affairs.

By Mr. YOUNG (by request): A bill (H. R. 27514) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Companythe Committee on the Public Lands.

By Mr. WASHBURN: A bill (H. R. 27515) granting a pension to Mary A. Lynch—to the Committee on Invalid Pensions. Also, a bill (H. R. 27516) granting a pension to Bridget Elliot—to the Committee on Pensions.

By Mr. WEEKS: A bill (H. R. 27517) granting a pension to Marianna C. Rockwell—to the Committee on Invalid Pensions. Also, a bill (H. R. 27518) granting a pension to Ethel K. Guerin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27519) granting an increase of pension

to Oliver H. Ingalls—to the Committee on Invalid Pensions. By Mr. LAMAR of Florida: A bill (H. R. 27520) granting an increase of pension to Fanny T. Fisher-to the Committee on Pensions.

By Mr. LANDIS: A bill (H. R. 27521) granting an increase of pension to William H. Sumption-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of American Society of Zoologists, for legislation to protect migratory birds—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Society of Civil Engineers, praying for the construction of an adequate machine for testing materials-

to the Committee on Appropriations.

Also, petition of Curry, Simms & Norwood, of Lexington, Ky., and other firms and corporations of the United States, praying for the removal of the duty on sugar-to the Committee on Ways and Means.

Also, petition of the New Orleans Cotton Exchange, praying for legislation to encourage the use of cotton and cotton goodsto the Committee on Interstate and Foreign Commerce.

Also, petition of the International Shingle Weavers' Union of America, protesting against the sentencing of Samuel Gompers and others in connection with the injunction of the Buck Stove and Range Company-to the Committee on the Judiciary

Also, petition of John L. Hinkley and other members of the National Grange, praying for legislation creating a national highways commission—to the Committee on Agriculture.

Also, petition of members of Chestnut Ridge Grange, of Pennsylvania, and Union Grange of Massachusetts, praying for legislation to establish a parcels post and postal savings banks-

the Committee on the Post-Office and Post-Roads.

Also, petition of the American Association of Masters, Mates, and Pilots, of Galveston, Tex., praying for the enactment of the so-called "Hayes bill" (H. R. 15657)—to the Committee on the

Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, praying for an increase in the salaries of federal

judges-to the Committee on the Judiciary.

Also, petition of the New York Legislative League, praying for the assistance of Congress in maintaining the work carried on under the Pure-Food League-to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade, praying for legislation for the encouragement of the merchant marine-to the Committee on the Merchant Marine and Fisheries

Also, petition of the Wilkes-Barre (Pa.) Council, Knights of Columbus, praying for the anniversary of the discovery of America by Christopher Columbus to be made a legal holiday to the Committee on the Judiciary.

Also, memorial of the legislature of the State of Washington. praying for the retention of the existing duty on forestry products-to the Committee on Ways and Means.

By Mr. ALEXANDER of New York: Paper to accompany bill for relief of Mrs. Agnes Miller—to the Committee on Pensions.

Also, petition of Merchants' Association of New York, favoring increase of salaries of United States judges-to the Committee on the Judiciary

By Mr. ANSBERRY: Petition of Fairview Grange, No. 1666, of Antwerp, Ohio, for a national highways commission and federal aid in construction of highways (H. R. 15837)-to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Columbus (Ohio) Board of Trade, favoring national highways commission—to the Committee on Agriculture.

By Mr. BARTLETT of Georgia; Paper to accompany bill for relief of J. M. King (H. R. 23994)—to the Committee on Claims. | mittee on Interstate and Foreign Commerce.

By Mr. BATES: Paper to accompany bill for relief of Horace E. Burroughs-to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, against legislation inimical to railway interests—to the Committee on Interstate and Foreign

Also, paper to accompany bill for relief of Benjamin Horn-

beck-to the Committee on Invalid Pensions

By Mr. BURKE: Petitions of James A. McNally & Sons, the Mausmann Brothers Company, the East End Savings and Trust Company, P. T. Loughney, the James C. Lindsay Hardware Company, the Pittsburg Plate Glass Company, and W. E. Henry, all of Pittsburg, Pa., favoring the Sherley bill (H. R. 21929) to the Committee on the Judiciary.

Also, petitions of Haworth & Dewhurst (Limited), the Carlin Machinery and Supply Company, the W. E. Osborn Company, Way Walker & Morris, the United States Merchants and Manufacturers' Corporations, and the Standard Manufacturing Company, all of Pittsburg, Pa., favoring the Sherley bill (H. R. 21929), amending the bankruptcy law-to the Committee on the Judiciary.

Also, petitions of the American Lumberman, of Chicago, Ill., and the Hard Wood Manufacturers' Association of Nashville, Tenn., against reduction of the tariff on lumber-to the Committee on Ways and Means.

Also, petition of Allegheny County Medical Society, favoring admission of all medical and surgical books, instruments, etc., duty free-to the Committee on Ways and Means.

Also, petition of Alaska road committee, favoring appropriation of \$1,000,000 to aid road building in Alaska-to the Committee on Agriculture.

Also, petition of Iron City Subordinate Association, against repeal of tariff on lithographic work-to the Committee on Ways and Means.

By Mr. CALDER: Petition of B. G. Martin, of Brooklyn, N. Y., favoring the Sherley bill (H. R. 21929), amending bank-

ruptcy law—to the Committee on the Judiciary.

Also, petition of Religious Liberty Bureau, Medina, N. Y., against passage of Senate bill 3940-to the Committee on the District of Columbia.

Also, petition of headquarters of the Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of J. W. Huglian, favoring H. R. 24148, for a children's federal bureau-to the Committee on Expenditures in the Interior Department.

By Mr. DAVIS: Petition of John F. Farsman and Delmar Brynildden and others, of Vasa, Minn., against tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. DE ARMOND: Paper to accompany bill for relief of Sarah J. Drummond—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Catherine Husted

(H. R. 24920)—to the Committee on Invalid Pensions. By Mr. DRAPER: Petition of headquarters of the Grand Army of the Republic, against consolidation of pension agenciesto the Committee on Appropriations.

Also, petition of Hard Wood Manufacturers' Association of the United States, against tariff reduction on lumber-to the Committee on Ways and Means.

By Mr. ESCH: Petition of Hard Wood Manufacturers' Association, against repeal of tariff on lumber-to the Committee on Ways and Means.

Also, petition of Missouri Manufacturers' Association, favoring H. R. 22901, 22902, and 22903, relative to interstate-rate requirement—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Petition of Grange No. 884, for the creation of a national highways commission (H. R. 15837)the Committee on Agriculture.

By Mr. FOCHT: Paper to accompany bill for relief of Henry

C. Wolfe (H. R. 26005)—to the Committee on Military Affairs. By Mr. FULLER: Petition of Cook County Bottlers' Protective Association, of Chicago, favoring retention of duty on ginger ale, soda, and all carbonated beverages-to the Committee on Ways and Means.

By Mr. FULTON: Memorial of legislative assembly of Oklahoma, favoring addition to Platt National Park of the 3 portions of Sulphur town site lying south of said park-to the Com-

mittee on the Public Lands.

Also, memorial of legislative assembly of Oklahoma, favoring extension of uses and purposes of national reclamation fund—to the Committee on Irrigation of Arid Lands.

Also, memorial of legislative assembly of Oklahoma, favoring legislation to protect migratory game birds-to the Com-

By Mr. GOULDEN: Petition of Cameron Steam Pump Works, favoring S. 4825, for conservation of the water supply of the country—to the Committee on Agriculture.

By Mr. GRAHAM: Petitions of the Pittsburg Plate Glass Company and the James C. Lindsay Hardware Company, favoring H. R. 21929, the Sherley bill-to the Committee on the Judiciary.

Also, petition of the Pittsburg Chamber of Commerce, favoring moderation and conservatism in the regulation of railways to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Company, against removal of duty on lumber-to the Committee on Ways and Means.

Also, petition of Haworth & Dewhurst (Limited) and the Standard Manufacturing Company, favoring the Sherley bill (H. R. 21929), to amend the bankruptcy act—to the Committee on the Judiciary.

Also, petitions of the Hard Wood Manufacturers' Association and the American Lumberman, against reduction of duty on

lumber—to the Committee on Ways and Means.

Also, petition of Alaska Road Committee, favoring appropriation of \$1,000,000 for aid of highways in Alaska—to the Committee on Agriculture.

By Mr. GRANGER: Petition of Providence Dry Dock Company, favoring passage of H. R. 25542, relating to liens on vessels for repairs, supplies, or other necessaries—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRONNA: Petition of business men of North Dakota,

favoring postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Paper to accompany bill for relief of Betsey

E. Higgins-to the Committee on Invalid Pensions.

Also, petitions of William Hatfield, J. G. Sanford, Lewis Tricerri, R. Dunham, J. W. Morris, R. J. Jones, C. C. Leland, Burt cerri, R. Dunham, J. W. Morris, R. J. Jones, C. C. Leland, Burt Varacoba, F. H. Haack, J. N. Sener, Ezra Owens, S. B. Trem-bley, L. S. Coombs, D. G. Morgan, F. B. Ringlep, C. H. Thomas, R. L. Telfer, M. J. O'Brien, J. L. Peters, F. W. Crofoot, Frank Haste, William Valasco, A. Feriroli, J. D. Matthews, Joseph Lawrence, Paslo Nirzan, H. E. Watkins, W. H. Welden, H. H. Hoelm, M. Lial, Joe Felbs, Alfred Pozzo, Guy Slater, Frank Landers, John Harrison, John Casalegno, George H. Hoehn, M. C. Riley, Jim Morris, Toney Lombardo, R. J. Janes, Grant Dossetto, Alfred Kapp, H. Bernishi, G. Kledeks, B. Tobey, W. C. Mullis, Sam Oran, Ben Peterson, John Do Little, Gustav Kellar, Frank E. Hayford, Vinassa Eugenio, James G. Leonard, Matthew M. Stevens, D. Chirco, M. Martin, Mike Breschini, Phil Deutschmann, H. E. Evans, N. E. Manning, H. J. Young, A. R. Bodenschatz, W. H. French, Rev. Father Collins, Edward Kuhn, Frank Martinez, P. Barbettini, Antonio Maglia, Thomas J. Gairn, Louie Arata, E. M. Reardon, J. J. Burke, Edward Hoffman, J. W. Baurman, R. W. Nash, A. E. Maurice, A. M. Phillippe, Alex Wilson, A. J. Silva, D. D. Peebles, and 11 others, of Cal., favoring an effective Asiatic-exclusion law against all Asiatics excepting merchants, students, and travelers-to the Committee on Foreign Affairs.

Also, petitions of Olaf Martinsen and 95 others, of San Pedro, Cal.; Carl Carlson and 95 others, of Seattle, Wash.; J. S. Spangler and 8 others, of Hacket, Ark.; H. H. Scott and 16 others, of Cleveland, Ohio; N. Roller and 47 others, of San Pedro, Cal.; U. G. Spriggs and 96 others, of Seattle, Wash.; Michael Tiernan and 95 others, of San Francisco, Cal.; and John Dorman and 7 others, of Sacramento, Cal., favoring an effective Asiatic-exclusion law against all Asiatics excepting merchants,

Asiatic-exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KAHN: Petitions of Melvin Munson and 47 other residents of Cleveland, Ohio; I. J. Nicholl and 47 other residents of I.os Augeles, Cal.; J. E. Hughes and 95 other residents of San Francisco, Cal.; Frank W. Cottrell and 143 other residents of Seattle, Wash.; J. W. Beckley and 16 other residents of Baltimore, Md.; and J. Reuter and 33 other residents of Sacramento, Cal., favoring an exclusion law against all Asiatics, save merchants students and travelers—to the Committee on Foreign chants, students, and travelers-to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of Adams Center (N. Y.) Grange, favoring federal aid in road construction—to the Committee on Agriculture.

Also, petition of Barnes Corner (N. Y.) Grange, favoring federal aid in construction of roads-to the Committee on Agriculture.

By Mr. KNOWLAND: Petition of Asiatic Exclusion League, against concession to any other nation of the right to determine any of our domestic questions-to the Committee on Foreign Affairs.

By Mr. KUSTERMANN: Petition of Consumers' League of Wisconsin, favoring Beveridge-Parsons child-labor bill-to the Committee on Labor.

By Mr. LINDBERGH: Petitions of citizens of Brooten, Clear Lake, Alexandria, Garfield, and Melrose, all in the State of Minnesota, against the imposition of duty or tax on teas and coffees in Congress-to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Alaska road committee, asking for appropriation of \$1,000,000 to aid road construction in

Alaska—to the Committee on Appropriations.

Also, petition of Department of New York, Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

Also, paper to accompany bill for relief of the six frontier regiments of United States infantry-to the Committee on In-

valid Pensions.

Also, petition of J. G. Brown, of International Shingle Weavers' Union, for retention of duty on shingles-to the Committee on Ways and Means.

Also, petition of Hard Wood Manufacturers' Association,

against removal of duty on lumber-to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, against federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of Johnson Grange, No. 1092, of Lincoln, Mich., in favor of H. R. 15837, for a national highways commission and appropriation giving federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of Fisher Grange, No. 790, of Harrisville, favoring a parcels-post and postal savings banks laws—to the

Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Petition of Chazy (N. Y.) Grange, favoring federal aid in highway construction—to the Committee on Agriculture.

By Mr. MARSHALL: Petition of citizens of North Dakota, against a tariff on tea and coffee-to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of American Protective Tariff League, against a permanent nonpartisan tariff commission—to

the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of Walter Clark—to the Committee on Pensions.

By Mr. PUJO: Paper to accompany bill for relief of John Humphreys-to the Committee on Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Crowell, Tex., against parcels post on rural free-delivery routes and postal savings banks-to the Committee on the Post-Office and

Post-Roads. By Mr. WASHBURN: Petition of citizens of Worcester, Mass., against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)-to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Mrs. Bridget T. Elliott and Mary A. Linch-to the Committee on Invalid Pen-

SENATE.

Tuesday, February 2, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

EARTHOUAKE IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, by direction of the President, and in response to a resolution of the 27th ultimo, a special report by Maj. Gen. A. W. Greely, U. S. Army, commanding the Pacific Division, on the relief operations conducted by the military authorities of the United States at San Francisco and other points in connection with the earthquake of April 18, 1906, which, with the accompanying paper, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. its Chief Clerk, announced that the House had passed the bill (S. 8333) to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a rail-road bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6418) authorizing the sale of land at the head of Cordova

Bay, in the Territory of Alaska, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. VREELAND, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala.; and

H. R. 24863. An act to prohibit the importation and use of opium for other than medicinal purposes.

The message further transmitted to the Senate a resolution

declaring that the bill (S. 8021) to prohibit the importation and use of opium for other than medicinal purposes, in effect repeals in part the provision of section 43 of the act of July 24, 1897, the existing tariff act, and in the opinion of the House of Representatives contravenes the first clause of the seventh section of the first article of the Constitution, and is an infringement of the privileges of the House of Representatives, and that the bill had been ordered to lie on the table.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5473. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of ciizenship imposed by law upon deserters from the naval service;

H. R. 4931. An act to correct the military record of Corwin M. Holt; and

H. R. 17572. An act for the relief of George M. Voorhees.

CREDENTIALS.

Mr. SUTHERLAND presented the credentials of REED SMOOT. chosen by the legislature of the State of Utah a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Hardwood Manufacturers' Association of the United States, remonstrating against any reduction being made in the duty on forest products, which was referred to the Committee on Finance

He also presented a petition of the Boston Society of Civil Engineers, of Boston, Mass., praying that an adequate appropriation be made to proceed with the construction of a testing machine capable of testing to destruction full sized compression members of large dimensions and of accurately recording the results thereof, which was referred to the Committee on Appro-

Mr. PLATT presented a petition of the members of Mount Hope Grange, No. 902, Patrons of Husbandry, of Wappingers Falls, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Florida Grange, No. 1053, Patrons of Husbandry, of Florida, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Congregational Church of Mount Vernon, N. Y., praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of sundry citizens of Angels Camp, Cal., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a memorial of the State Anti-Debris Asso-

ciation, of Sacramento, Cal., remonstrating against the passage of the so-called "Englebright bill," relative to the regulation of hydraulic mining, which was referred to the Committee on Mines and Mining.

Mr. McCUMBER presented a concurrent resolution of the legislature of North Dakota, which was referred to the Com-

mittee on Commerce and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

mittee on Commerce and ordered to be printed in the Record, as follows:

Concurrent resolution.

Whereas the National Rivers and Harbors Congress has asked that provision be made for \$500,000,000 to be expended for the development of the navigable waterways of the United States; and Whereas it has been publicly announced by a high and well-informed official of the United States that a sum of about \$275,000,000 has already been appropriated and authorized to be expended upon works now undertaken and to be hereafter completed on the rivers and harbors of the United States; and Whereas none of the said \$275,000,000 is being expended on the 1,600 miles of the navigable Missourl River above Sloux City; and Whereas the report of the Board of Engineers for Rivers and Harbors recommends the improvement of the Missourl River below Sloux City (which is concurred in by the United States engineers), and its estimate provides for the expenditure of \$42,500,000 for the general improvement of the Missourl River below Sloux City, Iowa, of which sum \$2,000,000 is to be expended annually upon the Missourl River from Kansas City to St. Louis; and Whereas no estimates have been made for the general improvement of the Missourl River above Sloux City, Iowa, or the Yellowstone River or the Red River of the North; and Whereas no money is being expended nor has provision been made to expend any-part of the aforementioned \$42,500,000 within the States of North Dakota, South Dakota, and Montana; and Whereas the United States engineer's estimate submitted to the Chief of Engineers, and through him submitted to the present Congress, makes practically no provision for any expenditures for the improvement or snagging of the upper Missourl River above Sloux City, Iowa, or the Yellowstone River in North Dakota and Montana; and Whereas commerce carried on these streams during the year 1908 in the localities mentioned exceeds that of the Missourl River below Sloux City; Now, therefore be it Resolved by the senate (the house of representatives co

I hereby certify that the above resolution originated in the senate and was concurred in by the house of the eleventh legislative assembly of the State of North Dakota. JAMES W. FOLEY, Secretary.

Mr. McCUMBER presented a concurrent resolution of the legislature of North Dakota, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Concurrent resolution.

Whereas the interests of the State of North Dakota are agricultural and its grain crop is its chief source of wealth; and
Whereas the interests of the grain producer of the State of North Dakota are inseparably dependent upon a system of inspection which shall give to the producer a just reward for his toil; and
Whereas after a careful and exhaustive investigation of the subject of grain grading it is apparent that such a uniform grading and inspection can be attained only under federal supervision; and
Whereas such a federal system and inspection would eliminate present injustice, do away with fraud and discrimination, and insure to the farmer the profits which are frequently taken by those who have produced none of the actual wealth; and
Whereas 90 per cent of the grain handled at terminals is interstate, which would insure federal supervision over nearly the entire crop of the Northwest, if a federal-inspection law were passed; and
Whereas federal inspection of meats and foods has resulted in untold benefits to the people of this country; and
Whereas the only remedy for present injustice in grain grading lies in the absolute divorce of the purchasing interests from the inspection and grading of grain: Now, therefore be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring), That Senate bill No. 382, known as the "McCumber bill," which provides for a fair, adequate, and just system of federal inspection, be approved and indorsed by this legislative assembly on behalf of the great producing classes of this State, and that its passage by the Congress of the United States be earnestly recommended; and be it further

Resolved, That a copy of these resolutions be sent to each of our United States Senators and Representatives in Congress.

I hereby certify that the above resolution originated in the senate and was congregated by the senate and was c

I hereby certify that the above resolution originated in the senate and was concurred in by the house of the eleventh legislative assembly of the State of North Dakota,

JAMES W. FOLEY, Secretary.

Mr. McCUMBER presented a concurrent resolution of the legislature of North Dakota, which was referred to the Committee on Public Lands and ordered to be printed in the Record, as follows:

Concurrent resolution.

Whereas there is now pending before the Congress of the United States a bill providing that the United States Government shall reserve unto itself all mining rights to all coal deposits underlying government

lands for which patent has not been issued so far, and that patent be issued for the surface of the land only; and

Whereas most of these coal-underlying lands in the western part of the State of North Dakota have been disposed of in former years as land grants and under the different land laws without restrictions of this kind; and

Whereas the comparatively small acreage of unpatented lands, scattered mostly in small and isolated tracts, left in the hands of the Government in this State are of not much value as mining properties, more so as the quality of this lignite coal in this State is such that it can be used in a limited way and only inside of a short time after its mining; and

Whereas hundreds of settlers have made homestead entries in good faith and have improved their places, spending thousands of dollars, not knowing that their lands were underlaid with this coal, relying upon and expecting to receive clear title to such lands after fully complying with the requirements of the law; and

Whereas such clouded title will be a hardship to a great number of settlers, because they, with such a cloud and burden upon the land, will be unable to borrow money on mortgages or sell or dispose of the same: Now, therefore be it

Resolved by the senate of the State of North Dakota, the house of representatives concurring, That our congressional delegation in Congress be respectfully requested to use all honorable means to prevent the passage of said bill and to introduce and to assist in its operation of the state of North Dakota which have been entered upon under our present land laws and which were not designated as coal lands in the State of North Dakota which have been entered upon under our present land laws and which were not designated as coal lands at the time such entry was made.

Resolved; That the clerk of the senate be instructed to send a copy of these resolutions to each of our Members in Congress on the final passage of the same.

I hereby certify that the above resolution originated in the senate and was concurred in by the house of the eleventh legislative assembly of the State of North Dakota.

JAMES W. FOLEY, Secretary.

Mr. GALLINGER presented a memorial of sundry owners of property on K street NW., Washington, D. C., remonstrating against the enactment of legislation providing for the laying of street railway tracks on K street between North Capitol and First streets NW., in the District of Columbia, which was referred to the Committee on the District of Columbia

Mr. NELSON presented a petition of the Minneapolis Chapter, American Institute of Banking, of Providence, R. I., praying for the adoption of certain amendments to the present national banking law relative to the abolition of the payment of fees to bank examiners in compensation for examination of national banks and in lieu thereof to provide for the payment of salaries to bank examiners, which was referred to the Committee on Finance.

Mr. WARNER presented the petition of Samuel L. Landers, of Dadeville, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 7400) authorizing and directing the Postmaster-General to credit the accounts of Frank Wyman, postmaster at St. Louis, Mo., in the sum of \$4,139.13, which was referred to the Committee on

Mr. TAYLOR presented memorials of sundry citizens of Sweetwater, of the Board of Trade of Nashville, and of the Clearing House Association of Chattanooga, all in the State of Tennessee, remonstrating against the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Institute of Van Buren County, Tenn., praying for the passage of the so-called "rural parcels-post" bill, which was referred to the Committee

on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Paris, Tenn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. KEAN presented a petition of the State Horticultural Society, of Riverton, N. J., praying for the enactment of legislation to regulate the standard and sale of certain insecticides and fungicides in interstate commerce, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of East Orange, N. J., remonstrating against the enactment of legisla-tion providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee

on Pensions.

He also presented a petition of Local Grange No. 61, Patrons of Husbandry, of Crosswicks, N. J., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Hobo-

ken, N. J., praying for the ratification of reciprocal trade rela-tions with the Dominion of Canada, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of the tenth legislature of the State of Wyoming, which was referred to the Committee

on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Wyoming, 88:

UNITED STATES OF AMERICA, State of Wyoming, 88:

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled house joint memorial No. 1, of the tenth legislature of the State of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 29th day of January, A. D. 1909.

[SEAL.]

WILLIAM R. SCHNITGER,

Secretary of State.

House joint memorial 1-Good roads memorial.

Memorializing the Congress of the United States to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Wyoming to this State for the purpose of creating a fund for establishing and maintaining good roads in the said State of Wyoming.

said State of Wyoming.

Be it resolved by the house of representatives of the State of Wyoming (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas good roads are one of the great first needs of every State and also one of the surest means of aiding the material prosperity and advancing the settlement thereof, this being especially true in Wyoming, where the country is not thickly populated and where the means of communication between the several parts of the State are not numerous: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Wyoming to this State for the purpose of creating a fund to be used by the State of Wyoming solely for the establishment and maintenance in good repair of a system of public roads within its borders: Be it further

Resolved, That a certified copy of this memorial be sent to each of the Members of the congressional delegation from this State in Congress with a request that they employ their best efforts to secure action in the premises.

Approved January 28, 1909.

Mr. BRANDEGEE presented a memorial of the State Rusi-

Mr. BRANDEGEE presented a memorial of the State Business Men's Association of Connecticut, remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange, Patrons of Husbandry, of Kent, Conn., and a petition of Local Grange, Patrons of Husbandry, of Torrington, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post Ronds Post Roads.

Mr. CLARK of Wyoming presented a joint memorial of the tenth legislature of Wyoming, in favor of the transfer to the State of Wyoming of 1,000,000 acres of land in aid of good roads, which was referred to the Committee on Public Lands.

Mr. FLINT presented a petition of the executive committee of the Democratic territorial central committee of Honolulu, Territory of Hawaii, praying for the adoption of certain amendments to the bill providing a government for that Territory relative to the disposition of public lands, which was referred to the Committee on Territories.

He also presented a petition of sundry citizens of Angels Camp, Cal., praying for the repeal of the duty on hides, which

was referred to the Committee on Finance.

Mr. GORE presented a petition of the legislature of Oklahoma, praying for the enactment of legislation to extend the reclamation fund and service to include drainage, as well as irrigation, throughout the several States of the Union, which was referred to the Committee on Irrigation.

He also presented a petition of the legislature of Oklahoma, praying for the enactment of legislation to add to the Platt National Park at Sulphur Springs, in that State, the three portions of the sulphur town site lying adjacent to said park, which

was referred to the Committee on Public Lands.

Mr. PENROSE presented a memorial of the Peace Association of the Society of Friends of Philadelphia, Pa., remonstrating against any further appropriation being made for the increase of the navy, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (H. R. 2635) for the relief of Herman Lehmann, reported it without amendment.

Mr. BURNHAM, from the Committee on Claims, to whom was

referred the bill (H. R. 17960) for the relief of Marcellus Butler, reported it without amendment and submitted a report (No. 899) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, reported it with amendments and submitted a re-

port (No. 900) thereon.

Mr. GALLINGER. I am directed by the Committee on Ap propriations, to whom was referred the bill (H. R. 25392) making appropriations to provide for the expenses of the gov-ernment of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 897) thereon. I give notice that at the earliest possible day I shall call up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 25552) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Com-

pany," approved March 2, 1907; and A bill (H. R. 26466) to amend an act authorizing the construction of a bridge across the Mississippi River at Burling-

ton, Iowa

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 4229) for the relief of Capt. John C. Wilson, U. S. Navy, retired, reported it without amendment and submitted a report (No. 901) thereon.

AFFAIRS OF INDIANS IN WISCONSIN.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 263 (reported by Mr. Clapp from the Committee on Indian Affairs, January 26, 1909), reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and it hereby is, authorized to investigate the affairs of all the Indians of Wisconsin. Said committee is authorized to send for persons and papers, to administer oaths, and to sit during the session of Congress or during recess, at Washington or elsewhere, and to have the testimony taken printed; the expense of such investigation to be paid out of the contingent fund of the Senate; and be it further Resolved, That pending the final report of such committee and action thereon by Congress the Secretary of the Interior be requested to suspend the approval of any roll, the making of allotments, and the making of timber contracts for Indian allottees in the State of Wisconsin.

LANDS OF OMAHA INDIANS.

Mr. BROWN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, to report it favorably with amendments. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The first amendment was, in section 1, page 1, line 4, after the word "funds," to strike out the words "remaining to the credit;" in line 5, after the word "Indians," to insert the words "hereafter accruing from any source," so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay from the funds of the Omaha tribe of Indians hereafter accruing from any source any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of said Indians to protect such lands from overflow, not exceeding an average of \$8 per acre.

The amendments were agreed to.

The amendment was, in section 2, page 2, line 1, after the word "funds," to insert the word "now;" and in line 2, after the word "tribe," to strike out the words "after the payment provided for in section 1 of this act," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such regulations as he may prescribe, to pay per capita to the Indians of the Omaha tribe allotted lands within any such drainage district the proportionate share of such Indians in the funds now remaining to the credit of said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. HALE. From the Committee on Appropriations, I report back without amendment the joint resolution (S. R. 122) to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugu-

ral ceremonies of the President of the United States March 4. 1909, and I ask for its immediate consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN TENNESSEE.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 24635) to create a new division in the middle judicial district of the State of Tennessee, to report it favorably without amendment. I call the attention of the Senator from Tennessee [Mr. Fra-

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 7868) to create a new division in the middle judicial district of the State of Tennessee, reported adversely thereon, and the bill was postponed indefi-

ESTATE OF CHARLES FITZGERALD.

Mr. CLAPP. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 24303) for the relief of the estate of Charles Fitzgerald, to report it favorably without amendment, and I submit a report (No. 898) thereon. I call the attention of the junior Senator from Mississippi to the bill.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from

Minnesota.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the estate of Charles Fitzgerald, late an inspector of the Post-Office Department, who was murdered while in the discharge of his duties as an officer of the United States and because of the faithful discharge of of the United States and because of the faithful discharge of those duties, the sum of \$1,600, being one year's salary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 9017) for the establish-

ment of a subport of entry at Ranier, Minn., which was read twice by its title and referred to the Committee on Commerce. He also introduced a bill (S. 9018) to amend the act of Congress approved March 3, 1903, entitled "An act to amend section 1 of the act of Congress approved March 14, 1898, entitled 'An act extending the homestead laws and providing for a right of way for railroads in the District of Alaska,'" which was read twice by its title and referred to the Committee on Public Lands.

Mr. WARNER introduced a bill (S. 9019) granting a pension to Judson H. Streeter, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9020) granting an increase of pension to David F.

Ragsdale; and

A bill (S. 9021) granting an increase of pension to Jesse

Mr. WARNER introduced a bill (S. 9022) to correct the military record of and issue to James Capehart an honorable discharge, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Commit-

tee on Pensions

A bill (S. 9023) granting an increase of pension to Thomas E. Glass: and

A bill (S. 9024) granting an increase of pension to John S. Nelson.

Mr. McCREARY introduced a bill (S. 9025) to correct the military record of G. W. Hall, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 9026) for the relief of the heirs or legal representatives of Montgomery Howard, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. STONE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S, 9027) granting an increase of pension to James Enloe; and

A bill (S. 9028) granting an increase of pension to O. A. Stine. Mr. STONE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9029) for the relief of the heirs of Frances E. Bannister, deceased; and

nister, deceased; and A bill (S. 9030) for the relief of the estate of Joseph M. Wade,

deceased (with the accompanying paper).

Mr. TALIAFERRO introduced a bill (8. 9031) for the relief of James I. Griffin, his heirs and assigns, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9032) granting an increase of pension to William Clarke; and

A bill (S. 9033) granting an increase of pension to William J.

Mr. RAYNER introduced a bill (S. 9034) for the relief of the heirs of Isaac R. Maus, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. RAYNER (by request) also introduced a bill (S. 9035) for the relief of the heirs of Jasper M. Jackson and Anna D. Jackson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 9036) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla., which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 9037) granting an increase of pension to Elias W. Bowman, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 9038) to divide the eastern district of Oklahoma into three divisions, to fix the time and places of holding court therein, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. BURKETT introduced a bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. FLINT introduced a bill (S. 9040) granting pensions to army nurses, which was read twice by its title and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 9041) for the relief of Edward Trenchard, son and the only next of kin of the late Stephen D. Trenchard, rear-admiral, U. S. Navy, retired, which was read twice by its tile and referred to the Committee on Claims

He also introduced a bill (S. 9042) granting a pension to Harriett Dailey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions

Mr. LA FOLLETTE introduced a bill (S. 9043) granting a pension to Ellen Waters, which was read twice by its title and referred to the Committee on Pensions.

referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 9044) providing for the retirement of petty officers and enlisted men of the United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 9045) to place certain officers on the retired list of the army, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9046) granting an increase of pension to William Ryan;

A bill (S. 9047) granting a pension to Emma A. Poland;

A bill (S. 9048) granting a pension to Rebecca Dull;

A bill (S. 9049) granting an increase of pension to Mattie J. Ellis;

A bill (S. 9050) granting a pension to Catherine B. Peffley; A bill (S. 9051) granting an increase of pension to Abram Gaskill; A bill (S. 9052) granting an increase of pension to Emma C. Swift:

A bill (S. 9053) granting an increase of pension to John Bell; A bill (S. 9054) granting a pension to Catharine E. Nagle;

A bill (S. 9055) granting an increase of pension to William O'Brien; and

A bill (S. 9056) granting an increase of pension to Willoughby Schaffer.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9057) granting an increase of pension to David A. Buchanan:

A bill (S. 9058) granting an increase of pension to Augustus C. Wilson:

A bill (S. 9059) granting an increase of pension to William P. Postlewait;

A bill (S. 9060) granting an increase of pension to William Fritz;

A bill (S. 9061) granting an increase of pension to Henry Yost:

A bill (S. 9062) granting an increase of pension to George E. Parker:

A bill (S. 9063) granting an increase of pension to Israel P. Long: and

A bill (S. 9064) granting a pension to Annie Given Penrose. Mr. 'PENROSE introduced a bill (S. 9065) supplementary to and amendatory of the act of May 9, 1902, entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1896,' "defining the duties of dealers in oleomargarine and other imitation dairy products, defining offenses against said act, and prescribing penalties therefor, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. TILLMAN introduced a bill (S. 9066) for the relief of the heirs of W. D. McDowall, deceased, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment providing that after June 30, 1909, letter carriers of the rural delivery service shall receive a salary not to exceed \$1,000 per annum, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$17,000 to pave 30 feet in width the roadway on Twenty-third street NW., from S street to Kalorama road, etc., intended to be proposed by him to the District appropriation bill, which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to issue patent in fee to the Benedictine Fathers of the Sacred Heart Mission of Oklahoma for certain land occupied by that mission, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$20,000 for the construction, equipment, and support of one or more schools in the State of Florida for Seminole Indian youth, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Indian Affairs

Mr. PENROSE submitted an amendment providing that after June 30, 1909, employees in first and second class post-offices and in other post-offices having city-delivery service shall be granted leave of absence with full pay not exceeding thirty days in a fiscal year, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment, proposing to appropriate \$2,000,000 for actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, etc., while actually traveling on business of the Post-Office Department, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

CANAL TO EEL RIVER, CALIFORNIA.

Mr. PERKINS submitted the following concurrent resolution (S. C. Res. 84), which was referred to the Committee on Commerce

Resolved by the Scrate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California.

EARTHQUAKE IN CALIFORNIA.

Mr. PERKINS submitted the following resolution (S. Res. 274), which was referred to the Committee on Printing:

Resolved, That 2,000 additional copies of the letter of the Secretary of War transmitting the special report of Maj. Gen. Adolphus W. Greely, U. S. Army, upon the earthquake in California April 18, 1906, be printed for the use of the Senate.

IMPROVEMENT OF ANACORTES HARBOR, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 85), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Anacortes, Wash., to determine the cost and advisability of its improvement.

EMPLOYEES OF INTERSTATE RAILROADS.

Mr. NEWLANDS. I ask unanimous consent that a document (S. Doc. No. 691) be printed consisting of acts of Congress affecting railroad employees and orders of the Interstate Commerce Commission made in accordance with said acts.

The VICE-PRESIDENT. The Senator from Nevada asks unanimous consent that the paper submitted by him be printed as a document. Is there objection?

Mr. ALDRICH. What is the nature of the document? Mr. NEWLANDS. It is a document containing the acts of Congress relating to labor in the operation of interstate commerce and the rulings of the Interstate Commerce Commission under the acts affecting railroad employees. It is a very short document

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILL REFERRED.

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala., was read twice by its title and referred to the Committee on the Judiciary.

RESTRICTION ON OPIUM TRADE.

The bill (H. R. 27427) to prohibit the importation and use of opium for other than medicinal purposes was read the first time by its title.

Mr. ALDRICH. That is practically the same bill which was reported from the Committee on Finance and passed by the Senate. I ask that it be now taken up.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

The bill was read the second time at length, as follows:

Be it enacted, etc., That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: Provided, That opium and preparations and derivatives thereof: Provided, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

Sec. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding \$5,000 nor less than \$50, or by imprisonment for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

The VICE-PRESIDENT. Is there objection to the present

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives, which was referred to the Committee on Finance:

Resolved, That Senate bill 8021, "To prohibit the importation and use of opium for other than medicinal purposes," in effect repeals in part the provision of section 43 of the act of July 24, 1897, the existing tariff act, and in the opinion of this House contravenes the first

clause of the seventh section of the first acticle of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be laid upon the table; that a copy of this resolution be transmitted to the Senate.

LANDS IN ALASKA.

Mr. FLINT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (8. 6418) entitled "An act authorizing the sale of land at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all after section 8.

And the House agree to the same.

FRANK P. FLINT, W. B. HEYBURN, J. H. BANKHEAD, Managers on the part of the Senate. F. W. MONDELL, A. J. VOLSTEAD, JNO. W. GAINES, Managers on the part of the House.

The report was agreed to.

NATIONAL CURRENCY ASSOCIATIONS.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read Senate resolution 271, submitted yesterday by Mr. CLAY, as follows:

day by Mr. CLAY, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the names of the national currency associations formed under the act approved May 30, 1908, known as an act to amend the national banking laws, the names and location of the banks composing each association, the principal place of business of each association thus formed, the name and location of each bank belonging to any national currency association applying for an issue of additional circulating notes under the provisions of the act approved May 30, 1908, together with a list of the securities deposited for the redemption of such notes and the total amount of notes issued under this provision of law.

Mr. ALDRICH I would suggest that the information which

Mr. ALDRICH. I would suggest that the information which the Senator seeks is at the disposal of every Member of the Senate. I think perhaps the resolution had better be sent to the Committee on Finance. In any event, I am prepared to answer the question. There has been only one currency association formed, and that is in the city of Washington. There have been, of course, no emergency notes issued by any association.

Mr. CLAY. I was fully aware of the fact that no additional notes had been issued. I have been asked by two or three of my constituents what had been the operation of the new financial act, and if any additional currency had been issued or applied for. My object and purpose in getting the information was to have it simply in a succinct form, that we might readily refer to it.

Mr. ALDRICH. The operation of the act, so far as I am aware, has been of the best possible nature. There has been no occasion for currency associations and none have been formed, and no notes have been issued.

Mr. CLAY. Do I understand the Senator to say that the act has accomplished its purpose?

Mr. ALDRICH. Precisely.
Mr. CLAY. It has caused no money to be issued and has placed no more in circulation, and that was really the intention of the act.

Mr. ALDRICH. That is not my statement. I suppose the Senator from Georgia understands that. I made a statement and it was perfectly plain, I imagine, to the comprehension of the Senator from Georgia; but I think the resolution had better go to the Committee on Finance.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the resolution be referred to the Committee on Finance.

Mr. CLAY. I hope the Senator will not insist on that motion. I can not see why it should be referred. The Senator says that there is no reason why the information ought not to be furnished. If the Senator intends to have it referred to the Finance Committee, there to sleep, it is not the usual course in cases of this kind. I hope the Senator will withdraw the motion and let the resolution be adopted.

Mr. ALDRICH. The information which the Senator seeks is already in the possession of the Senate by the reports of two executive officers. It is in the possession of the Senate by the statement which I make that no currency associations have been formed except one in the city of Washington, and no notes have been issued. I can not see any particular purpose which the Senator from Georgia or anybody else can have by the adoption of the resolution.

Mr. CLAY. Mr. President-

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. CLAY. The Senator is fully aware of the fact that we frequently seek information here from the departments in concise form to meet the wishes of Senators, notwithstanding the fact that you can go through the reports of different departments and select the information that is really in the possesston of the departments. I hardly think the Senator will contend that this information is in the possession of the Senate. In the reports of the Treasury Department the information can probably be found. The Senator will not deny that frequently we have passed resolutions seeking such information, notwithstanding the fact that we could go to the Post-Office Department, or the Treasury Department, or the Navy Department, and go through the reports there and by dilligent inquiry find what we want.

Mr. ALDRICH. Mr. President, the Senate has always been extremely liberal in passing resolutions asking for information from the different departments of the Government. Some of it of course will answer a useful purpose, but at times the Senate has adopted resolutions that have caused great expense to the Government, when I imagine not even the Senator who asked for the information himself ever read the answer. Certainly no useful purpose has been gained by the adoption of resolutions

of such a character.

Here is a resolution which asks for information that has already been reported upon by two officers of the Government, required by law to make reports to Congress. I have stated to the Senator what is an unquestioned fact which can not be denied anywhere, that no such currency associations except in one case have been formed, and no notes have been issued. There may be some constituent of the Senator from Georgia

who wants to have some other form of information upon the subject. I can see no other useful purpose which the Senator

can have in view by the adoption of his resolution.

Mr. CLAY. Do I understand the Senator from Rhode Island to say, and I think I understand him correctly, that only one association has been formed under the law, and that is an association in the city of Washington, and that outside of the city of Washington not a single currency association has been

Mr. ALDRICH. The organization has not been completed in

any case. There is one in Atlanta and one—
Mr. CLAY. That has not been completed.
Mr. ALDRICH. There is one in New York, and there are a large number of applications which are not covered by the resolution of the Senator from Georgia where the organization is in an incomplete form. The only completed organization is the one in the District of Columbia of the banks here.

Mr. CLAY. There has been no currency issued under the

Mr. ALDRICH. None whatever.

Mr. CLAY. None applied for, and no organization except

Mr. ALDRICH. That is all.
Mr. CLAY. Let the resolution go over until to-morrow. I
think I shall want to call it up and submit some remarks on it.
The VICE-PRESIDENT. Without objection, the resolution will lie over, with the motion of the Senator from Rhode Island pending.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I move that the Senate proceed to the con-

sideration of Senate bill 5729.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. FORAKER. The Senator from Mississippi [Mr. McLau-

RIN] yesterday announced that he would probably be ready to

speak this morning on the pending measure.

Mr. President, I prefer not to speak on the Mr. McLAURIN. bill to-day if the Senator is not urgent for it. I was busily

engaged on some matters yesterday that interrupted my preparation for what I intend to say. I do not intend to say very much on the bill, however.

Mr. FORAKER. I would be only too glad to accommodate the Senator if he will accommodate me a little.

Mr. McLAURIN. What is the accommodation the Senator

from Ohio would ask?

Mr. FORAKER. I am willing to let the bill go over if the Senate will agree to a day on which we can take a vote on the

Mr. McLAURIN. What day would the Senator from Ohio suggest?

Mr. FORAKER. I would like it not later than the 15th. Mr. McLAURIN. Suppose we agree on the 1st of March? Mr. FORAKER. We can not agree on the 1st of March.

Mr. TALIAFERRO. I should like to ask the chairman of the Committee on Military Affairs, or the Senator in charge of the bill, if there have been any further reports made by the War Department in regard to the Brownsville matter. I think we should know that before an agreement to vote is fixed by the

Mr. FORAKER. I do not know of any. Mr. WARREN. So far as the committee is concerned, and the chairman of the Committee on Military Affairs knows, there has been nothing received from the War Department since the report which was read here some ten days ago. I do not know whether the Senator from Ohio has anything later or not.

Mr. FORAKER. I have no information as to what is in the War Department. Does the Senator from Florida refer to a

report from the detectives who were employed?

Mr. TALIAFERRO. I do not know what report may have been made, but I have heard it rumored that the War Department is in possession of fresh and new information on this subject.

Mr. FORAKER. Is it valuable, like that which was last transmitted to the Senate?

Mr. TALIAFERRO. I am not in the confidence of the department, Mr. President, and I am unable to tell the Senator from Ohio what the report may be. I am unable to say that there is such a report; but as the rumor had reached my ears I thought it proper that I should call the attention of the Senate to the fact before a unanimous-consent agreement to vote upon the bill is made by the Senate.

Mr. WARREN. I wish to say in further answer to the Sen-

ator that I have made no inquiry of the War Department. Does the Senator allude to information that was submitted in response to a resolution introduced by the Senator from Ohio? That is in the possession of the Senate, if the Senator refers to that.

Mr. TALIAFERRO. Mr. President, I heard the rumor last night that there was certain information in the possession of the War Department bearing on this subject. Whether that report is true or not I am unable to say, but it would seem to me that coming as it did to me from a source that I thought knew about the matter it would be well for the Senate to inquire into it before agreeing to vote on this measure, so that if there is any important information in the possession of the War Department that might influence Senators in their vote on this question the Senate might know about it before a time is fixed for such a vote.

Mr. FORAKER. Mr. President, I do not know anything about what may be in the possession of the War Department. The Senator remarked that he was not in the confidence of the War Department. I can make the same remark. I am not in the confidence of the War Department either. I do not know what has been done by the detectives or anybody else since they last favored us with their collections from Georgia and other places. If there is anything more of that character, I do not think it makes much difference whether it comes to the Senate or not. I think it would be an insult to the Senate, to speak plainly about it, to send to us anything from that same source again, and I should not hesitate to say that in different and more elaborate language if any such communication should be received. But whether the department have such information or not, and whether there is to be anything more or not, does not affect the merits of this measure. If they were to send anything more, it would only be another reason why there should be an independent tribunal created, as this measure seeks to create one, before which this matter can be heard and be determined once and for all. Therefore I believe that the Senator ought to agree with us as to a day when we can take a vote. Otherwise I shall have to press the bill for consideration.

Mr. TALIAFERRO. I did not rise to obstruct the efforts of the Senator from Ohio to get a vote on this question. This information had reached me last night, and I felt it my duty to

call the attention of the Senate to the fact. I presumed that if any report had been filed it would bear on the merits of this case, and I think the Senator from Ohio goes a little further than would seem justified in suggesting that it could not bear on the merits of the case. If it had not seemed to me that it would possibly bear on the merits of the case, I would not have made the suggestion that I did in the first place.

Mr. President, I spoke to the Senator from Ohio just before this question was taken up in the Senate. I suggested to him that if he would allow this matter to go over until to-morrow, to give us the opportunity of inquiring into the correctness or the incorrectness of this report, and if there was any information, any new facts, that we might have an opportunity to bring them before the Senate; or, if they were of the unworthy character that the Senator from Ohio speaks of, that we might dismiss them, I thought that there would be less difficulty in reaching an understanding about the time of taking the vote.

Mr. FORAKER. Mr. President, it is true the Senator from Florida asked me if I would not allow the bill to go over until to-morrow; but he did not tell me the reason why he wanted it to go over. I did not know, until he announced it here in open Senate a moment ago, that there was any such rumor in circulation or that anybody was claiming that any further testimony had been gathered bearing upon the guilt or innocence of these men. But to say that that was any reason why it should be further postponed is but to recall the fact that, even if there should be testimony incriminating somebody or showing who the guilty men were, if there were any guilty men in that battalion, it would be only another reason for creating this tribunal forthwith, so that it might be submitted there and not be submitted here, where we can, under the circumstances, take no action, except some such action as we are now proposing to take. So that I think the suggestion of the Senator, even if it should be followed with an affirmation of the rumor, only amounts to another argument, and, under all the circumstances, a conclusive one, why we should act promptly with respect to the proposed legislation. Therefore I hope the Senator will agree to fixing an early date. I could not agree on a date so late as March 1.

Mr. TALIAFERRO. Just a word more, Mr. President, if the

Senator will permit me.

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from Florida?

Mr. FORAKER. Certainly.

Mr. TALIAFERRO. I understand, Mr. President, that the Senator from Ohio is attempting to fix a date in the future to take a vote on this bill.

Mr. FORAKER. I am trying to get unanimous consent to fix a date.

Mr. TALIAFERRO. Trying to fix a day by unanimous consent?

Mr. FORAKER. Yes.
Mr. TALIAFERRO. I do not see any possible harm that
could come by his letting this matter go over until to-morrow before asking for unanimous consent. I repeat now that my purpose in rising is not to obstruct him at all, but to verify this report, if it is capable of verification, and to ascertain what there is in the possession of the department that may be new on this subject, if there is anything. I do not know that there is anything; but if there is, perhaps the Senator from Ohio would like to know of it before he undertakes to press his bill.

Mr. FORAKER. I should like to know from whom it comes before I could say whether I should want to hear it or not.

have already heard enough from one source.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. McLAURIN. I suggest to the Senator from Ohio that

the 15th of February is too early a date for the vote. If the 1st of March is not satisfactory, let the Senator name a day later than the 15th, because there are a great many appropriation bills yet to come before the Senate, and there is going to be very little time and opportunity for the discussion of this There are a number of speeches yet to be made on it. and I think it would be better for the Senator to ask for a day later than the 15th of February.

Mr. FORAKER. Will the Senator propose a date? Mr. McLAURIN. Suppose we fix on the 26th of this month.

Mr. HALE. I should like to suggest—the suggestion being called out by the reference of the Senator from Mississippi [Mr. McLaurin] to appropriation bills-that I hope no date later than a week, perhaps, from February 15 will be fixed, because the jam of appropriation bills will come later than that rather than earlier. Having in view the appropriation bills, I shall have to object to any day being fixed later than a date perhaps midway between what the Senator from Ohio suggested and that suggested by the Senator from Mississippi.

Mr. FORAKER. My colleagues about me here suggest, as a compromise, Saturday, the 20th of February.

Mr. HALE. That would be a safer day.

Mr. McLAURIN. I do not think we can agree upon the 20th. That will not give us time enough.

Mr. HALE. Then, say the 22d. Mr. McLAURIN. The 22d is Washington's birthday.

Mr. KEAN. That would be a good day on which to have the

Mr. FORAKER. Another date has been suggested, which possibly may have some significance under some circumstances, and that is February 23. I will be ready to compromise

Mr. HALE. Let it go at that.

Mr. McLAURIN. Well, if the rest of the Senate will agree

to that, I will raise no objection to the 23d.

Mr. FORAKER. Then I ask unanimous consent that we may vote on the bill and all amendments that may be proposed at 3 o'clock on Tuesday, February 23.

Mr. TALIAFERRO. Make it 4 o'clock.

Mr. TALIAFERRO. Make it 4 o'clock.
Mr. HALE. At 4 o'clock on February 23.
Mr. FORAKER. Very well; 4 o'clock.
Mr. McLAURIN. On the bill and all amendments.
Mr. FORAKER. Yes.
Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Yes.

Mr. CULBERSON. Before the request for unanimous consent is put, I will ask the Senator what facilities or opportunities will be given under the unanimous-consent agreement for debate on the matter?

Mr. FORAKER. All the facilities that the rules of the Senate will allow. One reason why I wanted to get a date fixed was that the appropriation bills are coming on, and every time I rise to present this matter I feel as if I were crowding somebody out who wants to be heard. I hope the Senator will agree

Mr. HALE. Let me suggest to the Senator from Texas that, even with the importance of passing appropriation bills in the last days of a session, nobody has ever been able to prevent a Senator from making a speech upon any subject if he wanted to do so. Any Senator at any time who desires to speak upon this measure will ask for the floor, and will get it; and it will depend upon his discretion, his judgment, and his interest in the public business whether he will occupy the time even to the exclusion of appropriation bills. I do not think the Senator from Texas, or any other Senator upon the other side, need be under any concern; for if the day and hour for a vote are fixed as indicated, any Senator who desires to debate this matter will find, and find easily, the opportunity to do so. So that I hope—and I am thinking not so much about this measure as I am about the appropriation bills—that the Senate can agree to the 23d of February, at 4 o'clock in the afternoon, as the time to take a vote on the bill and all amendments. I want Senators to remember that almost all of the appropriation bills are still due and are not even before the Senate, and after that time the Senate will have to work day and night to pass the appropriation bills, but I shall endeavor to keep them out of the way so that there may be the opportunity to dispose of this vexed question at the time indicated.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that on Tuesday, February 23, 1909, at 4 o'clock p. m., the Senate proceed to vote upon Senate bill 5729 and all amendments pending and to be offered. Is there objection?

Mr. CULBERSON. I suggest that it will probably be well to modify the proposition so that the bill can be taken up, say, at 2 o'clock on that day under the ten-minute rule.

Mr. FORAKER. I will move to take it up immediately after the routine morning business

Mr. HALE. An hour had better be fixed, say 1 o'clock.

Mr. FORAKER. And if no one should want to discuss it, it could be temporarily laid aside. I will move to take it up immediately after the close of the routine morning busi-

Mr. HALE. I would not wait for that. Morning business might run too long. Fix the hour at 1 o'clock. Mr. FORAKER. At 1 o'clock, then.

Mr. CULBERSON obtained the floor.

Mr. BURKETT. Before unanimous consent is given, I should

like to make an inquiry.

The VICE-PRESIDENT. Does the Senator from Texas yield

to the Senator from Nebraska?

Mr. CULBERSON. Of course this agreement, as I understand, does not preclude any Senator on either side of the Chamber from speaking on the bill at any time in the interim. Mr. HALE. No.

The VICE-PRESIDENT. It puts no limitation upon the

Senate prior to the hour named.

Mr. BURKETT. I should like particularly to call the attention of the Senator in charge of the unfinished business to this request. I do not know what would be the effect on the unfinished business if the consent were given.

Mr. FORAKER. At 2 o'clock the Senator in charge of the unfinished business could ask that it be laid aside, I suppose.

Mr. BURKETT. In order to get this important matter out of the way I should not object to the proposed agreement if it would not affect the unfinished business. I should not want to have the unfinished business displaced.

The VICE-PRESIDENT. The Senator in charge of the un-

finished business can ask that it be temporarily laid aside.

Mr. BURKETT. Unless that be done, the unfinished business might lose its place.

Mr. FORAKER. That may be understood. I hope the re-

quest for unanimous consent will now be put.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that on Tuesday, February 23, 1909, at 1 o'clock p. m., the Senate proceed with the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, debate to proceed under the ten-minute rule, and that at 4 o'clock on that day a vote be taken upon the bill and amendments that may be pending or that may be offered, not to displace the unfinished business. Is there objection? The Chair hears none, and that order is made.

Mr. FORAKER. I now ask that the bill be laid aside.

The VICE-PRESIDENT. The bill will be laid aside at the

request of the Senator from Ohio.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consid-

eration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four hours and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 3, 1909, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 2, 1909.

MEMBER OF THE EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years from June 5, 1908, under the provisions of the act of Congress approved April 12, 1900, to which office he was reappointed during the last recess of the Senate.

RECEIVER OF PUBLIC MONEYS.

Douglas W. March, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak., vice Henry E. Cutting, term expired.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Capt. Alexander Perry Rodgers Hanks to be senior captain in the Revenue-Cutter Service of the United States, to rank as such from January 28, 1909, in place of Senior Capt. Horatio Davis Smith, retired.

UNITED STATES ATTORNEY.

John Lord O'Brian, of New York, to be United States attorney for the western district of New York, vice Lyman M. Bass, who has resigned, effective March 4, 1909.

PROMOTION IN THE ARMY.

CAVALRY ARM.

First Lieut. Aubrey Lippincott, Fourteenth Cavalry, to be captain from January 28, 1909, vice Cassatt, Thirteenth Cavalry, resigned.

APPOINTMENT IN THE NAVY.

Arthur J. White, a citizen of Ohio, to be a second lieutenant in the United States Marine Corps from the 2d day of February, 1909, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

Capt. Edward B. Barry to be a rear-admiral in the navy from the 1st day of February, 1909, vice Rear-Admiral William J. Barnette, retired.

Commander Charles A. Gove to be a captain in the navy from the 1st day of February, 1909, vice Capt. Edward B. Barry, pro-

moted.

Lieut. Frank E. Ridgely to be a lieutenant-commander in the navy from the 7th day of January, 1909, vice Lieut. Commander William W. Gilmer, promoted.

Medical Inspector Edward H. Green to be a medical director in the navy from the 5th day of January, 1909, vice Medical Di-

rector William S. Dixon, retired.

Boatswain Michael J. J. Farley to be chief boatswain in the navy, to rank with but after ensign, from the 11th day of April, 1908, upon the completion of six years' service in present grade.

Maj. Theodore P. Kane to be a lieutenant-colonel in the United States Marine Corps from the 16th day of January, 1909, vice

Lieut. Col. Charles A. Doyen, promoted.

Capt. George C. Reid to be a major in the United States Marine Corps from the 16th day of January, 1909, vice Maj. Theodore P. Kane, promoted.

Second Lieut. Holland M. Smith to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Woodell A. Pickering, promoted.

POSTMASTERS.

CALIFORNIA.

Jesse H. Dungan to be postmaster at Woodland, Cal., in place of Jesse H. Dungan. Incumbent's commission expired January 26, 1909,

George P. Manley to be postmaster at Sanger, Cal., in place of George P. Manley. Incumbent's commission expires February 3, 1909.

COLORADO.

Marshall Moore to be postmaster at Fort Collins, Colo., in place of Thomas H. Davy. Incumbent's commission expired January 26, 1909.
William J. Rothwell to be postmaster at Hugo, Colo. Office

became presidential July 1, 1908.

William C. Sloan to be postmaster at Creede (late Amethyst), Colo., in place of William C. Sloan, to change name of

CONNECTICUT.

George E. Andrews to be postmaster at Noank, Conn., in place of George E. Andrews. Incumbent's commission expires March

GEORGIA.

Isaac T. Sellers to be postmaster at Cornelia, Ga. Office became presidential October 1, 1907.

Mamie F. Smith to be postmaster at Blakely, Ga., in place of Hardy C. Fryer. Incumbent's commission expired May 9, 1906.

ILLINOIS.

John C. Adams to be postmaster at Peotone, Ill., in place of John C. Adams. Incumbent's commission expires March 2, 1909.

F. E. Herold to be postmaster at Hamilton, Ill., in place of Edmund P. Denton. Incumbent's commission expires March 1, 1909.

of Holly C. Marchildon. Incumbent's commission expired January 11, 1909.

W. A. Perrine to be postmaster at Herrin, Ill., in place of Americus Gasaway, resigned.

IOWA.

Eugene M. Crosswait to be postmaster at Earlham, Iowa, in place of Eugene M. Crosswait. Incumbent's commission expires 'ebruary 9, 1909.

E. E. Heldridge to be postmaster at Milford, Iowa, in place of Reuben F. Price. Incumbent's commission expired December 12, 1908.

Fred H. King to be postmaster at Portland, Me., in place of Fred H. King. Incumbent's commission expires February 15, 1909.

MARYLAND.

Leslie W. Gaver to be postmaster at Middletown, Md., in place of Leslie W. Gaver. Incumbent's commission expires March 1, 1909.

MASSACHUSETTS.

Henry W. Dolliver to be postmaster at Whitinsville, Mass., in place of Henry W. Dolliver. Incumbent's commission expires March 1, 1909.

Francis D. Dunbar to be postmaster at Canton, Mass., in place of Francis D. Dunbar. Incumbent's commission expires

March 3, 1909.

Henry J. Dunn to be postmaster at Medfield, Mass., in place of Henry J. Dunn. Incumbent's commission expires March 1,

Leonard A. Saville to be postmaster at Lexington, Mass., in place of Leonard A. Saville. Incumbent's commission expires February 14, 1909.

MICHIGAN.

Ebenezer A. Litchfield to be postmaster at Elsie, Mich., in place of Ebenezer A. Litchfield. Incumbent's commission expires February 23, 1909.

Guy C. Mars to be postmaster at Berrien Springs, Mich., in place of Guy C. Mars. Incumbent's commission expired Janu-

ary 27, 1909.

Hugh W. Parker to be postmaster at Bancroft, Mich., in place of Hugh W. Parker. Incumbent's commission expired January

Charles F. Rogers to be postmaster at Hancock, Mich., in place of Ada M. Emery. Incumbent's commission expired February 1, 1909.

Charles H. Stevens to be postmaster at Perry, Mich., in place of Charles H. Stevens. Incumbent's commission expires February 23, 1909.

MINNESOTA.

Mary J. Dillingham to be postmaster at Granite Falls, Minn., in place of Mary J. Dillingham. Incumbent's commission expires March 1, 1909.

Charles S. Harden to be postmaster at Le Roy, Minn., in place of Charles S. Harden. Incumbent's commission expired April

19, 1908.

Hattie J. Hodgson to be postmaster at Herman, Minn., in place of Hattie J. Hodgson. Incumbent's commission expires February 8, 1909.

Peter O. Roe to be postmaster at Sacred Heart, Minn. Office became presidential January 1, 1909.

MISSISSIPPI.

Harvey E. Fitts to be postmaster at Aberdeen, Miss., in place of Harvey E. Fitts. Incumbent's commission expires March 1,

Alfred T. Leggett to be postmaster at Magnolia, Miss., in place of Alfred T. Leggett. Incumbent's commission expires March 3, 1909.

MISSOURI.

Charles M. Clark to be postmaster at Montrose, Mo., in place of Louis Baum. Incumbent's commission expired January 11,

William H. Funk to be postmaster at Queen City, Mo. Office

became presidential January 1, 1908.

Leonard W. Van Dyke to be postmaster at Marshall, Mo., in place of Mills T. Chastain. Incumbent's commission expired January 22, 1909.

NEBRASKA.

John F. Diener to be postmaster at Syracuse, Nebr., in place of John F. Diener. Incumbent's commission expired December 12, 1908.

NEVADA.

Claude F. Perkins to be postmaster at Searchlight, Nev., in place of William J. Kennedy, deceased.

NEW JERSEY.

Louis Y. Manning to be postmaster at Red Bank, N. J., in place of Obadiah E. Davis. Incumbent's commission expired January 31, 1909.

Alexander B. Roberts to be postmaster at Tenafly, N. J., in place of Alexander B. Roberts. Incumbent's commission expires February 10, 1909.

NEW YORK.

Albert H. Clark to be postmaster at Silver Springs, N. Y., in place of Albert H. Clark. Incumbent's commission expired January 25, 1908.

Peter Dahl to be postmaster at Tonawanda, N. Y., in place of Peter Dahl. Incumbent's commission expired January 27, 1909. John C. Jublin to be postmaster at Lake Placid Club, N. Y. Office became presidential October 1, 1908.

NORTH DAKOTA.

Peter C. Burfening to be postmaster at Kulm, N. Dak., in place of Peter C. Burfening. Incumbent's commission expired January 13, 1909.

OHIO.

Milton B. Dickerson to be postmaster at Marion, Ohio, in place of Milton B. Dickerson. Incumbent's commission expired December 16, 1908.

Guy M. Kingsbury to be postmaster at Dunkirk, Ohio. Office

became presidential January 1, 1909.

James H. Long to be postmaster at Ashville, Ohio, in place of Willis E. Payne. Incumbent's commission expired January 11, 1909.

PENNSYLVANIA.

Hugh W. Gilbert to be postmaster at Quarryville, Pa., in place of Hugh W. Gilbert. Incumbent's commission expired December 15, 1908.

Alexander B. Grosh to be postmaster at New Bloomfield, Pa., in place of Alexander B. Grosh. Incumbent's commission expires February 27, 1909.

Edward J. Stackpole to be postmaster at Harrisburg, Pa., in

place of Edward J. Stackpole. Incumbent's commission expires March 3, 1909.

Edward Weir to be postmaster at Malvern, Pa., in place of Edward Weir. Incumbent's commission expires February 27,

SOUTH CAROLINA.

John P. Little to be postmaster at Clinton, S. C., in place of John P. Little. Incumbent's commission expires March 1, 1909.

SOUTH DAKOTA.

Fannie F. Holliday to be postmaster at Conde, S. Dak. Office became presidential October 1, 1908.

Daniel W. Starnes to be postmaster at Lawrenceburg, Tenn., in place of Daniel W. Starnes. Incumbent's commission expires March 1, 1909.

VERMONT.

Ira Towne to be postmaster at Richmond, Vt., in place of Ralph E. Jones, deceased.

VIRGINIA.

Channing M. Goode to be postmaster at College Park, Va. Office became presidential January 1, 1908.

Thomas G. Peachy to be postmaster at Williamsburg, Va., in place of Thomas G. Peachy. Incumbent's commission expires February 23, 1909.

WASHINGTON.

John C. Davis to be postmaster at Leavenworth, Wash., in place of John C. Davis. Incumbent's commission expires February 27, 1909.

WEST VIRGINIA.

James W. Hughes to be postmaster at Huntington, W. Va., in place of James W. Hughes. Incumbent's commission expires February 27, 1909.

C. B. Stewart to be postmaster at Northfork, W. Va., in place of Lester G. Toney, resigned.

WISCONSIN.

John B. Maloney to be postmaster at Kenosha, Wis., in place of John B. Maloney. Incumbent's commission expires March 1, 1909.

George B. Parkhill to be postmaster at Thorp, Wis., in place of George B. Parkhill. Incumbent's commission expires February 23, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1909.

UNITED STATES DISTRICT JUDGE.

Rufus E. Foster, of Louisiana, to be United States district judge for the eastern district of Louisiana.

APPOINTMENT IN THE MARINE CORPS.

Arthur J. White to be second lieutenant in the Marine Corps.

POSTMASTER.

GEORGIA.

James L. Sibley to be postmaster at Milledgeville, Ga.

HOUSE OF REPRESENTATIVES.

Tuesday, February 2, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of yesterday's proceedings was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS, from the Committee on Foreign Affairs, reported the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 2013), ordered to be printed.

Mr. CLARK of Missouri. I reserve all points of order. The SPEAKER. The gentleman from Missouri reserves all

points of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 8050. An act for the relief of James R. Wyrick;

H. R. 13319. An act for the relief of the heirs of Thomas J. Miller

H. R. 17344. An act for the relief of Frederick Daubert;

H. R. 23711. An act to build a bridge across the Santee River,

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903;

H. R. 19893. An act for the relief of Thomas J. Shocker; H. R. 17297. An act authorizing the extension of New avenue from its present terminus near Fourth street NE. to

the Bladensburg road: H. R. 7006. An act to correct the military record of George W.

H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 10606. An act for the relief of Robert S. Dame;

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation:

H. R. 4119. An act to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails;

H. R. 10416. An act to correct the naval record of Lieut. Hilary Williams, U. S. Navy;

H. R. 16927. An act for the relief of Lieut. Commander Kenneth McAlpine:

H. R. 7807. An act to place John Crowley on the retired list of the United States Navy;

H. R. 10986. An act for the relief of L. H. Lewis;

H. R. 10987. An act for the relief of A. A. Lewis;

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company in the press and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 19839. An act for the relief of W. H. Blurock;

H. R. 14361. An act to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty; and

H. R. 7963. An act for the relief of Patrick Conlin.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8154. An act to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906;

S. 3164. An act to correct the military record of Paul Sinock; S. 7631. An act to grant an honorable discharge from the navy to John McKinnon, alias John Mack;

S. 7651. An act to amend article 53 of the Articles for the Government of the Navy;

S. 7793. An act to provide for the naturalization of aliens who have served or shall hereafter serve five years in the United States Navy or Marine Corps;

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California;

S. 8442. An act to authorize cancellation of Indian allotments covering unsuitable lands and allotment of lands in lieu thereof, and for other purposes;

S. 7960. An act to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war:

S. 7861. An act for the relief of B. D. Crocker;

S. 2544. An act for the relief of William Martinson;

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 8260. An act providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California; S. 8261. An act providing for the remodeling and reconstruc-tion of the light tower and keeper's dwellings at Alcatraz Island, Bay of San Francisco, California;

S. 7882. An act to authorize the Secretary of the Interior to construct a road and two bridges on the Warm Springs Reservation, Oreg.;

S. 8306. An act to amend the act of March 2, 1895 (28 Stat. L., p. 876), entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes;"

S. S712. An act to authorize the Secretary of the Interior to issue patents for town lots in the village of Neah Bay, Wash.;

S. 8781. An act to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation;

S. S187. An act to change the name of the Washington Hospital for Foundlings;

S. 6852. An act for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to

construction of the Union Station, District of Columbia; S. 7657. An act to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in

the District of Columbia;"

S. 3175. An act to correct the military record of Irvine Agee; S. 4836. An act to correct the military record of James E. C. Covel:

S. 7372. An act to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park;"

S. 7883. An act to authorize the Secretary of the Interior to construct a bridge across the Little Colorado River abutting on the Navajo Indian Reservation, in the Territory of Arizona, and for other purposes;

S. 8786. An act to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties, Mich.;

S. 8899. An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors

S. 1199. An act to grant certain lands to the town of Fruita, Colo.;

S. 7782. An act for the relief of James H. Owen;

S. 7859. An act for the relief of Parsey O. Burrough; S. 4426. An act for the relief of Thomas C. Clark;

S. 2489. An act for the relief of Harry G. Rupp

S. 8478. An act to provide for the payment of claims of certain religious orders in the Philippine Islands;

S. 5009. An act to reimburse John G. Foster and Horace H. Sanford;

S. 1177. An act for the relief of S. W. Langhorne and H. S. Howell;

S. 8379. An act for the relief of the owners of the British steamship Maroa:

S. 7996. An act to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes:

S. 6199. An act to credit certain officers of the Medical Department, United States Army, with services rendered as acting assistant surgeons during the civil war;

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia:

S. 6160. An act to amend section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the

District of Columbia, and for other purposes;" S. 8443. An act to authorize the Secretary of the Interior to permit the quarrying and sale of tufa stone from the San Carlos Indian Reservation, in Arizona, and for other purposes

S. 7185. An act authorizing the Secretary of the Interior to issue patent in fee to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, for the use of the Protestant Episcopal Church of

S. 8564. An act to authorize the construction of two bridges across Rock River, State of Illinois; and

S. R. 102. Joint resolution proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases.

The message also announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 67.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Port Sanilac, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

Senate concurrent resolution 66.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Forester, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

The message also announced that the Senate had passed with amendments bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck;

H. R. 16015. An act for the relief of Lafayette L. McKnight;

H. R. 20171. An act to correct the military record of George

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho;

H. R. 10752. An act to complete the military record of Adol-

phus Erwin Wells;

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring em-

ployment or situations," approved June 19, 1906; and H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and concurrent resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated

S. 8601. An act to provide for the payment of claims of the Roman Catholic Church in Porto Rico—to the Committee on Insular Affairs.

S. 8154. An act to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906—to the Committee on Railways and Canals. S. 3164. An act to correct the military record of Paul Sinock

to the Committee on Military Affairs.

S. 7631. An act to grant an honorable discharge from the navy to John McKinnon, alias John Mack-to the Committee on Naval Affairs.

S. 7651. An act to amend article 53 of the Articles for the Government of the Navy-to the Committee on Naval Affairs. S. 7793. An act to provide for the naturalization of aliens

who have served or shall hereafter serve five years in the United States Navy or Marine Corps-to the Committee on Immigration and Naturalization.

S. 8260. An act providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California-to the

Committee on Interstate and Foreign Commerce.

S. 8261. An act providing for the remodeling and reconstruction of the light tower and keeper's dwellings at Alcatraz Island, Bay of San Francisco, California—to the Committee on Interstate and Foreign Commerce.

S. 7882. An act to authorize the Secretary of the Interior to construct a road and two bridges on the Warm Springs Reservation, Oreg.—to the Committee on the Public Lands.

S. 8306. An act to amend the act of March 2, 1805 (28 Stat. L., p. 876), entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes"-to the Committee on Indian Affairs.

S. 4836. An act to correct the military record of James E. C.

Covel-to the Committee on Military Affairs.

S. 7372. An act to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park "—to the Committee on the Public Lands.

S. 1199. An act to grant certain lands to the town of Fruita, Colo.-to the Committee on the Public Lands.

S. 7782. An act for the relief of James H. Owen-to the Committee on Claims.

S. 7859. An act for the relief of Parsey O. Burrough-to the Committee on Claims.

S. 8478. An act to provide for payment of the claims of certain religious orders in the Philippine Islands-to the Committee on Insular Affairs.

S. 5009. An act to reimburse John G. Foster and Horace H. Sanford-to the Committee on Claims.

S. 1177. An act for the relief of S. W. Langhorne and H. S. Howell-to the Committee on Claims.

S. 8379. An act for the relief of the owners of the British

steamship Maroa-to the Committee on Claims.

S. 6199. An act to credit certain officers of the Medical Department, United States Army, with services rendered as acting assistant surgeons during the civil war—to the Committee on Military Affairs.

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia-to the Committee on the District of Columbia.

S. 6160. An act to amend section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

S. 8443. An act to authorize the Secretary of the Interior to permit the quarrying and sale of tufa stone from the San Carlos Indian Reservation, in Arizona, and for other purposes—to the Committee on Indian Affairs.

S. 7185. An act authorizing the Secretary of the Interior to issue patent in fee to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, for the use of the Protestant Episcopal Church of -to the Committee on Private Land Claims.

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California-to the Committee on the Public Lands.

S. 8442. An act to authorize cancellation of Indian allotments covering unsuitable lands and allotment of lands in lieu thereof, and for other purposes-to the Committee on Indian Affairs.

S. 8564. An act to authorize the construction of two bridges across Rock River, State of Illinois-to the Committee on Interstate and Foreign Commerce.

S. 7960. An act to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war "-to the Committee on Invalid Pensions.

S. 7861. An act for the relief of B. D. Crocker—to the Committee on Claims.

S. 2544. An act for the relief of William Martinson-to the Committee on Military Affairs.

S. 8898. An act granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailorsto the Committee on Invalid Pensions.

S. 8786. An act to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties, Mich .- to the Committee on the Public Lands.

S. 8899. An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors-to the Committee on Pensions.

S. 4426. An act for the relief of Thomas C. Clark-to the Committee on Claims.

S. 2489. An act for the relief of Harry G. Rupp-to the Committee on Claims.

S. 7996. An act to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes—to the Committee on the District of Columbia.

S. 8712. An act to authorize the Secretary of the Interior to issue patents for town lots in the village of Neah Bay, Wash. the Committee on Indian Affairs.

S. 8781. An act to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation-to the Committee on Indian

S. 8187. An act to change the name of the Washington Hospital for Foundlings-to the Committee on the District of Columbia.

S. 6852. An act for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia-Committee on Claims.

S. 7657. An act to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia "-to the Committee on the District of Co-

S. 3175. An act to correct the military record of Irvine Ageeto the Committee on Military Affairs.

Senate concurrent resolution 66.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Port Sanilac, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 67.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Forester, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly en-rolled bill of the following title, when the Speaker signed the same

H. R. 26062. An act authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 8695. An act extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington.

URGENT DEFICIENCY BILL

Mr. TAWNEY. Mr. Speaker, I call up the bill H. R. 26399. being the urgent deficiency appropriation bill, with Senate amendments, ask that the Senate amendments be disagreed to. and the House ask for a conference.

The SPEAKER. The Chair lays before the House, from the Speaker's table, a House bill, with Senate amendments, and the gentleman from Minnesota asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill (H. R. 26399) making appropriations to supply urgent defi-ciencies in the appropriations for the fiscal year ending June 30, 1909, with several Senate amendments.

Mr. BARTLETT of Georgia. Mr. Speaker, reserving the right to object, I understand this is the urgent deficiency bill which contained a provision for \$12,000 for the purchase of two automobiles.

Mr. TAWNEY. It contained that provision when it was considered in the House. I understand it has been amended.

Mr. BARTLETT of Georgia. That has been stricken out by the Senate. Now, does the gentleman request the House to disagree to that amendment as well as the others?

Mr. TAWNEY. I ask the House to disagree to that amendment and to all other Senate amendments.

Mr. BARTLETT of Georgia. For myself I desire to concur in that amendment of the Senate, and, like a great many other gentlemen in the House, would like an opportunity to vote to concur in the amendment of the Senate. Mr. Speaker, I do not want the gentleman to give any promise for anybody but him-Can the gentleman say that we will have an opportunity to vote upon that amendment? Because if that amendment remains in when the conference report is presented, we will have to vote it up or down.

Mr. TAWNEY. Well, I can not say, Mr. Speaker, in advance. Of course if I did it would be equivalent to no conference on that particular item. The House having by a very large majority voted in favor of the provision when it was under consideration in the House, as one of the conferees I should be dis-

posed to feel it my duty to insist upon the House provision.

Mr. BARTLETT of Georgia. Mr. Speaker, may I reply to the gentleman? It is true the House did vote for that. I do not know that there was any motion to strike it out, even.

Mr. TAWNEY. Well, if there was no vote, which I do not exactly recall, I was under the impression there was no vote.

Mr. BARTLETT of Georgia. No; there was not. Mr. TAWNEY. I know I was in charge of the bill, and I was interrogated in regard to this provision, and if there was no vote it went in practically by unanimous consent.

Mr. BARTLETT of Georgia. But some of us have learned since, which we did not know at the time, that the legislative, executive, and judicial appropriation bill contained \$35,000 for carriages and automobiles.

Mr. TAWNEY. Oh, that statement was made by myself on the floor—\$25,000, not \$35,000. But that will not be available until the 1st of next July, and will provide only for maintenance of such vehicles as the President may employ or pur-

Mr. BARTLETT of Georgia. The statement was made somewhere else that it would be a violation of the rules to mention, by a Member of Congress, that the legislative, executive, and judicial appropriation bill did carry \$35,000 for carriages and automobiles for the Executive Mansion.

Mr. TAWNEY. My recollection is that the amount is \$25,000.

However, it is the same amount that has been appropriated in previous years for that service.

But that appropriation will not be available for the purchase of these automobiles until July, and the current appropriation for that service is not available because the language in which the current appropriation is made does not authorize the purchase of automobiles.

Mr. BARTLETT of Georgia. I merely want to say, because this is the only opportunity, that for one I do not want to agree that the purchase of automobiles is so urgent as to put it in the urgent deficiency bill. I do not want to give unanimous consent, although I know that is the usual way, to agree to disagree to the Senate amendment. I want to support the amendment of the Senate that struck that appropriation from the original deficiency bill.

Mr. TAWNEY. I do not think the gentleman from Georgia is disposed to inconvenience the Chief Executive in the matter of conveyance. As I said, the incoming President proposes to abandon the use of horses for reasons that the gentleman well knows; he does not wish to violate the law against cruelty to

Mr. BARTLETT of Georgia. I do not desire to inconvenience him. I merely want to repeat that I am not objecting, except, as I say, I am not in favor of agreeing to the amendment, and I hope some time before the bill passes that I and other Members of the House will have an opportunity to express by our votes our position on this proposition.

Mr. CLARK of Missouri. Mr. Speaker, what does the gentle-

man from Minnesota say about that proposition?

Mr. TAWNEY. Nothing but to repeat what I stated before. This provision having been agreed to by the House without objection, as a conferee I should feel that it was my duty to endeavor to carry out the will of the House by inducing the Senate conferees to recede. That is the only way the two Houses can be brought together.

Mr. CLARK of Missouri. Who put the proposition in the

Mr. TAWNEY. It was put in by the House and struck out by the Senate.

Mr. CLARK of Missouri. Then I am with the Senate. you put that proposition in the bill, will it not end this way: You will have the usual appropriation for horses and this additional appropriation for automobiles?

Mr. TAWNEY. No. I will state to the gentleman from Missouri that the reason for this special appropriation is due to the fact that the appropriation made for horses and vehicles for the current year is so worded as to make it impossible to purchase automobiles out of it. Now, the appropriation for the fiscal year 1910 carried in the legislative bill for this purpose is worded so that it will enable them to purchase and maintain automobiles after July 1; but there is no authority-there is money enough-for the purchase of automobiles out of the current appropriation.

Mr. CLARK of Missouri. Is there an appropriation already

made to buy automobiles after the 1st of July?

Mr. TAWNEY. The bill has not become a law yet. It is in the legislative bill and has been agreed to by the two Houses. It is in conference.

Mr. CLARK of Missouri. That has gone, then?

Mr. TAWNEY. Yes.

Mr. SIMS. Mr. Speaker, I remember that when the defi-ciency bill was brought in I got the impression from the gentleman from Minnesota that it was an unusually small deficiency

Mr. TAWNEY. The smallest that has been presented to Congress for many years.

Mr. SIMS. Was this item a deficiency?

Mr. TAWNEY. This was not a deficiency, and I so stated at

the time.

Some of us on this side had the idea that there was nothing in it but deficiencies. Otherwise there would have been a point of order made to that item. I think in all fairness, as the gentleman brought in the deficiency bill, we had a right to rely on him that there was nothing in it but deficiencies, and that was why a unanimous vote of the House was had-there was nothing wrong about it, of course-but I do think the House ought to have an opportunity to vote to concur in the Senate amendment.

Mr. TAWNEY. I will state to the gentleman from Tennessee that this particular item was discussed at some length, and was about the only item that was discussed.

Mr. SIMS. But there was no point of order made, and it was not made because it was supposed to be a deficiency item and not subject to a point of order.

Mr. TAWNEY. The discussion shows conclusively that the gentleman from Tennessee, or his side of the House, was not

misled by any statement anybody made.

Mr. SIMS. Not at all; but the bill was read practically be-

fore the discussion took place, and no point of order was made.

Mr. TAWNEY. The discussion of this provision took place

after the reading of the item.

Mr. SIMS. And too late to make a point of order. The point of order would have been made had it been known it was not a deficiency item.

Mr. MANN. Is not the question that is in the legislative bill in relation to salaries, the salary of the President, involved in this proposition; and if the House agrees to the item for automobiles, is not that a step in the direction of not agreeing to the exorbitant increase of salary

Mr. TAWNEY. I do not know that I can answer that one way or the other. I will leave that to the gentleman from Illi-

nois to answer.

Mr. MANN. I think everybody understands that it will have that effect.

Mr. TAWNEY. Mr. Speaker, in view of the fact that gentlemen on the other side, either because of being asleep or for some other cause, did not know, or now pretend they did not know, that this provision carried in the urgent deficiency bill was not in the deficiency bill, although it was discussed, I ask unanimous consent that this amendment be considered in the House as in Committee of the Whole and acted upon at this time.

The SPEAKER. The Chair understands that there are other amendments.

Mr. TAWNEY. There are other amendments.

The SPEAKER. Does the gentleman ask that the House disagree to the Senate amendments other than this one?

Mr. TAWNEY. That is my request now.

The SPEAKER. The gentleman requests that the House disagree to the other Senate amendments than the one designated and that the amendment designated be considered in the House at this time as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I would suggest that it is not necessary for either of these amendments to be considered in Committee of the Whole at all. This is a House provision disagreed to in the Senate. We do not have to go into Committee of the Whole to consider this Senate amendment.

The SPEAKER. Has the Senate put other items on the bill? Mr. MANN. The other Senate amendment was simply an item relative to an amount, on a subject that had already been considered.

The SPEAKER. Is there a substantive Senate amendment proposing a new appropriation?

Mr. TAWNEY. My understanding is that there is. Mr. KEIFER. But the amendment relating to automobiles was not a substantive Senate amendment.

The SPEAKER. The Chair is of the opinion that this particular amendment does not require to be considered in the Committee of the Whole House on the state of the Union, but an item on page 2, for oil, cotton waste, and so forth, seems to be a new item, and also the amendment providing for printing and binding for the Court of Claims.

Mr. TAWNEY. There is an amendment in regard to night schools, making an appropriation, which is an entirely new

item, appropriating the money for defraying the expense.

The SPEAKER. Now, the Chair understands that the gentle-

man from Minnesota asks unanimous consent-

Mr. TAWNEY. To disagree to all the Senate amendments except the one indicated, which relates to the automobiles for the President-elect.

The SPEAKER. Yes; all except Senate amendment numbered 5, which is the automobile amendment.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Is it proper at this juncture to move to concur in the Senate amendment as to automobiles? Mr. MANN. That will come later.

The SPEAKER. It will be, as soon as we dispose of the other amendments. Is there objection?

There was no objection.
The SPEAKER. The Clerk will report amendment numbered 5.

The Clerk read as follows:

Page 5, strike out lines 20, 21, and 22, the lines proposed to be stricken out being as follows:

"EXECUTIVE OFFICE.

"For purchase, care, and maintenance of automobiles for use of the President, \$12,000."

Mr. TAWNEY. Mr. Speaker, I move to disagree to the Senate amendment numbered 5 and ask for a conference.

Mr. CLARK of Missouri. Mr. Speaker, I move that the House concur in Senate amendment numbered 5, the automobile amendment.

The SPEAKER. The gentleman from Missouri moves that the House do concur. That would bring the House and the Senate together, if the gentleman's amendment prevails.

Mr. CLARK of Missouri. That motion undoubtedly has precedence over the other.

The SPEAKER. It is the better form at least, and if that

motion is voted down, that would be equivalent to disagreeing. It would dispose of the matter. So the question is on the motion of the gentleman from Missouri [Mr. CLARK] that the House do concur in Senate amendment numbered 5. The gentleman from Minnesota is recognized.

Mr. TAWNEY. I yield five minutes to the gentleman from

Missouri [Mr. Clark].
Mr. GAINES of Tennessee. May we have the amendment read first?

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again read. Mr. CLARK of Missouri. Now, Mr. Speaker, I suppose I

have the floor in my own right.

The SPEAKER. No. While the gentleman's motion is the preferential one, yet the time in control of the bill remains with the gentleman from Minnesota.

Mr. CLARK of Missouri. Mr. Speaker, I have no sort of objection to the President of the United States having an automobile if he wants it, but what I do object to is to make the usual appropriation for horses and then make the extraordinary appropriation for automobiles. I do not know that the next President of the United States would prefer an automobile to a horse, but I have observed this-and so has any other man who has been here any considerable length of time-that if you ever make an appropriation for a thing once the tendency is to keep on making that appropriation, so far as I know, until the end of the world; if you create an office here temporarily, everybody agreeing that it is to be temporary, when that temporary period expires there are a lot of people clamoring to make it permanent.

If the President-elect can not use horses, then we ought to cut off the appropriation for horses and give him automobiles. If that is his preference, I am willing to do it. But I do object to this doubling up. I understand those stables down there now cost something like \$35,000 a year. It is an extraordinary sum to spend in that kind of a performance. I do not know exactly what the reason for this automobile appropriation is. It was intimated by the chairman of the Committee on Appropriations that if we did not pass it, it would be inflicting cruelty, as I understood him, on animals. [Laughter.] That may mean that the incoming President is of such ample proportions that it is dangerous to any horse he would ride. If that is true, he does not need as big an appropriation for horses as the celebrated equestrian who occupies the White House now. There is no possible danger, as I take it, of President Taft ever riding 98 miles in a day or two days or three or four or five days or a week; but the objection and the only objection I have to it is that it doubles up this appropriation, and if you

ever do it once, you have got to go on doing it forever.

Mr. TAWNEY. If the gentleman will permit me, I wish to correct him. It does not double the appropriation.

Mr. CLARK of Missouri. It adds to it.

Mr. TAWNEY. No; it adds to it in this way: The current appropriation for horses, stable, attendance, care, and feed will not be expended for that purpose from the 4th of March until the 1st of July, owing to the fact that the President will be using automobiles, and that there will be a surplus at the end of the fiscal year in the appropriations for this current year, to be turned back into the Treasury, because of the appropriation made here for the purchase and maintenance of automobiles. Thereafter the appropriation for this purpose will be the same as it always has been in the past. I think it will be less. I have no doubt in the world that you can maintain all the automobiles needed by the President of the United States for a great deal less than it has cost the Government to maintain the executive stable.

Mr. CLARK of Missouri. I will tell the gentleman what I will do with him. If he, as chairman of the Committee on Appropriations, will state to this House that the amount saved on the appropriation for horses, feed, and so forth, this current year will equal this appropriation for automobiles, as far as I am concerned I withdraw all opposition to it. That is a fair proposition.

Mr. TAWNEY. I submit that it is hardly a fair proposition inasmuch as I am not to administer the appropriation or the expenditure of the money under it, but I do say that if I were administering or expending the money under this appropriation that, in view of the appropriation of \$12,000 for the purchase and maintenance of automobiles during the remainder of this fiscal year, all of that amount, or so much of it as was possible, would be turned back into the Treasury, and I believe that that will be the case in this appropriation administered by the men who will be authorized to administer it.

Mr. CLARK of Missouri. The keepers of these stables down here are going to keep these automobiles, I suppose?

Mr. TAWNEY. I suppose not. I do not suppose they can. A hostler and a chauffeur are two different persons altogether. Mr. CLARK of Missouri. They are very much the same thing when you come to the end of it. Do not they have to keep these What are they going to do with horses over there anyway?

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. I would like to have another minute

The SPEAKER. Does the gentleman yield?

Mr. TAWNEY. I yield to the gentleman five minutes more.

For the information of the gentleman I want to read the language under which the current appropriation is made, for the purpose of showing that there is no authority for the purchase and maintenance of automobiles out of this appropriation. The

appropriation, as I said before, is \$25,000 instead of \$35,000, as was stated by the gentleman from Georgia [Mr. Bartlett]:

For contingent expenses of the executive office, including stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, harness, expenses of stables, including labor and miscellaneous items, to be expended in the discretion of the President, \$25,000.

Now, the horses, harness, expense of stable, including labor of course from the 4th of March, if the use of horses is abandoned, as I am informed by the present secretary to the President-elect, the use of horses will be abandoned that appropriation, or so much of the money as has heretofore been expended for that service, will not be expended after the 4th of March or after the horses are disposed of, as I understand the purpose to be.

Mr. CLARK of Missouri. Who owns the horses? Mr. TAWNEY. The Government of the United States.

Mr. CLARK of Missouri. What are they going to do with them if we give this appropriation?

Mr. TAWNEY. Sell them, I suppose. They have been purchased for the use of the Executive.

Mr. CLARK of Missouri. Will they not have to build a garage if we allow this appropriation?

Mr. TAWNEY. I do not know whether they will be paid for or not. They may very easily convert the President's stable

into a garage. Mr. FITZGERALD. Mr. Speaker, will the gentleman from Minnesota yield for a question? Is this the only appropriation out of which horses for the White House have been purchased?

Mr. TAWNEY. It is the only appropriation from which horses could be purchased under the law.

Mr. FITZGERALD. Oh, no. Mr. TAWNEY. I do not know whether horses have been pur-

chased out of other appropriations or not.

Mr. FITZGERALD. Well, has the gentleman from Minnesota any information that horses for the White House stables have been purchased out of appropriations made for the support of the army

Mr. TAWNEY. I have no information that would justify me in making a statement upon the floor of the House that that is the fact. I would ask the gentleman from New York if he has

such information? [Laughter.]
Mr. FITZGERALD. Well, if the gentleman will yield me a little time I will explain why I supported this particular amend-

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gen-

tleman from New York.

Mr. FITZGERALD. Mr. Speaker, I did not object to the appropriation of \$12,000 for the purchase and maintenance of automobiles for the President during the period of four months from March 4, 1909, to July 1, 1909, because I did not believe it was adding additional expense to the Government in the cost of maintaining the White House. For the current year \$25,000 was appropriated for the purposes specified by the gentleman from Minnesota [Mr. Tawner]. For the next fiscal year, 1910, the item in the legislative bill for the same purposes is \$25,000. In the legislative bill for the next year the word "automobiles" is included where it has not hitherto been in the law. Some gentlemen may think it strange that with \$25,000 for the current year and this additional appropriation of \$12,000 for automobiles for four months, an addition to the appropriation of \$25,000 for the next ensuing fiscal year would not be neces-I was of the opinion at first that an additional sum would be required. From some more or less distinct or obscure source I have received either the information or the intimation that the horses for the White House are not purchased entirely, if at all, out of the appropriation in the legislative bill. The President is the Commander in Chief of the army, and as such he is entitled to mounts of horses and an appropriation of a very large amount is available in the bill for the support of the army for the purchase of horses. I do not know whether the mounts of the President, purchased out of the army fund, have amounted to \$12,000 in four months, \$12,000 in twelve months, or \$12,000 in the seven years in which he has been in office, but I have no doubt that if it had been necessary it would have amounted to that much. I say this not intending any reflection upon the present Chief Executive. If he needed those horses either for his official duties or to keep himself in that vigorous condition so essential to the proper discharge of the duties of the Chief Executive, I would say that he certainly was justified in purchasing the horses.

Perhaps it may be that such horses are not purchased at all for the White House. It may be that when the President, for

instance, desires in one day to ride 98 miles and use three relays of horses, instead of using the horses purchased for the White House, or his own personal mounts, that as Commander in Chief of the Army he directs the Quartermaster-General to have suitable mounts for the President stationed at various places and available at certain times, to enable him, "To ride places and available at certain times, to enable him, "To ride and spread the alarm through every Middlesex village and farm" wherever they may be located. [Applause and laughter.] Mr. Speaker, the money expended for the White House and for the support of the President is so obscured in the mysteries of many appropriation bills that I doubt if any man in Congress is able to state the exact sum which is used for the support of the President. Believing this, believing that it would conduce to the comfort, happiness and well-being of the Chief Executive of the United States, and especially if it would make him of a more peaceful and complacent disposition after the 4th of March than he has been prior to the 4th of March, I believe that \$12,000 could be well expended, not in four months, but every month in the year. [Applause.] I submit this explanation of my position on this appropriation, and as the reasons why I did support it, and why I feel inclined to support it now, in justice to those Members on this side of the House who have the right to know my reasons for acting on various matters considered by the Committee on Appropria-

Unfortunately I was compelled to be absent from the city when this item was under consideration by the House or I should have stated just as frankly as I do now the reasons that induced me to believe that this would be a wise expenditure. And if it would prevent the inclination, if there has been any, or the action, if there has been any, of encroaching on other funds for the purpose of obtaining services or necessaries for the White House, I believe it to be desirable. I am prepared to vote for any reasonable sums for the support and comfort of the President, but I believe that the Congress and the country are entitled to know how much is expended for the necessary purposes, and just what appropriations are drawn upon for the various services at the White House. [Applause.]

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. Keifer].

Mr. KEIFER. Mr. Speaker, the item in the House appropriation bill for the purchase, care, and maintenance of automobiles for the President is a very proper one. The chairman of the Committee on Appropriations said a few moments ago that it was not in its nature an urgent deficiency. In some sense that is true, but in a broad sense it is not exactly true. This is in the nature of an anticipatory appropriation, and if made now will prevent the expenditure of money after the beginning of the next fiscal year for automobiles, a thing we have already authorized in the legislative appropriation bill which we passed this session. The legislative appropriation bill, which I now understand to be a law, under the head of "contingent expenses of the executive offices," includes stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, carriages, harness, automobiles, expenses of stable, including labor and miscellane-ous items, to be expended in the discretion of the President, \$25,000.

Now, if this appropriation goes in this urgent deficiency bill, we will have purchased the automobiles we have already authorized to be purchased, and will not need to expend any of that \$25,000 in the next fiscal year appropriated to buy automobiles. So in that sense it may be called "urgent deficiency."

Now, it is not worth while, Mr. Speaker, to here discuss the

question as to whether the next President of the United States is in favor of automobiles at his stables rather than horses and carriages, for we all know the automobile has come to stay. And I agree with the gentleman from Missouri [Mr. Clark] that if we appropriate in this bill, as we have already appropriated in the legislative appropriation bill, for automobiles, we will keep appropriating for them for the Presidents through all time. I do not think that there is any economy in refusing the appropriation now, as we simply give in advance of the next fiscal year automobiles to the President of the United States and prepare for the next fiscal year, and we will therefore curtail the expense, so much desired by the gentleman from Missouri [Mr. CLARK], and do it a little in advance.

Somebody has said that the next President of the United States does not believe in horses and carriages. He is a horseman. He is able to ride a horse, I think, as well as some of the rest of us on this floor; and I do not know whether he would take a hundred-mile test ride or not, but he would be likely to try to do it if anybody bantered him.

Mr. TAWNEY. Mr. Speaker, I yield half a minute to the gentleman from Missouri [Mr. Clark].

Mr. CLARK of Missouri. Mr. Speaker, in view of the numerous explanations that have been made on the other side and the luminous explanation made by my friend from New York [Mr. FITZGERALD], I withdraw the motion to concur in the Senate amendment.

Mr. SIMS. Mr. Speaker, I would like to renew it.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gen-

tleman from Tennessee [Mr. Sims].

Mr. SIMS. Mr. Speaker, it is not with myself a matter of chinquapin economy or anything of that sort. I have no objection to Mr. Taft riding in an automobile, if he is willing to take the risk, while he is a private citizen, but when he becomes the President of the United States the whole country has got an interest in him, and we all know that the automobile is a dangerous method of travel, not only to the people who occupy it, but to everybody along the line of travel. They are a firstclass, all-around, genuine nuisance in a thickly settled city, and rather ought to be prohibited by Congress than encouraged. I am opposed to Congress ever going on record as favoring the automobile as a means of travel in a crowded city, and especially in the capital of the United States, that we hold up as a model to all the other cities of the United States.

Mr. MANN. Does the gentleman think the President ought

to be required to use Tennessee mules?

Mr. SIMS. I do not ask the President, nor would I require him, to use Tennessee mules, nor do I propose to prohibit him from using them.

Mr. MANN. He might do worse. Mr. SIMS. I propose to prevent a congressional mandate requiring him to use automobiles. We know that the executive departments, as a rule, wherever we authorize an expenditure for a certain purpose and leave it to their discretion, that they consider it mandatory to so use the appropriation. Now, there is this appropriation made of \$12,000 for automobiles from the 4th of March to the 1st of July, and he will feel that it is mandatory upon him to use an automobile when he rides from the White House, and thus it becomes of interest to all I want to protect him from the implied command of the legislative body to adopt a dangerous method of traveling, not only to himself, but to the people among whom he would travel. This automobile nuisance is simply getting more intolerable every day. When a street car stops to take on or let off passengers, an automobile is right there and dashes by without waiting for passengers to get out of the way, and a man can not get on or off a street car in our city without taking a very great chance of being struck by or run over by an automobile. I know of a man not much less in body than the Presidentelect who while getting off a street car came near being run over by an automobile, and I happened to be the gentleman. [Laughter.] I have, therefore, a personal interest in this matter. I do not want by congressional action to say to all the automobile fanatics in this country that we hereby encourage you to go on with your reckless disregard of comfort and human life. Let us act boldly and vote down this item and not intimate that we are trying to put the responsibility off on Mr. Taft. He is a large man physically as well as mentally; he is equal in his physical powers to his size, and he rides horses gracefully and safely; I have seen him ride them; he is not afraid of them; but he can get into a carriage if he wants to; and if he can not, we will build a platform and take him in on that.

Mr. MANN. We got a big enough platform for him last

summer.

Mr. SIMS. But you are trying to get him off by putting him on a platform that may destroy him.

Mr. MANN. You tried to last summer, but never could get

him off. [Laughter.]

Mr. SIMS. You are trying to help us destroy the man as well as the platform. Now, we have got too much interest in the next President to require him to use a machine that will endanger his life or some of the people who have elected him to be their President.

Mr. OLMSTED. I would like to ask the gentleman from Tennessee, a pretty well-developed man, if he does not think that he would be safer riding up Pennsylvania avenue in an automobile of his own than he would be on horseback among automobiles of other people? [Laughter.]

Mr. SIMS. I think he would, especially if the other people who use them are of the Washington school.

The CHAIRMAN. The time of the gentleman has expired.
Mr. TAWNEY. I move the previous question.
Mr. GAINES of Tennessee. I want to ask the gentleman a

question or two. I want to know if the gentleman declines or not to give me a piece of information that I am trying to get at?

Mr. TAWNEY. I beg your pardon. I wanted to close debate. I will give the gentleman any information I have.

Mr. GAINES of Tennessee. I want to know, do you propose, if you get automobiles, to keep these 12 horses at the expense of the public?

Mr. TAWNEY. Well, I have answered that question so often.

Mr. GAINES of Tennessee. There was so much confusion in the Chamber I did not hear the gentleman.

Mr. TAWNEY. There always is when the gentleman takes the floor.

Mr. GAINES of Tennessee. I would like to know what is going to be done with those 12 horses.

Mr. TAWNEY. The Committee on Appropriations was informed before this provision was recommended that the incoming President does not propose to use horses for his personal use.

Mr. GAINES of Tennessee. Will they use those horses nevertheless'

Mr. TAWNEY. We do not provide for the horses in this provision for the remainder of this fiscal year. They have been provided for in the current appropriation bill, adopted last year. Mr. GAINES of Tennessee. And we are to give him auto-

mobiles in lieu of the horses? Mr. TAWNEY. We give him the automobiles in lieu of the

horses. Mr. GAINES of Tennessee. This is in lieu of the horses. Is

that the programme?

Mr. TAWNEY. That is the programme.

Mr. GAINES of Tennessee. And that is what you propose to make law?

Mr. TAWNEY. Yes, sir.

Mr. EDWARDS of Georgia. How many automobiles do you propose to buy

Mr. TAWNEY. I am unable to answer that question.

Mr. EDWARDS of Georgia. To whom is it to be left to buy

Mr. TAWNEY. They will be bought under the direction of the President. I withhold the motion for the previous question, and yield one minute to the gentleman from Wisconsin [Mr. KÜSTERMANNI.

Mr. KÜSTERMANN. Mr. Speaker, I consider this appropriation which is asked for automobiles a very reasonable one if it includes the furnishing of gasoline at the present price. [Laughter.] If petroleum and gasoline are placed on the free list, as they should be, we can then reduce the appropriation for the automobiles a few thousand dollars. [Great applause.]

Mr. TAWNEY. Now, Mr. Speaker, I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. Sims] to concur in the Senate amendment.

Mr. TAWNEY. I hope that will be voted down.

The question being taken, on a division (demanded by Mr. SIMS) there were-ayes 27, noes 185.

Accordingly the amendment was disagreed to.

Mr. TAWNEY. Now, Mr. Speaker, I ask for a conference. The SPEAKER. If there be no objection, a conference will

There was no objection.

Speaker appointed as conferees on the part of the House Mr. TAWNEY, Mr. VREELAND, and Mr. LIVINGSTON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 24303. An act for the relief of the estate of Charles

H. R. 27427. An act to prohibit the importation and use of opium for other than medicinal purposes; and

H. R. 24635. An act to create a new division in the middle

judicial district of the State of Tennessee. The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendment of the House to the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other pur-

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following

On January 22, 1909: H. J. Res. 216. Joint resolution for a special Lincoln postage

On January 23, 1909:

H. R. 23863. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States.

H. R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

January 26, 1909:

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi

River and adjacent territory.

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi

River and adjacent territory.

On January 27, 1909: H. J. Res. 202. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909,

On January 28, 1909: H. R. 15218. An act for the relief of the sureties on the official

bond of the late Cornelius Van Cott; H. R. 9969. An act for the relief of George J. Miller, of Wenatchee, Wash.;

H. R. 8733. An act for the relief of Walter W. Keefe;

H. R. 23549. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldier and sailors;

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

On January 29, 1909:

H. R. 15452. An act to establish two or more fish-cultural stations on Puget Sound.

On February 1, 1909:

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes;
H. R. 25405. An act to change and fix the time for holding the

circuit and district courts of the United States for the eastern

and middle districts of Tennessee;

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;

H. R. 25019. An act granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison; and

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill making appropriations for the army (H. R. 26915).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the army appropriation bill, with Mr. Perkins

in the chair.

Mr. PARKER. May I be indulged in stating to the Chair certain facts that I learned about these automatic machine guns since last night? I find that this appropriation is not at all intended for automatic machine guns to go upon a carriage or a support or tripod, or for any fixed position, but for automatic guns of another kind that are entirely portable. This gun is practically a larger rifle. Instead of being carried on a tripod, it is carried on the shoulder when the soldier goes into action, although it is carried on a mule on long marches. It weighs 22 pounds, instead of 160 or 180 pounds, as the other machine guns do. It is fired from the shoulder. Of course, being longer, so that it can not be held up by the arms, it is sighted over a sand bag or an intrenchment, or on level ground. It is supported on two short prongs that ordinarily lie along the barrel, but can be extended and make a crotch on which the gun rests, while the soldier lies down or sits and fires the gun with the butt against his shoulder. It is simply a larger rifle, and is so used.

I have here photographs showing tests of this rifle, which I send to the Clerk's desk. One shows the mule carrying the rifle and ammunition. A second shows the soldier hurrying forward with a rifle upon his shoulder, carrying a can of ammunition in his left hand, and another man following with more ammunition. A third shows the soldier lying down and sighting his gun over the crotch, right on the open plain. The fourth shows the soldier sitting up, the crotch being high enough to enable him to fire from that position. The fifth shows the soldier lying down, resting the gun upon a sand bag.

is the same rifle fired from behind a brush pile.

Now, there has been no deception and no endeavor to get the best of this House in the estimates that were sent here. This is a portable rifle that can be carried upon the shoulder, and can be made to deliver hundreds of shots in a minute, because it loads itself automatically by the force of the discharge.

In view of these facts, it is beyond all question an ordinary

portable instrument of warfare, to be used by infantry and cavalry, and is properly within the jurisdiction of the Committee

on Military Affairs.

Mr. DAWSON. May I ask the gentleman a question?

Mr. PARKER. I will yield to the gentleman.

Mr. DAWSON. Does this automatic gun have wheels on it? Mr. PARKER. None at all, and no tripod; and it is going to be made at Springfield, where the regular rifles are made.

The CHAIRMAN. There has been an interesting discussion in reference to the gun that it is desired to appropriate for. The Chair thinks, however, that the question which has been discussed is hardly before the Chair at present. The Chair can only consider the wording of the bill. For many years an appro-priation has been carried in the fortification bill in the precise wording of the paragraph to which the point of order is now made "for the purchase, manufacture, and test of machine and automatic guns, and so forth." The only change was that that provision also included the manufacture. Whatever may be the question of jurisdiction that might arise in reference to the gun, to the kind of machine gun that has been discussed in com-mittee, it seems plain to the Chair that the provision in the shape in which it now is would cover any sort of a machine gun, a Gatling gun, or any class of gun which has been appropriated for by the Appropriations Committee, and therefore the Chair must sustain the point of order.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, to come in after line 19, page 45, of the bill:

The Clerk read as follows:

Insert after line 19, page 45, the following: "Automatic rifles: For the purchase, manufacture, and test of automatic rifles, including their sights and equipment, \$200,000."

Mr. SMITH of Iowa. Mr. Chairman, I desire to make a point of order against this amendment. It is manifestly an attempt, as I think, on the part of my friend to avoid, at least, the last ruling.

Mr. HULL of Iowa, Mr. Chairman, it is, without doubt, a manifest attempt to equip the cavalry and infantry with a gun that has never been made or used in the army before. The gentleman from Iowa's committee has never reported in favor of such a gun. This is really a new gun they are proposing to introduce in the cavalry and infantry. It is really a large rifle. It fills the chamber by its own discharge, the same as the little rifle does, only it is of larger caliber.

Mr. SMITH of Iowa. Has there been any recent change in

the type of this automatic gun?

Mr. HULL of Iowa. My understanding is that this improvement has only been made very recently.

Mr. SMITH of Iowa. I submit to the gentleman that this is identically the same gun for which the appropriation has been made in the fortification bill, without any change whatever.

Mr. HULL of Iowa. The gentleman from New Jersey is fully informed in regard to that. I think the gentleman from Iowa

is mistaken.

Mr. PARKER. I want to say that I saw the Chief of Ordnance to-day and yesterday evening. He tells me that the Maxim gun weighs 160 pounds, and is carried sometimes on a carriage and sometimes on a tripod. What he proposes now is a rifle that weighs 22 pounds, that can be carried on the shoulder, and is fired with the butt resting against the shoulder. When it is being used the end, or muzzle, is supported by a rest, and it is proposed to manufacture them at the Springfield

Armory, as I have already explained.

Mr. SMITH of Iowa. I can not challenge the statement of the gentleman from New Jersey, but General Crozier went before the Committee on Fortifications and stated that he had himself decided to transfer this appropriation for automatic and machine guns to the army bill, and made no suggestion that there was the slightest change in this gun from that gun which has for years been provided for under appropriations in the

fortification bill.

Mr. PARKER. This new amendment will allow it to be done, at any rate.

General Crozier intends to give the infantry and the cavalry, not a gun of the old style, but a rifle that can be carried on a mule, because it weighs too much for a long march, but when

they go into battle it can be fired from the shoulder.

We have limited the appropriation so as to cover his inten-The Committee on Military Affairs urges the House to furnish a weapon which was used by Japan in the Russo-Japanese war, which is in the Danish army and in constant use, and which ought to be in our army in order to enable us in case of necessity to pour in shots at the rate of two or three hundred a minute right from one rifle. That is all I ask for.

Mr. HULL of Iowa. Mr. Chairman, I want to call the attention of the Chair to the fact that this is the first time the request has ever been submitted to Congress for the arming of the cavalry and infantry with this improved arm. The evidence before us in the beginning was that it was substantially a large rifle. The committee probably made a mistake, certainly so in view of the decision of the Chair, in adopting the old language, but now the language of the amendment specifically limits this improved arm to a rifle type of a gun-that is to say, a large rifle. The old guns weighed, as has been said, 160 pounds. With their equipments it required a pack train to carry them, With these, one animal carries to the scene of action two or more of them, and then they are unloaded and carried by men to the place of action. It is understood that it is for the use only of cavalry and infantry, and I want to call the attention of the Chair to his language just a few moments ago in making his statement, that he was bound by the language of the appropriation and could not go beyond it. We have fixed the lan-guage of the appropriation so that it covers only what is for the mobile army-cavalry and infantry. It is not intended to trench upon the Maxim guns or other guns they have been carrying. It is for new arms of the service, and I am informed by the gentleman from New Jersey an arrangement is being made whereby in a short time these will be manufactured at the small-arms factory, so that it is entirely within the juris-diction of the Committee on Military Affairs.

Mr. FITZGERALD. Mr. Chairman, two or three years ago a provision was inserted in one of the appropriation bills prohibiting the reporting of a bill in any different form by a committee having the authority to appropriate money than had existed up to that time. These particular guns, or guns of this char-

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman mean to say that an act of Congress provided the form in which a committee should report a bill to the House?

Mr. FITZGERALD. That is my recollection. It was done after the Committee on Indian Affairs had completely recast its bill. My recollection is that a provision in one of the appropria-tion bills requires the committees to report bills in the form in which they had been the preceding year.

Mr. MANN. Certainly no such bill would be of any value if it were passed, or any such law, because Congress can not determine the rules of the House. The Constitution provides that the House shall make its own rules.

Mr. FITZGERALD. The gentleman says we could not adopt rules of the House in that way, but we have by law provided for the manner in which the rooms shall be disposed of in the new Office Building, and they are purely within the control of

Mr. MANN. We put them by law under the control of the House, and without the law they would not be under the control of the House. An office building is a public building, and under the law that we passed we make it under the control of the House. Without that it would not be under the control of the House.

Mr. FITZGERALD. At all events, if my recollection be correct on this, the committee would not be permitted to report a provision which heretofore had been reported by another committee. That being so, it seems to me the committee has no power to offer as an amendment a provision that it could not have reported. I have sent for the act which I have in mind and hope to have it within a few moments.

The CHAIRMAN. The Chair would suggest to the gentle-

man that this is not offered as an amendment to a provision. It is offered as a new provision. The provision was stricken out on a point of order, and now the gentleman from Iowa offers a new provision, which is the one we are considering

Mr. FITZGERALD. That is true. My contention is that the committee would not have the power to have reported this particular provision in its bill. Therefore it is not permissible to offer it on the floor as an amendment. It is a matter that belongs to another committee. This committee can not in this way, not having jurisdiction, avoid the point of order simply by offering it at this time instead of reporting it from their

Mr. MANN. Of course if they could not offer it from the committee, they could not make it in order in the House.

Mr. FITZGERALD. I mean report it from the Committee on Military Affairs.

Mr. SMITH of Iowa. Mr. Chairman, I would like to read the testimony of General Crozier taken before the Fortifications Committee, in order that it may be understood distinctly what is shown in this matter, and with that I am done:

is shown in this matter, and with that I am done:

General Crozier. I call your attention to the fact that there is omitted this year the estimate for machine and automatic guns, which has usually come first in the bill.

Mr. Smith. It was recommended to be dropped out, and I supposed that was your own recommendation.

General Crozier. Yes, sir; I submitted that estimate with reference to the army bill instead of with reference to this bill. We have gotten all of those guns and a good many more than necessary for the coast fortifications, and all of those which we expect to get hereafter will be for the use of the mobile army. They are very closely allied to the musket in the character of their fire. They use the musket ammunition and deliver what might be considered a concentrated infantry fire, and in accordance with the tactical organization which is in existence now and in accordance with the scheme which is in contemplation this will form a part of the infantry and cavalry troops. They will be handled by subordinate organizations, which will be component parts of regiments of infantry and cavalry. For these reasons I shifted the estimate over to the army bill; but I wanted to call your attention to it and to tell you about it. The army bill has not yet been reported.

Mr. SMITH. There are no machine guns used by the army except those carrying the regulation infantry cartridge?
General Crozier. Those are the only ones.

In other words, it is no new thing that these guns fire in-

In other words, it is no new thing that these guns fire infantry ammunition. All the guns that in recent years have been bought under the fortifications bill have been rapid-fire guns discharging infantry ammunition, so that it is not claimed by General Crozier that he has transferred these estimates, and thus changed the rules of the House, because they could not have a machine or automatic gun firing infantry ammuni-tion, because that was the kind of gun they were always using, but he says that he has transferred them because the army is supplied with a sufficient number for the defense of the seacoast fortifications. Now, it makes little difference to me what happens to this item, but if the House is to adopt a policy that even as high-minded an officer as General Crozier can, by simply transferring the estimates from one committee of the House to the other, change the rules of the House, it seems to me we ought to know that we are recognizing that authority. guns we have here are rapid-fire rifles and are no different in that respect from other modern automatic and machine guns that have been used for years. I simply wanted the Chair to understand this situation, and with his ruling I will be content.

Mr. PRINCE. Mr. Chairman, just a word or two on the point of order. It is without question that the Committee on

Appropriations are contending rightly so far as the machine gun weighing 160 pounds or thereabouts is concerned, and with-out question the Chairman has properly ruled on the point of

order so far as the language that has been stricken out is concerned. But here is a new section, a new section with reference to a gun that weighs 22 pounds that is not part of the fortifications, that is not made stationary as the guns heretofore appropriated for and of a like character that must now be appropriated for by the Committee on Fortifications. tionary gun belongs to them. This is a gun that is a rifle that weighs 22 pounds, that is shot like any other rifle by the infantryman or cavalryman, that goes with him as a part of the mobile army. It is one of the kind of guns that is used by a modern army, and clearly it seems to me it falls within the purview, so far as appropriation is concerned, of the Military Committee, which has to deal with the army and its equipment and prepare for it or make appropriations for the necessary arms for a mobile army. I think the chairman of the committee has put it fairly to the House and is not seeking by indirection to do that which by direction we are not entitled to do as the Military Committee of the House. Now, as to the other question that an officer of the Government by a change of language can change the rules of this House, it seems to me that is not worthy the consideration of the House. He is not seeking to do it. He is telling us here is a particular kind of gun, and it is clear that one kind of gun belongs to the Committee on Appropriations, for it is stationary; the other kind of gun belongs to a mobile army, and the mobile army receives its appropriations from the Committee on Military Affairs, and, therefore, it seems to me, the new provision is in order.

Mr. FITZGERALD. Mr. Chairman, I have the act to which I referred, if the Chair wishes to hear it. It is the legislative act approved June 22, 1906, and it provides, among other things,

Committees in Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding.

My contention is that automatic machine guns have been carried on the fortification bills for a number of years. The provision in this bill was also a provision in the current fortifications bill, which provides for the purchase, manufacture, and tests of machine and automatic guns, including their carriages, sights, and implements, but it could also, Mr. Chairman, provide for the purchase and manufacture of the guns without including their other equipment. The mere fact that this pend-ing provision eliminates some of the equipment that is necessary does not change either the character of the gun or the jurisdiction of the committee. My contention is, under this provision of the legislative act the Committee on Military Affairs could not have jurisdiction to report a provision which heretofore has been carried in another bill, and if they do not have the authority to report such a provision, such an amendment would not be in order if offered upon the floor.

The CHAIRMAN. The Chair is ready to rule.

It does not seem to the Chair that the provisions of the bill which have been referred to by the gentleman from New York [Mr. Fitzgerald] control the question that is now before us. A new provision is offered, a provision in form which was not contained in any other prior bill, and it seems to the Chair that the question of jurisdiction is fairly presented. The gentle-man from Iowa is doubtless right in saying that no officer of the Government, by changing the committee to which he made his application, could change the rules of the House. But to which committee, under the rules of the House, does jurisdiction of this particular item belong? It has been long held that the jurisdiction of field guns belongs to the Committee on Appropriations, and not to the Committee on Military Affairs. might be said there was a certain incongruity in that, because the result is that a regiment of infantry, for instance, is equipped with rifles that have been purchased under the jurisdiction of the Committee on Military Affairs, and a hundred yards from them, in case of battle, would be a company of cavalry whose weapons of warfare had been purchased under the jurisdiction of the Committee on Appropriations.

But that is neither here nor there. We have now a further question presented, in reference to the automatic rifle, that has een described before the committee, and the question is, Is that a weapon the jurisdiction of which naturally and properly belongs to the committee that has charge of the army or to the committee that has charge of fortifications? We all know that the ordinary rifle carried by an infantryman is equipped with balls of a certain character. He carries it upon his shoulder. The guns for which appropriation is now sought to be made are to be used by the same men, by the infantry and cavalry, whose arms are provided by the Committee on Military Affairs. are to be used, and used exclusively, by the mobile army.

It would certainly seem a somewhat incongruous result if the gun that the man was carrying on his shoulder was under the jurisdiction of one committee and the gun that was carried with his company, to be used at the same time by the same men, was under the jurisdiction of another committee-a committee having charge of a fortification that might be situated 500 miles from the field of battle. Indeed, the only substantial difference between these different classes of rifles seems to be that the one can be carried by a man and the other is carried by a mule, at least on the march, though not necessarily in the battle. And it does not seem to the Chair that the fact that a weapon is carried by a mule, or by a jackass for that matter, gives exclusive jurisdiction to the Committee on Appropriations. The Chair therefore overrules the point of order.

The question is on the amendment of the gentleman from Iowa [Mr. HULL].

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Sales of ordnance stores are authorized to civilian employees of the army under such regulations as may be prescribed by the Secretary of

Mr. MANN. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Illinois [Mr. Mann] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, line 2, after the word "army," insert "and to the American National Red Cross."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against that provision.

Mr. HULL of Iowa. I would like to ask the gentleman what stores of the army the Red Cross would desire to purchase?

Mr. MANN. First, Mr. Chairman, I ask to have a letter read which was received from Miss Boardman, who is an active official of the American National Red Cross.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL HEADQUARTERS, Washington, D. C., January 21, 1909.

Hon. JAMES R. MANN,

House of Representatives, Washington, D. C.

DEAR MR. MANN: We have received letters from our Illinois Red Cross Branch, who are organizing a Red Cross First Aid Column, and who have been desirous of procuring certain "first-aid pouches," made at the Rock Island Arsenai, at the price of 14 cents each, which are used in the Regu-

Island Arsenal, at the price of 14 cents each, which are used lar Army.

It is impossible for the Red Cross to purchase any of such military stores without the consent of Congress. I understand that the sale of such military stores is permitted to the National Guard, and as the American Red Cross has also an official standing under the charter granted by Congress, and one of the purposes for which it is created is, as stated, to act in matters of voluntary relief between the people of the United States and the army and navy, it would seem right and proper that such legislation should be passed as would enable it to purchase the military stores necessary for the carrying out of the duties for which it was created.

I have asked the chief of ordnance in regard to this matter, and he tells me that, as far as his department is concerned, such an act would be approved.

be approved.

I understand that the army appropriation bill is now before the House, and, therefore, such suggested legislation as may be necessary would have to be offered from the floor as an amendment.

With many kind remembrances,

Yours, sincerely,

MABEL T. BOARDMAN.

Mr. MANN. Mr. Chairman, I understand that the only thing the Ordnance Department has which these people desire is the packet in which the first-aid pouches are carried. As a matter of fact, those are manufactured at the arsenals, and they desire an opportunity to purchase those for proper use.

Mr. HULL of Iowa. I have no objection to the amendment.

My understanding was from some letters that they sent me re-cently that they desired the "first aid to the wounded." This, of course, is not that. That is under the Medical Department.

Mr. MANN. I understand.

Mr. HULL of Iowa. This is simply, I understand, the pouch in which the "first aid to the wounded" is wrapped up.

Mr. MANN. As I understand it, that is the case.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. DRISCOLL. Before that is voted on, I would like to ask the Chairman what kind of stores may be sold to civilian employees under this paragraph?

Mr. HULL of Iowa. They can sell revolvers and rifles, any ordnance stores, under it. They can sell them to teamsters, and to those who may have to defend themselves and who want something to defend themselves with.

Mr. DRISCOLL. Do these men have to buy them themselves?

Mr. HULL of Iowa. They have to buy them themselves. Mr. DRISCOLL. Out of their own money?

Mr. HULL of Iowa. Out of their own money.
Mr. DRISCOLL. They are not provided for by the Government?

Mr. HULL of Iowa. They are civilians, and the Government does not authorize the issue of any arms to civilians. As originally submitted to us, it covered Members of Congress, but we thought Members of Congress had better buy from private individuals than the Government. [Laughter.]

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the army.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Iowa-

Mr. DRISCOLL. I first reserve the point of order on that

Mr. GAINES of Tennessee. I would like to ask the gentleman from Iowa if he would object to amending that paragraph in this way: "Provided, That the Secretary of War shall, thirty days before the date of the sale, furnish Members of Congress and Delegates a list for distribution of the things to be sold."

Now, here is what I have in mind. I am informed that a great many of these things are sold—while valueless to the Government for war use, that they are valuable for use by private individuals and for ornament—and they are sold as "junk."

Mr. HULL of Iowa. There is a law now for the sale of condemned property, including all kinds of things-horses, harness, and ordnance-and I would not like to undertake to change that law just now. I hardly think it would be advisable, when ordnance is condemned, to send to every Member of Congress, any more than the rest of the people of the United States, a list of all they have for sale.

Mr. GAINES of Tennessee. The very reason I would have them send it to Members of Congress and Delegates is so as to get the information before the people, who would only be too glad to buy the condemned horses, pistols, cannons, and so forth.

Mr. HULL of Iowa. That is all advertised if they are condemned. A board is organized to condemn the property

Mr. GAINES of Tennessee. Will the gentleman tell how this occurs?

Mr. HULL of Iowa. By first having it condemned by a board

Mr. GAINES of Tennessee. I understand that.

Mr. HULL of Iowa. Then it is advertised for sale.

Mr. GAINES of Tennessee. Where?

Mr. HULL of Iowa. Anywhere where the property is. We recently had a sale of condemned horses at Des Moines.

Mr. GAINES of Tennessee. How do they advertise? Mr. HULL of Iowa. In the newspapers in the locality in

which the property is condemned.

Mr. GAINES of Tennessee. Including guns and pistols?

Mr. HULL of Iowa. How would you advertise a sale of a lot of guns and pistols? They are scattered all over this country.

I should object to any change of the law at this time.

Mr. DRISCOLL. Why not let anybody buy it?

Mr. HULL of Iowa. They can now if it is condemned property. The gentleman from Tennessee is talking about condemned property.

Mr. DRISCOLL. What articles of ordnance may be sold to the officers of the Army and Marine Corps under this paragraph?

Mr. HULL of Iowa. The army officers now have the right to buy their side arms, pistols and belts, and rifles, if they want one of the kind used in the army. These are not condemned guns, but good guns, modern guns of the type that is used. Now, the navy and Marine Corps have no manufactory of guns as has the army. This gun is manufactured for the army. This provision is simply intended to allow officers of the navy and Marine Corps to buy these supplies, and it is recommended by the Secretary of War in a letter of January 6 that the same right be extended to the two other arms of the service that the army officers now have by law.

Mr. DRISCOLL. Is it supposed that they will buy these cheaper than upon the market?

Mr. HULL of Iowa. The gun made by the United States

Government is not in the market. They can not buy a United States rifle in the market.

Now, it is subject to a point of order, of course. If the gentleman would like to have the letter read, I will be glad to have it read for his information.

Mr. DRISCOLL. I should like to hear it.
Mr. HULL of Iowa. I ask, then, that the letter of the Secretary of War be read. There is no mystery in this. It is simply to let the officers of the navy and Marine Corps have the same rights to purchase these arms that officers of the army now

The Clerk read as follows:

WAR DEPARTMENT, Washington, January 6, 1909.

The CHAIRMAN,
Committee on Military Affairs, House of Representatives.

Sir: I have the honor to inform you that this department is in receipt of a communication from the Secretary of the Navy, in which this officer recommends that officers of the Navy and Marine Corps be granted the same privilege as officers of the Army in purchasing arms and equipments from the Ordnance Department. The regulations of the Marine Corps provide that the horse equipments for mounted officers shall be identical with those of officers of the same grade in the army, which equipments are, in the main, manufactured at the Rock Island Arsenal and sold to officers under authority of law.

It is therefore recommended that the following provision of law be incorporated in the bill providing for the support of the army during the next fiscal year, viz:

"Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to the officers of the Army."

Luke E. Wright,

Secretary of War.

LUKE E. WRIGHT, Secretary of War.

Mr. DRISCOLL. I withdraw the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I renew it for the present, because I think there is merit in my proposition, which I want added to the one in the bill.

Mr. HULL of Iowa. The gentleman's proposition deals with condemned guns and has nothing to do with this paragraph. I can not consent to the gentleman's amendment. If he desires to make a point of order, he must make it.

Mr. GAINES of Tennessee. No; I do not want to throw out a good thing. I want to make it better. What objection has the gentleman to putting in a provision authorizing the Secretary of War to send to each Member of Congress, thirty days in advance, a list of the articles that are to be sold, so that the Member can hand it to the newspapers in his district, and thus inform would-be purchasers?

Mr. HULL of Iowa. If the gentleman will permit me, I will try to save him a little trouble

Mr. GAINES of Tennessee. I want a list of things to be sold sent to Members, Delegates, and Senators, so that they can give the list to the newspapers in their neighborhood. They will publish it, and the people in every part of the United States, in every district, can send and buy cannon or guns or pistols or the things to be sold; and the gentleman knows that all of these implements of war are very much sought after, both for the use of private citizens and for ornamenting the corners of our streets and as relics.

Mr. DRISCOLL. They get the cannon for nothing now, for ornamental purposes.

Mr. GAINES of Tennessee. I had a great deal of trouble in getting two, and the gentleman helped me to get both of them; but the law has been recently changed, and it is easier to get them now.

Mr. HULL of Iowa. In the first place, condemned cannon are not sold at all. If they are not donated by Congress, they are generally melted up.

Mr. GAINES of Tennessee. What is sold?
Mr. HULL of Iowa. Small arms, when condemned, are sold.
Now, if the gentleman will write to the Ordnance Department he will receive a list of all the guns that are for sale. It does not require an amendment to get a list; and if the gentleman will write to the Quartermaster's Department, requesting to be notified when any horses are to be sold, he will receive that information also.

Mr. GAINES of Tennessee. I do not want any horses

Mr. HULL of Iowa. But to make officers of the army become an information bureau before they can sell anything, notifying every Member of Congress, is to my mind not very good legislation.

Mr. GAINES of Tennessee. Does the gentleman think it would be a menace to the people if he should consent to an amendment providing that lists of the guns and other firearms

to be sold be sent to Members of this House and Members of the Senate for them to give out the information?

Mr. HULL of Iowa. Every Member of Congress and every private individual can get that information if he will write and

ask for it. There is nothing secret about it.

Mr. GAINES of Tennessee. How can the people in my State telephone here and find out what property Secretary of War Wright has to sell?

Mr. HULL of Iowa. General Wright does not sell anything. Mr. GAINES of Tennessee. If they would send me a list of the things, I would hand it to the local papers, and they would publish it, and the people would send here and buy, instead of letting the articles be sold at 20 or 10 per cent of their

Mr. MANN. Does the gentleman think it more important to make it easy for the people to buy firearms than it is to buy blankets, boots and shoes, or other articles of ordinary necessity?

Mr. GAINES of Tennessee. No; I do not. I have seen people in this town cold for the want of a blanket and for the want of shoes, right in the shadow of the Capitol.

Mr. MANN. Yet the gentleman's only proposition is to make it easier for the people of the country at large to buy guns with which to shoot each other.

Mr. GAINES of Tennessee. I am sure the gentleman from Illinois will be very glad to have in his town one of these same guns that is useless to the Government.

Mr. MANN. They do not sell those.

Mr. GAINES of Tennessee. I understand they do. Mr. MANN. The gentleman is mistaken. Mr. GAINES of Tennessee. The cannon are not sold, but the other guns are.

Mr. MANN. I will say to the gentleman that, if I can prevent it, no amendment will be adopted here which will give people a chance to buy condemned guns or anything of that kind to carry around for the purpose of "raising Cain."

Mr. GAINES of Tennessee. I think the people generally would

like to have some of these historic relies; but if the gentleman from Iowa thinks it is objectionable, I will withdraw the point

The Clerk read as follows:

That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad. Such material purchased in limited quantities shall be admitted free of duty, as shall other military material similarly purchased, or furnished without charge.

Mr. MACON. Mr. Chairman, I reserve a point of order against the paragraph just read.

Mr. HULL of Iowa. This is practically the identical provision that has been carried many years in the fortification bill. On page 11, of the fortification bill for this session as reported, you will find it. It has been in repeated bills. The chief of ordnance claims that it is a matter of economy when ordering from abroad and having the Government pay the duty and then be reimbursed. It is to facilitate business and is a matter of economy. It is what the fortification bill has carried for years in identically the same language. It is subject to a point of order, and I do not care to discuss it.

Mr. MACON. It strikes me that if we pay the duty on these

articles imported it will be simply taking the money out of one pocket and putting it into the other.

Mr. GAINES of Tennessee. I make the point of order.

Mr. MACON. I have made the point of order.

The CHAIRMAN. The Chair sustains the point of order.
Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to
return to page 32, line 3, to make a verbal correction. In an amendment I offered yesterday, I inadvertently wrote the word infantry" in the wrong place.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Provided, Hereafter one of the companies at the recruiting depots shall have the organization of infantry bands to which recruits showing an aptitude for music may be attached for examination and instruction before assignment to organizations in the army.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to a former section of the bill in order to make the verbal correction which has been read. Is there objection?

There was no objection.

The amendment was agreed to.
Mr. FITZGERALD. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 46, after line 7, insert:
"No part of any appropriation made herein shall be expended in the purchase of powder except powder for small arms at a price not in excess of 64 cents per pound."

Mr. HULL of Iowa. Mr. Chairman, I raise a point of order on that. It should have been offered at the time the question of powder was up.

Mr. FITZGERALD. This refers to all appropriations in the

Mr. HULL of Iowa. It is intended as a limitation, but it seems to me the proper place, for that was where the appropriation was made for such purposes.

Mr. FITZGERALD. It might apply to that particular provision, but this is intended to apply to every provision that may be available for the purpose. It is of the same form and character'as in a general limitation.

Mr. GAINES of Tennessee. Mr. Chairman, I think in Hinds's Manual will be found almost, if not a similar, case. The gentleman from Maryland offered an amendment at the end of the bill, and the language was "appropriations made in this bill" for a certain object "shall be limited" thus and so. I tried to find it in the manual last night, but did not succeed. almost certain that I have read such a decision. I am almost certain that it referred to the whole bill and was held to be in order, though offered at the end of the bill. The amendment is clearly in order; it is a limitation on all the appropriations in a bill on the particular kind of powder.

Mr. HULL of Iowa. On page 43 we had ammunition, targets, and so forth, and we passed that. That is the only place where I think it would apply at all. There was no suggestion of any amendment at the time or any limitation, although the gentleman from Tennessee addressed the House very eloquently on this subject without offering any amendment. Now, after the bill is practically completed, it seems to me it is out of order to make a limitation to apply to another part of the bill. The item that this amendment applies to has been passed.

Mr. FITZGERALD. Mr. Chairman, this is a limitation on every appropriation in the bill that may be utilized for the purpose specified. It seems to me the House has the power to make such a limitation. I have not looked up the precedents, but my recollection is that similar limitations have been held in order at other times. Powder is provided for in several places in the bill.

Mr. HULL of Iowa. I want to suggest to the Chairman this thought: Here is a specific item that this limitation would refer to. Members who are interested in the question for or against it have left the House, and then to have it come up out of order at the end of the bill does not seem to be proper.

Mr. FITZGERALD. The mere fact that it will suit some gentlemen's convenience to have it in one place or another in the bill should not control the Chair in ruling upon the question as to whether the amendment is in order. The question is whether this limitation can be made at this time. I am indifferent to whether it suits the convenience of Members or not.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Iowa if he does not think it more convenient to have this limitation in four or five words at the end of the bill than it would be to put the limitation in every other place throughout the bill wherever the subject might be provided for?

Mr. HULL of Iowa. There is only one provision in the bill in reference to this limitation.

Mr. GAINES of Tennessee. It seems to me that it would be more convenient than to put the limitation in at every place where the question comes up.

Mr. HULL of Iowa. There is only one section that this would be germane to.

Mr. FITZGERALD. Mr. Chairman, if you could put a limita-tion upon each particular paragraph, it is appropriate to put one general limitation upon all the appropriations. The particular form in which it is done is immaterial. The question is, Does it limit the expenditure of money in the bill? That is the only question involved.

The CHAIRMAN. The Chair can not agree with the gentleman from New York [Mr. FITZGERALD]. It seems to the Chair that the rule is well settled that an amendment offered, or a provision made, must be germane to the portion of the bill then under discussion. Specific appropriation has been made for the manufacture and purchase of powder, and that has been passed, and since then specific appropriations have been made for many other subjects. It seems to the Chair, under the procedure of

the House, that the point made that this amendment now offered is not in order is well taken, and the Chair must sustain the point of order.

Mr. FITZGERALD. Mr. Chairman, I do not know which particular paragraph the Chair thinks I should offer this amendment to, and I do not know whether the Chair has in mind the particular paragraph that I may have in mind. This is an independent provision. It is not offered as an amendment to the paragraph just read. It is a general limitation upon all the appropriations in the bill.

The CHAIRMAN. The Chair would only suggest that if an amendment had been offered to the provision that provided for the manufacture and purchase of powder for small arms, it seems to the Chair a different question would be presented.

Mr. FITZGERALD. This can not possibly relate to the manufacture of powder for small arms, because it specifically excludes it. I am inclined to believe that the Chair has in mind something that is not in the mind of the proposer of the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Section 3 of the act of February 14, 1903, shall be amended to read

Section 3 of the act of February 14, 1903, shall be amended to read as follows:

"The General Staff Corps shall consist of 1 Chief of Staff and 2 general officers, all to be detailed by the President from officers of the army at large not below the grade of brigadier-general; 4 colonels, 6 lleutenant-colonels, and 6 majors, to be detailed from the corresponding grades in the army at large, under such rules for selection as the President may prescribe.

Mr. OLCOTT. Mr. Chairman, I make the point of order against this section.

Mr. HULL of Iowa. Mr. Chairman, I concede the point of

Mr. PARKER. Mr. Chairman, I rose for the same purpose of making the same point of order, but pending the decision of that point of order, instead of delaying the House with an explana-tion of the duties of the General Staff and the reason why I think it is none too large for its work as it is now constituted, I would like to have unanimous consent to print in the RECORD a statement that I have received as to the General Staff and as to the various duties of the various officers.

Mr. HULL of Iowa. It comes from the General Staff? Mr. PARKER. Yes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to print certain documents in the Record. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The point of order is sustained.

The documents referred to by Mr. PARKER are as follows:

Assignment of General Staff officers to duty.

WASHINGTON.

War Department:
Office Chief of Staff.

1 major-general, Chief of Staff.
1 major-general, assistant to Chief of Staff.
1 colonel.
1 lieutenant-colonel.
1 captain, secretary of General Staff.
2 captains.
First section—
1 colonel.

First section—

1 colonel.
3 majors.
4 captains.
Militia division—
1 lieutenant-colonel.
War College (second section)—
1 brigadier-general, president.
1 lieutenant-colonel.
3 majors.
12 captains.

ELSEWHERE.

Philippines division: i colonel, i major.

captain.

Department headquarters:
1 colonel.
3 lieutenant-colonels.
4 majors.

majors.

Staff College: 1 major.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, January 27, 1953.

Memorandum showing the character and amount of work performed by the first section, General Staff Corps, between January, 1904, and March, 1908.

The list under Paragraph I, given below, enumerates the most important of the 2,744 reports rendered during that period.

The list under Paragraph II covers a wide range of subjects connected with the current administration of the army, which, for the sake of brevity, are grouped under 11 heads.

PARAGRAPH I.

1. Complete revision of the system of military education in the army, with draft of order to put it into effect.

2. Changes deemed advisable in the existing laws and regulations governing the organization of volunteer forces in time of actual or impending war.

3. Report on measures that should be taken to reduce the number of desertions in the army.

4. Redistribution of duties of division and department commanders; abolishment of divisions, and draft of order to effect it, with amendments to Army Regulations covering the new conditions.

5. Complete revisions of the Army Regulations of 1904 and again in 1908.

6. Law forbidding sale of intoxicating liquous in post evaluations.

in 1908.
6. Law forbidding sale of intoxicating liquors in post exchanges, etc.
7. Schedules of changes of station of regiments between the States
and Alaska and island possessions.
8. Report called for by the President relative to changes in prescribed method of physical training for the army.
9. Plan for a systematic comparison between the different organizations with a view to determining their relative efficiency.
10. The proper organization for the organized militia of a State
under the act approved January 21, 1903.
11. Data relative to proposed changes in the pay of the enlisted
men of the army, with a view to obtaining a better class of enlisted
men and reducing the number of desertions.
12. Amendment to executive order of 1905 relative to dishonorable
discharge of enlisted men on evidence of previous convictions.
13. Study and report on athletics in the army.
14. The organization of Volunteer Army in time of actual or threatened war.

ened war.

15. Right of commander of army of Cuban pacification to hold men in service beyond the expiration of their term of service because of yellow fever.

reliable beyond the expiration of their term of service because of yellow fever.

16. Army and navy methods of fire control.

17. Preliminary steps in connection with the establishment of camps of instruction for Regulars and organized militia.

18. Plan for participation of organized militia in camps of instruction and coast artiflery exercises and drafts of letters to governors.

19. Amelioration of condition of enlisted men.

20. Change in the army ration, amendments in army regulations pertaining thereto.

21. Jurisdiction of War Department over marines stationed with the army in Cuba.

22. Report on opinions expressed as to why reenlistments are so few, and why more eligible recruits do not seek enlistment.

23. Manner of transferring accountability for United States property in the hands of militia when called into the service of the United States.

24. Proposed scheme for promotion by selection, coupled with retirement for age varying with grade.

25. Modification of law relative to citizenship of applicants for appointment as second lieutenants in the Porto Rican Provisional Regiment.

pointment as second nearestants in the ment.

26. Preparation of infantry drill regulations, regulations for saber exercises, manual of bayonet exercises, small-arms firing regulations.

27. Report on the reorganization and increase of the Artillery Corps, U. S. Army, and draft of bill to effect it.

28. Preparation of system of clothing allowance for enlisted men and method of settling them.

29. Organization of machine-gun service.

PARAGRAPH II.

1. Reports relative to proposed legislation and drafts of bills therefor. Replies to military committees containing the department's approval or disapproval of bills introduced in Congress, 100.

2. Recommendations relative to publication of new regulations or orders, with drafts thereof. Amendments to existing regulations or orders, 386.

3. Reports and recommendations on subjects pertaining to posts, reservations and target ranges, including allotments of appropriations, purchase and rental of land, abandonment of posts, use of reservations by other departments and by States, 291.

4. Individual cases, not published, of interpretations of laws, orders, Army Regulations, Drill, Small-Arms Firing and Field Service Regulations, and service manuals, and decisions as to their application. Action on special reports and questions of administration, 1109.

5. Reports and recommendations relative to changes of station of organizations, attendance at expositions, state encampments, maneuvers, parades, fairs, etc., 60.

6. Reviews of and recommendations relative to reports of examining boards, horsemanship tests. Recommendations relative to promotions, appointments, details, assignments, status and pay of individual officers and enlisted men, 266.

7. Recommendations relative to medals of honor, certificates of merit and campaign badges, and action on individual application therefor, 161.

8. Reports and recommendations on all subjects pertaining to the clothing, camp, and garrison equipage of the army, 232.

9. Regulations and manuals prepared for publication, old ones revised, manuscript examined and corrected, 14.

10. Reports on all matters pertaining to the militia and military codes of States, 52.

11. Recommendations as to records and blanks, their form, adoption, and use, 42.

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF, Washington, January 27, 1909.

Memorandum for the Secretary, General Staff Corps

Subject: A synopsis of the duties of the officers forming the personnel of the second section, General Staff, and statement showing in detail the work performed by each officer.

GENERAL DUTIES OF SECOND SECTION.

Military information; collection, arrangement, and publication of historical, statistical, and geographical information; War Department library; system of war maps, American and foreign; general information regarding foreign armies and fortresses; preparation from official records of analytical and critical histories of important campaigns.

Military attachés.
Photographic gallery.

Preparation of nontechnical manuals.

Issue of military publications, maps, and documents.
Collation and discussion of all obtainable data relating to strategical, tactical, and logistic features of future military operations, and formulation of complete working plans for passing from a state of peace to a state of war under such conditions as can be foreseen or may be assumed.

Direction and coordination of military education in the army, the militia, and in civil schools and colleges at which officers of the army are detailed.

Plans for field maneuvers,
Permanent fortifications.
Submarine defense,
Field engineering.
Signaling, technical manuals, and logistics.
Military resources of the country.
Also, whenever the above subjects form part of the following classes of work, the second section has referred to it:
Combined exercise of the army and navy.
Allowances of all items of equipment, armament, and supplies for the military service.

Determination of types, designs, and specifications for such as are required to be standardized.

Regulations and orders.

Proposed legislation to be presented to Congress, or legislation pending in Congress referred to War Department for report.

ARMY WAR COLLEGE.

ARMY WAR COLLEGE.

In addition to duties stated above, the second section performs all the duties connected with the administration of the Army War College, including the instruction of the student officers.

In general terms the present course consists of—

1. Exercises in issuing verbal orders.

Object: To shorten the time usually devoted to estimating military situations and to give practice in dictating orders as well as giving verbal orders, which, as is generally conceded, would be the rule in the field for commands not larger than a brigade.

2. Tactical instruction by conferences.

At these conferences papers prepared at the college on The Tactical Use of the Several Arms are read and discussed.

3. Tactical rides.

Object: To transfer the tactical studies from the map to the terrain.

4. Strategical and tactical exercises with the map.

These include, together with map maneuvers, exercises based on historical examples, the object of which is to point out changes in tactica required by modern conditions, and to discuss the strategical principles involved; also to add realism to the work. They include continuous situations involving the operations of the larger units, the object being to introduce the usual features of combined operations with the consequent modifications in logistics; naval cooperation exercises which involve combined operations between the army and navy, such as would occur in joint expeditions; study of supply questions, involving the arrangements to be made both in the immediate vicinity of the combatant troops and on the line of communications; study of signal questions, illustrating communication to be established by the Signal Corps with an army in the field; study of medical questions, illustrating the various considerations affecting the location of dressing stations, field hospitals, etc., and the methods to be adopted for the removal of the word of the term of the case of a great battle; study of signal questions, involving the movement of a large force on two or more roads an

This includes a course on subjects of military importance, delivered by members of the faculty and distinguished officers of the army. Lectures are to cover the development of modern war, tactics, strategy, campaigns of the civil war, international law, naval war, administration and supply.

8. Campaign studies and staff rides.

8. Campaign studies and stair rides.

Under this subject will take place the study on the ground of some of the great campaigns of the civil war. These campaigns will first be studied at the college with the aid of the best histories and maps; the officers will then ride over the terrain covered by the campaigns, study the ground, and make solutions of military situations connected therewith. The student officers will have for the object the tactical and strategical application of modern methods to historical situations.

9. War studies.

These studies involve the passage of the country from a state of passage.

These studies involve the passage of the country from a state of peace to a state of war.

Brig. Gen. W. W. Wotherspoon;
Lieut. Col. R. K. Evans;
Maj. Eben Swift;
Maj. Daniel H. Boughton;
Maj. Henry D. Todd, jr.;
Capt. Maler H. Gordon;
Capt. Waiter H. Gordon;
Capt. Marcus D. Cronin;
Capt. Michael J. Lenihan;
Capt. Michael J. Lenihan;
Capt. Feter C. Harris;
Capt. John W. Furlong;
Capt. R. H. Van Deman;
Capt. Ramuel C. Vestal;
Capt. Frank S. Cocheu;
Capt. Frank S. Cocheu;
Capt. T. E. Merrill;
Capt. T. E. Merrill;
Capt. Fox Conner; and
Capt. S. A. Cheney.

RECAPITULATION. Brigadier-general ______ Lieutenant-colonel _____ Majors_____ Captains . 12 Total ___ 17

DUTIES.

BRIG. GEN. W. W. WOTHERSPOON, GENERAL STAFF.

Chief of second section and president of Army War College. Has general supervision of the work of the entire section, including the War Department library and the distribution of War Department public documents; the photographic gallery; the branch office at Manila; the branch office at Habana; the military attachés abroad, involving their accounts and property; and correspondence with and furnishing military information to foreign military attachés and officials accredited to this capital

this capital.

In addition to the administrative work connected with the section, he is also president of the board concerned with the land defense of seacoast fortifications of the United States and insular possessions, and president of the board on the military policy of the United States.

LIEUT, COL. R. K. EVANS, GENERAL STAFF.

Chairman of the Army War College committee and director of the Army War College. Acts as chief of the section in the absence of General Wotherspoon. Supervises the current work of the war-college instruction; is chairman of the committee on the revision of the field-service regulations; prepares lectures and memoranda; at present engaged on a special study on infantry fire and the infantry drill regulations.

In addition to his general-staff duties, this officer is executive officer of the national rifle and pistol matches, participated in by teams and individuals of the United States Army, Navy, Marine Corps, and national guard, and conducted annually at Camp Perry, Ohio.

MAJ. EBEN SWIFT, GENERAL STAFF.

Director of the Army War College and member of the Army War College committee. Prepares schemes of instruction at the college and personally supervises all details of such instruction. Prepares and delivers each term a number of lectures. During the present term his course of lectures consists of ten lectures on the development of modern strategy, considered under the following heads: Influence of ruse and strategy; the influence of drill and discipline; the influence of the terrain as shown in the campaigns of Lee; the influence of the terrain as shown in the campaigns of Lee; the influence of peace training as shown in the battle of Liao Yang; the influence of peace training as shown in the battle of the Shaho; the influence of peace training as shown in the battle of Mukden.

MAJ. DANIEL H. BOUGHTON, GENERAL STAFF.

Member of the Army War College committee. In immediate charge of the detailed revision of the field service regulations, involving a critical study of the regulations of foreign armies; the revision of the regulations for field maneuvers; is a member of the board on the military policy of the United States, which involves the critical study of the organization of foreign armies as well as our own. Preparing and delivering three lectures on international law. Revising general orders governing the service schools at Fort Leavenworth. Preparation of special reports of the strength and station of troops, and the consideration of details affecting the cavalry arm of the service.

MAJ. HENRY D. TODD, JR., GENERAL STAFF.

Secretary of the second section and secretary of the Army War College. Has charge of the civilian employees and all the public moneys and property pertaining to the second section and the Army War College; general charge of the building and grounds; conducts correspondence of the section and, under the chief of section, supervises the detailed work of the section. Prepares memoranda and acts on boards for consideration of current subjects, especially those relating to the coast artillery, including seacoast defense exercises in which the national guard participate.

CAPT. WALTER H. GORDON, GENERAL STAFF.

CAPT. WALTER H. GORDON, GENERAL STAFF.

Acting chairman of the military information committee. Has charge of the correspondence of this committee and supervises the work of the other members of the committee; has charge of the critical examination and use of the professional information furnished by the Manila and Habana branches and of the American and foreign military attaches; reproduction of the maps in the photographic gallery and the distribution of military data to the army and the national guard; has charge of the channel of the communication and of the furnishing of military information and samples of equipment to foreign governments and officials; and keeps a record of the reciprocal exchanges of the same; also has charge of the sending and the receiving of War Department and foreign mail through the international exchange and through the Department of State.

CAPT. JULIUS A. PENN, GENERAL STAFF.

Member of the Army War College committee. Member of college inspection board, requiring the inspection of and reporting upon various civil military schools of the country. During April and May, 1908, visited and inspected 20 such institutions; abstracts the reports of inspectors and instructors at these institutions; studies and reports upon all questions pertaining to the colleges having army officers for military instructors. Prepares special instructions for army officers on duty at these institutions. Assists in the preparation of examination questions of garrison schools; studies and reports upon all reports for maneuver camps of the mobile army.

CAPT. MARCUS D. CRONIN, GENERAL STAFF.

Member of the military information committee. Supervises the voluntary work of some 450 officers of the army in translating important foreign military articles into English for the use of the army, national guard, and the military schools and colleges throughout the country; is also assigned to the library and examines and marks professional articles of value in foreign languages for carding, etc.; consideration and preparation of reports upon special subjects pertaining to infantry,

especially infantry drill regulations and field-service regulations of our own and foreign armies.

CAPT. MICHAEL J. LENIHAN, GENERAL STAFF.

Member of the military information committee. In charge of the compilation and preparation for the printer of the publications of the military information committee upon professional military subjects pertaining to foreign military establishments; is a member of the college inspection board upon the various civil military schools throughout the country; considers and reports upon special subjects pertaining to infantry, especially relating to small arms firing regulations and target practice in our own and foreign armies.

CAPT. PETER C. HARRIS, GENERAL STAFF.

CAPT. PETER C. HARRIS, GENERAL STAFF.

Member of the Army War College committee. Makes reports and recommendations affecting the service and garrison schools of the army, including administration of such schools and preparation of questions for examination; on the text-books and details pertaining to the course of instruction and attendance of militia officers at such schools, etc.; studies and reports upon general questions affecting the militia, such as organization, mobilization, etc.; member of college inspection board, requiring the inspection of and reporting upon various civil military schools of the country; instructor in the Army War College, and prepares and conducts exercises and problems in over-sea expeditions and medical and signal service on the field of battle; prepares and delivers five lectures on strategical and tactical operations of the army and navy; member of the special committee on the revision of Field Service Regulations.

CAPT. JOHN W. FURLONG, GENERAL STAFF.

Member of the military information committee. In charge of the records pertaining to the military information branch at Habana, including the compilation and preparation for publication of the military notes and maps of Cuba. This officer is also assigned to the library and is constantly engaged in the examination of books, reports, and periodicals, etc., of foreign armies and marking for carding important professional articles printed in foreign languages; also considers and reports upon special subjects pertaining to the cavalry of our own and foreign armies, as well as the preparation of special reports upon Cuba, the national guard of the several States and Territories, and other data called for by the various bureaus and officers of the War Department and other officials.

CAPT. R. H. VAN DEMAN, GENERAL STAFF.

CAPT. E. H. VAN DEMAN, GENERAL STAFF.

Member of the military information committee. In charge of "a system of military maps, American and foreign;" supervises the preparation of geographical, topographical, strategical, tactical, and maneuver maps, tracings, sketches, illustrations, prints, etc., of our own and foreign countries (the files of the second section now contain about 23,000 separate military maps, which have been classified, arranged, and systematically filed for immediate reference and a large portion of them carded and indexed); considers and prepares reports upon special subjects pertaining to infantry, especially upon subsistence, clothing, arms, and equipment of foreign armies. This officer has personally made up to date about 36,000 cards in the analytical index of the maps of the section.

CAPT. FRANK S. COCHEU, GENERAL STAFF.

Member of the Army War College committee. Instructor in the Army War College; assists in the preparation of the class exercises included in the Army War College course; assists in conducting the course; examines and reports upon solutions of various problems submitted by the student officers; studies and reports upon the various subjects that are referred from time to time to the Army War College committee. This officer was one of several officers representing the War Department at the course of the Naval War College, Newport, R. I., during the last annual conference; prepared, with Capt. Fox Conner, General Staff, a report giving in detail the results of their observations during this conference.

CAPT. SAMUEL C. VESTAL, GENERAL STAFF.

Member of the military information committee. In charge of the preparation of military monographs of some 19 different countries by 21 student officers, military attachés abroad, etc.; and, for instance, has personally made over 4,000 cards upon various subjects connected with this work during the last four months; considers and reports upon special subjects periaing to the coast artillery of foreign armies as well as the compilation of replies to miscellaneous calls for information upon professional subjects.

CAPT. T. E. MERRILL, GENERAL STAFF.

Member of the military information committee; studies and reports upon various subjects referred to the second section from time to time. This officer, in addition to the duties of his committee, is taking the course of instruction in the Army War College. He has recently been engaged in studying and reporting upon the necessity for coast defense at certain harbors in the United States, the question of a proper garrison at certain islands of our insular possessions, on the methods for protecting submarine-mine cables and submarine defense, and also the routing of troops from one coast to another.

CAPT. FOX CONNER, GENERAL STAFF.

Member of the Army War College committee; instructor in the Army War College; assists in the preparation of programme of instruction; prepares and delivers lectures on field artillery; reports upon and discusses solutions of various problems submitted from day to day by the student officers; assists in conducting map maneuvers and terrain rides; member of the committee on revision of field-service regulations; is assisting in the preparation of a programme of conducting the attack by artillery on a modernly constructed redoubt. This officer, with Captain Cocheu, represented the War Department at the course of the Naval War College, Newport, R. I., and in connection therewith performed duties similar to those above described for Captain Cocheu.

CAPT. SHERWOOD A. CHENEY, GENERAL STAFF.

Member of the Army War College committee; prepares questions for examination in the garrison-school course for engineer officers; member of the board on the military policy of the United States; member of the committee to revise field-service regulations; member of committee on questions concerning the Panama Canal Zone; member of committee for preparing programme of Army War College course of instruction; prepares and delivers lectures before Army War College; prepares and conducts exercises in connection with the course of instruction; studies

and reports upon the subjects that are referred to the second section from time to time on matters relating to the Corps of Engineers and military engineering. This officer is also recorder of the Board of Ordnance and Fortification and as such disburses the funds, keeps the records, attends to the correspondence, and conducts such investigations, experiments, and tests as that board may direct.

GENERAL CONSIDERATIONS.

The above shows that the work performed by the officers named is of importance and of such magnitude as to tax the energy and ability of most men.

The policy of our Government, if it can be said that the Government has ever had a policy on military matters, does not recognize the necessity of maintaining administrative units for field work larger than a

Importance and of such magnitude as to tax the energy and ability of importance and of such magnitude as to tax the energy and ability of its polysist of maintaining administrative units for field work larger than as ever had a policy on military matters, does not recognize the necessity of maintaining administrative units for field work larger than a strength of the control of

wars.

As one of the many instances showing the necessity for such work may be cited the fact that during the campaign of General Taylor in the Mexican war he was obliged to leave of his 12,000 men 6,000 behind, owing to lack of transportation and the uncertainty in regard to supplies that might be drawn from the theater of operations.

In reference to this instance, General Emory Upton states: "The lack of transportation developed in a striking manner the want in our War Department of a bureau of military statistics."

General Jessup, the Quartermaster-General at that time, wrote to the Secretary of War: "As to the complaint in regard to the want of land transportation, it is proper to remark that there was no information at Washington, so far as I was informed, to enable me or the War Department to determine whether wagons could be used in Mexico."

When it is remembered that practically all agencies devised and developed by man find their uses in war the volume of detail in the military information committee is more apparent.

In this connection it is proper to state that the military information committee of the General Staff has prepared and published, for the information of the army and national guard, military maps and pamphlets upon professional subjects, as follows:

Map of the Republic of Panama, 1904.

Map of Department of Alaska.

Map of Department of Alaska.

Map of Kwang-Tung Peninsula, 1904.

Progressive military map of United States Army, 1904.

Map of Kirin Harbin.

Map of Kirin Harbin.

Map of Kirin Harbin.

Map of Kirin Harbin.

Map of the Philippine Islands, 1904.

Tactical map of Manchuria, 7 sheets, illustrating the battles of Liao Yang, Shaho, and Mukden.

Strategical map of part of Korea and Manchuria.

Map of battle of Lotienling.

Map showing stations occupied by the United States Army, 1906.

Reconnaissance map of the Island of Cuba, 1900–1901, corrected to October, 1906.

Map of Mindanao.

Map of the Viscayas.

Map of Mindanao,
Map of Mindanao,
Map of Mindanao,
Map of the Viscayas.
No. 1. Notes on Panama.
No. 2. Bulletin of military notes, No. 1.
No. 3. Bulletin of military notes, No. 2.
No. 4. Selected translation relating to the Boer war.
No. 5. Bulletin of military notes, No. 3.
No. 6. Field equipment of the foot soldier.
No. 7. Selected translation pertaining to machine guns.
No. 8. Reports of military observers, Russo-Japanese war, 5 parts.
No. 9. Actual experiences in war, Soloviev.
No. 10. German infantry drill regulations, translation of.
No. 11. Epitome of the Russo-Japanese war.
No. 12. Influence of the siege of Port Arthur upon the construction of modern fortresses.
No. 13. The American Campaigns, by Steele.
No. 14. The Iloco Grammar, by Swift.
The world is progressing so rapidly in all fields of human endeavor that it is difficult at best to keep Informed of this progress, but such is one of the duties of this committee, which not only must take the steps necessary to secure the information, but must digest it, index it, and file it, thus making it available, part for the immediate use of the army, the national guard, the service schools, and the staff departments, the remainder for use when war is upon us.

All obsolete data must be cut out and the up-to-date be substituted therefor. This office has been so short handed in the past that it will require from two to three years for the present force to catch up.
The field is so wide and varied that a much larger force could be used to the better advantage of the Government.

Many important problems relating to a state of war are yet untouched, and others, though solved, require more revision than it is possible to give them to keep them up to date.

To sum up, the second section has therefore the duty—

(1) Of obtaining and making easy of access all information that may be required by the armies of the United States in any theater of operations; and

operations; and

(2) Of making from such information plans of campaigns that may take place in any part of the world.

Moreover, such plans must be kept up to date, revised and revised as the relations between the military powers vary and as the internal conditions of such powers vary.

The 17 officers of the second section are not able to perform all of the above duties in a manner due the country.

The student officers of the Army War College are, therefore, called upon to assist them, and this, of course, is done in addition to the work they must perform while undergoing instruction.

It is submitted that every officer of the second section of the General Staff is required for the work outlined above, and, further, that the time will probably come when it will be realized that the country's interests would be better served if more officers were available for such duty.

W. W. WOTHERSPOON.

W. W. WOTHERSPOON, Brigadier-General, General Staff, Chief Second Section.

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF, Washington, January 27, 1909.

Memorandum for the chief, second section, General Staff. Subject: General staffs of great military powers.

	Germany.		France.		Austro-Hun- gary.	
	Regu- lar general staff.	At- tached.	Regu- lar general staff.a	At- tached.	Regu- lar general staff.	At- tached.
Generals or field marshals Lieutenant-generals Major-generals Colonels Lieutenant-colonels Majors Captains First lieutenants Second lieutenants	1 3 3 10 17 78 105 3	4 9 23 27 107	3 - 18 - 48 - 153 - 165		1 2 2 38 74 73 213	245

Memorandum for the chief, second section, General Staff-Continued.

	Ita	Italy. Russia.		ssia.	Japan.	
	Regu- lar general staff.	At- tached.	Regu- lar general staff.	At- tached.	Regu- lar general staff.	At- tached
Generals or field marshals Lieutenant-generals Major-generals Coloneis	} 4		63 113 163 213		1 1 3 2	
Lieutenant-colonels	63	128	173		7 24 32	3
First lieutenants	}	5				

One hundred and fifty authorized.
Also 150 to 160 lieutenants at staff college.

Regular general staff, 220; attached, 170. General staff is a separate corps, but the officers return for duty with

Regular general staff, 387. General staff corps consists of brevetted officers not on rolls of regular organization. They return for duty with troops.

AUSTRIA-HUNGARY,

Regular general staff, 403; attached, 245. Separate corps, attached to different arms for duty for one or two

Regular general staff, 141; attached, 141. Separate corps; duty with troops before promotion.

RUSSIA.

Regular general staff, 947.
Had no fixed establishment before the recent war. The reorganization of the general staff not yet known.

JAPAN.

Regular general staff, 70; attached, 53. Has reorganized her general staff, but keeps the details confidential. GREAT BRITAIN.

Regular general staff, full strength not known; believed to be at least 150. Forty-two permanent officers and from 10 to 15 attached officers known to be in information section alone.

W. H. GORDON, Captain, General Staff, Chairman Information Committee.

The Clerk read as follows:

All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in General Staff Corps officers may be temporarily assigned to duty with any branch of the army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the army in which they hold permanent commission, and no such officer shall be eligible to any detail until he shall have served two years with the branch of the army in which commissioned, except in case of emergency or in time of war.

Mr. OLCOTT. Mr. Chairman, I make the same point of order against that provision.

Mr. DAWSON. Will the gentleman withhold it until I can ask a question of the chairman of the committee?

Mr. OLCOTT. I am willing to reserve the point of order.
Mr. DAWSON. I want to ask my colleague from Iowa in charge of the bill whether the preceding paragraph intended to reduce the membership of the General Staff?

Mr. HULL of Iowa. Yes; it cut off 26. Mr. DAWSON. Has it been found that the present staff organization is large or cumbersome?

Mr. HULL of Iowa. This is no time to discuss that. The Committee on Military Affairs, by an overwhelming majority, thought yes, and I think yes, if the gentleman wants my opinion about it. I think the General Staff is so large and it has laid out so much work that it has enough to keep itself busy, as will be seen when the gentleman reads in the Record to-morrow morning the papers inserted by the gentleman from New Jersey.

I want to say for the benefit of the House that after they have read those papers if they know what they mean they know more than I do. I believe in the General Staff for purely general-staff duties, and I think there is a lot of work for them to de, but I do not believe they ought to go into the administrative work. They have more men than they need for general-staff purposes.

Mr. DAWSON. My question was prompted by the fact that the question of the staff in the Navy of the United States is one that is now being given some attention, and I think the committee which is in charge may draw some lesson from the history of the General Staff of the Army.

Mr. HULL of Iowa. I want to say one word as to the provision that is now subject to the point of order. That does not affect the General Staff, its members, or its duties, but it does deal with some of the detail provisions. I want to say to the House that the habit has grown up in the department of officers coming to Washington and serving probably four years in one detail, and then, if aids to a general, the general retiring puts his men in the General Staff. Then they serve four years and are redetailed either there or some other place, and we had one case of a man last year who had been on detail for fourteen years, and the Committee on Military Affairs believed that if the detail system is to be kept up that part which provides that they are to serve in the line of the army ought to be enforced. Service in the line is of very great importance.

Mr. DAWSON. Is that the result of the establishment of the

General Staff?

Mr. HULL of Iowa. Not entirely.

Mr. PARKER. I hope the gentleman from New York will

withdraw his objection to that.

Mr. OLCOTT. Mr. Chairman, I have no particular objection to withdrawing the point of order, except that I feel that the provision that is inserted in this is a matter rather of administration by the War Department.

Mr. HULL of Iowa. I do not care to take up a minute's time on that, but I will merely say that within a short time we will bring in a bill that will deal with the whole question in a way that no point of order can be made against it.

Mr. OLCOTT. I will withdraw the point of order. Mr. HULL of Iowa. If the point of order is withdrawn, Mr. Chairman

Mr. PARSONS. Mr. Chairman, I would like to renew the point of order.

Mr. HULL of Iowa. There is no question about its being subject to the point of order.

The CHAIRMAN. Does the gentleman from New York make

the point of order? Mr. PARSONS.

Mr. PARSONS. I do. The CHAIRMAN. The Chair sustains the point of order. Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the bill as a separate paragraph:
"That all war balloons, material, and maccinery for balloon experimentations provided for herein when imported shall be entered free of duty."

Mr. GAINES of Tennessee. Mr. Chairman, the information we have here is that a balloon when imported costs about \$15,000 duty. I understand it costs that much to bring in a balloon such as we propose to bring in here and experiment with. Now, why should we do that? We appropriate here so much for balloon experimentations, and instead of saving the \$15,000 to experiment with the balloon, after we get it we take \$15,000 of it to pay duty on it. We take it out of one pocket on one side and put it in another pocket on the other.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. As I understand the effect of the gentleman's amendment, it is not to impose the tariff upon balloons imported. Mr. GAINES of Tennessee. On war balloons and material used for them, and so forth.

Mr. MANN. And yet upon an objection on that side of the aisle—I do not say an improper one—a similar provision apply-

ing to all imported articles purchased-

Mr. GAINES of Tennessee. Yes, and I am in favor of that and wanted to amend by striking out the words "in limited quantities," and then to strike out again the words "in limited quantities" in lines 12 and—

Mr. MANN. It is impossible for this side of the House to understand what the other side of the House wants. If we put it in they want it out, and if we do not put it in they want it in.

The question was taken and the Chair appropried the poes

The question was taken, and the Chair announced the noes seemed to have it.

Mr. GAINES of Tennessee. Mr. Chairman, division.

Mr. MANN. Mr. Chairman, may we have the amendment re-

ported again?
The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The committee divided; and there were—ayes 48, noes 33.

Mr. PARSONS. Tellers, Mr. Chairman.

Tellers were refused.

So the amendment was adopted.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Perkins, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26915, the army appropriation bill, and had adopted certain amendments, and had directed him to report the same with the recommendation that the amendments be agreed to and the bill as

amended do pass.

Mr. HULL of Iowa. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. TAWNEY. Mr. Speaker, I ask for a separate vote on the amendment increasing the appropriation for the Signal Corps \$500,000 with which to buy balloons.

Mr. HULL of Iowa. It does not specify that.
Mr. TAWNEY. No; but that is the purpose.
The SPEAKER. What is the number of the amendment? The Clerk read as follows:

On page 5, line 11, increasing the appropriation for war balloons from \$250,000 to \$750,000.

The SPEAKER. The gentleman from Minnesota demands a

separate vote. Is a separate vote demanded on any other paragraph?

Mr. PARSONS. Mr. Speaker, I demand a separate vote on the last amendment adopted by the committee.

Mr. HULL of Iowa. Mr. Speaker, I desire to call the attention of the Chair to the fact that the Clerk did not report properly the amendment. That amendment was to strike out the word "two" and insert the word "five" in the clause for the Signal Service for the army. As he reported it, he made the \$700,000 apply to only one thing, whereas many things were carried in that.

The SPEAKER. The Clerk did not read the whole paragraph. He called attention to the amendment. The only amendment the Chair finds on examination of the paragraph is as reported by the Clerk, namely, striking out "two," in line 11, and inserting "seven," so as to make it read "\$750,000" instead of "\$250,000." That is the only amendment to the paragraph.

Mr. PARSONS. Mr. Speaker, I demand a separate vote on the amendment which provides that all materials for con-

structing balloons shall be brought in free of duty.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, without objection the amendments other than the two specified are agreed to. [After a pause.] The Chair hears no objection.

The question now is on agreeing to the amendment, which the

Clerk will again report.

The Clerk read as follows:

Page 5, line 11, strike out "two" and insert "seven," so as to read "\$750,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the "noes" seemed to have it.

nces" seemed to have it. Mr. HULL of Iowa. Division, Mr. Speaker.

The House divided, and there were—ayes 60, noes 87. Mr. HULL of Iowa. Mr. Speaker, I demand the yeas and nays.

The yeas and navs were ordered.

The question was taken; and there were—yeas 91, nays 162, answered "present" 1, not voting 132, as follows:

NAYS-162.

Adair	Denver	Howell, N. J.	Reid
Adamson	Dixon	Howland	Reynolds
Andrus	Draper	Hubbard, W. Va.	Rhinock
Ansberry	Driscoll	Hull, Tenn.	Richardson
Ashbrook	Edwards, Ga.	Humphreys, Miss.	
Bannon	Edwards, Ky.	James, Ollie M.	Rucker
Barnhart	Ellerbe	Johnson, Ky.	Russell, Mo.
Bartholdt	Ellis, Mo.	Jones, Va.	Russell, Tex.
Bartlett, Ga.	Fitzgerald	Kennedy, Iowa	Sabath
Bartlett, Nev.	Floyd	Kennedy, Ohio	Sheppard
Beale, Pa.	Foster, Ill.	Kimball	Sherley -
Beall, Tex.	Foster, Vt.	Kitchin	Sherwood
Bell, Ga.	Foulkrod	Knopf	Sims
Bingham	French	Lamb	Smith, Iowa
Birdsall	Fuller	Langley	Smith, Mo.
Bowers	Gardner, Mich.	Lawrence	Smith, Tex.
Boyd	Garner	Lee	Snapp
Brantley	Gilhams	Lindbergh	Southwick
Brodhead	Gill	Livingston	Spight
Burleson	Gillespie	Loud	Stafford
Burnett	Gillett	McCreary	Stanley
Burton, Del.	Godwin	McDermott	Stephens, Tex.
Butler	Graff	McGavin	Sterning Sterning
Byrd	Graham	McGuire	Swasey
Calder	Gregg	McKinley, Ill.	Tawney
Campbell	Gronna	Macon Macon	Thomas, N. C.
Candler	Hackney	Maynard	Tou Velle
Cassel	Hamilton, Iowa	Moon, Tenn.	Vreeland
Chaney	Hamlin	Moore, Tex.	Wallace
Chapman	Hammond	Morse	
Cocks, N. Y.	Hardwick	Murdock	Wanger Webb
Cole	Hardy		
look, Pa.	Haskins	Murphy	Weems
Cooper, Pa.	Helm	Norris	Weisse
Cooper, Tex.		Nye	Wheeler
lox, Ind.	Henry, Conn.	O'Connell	Williams
ravens	Henry, Tex. Higgins	Olmsted	Wilson, Ill.
rawford		Padgett	Wood
	Hinshaw	Page	Woodyard
)arragh	Holliday	Peters	Young
avis	Houston	Rainey	3.
Dawson	Howard	Rauch	

ANSWERED "PRESENT "-1.

McMorran

NOT VOTING-132.

Acheson	Fairchild	Keliher	Porter
Aiken	Favrot	Kinkaid	Pou
Alexander, N. Y.	Finley	Knapp	Pratt
Allen	Focht	Küstermann	Pray
Ames	Fordney	Lafean	Pujo
Bonynge	Fornes	Lamar, Fla.	Randell, Tex.
Boutell	Foss	Lamar, Mo.	Reeder
Bradley	Fowler	Landis	Riordan
Brownlow	Gaines, W. Va.	Laning	Roberts
Brundidge	Garrett	Leake	Robinson
Burgess	Glass	Legare	Rodenberg
Burke	Goebel	Lever	Ryan
Burleigh	Goldfogle	Lewis	Saunders
Burton, Ohio	Gordon	Lindsay	Sherman
Calderhead	Granger	Longworth	Slemp
Carter	Greene	Lorimer	Small
Cary	Griggs	Loudenslager	Smith, Cal.
Caulfield	Hackett	Lowden	Smith, Mich.
Clark, Fla.	Haggott	McCall	Sturgiss
Clayton	Hale	McLain	Sulzer
Conner	Hall	McLaughlin, Mich.	
Coudrey	Hamill	Madison	Thistlewood
Cousins	Hamilton, Mich.	Marshall	Tirrell
Crumpacker	Haugen-	Mondell	Townsend
Currier	Hawley	Moore, Pa.	Underwood
Dalzell	Hayes	Needham	Volstead
Davenport	Heflin	Nelson	Waldo
Davidson	Hill, Conn.	Nicholls	Watkins
Dawes	Hill, Miss.	Overstreet	Watson
Denby	Hughes, W. Va.	Patterson	Wiley
Diekema			
	Jackson	Payne	Willett
Douglas	Jackson James, Addison D.	Payne Pearre	Willett Wilson, Pa.

So the amendment was rejected.

Mr. POLLARD. Mr. Speaker, I desire to vote. I do not know whether my name was called or not; I did not hear it. The SPEAKER pro tempore (Mr. CAPRON). Was the gentle-

man in his place and listening?

Mr. POLLARD. I was not in my seat, but I was in the House.

The SPEAKER pro tempore. And listening?

Mr. POLLARD. Yes, sir.

The SPEAKER pro tempore. Call the name of the gentleman.

The name of Mr. POLLARD was called; and he voted yea.

The following pairs were announced:

For this session:

Mr. McMorran with Mr. Pujo.

Mr. BOUTELL with Mr. GRIGGS. Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. HILL of Connecticut with Mr. Wolf.

Mr. Smith of California with Mr. Wilson of Pennsylvania.

Mr. REEDER with Mr. WILLETT.

Mr. Watson with Mr. WILEY.

Andros

Smith, Mich.

1738	CONGRESSIONAL
Mr. Cary with Mr.	WATKINS.
Mr. SLEMP with Mr	r. Underwood.
Mr. Roberts with M	Ir. TAYLOR of Alabama.
Mr. PERKINS with Mr. PEARRE with M	Mr. Sulzer.
Mr. PEARRE With M	r. Saunders.
	RANDELL OF TEXAS.
	Michigan with Mr. PATTERSON.
Mr. McCall with Mr. Lowden with Mr.	Mr. McLary
Mr. Loudenslager	with Mr. Linnear
Mr. LORIMER with M	fr Lewis
Mr. KNAPP with M	r. Lever.
Mr. Addison D. Jan	des with Mr. Leake.
Mr. Hamilton of M	lichigan with Mr. LAMAR of Missouri.
Mr. Goebel with Mr	. Lamar of Florida.
Mr. GAINES of Wes	st Virginia with Mr. Johnson of Sout
Carolina.	
Mr. Foss with Mr.	HILL of Mississippi.
Mr. Focht with Mr	. HEFLIN.
Mr. Denby with Mr	. HACKETT.
Mr. CRUMPACKER W	ith Mr. Gordon.
Mr. Davidson with	Mr. Glass.
Mr. Burke with Mr	
Mr. Brownlow with	
Mr. Waldo with Mr	. Keliher.
Mr. Bonynge with	Mr. Aiken.
Mr. CALDERHEAD WIT	h Mr. Legare.
Mr. DIEKEMA with	Mr. FAVROT.
Mr. Coudrey with M	
Mr. Dawes with Mr	. GOLDFOGLE,
Mr. FAIRCHILD with	
Mr. BRADLEY with M	
Mr. Rodenberg with Mr. Overstreet with	
Mr. Longworth with	
Mr. Landis with Mr	
	t Virginia with Mr. CLARK of Florida.
Mr. Burleigh with	
Mr. CAULFIELD with	Mr. CLAYTON
Mr. ALEXANDER of N	ew York with Mr. Robinson.
Mr. SMITH of Michig	gan with Mr. BRUNDIDGE.
Until Saturday, Feb	ruary 6, 1909:
Mr. Ames with Mr.	GARRETT.
The result of the vot	te was then announced as above recorded
The SPEAKER. Th	ne Clerk will report the last amendment
The Clerk read as	follows:
Insert as a new paragr	aph at the end of the bill: s, material, and machinery for balloon experi erein when imported shall be admitted free o
mentation provided for he	erein when imported shall be admitted free o
luty."	4
The question was ta	aken on the adoption of the amendment
and the Speaker annou	unced that the ayes seemed to have it.
Mr. HENRY of Tex	as. Division!
	and there were—ayes 85, noes 86.
Mr. HENRY of Tex	as. Yeas and navs!
The year and nays	were ordered.
The question was tal	ken; and there were—yeas 118, nays 132
The discount was fall	, and there were year 110, hays 102

answered "present" 5, not voting 131, as follows:

	YEA	S—118.	
Adair Alexander, Mo. Ansberry Ashbrook Barnhart Bartlett, Ga. Bartlett, Nev. Beall, Tex. Bell, Ga. Booher Bowers Brodhead Broussard Burleson Byrd Caldwell Candler Carlin Clark, Mo. Cooper, Tex. Cox. Ind. Craig Cravens Crawford De Armond Denver Dixon Edwards, Ga. Ellerbe	Ferris Fitzgerald Flood Flood Floyd Foster, III. Foster, Vt. Fuller Fuller Fullen Gaines, Tenn. Garner Gill Gillespie Godwin Gordon Gregg Hamilton, Iowa Hamlin Hammond Hardy Harrison Hay Helin Helm Helm Henry, Tex. Hitchcock Hobson Houston Howard Hughes, N. J.	Humphreys, Miss. James, Oilie M. Johnson, S. C. Jones, Va. Kimball Kipp Kitchin Lamb Lee Lenahan Livingston Lloyd McDermott McHenry Macon Maynard Moon, Tenn. Moore, Tex. Morse Murphy O'Connell Padgett Page Peters Pujo Rainey Randell, Tex. Ransdell, La. Ransdell, La. Rauch	Rhinock Richardson Rothermel Rucker Russell, Mo. Russell, Tex. Sabath Shackleford Sheppard Sherley Sherwood Sims Slayden Smith, Mo. Smith, Tex. Sparkman Sperry Spight Stanley Stephens, Tex. Talbott Taylor, Ala. Thomas, N. C. Tou Velle Wallace Webb Welsse Williams
Estopinal	Hull, Tenn.	Reid	

BTA	VS_	 200

Augrus	Fassett	Kennedy, Ohio	Parker
Bannon	Foelker	Kinkaid	Parsons
Barchfeld	Foster, Ind.	Knopf	Payne
Bates	Foulkrod	Knowland	Pollard
Beale, Pa.	Gardner, Mass.	Küstermann	Pontard
Bennett, Ky.	Gardner, N. J.	Landis	Porter
Bingham	Gilhams		Prince
Birdsall	Gillett	Langley	Reynolds
Boyd	Graff -	Lindbergh	Roberts
Burke		Loud	Scott
Butler	Graham	Lovering	Slemp
	Greene	McCreary	Smith, Iowa
Campbell	Gronna	McGavin	Snapp
Capron	Hackney	McGuire	Southwick
Chaney	Haggott	McKinlay, Cal.	Stafford
Chapman	Hamilton, Mich.	McKinley, Ill.	Steenerson
Cocks, N. Y.	Harding	McKinney	Sterling
Cole	Haskins	McLachlan, Cal.	Stevens, Minn.
Cook, Colo.	Henry, Conn.	McMorran	Sulloway
Cook, Pa.	Higgins	Madden	Swasey
Cooper, Pa.	Hinshaw	Madison	Tawney
Cooper, Wis.	Holliday	Malby	Taylor, Ohio
Cushman	Howell, Utah	Mann	Thistlewood
Darragh	Howland	Martin	Thomas Ohio
Dawson	Hubbard, Iowa	Moore, Pa.	Thomas, Ohio
Denby	Hubbard, W. Va.	Mouser Mouser	Tirrell
Draper	Huff	Mudd	Townsend
Driscoll	Hughes, W. Va.	Mudd	Vreeland
Durey	· Hull, Iowa	Murdock	Washburn
Dwight	Humphoon West	Needham	Watson
Edwards, Ky.	Humphrey, Wash.	Nelson	Weems
Ellis, Oreg.	Jenkins	Norris	Wheeler
Englobuight	Kahn	Nye	Wood
Englebright	Keifer	Olmsted	Woodyard
Esch	Kennedy, Iowa	Overstreet	Young

ANSWERED "PRESENT "-5.

Adamson Bennet, N. Y. Cockran Goulden

NOT VOTING-131.

Acheson	Dalzell		Hayes	Mondell
Aiken	Davenport		Hepburn	Moon, Pa.
Alexander, N. Y.	Davidson	-	Hill, Conn.	Nicholls
Allen	Davis		Hill, Miss.	
Ames	Dawes		Howell, N. J.	Olcott
Anthony	Diekema		Jackson	Patterson
Barclay	Douglas			Pearre
Bartholdt	Ellis, Mo.		James, Addison D.	
Bede	Painshild			Pou
	Fairchild		Jones, Wash.	Pratt
Bonynge	Favrot		Keliher	Pray
Boutell	Finley		Knapp	Reeder
Bradley	Focht		Lafean	Riordan
Brantley	Fordney		Lamar, Fla.	Robinson
Brownlow	Fornes		Lamar, Mo.	Rodenberg
Brundidge	Foss		Laning	Ryan
Burgess	Fowler		Lassiter	Saunders
Burleigh	French		Law	Sherman
Burnett	Gaines, W. Va.		Lawrence	Small
Burton, Del.	Gardner, Mich.		Leake	Smith, Cal.
Burton, Ohio	Garrett		Legare	Sturgiss
Calder	Glass		Lever	Sulzer
Calderhead	Goebel		Lewis	Underwood
Carter	Goldfogle		Lindsay	Volstead
Cary	Granger		Longworth	Waldo
Cassel	Griggs		Lorimer	
Caulfield	Guernsey		Loudenslager	Wanger Watkins
Clark, Fla.	Hackett		Lowden	Weeks
Clayton	Hale			Weeks
Conner	Hall			Wiley
Coudrey	Hamill			Willett
Cousins	Hardwick		McLaughlin, Mich.	Wilson, Ill.
			McMillan	Wilson, Pa.
Crumpacker Currier	Haugen		Marshall	Wolf
CHEFIER	Hawley		Miller	

So the amendment was rejected. The Clerk announced the following additional pairs:

For the session:

Mr. Bradley with Mr. Goulden. Mr. Wanger with Mr. Adamson. Until further notice:

Until further notice:
Mr. McMillan with Mr. Taylor of Alabama.
Mr. Olcott with Mr. Underwood.
Mr. Lawrence with Mr. Lassiter.
Mr. Davis with Mr. Burnett.
Mr. Burton of Ohio with Mr. Brantley.
Mr. Smith of Michigan with Mr. Hardwick.
Mr. Bennet of New York with Mr. Fornes.
Mr. Jones of Washington with Mr. Burgess.
Mr. Dalzell with Mr. Brundidge.
The result of the vote was announced as above recorded.
The SPEAKER. The question is on the engrossment and hird reading of the bill. third reading of the bill.

The bill was ordered to be engrossed and read a third time,

and was accordingly read the third time.

Mr. FITZGERALD. Mr. Speaker, I move to recommit the bill with the following instructions.

Mr. HULL of Iowa. Mr. Speaker, I move to recommit the

The SPEAKER. The Chair will say to the gentleman from New York that if the gentleman in charge of the bill desires to move to recommit, he is entitled to first recognition.

Mr. FITZGERALD. There is no doubt about that, but it has

not been customary for the Speaker to ask that after somebody else demands the floor.

The SPEAKER. The Chair does not believe that he asked hlm

Mr. FITZGERALD. Or intimate to the gentleman-

The SPEAKER. Perhaps, in an excess of partisan zeal, the Chair may have done so, but the Chair did not intend to, if he

Mr. HULL of Iowa. The Chair made no indication whatever to me.

Mr. FITZGERALD. Oh, the gentleman may have been slumbering slightly

Mr. HULL of Iowa. Not at all.

Mr. FITZGERALD. But the gentleman from New York

heard the statement of the Chair.

The SPEAKER. The gentleman from Iowa moves to recommit the bill-

Mr. FITZGERALD. Mr. Speaker, I move the following amendment

Mr. HULL of Iowa. I move the previous question on my

The SPEAKER. The gentleman from Iowa moves to recommit the bill.

Mr. HULL of Iowa. I move the previous question on that. Mr. FITZGERALD. Mr. Speaker, the gentleman had yielded the floor, because the Chair started to put the motion.

The SPEAKER. The Chair has not yet put the motion. Mr. FITZGERALD. The Chair had started to put the question, and the gentleman from New York, having attempted to obtain recognition, the Chair again intimated to the gentleman from Iowa that he had overlooked something.

The SPEAKER. The Chair does not reproach himself with any manifestation of impropriety touching this matter. House, by voting down the previous question, can attain the end

that the gentleman desires. Mr. FITZGERALD. I simply wish to suggest to the Chair that the minority should not be compelled to compete not only

with the alertness of the gentlemen on the floor, but with the astuteness of the occupant of the chair. [Laughter.]

The SPEAKER. The present occupant of the chair repeats that he has nothing to reproach himself with in the premises.

Mr. FITZGERALD. If the previous question be voted down, will it be in order to amend the motion so as to recommit with instructions to limit the price paid for powder?

The SPEAKER. The gentleman from New York is not only as good, but a better, parliamentarian than the Chair.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 144 ayes and 123 noe

Mr. FITZGERALD. That is so close, Mr. Speaker, that I demand the yeas and nays.

The yeas and nays were ordered.

Howland

Edwards, Ky.

The question was taken; and there were—yeas 142, nays 113, answered "present" 6, not voting 125, as follows:

YEAS-142.

Andrus	Ellis, Mo.	Hubbard, Iowa	Murdock
Bannon	Ellis, Oreg.	Hubbard, W. Va.	Needham
Barchfeld	Englebright	Huff	Norris
Barclay	Fassett	Hughes, W. Va.	Nye
Beale, Pa.	Foelker	Hull, Iowa	Olcott
Bennett, Ky.	Fordney	Humphrey, Wash.	
Bingham	Foster, Ind.	Jenkins	Parsons
Birdsall	Foster, Vt.	Kahn	Payne
Bonynge	Foulkrod	Keifer	Poliard
Boutell	Fowler	Kennedy, Iowa	Porter
Boyd	French	Kennedy, Ohio	Pray
Burke	Fuller	Kinkaid	Prince
Butler	Gaines, W. Va.	Knopf	Reynolds
Campbell	Gardner, Mass.	Küstermann	Scott
Capron	Gardner, N. J.	Landis	Slemp
Cary	Gilhams	Law	Smith, Iowa
Cassel	Gillett	Lindbergh	Southwick
Chaney	Graff	Longworth	Sperry
Chapman -	Graham	Loud	Stafford
Cocks, N. Y.	Greene	Lovering	Steenerson
Cole	Guernsey	McCreary	Sterling
Cook, Colo.	Haggott	McGavin	Sulloway
Cook, Pa.	Hale	McKinlay, Cal.	Swasey
Cooper, Pa.	Hamilton, Mich.	McKinley, Ill.	Taylor, Ohio
Cooper, Wis.	Harding	McKinney	Thomas, Ohio
	Haskins	McLachlan, Cal.	Tirrell
Crumpacker Cushman		McLaughlin, Mich	Townsond
Dalzell	Haugen Hanny Conn	McMoran	Vreeland
	Henry, Conn.	Madden	Washburn
Darragh	Hepburn		Watson
Dawson	Higgins	Madison	Weeks
Denby	Hill, Conn.	Malby	
Draper	Hinshaw	Mann	Wilson, Ill.
Driscoll	Holliday	Martin	Wood
Durey	Howell, N. J.	Miller	Woodyard
Dwight	Howell, Utah	Moore, Pa.	

Mouser

Adair	Ferris	Humphreys, Miss.	Rothermel
Aiken	Fitzgerald	James, Ollie M.	Russell, Mo.
Alexander, Mo.	Flood	Johnson, Ky.	Russell, Tex.
Ansberry	Floyd	Jones, Va.	Ryan
Ashbrook	Foster, Ill.	Kimball	Sabath
Barnhart	Fulton	Kitchin	Shackleford
Bartlett, Ga.	Gaines, Tenn.	Lamb	Sheppard
Bartlett, Nev.	Garner	Lee	Sherley
Beall, Tex.	GIII	Lenahan	Sherwood
Bell, Ga.	Gillespie	Lever	Sims
Booher	Godwin	Livingston	Slavden
Brodhead	Gordon	Lloyd	Smith, Mo.
Burleson	Goulden	McDermott	Smith, Tex.
Burnett	Gregg	McHenry	Sparkman
Byrd	Hackney	Macon	Spight
Caldwell	Hamilton, Iowa	Maynard	Stanley
Candler	Hammond	Moore, Tex.	Stephens, Tex.
Clark, Mo.	Hardy	Murphy	Talbott
Cooper, Tex.	Harrison	O'Connell	Taylor, Ala.
Cox, Ind.	Hay	Padgett	Thomas, N. C.
Craig	Heflin	Page	Tou Velle
Cravens	Helm	Peters	Underwood
Crawford	77	Pujo	Wallace
De Armond	Hitchcock	Randell, Tex.	Webb
Denver	Hobson	Ransdell, La.	Weisse
Dixon	Houston	Rauch	Williams
Edwards, Ga.	Howard	Reid	Williams
Ellerbe	Hughes, N. J.	Rhinock	
Estopinal	Hull, Tenn.	Richardson	
rancobrante	Adding A citili.	ALICHIEL USOIL	

NAYS-113.

ANSWERED "PRESENT "-Adamson Ames Hardwick ennet, N. Y. Smith, Mich.

NOT VOTING-125.

Acheson	Diekema	Lafean	Pratt
Alexander, N. Y.	Douglas	Lamar, Fla.	Rainey
Allen	Esch	Lamar, Mo.	Reeder
Anthony	Fairchild	Langley	Riordan
Bartholdt	Favrot	Laning	Roberts
Bates	Finley	Lassiter	Robinson
Bede	Focht	Lawrence	Rodenberg
Bowers	Fornes	Leake	Rucker
Brantley	Foss	Legare	Saunders
Broussard	Gardner, Mich.	Lewis	Sherman
Brownlow	Garrett	Lindsay	Small
Brundidge	Glass	Lorimer	Smith, Cal.
Burgess	Goebel	Loudenslager	Snapp
Burleigh	Goldfogle	Lowden	Stevens, Minn.
Burton, Del.	Granger	McCall	Sturgiss
Burton, Ohio	Griggs	McGuire	Sulzer
Calder	Gronna	McLain	Tawney
Calderhead	Hackett	McMillan	Thistlewood
Carlin	Hall	Marshall	Volstead
Carter	Hamill	Mondell	Waldo
Caulfield	Hamlin	Moon, Pa.	Wanger
Clark, Fla.	Hawley	Moon, Tenn.	Watkins
Clayton	Hayes	Morse	Weems
Cockran	Hill, Miss.	Mudd	Wheeler
Conner	Jackson	Nelson	Wiley
Coudrey	James, Addison D.		Willett
Cousins	Johnson, S. C.	Olmsted	Wilson, Pa.
Currier	Jones. Wash.	Parker	Wolf
Davenport	Keliher	Patterson	Young
Davidson	Kipp	Pearre	Toung
Davis	Knapp	Perkins	
Davis	Knowland	Pou	
Dawes	Dubiwonza	100	

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. MUDD with Mr. TALBOTT.

Until further notice

Mr. LANGLEY with Mr. RUCKER.

Mr. TAWNEY with Mr. RAINEY.

Mr. OLMSTED with Mr. Moon of Tennessee.

Mr. LORIMER with Mr. Kipp. Mr. LAFEAN with Mr. HAMLIN.

Mr. GARDNER of Michigan with Mr. Cockran. Mr. CALDER with Mr. CARLIN.

Mr. Burton of Delaware with Mr. Broussard.

Mr. BARTHOLDT with Mr. BOWERS.

The result of the vote was then announced as above recorded. The SPEAKER. The question now is on the motion of the gentleman from Iowa to recommit.

The question was taken, and the motion was lost. The SPEAKER. The question now is on the passage of the

The question was taken, and the bill was passed.

On motion of Mr. Hull of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910. And pending that motion I would like to inquire of the gentleman from Virginia how much time he can occupy.

Mr. LAMB. We would like to have three hours, but we can

Mr. SCOTT. Then, Mr. Speaker, I ask unanimous consent that general debate may occupy five hours of time, to be equally divided between the two sides of the Chamber, one half to be controlled by the gentleman from Virginia [Mr. LAMB] and the other half by myself.

The SPEAKER. The gentleman from Kansas asks unanimous consent that general debate be closed on the agricultural appropriation bill in five hours, one half to be controlled by himself and the other half by the gentleman from Virginia [Mr. LAMB]. Is there objection?

There was no objection.

The motion of Mr. Scorr was then agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the agricultural bill. The Clerk will report the bill.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, reserving until the last hour of general debate whatever remarks I may have to make in submitting this bill, I now yield one hour to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER, Mr. Chairman, I thank the chairman [Mr. Scorr] of the Committee on Agriculture for his courtesy in

giving me the floor at this time.

Important as the pending agricultural appropriation bill is, I shall, as is usual here in general debate, address my remarks to another bill having no provision in it relating directly to agriculture, yet a bill which, if enacted into law and its ultimate purpose is carried out, will do more to promote agricul-ture in the United States than any appropriation act ever passed by any Congress.

I shall speak to-day in support of a measure of the first importance to the general prosperity and future growth of this Though the improvement sought to be initiated may appear to be of local importance, yet a brief consideration of it will show that it will be, when completed, of universal importance to all parts of the Union. It has no partisan or sectional character in it. If made, it will install a new era in American trade and commerce and greatly stimulate industries of all kinds.

The bill (H. R. 25813) I advocate is offered in response to a general demand which increased and increasing business has forced upon our people, as is shown by memorials and resolutions of the most remarkable gatherings of the ablest and most earnest business men of the United States. It is time the Congress of the United States was listening to the summons to duty, coming from congresses of governors and of leading men from all parts of our Union, and from associations of men who are deeply interested in cheap transportation, and who sound the alarm of business stagnation for the want of it.

IMPROVEMENT PROPOSED.

But first as to the bill and its purposes. Its title expresses its object to be:

To authorize the appointment of a board of engineers to make a pre-liminary location, survey, and plans for a ship canal connecting the waters of Lake Erle and the Ohio River on the line of the Miami and Erle Canal from Toledo to Cincinnati, Ohio, and to estimate the cost thereof.

The principal purpose expressed in the bill is to have a preliminary survey for a ship canal on the line of the Miami and Erie Canal as nearly as practicable, and a report from a competent and skilled board of engineers, consisting of three persons appointed by the Secretary of War, upon its location, feasibility, advisability, and practicability of construction, operation, and maintenance, which, of course, includes a report as to whether or not a sufficient supply of water can be obtained and made available for its successful operation and maintenance if constructed.

The bill also requires other important and minor matters to be reported upon, such as whether or not it would probably be practicable to construct and operate in connection therewith another like canal, also the probable water supply for power in manufacturing and for other purposes which could be utilized in case of the construction and maintenance of the proposed ship canal; also detailed plans for and an estimate of the cost of such canal and the probable time within which it could be constructed.

The plans and estimates are to be for a canal of such dimensions in depth and width for water as to contemplate the passage of steamboats such as may navigate the Ohio and Mississippi rivers and of ships such as usually navigate Lake Erie and the other Great Lakes connected therewith. The report is also to include the cost of dams, reservoirs, locks, and of all other necessarily incident things.

The canal sought to be built does not contemplate a ship canal capable of being navigated by the largest ships, but by the more common classes of vessels, including barges, which now generally navigate the seas and lakes. Its dimensions should only be limited by the available water supply. Some of our seaports only have water in their channels of entrance and at their docks permitting vessels of a draft not exceeding 10 or 12 feet. Ships such as are usually engaged in ocean coast trade could pass

through the canal contemplated.

In estimating the cost of the canal the board of engineers is required (section 4 of the bill) to exclude the value of so much of the Miami and Eric Canal, including its branches and water rights and privileges, reservoirs, dams and appurtenances, and the branches thereof, and all the real estate and other property of whatever character connected, used, and utilized therewith, owned by the State of Ohio, that can be adapted to and included, used, or utilized in the location, construction, and maintenance of the proposed canal.

This last provision is on the assured assumption that the State of Ohio, the owner of the Miami and Erie Canal and the important rights connected therewith, will transfer it and such rights, free of cost, to the Federal Government, which would go far toward reducing the cost of constructing the proposed canal.

The construction of the Miami and Erie Canal was commenced in 1825 (parts under different names) and completed in 1845, and it has been operated by the State of Ohio in whole or in part ever since. This canal is 244 miles in length of main line from deep water in the Maumee River to the Ohio Its general termini are at Toledo, with Lake Erie, and at Cincinnati (249 miles), with the Ohio River, and it passes through a generally level, rich, and alluvial country, easy of excavation, and through Napoleon, Defiance (about 60 miles from Toledo), the cities of Piqua, Troy, Dayton, Hamilton, and

other important places in Ohio.

By an act of February 4, 1825, Ohio authorized the building of the Miami Canal along the Big Miami River from Cincinnati to Dayton, about 66 miles, and later (March 3, 1834) authorized the construction of the Wabash and Erie Canal (67% miles long) from Toledo to a junction with the Miami Extension Canal (114 miles long) from the Miami Canal at Dayton to the junction of the Maumee and Auglaize rivers. The Miami Canal was constructed with a minimum water-surface width of 40 feet, a bottom width of 26 feet, and a depth of 4 feet; the Wabash and Erie with a water-surface width of 60 feet, a bottom width of 46 feet, and a depth of 6 feet; and the Miami Extension Canal 50 feet wide at the top, 36 feet at the bottom, and 5 feet deep. Some portions have since been enlarged.

By act of the legislature of Ohio of date of March 14, 1849, the three canals previously known as the "Miami Canal," the "Miami Extension Canal," and the "Wabash and Eric Canal" became known as the "Miami and Erie Canal." It has one summit, the Loramie Summit, which is 374 feet above Lake Erie and 516 feet above the Ohio River at Cincinnati. From the lake to the northern end of Loramie Summit is 124.75 miles, thence across the summit level 24 miles, and thence to the Ohio River 100.11 miles, making the total length of the Miami and Erie Canal 248.86 miles.

The ride cuts, feeders, and so forth, connected with this canal were the Wabash and Erie Canal from the junction to the Indiana state line, 18 miles; Sidney feeder, 14 miles; Grand reservoir feeder, 2 miles; Loramie feeder, one-half mile; Hamilton side cut, three-fourths mile; Middletown feeder, one-half mile; Dayton feeder, one-third mile; the total being about 36 miles in length.

The main streams of water supply for the Miami and Erie

Canal are the Maumee, the St. Marys, and Auglaize rivers, and other tributary streams, and the Big Miami River with its principal branches and its many important tributary streams confluent therewith, including Mad River at Dayton, about 60 miles north of Cincinnati.

There are still maintained by the State of Ohio the reservoirs as feeders of the Miami and Erie Canal, located on the divide between Lake Erie and the Ohio River. One is known as the "Grand reservoir" (or "St. Marys"), located in Mercer and Auglaize counties westward of the main line of the canal, and one commonly called "Lewistown reservoir" located in Logan County, Ohio. This one feeds a branch lying east of the Miami and Erie Canal at Port Jefferson, which branch passes through Sidney and connects with the main line at Lockington, north of Piqua, Ohio. There is also the Loramie reservoir, located in Shelby County, eastward of the main line of the canal. These reservoirs are of varying but of large area and capacity, and are located on the summit level where the waters gather and from which they flow to the Ohio River and Lake Erie.

There are other feeders, some natural, for the canal and other reservoirs of large capacity to conserve the water are reported by competent engineers as practicable; and it is, as has

frequently been reported on examination, almost certain that an ample supply of water to maintain a canal of a depth of at least 15 feet of water will be found to exist and be available.

Those who oppose such improvements exaggerate the quantity and the depth of water required, and they also minimize the water likely to be available.

An outline map, which I ask leave to print, showing the location of the Miami and Eric Canal, its branches, reservoirs, and feeders, herewith follows:



Some of the existing ship canals help us to know the depth of water required in a ship canal for its successful operation. The Sault St. Marys (ship) Canal (2 miles long), connecting Lakes Superior and Huron, has a navigable depth of 18 feet; Spurgeon Bay and Lake Michigan Canal (14 miles long), from

Green Bay to Lake Michigan, 15 feet; Welland Canal (261 miles long), in Canada, connecting Lakes Ontario and Erie, 14 feet; and the Harlem River Ship Canal (8 miles long), connecting the Hudson River and Long Island Sound, 15 feet. These and others are used by ships and barges of considerable ton-

nage and displacement, and over them an immense commerce is carried on. The Welland Canal (14 feet deep) is a throat for the commerce of the Great Lakes, the St. Lawrence River, and the Atlantic Ocean.

The Harlem River Ship Canal (15 feet deep), though not completed, has a traffic over it exceeding that over the River Seine, Ships engaged in coast trade and other seagoing

vessels pass through it.

The people of New York only recently (1903) voted \$101, 000,000 3 per cent bonds to be used to construct a ship canal (commonly called "the Barge Canal") to be of 12 feet in depth of water, to follow, in the main, the Erie Canal and the Oswego and Champlain canals, from Buffalo to Albany—Lake Erie to the Hudson River—387 miles in length. A ship canal with a greater navigable depth of water than most of the canals named, it is confidently believed, can be successfully built and maintained over the Miami and Erie Canal.

LOCAL IMPORTANCE.

The Maumee and the Miami valleys and the whole territory traversed by the Miami and Erie Canal on both sides are not excelled for richness and productiveness of soil by any other region of the world. Of the products of the soil, consisting of wheat, rye, oats, corn, and other grain, and also of staple vegetables of all kinds adapted to the climate, there is more surplus produced, or capable of being produced, than in any other equal area of the earth.

The cities already named, located at the termini and along the line of this canal, are, some of them, populous, and all are growing rapidly in population, and most of them excel in manufacturing industries of almost all kinds, and their demands for coal for fuel and for iron, lumber, and other material for use in building and manufacturing and otherwise are very great. There is more paper produced on the line of this canal than in any other region of the world. The shipments of surplus grain or the products thereof and of other growths of the soil, and including cattle, hogs, and other domestic animals, and the shipment of manufactured articles is now, and will always be, There are extensive stone deposits and forests of very great. timber, valuable for building and other purposes, near and along the line of the canal, which can be better and more cheaply transported by water than by rail.

Most of the articles and commodities referred to are of the kind, in general, that should be transported by water, because

heavy and bulky, at cheaper than railroad rates.

The water power that will be conserved along the canal will add greatly to the industries pursued and to trade and traffic over it; and its leased value for varied uses will go far toward defraying the expenses of maintaining the canal and paying a good interest on the prime cost thereof. There are many other things than those named that would add largely to the local business of a deep-water canal.

The city, village, and urban population, including Cincinnati and Toledo, residing in close proximity to the canal numbers about 2,000,000, unexcelled for intelligence, energy, industry, and business enterprise. The canal, if in operation, would draw to it still greater population, stimulate agriculture and mechanical industry, develop natural resources, promote more and enlarged enterprises requiring untold capital, and it would generally result in increased business and wealth to be enjoyed by all classes of people.

CANAL INTERSTATE AND INTERNATIONAL.

However large the local business of the proposed canal might be or become, it would still be of minor importance compared to its other business.

I assume this Government would not construct a ship canal anywhere the business of which would be solely or even prin-cipally of a local character and importance, and it may be doubted whether it has the constitutional power to do so, although the practice has grown up, and latterly has hardly been doubted, to improve rivers and harbors and to make other improvements at the expense of the United States, which are located wholly within a State and the business of which is local in character. The right to do this, it is asserted, is derived from Article I, section 8, paragraph 3 of the Constitution, granting

Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

It is also contended that clause 1 of the same section and article of the Constitution, which empowers Congress to "provide for the common defense and general welfare of the United States," authorizes the General Government to make internal improvements, though this is not universally conceded to be a sound interpretation of the power granted by the clause.

The right to make internal improvements at the expense of the Federal Treasury was first proposed to be exercised in Jefferson's administration, March 29, 1806, when commissioners were authorized by Congress to be appointed by the President to lay out a road from Cumberland, Md., to the Ohio River, and when a like road was projected through Georgia to New Orleans, and another later from Maysville, Ky. While none of these roads were ever completed, the Cumberland road was in time surveyed and projected through Ohio, Indiana, and Illinois to St. Louis, Mo., and it was completed under the authority of Congress about 1839 as far west as Springfield, Ohio, and much work was done on the line laid out still farther west.

Those who maintained that Congress had power to build this road put the right to do so mainly on the interstate-commerce clause of the Constitution and not alone on the general-welfare clause. I have in a former Congress (February 2, 1907) discussed this and kindred questions relating to the power of

Congress to make internal improvements.

It may, however, be said that there is little, if any, room to doubt the constitutional right of the United States to improve rivers and harbors and to construct and maintain deep waterways or canals wherever they will obviously be of an interstate character and importance or will build up and substantially increase commerce between States of the Union. true test of constitutional power is not alone where the proposed improvement is to be located, but what its character and effect will be when completed. The hundreds of millions of dollars that Congress has appropriated in the one hundred and twenty years of the constitutional existence of this Nation for river and harbor improvements, and the like, can only be regarded as warranted by such test. Most of these millions have been spent to improve harbors located on seacoasts and lake shores, each wholly within the boundary and jurisdiction of a State.

The growth of this Nation has moved its center of population west (Columbus, Ind., 1900 census) of the improvement proposed in this bill, and its center of business (Mansfield, Ohio) is near it, especially that concerning interstate transportation

The canal sought to have surveyed with a view to its construction is both interstate and international in character. It will directly affect "commerce with foreign nations" as well as "among the several States."

Its northern terminus (Toledo) opens into Lake Erie, giving access and egress to and from the canal for all the commerce flowing to and from the American lake ports in the States of Wisconsin, Illinois, Michigan, Pennsylvania, and New York, all of which ports now draw commerce from the other States and from foreign ports; also access and egress for all vessels, foreign or not, from and to all the Canadian ports bordering on these Lakes, and likewise from the Erie Canal across New York State, the St. Lawrence River, and for ships entering via the St. Lawrence through the Welland Canal from foreign countries. The ores of the iron mines, the most important and extensive of any in the world, found mainly on the shores of Lake Superior. and the other great mineral resources of the lake regions would be transported to the large furnaces, mills, and other establishments in the States over the proposed canal.

It is vain to try to estimate the tonnage that would inevitably be carried over it. To merely mention the traffic which would be carried through the canal to and from our own great American cities, and to and from Canadian cities, such as Toronto and Quebec, suggests a trade condition almost impossible to be overestimated. The whole of the trade or traffic is interchangeable and reciprocal and almost directly concerns all our people. canal would form a link connecting the waters of the Lakes and the Gulf of Mexico and through the most populous parts of our Nation, touching the interior cities and the ports already named and all cities and places along the Ohio River from Cincinnati and the Mississippi River to New Orleans and the Gulf of Mexico, and thence in direct line, with or without transshipment, to the soon-to-be-completed (as our Republic's greatest world enterprise) Panama Canal, the most colossal work ever undertaken and consummated by any nation in the world's history.

Through it would sail vessels carrying from the United States the surplus agricultural products and articles of all kinds manufactured by our people. The upper Ohio and Mississippi and the Missouri rivers and others would be accessible and tributary to the trade over the canal. There is no region of the world where more surplus agricultural products grow to support humanity than in the region of the United States comprised in the Ohio, Missouri, and Mississippi valleys and in the region of country immediately and naturally connected therewith. From

these regions people of this and other lands must receive grain, meats, and other articles of food to sustain life.

The improvement of the Ohio River, new happily in progress, and of other navigable natural water courses accessible from the proposed canal insures a successful interior water traffic over them. The commerce of the Great Lakes is the first, and that of the Ohio River, with its tributary and other connections, is the third in importance in the United States.

The distinguishing and exceptionally important feature of the canal, I reiterate and emphasize, will consist of its forming a link uniting the navigation of the Great Lakes on the north with that of the great rivers flowing south through the interior of this country to the Gulf of Mexico, a result never heretofore achieved.

NECESSITY FOR THE IMPROVEMENT.

Cheap transportation, only obtainable by water, is now and will continue to be an absolute necessity, and without it our producers must largely curtail their efforts, and natural consumers, whether our own citizens or those of the teeming millions of other nations, must correspondingly suffer.

It is impossible to exaggerate the importance of the improvement proposed, and what I have already said as to its necessity and permanent value to our country and to the human race is only a statement of some of the most patent, though not all of the most important, reasons for its consummation.

The obvious wisdom and the ultimate necessity for connecting the waters of the Great Lakes and the interior navigable rivers flowing to the Gulf of Mexico were pointed out by George Washington, also by Thomas Jefferson, in the eighteenth century, soon after the cession (1784) by Virginia of the Northwest Territory and before the ordinance of July 13, 1787. The prescient wisdom of each led him to suggest the line for the location of the connecting canal over which it is new proposed to locate a ship canal. The possibilities of the West in material growth, since realized, was a dim prophecy to the early fathers of our Republic. Neither Washington, Jefferson, nor the early Adamses, nor probably any other of our Revolutionary patriots, ever saw or possibly dreamed of a steam or other railroad for the transportation of man or for commerce, nor had they any adequate knowledge of steamships or steamboats and but little of steam power. They knew nothing of electricity as a propelling power. Ben Franklin succeeded (1750) in attracting electricity from the clouds by a kite, a wet tow string, and a key; yet neither he nor his generation could capture or harness it for use, as now. Telegraphy (1832), telephones (1877), and X rays (1895) were each unknown to them. Wireless telegraphy (1902), so recently a means of saving human life after a collision of passenger vessels on the sea (Republic and Florida, off Nantucket) by those in distress being able to summon through the trackless air other ships to their rescue, was to them an unrevealed mystery of God's creation. They, notwithstanding, had the common sense and wisdom to foresee the wants of the generations to succeed them.

Governor De Witt Clinton, of New York, a profound student of economic and practical industries, himself engaged in promoting canal construction in New York, and for a long time president of its board of canal commissioners, and who once visited Ohio on a tour of inspection of her resources, wrote, November 8, 1823, to Micajah T. Williams, one of Ohio's canal commissioners, a prophetic letter on the subject of the importance of connecting the waters of the Lakes and the Ohio River. I quote pertinent parts thereof:

pertinent parts thereof:

The projected canal between Lake Erle and the Ohio River will, in connection with the New York canals, form a navigable communication between the bay of New York, the Gulf of Mexico, and the Gulf of St. Lawrence; of course it will embrace within its influence the great part of the United States and of the Canadas. The advantages of a canal of this description are so obvious, so striking, so numerous, and so extensive that it is a work of supererogation to bring them into view. The State of Ohio, from the fertility of its soil, the benignity of its climate, and its geographical position, must always contain a dense population, and the products and consumptions of its inhabitants must forever for a lucrative and extensive inland trade, exciting the powers of productive industry and communicating aliment and energy to external commerce. But when we consider that this canal will open a way to the great rivers that fall into the Mississippi, that it will be felt, not only in the immense valley of that river, but as far well as the Rocky Mountains and the borders of Mexico, and that it will communicate with our great inland seas and their tributary rivers, with the ocean in various routes, and with the most productive regions of America, there can be no question respecting the blessings that it will produce, the riches that it will create, and the energies that it will produce, the riches that it will create, and the energies that it will real

Next to New York, Ohio will be the most populous State in the Union. She is susceptible of a population of twelve and one-half millions, contains 39,000 square miles, and has every facility for carrying the pursuits of productive activity to the highest pitch of improvement.

In one word, sir, all that is necessary to complete this great enterprise is the will to direct it. Considering, as I always have, that it is only a continuation of the Eric Canal, that it will promote corresponding advantages, and that it is identified with the stability of our Government and the prosperity of our country, I own that I feel a more than common solicitude on this subject.

What was to Governor Clinton a vision of prophecy eighty-five years ago as to Ohio's future is, in some respects, a reality now; but the canal he then contemplated is no longer equal or suitable to meet present demands nor in harmony, as to capacity or usefulness, with the Erie Canal, with which he coupled it so long since. It should now be enlarged to at least correspond with the barge canal in process of construction from Buffalo to Albany, N. Y., before mentioned.

Railways came first in the United States in 1827, and in time promised to provide the needed transportation for our commerce, intrastate and interstate; but numerous and enterprising as they have been, and still are, they confessedly fail now to meet the requirements of commerce; and their vast equipment is now, and will always be, inadequate to do the business of the country. Great railway magnates admit this and join in the general demand for more and cheaper interior water transportation routes. The railway freight rates are so high, and probably, all things considered, necessarily so, as to amount in many cases to a confiscation of the goods transported; and when not so bad as that, they are still so high as to leave little profit to producers and shippers and to augment unreasonably the cost to consumers.

The necessity now for deep waterways or ship canals is not only conceded by the great railway men of the United States, but by other critical students of the present commercial conditions of our country. Of course our future transportation requirements will increase in proportion as our country grows in population and in wealth. The material cheapening of transportation of our commodities and manufactured goods will necessarily cheapen them and do more to hasten and secure universal prosperity than any other thing possible to occur.

The awakening of the most enterprising business men in all parts of the United States to the necessity of more transportation facilities at greatly reduced rates, especially for the heavier and bulkier freight, is sufficient testimony in favor of early action. These men are united in the opinion that only through deepwater canals and by improving the natural navigable streams can this necessity be met. We have heard the views of these great thinkers in congresses and in assemblies largely attended here in the Nation's capital and in principal cities—and through business men's associations in all sections of the United States. No such universal interest has been taken in our history as has recently been shown and is now being taken in the matter of developing deep waterways for transportation. Other countries have led off in providing such transportation and are now far in advance. Some of us have borne our testimony on this great question, but it behooves us to now act in response to the universal cry of our people for early relief.

I present for consideration an initial improvement of the kind so much needed and so earnestly demanded, as we have seen. It has not only the merit of shortening routes of transportation, but it opens an absolutely new one, by water, through which commerce may pass to all parts of the world. Its consummation will not, as has been feared by some, reduce the natural flow of water into Lake Erie and the Ohio River.

I do not stop to discuss the importance of a ship canal connecting the waters of the Great Lakes and the Gulf of Mexico in case of war, though great statesmen and patriots have advocated its construction on that ground, they believing that though by treaty neither the United States nor Great Britain maintains war ships on the Great Lakes, yet, in case of war with Great Britain, the United States would be unable to take them there, while Great Britain might do so.

But this is an era for ship canals for trade and commerce, and why should the United States be behind her sister nations in the enterprises of peace?

Our iron and steel mills, shops, arsenals, navy and ship yards have been for years past, and will for years to come, be noisy and busy in preparation for war, and especially in the making of small arms, guns of large and small caliber for use on land and sea, and in building battle ships, torpedo boats, and in other warlike preparations, to enable our country to show a formidable readiness for war and to display a monster navy on the ocean able to cope with that of any other great world power or war power. Some of this may be attributed to pride or ambition alone, rather than to a fear of a foreign foe. But whatever motive or feeling prompts Congress, the fact is that many millions of dollars are expended annually for new battle ships, for changing and repairing those we have, for fortifica-

tions, and for the maintenance generally of our army and navy, though no real war cloud hangs over the Republic. A fraction of the money so expended would build several self-sustaining deep waterways of the importance and character of the one I advocate.

An era of universal peace has been entered upon, we sincerely hope and pray. The two battle ships this House has just authorized to be constructed will, when armored and equipped with modern guns and appliances necessary to a complete armament, cost about \$26,000,000, a sum sufficient, I believe, to construct a ship canal over the Miami and Erie Canal.

The investment in battle ships and the like promises no return, but it will become an absolute ultimate total loss, whether we have war or continued peace, and, in either event, we shall have annually to expend about \$500,000 to make changes and repairs on each of the largest ones to keep it in commission, and, in but a few years, as experience has recently shown, the best of them will go into the scrap pile or out of commission because out of date, or for other cause.

What I here advocate is a permanent improvement, good in peace and war, and to be maintained forever, bringing perennial prosperity and blessings to the human race; likewise to be self-supporting through traffic charges, water power, and other leases, and so forth, in addition to paying a good interest on, and most likely in time, fully reimbursing the Government for the cost thereof. The United States has already, through land grants to the State of Ohio, invested about \$3,500,000 in the Miami and Eric Canal

A ship canal, it should be observed, from Lake Erie to the Ohio, would cut transversely all east and west trunk railway lines and others, and it would thus be able to deliver freight to, and to receive it from, each and all of them.

Cincinnati, on the Ohio, is the first or second; Toledo, on the lake, is the third; Dayton, on the line of the canal, is the fourth or fifth cities in population and industries in the State of Ohio, and each is an important railroad center.

PRACTICABILITY

Something more should be said here about the practicability of constructing a ship canal on the route proposed. It need not necessarily be on the exact line of the present canal. The bill undertakes to appropriate \$25,000 for a preliminary survey, and for a report "as to the feasibility, advisability, and practicability of its construction, operation, and maintenance," which, of course, involves, as the bill provides, an inquiry as to there being an ample supply of water available for its successful operation. The board of engineers is therefore left to determine all these important matters before a final decision to construct the canal is made. If it is not practicable for any reason, it will not be built.

The existing Miami and Eric Canal makes the survey comparatively easy, and the question of water supply also easy of solution. This canal was completed, as already stated, in 1845, and it has since been in operation as an ordinary canal. Many parts of it are at present in good operating condition; the reservoirs are still maintained in a useful state, and others can be constructed if found necessary.

The available supply of the water has been tested in all seasons, and the capacity of all the existing reservoirs, natural lakes, and feeders of the canal have likewise been long since shown. The average quantity of annual rainfall and of available water in the rivers, and the capacity of the reservoirs and other feeders for the canal no longer have to be ascertained by mere estimates, but all these important things are now matters of knowledge and ascertained facts.

The original surveys, and a later one (1894-1896) by competent engineers will be accessible to the board of engineers, and in other ways the work of the board will be cheapened and facilitated. There is therefore little danger of mistakes in the survey. The topography of the line to be surveyed presents no serious engineering difficulties.

So far as I can learn a scarcity of water has never been suggested; on the contrary all who are possessed of skill and knowledge of the natural water supply say there will be ample water to operate and maintain a ship canal of suitable dimensions, and larger than the canal about to be constructed across New York. The competent engineers who made the 1894–1896 survey so reported, though they were only required—

To report as to the feasibility and advisability of widening such canal to 70 feet at the water line and deepening the same to 7 feet, and by constructing new locks not less than 150 feet in length and 21 feet in width, with a capacity for vessels of at least 280 tons burden.

The probable cost of the ship canal is also left to be estimated and reported by the board of engineers. A former board of engineers estimated (1896) the cost of enlarging the Miami and Erie Canal at \$24,000,000. While that estimate was made for a smaller canal than the one now desired, yet it was made before modern improvements in machinery for excavation work were discovered, before steam shovels of large capacity were in use, and before experience had developed improved methods of removing and disposing of excavated material rapidly and cheaply. Little rock will be found requiring removal. The work can, with these improved methods, be accomplished in much less time than formerly and by the employment of fewer laborers and at greatly reduced cost. The experience acquired in rapidly removing the vastly more difficult deposits encountered in the construction of the Panama Canal can be availed of in enlarging the Miami and Erie Canal. Much of the machinery, such as steam shovels, engines to work them, and other important tools now so successfully used in excavation and otherwise on the Panama Canal are built at places near the Miami and Erie Canal.

It will be seen by the fourth section of the bill that in estimating the cost of the proposed canal the board is required to exclude the value of the Miami and Erie Canal, its branches, water rights and privileges, reservoirs, dams and appurtenances, and all real estate and other property, rights, and interests connected, used, and utilized therewith, owned and controlled by the State of Ohio, that can be utilized in the construction, operation, and maintenance of the ship canal. The State of Ohio will donate the Miami and Erie Canal and all its rights connected therewith, in value many millions of dollars, thereby greatly reducing the cost of the improvement. No other such opportunity to construct a ship canal of national importance is likely ever to be presented. The existing reservoirs, covering large areas, and their and other water connections are of such substantial character that there will be no danger of mistakes as to the water supply or in the manner of conserving it.

The bill provides for an appropriation to defray the expense of the board in making a preliminary survey and report. It can have the advantage in making this survey and report of original and later surveys, and hence its work can be more cheaply and speedily done. The practicability and feasibility of the proposed improvement will be more readily and accurately ascertained than if no canal had been constructed and operated over the route proposed.

The survey, already referred to, authorized by a provision in the river and harbor act of August 17, 1894, required, at an expenditure of \$20,000, a board of engineers appointed by the Secretary of War to survey and report upon—

The feasibility and practicability of enlarging both the Miami and Erie and the Ohio canals and their branches and such river and stream channels as may, in their judgment, form available portions of a continuous canal connecting the waters of Lake Erie with the waters of the Ohio River through the State of Ohio.

As only local trade was mainly possible over the then contemplated enlargement of one or more of the canals, because it was not contemplated that steamboats or ships would enter it, the report of the board attracted little attention, though it reported each route examined as feasible and practicable, especially the route over the Miami and Erie Canal. This survey was actually made over three routes—an eastern, Cleveland to Marietta; a central, Sandusky Bay to Portsmouth, and a western, Toledo to Cincinnati (Miami and Erie). The board of engineers, with assistants, were engaged about two years, the cost of the survey being as stated. With but one well-defined line, though detailed plans and estimates may be required, it is believed that the survey can be made speedily and that \$25,000 will suffice for the preliminary work of the board of engineers and their assistants.

Of course, the ultimate object sought is the decision to construct a ship canal in the interest of interstate and international commerce; yet there is no desire to attempt so important an improvement save after a most thorough scientific investigation, and such a one as will result in demonstrating that it can be made and successfully maintained.

The sum asked for the preliminary survey and report is comparatively small, and the passage of this bill does not commit the Federal Government to the improvement, nor to any particular plan, not even if the report required is found to be satisfactory.

isfactory.

On February 7, 1907, I offered an amendment to the then pending river and harbor bill, requiring a survey of the same route and a report on its practicability, utility, and cost if a ship canal could be constructed thereon. This was before the general awakening in the United States on the subject of deep

waterways and their necessity to meet the present and future demands of trade and commerce.

Obviously, there is not time now or here to further even summarize the arguments, recite the facts, present the reasons, or demonstrate the necessity for interior deep waterways. it possible to here reproduce the conclusive universal testimony of our most thoughtful, scientific, experienced, and observing business men on the economic question involved and the general good that will inure to the people of our whole country if such improvements are made. The conservation of the waters now flowing wastefully to sea and lake is involved. Not only muchneeded cheap transportation but cheap power for all purposes will be secured by the proposed improvement.

The recent report (January 11, 1909) to the President, transmitted by him to both Houses of Congress January 22, 1909, of the National Conservation Commission, the outgrowth of a conference held in Washington last May, and which has had the unanimous approval of said commission and the governors of States, state conservation commissions, and committees of large organizations of eminent citizens, among other important things considered the necessity of improving inland waterways. The

report on the subject says:

Within recent months it has been recognized and demanded by the people, through many thousand delegates from all States assembled in convention in different sections of the country, that the waterways should and must be improved promptly and effectively as a means of maintaining national prosperity.

President Roosevelt, in his message of transmittal, says of this part of the report:

I urge that the broad plan for the development of our waterways, recommended by the Inland Waterways Commission, be put in effect without delay. It provides for a comprehensive system of waterway improvement extending to all the uses of the waters and benefits to be derived from their control, including navigation, the development of power, the extension of irrigation, the drainage of swamp and overflow lands, the prevention of soil wash, and the purification of streams for water supply.

The work of waterway development should be undertaken without delay. Meritorious projects in known conformity with the general outlines of any comprehensive plan should proceed at once. The cost of the whole work should be met by direct appropriation if possible, but if necessary by the issue of bonds in small denominations.

From the report of this great commission on the subject of water and its conservation as particularly of interest I quote

further:

The sole source of our fresh water is rainfall, including snow. From this source all running, standing, and ground waters are derived. The habitability of the country depends on these waters. Our mean annual rainfall is about 30 inches; the quantity about 215,000,000,000,000,000 cubic feet per year, equivalent to 10 Mississippi rivers.

Of the total rainfall, over half is evaporated; about a third flows into the sea; the remaining sixth is either consumed or absorbed. These portions are sometimes called, respectively, the "fly-off," the "run-off," and the "cut-off." They are partly interchangeable. About a third of the run-off, or a tenth of the entire rainfall, passes through the Mississippi. The run-off is increasing with deforestation and cultivation.

Of the 70,000,000,000,000,000 cubic feet annually flowing into the sea, less than 1 per cent is restrained and utilized for municipal and community supply; less than 2 per cent (or some 10 per cent of that in the arid and semiarid regions) is used for irrigation; perhaps 5 per cent is used for navigation, and less than 5 per cent for power.

Water is like other resources in that its quantity is limited. It differs from such mineral resources as coal and iron, which once used are gone forever, in that the supply is perpetual, and it differs from such resources as solls and forests, which are capable of renewal or improvement, in that it can not be augmented in quantity, though like all other resources it can be better utilized.

It is now recognized by statesmen and experts that navigation is interdependent with other uses of the streams; that each stream is essentially a unit from its source to the sea; and that the benefits of a comprehensive system of waterway improvement will extend to all the people in the several sections and States of the country.

It is also recognized, through the unanimous declaration of the governors of the States and Territories adopted in conference with the leading jurists and statesmen and experts of the country, that in the use of the natural resources the independent States are interdependent, and bound together by ties of mutual benefits, responsibilities, and duties.

The permanent welfare of the Nation demands that its natural rebe conserved by proper use

The National Rivers and Harbors Congress (Washington, D. C., December 9-11, 1908) by resolution recommended, among other things, that Congress should at its present session authorize the issuance of bonds * * * in such quantities as may be necessary, the proceeds thereof to be used exclusively in the payment for waterway improvements, and it further urged this Congress to adopt such new projects as are shown to be important. President Roosevelt, in his message at the opening of this session of Congress, speaking of inland waterways, said:

Until the work of river improvement is undertaken in a modern way, it can not have the results that will meet the needs of this modern Nation.

ern Nation.

These needs should be met without further dilly-dallying or delay.

President-elect Taft, in an address before the convention of the Lakes-to-the-Gulf Deep Waterway Association (October 21, 1908), among other things said:

My own judgment is that every improvement like that of the Lakes-to-the-Gulf, like that of the Ohio River, like the Atlantic Seaboard Inland Waterways, should be treated by itself as one great enterprise, just as we have treated the Panama Canal, and that provision should be made by bonds or otherwise for the setting aside of a fund sufficient to complete it as rapidly as possible.

Andrew Carnegie, in an address before the Rivers and Harbors Congress (December 9, 1908), said:

It has been proved, and it needs no more proof, no more contest; we are as certain as that the sun shall shine to-morrow that the improvement of our waterways will give back to this country tenfold the ex-

It will be noted that the President recommends that "the work of waterway development should be undertaken without delay," and that "meritorious projects in known conformity with the general outlines of any comprehensive plan should proceed at once."

But it is not my purpose to pursue here the subject of conservation of water. It is unneccessary at this late day, and besides common-sense, plain people understand its necessity without resorting to scientific investigation or erudite discussion.

The proposed Michigan and Erie Canal, connecting Lake Erie with the southern extremity of Lake Michigan, or Chicago, or both, is projected in part over the Miami and Erie Canal Toledo to near Defiance, Ohio. If this line is built it will be shorter by about 65 miles if a ship canal should be first constructed over the main line of the Miami and Erie Canal as contemplated by this bill. The Michigan and Erie Canal, if constructed, will not only be a short cut-off water transportation line from Chicago and Lake Michigan to Lake Erie and eastward, but it will become a part of a primary line extending from the waters of Lake Michigan to the Ohio River, thence by the latter and the Mississippi to the Gulf of Mexico, and connecting with the many interior points in the United States. the projected ship canals are built a vessel could sail from Chicago, laden with freight, and pass, as just indicated, to the Gulf of Mexico, and its cargo could be transported thence by water to and through the soon-to-be-completed Panama Canal to the Pacific Ocean, to Hawaii and to our Philippine island possessions, and to other parts of the Orient, and by other routes across seas to any port of the world. So as to all the many other ports of the Great Lakes, whether important or not.

It is said by some that the revenues of the Government will not allow expenditures for ship canals. There might be a curtailment as to other and less important and less pressing things. taliment as to other and less important to pay for purely present I would not mortgage the future to pay for purely present benefits, but I would leave future generations to pay a fair share of the cost of improvements they are to enjoy. This and share of the cost of improvements they are to enjoy. This and a recent generation have borne the burden of the battles for the preservation of the Union and the expense thereof, and they have otherwise builded for the future. By wise planning and building in this generation we will secure to ourselves and the millions to come after us blessings commensurate with the demands of trade and commerce.

The founder in England of Sabbath schools said he "builded for eternity," having reference, doubtless, to the temporal as well as the spiritual good that was to be attained thereby. If we build now on a scale certain to meet our own present pressing necessities and to anticipate the growing wants of the generations to succeed us, we will, at least, build for eternity in a material sense. By thus building we will surely advance our own civilization, promote our general prosperity and happiness, and transmit the same blessings to those who are to succeed us.

We can not now stop in our progressive course and rapid growth in population, with its corresponding requirements, and in our material advancement and refuse to maintain and to adequately sustain them; nor can we falter in answering the de-mands of our high civilization, which has been attained largely-through recent and marvelous discoveries in science and art and by a universal education of our people mentally, morally, and religiously; nor do we dare "mark time" as a nation while the other great nations of the world "quickstep" to accomplish all that is possible to outstrip our free Republic.

France, Germany, and other European countries have long led in canal improvements by expending millions, and Canada, on our north, has already projected a ship canal from Georgian Bay to Toronto, to improve its interior and to control and short-cut commerce.

We are leading the way in building the Panama Canal to short-cut the commerce of the world from the Atlantic to the Pacific Ocean, and this at an ultimate cost of probably \$300,-000,000, a sum quite adequate to construct many interior ship canals such as is here proposed, although the immediate and prospective benefits to be derived by our people from the Panama Canal are hardly likely ever to be equal to the benefits that would come from the canal I here advocate.

The fact that this Republic will own and operate the Panama Canal when completed augments the necessity for an open waterway from the Lakes on the north through the interior of our country by which commerce to and from all parts of the earth may go and come.

We are prone to minimize our own commercial transactions, especially those of the interior of the country of the more local kind, and to regard only ocean ports as of great and national importance. A few statistics would suffice to show that our interior transportation transactions by rail principally, or by water, far exceeds those on the high seas, and that those on the Lakes and navigable rivers alone are equal, if not in excess, of those of the Atlantic Ocean and of the Gulf of Mexico. The tonnage carried through the Straits of St. Clair to, from, and by, the city of Detroit, Mich., far exceeds that which enters and departs from New York Harbor.

There is, however, no necessity for pursuing a comparative commercial or business history of the different sections of our country.

Representatives of western and interior States have uniformly voted annually large appropriations for harbor improvements on the sea and Gulf coasts, and they will continue to do so in the interest of interstate commerce regardless of local benefits, and they only expect and now appeal for reciprocal appropriations in a like interest. The commerce clause of the Constitution, already quoted, grants to Congress the right to regulate commerce over fresh as well as salt water.

Surrounded as the States of this Union and the continental Territories thereof are by ocean, gulf, and lake, forming a coast line one and one-third the distance around the earth at the equator, on which are many great commercial cities with important harbors, yet its principal industries and activities are mainly interior, and for want of reasonably cheap and ample interstate and foreign transportation facilities they are now checked and in a large sense paralyzed. The most extensive lumber-producing forests; the richest soil and the most productive agricultural lands; the largest deposits of coal, iron, and other mineral deposits; many of the most populous and most enterprising cities and a very large part of the most desirable manufacturing and other enterprises are in the interior of the country, inaccessible by sea, or by lake alone, yet nature has provided therein an abundant water supply for adequate navigation facilities if we do not lie supinely by and allow it to go to wanton waste.

The interior of our country is now much like an unhatched egg, ready to burst its shell, needing only vigor to do so. The ship canal I advocate will become an artery for the circulation of the now stagnated business life of the Nation, and it will contribute largely to that vigor essential to its early bursting forth and to giving a new prosperity and a full-fledged life to our constitutional union of States.

A few words only as to how the expenditures for such improvements are to be provided for and I am done.

Already a bill has been introduced for the issue of \$500,000,000 of 2 per cent coupon or registered bonds of the United States as required and necessary, not exceeding \$50,000,000 per year in denominations of \$20 or some multiple thereof, payable after ten years and to mature thirty years from their date. This accords with the President's plan already referred to, and contemplates an early entering upon the work also urged by him. That bill should be promptly passed.

Another bill has been introduced to create "a waterways commission," to exist three years, composed of four members of each House of Congress and seven others appointed by the President "to investigate questions pertaining to water transportation and improvement of waterways, and to suggest to Congress such legislation as it may deem best upon these subjects," its annual expenditures to be \$100,000 besides the salaries of its members—not Government officials—at \$4,000 each per year and their traveling expenses. The wisdom of creating such a commission I do not now care to comment on at length. It at least should not have the effect of further postponing an improvement of obvious and pressing importance.

The three years' delay that would result from such a commission and the cost thereof, reaching about \$500,000, might be time and money misspent, and serious doubts arise as to whether its report would furnish anything new or any information at all on which Congress would or could act. The money expended would pay the expense of 20 such surveys, with detailed plans and estimates of the kind contemplated over the line of the Miami and Eric Canal, each of which would give

Congress exact information of substantial value, while the commission is only required to "suggest to Congress such legislation as it might deem best."

Congress does not want mere suggestions—they are seldom acted on here—it wants concrete facts. Further, mere superficial surveys and speculative reports will prove, as in the past, to be vain, and to only further postpone the long-needed improvement of waterways for the purpose of navigation.

Unless separate, well-defined projects are agreed upon, each on its own merits, there will be nothing accomplished. Owing to the diversity of interests and remoteness of location of the many proposed projects no united general plan will be possible. Those who are lukewarm toward or who are opposed to deepwaterway improvements are likely to advocate commissions and universal plans which will result in no such improvements being made. If many projects are coupled together, all will inevitably fail. If it were even possible to agree upon a general plan of improving waterways, including the many proposed projects, the construction of each could not be prosecuted at the same time and all would fail, or at least be delayed in completion beyond the time when this generation of people could possibly hope to enjoy any benefits therefrom. No two projects are of equal merit or promise the same measure of relief. I implore Congress to act speedily in favor of the most central and, I believe, the most important waterway improvement yet suggested, and this I do in the name of the 100,000,000 of our people whose interests and prosperity would be promoted thereby. [Loud applause.]

Mr. LAMB. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. Ansberry].

Mr. ANSBERRY. Mr. Chairman, I listened with attention to the able argument of my distinguished colleague [General Keifer] and was instructed and entertained by him. I am much interested in the proposed legislation, for the very good reason that this waterway traverses the district that I have the honor to represent, and its enlargement is of vital interest to the great State of Ohio. Then, again, on the 16th of December, 1907, I introduced a resolution appropriating sufficient funds to procure a survey and report as to the practicability of canalizing the Maumee River from Toledo, Ohio, to its headwaters at Fort Wayne, Ind., and thence to construct a canal large enough to accommodate lake freighters to a point on Lake Michigan opposite the city of Chicago. Many other similar resolutions were introduced, and all were referred to the Committee on Railways and Canals, and, after numerous hearings, this committee, on the 12th day of May, 1908, reported favorably on the resolution of Mr. Gilhams, of Indiana, and recommended the appropriation of \$100,000 to procure a survey of the route and a report as to its feasibility. Since that time the House has taken no action, and the bill is on the calendar awaiting the decision of those in authority as to whether or not it will be passed upon by the House or, at noon of March 4, when this Congress expires by reason of law it, too, will pass to that bourne from whence no good bill ever returns.

I desire, while there is yet time, to add my testimony as to why this measure should be favorably disposed of. This country is committed to a policy of internal improvement of existing and the construction of new inland waterways. This is evidenced by the public statements and official utterances of those whose duty it is to voice the needs of the country. The President of the United States and the chief executives of all of the other States of the Union who have been heard on this allimportant subject are favorably disposed toward it. Then, again, the recent Deep-Waterways Convention, held in Washington in December last and which had delegates from every State in the Union, voiced the sentiments of the people they represented, and without a dissenting voice they recorded themselves as favorable to a scheme of improvement of waterways the cost of which staggers the imagination. So that it can be conceded that it is our fixed policy as a nation. This question having been disposed of, the next questions to be determined are the important ones of obtaining the money necessary to do this great work and the selection of the different proposed waterways to be improved. These propositions at first blush would seem to be almost insurmountable, but a little reflection will unquestionably dispose of both these apparently immovable obstacles.

These great public improvements are, of course, for the benefit of posterity, not that they will not be of value to the present generation, but the largest and greatest beneficiaries will be generations yet unborn, and of course those generations should help pay the cost. At our present pace we are expending a little more than our income, and quite naturally at this rate it would be a problem to provide the \$500,000,000 necessary to carry on this work. We can sell bonds to that amount from

time to time, as they are necessary, bearing interest at 2 per cent, and then the annual charge would be but \$10,000,000 per year, a mere pittance when we take into consideration the annual creation of new wealth and the savings in transportation effected by these improvements. Then again, if we are willing as a people to issue bonds to build the Panama Canal, in which we are no more vitally interested than any of the other great world powers, for stronger reasons we should be willing to sell bonds for the promotion of the prosperity of our own people. As to the order of taking up these propositions, it seems to me that we can safely proceed to procure a survey, which requires the expenditure of but a small amount of money, comparatively speaking, and then from the reports of the engineers and the comparative necessity or good that the proposed canal or improvement will accomplish, determine the order in which construction will be begun.

With reference to the two propositions that I desire to be heard on I am willing to leave the merit of them to this House or a committee of this House, knowing full well that their merits can not be questioned by any one honestly desiring to

ascertain truth.

Mr. Chairman, canals have been used as a means of transportation as far back as history takes us. During the rapid development of this country railroads have, to a great extent, superseded and taken the place of canals, and in the minds of many people canals, for practical use, have become obsolete. During the last few years, however, people most interested in the ways and means of transportation have again turned their thoughts to the development and improvement of waterways. It is agreed by these people that to make a waterway adequate and profitable it must not only be large enough to accommodate the present traffic on its line, but must anticipate the increasing traffic and size of vessels for the next twenty-five years.

I wish to call your attention to a few of the possibilities which nature offers for the construction of such a waterway between Lake Erie and Lake Michigan. Leaving Lake Erie at Toledo, following up the Maumee River by slack-water navigation to a point near the state line of Indiana; thence across the northern part of Allen County to a chain of lakes which cross the summit in Indiana; from the western end of these lakes down Turkey Creek to the Elkhart River; down Elkhart River to Goshen, Ind., at which place it would leave Elkhart River and follow parallel with it to the city of Elkhart; thence south of the Big St. Joe to South Bend; from this point across to Michigan City, which is 20 miles across Lake Michigan to the city of Chicago.

Anticipating the construction of a canal between Lake Erie and Lake Michigan, in 1829 surveys were made by Mr. Stanberry, United States engineer. The route selected by him was from Lake Michigan, through the Kankakee swamp, by way of the Tippecanoe to the Wabash River; thence by way of Wabash and Maumee rivers to Lake Erie. The only data that I have been able to obtain as the result of Mr. Stanberry's work are a few elevations given by him on this route.

This work was again taken up in 1833, when two lines were

run from Lake Michigan; one by the Kankakee to the Wabash River, at the mouth of the Tippecanoe; the other from Michigan City, by way of the Big St. Joseph and the Elkhart rivers, to

Fort Wayne.

As a result of these surveys the Indiana legislature, at its session in 1836 and 1837, authorized the construction of a canal from Michigan City to Fort Wayne. This will be referred to further on in this article.

During later years some attention has been given to a route through southern Michigan from some point on Lake Erie or the

Detroit River to Lake Michigan.

It will be evident that a discussion of this question involves everything north of the Wabash and Maumee rivers between

The elevation at Lake Erie is 573 feet above tide water. following the route of the old Wabash Canal from Toledo to the the Tippecanoe River, we would cross the first summit at Fort Wayne, where it was 194 feet above Lake Erie; from there down the Wabash to the mouth of the Tippecanoe, it descends until we find the junction of the Wabash and Tippecanoe rivers 57 feet below Lake Erie. Passing back up the canoe we find the divide between it and the Kankakee 137 feet above Lake Erie, while the Kankakee at this point is 87 feet above Lake Erie, with the lowest summit between the Kankakee and the Calumet 144 feet above Lake Erie, while Lake Michigan is only 12 feet above Lake Erie. There is no point at which it would be possible to carry a canal across the country from the Wabash to the Kankakee swamp, between Fort Wayne and the mouth of the Tippecanoe River.

It will be seen by looking at the map that this route is much longer than the one I have mapped out.

I have not given the careful attention to the routes through Michigan that I have been able to give to the territory in Ohio and Indiana, but I find that it would be necessary through one of the three southern tiers of counties in Michigan in order to avoid the watersheds leading to the Saginaw Bay.

The highest summits which form the watershed between Lake Erie and Lake Michigan start in at the northern part of Hillsdale County; we find by taking 11 points on the railroads in this county that the average is 518 feet above Lake Erie. The average elevations in Jackson County are 441 feet above Lake Erie. It will be seen from this that the watershed in southern Michigan can not be crossed without reaching elevations of at least 450 feet above Lake Erie, and the chances for maintaining water supply on this summit are very hazardous.

The drainage from this territory would naturally be toward the southwest, but the surface being so nearly level, it has found

its way toward the northwest and southeast.

The early surveys through this territory were of necessity made without reference to such careful study of the topography of this country as has been given to it during the last forty

The route selected for the canal which was authorized by the Indiana state legislature started in at Michigan City; thence across to South Bend, following up the St. Joseph River to the Elkhart, keeping up the Elkhart River and crossing the town-ships of Perry, York, Green, and Swan, in Noble County. It is said that over \$200,000 were spent upon this work in Noble County. The gentlemen who were principally interesting themselves in this work during this time became interested in railroad enterprises between Chicago and Fort Wayne, which may have had something to do with the abandonment of this work. It will also be seen that the State of Indiana had authorized the construction of a ship canal through its territory, ending at Fort Wayne, Ind., where it would intersect with the old Wabash Canal, where they were entirely dependent upon any action taken by the State of Ohio.

In 1839 at least 40 per cent of Noble County was waste land, the principal part of which was covered by water. The line proposed by the Indiana legislature is 20 feet higher than the route which I propose 15 miles south of it, which is accessible by leaving the Elkhart River at the junction of Elkhart River and Turkey Creek, following up Turkey Creek to a point in Jackson Township, Elkhart County. At this point the creek takes a circuitous route for about 16 miles, it being only 4 miles across at the nearest bends. We would cut across at this point, coming into Turkey Creek again 5 miles from Syracuse Lake, following up the creek to Syracuse Lake, through Syracuse Lake and Turkey Creek into Turkey Lake. Turkey Lake is 9 miles long and of an average width of a mile and three-fourths. and of an average depth of about 85 feet. Following the length of this lake and through a series of 15 small lakes extending southeast from Turkey Lake along the Tippecanoe River, varying in size from 40 to 700 acres. These lakes include Little Turkey Lake, Loon Lake, Tippecanoe Lake, Crooked Lake, Cedar and Round lakes. Syracuse, Turkey, and Little Turkey lakes have their outlets through Turkey Creek and down the Big St. The rest of these lakes have their outlets through Joe River. the Tippecanoe River to the Wabash. The divide between these chains of lakes is a marsh, which is not elevated more than 10

Blue Lake, at the eastern end of this chain of lakes, is several feet lower than this chain of lakes, and has its outlet through Blue River to Eel River, thence to the Wabash. This lake is surrounded by high hills, and, in my opinion, it can be brought to a level with the chain of lakes just described. This chain of lakes comprises the summit level of what I propose as the Erie and Michigan Canal. They extend for 26 miles across the summit of Indiana, being on an average 298 feet above Lake Erie, which would give the summit level of this canal an average width of 2,500 feet and an average depth of 60 feet. At least 12 feet of this summit level can be used for reservoir purposes. To this level can be brought the water from three-fourths of Noble, two-thirds of Steuben, one-fourth of Lagrange, three townships in Kosciusko, and two townships in Whitley County. This territory would comprise over 500,000 The northern part of this territory is on an average 165 feet above the summit level, and has scattered over it more than 100 lakes, varying in size from 20 to 800 acres, all of which are accessible for reservoir purposes, and from 12 to 40 feet of their water at its present level can be brought to the summit level of this canal. Within 10 miles of either end of the summit level of this route, and from there on down,

many times more than enough additional water can be supplied to provide for the leakage, evaporation, absorption, and the

extra lockage in such a canal.

The average annual rainfall in this territory for eighteen years is 37.90 inches. One-seventh of this rainfall on the 50,000 acres tributary to this summit level would furnish suffi-cient water to operate the canal, having locks 400 feet long and 45 feet wide, once every ten minutes during the year. It would be impossible to take up the details of the question of the water supply further, but my investigations have gone far enough to convince me that the supply is abundant.

From Blue Lake we make a cut east into Eel River Township, Allen County, following Willow Creek to the gorge of Cedar Creek, down this gorge to the St. Joe River; thence across to the Maumee River, at a point near the state line.

From this point down to Lake Erie there are two practicable routes-slack-water navigation by the Maumee River, or the route of the old Wabash Canal, which at the state line is within half a mile of the south bank of the Maumee River. The bed of the old Wabash Canal at the state line is 177 feet above Lake Erie, while low water in the Maumee River is 140 feet. It would be possible to carry this canal across the Maumee River down the bed of the old Wabash Canal to the junction, where it intersects with the present Miami and Erie Canal; from there down the Miami and Erie Canal to Defiance, where we would utilize the slack-water navigation in the Maumee River to

If it seems preferable, the Maumee River can be used from the point at which this canal would cross by the way of Defiance

to Toledo.

In order to give a practical idea of the elevations on this line, I will state that the summit level is not quite as high as the observatory on the top of the Masonic Temple in Chicago, and but a few feet higher than the water tower of the waterworks in Toledo, the lake at Chicago being 12 feet above the lake at It would require but little work, other than dredging, to make the Maumee River from Toledo to the foot of the rapids navigable for large vessels. It will be necessary to lock around the rapids to the slack water of the Providence dam. Raising this dam 6 feet and some dredging will give sufficient slack water in the Maumee River to make that river navigable for large vessels from such dam to a point 2 miles above Napoleon. From this point it would be necessary to enlarge the present canal to a point 2 miles below the present Independence dam, at which place a dam can be constructed to raise the slack water of the Independence dam 5 feet higher than its present level, which would furnish slack-water navigation above the mouth of the Tiffin River west of the city of Defiance. Three more dams and the necessary dredging to straighten and deepen the Maumee River would furnish slack-water navigation to a point 2 miles above the east Indiana state line. It will be seen that this route proposes to furnish slack water and lake navigation for more than half of the distance between Toledo and Michigan City, by the use of which it will not be necessary to restrict the speed of boats.

To secure a 20-foot channel on this route there is no rock work between Toledo and Michigan City, excepting that at the Providence rapids. For anything over that it would be necessary to make the additional excavations out of the rock for 6 miles down the Maumee from the point at which this canal would enter it. The other excavations are confined to drift and wash.

And now a few words as to the Miami and Erie Canal, which connects Lake Erie and the Ohio River or, at least, extends from Toledo, Ohio, on Lake Erie, to the heart of the city of Cincinnati, Ohio, and which by a bill introduced by my colleague [General Keifer] proposes to eventually connect these two great natural arteries of commerce by the improvement of the Miami and Erie Canal. This canal was begun on the 21st day of May, 1825, and was finally completed to Lake Erie in 1845, at a cost of a little over \$8,000,000, and its real-estate value alone is now worth many times the cost of construction and maintenance, and is 244 miles long. In passing, I might add that it was the realization of a scheme that both Washington and Jefferson seriously proposed early in the century. From this source it gradually widened and finally, through a grant of 1,230,521 acres of land by the National Government, private subscription, and state aid, the canal was built; so you see the National Government has a large equity in this waterway, and inasmuch as it would be a part of a great international waterways system it is but meet and proper that it should enter into the general scheme of internal waterway improvement. I am sure that the State would willingly turn this property back to the National Government so that there would be no question on that score. The State of Ohio is not and will not

permit herself to be put in the position of a mendicant. We are not asking alms; we simply desire the Federal Government to take this canal and use it in the enlargement of the two great waterways that it controls, and we are not trying to unload a white elephant, for our canals for years were self-sustaining and, more than that, they had accumulated a surplus when the State made the monumental mistake in 1861 in leasing the canals of the State of Ohio to a private corporation, which went into effect when the canals were in a prosperous condition and which marked the beginning of their downfall.

The annual rental was fixed at \$20,075, despite the fact that for many years, except during the business stagnation in the years immediately preceding the lease, the income over all expenditures from the canals exceeded the expenditures, including the cost of maintenance, nearly \$12,000,000. The Miami and Erie Canal traverses as rich and beautiful a country as exists anywhere upon God's footstool. [Applause.] In the beginning, and before the time of the railroad, it was very successfully used for the transportation of all kinds of merchandise as well as passengers, and it aided materially in developing this great country that it flows through, and the little trading posts along the route have developed into great manufacturing centers. Hamilton, Dayton, Middletown, Franklin, Troy, Piqua, Sidney, St. Marys, Celina, Delphos, Melrose, Charloe, Defiance, Napoleon, Florida, Grand Rapids, and its terminus at Toledo all have been helped materially by the canal, and all can be aided in the future in solving the transportation problems that confront their manufacturers and shippers as well as the consumers who live in these and other places and the country contiguous to them along this canal; and, of course, if you help the local people it follows that you materially aid the people scattered all over our broad land with whom they have business relations. So with this existing canal, with a watershed that has countless millions of gallons of surplus water in the driest of seasons, connecting up with the other proposed route that I first spoke of, at Defiance, for Fort Wayne and Chicago, and easterly from Defiance of the now existing canal to Toledo, with millions of industrious people to serve in transporting the products of their fertile farms and their busy factories, there is every reason why this should be one of the very first propositions to be started; but, of course, nothing can be done until a survey is had, and it needs but the consent of this House, expressed by the passing of the resolu-tions of my colleague [General Keifer] and the gentleman from Indiana [Mr. GILHAMS], to bring this about.

But, to continue, eminent authorities have examined and passed judgment on these propositions. Mr. M. E. Ingalls, who has probably done as much for Cincinnati as anybody in it, who has revived the old Chesapeake and Ohio Railroad, who revived the Big Four Road, competing from Cincinnati north with the Miami and Erie Canal, has expressed similar views. Railroad men naturally favor canal construction, because they can not afford with profit to carry the short-haul freight, but can carry at a profit the long haul, the finished product.

can carry at a profit the long haul, the finished product.

The great advantages of the western route are its superior water supply, its important terminal points, and the magnitude of its local traffic. [See Exhibit J.] Its principal drawbacks are its length, lockage, and original cost. A consideration of importance in favor of this route arises from its relation to the old Wabash and Erie route, and particularly to the project advanced many years ago, and lately being brought forward again, to connect the west end of Lake Erie with the southern end of Lake Michigan. The junction of this route with the Miami and Erie Canal is a little south of Defiance, in the Maumee Valley. Whatever doubt may exist as to its value as against the lake route between Chicago and Lake Erie points, there can be no doubt that as part of the route from the Ohio River to the southern end of Lake Michigan it may yet be of much importance. For instance, coal en route to Chicago would have the following advantage in time by the canal route over that by the Lakes: From Defiance Junction to Chicago by way of Fort Wayne there are 140 miles of canal, 420 feet of lockage, and 38 miles of lake, making an equivalent of forty-eight and three-tenths hours time. By way of Toledo the canal distance would be 64 miles, lockage 150 feet, lake distance 691 miles, and time one hundred and thirty-three and six-tenths hours. The possible development of such a line is a point in favor of the Miami and Erie route, and in the present surveys the existing line through Defiance was for this reason adhered to, although a saving in distance of 15 miles could be secured by cutting across the angle between the Augiaize and the Maumee rivers.

Let me cite you, without reading it, page 69 of this same re-

Let me cite you, without reading it, page 69 of this same report, in which the paragraph begins:

It is a recognized fact among the best railroad authorities that free water competition, instead of being a detriment to the railroads, is a benefit to them. The classes of freight that can be carried most economically by water are those that are carried with least profit by the railroads.

I have here a newspaper clipping of my dear old friend Murat Halstead, which I shall, with your permission, read into the RECORD, because Murat Halstead was a thinker:

With the canals of Ohlo made ship canals, especially if one of them—the one of the Miamis—we could compete successfully in the transportation of iron and coal and wheat with marvelous advantage, es-

pecially to the State of Ohio. The cost of converting the almost abandoned and despised canals, making them equivalent to the navigation of the Ohio, would not be half the sum that would be demanded for the enlargement of the Erie Canal, and we would truly want two ship channels across the State.

Now, Mr. Chairman, answering your question directly, let me read you what is said by Lyman E. Cooley, who is a greater authority than I am or ever dared to be, because I quote him as my authority. I wrote him a letter, and he replied, highly commending it, and I want to quote this:

As part of my studies of a related deep-waterway system, I have become familiar, in a general way, with the available water routes across the State of Ohlo between Lake Erie and the Ohlo River, and in 1902 I addressed the joint assembly, advocating that the state waterways be retained until such time as their relation to a waterway system could

From all the information which I have gathered, I believe it to be feasible to produce a water supply sufficient to feed a waterway 16 feet deep by the Miami and Erie route.

The good to be derived from the construction of such a waterway would be the further development and improvement of the territory immediately along the line of such a canal by giving it better facilities for navigation, drainage, and water power. Other and greater reasons for the construction of such a waterway would be the shortening of the distance between Lake Erie and the southern end of Lake Michigan to 204 miles, whereas it is now 820 miles (a difference of 616 miles), giving the Government a waterway between Lake Michigan and Lake Erie wholly within the territory of the United States, and the lengthening of the season of navigation at least one-third. The money now invested in vessels, docks, and other facilities for lake navigation, which would be brought into use one-third longer during the year than they are at the present time, is at least five times the amount necessary for the construction and completion of such a waterway.

Time forbids a further discussion of the details of this route or the many reasons that might be given for its adoption in preference to the other routes which have been under consideration.

It would be idle to discuss the details of the question of cost until the most careful surveys have been made and accurate data obtained, but it is sufficient to say, in regard to cost, that this route offers water connection between Lake Michigan and Lake Erie at the lowest possible expenditure of money.

Mr. Lyman E. Cooley, in referring to this project, said:

At that time I discovered that the existing commerce of the Great Lakes was 29½ per cent, measured in ton-miles, of all the railways of the United States; that the domestic commerce of the United States the United States; that the domestic commerce of the United States carried by water was about 87 per cent (in ton-miles) of that carried by all the railroads; that the over-sea tonnage, measured in ton-miles, of commodities in the foreign trade was about 123 per cent of that of all the railroads of the United States, and that the aggregate service of water to the United States as a means of transportation was about 2.1 times of that by rail. That is sufficient reason to justify consideration of these matters.

We want to join up with that maelstrom of commerce, Chicago; we want to hitch up with Fort Wayne, that enterprising town which I am always pleased to visit; we want to see not only canal boats of 75 tons, we want to see the large canal boat that can be loaded at Duluth, can be taken to Toledo, to Cincinnati, to the Ohio River, and on to the South. I may be a dreamer. dreamer discovered America; a dreamer made the steam engine; a dreamer made electricity. We all scoff at the dreamer while he dreams, but when he is dead we build on his dreams and the world, after all, in its great progress, its great advancement, in

its vast achievements, is the fruit of dreams. [Applause.]
Mr. SCOTT. Mr. Chairman, I wish to yield twenty-five minutes to the gentleman from Porto Rico [Mr. LARRINAGA].

Mr. LARRINAGA. Mr. Chairman, I rise to make a few remarks on a point connected with the tariff. Four years ago I introduced a bill, which was referred to the Committee on Ways and Means, in order that Congress should place a tariff on coffee. Coffee is the poor man's industry: it is the poor man's crop. When it was known that I had introduced such a bill the most important newspapers in this country came out with long articles opposing the measure. I think I answered satisfactorily every one of their arguments. The question was dropped for the time being, because we Porto Ricans thought that it was not fair to ask Congress to take up at that time the subject of the revision of the tariff to protect our industry, although it was the most important problem of the island. But now the time has come when Congress has taken up that question. On November 19 the people representing the coffee interest of Porto Rico and of Hawaii appeared before the Committee on Ways and Means and asked for a duty of no less than 5 cents on coffee. The arguments there presented seemed to have impressed favorably the general public.

The same papers which four years ago had gone to the extreme in deprecating my views of the matter all came out with not only pays ten millions taxes to Brazil, but also a much

articles which, in general, seemed to approve the action of Congress in case it saw fit to impose a duty on coffee. For about a month things went that way. I expected, nevertheless, that the interests which were to suffer by the measure would come out in opposition. They had experienced what a man experiences when he receives a blow. Reaction was to be expected, and reaction came; and they are now out in full force, bringing forth every argument they can devise, and even abusing those who are in favor of the measure.

Mr. Chairman, I believe that it is a fact worthy of notice that those on the field opposing the measure, trying to prevent Congress from getting from forty to fifty million dollars of revenue for the Federal Treasury, are not the consumers. when I am heard to have mentioned this fact, we will see some articles in the press signed "Consumers" or something to that effect; but the fact of the matter is that those who are in the field up to present time are only coffee dealers and a few in number. It seems that a large number of them are patriotic enough to see that there is no better or easier way of bringing from forty to fifty millions into the Federal Treasury than by putting a duty on an article which is about the only one of general use that is not taxed—and one, which, after all, enters for a small quantity in table expenses, for at the present day no more than 103 pounds per capita was used during the last year in the United States. I know some of them who I esteem to be amongst the very best men I have known-honest men who will give you their data and furnish the information you desire.

I believe, Mr. Chairman, that you could find amongst them some millionaires who, although having become such by reason of the free coffee, would yet be willing to admit that a duty on coffee is right. There are a number of dealers who do not feel like opposing the measure and are looking at the fight and sim-You have only to look over the list of coffee dealers ply smile. to find quite a number of millionaires. They are, as a rule, self-made men; they were poor when they began, so I wish to again affirm that I do not mean any reflection on that class. But I am trying to present my arguments, and I am sorry to say that those arguments will have to be against a few coffee dealers who are every day flooding the press with fallacious They have plenty of money with which to carry on arguments. that work. These writers offer three arguments, First, the old

Do not tax the poor man's breakfast table.

There are a good many notions, Mr. Chairman, that have existed for many years in the public mind, without having any shadow of truth that will warrant their existence, and much less their finding favor with intelligent men.

You will find such a false notion repeated every day in every branch of human activity. I could present to you, if I had the time, many of them, even in science—notions empty of significance, devoid of all sense of truth—and when you can find them in science how could you not expect to find them in everyday life? But of all these wrong notions, I have not seen-I have not heard of one that would compare with the old slogan, "Do not tax the poor man's breakfast table." And why should Is it because coffee is the one article used by all poor you not? men? Not at all. I know some poor men who use tea instead of coffee, but nobody can show me a poor man who does not use sugar, and sugar is taxed. You can not show me a poor man who does not use wheat, and wheat is taxed. Sugar, I omitted to say, the poor man uses not only in his coffee and in his tea, but also uses it in his cake, in his pie, in his pudding, in his candy, and so forth. For every pound of coffee the poor man uses he uses 7 pounds of sugar, and sugar is not mentioned as sacred. There is no crime in taxing sugar, there is no crime in taxing wheat, there is no crime in taxing everything else that the poor man uses on his breakfast table but there is crime in taxing his coffee.

There is no crime in taxing the crockery that the poor man uses on his table. There is no crime in taxing the pine wood of which his table is made, while the mahogany table, of which

the rich man's table is made, comes in free of duty. It seems, Mr. Chairman, that there is a mystery in this affair. Some newspapers have gone as far as saying, "Do not lay your hands on the sacred breakfast table of the poor man," or something to that effect. I never heard a more foolish notion. In the poor man's breakfast everything is taxed, including coffee, because, Mr. Chairman, no poor man in America has ever had a sip of free coffee in his life. As soon as Congress, in 1872, took the tax from coffee the foreign nations producing coffee placed a duty on it that the poor man is paying to-day. Why do they not tell the truth to the poor man? They speak to him of his free breakfast table, which is really but a myth. The poor man

larger tax to the coffee dealers over and above a reasonable When the poor man gets through his breakfast he takes to his only enjoyment, his smoke. The solitary farmer in his little house pulls out his pipe and his tobacco, that weed that allows him to send up volumes of smoke in holocaust to the Treasury of his country. He pays to the Treasury for that weed 350 per cent of the cost of production, or 35 cents a pound. There is no crime in that, Mr. Chairman. He is only too happy. If you look at him you will see that at that moment he is the happiest man in existence, even though he knows he is paying that tax.

Mr. Chairman, it would be an endless task to continue on that argument. I now want to take up the second argument presented against the duty on coffee, which is that the colonies never could produce sufficient coffee for the consumption of the Nation. In the first place, sugar has been protected for many years, and it does not produce to-day one-third of the quantity

necessary for the Nation.

The Philippine Islands produced a large amount of coffee in The Porto Rico crop reached 60,000,000 pounds, the old times. and with a little help it will go to two hundred million, and Hawaii about the same. And let me tell you that there are many, many important questions connected with this coffee culture in the outlying territory which I have no time to treat.

Porto Rico and Hawaii within a very short time would supply one-third of the whole consumption of the United States, and the Philippine Islands eight times the quantity necessary to supply the United States consumption, not merely according to my study of the matter or my opinion, but according to the opinion of the American experts who went there six or eight years ago to study those islands. According to those data only ten of the twelve hundred islands could produce 8,000,000,000 pounds of coffee; and, according to their opinion also, the best coffee that could be found in any country. You can find this informa-tion in volume XII of the Cyclopedia Americana. Our opponents object to that by saying that Porto Rico and Hawaii will never furnish the necessary coffee; that the Philippine Islands is a dead dog as far as coffee production is concerned.

It is true, Mr. Chairman, as I have said before, that the bountiful production of coffee in the Philippine Islands is dead. Really the Philippine Islands is a dead dog in this proposition. Hawaii is a dying dog, and Porto Rico is a pretty sick dog as to the matter of coffee production. But in that way, Mr. Chairman, if a power, a trust, legislation, or money go destroying producers, and then calling them dead dogs and offering them as arguments, they might count the latter by the number of dead dogs they will be able to strew their path

Mr. Chairman, I should like to have a little time to touch upon a very important point, and that is with regard to the population of Hawaii and Porto Rico in connection with coffee culture, which, by the way, is the only culture that in Porto Rico and Hawaii a white man takes to. If you want to have in the Hawaiian Islands a pure white population and not Asiatic or other, develop your coffee production and bring in your Portuguese immigrants or some similar race. They will go up to those mountains and produce a great quantity of excellent coffee for consumption in the United States in the same way that we are doing and will do more and more every day in Porto Rico, and you will build up there a Caucasian population who will fight for their homes when the time comes, and not coolies, who will not fight for the sugar plants nor for their boarding houses. [Applause.]

The third argument, Mr. Chairman, that I will also be obliged to touch in the same cursory way is an argument that is used as a kind of scarecrow. It is alleged that Congress should not put a duty on coffee, because somebody is going to make a whole lot of millions by speculating with the tariff, and that as soon as some people find out that Congress is going to do it, they are going to wire to Brazil and Holland and bring in the 7,000,000 bags of coffee that are in storage there and in Europe. Even admitting that Congress would not take some measure that will prevent such speculation, which I hope it does, that speculation is not such an easy thing to carry out unless they are willing to take chances and begin right away.

Seven million bags of coffee of 60 kilograms each, or 132 pounds, make 462,000 tons, which would require about 200 steamers of the average capacity of the regular steamers and tramp German boats engaged in that trade. These 200 ships free at a given moment to go to Rio de Janeiro and Santos, Holland, France, Spain, and so forth, to bring that coffee, if they could be found, would require an average of about two months from the time they are chartered to the date of their arrival in New York. By wiring all over the world this fleet could

not be ready to load at the Brazilian port before a month. With the most dexterous work and active measures not one-fourth of that coffee could be brought in time to carry out the scheme, and yet some wise writer says that the whole stock is within a week's time of New York, trusting that the Members of Congress do not know any better. A rapid glance at the report of the Commissioner of Navigation for the year 1906 will convince the most skeptical of the accuracy of my statement and of the material impossibility of bringing that enormous quantity of freight at a short notice. Of course, some speculation will be done, and not only on coffee, but on almost every article touched by the This was the case when the reciprocity treaty between the Hawaiian Islands was before Congress in 1876. The same speculation took place when the Porto Rico bill was being framed in Congress in 1900. The same happens in every country in the world whenever an economic measure of this kind is to be taken. But in the present case, with the great dearth of shipping facilities and the time that the tramp steamers take from New York to Santos (twenty-two days), not onefourth part of the valorized coffee could leave the Brazilian port and reach New York in time to come in free and have the benefit of the tariff. Are the speculators going to take chances before they have a reasonable assurance of what Congress is going to do? Are they going to know what will be the amount of the duty, if any? Can they go blindly at it without knowing the amount of the duty? Are the Brazilian holders going to let them have options at the current prices without asking for their corresponding share in the deal? I know, Mr. Chairman, that they are aware of these difficulties, and they are counting on the European stock mainly.

In their argument designed to prevent Congress from putting on the duty they swell the figures so that, according to them, they are going to gather all the stock they have both in Brazil and in Europe and bring it all in in one day and make \$77,000,000 out of it. No such a thing, Mr. Chairman. are only about 7,000,000 bags of which they can dispose at a given moment, of which they could not bring in time more than one-third, or about 2,333,000 bags. It is a very liberal admission to allow that they are going to make \$6 on each bag. That would only make, in round figures, \$14,000,000. These Brazilians, who are very intelligent and a wide-awake people, are not going to give them their coffee at the current price at which they are getting it now. Many of these gentlemen, who are going to try the scheme at the last moment, are the same

people who are opposing a tariff on coffee.

But, Mr. Chairman, is it not better to let them have these fourteen millions, if they can get them, than to send them every two years twenty millions, as we have done for the last thirty-six years, and will continue to do if the duty is not placed. The American people are paying from eight to ten millions into the treasuries of several coffee-producing countries which have an export duty on that article, which ought to go into that building on Pennsylvania avenue, where they belong and where they will be welcome.

Mr. BENNET of New York. Will the gentleman state what is the exact effect on the Porto Rican industry of the export tax

which Brazil levies on coffee?

Mr. LARRINAGA. Well, it is very little, because we can not sell coffee in New York at less than 12 cents a pound, and the effect on Porto Rico is nil; the margin is so large that a cent does not make much difference.

Now, Mr. Chairman, before my time is over, I am going to explain to the gentleman from New York what the effect of the American tariff on coffee on Porto Rico would be as a protection. It is going to be practically very little, if any. I suppose that somebody would be ready to ask me, "Why, then, do you want a tariff on coffee if you are not going to derive any profit The reason is this: We sell to-day at 12 cents a pound in New York. They are selling at about six and a half. Five and six and a half make eleven and a half. Therefore they are yet ahead of us in market, and we can not compete with

But, Mr. Chairman, there are times when our coffee goes down, and then if they sell for six or seven plus the tariff we can sell our coffee at about 12 cents and make some profit instead of losing. When cheap coffee sells at prices higher than 12 cents, as it did some time ago, then the tariff would help us, but this is not likely to occur in future.

There are some dealers-for I have told you that I am not speaking against a class-who tell the poor man that the tariff is going to weigh heavily on him. But why do they not tell him that he is paying a tax to Brazil which amounts to about ten millions a year. Why do they not tell him that he is paying a tax to the dealer which varies from 10 to 15 cents on every

pound of coffee, amounting on an average to seventy millions a year over and above their fair profit. Coffee bought in New York at 6 cents a pound means 7% after being roasted, with the shrinkage and the cost of roasting. Why should they sell that coffee as they are selling it to-day—at from 15 to 25 cents a pound. Now, Mr. Chairman, in honor to that class I will say that I at times believe they are not such bad men as they may perhaps appear. I believe that they are making this strenuous fight because, perhaps, they have made up their minds to pay the duty out of their large profits, and not charge it to the consumer in case Congress decides to put the duty. Mr. Chairman, I love to think well of others. [Applause.]

Mr. SCOTT. Mr. Chairman, I move that the committee do

now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill (H. R. 27053) and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 4931. An act to correct the military record of Corwin M.

Holt: and

H. R. 17572. An act for the relief of George M. Voorhees.

LIFE-PRESERVERS ON MOTOR VESSELS.

Mr. GREENE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8266) to require lifepreservers on motor vessels.

The SPEAKER. Is it on the Union Calendar?
Mr. GREENE. On the House Calendar.
The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the following Senate bill on the House Calendar, which the Clerk will report.

The Clerk read the bill (S. 8266) to require life-preservers on

motor vessels.

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if this act would not require every little motor boat of every kind, no matter the size, to carry life-preservers stowed away, one for each possible passenger?

Mr. GREENE. Yes.

Mr. MANN. Who would enforce the law?

Mr. GREENE. The Steamboat-Inspection Service.
Mr. MANN. So that the Steamboat Inspection Service would have to inspect each of these little motor boats, many of them no larger than rowboats?

Mr. GREENE. I do not know that the steamboat inspectors would. During the last summer in my own city the enforcement of the law in regard to what boats should carry in the way of lights was by a special inspector employed during the summer months to see that parties complied with the law.

Mr. MANN. Does not the gentleman think that if there were an accident on a little boat of this kind, with these lifepreservers stowed away, everybody would jump to get a life-

preserver and inevitably turn the boat over

Mr. GREENE. I can not say about that. cases in my own neighborhood, and I have read of others, some of them in this city, where boats have taken fire and lives have been lost because there were no life-preservers on board. These boats do not always burn up immediately, but they burn pretty

Mr. MANN. I suppose that might happen, but I think there would be so many more lives lost in consequence of the enact-

ment of this bill into law that I shall object. The SPEAKER. Objection is made.

MEASUREMENTS OF VESSEL TONNAGE.

Mr. GREENE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8460) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act approved March 2, 1895, entitled "An act to amend section 1 of chapter 398 of the laws of 1882, entitled 'An act to provide for deductions from the gross tonnage of vessels of the United States," is hereby amended by inserting, after paragraph (h), the following words:

"The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the under side of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 per cent of the gross tonnage, and the remainder only shall

be added to the gross tonnage of the ship, exclusive of the tonnage of the hatchways."

SEC. 2. That said section is further amended by inserting at the end of the fourth paragraph, after paragraph (1), the following words:

"From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel."

Mr. MANN. Mr. Speaker, reserving the right to object, what is the number of the House bill for this same thing?

Mr. GREENE. It is H. R. 26070.

Mr. BENNET of New York. Reserving the right to object, I should like to ask the gentleman from Massachusetts if this simply changes the method of computation, so that the space for hatchways and water ballast is deducted?

Mr. GREENE. That is all.

Mr. BENNET of New York. Is it recommended by the de-

Mr. GREENE. Recommended by the department.

Mr. CLARK of Missouri. What is the object of the bill? Mr. GREENE. The object is to make the laws of the United States conform with the laws of other nations in regard to

Mr. CLARK of Missouri. This does not have anything to do with the number of cubic feet that are set aside for every passenger on a vessel?

Mr. GREENE. No, sir. The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. GREENE. Now I ask, Mr. Speaker, that the similar House bill (H. R. 26070) be laid on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. BENNET of New York, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of M. A. A. Cervantes, Fifty-eighth Congress, no adverse report having been made thereon.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF NEW YORK

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of

powers shall be the same as now provided by law for the judges of said district.

Sec. 2. That that part of section 613 of the Revised Statutes which reads as follows: "and at every such term held by said judge of said eastern district he shall receive the sum of \$300, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district," is hereby

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I would like to know why it is necessary to have this

additional judge.

Mr. BENNET of New York. The necessity for this judge was indicated by the report of the Judiciary Committee a couple of years ago, when they gave us one additional judge. It arises from the numerous prosecutions of great length and importance that are taking place in the city of New York, the details of which I put in the RECORD on the 8th day of January.

Mr. GAINES of Tennessee. How many judges have you

there?

Mr. BENNET of New York. Three district judges. We are doing our circuit-court work, for which we really need a district judge, by present judges from Connecticut and Vermont and other places in order to keep up with the work.

Mr. GAINES of Tennessee. Is this judge asked for a district

judge or a circuit judge?

Mr. BENNET of New York. This judge is a district judge, which is more valuable because he can do district work and circuit-court work.

Mr. GAINES of Tennessee. How many district judges have

Mr. BENNET of New York. Three district judges in the southern district of New York, and there are four circuit judges for the whole circuit.

Mr. GAINES of Tennessee. Seven federal judges for that New York district.

Mr. BENNET of New York. The circuit covers the whole range of New York, Vermont, and Connecticut.

Mr. GAINES of Tennessee. You got one additional district

judge two years ago, did you not? Mr. BENNET of New York. Yes; three years ago.

Mr. FITZGERALD. What has become of the district judge for the eastern district?

Mr. BENNET of New York. Well, this bill now up for consideration will help out the eastern district, because it provides that the judge for the eastern district shall no longer hold the term which brings him over to our district four terms in a year, each term of which lasts from one to three weeks.

Mr. MANN. Is there any reason why he should not go to

New York City and hold court?

Mr. BENNET of New York. If the gentleman will read the report carefully-

Mr. MANN. I have read the report. Mr. BENNET of New York. The \$300 applies to only one judge from the eastern district of New York, and he is the only judge in the United States to whom such a provision applies. They are getting in the eastern district so that they need their judge at home all the time. Their judge is human, and as long as he can get \$300 a term for coming over to the city in our district four times a year he comes over and gets \$1,200.

Mr. MANN. And he gives you that benefit and we get along

with two less judges on account of it.

Mr. BENNET of New York. But it deprives the eastern district of his services when it needs him there to do their work. The Judiciary Committee is unanimous in this report, and three years ago they indicated that the one judge which they gave us at that time was not sufficient.

Mr. MANN. Does the gentleman from New York think that the House now ought to provide an additional judge for this

district based on a report made three years ago?

Mr. BENNET of New York. We ask that this bill be passed

based on the report as made now.

Mr. MANN. But the gentleman says it was foreclosed by the

report three years ago.

Mr. BENNET of New York. It was foreclosed three years ago, when they said that one judge was not enough and that

they would have to have another one in a short time.

The judge who was appointed was working with great ability and long hours, to such an extent that twice he has had to go to the hospital on account of serious illness. The work is heavy and the cases are large, both civil and criminal cases. All the judges work there, and they hold criminal terms even in the month of July.

Mr MANN. "Even in the month of July!"

Mr. BENNET of New York. Yes. Our state courts do not. Mr. MANN. Well, you are spoiled. Even our civil courts in Chicago hold their court during the month of July, and the criminal courts hold sessions during every month of the year.

Mr. BENNET of New York. That is exceptional and com-

Mr. MACON. Do they hold two hours in the morning and

two in the afternoon?

Mr. BENNET of New York. Oh, no; they start in their calendars at half past 10, and in the federal courts they hold until 5 o'clock in the afternoon, with three-quarters of an hour, I think it is, for lunch.

Mr. MACON. Then they work about five hours a day.

Mr. BENNET of New York. Besides the work they do in chambers before and at the end of the day.

Mr. GAINES of Tennessee. How much vacation did your

federal judges there take last summer?

Mr. BENNET of New York. I would not want to say exactly, but I presume the same as our state judges, and that is

July, August, and two weeks in September.

Mr. GAINES of Tennessee. Two months and two weeks' vacation out of twelve, and they want another judge to help them out. Mr. Speaker, I had a bill here last session to create a judgeship for the middle division of Tennessee, which I thought was very much needed. A leading member of the committee stated to me that they were going to take up this question this session and report a bill, or a number of bills, creating a number of judgeships. They have not made that report. There are a number of those cases, and I do not see why we should take up this bill at this time and make an exception of it. So I am going to object.

Mr. BENNET of New York. I am sorry the gentleman places

his objection on that ground.

Mr. GAINES of Tennessee. I do put it on the ground of fair dealing with all Members.

The SPEAKER. Objection is heard.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIDSON, for ten days, on account of sickness in his family.

To Mr. Warson, indefinitely, on account of death in his family

To Mr. FINLEY, for four days, on account of important business.

ADJOURNMENT.

Then, on motion of Mr. Scorr (at 5 o'clock and 19 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for rental of quarters at Quincy, Ill. (H. Doc. No. 1408)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting a response to the inquiry of the House concerning the Shawnee Training School in Oklahoma (H. Doc. No. 1409)-to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for repairs of buildings on the fur-seal islands (H. Doc. No. 1410)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky., reported the same with amendment, accompanied by a report (No. 2014), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24834), for the protection of the rights of surface entrymen, reported the same with amendments, accompanied by a report (No. 2019), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REYNOLDS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, reported the same without amendment, accompanied by a report (No. 2020), which said bill and report were referred to the Com-

mittee of the Whole House on the state of the Union.

Mr. WATSON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company, reported the same with amendments, accompanied by a report (No. 2021), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26482) to authorize the construction of two bridges across Rock River, State of Illinois, reported the same without amendment, accompanied by a report (No. 2015), which said bill and report

were referred to the House Calendar. Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26829) to amend an act entitled "An act to amend an act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved March 7, 1908, reported the same with amendments, accompanied by a report (No. 2016), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the Senate (S. R. 115) authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans., reported the same without amendment, accompanied by a report (No. 2017), which said joint resolution and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes, reported the same without amendment, accompanied by a report (No. 2018), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were re-

A bill (H. R. 26031) granting a pension to Benjamin E. Kneibler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27308) granting a pension to Barton E. Gardner-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27495) granting a pension to Emma L. Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27500) granting an increase of pension to Lucinda McDonald-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. COX of Indiana: A bill (H. R. 27524) to repeal section 17 of the United States Statutes, volume 14, enacted July 20, 1866, relating to the mileage of Senators, Representatives, and Delegates in Congress-to the Committee on Mileage.

By Mr. WILEY: A bill (H. R. 27525) to provide for the marking of the site of Fort Mims, in Baldwin County, Ala., and the erection of a monument thereon-to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 27526) to require the installation of submarine signals apparatus on certain ocean steamers-

to the Committee on the Merchant Marine and Fisheries. By Mr. HEFLIN: A bill (H. R. 27527) prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath day-

to the Committee on the District of Columbia.

By Mr. GRAHAM: A bill (H. R. 27528) to confer additional powers and impose additional duties on the Interstate Commerce Commission-to the Committee on Interstate and Foreign Commerce

By Mr. GREGG: A bill (H. R. 27529) to provide for the digging of a ditch across the channel at Galveston, Tex., for the purpose of laying therein a water main and electric cables to the immigrant station-to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: A bill (H. R. 27530) to provide for the purchase of a site and the erection of a building thereon at the town of Seaford, Sussex County, in the State of Delaware-to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 27531) to amend an act entitled "An act authorizing the construction of bridges across navigable waters and to extend the time for the construction of bridges across navigable waters and to legalize the construction of bridges across navigable waters," approved May 20, 1908-to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Ohio; A bill (H. R. 27532) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district-to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 27533) authorizing the Secretary of the Interior to make settlement with the members of each of the Five Civilized Tribes of Indians-to the Committee on Indian Affairs.

By Mr. CURRIER: A bill (H. R. 27534) to amend section 4886 of the Revised Statutes, relating to patents-to the Committee on Patents.

By Mr. COCKS of New York: A bill (H. R. 27595) regulating the pay of mail routes on Long Island, New York, operated by electric or steam power—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: A bill (H. R. 27596) to create a new federal judicial district in Pennsylvania, to be called the central district-to the Committee on the Judiciary.

By Mr. HEFLIN: A bill (H. R. 27597) providing that agents be sent into China, Japan, and other eastern countries for the purpose of inquiring into trade relations with these countries and urging the use of American cotton goods—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: A bill (H. R. 27598) for the purpose of making a preliminary survey and constructing a breakwater in Lake Huron at Rogers City, Mich.—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: A bill (H. R. 27599) providing for the removal of the remains of Samuel Chester Reid from Greenwood Cemetery, Brooklyn, N. Y., to the national cemetery at Arlington, Va., and placing a suitable memorial to his memory—to the Committee on the Library.

By Mr. BROUSSARD: Joint resolution (H. J. Res. 250) to

empower and instruct the Mississippi River Commission to investigate and report as to whether or not the United States shall take charge of the levee system of the Mississippi Riverto the Committee on Levees and Improvements of the Mississippi River.

By Mr. JONES of Washington: Memorial of the legislature of the State of Washington, asking Congress to provide for the removal of the duty on grain sacks, etc .- to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 27535) granting an increase of pension to Jemima E. Callahan—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 27536) granting an increase of pension to Robert Valentine-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27537) granting an increase of pension to William H. Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27538) granting an increase of pension to Benjamin M. Winchell—to the Committee on Invalid Pensions. Also, a bill (H. R. 27539) granting an increase of pension to

P. A. Cobb-to the Committee on Pensions.

Also, a bill (H. R. 27540) for the relief of Howard Holt—to the Committee on Military Affairs.

By Mr. BURLESON: A bill (H. R. 27541) granting an increase of pension to Polk R. Kyle—to the Committee on Pensions.

Also, a bill (H. R. 27542) granting an increase of pension to James Conner-to the Committee on Pensions. Also, a bill (H. R. 27543) granting an increase of pension to

Sanford Brown-to the Committee on Pensions.

Also, a bill (H. R. 27544) granting an increase of pension to John C. Bonner—to the Committee on Pensions.

Also, a bill (H. R. 27545) granting an increase of pension to James McMorries-to the Committee on Pensions.

Also, a bill (H. R. 27546) granting an increase of pension to Gilford Ratliff-to the Committee on Pensions. Also, a bill (H. R. 27547) granting an increase of pension to

Jacob Burleson-to the Committee on Pensions. Also, a bill (H. R. 27548) granting an increase of pension to

Jacob F. Roberts-to the Committee on Pensions. Also, a bill (H. R. 27549) granting an increase of pension to Thomas J. Awbrey—to the Committee on Pensions.

Also, a bill (H. R. 27550) granting an increase of pension to

Ben F. Gooch—to the Committee on Pensions. Also, a bill (H. R. 27551) granting an increase of pension to

James Eastwood--to the Committee on Pensions. Also, a bill (H. R. 27552) granting a pension to Ann Rager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27553) granting an increase of pension to

Anthony L. Houston-to the Committee on Pensions. By Mr. BURNETT: A bill (H. R. 27554) granting a pension to William A. Gibson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27555) granting an increase of pension to Temple H. Duff-to the Committee on In-

By Mr. CHANEY: A bill (H. R. 27556) for the relief of the heirs at law of Gallus Kerchner, deceased-to the Committee on War Claims.

By Mr. COUDREY: A bill (H. R. 27557) authorizing the Secretary of the Interior to enroll Isabell Richter, née Bell Cook, and her son, Charles H. Richter, as Cherokee Indiansto the Committee on Indian Affairs.

Also, a bill (H. R. 27558) granting an increase of pension to Mary A. McDonough—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 27559) granting an increase of pension to William Rosenbarger—to the Committee

on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 27560) granting an increase of pension to Joseph D. Brown-to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 27561) granting an increase of pension to Charles E. Collins-to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 27562) granting an increase of pension to Alvin Eckley-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27563) granting an increase of pension to William A. McNutt-to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 27564) granting an increase of pension to David A. Funk-to the Committee on Invalid

By Mr. GARDNER of Michigan: A bill (H. R. 27565) granting an increase of pension to Alonzo Parmalee-to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 27566) for the relief of Emma R. Emery—to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 27567) granting an increase of pension to Moses L. Bunnell-to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 27568) granting an increase of pension to John M. Slate-to the Committee on Invalid Pen-

By Mr. LENAHAN: A bill (H. R. 27569) granting an increase of pension to Stanley R. Bronson—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 27570) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes-to the Committee on the Public

By Mr. MALBY: A bill (H. R. 27571) granting an increase of pension to Robert Nelson-to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27572) for the relief of Wil-

liam J. Allen—to the Committee on Claims.

By Mr. OLCOTT: A bill (H. R. 27573) granting an increase of pension to Amanda Ferrero-to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 27574) for the relief of the estate of Mitchell J. Childress-to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 27575) granting an increase of pension to Margaret Connelly—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 27576) granting an increase of pension to Oliver Black-to the Committee on Invalid Pen-

Also, a bill (H. R. 27577) granting an increase of pension to Robert C. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27578) granting a pension to Gertrude Ballou—to the Committee on Pensions.

Also, a bill (H. R. 27579) granting a pension to William Swift Wright—to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 27580) granting an increase of pension to Benjamin Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27581) granting a pension to Annis Woodward—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 27582) granting a pension to Mary L. Constant—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 27583) granting a

pension to Thad Parrish—to the Committee on Pensions.

By Mr. WATKINS: A bill (H. R. 27584) granting an increase of pension to Job W. Johnson—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 27585) to correct the military record of George McClare-to the Committee on Military Af-

By Mr. BARCHFELD: A bill (H. R. 27586) for the relief of the Pittsburg Brewing Company—to the Committee on Claims.

Also, a bill (H. R. 27587) for the relief of Francis B. Jonesto the Committee on Claims.

By Mr. EDWARDS of Georgia: A bill (H. R. 27588) for the relief of the First Presbyterian Church of Darien, Ga .- to the

Committee on War Claims. Also, a bill (H. R. 27589) for the relief of the Jerusalem Evangelical Lutheran Church, Ebenezer, Ga.—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 27590) granting an increase of pension to Henry E. Buckingham-to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27591) appropriating money to pay the widow of William H. Parker, late a Representative in Congress from the State of South Dakota-to the Committee on Appropriations.

By Mr. NELSON: A bill (H. R. 27592) granting an increase of pension to George Lashure-to the Committee on Invalid

By Mr. O'CONNELL: A bill (H. R. 27593) granting an increase of pension to Alonzo M. Varney—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 27594) granting a pension to Anna Kennah—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Derthick Grange, No. 1621, of Summit Station, Ohio, for H. R. 15837, in aid of highways-

to the Committee on Agriculture.

By Mr. BARCHFELD: Petition of the James C. Lindsay Hardware Company; the Logan-Gregg Hardware Company; the Taylor & Dean Iron Works; the Standard Manufacturing Company; Haworth & Dewhurst (Limited), wholesale grocers; the W. E. Osborn Company; the Alling & Cory Company; and the Pittsburg Chronicle-Telegraph, all of Pittsburg, Pa., for the passage of the Sherley bill (H. R. 21929) amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Pittsburg Dry Goods Company, the J. K. McKee Company, and the Pittsburg Association of Credit Men, for the passage of the Sherley bill (H. R. 21929) amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Allegheny County Medical Society, State of Pennsylvania, for modification of tariff laws so that all medical and surgical books, instruments, and appliances be admitted to the United States absolutely free of duty—to the Committee on Ways and Means.

By Mr. CALDER: Paper to accompany bill for relief of Fred W. Kinloch (H. R. 16894)—to the Committee on Invalid Pen-

sions.

Also, petition of C. W. Cawtan, against making exception to Union soldiers of the civil war in federal, state, or city employ in the matter of granting pensions of \$50 and \$25 per month to commissioned officers and enlisted men 70 years old—to the Committee on Invalid Pensions.

Also, petition of New York Chapter of the American Institute of Architects, favoring site of Lincoln memorial at west end of the Mall, as contemplated by the park commission-to the Com-

mittee on the Library.

Also, petition of Merchants' Association of New York, favoring increase of salaries of United States judges-to the Committee on the Judiciary.

Also, petition of headquarters of the Grand Army of the Republic, against consolidation of pension agencies-to the Committee on Appropriations.

By Mr. CHANEY: Paper to accompany bill for relief of Mary E. Taylor, widow and heir at law of William Taylor-to the Committee on War Claims.

By Mr. CHAPMAN: Petition of Henry G. Lane and others, favoring a national highways commission and federal aid in construction of public highways-to the Committee on Agriculture.

By Mr. COCKS of New York: Paper to accompany bill for relief of Edward Trenchard-to the Committee on Claims.

By Mr. COUSINS: Petition of citizens of Marshalltown, Iowa, favoring parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Edwin E. Darling & Co., of Troy, N. Y., favoring repeal of duty on raw and refined sugars to the Committee on Ways and Means.

By Mr. DUREY: Petition of members of Mayfield (N. Y.) Grange, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FLOYD: Paper to accompany bill for relief of Mary J. Utter (H. R. 25921)—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of the Bayer-Beaver Company, of Huntingdon, Pa., favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Paper to accompany bill for relief of William A. McNutt-to the Committee on Invalid Pen-

By Mr. FULLER: Petition of the Ingersoll Milling Machine Company, of Rockford, Ill., favoring a minimum tariff of 20 per cent and maximum of 45 per cent on machine tools—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of David A. Funk—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Alaska road committee of the Chamber of Commerce of Alaska, favoring \$1,000,000 appropriation for road improvement in Alaska-to the Committee on Agriculture.

By Mr. GRAHAM: Petition of 1,500 river men and business men of Allegheny County, Pa., for the erection of additional locks and dams on the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. GRONNA: Petition of citizens of Richland County, N. Dak., for retention of import duty on grain-to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of J. C. Aldrich and 85 others, of Currie, Minn., against duty on tea and coffee-to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of citizens of Utica, Seward County, Fourth Congressional District of Nebraska, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petition of B. F. Peixotto Lodge, No. 421, favoring the Goldfogle resolution, relative to American citizens of the Jewish faith traveling in foreign countries—to the Committee on Foreign Affairs.

By Mr. KNOWLAND: Petition of Sitters of College Control of the Committee of College Control of Co

By Mr. KNOWLAND: Petition of citizens of Oakland, Cal., for an effective exclusion law against all Asiatics save merchants, students, and travelers-to the Committee on Foreign Affairs.

By Mr. LINDBERGH: Petition of citizens of Cokato, Minn., protesting against a duty on tea and coffee-to the Committee on Ways and Means.

Also, petition of Business League of St. Paul, Minn., against the Taliaferro naval-stores regulation bill (S. 7867)-to the Committee on Naval Affairs.

By Mr. MANN: Petition of New York Board of Trade, favoring increase of salaries of United States judges (S. 6973)-to

the Committee on Appropriations.

Also, petition of trustees of Newberry Library, against increase of duty on books-to the Committee on Ways and Means. Also, petition of American Protective Tariff League, opposing creation of a permanent nonpartisan tariff commission-to the

Committee on Ways and Means.

Also, petition of Third United Presbyterian Church of Chicago, against extradition of Christian Rudowitz and other Russian political refugees-to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of citizens of Hollister, Cal. against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. S. Spence and others, against passage of Senate bill 3490—to the Committee on the District of Columbia. By Mr. NELSON: Petition of sundry citizens of Wisconsin, against the Johnston Sunday bill (S. 3940)—to the Committee

on the District of Columbia.

By Mr. OLCOTT: Paper to accompany bill for relief of Amanda Ferrero-to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Mitchell J. Childress—to the Committee on War Claims.

Also, papers to accompany bills for relief of Roa Z. King and Martha Johnson-to the Committee on War Claims.

Also; paper to accompany bill for relief of Daniel C. Carterto the Committee on War Claims.

By Mr. SPERRY: Petition of citizens of New Haven, Conn.,

protesting against the Johnston Sunday bill-to the Committee on the District of Columbia.

Also, petition of Beacon Valley Grange, of Naugatuck, Conn., favoring a national highways commission-to the Committee on Agriculture.

By Mr. STEENERSON: Petition of Business League of St. Paul, Minn., against S. 7867 (Taliaferro naval stores regulation -to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. W. Hazon and others, of Parkers Prairie, Minn., and Andrew Vick and others, of Bronson, Minn., against a

duty on tea or coffee—to the Committee on Ways and Means, By Mr. STEVENS of Minnesota: Petition of Lithographers' International Protective Beneficial Association of St. Paul and Minneapolis, favoring increase of tariff on lithographic workto the Committee on Ways and Means.

Also, petition of merchants of St. Paul, against duty on tea

and coffee—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Middletown Grange, No. 684,
Patrons of Husbandry, Jesse C. Webster, master, of Middletown, Bucks County, Pa., and other residents of Bucks County in favor of a national highways commission and federal aid in road construction (H. R. 15837)-to the Committee on Agriculture.

Also, petition of Illinois Manufacturers' Association, in favor of the enactment of the ocean mail steamship bill-to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Northern Pine Manufacturers' Association, of the Michigan Hardwood Manufacturers' Association, and of the Hardwood Lumber Manufacturers of Wisconsin, against the reduction or repeal of the tariff on lumber-to the Committee on Ways and Means.

Also, petition of Hardwood Manufacturers' Association of the United States, against the repeal or the reduction of the tariff duties on lumber—to the Committee on Ways and Means.

By Mr. WASHBURN: Paper to accompany bill for relief of Bridget T. Elliott (previously referred to the Committee on Invalid Pensions) -to the Committee on Pensions.

SENATE.

WEDNESDAY, February 3, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTORAL VOTE OF COLORADO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Colorado, which, with the accompanying paper, was ordered to be filed.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, the con-

ferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. Hale, Mr. Gallinger, and Mr. Teller the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8460) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels.

The message also announced that the House had passed a bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon

signed by the Vice-President:
S. 8695. An act extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington:

H. R. 4119. An act to pay John Wagner, of Campbell Hall,

N. Y., for carrying the mails;
H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903;

H. R. 7006. An act to correct the military record of George W. Hedrick;

H. R. 7807. An act to place John Crowley on the retired list

of the United States Navy; H. R. 7963. An act for the relief of Patrick Conlin;

H. R. 8050. An act for the relief of James R. Wyrick; H. R. 10416. An act to correct the naval record of Lieut. Hilary Williams, U. S. Navy;

H. R. 10606. An act for the relief of Robert S. Dame; H. R. 10986. An act for the relief of L. H. Lewis;

H. R. 10987. An act for the relief of A. A. Lewis

H. R. 13319. An act for the relief of the heirs of Thomas J. Miller:

H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 14361. An act to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty;

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 16927. An act for the relief of Lieut. Commander Ken-

neth McAlpine;

H. R. 17297. An act authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road;

H. R. 17344. An act for the relief of Frederick Daubert;

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation:

H. R. 19839. An act for the relief of W. H. Blurock;
H. R. 19893. An act for the relief of Thomas J. Shocker;

H. R. 23711. An act to build a bridge across the Santee River, South Carolina; and

H. R. 26062. An act authorizing the creation of a land district in the State of South Dakota, to be known as the "Bellefourche land district.'

PETITIONS AND MEMORIALS.

Mr. BURROWS presented petitions of sundry citizens of Alto, Orange, Vandalia, Allegan, Ludington, Clare, and of Cass County, all in the State of Michigan, praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Casco Pomological Society, of South Haven, Mich., praying for the enactment of legislation to prohibit the manufacture, sale, or transportation, or misbranding insecticides and fungicides, which was ordered to lie on the table.

He also presented a petition of the Michigan Chapter, American Institute of Architects, of the State of Michigan, praying for the enactment of legislation to establish a national council of the fine arts, which was referred to the Committee on the Library

He also presented a memorial of the Michigan Chapter, American Institute of Architects, of the State of Michigan, remonstrating against the enactment of legislation to purchase land in the vicinity of the Union Station to be used as a site for a memorial to Abraham Lincoln, which was referred to the Committee on the Library.

He also presented memorials of sundry citizens of Detroit, Mich., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were

referred to the Committee on Interstate Commerce.

He also presented a petition of the common council of Cheboygan, Mich., praying for the enactment of legislation providing for the improvement of the locks located in the Cheboygan River, at the Cheboygan Paper Company's plant at that city, which was referred to the Committee on Commerce.

He also presented a memorial of the Michigan Branch of the Alumnæ Association of the Georgetown Academy of the Visitation, of Detroit, Mich., remonstrating against the enactment of legislation providing for the opening of public streets through the grounds of the Sisters of the Visitation Convent at Georgetown, D. C., which was referred to the Committee on the District of Columbia.

Mr. FULTON presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as fol-

House joint memorial 6.

House joint memorial 6.

Whereas the growing and shipping of apples is an important industry in the State of Oregon, such that the Oregon apple ranks first for excellence in the markets of the world; and Whereas the fruit growers of the States of Oregon, Washington, Idaho, Montana, Utah, and British Columbia have adopted two uniform sizes of apple boxes, known as the "standard" and "special" apple boxes, containing 2,173.5 cubic inches and 2,200 cubic inches, respectively, each of these boxes containing a bushel according to United States standard; and

Whereas there is now in the Congress of the United States a bill known as the "Porter bill," which attempts to fix the standard for a box of apples at 2,564 cubic inches, to the detriment and injury of the apple growers of the Northwestern States, who now ship more boxed apples than all other States combined: Therefore be it

Resolved by the house (the senate concurring), That the legislative sasembly of the State of Oregon request our Senators and Representatives in Congress to use their best efforts to defeat the bill known as the "Porter bill;" and be it further

Resolved, That the chief clerk of the house be instructed to send a copy of this resolution to each Senator and Representative in Congress from Oregon.

United States of America, State of Oregon, Twenty-fifth legislative assembly, hall of representatives:

I, W. F. Drager, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 6 with the original thereof, adopted by the house January 22, 1909, and concurred in by the senate January 26, 1909, together with the indorsements thereon; and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand at the capitol, at Salem, Oreg., this 27th day of January, A. D. 1909.

W. F. DRAGER, Chief Clerk.

Mr. FULTON presented petitions of sundry citizens of Montavilla Oreg., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the petition of Alfred Shaw, of Washington, D. C., and a petition of the congregation of the Western Presbyterian Church, of Washington, D. C., praying for the enactment of legislation amending the present laws regulating the sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BULKELEY presented a petition of sundry citizens of Orange, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented a petition of the Chamber of Commerce of Newport News, Va., praying for the enactment of legislation providing for placing and maintaining four acetylene gas buoys at the channel across the Newport News Middle Ground, in that State, which was referred to the Committee on

Mr. ANKENY presented a joint memorial of the legislature of the State of Washington, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 3. By Senator Biair.

Senate joint memorial 3. By Senator Bialr.

To His Excellency Theodore Roosevelt, President of the United States of America, to the honorable Secretary of War, and to the honorable Senators and Representatives from the State of Washington:

Your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled (eleventh regular session, respectfully petition as follows,

That lots 2 and 3 in section 12, township 35 north, of range 3 west, of the Willamette meridian, and lots 4 and 5 in section 11, township 35 north, of range 3 west, of the Willamette meridian, now held by the War Department as a portion of a military reserve on San Juan Island, State of Washington, be donated to the state university of the State of Washington, for a site on which to erect buildings for a biological school to be used in conjunction with said university.

Passed by the senate January 11, 1909.

M. E. Huy,

M. E. Huy, President of the Senate.

Passed by the house January -, 1909.

LEO O. MEIGS, Speaker of the House.

Mr. ANKENY presented a petition of the legislature of the State of Washington, praying that an appropriation of \$1,000,000 be made for the construction of wagon roads in the Territory of Alaska, which was referred to the Committee on Territories. He also presented a memorial of the legislature of the State

of Washington, remonstrating against the removal of the duty on forest products, which was referred to the Committee on Finance.

He also presented a petition of the legislature of the State of Washington, praying for the removal of the duty on jute and grain bags, which was referred to the Committee on Finance.

He also presented a petition of Mountain View Grange, No. 93, Patrons of Husbandry, of White Salmon, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX presented a memorial of the Pennsylvania Peace Society, of Philadelphia, Pa., remonstrating against any further appropriation being made to increase the navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Federation of Jewish Organizations of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Mount Carmel, Pa., praying for the enactment of legislation to prohibit the manufacture of and importation of opium into the United States, except for medicinal purposes, which was ordered to lie on the table.

He also presented sundry petitions of citizens of western Pennsylvania, praying for the enactment of legislation granting pen-sions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

He also presented a petition of Local Lodge No. 124, Independent Order of Odd Fellows, of Gettysburg, Pa., praying for the enactment of legislation providing for the construction of a Lincoln memorial highway from the city of Washington to the battlefield at Gettysburg, in that State, which was ordered to lie on the table.

He also presented a petition of the temperance committee of the General Assembly of the Presbyterian Church of the United States, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the liquor traffic in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented memorials of D. G. Stewart & Geidel, of Pittsburg; George M. Warner, of Philadelphia; L. G. Graff & Sons, of Philadelphia; James L. King, of West Chester; and of the Commercial Exchange of Philadelphia, all in the State of Pennsylvania, remonstrating against the passage of the so-called "McCumber bill," providing for the federal inspection of grain, which were ordered to lie on the table.

He also presented petitions of the American Prison Association, of Chicago, Ill.; the Prison Association, of New York; of Prof. H. R. Mussey, of Philadelphia, Pa.; and S. E. Gill, of Pittsburg, Pa., praying for the enactment of legislation providing for an appropriation of \$50,000 for the reception of the International Prison Congress to meet in Washington, D. C., in 1910, which were referred to the Committee on Appropriations.

He also presented petitions of the Board of Trade of Scranton; of the Allegheny County Bar Association, of Pittsburg; of F. G. Moorhead, of Beaver; the Bar Association of Berks County; and the Dauphin County Bar Association, all in the State of Pennsylvania, praying for the enactment of legislation providing for an increase in the salaries of the judges of the circuit and district courts of the United States, which were ordered to lie on the table.

He also presented memorials of the Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, Pa.; the Grand Army of the Republic, of Red Bank, N. J.; and of H. F. Madgeburg, Milwaukee, Wis., remonstrating against the abolition of the local pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented petitions of Puget Sound Harbor, No. 16, American Association of Masters, Mates, and Pilots, of Seattle, Wash.; of Galveston Harbor, No. 20, American Association of Masters, Mates, and Pilots, of Galveston, Tex.; and of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sall vessels, which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$200,000 to enable the United States fittingly to participate in the Universal and International Exhibition to be held at Brussels, Belgium, from April to November, 1910, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed and, with the accompanying message from the President of the United States, referred to the Committee on Appropriations, which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 29th ultimo, proposing to appropriate \$2,839.79 for the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1910, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. HALE, from the Committee on Appropriations, to whom was referred Senate Document No. 653, Sixtieth Congress, second session, relative to the title of the United States to lands in the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. CURTIS, from the Committee on Pensions, to whom was referred the bill (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 904) thereon.

(No. 904) thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 25391) granting pensions and increase

of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 905) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 906), accompanied by a bill (S. 9067) to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 575. Simeon F. Dickinson; S. 1242. Elmira S. Tupper; S. 1282. William J. Irvine; S. 1297. John Reed; S. 1303. Richard H. Tombaugh; S. 1415. Louis N. Lafontisee; S. 1603. Samuel P. Leith: S. 1947. Herman J. Wall; S. 2433. John Frazer S. 2491. John S. Hall; S. 2557. Malinda Wood: S. 2967. Benjamin F. Martz: S. 3055. William Crawford; S. 3058. Girden C. Day; S. 3290. John A. Wier S. 3297. Thomas H. Wells; S. 3309. Conrad Seim: S. 3317. Alfred R. Babb; S. 3333. William A. Plantz; S. 3565. George W. Parsons; S. 3772. Joseph B. Graham; S. 4246. Robert W. Pool; S. 4419. Hezekiah Allen; S. 4531. Charles Muller; S. 4551. Peter J. Coughlin; S. 4625. Mary A. Wampler; S. 4705. John A. Gibson; S. 4918. George W. Morton; S. 5044. Bernard W. Fisher S. 5205. Richard S. Harrison; S. 5364. Maberry Riggs; S. 5563. Martha S. Taylor; S. 5603. Martia L. Allen; S. 5610. Cynthia L. Allen; S. 6094. Mary E. Williams; S. 6273. Sarah A. Conner; S. 6527. Daniel Martin; S. 6681. Samuel Campman: S. 6836. James F. Spencer; S. 6888. William W. Graves; S. 7037. Francis Hale; S. 7039. Anna H. Scofield; S. 7067. William W. Darrow; S. 7079. Rowena C. Lummis; S. 7089. William H. Nichols; S. 7165. Edward A. Wyman; S. 7281. Elizabeth A. Nye; S. 7296. John L. Rushton; S. 7319. Charles Dalle; S. 7420. James B. Herron; S. 7422. Oscar Perkins; S. 7424. Ira H. Thurber S. 7443. Barney B. Mattimore; S. 7445. Daniel A. Grosvenor; S. 7497. Hiram Dice; S. 7498. Joseph H. Owen; S. 7506. Charles F. Chapman; S. 7509. William Oscar Ward; S. 7519. Jacob Hill;

S. 7980. Michael Archer; S. 8004. Wallace A. McKinstry; S. 8064. George Lashus; S. 8080. Lewis Roberts; S. 8084. John Donnelly;

S. 7524. Dilazon D. Holdridge; S. 7574. Eva A. Blanchard; S. 7628. Abram Rhinehart;

S. 7676. Wales W. Wood;
S. 7684. John Wickham;

S. 7701. James A. Light;

S. 7794. Henry E. Steele; S. 7834. Rodham Miller; S. 7934. Amasa Smith;

S. 8164. Henry Deuble; S. 8202. Moses Bradford; S. 8216. Cerelle Shattuck; S. 8377. Emma C. Orr; S. 8388. Francis M. Brannon; S. 8415. William J. Ludley; S. 8444. Miranda A. Wheelock; S. 8451. Edward H. Richards;

S. 8159. James W. Bedford;

S. 8470. George E. Wilkinson; S. 8507. Martin V. Briggs; S. 8570. Alexander S. Stewart; S. 8528. John Farrell;

S. 8594. James H. Tilman; S. 8623. John Monett; S. 8625. William O'Brian; S. 8700. Nathan Dodge: S. 8796. Frank G. Treash; S. 8801. Charles G. Allen;

S. 8809. Margaret E. Colby; S. 8810. John E. Rogers; S. 8811. Charles H. Wells; and

S. 8828. Sylvia Housiaux. Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the bill (S. 8822) providing for the relinquishment by the United States of certain lands to the county of Kootenal, in the State of Idaho, reported it without amendment and submitted a report (No. 907) thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 17276) for the relief of S. R. Hurley,

reported it without amendment.

Mr. SMITH of Michigan, from the Committee on Commerce, to whom was referred Senate concurrent resolution 80, submitted by himself on January 27, providing for a preliminary survey of the harbor at Lexington, Sanilac County, Mich., reported it without amendment.

RETIREMENT OF CERTAIN ARMY OFFICERS.

Mr. WARREN. From the Committee on Military Affairs I report back with an amendment the bill (S. 8906) to provide for the retirement of certain officers on the active list of the Regular Army who have been passed over in promotion by officers junior to them in length of commissioned service, and I submit I ask for the present consideration of the bill. report thereon.

The VICE-PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary. The Committee on Military Affairs report to strike out all after the enacting clause and to insert:

That hereafter when an officer of the line of the Regular Army, whose original commission in the army is dated prior to October 1, 1890, and who has been passed over by his juniors in length of commissioned service in the same branch of the line, is retired under existing law, he shall be retired with the rank and pay of the grade which he would have attained if promotion in the several grades from second lieutenant to colonel, inclusive, had been carried out lineally and by seniority in the several branches of the line prior to the act of Congress approved October 1, 1890, regulating promotions: Provided, That nothing herein contained shall be construed to mitigate or remove loss of rank which any officer may have suffered by sentence of court-martial, action of examining board, or voluntary transfer: And provided further, That nothing herein contained shall be construed to deprive any officer upon retirement of the rank he now holds, to which he may attain at any future time, or to which he may be entitled by law upon retirement.

Mr. CULBERSON. Before consent is given for the consideration of the bill I should be glad if the Senator in charge of it would explain it.

Mr. WARREN. I think it will take but a moment.

There has been a cause of friction for some years in the army. It came about from changes in the law. For many years promotion was regimental up to the grade of captain. In 1874, and again in 1890, the law was changed. Still later. in 1898, lineal promotion was provided for in each arm of the service all through the army up to and including the grade of These changes in the law affected some 200 or 250 There have been bills before us for our consideration for many years, in the Senate Committee on Military Affairs, undertaking to regulate the rank of all those who suffered by changes in the law. But naturally there is much opposition to lowering in any way the rank and pay of officers who have been raised, even though through unjust or erroneous legislation, or to passing officers of lower rank over those of a higher

rank, even to correct error.

Finally, it is the opinion of the committee that by this proposed law, which applies only to 20 officers and applies only then after their retirement, the acute situation is rendered more acceptable to a large class, and it ought to be to all, in that while it does not change the situation as to rank and pay of

officers while in active service, it does provide that when an officer reaches the time of retirement he may be retired at the same grade he would have attained if he had been properly promoted up to that time.

It will apply to 9 cavalry officers and to 11 infantry officers, none of whom will be raised at retirement more than one grade, with one exception, where an officer will be raised two grades; that is to say, he will be raised from major to colonel when he The others will go from lieutenant-colonel to colonel.

Mr. CULBERSON. Is the bill reported unanimously from

the Committee on Military Affairs?

Mr. WARREN. It is.

Mr. HALE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. Certainly.

Mr. HALE. As the Senator knows, our experience with statutes of this kind, passed without discussion, has shown that very important and extensive results come from bills touching the pay of both the army and the navy upon the active and retired lists. I have great confidence in the investigation the Senator from Wyoming would make in any matter of this kind, but we must consider what has been our experience in the past. I know I have found that in the case of bills affecting the pay, rank, and promotion of officers in the navy by a simple bill supposed to affect but very few we have afterwards learned that in operation it affects a great many.

Is the Senator from Wyoming in charge of this bill absolutely

certain not only as to the facts and the merits of the officers who will be affected, but that those who will be advanced and their pay increased by the bill are only in number the few whom he has stated? Is the Senator absolutely certain that the bill will not be found to affect a larger number-classes-in the army, and that we shall not discover and he will not discover that it is much wider and more far-reaching than either we should contemplate or he would desire?

As I have said, I have learned to be very careful about bills that change the grade and rank and pay of a few officers. A good many men get in under such a bill afterwards. Has the Senator, if it is necessary, so guarded his bill that no "back pay," as we call it-no increase of pay, no advanced pay-

be claimed by the beneficiaries of the bill under its provisions? Mr. WARREN. Mr. President, I realize fully the wisdom and pertinence of the inquiry of the Senator from Maine. all liable to be mistaken; but I will say to the Senator and to the Senate that this matter has been studied over more, perhaps, than any other in regard to the army or army pay. It has been under agitation for a number of years. The present Secretary of War and his two predecessors have had it under consideration. It has been referred to the staff for a working out as to how it would apply generally. It was first considered along the lines of reorganizing the entire promotion plan, taking every officer who was affected-some two hundred and odd-and putting all of them, as fast as changes could be made, in the places which they would have attained by application of the straight plan of general lineal promotion. But, naturally, owing to the opposition of those who have gained by the other method of promotion, the difficulty in deciding, and the very danger the Senator from Maine speaks of, that mistakes might be made and those for whom the legislation was not intended might make claims under it, it was finally decided to offer restitution only at retirement, and not before, to those few who could never hope to reach the grade they would have attained through lineal promotion, and who at retirement would suffer the balance of their lives one grade, and in one case two grades, by reason of their having been overslaughed.

The matter has been carefully investigated by expert officers in the War Department, and the names of all officers who have made any claim, and, in fact, all of those who, under figures and dates and records, can possibly have any claim, have been tabu-We have the tabulations in the committee room. seems to me to have been worked out carefully and completely.

I am very willing to state that, as far as I am concerned and my investigations run, I believe the bill will provide for only 20 officers and that it can not exceed seventy-five hundred dollars a year at any time, and will be as much less than that as may be caused through deaths that may occur in the meantime, Mr. HALE. I did not hear the Senator's last statement.

Mr. WARREN. I will say to the Senator and to the Senate that these 20 or 30 officers can get no benefit whatever from this legislation until their time of retirement, say, at 64 years of age. If all of them should retire at the same time and all of them should live, the additional expense to the Government would not exceed \$7,500 per annum for the time be-

tween their retirement and their death. But of course they retire at different dates and deaths may ensue, so that the total amount can never be very large. It would probably be much less than \$100,000 for all during their lifetime, as I figure it on the ordinary tables of mortality. It applies only to these 20 officers, and applies only to those who would otherwise lose at retirement.

Mr. HALE rose.

Mr. WARREN. Excuse me a moment. As to the others, it would not include the 225 or 250. They are suffering injustice to-day. They have been deprived, and they will continue to be deprived, during their active service of one or, perhaps in a few cases, of two grades which they would have enjoyed through lineal promotion. They will, under this bill, reach the same point at retirement and receive the same pay thereafter that they would have received if they had not been overslaughed.

So this applies simply to those officers whom we can not otherwise provide for unless we make an overturning which would result in the displacement of from 200 to 250 officers.

Mr. HALE. Under that statement there would, of course, be no retroactive effect.

Mr. WARREN. Not only that, but it applies only to those who were affected up to a certain date, the legislation of 1890, and it can have no effect as to promotion hereafter, because the law now, and since 1898, has provided for straight lineal pro-

Mr. BACON. I should like to ask the Senator a question, to see if I understand this matter properly. As I understand the proposed legislation, it grows out of the fact that there has been a change in the law of promotion, and under the old law a man's promotions depended upon vacancies in his own corps.

Mr. WARREN. In his own regiment.

Mr. BACON. In his own regiment. When I said "corps," I meant in a generic sense the corps, the organization to which he belonged. I did not mean a corps of the army.

Mr. WARREN. Will the Senator allow me right there to ex-

plain one point?

Under the old law promotion was regimental up to the grade of captain, so that a second lieutenant and a first lieutenant in a regiment where there were few deaths, or none, and no resignations, might remain as second lieutenant and first lieutenant until he was perhaps 50 years or more old, while his classmate in another regiment might reach a captaincy at 30 or 35.

Mr. BACON. Under the present law the promotion is regu-

Mr. WARREN. It is now lineal promotion all the way up from second lieutenant to colonel, inclusive.

Mr. BACON. Regardless of the particular regiment to which the officer may belong?

Mr. WARREN. Yes. Mr. BACON. But it is limited to his arm of the service, is it not? In other words, the creation of a vacancy in the cavalry can not promote a man in the infantry?

Mr. WARREN. In a certain way, of course, up to general officers they go together in the lineal list; but it does apply to each line-cavalry, artillery, and infantry-as the Senator

Mr. BACON. Separately? Mr. SCOTT. If the Senator from Wyoming will yield to me, I will say to the Senator from Georgia that he will see the injustice in many cases where officers were retarded in their promotion. By the old regimental plan of promotion a youngster would go ahead of the man who was his instructor at West It is intended to cure that.

Point. It is intended to cure that.

Mr. BACON. And under the change of law such irregularity or injustices, you may say, as were practically accomplished under the old law have been perpetuated in the promotions under

the new law

Mr. WARREN. Certainly.
Mr. BACON. And it is designed to correct that inequality?

Mr. WARREN. It is to correct that so far as it applies

To the question of retirement? Mr. BACON.

Mr. WARREN. To the retirement, and to that only. Mr. BACON. I did not catch the statement of the Senator

as to the number of officers who would be included.

Mr. WARREN. There are 9 in the cavalry, 11 in the infantry, and none in the artillery, because the addition of extra regiments and additional men has corrected the inequalities in that arm sufficiently, so that at retirement time they will all reach the point they would have reached if they had gone out on the lineal list.

Mr. BACON. The question I wish to propound to the learned Senator is this: There are only a few of these officers, and those few officers are known?

Mr. WARREN. Yes.

Mr. BACON. In other words, their number can not be added to.

Mr. WARREN. No.

Mr. BACON. Would it not be well, in order to meet the suggestion of the Senator from Maine in a practical way, instead of having a general bill, to have a bill which should name those officers, as there are very few of them.

WARREN. We consider it bad legislation to legislate personally for officers by name where it can be avoided, and it is

always avoided when possible.

Mr. BACON. I quite agree with the Senator. Mr. WARREN. The report which accompanies the bill, and which I ask may go into the RECORD, gives the names of all of I think it would be bad legislation to put the names in the bill.

Mr. BACON. If the report gives the names, of course that accomplishes the same purpose.

Mr. TILLMAN. Has the report been read?
Mr. WARREN. It has not.
Mr. TILLMAN. I think those of us who have not had an opportunity to examine the bill should hear the report before we are called upon to vote on it.

Mr. BACON. I understand that the report substantially embodies what the Senator from Wyoming has stated.

Mr. WARREN. It does.

Mr. TILLMAN. If it is not very long, I should like to have it read.

Mr. WARREN. It is a report of considerable length. I ask that it be printed in the RECORD.

There being no objection, the report (No. 903) was ordered to be printed in the RECORD, as follows:

There being no objection, the report (No. 903) was ordered to be printed in the Record, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 8906) to provide for the retirement of certain officers on the active list of the Regular Army who have been passed over in promotion by officers junior to them in length of commissioned service, has carefully considered the same and hereby reports it to the Senate favorably, with recommendation that it be passed amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following, which is practically the same matter in a more condensed form and in language and arrangement approved by the Judge-Advocate-General of the Army and indorsed by the Secretary of War in letter dated January 28, 1909, quoted hereafter in this report:

That hereafter when an officer of the line of the Regular Army, whose original commission in the army is dated prior to October 1, 1890, and who has been passed over by his juniors in length of commissioned service in the same branch of the line, is retired under existing law, he shall be retired with the rank and pay of the grade which he would have attained if promotion in the several grades from second lieutenant to colonel, inclusive, had been carried out lineally and by seniority in the several branches of the line prior to the act of Congress approved October 1, 1890, regulating promotions: *Provided*, That nothing herein contained shall be construed to mitigate or remove loss of rank which any officer may have suffered by sentence of court-martial, action of examining board, or voluntary transfer: *And provided further, That nothing herein contained shall be construed to deprive any officer upon retirement of the rank he now holds, to which he may attain at any future time, or to which he may be entitled by law upon retirement.

In the early history of the army the rule established for promotion of officers was to promote explains and field officers lineally and by seniority in th

A lieutenant was promoted to a captaincy when he became the senior in his regiment.

A lieutenant was promoted to a captaincy when he became the senior in his regiment.

The result of this system of promotion was that in regiments where many vacancies occurred the lieutenants received rapid promotion, but in regiments where few vacancies occurred promotion was slow.

When an officer reached the grade of captain he was assured his promotion when he became the senior of his grade in his arm, but the operation of the law gave promotion from lieutenant to captain such variations that many lieutenants of regiments where promotion was rapid got their captaincy long before others who entered at the same time or before them in regiments where promotion was slow.

An examination of a page of the Army Register of the time would show captains who were commissioned as second lieutenants on the same day standing far apart. For example, take 10 captains who entered on the same day. They might stand 1, 3, 6, 10, 11, 13, 20, 27, 30, 32, and even with wider variations than this.

Frequently some officers reached the grade of major while others who entered at the same time were far down on the list of captains, and not infrequently officers found others who entered years after them commanding a battalion, regiment, or post in which the officer with the longer service served in a subordinate position.

This system always held out a chance for an officer who lost in promotion as a second lieutenant to gain as a first lieutenant all or a part of what he had lost, and he might reach his captaincy in approximately his proper place.

All appreciated that this was the law and abided by it cheerfully, trusting to luck. A regiment that had slow promotion was likely later to

his proper place.

All appreciated that this was the law and abided by it cheerfully, trusting to luck. A regiment that had slow promotion was likely later to have rapid promotion. When the statutes were revised in 1874, whether by accident or design, section 1204, regulating promotion, was changed materially in the wording from the older statutes of 1812 and 1814.

The statute of 1812 reads:

"* * That the military establishment authorized by law previous to 12th day of April, 1808, and the additional military force raised by virtue of the act of the 12th of April, 1808, be, and the same are hereby, incorporated, and that from and after the passing of this act the promotions shall be made through the lines of artillerists, light

artillery, dragoons, riflemen, and infantry, respectively, according to established rule."

The statute of 1814 reads:

"* * * That from and after the passing of this act promotions may be made through the whole army in its several lines of light artillery, light dragoons, artillery, infantry, and riflemen, respectively; and that the relative rank of officers of the same grade, belonging to regiment or corps already authorized, or which may be engaged to serve for five years, or during the war, be equalized and settled by the War Department, agreeably to established rules; and that so much of the act * * of 1812 * * is hereby repealed."

Section 1204, Revised Statutes, reads:

"Promotions in the line shall be made through the whole army, in its several lines of artillery, cavalry, and infantry, respectively * * * "

The permissive "may" was replaced by "shall" and "course"

War Department, agreeably to established rules; and that so much of the act " of 1812" " shereby repealed."

Section 1003: In the several lines of earlillery, cavalry, and infantry, respectively " 1000 of a rtillery, cavalry, and infantry, respectively " 1000 of a rtillery, cavalry, and infantry, respectively " 1000 of a rtillery, cavalry, and infantry, respectively " 1000 of a rtillery, cavalry, and infantry, respectively " 1000 of a rtillery, cavalry, and infantry, respectively " 1000 of a rtillery, cavalry, and infantry, respectively " 1000 of a respectively" 1000 of a respectively " 10

some of the glaring injustices and inequalities due to regimental promotion:

Major Bishop, cavalry, graduated in 1873; he stands behind Colonels Rodgers of 1875 and Dodd and Parker of 1876, and behind 16 lieutenant-colonels of cavalry who entered, 2 in 1873, 1 in 1875, 4 in 1876, 5 in 1877, and 3 in 1879.

Captain Scott, of cavalry, entered in 1880; he is behind 24 majors of cavalry who entered, 4 in 1880, 7 in 1881, 6 in 1882, and 7 in 1883.

Major Lassiter, of the infantry, who entered in 1873, is behind 14

colonels of infantry who entered in 1874, 1875, 1876, 1877, and 1879, and 33 lieutenant-colonels of infantry who entered from 1874 to 1880, and 4 majors of infantry, all of whom entered the service after him. Others could be cited.

Some officers have been passed over by only 1 or 2 juniors, and this number is graded up to as high as 30 to 45. Of course the great majority can and will reach a colonelcy before retirement, but a few have been passed over by so many younger men that they can not get beyond the grade of lieutenant-colonel, and some the grade of major. These are the ones to whom it is desired to give justice.

As stated above in remarks about the adjustment bills, the number of officers who have been affected by regimental promotion number about 250. They have been passed over by their juniors in numbers varying from 1 to 50. But there are only 20 officers—9 in the cavalry and 11 in the infantry—who have been so seriously passed over that they can never reach the grade which they would have attained if promotion had been lineal since their entry into the service.

The excess of pay—that is, the actual additional cost to the Government provided all these 20 officers should be placed upon the retired list at once—would be not exceeding 87,500 per annum; but as their dates of retirement are distributed through numerous years, this maximum amount will, in all probability, never be reached at any one time.

The maximum pay of the grades affected are:

	Colonel.	Lieuten- ant- colonel.	Major.
Active pay	\$5,000	\$4,500	\$4,000
	3,750	3,375	3,000

It is thus seen that the active pay of a major is more than the retired pay of either a lieutenant-colonel or a colonel.

The following list shows the effect regimental promotion had upon the officers named, indicating the grade they would have attained before retirement had promotion by seniority in each arm of the line obtained prior to October 1, 1890, and the grade in which they must retire under existing conditions unless relief is afforded by legislation:

Cavalry (16 colonels, 17 lieutenant-colonels).

Name.	Number of officers, senior and younger, arranged by length of service in arm.	Would retire as—	Number of officers, senior and younger, as now ar- ranged for promotion.	Will retire as—
1. Major Bishop	5	Colonel	22	Lieutenant-
2. Major Wheeler	19	Lieutenant-	34	Major.
3. Major Siekel	3	Colonel	18	Lieutenant-
4. Major Foster	9	do	26	Do.
5. Major Bremer		do	21	Do.
6. Major Macomb	10	do	21	Do.
7. Captain Scott		do	34	Major.
8. Captain Tate	11	do	31	Lieutenant- colonel.
9. Captain Goode	20	Lieutenant- colonel.	39	Major.

Infantry (30 colonels, 34 lieutenant-colonels).

1. Lieutenant-Colonel Cecil.	14	Colonel	45	Lieutenant
2. Lieutenant-Colonel Jack- son.	26	do	36	Do.
3. Major Lassiter	6	do	50	Do.
4. Major Clark, W. O	19	do	34	Do.
5. Major Chynoweth	14	do	41	Do.
6. Major Kerby	28	do	61	Do.
7. Major Howe	18	do	42	Do.
8. Major Rowan	18	do	33	Do.
9. Major Cotter	22	do	36	Do.
10. Major Perkins	30	do	37	Do.
11. Major Arrasmith	61	Lieutenant-	68	Major.

The following letter states the Secretary of War's views favorable to the proposed legislation. The draft of the bill to which he refers is identical with the bill as amended, which your committee now reports:

WAR DEPARTMENT,

Washington, January 28, 1909.

Dear Mr. Senator: I have the honor to inclose a draft of a proposed bill to authorize officers who have been passed over in promotion by their juniors in length of service to retire with the grade which they would have attained if promotion of lieutenants had been lineal and by seniority prior to October, 1890, when a law was enacted changing their promotion from regimental to lineal.

The question of readjustment of the rank of officers, due to the inequalities in promotion under the regimental system, has been a vexing one for some years.

Last winter the Chief of Staff, under the direction of the Secretary of War, prepared an exhaustive report, giving the history of promotion in the army and showing the inequalities in promotion of officers of equal service and merit. The then Secretary of War (Hon. W. H. Taft), in returning to the chairmen of the Military Committees of both

Houses bills looking to the adjustment of rank in the army, strongly urged legislation to effect the adjustment. Realizing that it is difficult to enact legislation for this adjustment, when there are opposing factions among the officers concerned, it is believed that legislation in the form here set forth will give some relief to those officers most seriously hurt in promotion, not while on the active list, but it will enable them to retire with the grade they should, as a matter of equity, have received while on the active list, and with pay on the retired list equal to that of others whose services, merits, etc., were practically the same, but who enjoyed higher rank and pay for many years on the active list. There are but few officers of cavalry and infantry who can not reach the grade before retirement to which their length of service entitles them.

The recent increase in the artillery will enable all officers who were passed over in promotion by their juniors to reach the grade of colonel before retirement.

The provisions of this proposed bill, if embodied as an amendment to the appropriation bill would require no separate appropriation, as the usual appropriation for pay of the army would cover the few cases of retirement under its provisions from time to time, in view of the many and increasing number of deaths of officers now on the retired list.

This seems a just and equitable measure and meets with my approval.

proval. Very respectfully,

LUKE E. WRIGHT, Secretary of War.

The Hon. Francis E. Warren,
Chairman Committee on Military Affairs,
United States Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill reported by the Senator from Wyoming?
There being no objection, the bill was considered as in Com-

mittee of the Whole.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Military Affairs, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF ANACORTES HARBOR, WASHINGTON.

Mr. PILES, from the Committee on Commerce, to whom was referred Senate concurrent resolution 85, submitted by himself yesterday, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Anacortes, Wash., to determine the cost and advisability of its improvement.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 9068) granting a pension to Abby A. Thompson, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 9069) for the relief of the estates of Jesse M. Blue and David Blue, which was read twice

by its title and referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 9070) providing for the removal of the restrictions from Indian lands, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. STONE introduced a bill (S. 9071) for the relief of the heirs of John Ruedi, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9072) for the relief of the estate of Samuel L. Gil-

bert, deceased;

A bill (S. 9073) for the relief of the estate of Andrew Reece; A bill (S. 9074) for the relief of J. W. Murry, sr.; A bill (S. 9075) for the relief of the estate of James L. Romine, deceased;
A bill (8. 9076) for the relief of heirs of H. O. Kilpatrick,

deceased:

A bill (S. 9077) for the relief of James Barron; A bill (S. 9078) for the relief of the heirs of Leonard Daniel,

deceased; and
A bill (S. 9079) for the relief of Belson Wiley Owens.
Mr. PILES introduced a bill (S. 9080) to amend "An act making appropriations for sundry civil expenses of the Government" for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, which was read twice by its title and referred to the Select Committee on Industrial Expositions.

He also introduced a bill (S. 9081) granting an increase of pension to Edward Thornberry, which was read twice by its title aud, with the accompanying papers, referred to the Com-

mittee on Pensions.

Mr. LONG introduced a bill (S. 9082) granting an increase of pension to John L. Brady, which was read twice by its title and teferred to the Committee on Pensions.

Mr. RICHARDSON introduced a bill (S. 9083) granting a pension to Sarah J. Vaughan, which was read twice by its title and referred to the Committee on Pensions.

Mr. BRANDEGEE introduced the following bills, which were severally read twice by their titles and referred to the Com-

mittee on Pensions: A bill (S. 9084) granting an increase of pension to George W.

Rowley; and A bill (S. 9085) granting an increase of pension to John C. Bushnell.

Mr. BURKETT introduced a bill (S. 9086) granting an increase of pension to Silas M. Clark, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER (by request) introduced a bill (S. 9087) granting an increase of pension to Lizzle Lynch, which was read twice by its title and referred to the Committee on Pensions.

Mr. DANIEL introduced the following bills, which were sev-

erally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9088) for the relief of the estate of Horace L. Kent, deceased; and

A bill (S. 9089) for the relief of the estate of William L. Hollis, deceased.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Committee

A bill (S. 9090) for the relief of the heirs of Joseph L. Bernard and Anna Holmes Bernard;

A bill (S. 9091) for the relief of the estate of Patrick Dooling,

deceased; and
A bill (S. 9092) for the relief of the Hibernia Bank and
Trust Company, of New Orleans, La., successor to the Union Bank of Louisiana.

Mr. PAYNTER (by request) introduced a bill (S. 9093), for the relief of Francis Geenty, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 9094) granting a pension to John W. Toppas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 9095) granting an increase of pension to John W. Ragan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 9096) granting an increase of pension to Ella Palmer, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:
A bill (S. 9097) for the relief of Tyree Brothers, of Norfolk,

A bill (S. 9098) for the relief of James B. Clift, administrator of the estate of John Clift, of Stafford County, Va.

Mr. PENROSE introduced the following bills, which were

severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9099) for the relief of the estate of Samuel Fitz,

A bill (S. 9099) for the relief of H. J. Randolph Hemming.

A bill (S. 9100) for the relief of H. J. Randolph Hemming.

He also introduced a bill (S. 9101) granting an increase of pension to Alexander Patterson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally the accommanying papers.

read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9102) granting an increase of pension to William Varian; and

A bill (S. 9103) granting an increase of pension to Robert McIntosh.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate \$5,000 for the erection on the brink of the Grand Canyon, in the Grand Canyon Forest Reserve in Arizona, of a memorial to the late John Wesley Powell, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Library and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$25,000 for the establishing of a fish-cultural station at some suitable point in the State of Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 to increase the limit of cost for the public building at Provo, Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OWEN submitted an amendment authorizing the Secretary of the Interior to issue a patent in fee to the Benedictine Fathers of Sacred Heart Abbey, Oklahoma, for certain lands re-served for and occupied by the Sacred Heart Mission, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. HEYBURN submitted an amendment providing for the adjudication of the claims of Neils Anderson and William Winchell and others whose land or improvements have been damaged by reason of the construction of reservoirs or canals in connection with irrigating lands on the Fort Hall Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$8,400 to equip certain suburban school buildings in the District of Columbia with stationary chemical fire-extinguishing appliances, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment authorizing the Secretary of the Treasury, upon requisition by the Secretary of the Interior, to advance to disbursing officers of the Government such sums as in the discretion of the Secretary of the Interior may be necessary to meet the current and contingent expenses of the work between the Office of Indian Affairs and other bureaus of the Government, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

IMPROVEMENT OF BLAINE HARBOR, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 86), which was referred to the Committee on Com-

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Blaine, Wash., to determine the cost and advisability of its improvement.

TARIFF STATISTICS.

Mr. CUMMINS. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 275) was read, as follows:

The resolution (S. Res. 275) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as soon as practicable upon the matters following, to wit:

First. What was the aggregate amount received by the United States as duties upon imports during the last year upon those items, articles, or commodities upon which specific duties only are imposed?

Second. What was the aggregate amount received by the United States as duties upon imports during the same period upon those items, articles, or commodities upon which an ad valorem duty is imposed, or both a specific and an ad valorem duty?

Third. What was the entire expense of administering the law at the various ports of entry during the same period, not including any part of the expense of the office of the Secretary of the Treasury at Washington?

Fourth. What was the expense during the same period of administering at the several ports of entry that part of the law which imposes ad valorem duties either partially or wholly, not including the office of the Secretary of the Treasury at Washington?

Fifth. What was the aggregate value of imports during the same period paying specific duties alone?

Sixth. What was the aggregate value of imports during the same period paying ad valorem duties either in whole or in part?

Seventh. If all import duties had been specific during the same period, to what extent would the expense of administering the law have been diminished? Be it further

Resolved, That in construing the phrase "the last year" the Secretary of the Treasury may take any period of twelve successive calendar months ending not earlier than June 30, 1908.

The VICE-PRESIDENT. Is there objection to the present

The VICE-PRESIDENT. Is there objection to the present

consideration of the resolution?

Mr. HALE. It is a very extended and complicated resolution.

I move that it be referred to the Committee on Finance. The motion was agreed to.

SALE OF INTOXICANTS TO INDIANS.

Mr. President, I ask for the present considera-Mr. Owen. Mr. Fresident, I ask for the present consideration of the bill (S. 8553) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes."

Mr. HALE. Has morning business been concluded, Mr. President?

dent?

The VICE-PRESIDENT. Morning business has not been concluded.

Mr. HALE. Let that be concluded, Mr. President, before other business intervenes.

The VICE-PRESIDENT. The Senator from Maine demands the regular order.

CLERKS AND MESSENGERS TO SENATORS.

Mr. CULBERSON submitted the following resolution (S. Res. 276), which was referred to the Committee on Appropriations:

Resolved. That on and after July 1, 1909, the Secretary of the Senate is hereby directed to pay out of the contingent fund of the Senate the sum of \$420 per annum, in equal monthly payments, to clerks to Senators not receiving more than \$1,800 per annum; and that the Secretary of the Senate is further directed to pay out of the contingent fund of the Senate the sum of \$540 per annum, in equal monthly payments, to messengers to Senators who do not now receive more than \$900 per annum, until otherwise provided by law.

HOUSE BILL REFERRED.

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Military Af-

NATIONAL CURRENCY ASSOCIATIONS.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read the resolution (S. Res. 271) submitted by Mr. CLAY on the 1st instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the names of the national currency associations formed under the act approved May 30, 1908, known as an act to amend the national banking laws, the names and location of the banks composing each association, the principal place of business of each association thus formed, the name and location of each bank belonging to any national currency association applying for an issue of additional circulating notes under the provisions of the act approved May 30, 1908, together with a list of the securities deposited for the redemption of such notes and the total amount of notes issued under this provision of law.

Mr. CLAY. Let the resolution lie on the table, subject to my call, Mr. President.
The VICE-PRESIDENT. It will be so ordered, in the absence

of objection.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

Mr. TELLER. Mr. President, some days ago I gave notice that I would this morning call up Senate resolution 248, for the purpose of submitting a few remarks on it. I ask that it may now be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from Colorado, which will be read.

The Secretary read Senate resolution 248, submitted by Mr. BACON January 13, 1909, as follows:

Resolved, That any and every public document, paper, or record, or copy thereof on the files of any department of the Government relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control under the Constitution, and any information relative thereto within the possession of the officers of the department, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction.

Mr. TELLER. Mr. President, in the closing days of the session I should not feel justified in taking up the time of the Senate except upon a matter of some importance. The resolu-tion just read, under present conditions, seems to me to be of such importance to the Senate. I do not intend to spend any great length of time over it, but I wish to call attention to the report which was read in part here the other day, made in 1886 by the Judiciary Committee of the Senate, also to call attended to the Senate at the Sena tion to the report of the Attorney-General, made in 1854, and to make some allusion to the precedents which have been established by the Senate, beginning away back in the early history of the existence of our Government.

Mr. President, I do not contend that precedents made in the Senate are binding upon the Senate as precedents made by the courts of the country are binding on those courts; but precedents have everywhere been recognized as at least of sufficient force to apply on every subject that has been discussed amongst men. A precedent derives its force and importance from those who make it, the conditions under which it was made, and the length of time which has elapsed during which it has been adhered to.

I know very well, Mr. President, that usage can not change a law. It may sometimes establish a rule of conduct, and if continued for many centuries, it becomes, perhaps, of sufficient force to be denominated a law; but usage is certainly to be considered in the construction of the meaning of statutes.

In 1886 a controversy arose in this body, to which the Senator from Georgia [Mr. Bacon] referred the other day, and a very lengthy discussion followed the answer made by the President of the United States to a resolution of this body. not think that that can be cited as a case entirely like unto That controversy arose because Mr. Cleveland, the present. the then President of the United States, had removed a certain gentleman and appointed his successor. From 1867 to 1886 it had been the rule of this body when called to act on appointments made by the President under the statutes of that time to not only look into the question of the fitness of the person nominated, but also into the question of whether there were proper reasons for the removal.

I need not go into any explanation of how this question arose. Everybody who is familiar with the history of this country for the last forty-five or fifty years will be familiar with it. It arose pretty soon after the close of the civil war. It arose out of peculiar circumstances; and I am free to say that I do not believe such an act as that of 1867 could be passed now, nor do I believe it ever ought to have been passed. The controversy really between the Senate and the Executive in 1886 was, more than anything else, as to the power of removal by the Executive. The President asserted that we had no right to inquire why he had made the removal; that we should confine ourselves simply to the question of the fitness of the candidate he had nominated. The report made by the committee in that controversy has been presented to the Senate, and I desire to call attention to it very briefly. I am not going to read the report, and I am not going to spend a great deal of time over the report.

The question presented by the pending resolution I regard as one which ought to be settled, and I believe it has been set-In 1886 I do not think there was really any controversy in the Senate as to the power of the Senate to call for information from every department of the Government, including the President himself, if we so desired. But the question was, Were

the papers called for public or private papers?

Mr. President, I am willing to say that, in my judgment, there may be cases where the Senate and the other House might call for information which the Executive would be justified in withholding; but those are the exceptions. The rule may be well stated to be that the President of the United States should give to the Senate, and every head of a department should give to the Senate, the information called for, unless it can be shown to be an exceptional case, one out of the ordinary; and such is the case cited in Report 135, Forty-ninth Congress, first session, which was signed by all the members of the Judiciary Committee, either as a majority report or as views of the minority. There is really no difference of opinion between the majority and the minority, as will be observed if this report is studied, on the question of the right of the Senate to call for such information as is called for in this resolution. The controversy finally went off, upon the declaration of Mr. Cleveland, the then Executive, that the papers filed in the case which were called for specifically were papers not for the public records, but for his own private information, and that the Senate had no control over them.

The majority of the committee asserted unequivocally in their report, as they did on the floor in the debate, that there was no question of the authority of the Senate to call for information on anything within the jurisdiction of the Senate, and that anything the Senate could legislate upon or that it was necessary for the Senate to act upon was a legitimate subject of That was as frankly admitted by the minority as it inquiry. was by the majority.

The Senator from Georgia [Mr. BACON] read from the report. I will not now take the time to read the report, as there are other matters pressing on the Senate. I will simply state the conclusions reached. The report declared, as the resolution of the Senator from Georgia [Mr. Bacon] recites, that "every public document, paper, or record, or copy thereof, on the files of any department of the Government, relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control, under the Constitution, and any information relative thereto within the possession of the officers of the department, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction." This resolution is in strict conformity with the rule laid down in that report by both majority and minority.

The committee, composed of very prominent Members of this body, stated the law as is declared in this resolution. The minority of the committee stated with the greatest frankness that they did not controvert that question, but they said the where there are two houses, for each body to act on certain

conditions then before the Senate did not fall within that rule.

Mr. Cleveland claimed that the papers called for by the Senate were private papers addressed to him, and not addressed to him in his official capacity; that they were not on the files of the Department of Justice, and were not therefore public papers, and that the Senate could not call for his reasons for removal. I am frank to say that I believe that was the law. I myself very much doubt whether the Senate has ever had the right to inquire of the President why he removed a man from office. Of course if the President should abuse his position to the extent of removing a man without proper cause, I believe it would be in the power of the impeaching body of this Government to bring the President before this body by pre-ferring articles of impeachment, because I think it would be a crime against the public if he should abuse a discretion intrusted to him by the Constitution to make selection of public officials by a mere whim.

In the case which called forth the resolution of the Senator from Georgia, the President of the United States has, in substance, said—I have not his message before me at this moment that we have not the right to call upon the heads of departments for information. He has not exactly followed that with the statement that I suppose he would make if crossexamined, that we were perhaps entitled to that information,

but had not gone to the right source for it.

I want to digress a moment and speak concerning the heads of the departments. There are a number of departments created by law. I do not find in any of the laws creating the departments-and I have examined them all-any suggestion anywhere that their heads are to exercise the functions of advisers to the President of the United States, except perhaps in the law creating the Department of Commerce and Labor, where we specifically declared that the Secretary of that department should make certain examinations and report the result thereof to the President of the United States. I do not suppose it will be contended by anybody that because the Secretary of Commerce and Labor is required to report to the President the idea is negatived that he should report to the Senate or to the other House when called upon in a proper case.

There is no provision of law constituting the head of a department a Cabinet officer. I have not found anywhere in any work on constitutional law or practice in this country any sug-gestion that sets apart the Secretary of the Interior or the Secretary of the Treasury or any other public official as an adviser to the President. In the early days of this Government it grew, as I understand, to be a custom-and that is all it is—for the President to have, perhaps not daily, but frequent meetings with certain heads of departments to consider public

At an early day there was some controversy about this, but I can find nowhere that the President is required to consult the heads of departments, and I can find nowhere anything to indicate that because the President may consult them, they are not amenable to the law and amenable to the legislative department of the Government. I believe nobody contends-not even the President, I should judge, according to his statement—that Congress can not call on him for information.

But the present controversy does not arise in that way. am not going to argue that Congress can call on the President for information. I suppose that will be admitted. If by a law we should say that the President should make certain reports to us, I suppose he would be compelled to make them; although I do not mean to say we could either add to or take away from any powers conferred on him under the Constitution; but, as the Constitution provides that he may voluntarily submit information to us, or he may furnish information when we request him to do so, I suppose that question need not be discussed.

The question simply is: Can one body of the National Legislature call upon any of the departments for information? President, it will not be supposed that one branch of the National Legislature would call on the President for information not required in the execution of the functions of that legislative body. We are a legislative body in connection with the House of Representatives; but we act absolutely independent of the House in exercising legislative functions, as the House acts independently of us. We negative the action of the House; the House negatives the action of the Senate. So each body does its work independently of the other, and each body is entitled to such information as will enable it to discharge its duties in a proper manner.

It has been the custom, I believe, in all legislative bodies

matters independently of the other. The English House of Commons has always claimed since it has been recognized as a legislative body the right to call upon the Government for information. That right, so far as I know, has never been denied, except perhaps in the very early history of England; and nobody, so far as I can recall, ever asserted in that country that that function could only be exercised by the action of the House of Commons in connection with the House of Lords—the body known as "Parliament."

Mr. President, it would take me two or three hours to take up this question and cite the cases, beginning away back in the days of the first Presidents and following it up year after year, where the Senate of the United States has called upon the President of the United States for information and the President of the United States has replied. There are a few cases in which he did not fully reply to the inquiry; but in such cases he took it out of the rule by showing that the public interests might be injured by such a reply. We recognize that principle when we call upon the President of the United States to transmit information to us "if not incompatible with the public interest," and in practice we leave it to him to say whether such information will be incompatible with public interests. If the Senate is satisfied with that reply the matter ends there. At an early day the Senate of the United States called on the President of the United States to report to it in confidence certain facts. It was proposed to have at Panama a conference, called the "Panama conference," of all the South American It was proposed to have at Panama a conference, Republics, in which we were to take part. The President was asked by resolution of this body to send it certain information, and the Senate added "in confidence." The President re-The President responded that he would reply in confidence, but that it must be left to the Senate itself to determine whether they would observe that confidence; that it must be left to the Senate to determine whether it would treat as confidential the papers that came to it in confidence. The Senate subsequently, after examining the papers, declared that it had a right to publish them without the consent of the President, and did so publish. This case proves that the Senate denied to the President the right to determine for the Senate what should be confidential.

I could read the correspondence in that case, but it is hardly worth while to do so at this time, because this is somewhat of an academic question anyway just now. With the change of administration before us, there may be a change of sentiment on this subject.

Mr. President, I desire to be as brief as possible; but I will call attention now to a report that was read here, in part, by the Senator from Georgia in the remarks which he submitted on this subject some days ago. First, however, I want to go back and call attention to some utterances of Caleb Cushing in an article that he submitted to the President, entitled "Office and duties of the Attorney-General," which was published in 1854, when Mr. Cushing was Attorney-General of the United The older Members of this body-those as old as I am—will have a very clear recollection of Caleb Cushing. Those who are familiar with history which occurred fifty or sixty years ago will also have a very clear recollection of him. That he was a great lawyer nobody ever denied. He was a man who, perhaps, was as badly criticised as any man ever in public life, and yet I believe no man assailed his integrity, and certainly no man assailed his ability. Fifty-four years ago is a good while. He then spoke of what was the law in this country and what had been the law in this country for many years, and what I assert here has been the law ever since, as can be seen by any Senator who will take the Messages and Documents, which, I presume, are in the possession of every one of us, and look over them and see the multitude of cases in which the Senate has called on the heads of departments and the President himself for information. I need not go into any argument to show that if you can call on the President of the United States for information, you certainly can call on the creature that Congress has created.

I wish to call the attention of the Senate to some statements made by Mr. Cushing. This is an opinion which I think every Senator would find useful if he would read it. We annually have read from the desk the Farewell Address of George Washington to the people of the United States. I have sometimes thought that if we would spend a little time in reading some other things the wise men have declared as to constitutional law we might get quite as much value as we can out of that able and interesting address.

Of course, Mr. President, Mr. Cushing was a state rights Democrat, but not more so than very many men who have held that office who were not members of his political organization.

He says, on page 329, volume 6, under the head of "Office and dufies of Attorney-General:"

In the organization of the business of this department by this act facts perculiar as compared with the other two departments are prominent.

I will stop to say that the law creating one of these departments is unlike the other; but there are some things in the act establishing the Treasury Department, it being one of the early acts creating a department, which, I think, are worthy of consideration:

One is that the Secretary of the Treasury, instead of being made subject only to the direction of the President by name, is required "generally to perform all such services, relative to the finances, as he shall be directed to perform;" which phraseology has relation to the provision of the act, that he shall "make report and give information to either branch of the Legislature, in person or writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or [and] which shall appertain to his office."

Mr. President, there are a few cases, and those during Washington's administration, where the head of a department has come before the Senate or House and given information. We have since adopted the other plan, of asking them to send it in writing. But there are a large number of cases, and many of them are within our own knowledge, where heads of departments have come before committees of the House or the Senate and discharged that function of giving information to the committees, and certainly, if they have recognized their responsibility in such cases, much more ought they to recognize their responsibility when the Senate or the House calls upon them for information.

Mr. President, I have marked a considerable number of points here that I desired to read, but knowing that the Senate is somewhat impatient at this time, I am going to skip them and call the attention of the Senate simply to the report and let them read it for themselves.

Speaking of the Secretary of the Interior—the Department of the Interior was created in 1849—and speaking of giving jurisdiction as to patents and general land matters, and so forth—

Mr. OVERMAN. I should like to inquire from what volume the Senator is reading?

Mr. TELLER. Volume 6 of the Opinions of the Attorney-General. By the way, I want to stop just a moment here to say—I will not read it—that Mr. Cushing goes on to state what these reports are. He says, of course they do not have the force that the opinions of courts have, but he says it has grown to be a practice, at least in the departments, that the opinions of the Attorney-General have great force; and that we know. There is scarcely a head of a department who would undertake, if a matter has been submitted to the Attorney-General, as is frequently done, to gainsay the opinion of the Attorney-General on the matter.

This act, it should be observed, does not provide in terms that the Secretary of the Interior shall be subject to the general direction of the President, as in the case of the Secretaries of State, War, Navy, and Postmaster-General.

And yet, Mr. President, everybody will understand and admit, I suppose, that in practice he has been just as much subject to the President's dictation and control as the head of any other department.

On the other hand, none of the acts, except that establishing the Treasury Department, subject the chief executive officers to the duty of responding to direct calls for information on the part of the two Houses of Congress.

As I have read, the law creating the Treasury Department requires him to respond to one House or the other.

This, however, has come, by analogy or by usage, to be considered a part of their official business-

This was in 1854-

And the established sense of the subordination of all of them to the President, has, in like manner, come to exist, partly by construction of the constitutional duty of the President to take care that the laws be faithfully executed, and his consequent necessary relation to the heads of departments, and partly by deduction from the analogies of statutes.

Mr. President, on page 344 of this opinion—it is a lengthy opinion—the Attorney-General sums up, and I can not better explain this matter than to read what he says:

Upon the whole, then, heads of departments have a threefold relation, namely, (1) to the President, whose political or confidential ministers they are, to execute his will, or rather to act in his name and by his constitutional authority, in cases in which the President possesses a constitution or legal discretion; (2) to the law; for where the law has directed them to perform certain acts, and where the rights of individuals are dependent on those acts, then, in such cases, a head of department is an officer of the law, and amenable to the laws for his conduct; and (3) to the Congress, in the conditions contemplated by the Constitution.

The courts have said, under such a condition as that, when a law has declared what the act of the officer shall be, the President of the United States can not interfere with him one way or the other; that the law fixes his duty, and he must discharge his duty according to the statute. That is a plain, common-sense principle, and it hardly seems necessary to cite decisions of the Supreme Court sustaining it. But several might be cited. Mr. TILLMAN. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.
Mr. TILLMAN. In the event a President should be inaugurated who would consider it in his power to forbid an Attorney-General to execute an act of Congress, what would be our remedy?

Mr. TELLER. I do not know, because it has never occurred in my experience. I hardly know what I would say to that inquiry, but I think it would constitute a subject for the House of Representatives, and I think if such an order was made by the Executive it ought to result in impeachment resolutions.

Mr. RAYNER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maryland?

Mr. TELLER. Certainly. Mr. RAYNER. Is there any doubt in the Senator's mind that in a case of that sort the fact should be certified to the grand jury, under the Revised Statutes of the United States?

Mr. TELLER. I do not know but that it could be done. think perhaps it could. But it seems to me the offense is not in the officer who declines to execute the law so much as it is in the Executive, who forbids his executing the law; and the responsibility ought to rest on the Executive and not on the subordinate.

Mr. President, I have some authorities I meant to read, but I have not brought the book with me. John Quincy Adams sent a communication to the Senate as confidential. The Senate considered it, discussed it, and several days later declared that it would not consider it confidential, and published it. I believe there are at least three cases which can be cited where, in defiance of the Executive, where the Executive has asked the Senate to keep a matter confidential, the Senate has declined to do John Quincy Adams, in responding to a Senate resolution of this kind, left it to the Senate to determine whether it should be published or not, recognizing that the Senate was the body to determine that question.

We had some controversy the other day about this question. I want to say that in 12 Peters there is a case entitled "Kendall v. The United States." Amos Kendall was Postmaster-General. I have forgotten exactly how the controversy arose, and it is quite immaterial; but it was contended before the Supreme Court of the United States that the Postmaster-General was not subject to congressional action or to the action of one body, which in that case was what it was, and the court said most distinctly that they declined to accept that as a proper statement of the law. I thought I had the case with me. It can be found in 12 Peters. I believe I have here a memorandum that will show exactly what the court did say. This is a citation from it. I will read it. In the case of Kendall v. The United States (12 Peters, 612) is found the following:

It was urged at the bar that the Postmaster-General was alone subject to the direction and control of the President with respect to the execution of the duty imposed upon him by this law, and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of this

There is no dissenting opinion in this case-

It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution, and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of

In another case, which is to be found in Butterworth v. Hoe (112 U. S., p. 50), the court said:

The executive supervision and direction which the head of a department may exercise over his subordinates in matters administrative and executive do not extend to matters in which the subordinate is directed by statute to act judicially.

Mr. President, there is some distinction, I will admit, between asking the President of the United States or the head of a department for his opinion and asking him for information as to facts; and yet there can be found cases where the House and the Senate have respectively, singly and alone, asked the President for opinions in which the Presidents have given those opinions and their reasons for certain acts. If the President of the United States is asked why he does a certain thing, I presume, as a rule, he would be quite willing to state to the Senate or the House, whichever might make the inquiry, why he did it, and justify himself in his act. Possibly he might think it

rather beyond our jurisdiction; but when that has been done, I have found no case where the executive officer has declined to act.

Mr. President, I have found a number of cases where the executive officer, sometimes the President, sometimes the heads of departments, has declined to furnish the information. I have found some cases where the House of Representatives has called for information that concerned only the treaty-making power, and the Executive has declined to furnish it. I have found several cases where they called upon the department for matters that touched only the treaty-making power, and yet the department had replied and furnished the information to the House.

I can readily see that in calling upon the Secretary of State for certain information when there were before him negotiations for a treaty or something of that sort there might be a condition where it might not be judicious and wise for him to respond, and I think there are several cases where they have so declined, and in all such cases I believe the House or the Senate has, without question, submitted quietly to that statement. I think there never has been a rule without exceptions. Probably there are some exceptions to the rule that the President of the United States and the heads of departments must reply to an inquiry from the Senate or the House. It is said that exceptions establish the rule. But there is one thing certain, I think, and that is that the Senate or the House will never insist upon the President or the heads of departments furnishing information where the executive officer in a proper spirit replies that he does not think it compatible with the public interest to supply the information. I do not believe there is any danger that the Senate will ever abuse this right or prerogative.

Mr. HALD. May I ask the Senator from Colorado a question?
Mr. TELLER. I yield to the Senator from Maine.

Mr. HALE. Has the Senator found in his investigation of this subject any case where either branch of Congress has called either upon the head of a department or the President for information and the reply has been that the situation involved delicate relations, treaty negotiations with foreign countries, and that the executive branch did not deem it compatible with the public interest to make reply to the interrogatories of either branch, and that response has not been accepted by the Houses of Congress?

Mr. TELLER. No, Mr. President; I have not.

Mr. HALE. But has not the Senator found several cases where the situation is such as I have imperfectly described, where Congress acquiesced in the report from the executive department, and thus in effect, so far as precedent goes, established the attitude of Congress that it will never seek to compel information or papers that involve any delicate relations or negotiations with foreign countries that ought not to be made public? There is no danger of either House taking that attitude.

Mr. TELLER. There is not the slightest danger, as shown by the history of the country. I have found a large number of cases where one House or the other asked for information in which the department from which it asked for it replied that, in the judgment of the department, it would be incompatible with the public interest to furnish it, but the department left that to the Senate or the House. I have found no case where such a response came that the Senate or the House followed it further, showing that we have recognized the right of the department to suggest whether or not it was proper, subject to the right of the Senate or House to determine for itself whether it would insist on the information. The worst case I have found is where the Senate, after it asked for a confidential communication from the President, and the President sent it and said he did not think it ought to be made public, made it public, the Senate not agreeing with the President.

Mr. BACON. Mr. President, with the permission of the Senator from Colorado, I desire to state an instance which occurred since I have had the honor of being a Member of this body, showing another way in which the same end has been

accomplished.

During the Spanish-American war, at my instance, the Senate adopted a resolution directing the Secretary of War to communicate certain information to the Senate. The then Secretary of War, who was afterwards one of our colleagues, Mr. Alger, did not think it was safe to communicate that information in a way in which it might reach the public. He sought an interview and obtained it with the then chairman of the Committee on Military Affairs of this body, Mr. Hawley, of Connecticut, and stated to him his reasons why he thought it would be imprudent to respond to the resolution. Mr. Hawley communicated to me the reasons given by the Secretary of War.

I recognized the propriety of those reasons, and at my instance

the direction was withdrawn by the Senate.

I am simply giving that as an illustration of the temper and

purpose of the Senate, which will always animate this body.

Mr. HALE. If the Senator will allow me, that is precisely in line with the thought that animated me in the question I put to the Senator from Colorado, that in a case of that kind it will be so obvious that the information should not be made public that Congress always has and always will, as it did in this case, so pertinently cited by the Senator, recognize the condition.

Mr. BACON. And the Senate itself, at my instance, withdrew

the direction.

Mr. HALE. In my mind there is no danger that either HALE. In my mind there is no danger that either House will ever seek to compel information which, by virtue of conditions surrounding it, ought not, for the benefit of the public service, to be communicated. There is no danger of encroachment by Congress upon the powers of the Executive.

Mr. TELLER. I think the history of this country shows the correctness of the statement just made by the Senator from Maine. It is within the moment of most of the interview.

Maine. It is within the memory of most of us that immediately after the war there was a condition which never before existed in this country, and probably never existed in any other, and, I trust, never again will exist; and yet, with all the bitterness that arose out of the war, with the dislike of the Executive, with the intemperate zeal of the House membership, more particularly than in this body, although some of its was exhibited here, this rule has never been violated during the whole time.

I do not believe that ever the time will come when an executive officer, be he President or the head of a department, will declare that in his judgment matter should be withheld or that Congress, or one branch of Congress, will insist upon it being sent, unless it is a very clear case either of incompetency or something worse on the part of the head of a department.

Mr. President, we do not expect those things. We do not anticipate them. We do not legislate or go upon the theory that we will have a President of the United States who is untrue to the obligations he has taken. In the long line of Presidents that we have had we have had some controversy Presidents that we have had we have had some controversy between the legislative department and the Executive, but only once did it rise to an attempt on the part of the legislative body to punish the Executive, and that is within the memory of all of us, when the House of Representatives impeached the then President, Johnson, and sent the case here to this body to be tried; and after weeks of trial he was acquitted. Even in that hour of bitterness and excitement justice was done. I do not hesitate to say that that was the most extreme exposition of political violence and political temper that has ever been exhibited in this country.

Mr. President, I do not believe, nor did I believe for a moment, that the House of Representatives was justified in that impeachment resolution. I know from absolute observation, sitting in the gallery the day it passed, that it was not the deliberate opinion carefully considered of that body, but it was the excitement of the moment which carried the resolution When it came to this body, the prosecution, conducted with the greatest ability by the greatest men then in public life, Members of the House, found in this Chamber men of both political parties who were ready to do justice to the

Executive, and he was acquitted.

The verdict of the people then is, I hope, what the verdict of the people would be to-day, and you could not find in this whole land to-day a corporal's guard of people who do not approve what the Senate did when it rendered the verdict of acquittal.

Mr. President, we have gone through perilous times. We went through a war unlike any other war in the history of the world, a war between brothers, a war between Anglo-Saxons. When the war was over there was much bitterness, of course. It could not be otherwise. But there is not anywhere in the history of the world a country where strife of that kind has been settled so readily and so certainly as with us. It has shown the strength of American institutions. It has shown that the people of this country are a law-abiding and a law-observing nation.

Mr. President, it is when you look back to the history of this country and what it has gone through and the tests which have been applied that you may reasonably hope for a long continua-tion of this Government of ours on the principles under which it

was originally established.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours and

forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 4, 1909, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1909.

POSTMASTERS.

WEST VIRGINIA.

James W. Hughes to be postmaster at Huntington, W. Va. C. B. Stewart to be postmaster at Northfork, W. Va.

HOUSE OF REPRESENTATIVES.

Wednesday, February 3, 1909.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

BONDING GOVERNMENT OFFICERS.

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 24135) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

for other purposes," and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, be amended so as to read as follows:

"SEC. 5. Hereafter the copy of the oath of office of subordinate officers of the customs, required to be transmitted to the Commissioner of Customs by section II of 'An act to amend existing customs and internal-revenue laws, and for other purposes,' approved February 8, 1873, shall be transmitted to the Secretary of the Treasury.

1873, shall be transmitted to the Secretary of the Treasury, bonds of the Secretary of the Senate, Clerk of the House of Representatives, and all such bonds now on file in the office of the Treasury, shall be transmitted to the Secretary of the Treasury and filed as he may direct; and the duties now required by law of the Comptroller of the Treasury in regard to such bonds, as the successor of the Treasury in regard to such bonds, as the successor of the bonds which are not required by law to the filed leswhere shall be filed as the Secretary of the Treasury may addrect.

"Hereafter every officer required by law to take and approve bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the surfuse square of the purpose of ascertaining the sufficiency of the surfuse square of the purpose of ascertaining the sufficiency of the surfuse square of the surfuse of public moneys thereunder; and every officer having power to fix the amount thereof and approve on fix said amount at least once in two years and as much oftener as he may deem it ne

affect in any respect the liability of principal or sureties on any bond made or to be made to the United States: And provided further, That nothing in this section shall be construed to repeal or modify section 3836 of the Revised Statutes of the United States."

With the following amendment:

Page 3, line 12, after the word "prove," insert "official."

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I reserve the right to ob-

ject until there is some explanation of the bill.

Mr. ALEXANDER of New York. Mr. Speaker, the law as it now stands requires all bonds to be renewed at least once in every four years after their dates, so that every bonded officer of the Government must execute a new bond at least once in every four years similar to the bond originally given. In a decision dated June 17, 1899, construing the provisions of the act above referred to, the Comptreller of the Treasury says:

When a second bond is given under the same appointment or commission, without any changes in the duties of the officer, the giving of said bond does not operate to release securities on the first bond as to future transactions, but as to said future transactions, but as to said future transactions the sureties on both bonds are jointly and severally liable.

Mr. FITZGERALD. Is not that a good thing for the Government?

Mr. ALEXANDER of New York. The whole purpose and the only purpose of this bill, which has been prepared by the Treasury Department and referred to the Judiciary Committee, which committee authorizes me to present it to the House, is to eliminate future transactions from the old bonds. Under the present arrangement bonds become cumulative. There is an officer in the Treasury Department who gave originally a \$100,000 bond, but who now must furnish a \$400,000 bond, simply because, under the decision of the comptroller, future transactions are not eliminated, as they ought to be. There are cases where five or six renewal bonds have been required of an officer for various reasons under existing law, all of which are held to be in force, and upon which such officer is liable for annual premiums. These conditions operate to impose great hardship upon bonded officials, all of whom are required to furnish their bonds at their own cost.

Mr. UNDERWOOD. Will the gentleman permit me to ask

him a question?

Mr. ALEXANDER of New York. Yes.
Mr. UNDERWOOD. Is the effect of this bill retroactive in any respect?

Mr. ALEXANDER of New York. No. sir.

Mr. UNDERWOOD. The old bonds will all be held liable for past transactions?

Mr. ALEXANDER of New York. Yes.

Mr. UNDERWOOD. And the bill is so drawn that it will affect only the future?

Mr. ALEXANDER of New York. Yes.

Mr. NORRIS. Does it apply to all officers? Mr. ALEXANDER of New York. To every bonded officer of the Government.

Mr. NORRIS. Regardless of the length of term for which they may be appointed?

Mr. ALEXANDER of New York. The officer must execute a bond every four years similar to the bond originally given.

Mr. NORRIS. Take the case of a man who is appointed to

an office that runs four years, a definite time, do they hold that the boud he has given for that term, if he is reappointed to the succeeding term, will still operate?
Mr. ALEXANDER of New York. Yes.

Mr. NORRIS. And you want to eliminate that difficulty? Mr. ALEXANDER of New York. As to future transactions.

Mr. MACON. Will the gentleman allow me to ask him a question? Is it possible that the bond which has been given four years before may become so dissipated that it would not be worth anything?

Mr. ALEXANDER of New York. I did not understand the

gentleman.

Mr. MACON. I say, is it not possible that the guaranters on the bond in the first instance might become so impaired in their property to the extent that the bond would not be good for the last period?

Mr. ALEXANDER of New York. The law as it now is requires a new bond to be given every four years regardless of whether the officer is recommissioned or not,

Mr. MACON. How is it with those that have to be recom-

missioned?

Mr. ALEXANDER of New York. Then they must give an additional bond.

Mr. MACON. That is all right; that is the point I wished to reach.

Mr. ALEXANDER of New York. And it continues as to future transactions. This bill simply eliminates that part of the comptroller's decision as to future transactions.

Mr. NORRIS. Then I understand this simply prevents, practically, a duplication of bonds, so that the last bond is the one you rely upon, just as the first bond was the one you relied upon when it was given.

Mr. ALEXANDER of New York. Yes; as to future trans-

actions.

Mr. NORRIS. To what decision does the gentleman refer-to decision of the court?

Mr. ALEXANDER of New York. It is the decision of the Comptroller of the Treasury.

Mr. NORRIS. Has the question ever been passed on by a

Mr. ALEXANDER of New York. I do not know.

Mr. MANN. I think the gentleman from New York is in error when he inadvertently stated this would apply when a new commission issued. The decision of the comptroller was, where an officer was in office more than four years without a new commission being issued and the law required a new bond to be given at the end of the four years, that that did not relieve the bond first given and that the Government could rely

upon both bonds.

Mr. NORRIS. But that decision would not apply where the

term expired at the end of four years.

Mr. MANN. It would apply so far as the term expiring, but

not if a new appointment was made.

Mr. NORRIS. That is what I understood.

Mr. MANN. The term might expire and the man hold over.

Mr. NORRIS. Or the term expire and the man is reappointed.

Mr. MANN. If the man is reappointed he gives a new bond. Mr. NORRIS. And the old bondsmen are released.

Mr. ALEXANDER of New York. He must give a new bond every four years whether recommissioned or not.

Mr. MANN. That constantly occurs.
Mr. TIRRELL. I would like to ask the gentleman if, under existing conditions, it does not make a large additional expense upon these men who are bonded being compelled to keep the old bond alive in this way?

Mr. ALEXANDER of New York. Yes; a very large expense.
Mr. LIVINGSTON. May I ask the gentleman a question?
When he gives a new bond, is that held responsible for anything that happened under the old bond, and vice versa?

Mr. ALEXANDER of New York. Under this bill the old bond will apply to old transactions. The new bond would hold as to future transactions.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDING SECTION 2625, REVISED STATUTES.

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24337.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24337) to amend section 2625 of the Revised Statutes of the United States.

the United States.

Be it enacted, etc., That section 2625 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

"Spc. 2625. In the event of the absence of a collector, surveyor, or naval officer of customs from his office, or of a vacancy occurring therein, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such absence or vacancy; and if there be no deputy they shall devolve upon such other employee of the office as the Secretary of the Treasury may designate. And the principal and the sureties on the bond of such collector, surveyor, or naval officer of customs shall continue to be liable for the conduct of the office while in charge of any such deputy or employee and for the acts or defaults of such deputy or employee during the continuance of the absence of the principal, or in the case of a vacancy occurring in said office, until the appointment and qualification of a successor to the principal on said bond."

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object, to hear what this is.

Mr. ALEXANDER of New York. Mr. Speaker, I read four or five lines from the report, which explains the purposes of this bill:

The present law provides that the estate of a deceased customs officer shall be liable for the acts of his deputy until the appointment of his successor. It sometimes happens that such officers have no such estate as would afford the Government adequate protection. It is therefore believed that the law should specifically make the sureties on the bond of a collector liable for the acts of his deputy during the collector's absence or in the event of his death, or that the deputy should be separately bonded, or both.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Certainly.

Mr. MANN. Under the law as it now exists, where there is a naval officer or some of these other officers, the man himself does not have the appointment of his deputy, and in case of the death of the principal the bondsmen are not liable for the acts of the deputy?

Mr. ALEXANDER of New York. Yes.

Mr. MANN. Not while the deputy holds office after the death of the principal.

Mr. ALEXANDER of New York. The collector is liable, and his estate is liable after his death. What is the gentleman's question? Perhaps I misunderstood him.

Mr. MANN. The bondsmen are not liable. That is what I

Mr. ALEXANDER of New York. No.
Mr. MANN. Now, here is the proposition: Here is an officer whose deputy is selected practically by the Government through the civil-service rules; the principal dies; the sureties may be very willing to insure the Government against loss by the embezzlement of the principal. Would they be willing to insure loss for some unknown person that they had no control over, that the principal himself does not appoint, and selected under civil-service rules? And what would be the effect upon the civil-service rules? And what would be the effect upon the cost of bonds, and who now pays the cost of these bonds?

Mr. ALEXANDER of New York. Under this bill, if it be-

comes a law, the Treasury Department can compel the collector to give bond, or the deputy collector to give a bond, as it shall seem proper. The bill allows the bonding of either the principal officer or of his deputy. Under the circumstances, as the gentleman from Illinois [Mr. Mann] puts them, it would seem to be very proper that the Government should compel a deputy collector or a collector to give bond, as is done in other cases

Mr. MANN. Of course there is nothing in this bill to require

the deputy to give bond to the Government?

Mr. ALEXANDER of New York. It says:

It is therefore believed that the law should specifically make the sureties on the bond of a collector liable for the acts of his deputy during the collector's absence or in the event of his death, or that the deputy should be separately bonded, or both.

Mr. MANN. Now, the gentleman is reading from the recommendations of the department and not from the bill reported from his committee, which bill omits the very thing that the department requested.

Mr. ALEXANDER of New York. The department, under this bill, has it entirely within its control to compel the principal or the deputy to give bond, and I may say that in practice the

deputies do give bond, and I may say that in practice the deputies do give bond. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, I want to inquire whether this bill has had the consideration of any committee?

Mr. ALEXANDER of New York. It has had the consideration of the Department of Justice, the Treasury Department, and the Committee on the Judiciary, which reported it unanimously to this House.

Mr. LIVINGSTON. Do I understand the gentleman to say that the Department of Justice now holds the bondsmen of the collector responsible for the laches of the deputy?

Mr. ALEXANDER of New York. I did not say so. Mr. LIVINGSTON. I understood the gentleman to say so. Mr. ALEXANDER of New York. Mr. Speaker, I ask for a

The SPEAKER. Is there objection?
Mr. STAFFORD. Reserving the right to object, I would like to ask a question: Is it within the power of the surety companies, as a condition of the bond, to determine the bond of the original officer in case at any time they so desire?

Mr. ALEXANDER of New York. I assume not.

simply requires that the collector give a bond covering himself

and his deputy.

Mr. STAFFORD. Then, under this amended bill the surety would be responsible for the acts of other persons ad interim

until the next principal was appointed?

Mr. ALEXANDER of New York. Yes. This would require the bonding company, or whoever the surety might be, to give a bond which would hold after the death of the collector.

Mr. STAFFORD. Hold until a new appointment was made? Mr. ALEXANDER of New York. Yes.

Mr. STAFFORD. It might be an indefinite length of time. Does not the gentleman think that would be a hardship on the

surety companies?

Mr. ALEXANDER of New York. That is wholly a question

for the bonding company.

Mr. STAFFORD. Then, you think there will be no hardship

Mr. PAYNE. I understand there is now such a law in regard to the collectors of internal revenue, and it is so stated in the report.

Mr. ALEXANDER of New York. Yes.

Mr. PAYNE. Does the gentleman know whether it has operated in any hardship or friction?

Mr. ALEXANDER of New York. I have not heard that it did. Mr. PAYNE. Of course I can see very well how this can be made to apply to new bonds, but it can not be made retroactive.

Mr. MANN. Of course this would require every officer to give a bond.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BONDS FOR CUSTOMS OFFICERS.

Mr. ALEXANDER of New York. Mr. Speaker, I have another bill, H. R. 27238; I ask unanimous consent for its consideration.

The Clerk read as follows:

A bill (H. R. 27238) to amend section 2619 of the Revised Statutes of the United States.

the United States.

Be it enacted, etc., That section 2619 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

"Sec. 2619. Every collector, naval officer, and surveyor of customs shall, before entering upon the duties of his office, execute a bond of the United States in such form and for such amount as shall be prescribed by the Secretary of the Treasury, with two or more individuals, or a duly qualified bonding company as surety, to be approved by the Secretary of the Treasury and filed as he may direct, conditioned for the true and faithful discharge of the duties of the office according to law, and also conditioned for the safe-keeping, disbursement, and accounting for all public moneys which the Secretary of the Treasury shall cause to be placed to the credit of such officers, or either of them, by virtue of their office, out of any appropriations made or which hereafter may be made, and which it is desirable that such officers shall disburse." after may disburse."

Mr. ALEXANDER of New York. Mr. Speaker, I will read from the report the purpose of this bill.

from the report the purpose of this bill.

The present law prescribes the form of bond for customs officers and requires the President of the United States to fix the amount of the bond. In all other cases under the Treasury Department the form of bond to be prescribed is left to the discretion of the Secretary of the Treasury, so that such forms are made broad enough to cover the maximum requirements which the service demands shall be imposed upon a bonded officer. Because of the fact that the form of customs bonds has heretofore been prescribed by law, it has not been possible to amend the form so as to make the sureties liable for the acts of such customs officer in the performance of duties so closely allied to his office that it is practically impossible to perform them through any other office, and yet which are not all made a part of his official duties under the law; such as the disbursement of funds in connection with the operation of the Revenue-Cutter Service, Marine Hospital Service, Quarantine Service, Preventing the Spread of Epidemic Diseases, Construction of Public Buildings, Repairs and Preservation of Public Buildings, Pay of Assistant Custodians and Janitors, etc., and it has therefore been necessary to require of such officers separate bonds to cover each of said duties which the Secretary of the Treasury has found it necessary to assign to them.

In other words, the form of the bond at present is prescribed in section 2619 of the Revised Statutes, requiring the Secretary of the Treasury to follow the language without deviation, and requiring the President to fix the amount. This bill gives the Secretary of the Treasury the right to fix the amount and to amend the language to cover the performance of other duties closely allied to the office. Under existing law officers have been obliged to give separate bonds to cover the disbursement of funds in connection with the operation of these allied duties.

Mr. MANN. Does it repeal the old law? Mr. ALEXANDER of New York. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair calls the attention of the gentleman from New York to what seems to be a clerical error in line 8, where the word "of" should be "to;" "bond to the United States" instead of "bond of the United States."

Mr. ALEXANDER of New York. It should be "to" instead of "of."

The SPEAKER. Without objection, the bill will be so

There was no objection.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

Subsequently,

The SPEAKER. Without objection, the bill H. R. 24338 will lie on the table, the recommendation made by the committee on the bill just passed at the request of the gentleman from New York [Mr. Alexander]. The bill that is passed takes the place of the bill indicated. Without objection, it is so ordered.

There was no objection.

CONDEMNED CANNON FOR ROBINSON, ILL.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 241) to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

of Robinson, 111.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Robinson, Ill., one bronze or brass condemned cannon or fieldpiece, with its carriage and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used on the public building grounds at said city, and to be subject at all times to the orders of the Secretary of War: Provided, That no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NAPOLEON GUN FOR THE STATE OF IOWA.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the

The Clerk read as follows:

A bill (H. R. 27051) authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of Iowa one condemned brass or bronze "Napoleon" gun, with carriage and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in front of the new historical building at Des Moines, Iowa: Provided, That no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GRADE CROSSINGS IN WASHINGTON, D. C.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Rallway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901.

The bill was read at length. Mr. MADDEN. I object.

SUBPORTS OF BLAINE AND SUMAS, WASH.

Mr. NEEDHAM, from the Committee on Ways and Means, reported with an amendment the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with accompanying report (H. Rept. No. 2026), ordered to be printed.

RESIGNATION OF JUDGES OF UNITED STATES COURTS.

Mr. CAULFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4535, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and pass the bill with an amendment. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 4535) to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

The SPEAKER. The Clerk will report the proposed amend-

ment, the bill having been read.

Mr. MANN. Mr. Speaker, it would not be intelligent without reporting the whole bill. It is very short.

The SPEAKER. The Clerk will report the bill with the pro-

posed amendment.

The Clerk read as follows:

A bill (S. 4535) to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

Be it enacted, etc., That section 714 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 714. When any judge of any court of the United States appointed to hold his office during good behavior resigns his office, after having held a commission or commissions as judge of any such court or courts at least ten years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at a time ten years before his resignation."

Mr. UNDERWOOD. Mr. Speaker, I reserve the right to object. I do not think the bill is clear. As I understand the proposition that the gentleman desires, it will retire a district judge on the salary of a district judge if he becomes a circuit judge. It does not seem to me that the language of the amendment as presented to the House carries with it that idea.

Mr. CAULFIELD. I will say that the Committee on the Judiciary considered this amendment carefully this morning, and they feel that the language will accomplish what is desired and meet all the objections that were made to the bill when it

was up before.

Mr. MANN. Let me say to the gentleman from Alabama that the amendment provides that if a judge be retired he shall receive the salary of the office which he held ten years before his retirement; so that if he has been a district judge and then is appointed a circuit judge and retires, if he was a district judge ten years before his resignation, then he receives the salary that is paid to a district judge.

Mr. UNDERWOOD. I understood that was the proposition, and I have no objection to that; but from the reading of the bill, as I heard it from the Clerk's desk in the confusion, I do

not understand it at all.

Mr. MANN. I do not wonder. Mr. UNDERWOOD. If there is no objection, I ask that the bill be read again.

Mr. PARKER. I can give the exact language. Mr. UNDERWOOD. I prefer to have the Clerk read it. The SPEAKER. If there be no objection, the Clerk will again report the bill as amended.

The bill was again read by the Clerk.

Mr. UNDERWOOD. Now, I will say to the gentleman that it appears to me from the wording of the bill that if a judge held the office of district judge for ten years and was over 70 years of age, and was yet at the same time holding the office of circuit judge, he would get the retirement pay of a district judge and the salary of a circuit judge at the same time.

Mr. MANN. Oh, no.
Mr. CAULFIELD. Oh, no.
Mr. CAULFIELD. It is only in the event of his resignation.
Mr. PARKER. The gentleman is confused by the words
payable at the time of his retirement." These words were put in to meet a case where the salary of a district judge may have been raised between the time that he sat on the bench as a district judge and the time that he retired. At the time that he retired, if he remained a district judge, he would receive the salary payable at the time of his retirement, and so the words were put in that he shall receive for the residue of his natural life the salary payable at the time of his retirement, for the office which he held ten years before.

Mr. UNDERWOOD. I will not take issue with the Judiciary

Committee of the House, who have studied the bill. Mr. PARKER. We have studied it very carefully.

Mr. UNDERWOOD. But I still question whether if he has retired as a district judge and been appointed a circuit judge he may not receive both salaries.

Mr. MANN. Oh, no. Mr. UNDERWOOD. I will not object, because I defer to the

opinion of the gentlemen on the Judiciary Committee.

Mr. MANN. I am not on the Judiciary Committee, but I have read the amendment very carefully.

Mr. UNDERWOOD. It seems to me there is a construction that can be placed on this bill that a judge can retire after ten years' service, being 70 years of age, if on the district bench, and yet receive a circuit judge's salary if appointed to the circuit bench.

Mr. MANN. No; there is no chance for it.
Mr. GAINES of Tennessee. I should like to inquire of the gentleman, so that I may be sure that I am right as to the information, if when a district judge has served ten years and is 70 years of age, and becomes a circuit judge and is then retired, is he to get the salary of a district judge, though he retires as a circuit judge?

Mr. CAULFIELD. Unless he has served ten years as a circuit judge, he will receive the salary of a district judge; but if he has served ten years as a circuit judge, then he will retire on a circuit judge's salary.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

RESURVEY OF PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24835) authorizing the necessary resurvey of public lands, with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior may in his discretion cause to be made, in the manner now provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: Provided, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands effected by such resurvey or retracement.

The Clerk read the committee amendment, as follows:

In line 10 strike out the word "effected" and insert "affected."

The Clerk also read the following amendment, offered by Mr.

Amend by adding at the end of the bill the following: "Provided further, That not to exceed 20 per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby."

Mr. GAINES of Tennessee. Mr. Speaker, I reserve all points of order.

Mr. FITZGERALD. I reserve the right to object. the necessity for making all the resurveys of the public lands? Mr. MONDELL. I do not know whether the gentleman was here the other day or not when this subject was discussed.

Mr. FITZGERALD. I do not know, either.

Mr. MONDELL. The matter was gone over quite fully, and the necessity for resurveys in many instances was pointed out. There was an objection made at that time, because there was no limitation of the amount of the appropriations that might be used for this particular purpose. The amendment I have introduced is for the purpose of meeting that objection. There are many reasons, as the gentleman knows, why these resurveys should be had.

Mr. FITZGERALD. I have one in mind. The statement was recently made to me that the surveys made by the General

Land Office are notoriously bad.

Mr. MONDELL. I do not know who may have said that, but I do not think it is true.

Mr. MANN. That is one of the reasons for a resurvey.

Mr. MONDELL. This matter has been discussed a number of times in the House. There were surveys executed many years ago that were not well surveyed, it is true. In some cases the territory surveyed was of such a character, the country not having been settled, that in twenty or thirty years after the surveys were executed the surveys became obliterated. That is so particularly where the land is sandy or subject to erosion. In some instances surveys well executed are almost obliterated at this time, and it is impossible to dispose of the public land because boundaries are not determinable.

Mr. FITZGERALD. And the purpose of the bill is to make

Mr. MONDELL. Where they are necessary, after careful examination, to provide for the disposition of the public land.

Mr. MANN. I may say to the gentleman from New York that it will still be dependent on the appropriations recommended in the sundry civil bill and enacted by Congress.

Mr. FITZGERALD. The gentleman does not mean "recommended," but "decided upon" by Congress.

Mr. MANN. So that the department will be required to show

reasons for the appropriation. As it is now, we have to pass special bills.

Mr. FITZGERALD. Who determines whether the survey is

necessary or not?

Mr. MONDELL. We are called upon frequently to pass special bills for resurveys. The Committee on Public Lands and the department agree that it is not good practice, and that this is a much better and more economical practice, and more in the

interest of the public service.

Mr. CLARK of Missouri. Is there any danger that by some kind of hocus-pocus they will go to work and resurvey all of

the land out there again?

Mr. MONDELL. I think not, unless we get a Secretary of the Interior who is willing to violate the law.

Mr. MANN. There is no danger of that under the amendment offered.

Mr. CLARK of Missouri. I have known myself that in a great many of the surveys the corner marks become obliterated. The truth is there was a great deal of swindling originally in the public service in this way: Instead of putting a stone or a rock, or something of that kind, down as a monument so you could find it, they undertook to satisfy the law by putting down a match, or something of that kind, and of course they were easily obliterated. There are sections of land in my county that contain 720 acres instead of 640 acres.

Mr. GAINES of Tennessee. When the bill was up a few

days ago there was an objection made-

Mr. MONDELL. This amendment is to meet that objection. Mr. GAINES of Tennessee. Now, you say that not exceeding 20 per cent of the total annual appropriation for the survey or resurveys shall be used for that purpose. How much is the annual appropriation?

Mr. MONDELL. It runs from \$250,000 to \$400,000. Mr. GAINES of Tennessee. I think it is a good bill, and I think it ought to pass. I am going to vote for it.
The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FORFEITURE OF UNUSED RIGHTS OF WAY THROUGH THE PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," with an amendment.

The SPEAKER. The Clerk will read the bill as it will read

when amended.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: Provided, That no right of way on which construction is progressing in good faith at the time of the passage of this act shall be in anywise affected, validated, or invalidated by the provisions of this act.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?
Mr. GAINES of Tennessee. Mr. Speaker, I reserve the right to object, and will ask the gentleman to explain the bill.

Mr. MONDELL. Mr. Speaker, when the bill was up for consideration a few days ago objection was made to the proviso on the ground that it might give an additional lease of life, or a new status, to certain rights of way; and as nothing of the kind was intended, the amendment was prepared to meet that objection, and provides that those rights of way that are not canceled by the bill shall be in nowise affected-validated or invalidated.

Mr. STAFFORD. Can the gentleman enumerate the reasons

for this character of legislation?

Mr. MONDELL. The right of way act provides for forfeitures, providing certain conditions are not complied with. That forfeiture can not be enforced except by act of Congress or decision of the courts. This is a congressional forfeiture of certain rights of way. The time within which construction must be undertaken or completed has expired, with this exception, that where there may be any equities by reason of the fact that construction is now under way, we do not affect those rights of way. The necessity for this legislation arises from the fact that these rights of way stretch oftentimes for hundreds of miles across the public lands. They are a cloud upon titles, and the right of way is noted on the patent, whether the railway has been constructed or not. Further, if any other rights of way are sought for roads, for irrigation ditches, or other purposes, there is no way in which they can be granted except that the applicant for such right of way shall go into a federal court and have the forfeiture judicially declared. In 1906 Congress passed a bill similar to this, canceling these rights of way where there were no equities up to that time. This bill brings that forfeiture forward to the present time.

Mr. STAFFORD. What about the intervening cases since

1906?

Mr. MONDELL. It would affect the cases where filing was made between June 21, 1901, and a date five years prior to the date when this bill becomes a law.

Mr. STAFFORD. Why was it that the act of 1906 did not

apply to those?

Mr. MONDELL. The act of 1906 could not apply to any cases where the limitation had not expired. This covers the cases where the limitation has expired since that time.

The SPEAKER. Is there objection? [After a pause,] Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER, BROWNSVILLE, PA.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 26829) to amend an act entitled "An act to amend an act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved March 7, 1908, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to amend an act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved March 7, 1908, be, and is hereby, amended to read as follows:

"Sec. 7. That this act shall be null and void unless the construction of said bridge shall be commenced within one year from April 23, 1909, and shall be completed by April 23, 1912."

Sec. 2. That the bridge to be constructed under the provisions of said act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

With the following amendments:

On page 1, in lines 3 and 4, strike out the words "amend an act to," id on same page, in line 8, after the word "approved," insert the llowing: "April 23, 1906, as amended by section 1 of the act approved." following:

proved."

Amend the title as follows: In line 1 strike out the words "to amend an act," and in line 6 strike out the words "March seventh" and insert in lieu thereof "April 23," and in same line strike out the word "eight" and insert in lieu thereof the word "six."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken, and the amendments were agreed to. The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

read the third time, and passed.

The title was amended.

CHAPLAIN HENRY SWIFT.

The SPEAKER laid before the House the bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army, with Senate amendments thereto.

The Senate amendments were read.

Mr. MILLER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

LAFAYETTE L. M'KNIGHT.

The SPEAKER laid before the House the bill (H. R. 16015) for the relief of Lafayette L. McKnight, with a Senate amend-

The Senate amendment was read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House do concur in the Senate amendment.

The motion was agreed to.

ADOLPHUS ERWIN WELLS.

The SPEAKER laid before the House the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells, with a Senate amendment.

The Senate amendment was read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WILLIAM H. HOUCK.

The SPEAKER laid before the House the bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CRUMPACKER. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. MANN. Will the gentleman yield for a question? Mr. CRUMPACKER. Certainly.

Mr. MANN. What is the difference between the House bill and the Senate bill?

Mr. CRUMPACKER. The only difference is that the House bill authorizes an issuance of a discharge as of the 18th day of April, I think, 1864, a year before the alleged discharge.

Mr. MANN. I thought maybe it was a matter Mr. HULL of Iowa. It ought to have been 1865 instead of

1864.

Mr. MANN. I have no objection.
Mr. CRUMPACKER. That is all.
The SPEAKER. The question is on the motion of the gentleman from Indiana to concur in the Senate amendment.

The question was taken, and the motion was agreed to,

GEORGE H. TRACY.

The SPEAKER also laid before the House the bill (H. R. 20171) correcting the military record of George H. Tracy, with a Senate amendment.

The Senate amendment was read.

The SPEAKER. This is a House bill from the Committee on Military Affairs with a Senate amendment.

Mr. HULL of Iowa. Mr. Speaker, I move that the House

concur in the Senate amendment.

The SPEAKER. The gentleman from Iowa moves that the House do concur in the Senate amendment.

The question was taken, and the motion was agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. Englebright was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Homer L. Wells (H. R. 9686), first session, Sixtieth Congress, no adverse report having been made thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 27053, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 27053, the agricultural appropriation bill, Mr. Foster of Vermont in the chair.

Mr. LAMB. Mr. Chairman, I yield one hour to the gentle-

man from South Carolina [Mr. LEVER]

Mr. LEVER. Mr. Chairman, it will be remembered that when this bill was under consideration last year that there was much criticism of it because the amounts appropriated were not more definitely itemized. It was a criticism that appealed to the good judgment of the committee, as a result of which it will be noticed that this bill has been constructed with a view of providing the greatest possible itemization of the appropriations recommended. In the Bureau of Plant Industry, for instance, there are small appropriations, varying in amounts, to cover certain specific lines of work. These appropriations, in other bills, were carried in a general lump fund, and carried on the face of the bill-no information to the House as to the exact manner in which they were to be used. Every bureau, except that of Forestry, and there is good reason for this exception, has had its lump sum appropriated and defined according to the various lines of work being done. I mention this to establish the fact that the committee wisely adopted a policy of itemizing the bill, and to establish the further fact that this itemizing the bill, and to establish the further fact that this policy was pursued consistently throughout the bill, except as to the Bureau of Forestry, as mentioned already, and with the exception of one item, which carries an appropriation of \$60,000, in the Bureau of Chemistry. That the committee should have failed to set out this item, that the House might see and understand it, was against my judgment, and members of the committee will remember that I gave notice in the committee that I felt it my duty to call the attention of the House to this failure.

The \$60,000 recommended in the bill to which I refer is contained in the lump-sum appropriation for the Bureau of Chemistry and is recommended for the payment of the expenses of the Referee Board of Consulting Chemists, a board whose alleged function is a more thorough enforcement of the pure food and drug act of 1906. As I understand it, this board is a court of final resort to which appeals lie in disputes as to whether or not an article of food is misbranded or adulterated. My first thought in connection with this referee board was that it was

only necessary that it should be itemized in the bill-that is, that it should be specifically named and provided with a definite appropriation with which to meet its expenses. The idea had been conveyed to me that the functions of the board were in line with a better and more thorough enforcement of the purefood act. A closer study of its functions and the reasons for its creation and its exercise of its functions convinces me now that it was created without authority of law and in response to the demands of the food adulterators of the country and that instead of providing an appropriation with which to continue it we should now declare, as the Representatives of the people, anxious for a faithful enforcement of the pure-food act, designed to protect the consumer and give the purchaser of an article a pure and wholesome food, a food which is what it is advertised to be, that no part of the money appropriated in this bill for the Bureau of Chemistry shall be used for the payment of any expenses incurred in connection with this so-called "ref-eree board" or any other board, the exercise of whose functions can only have the effect of raising confusion and interfering with the Chief of the Bureau of Chemistry, who alone is charged with the statutory duty of preparing the data upon which the Secretary of Agriculture must act in the enforcement of the pure food and drug act.

For one, I enter my earnest protest against the policy of the creation of boards and commissions by whatsoever authority, whether the Secretary of Agriculture or the President of the United States, and without regard to the motive, which have not been contemplated by the law and which in the case in point are prohibited by the law.

Mr. Chairman, I wish to call attention to what seems to me a most remarkable procedure. And right here I wish to disclaim any intention of imputing improper motives to anyone. for Secretary Wilson I have the most unbounded respect. It is my purpose to criticise the judgment, not the motives, of men. I am confident that this referee board was appointed in good faith, even if without authority of law, with no other purpose in mind than that of making more simple the complex problem of the enforcement of the pure food and drugs act. The motive may have been ever so good, and yet the judgment is undoubtedly ever so bad.

In the act making appropriations for the Agricultural Department for the fiscal year ending June 30, 1909, an increase over the preceding year of an even \$100,000 was given the Bureau of Chemistry. The purpose to which this increase was to be put is best understood by a reference to the examination of the chief of the Bureau of Chemistry at the hands of the House Committee on Agriculture. I read from the hearings of last year, pages 354-355;

year, pages 354-355:

The Chairman. You are asking for an increase of about \$100,000 in your lump sum. Can you give the committee some reasons why that increase should be made?

Doctor Willey. A part of that, Mr. Chairman, is for the normal growth of the various divisions of our work. For instance, our work in connection with the other departments is growing constantly. We have now, I suppose, sufficient work all the time to keep four or five chemists busy for the other departments of the Government. That is growing gradually. Then our investigations in various lines are naturally expanding some, but not much. I suppose \$20,000 of this increase would be sufficient for the ordinary normal growth in the bureau for the next year. The greater part of it is for the expansion of the service in connection with the enforcement of the food and drugs act. We have a plan to erect five additional laboratories if this amount is given.

I also read from the same hearing, on page 363:

I also read from the same hearing, on page 363:

The CHAIRMAN. What do you pay these inspectors?

Doctor WILEY. The chief inspector, who directs the whole work, gets \$2,500.

Mr. POLLARD. The chief inspector here in Washington?

Doctor WILEY. Yes; he is here in Washington. The others get from \$2,000 to \$1,200. I suppose the average is \$1,500. They get all their traveling expenses, of course, when on duty.

Mr. Lever. What portion of this estimated increase is to be used in getting more inspectors for this inspection?

Doctor WILEY. Part of this increase is for the establishment of these additional laboratories where there are none now, and part for the additional inspectors.

Mr. Lever. How many additional inspectors do you want to get?

Doctor WILEY. After we get this increase we will have 10 more inspectors and 5 more laboratories, at least.

Mr. Lever. It seems to me with your present force you can not very well enforce the pure-food act. Here is a great strip of territory up here that is absolutely uncovered.

Doctor WILEY. That is not covered.

Mr. Lever. And here is another strip down here in Texas and New Mexico, and here is a great strip in here uncovered, and it looks to me like you need at least one in every State.

Doctor WILEY. In my estimates to the Secretary I asked for \$200,000, but he thought \$100,000 would be sufficient. But whatever you give us we will utilize the best we can.

You will notice that the chief of the bureau, in making his estimate for his bureau, had in mind a well-developed plan for which it should be expended, and nowhere can it be found that he ever intimated or gave the committee any idea that

any of this appropriation should be used in any other way than that given to the committee as appears in his statement. ture the assertion, without fear of contradiction, that there is not a member of the Agricultural Committee who considered the bill of last year who will rise in his place now and assert that he ever dreamed that any part of the sum appropriated to the Bureau of Chemistry was to be used for the payment of the expenses of a board created at the dictation of the President of the United States and beyond and outside of the control of the Bureau of Chemistry or its chief. If there is such member, I should be glad to have him rise in his place and give the House the benefit of his understanding of the reasons which prompted him in allowing this bureau a hundred thousand dollars increase. The chief of the bureau, Doctor Wiley, could not have had in mind any such idea, and this is established by another reference to his statement before the committee, which precludes the possibility of his having contemplated that any of his appropriation was to be used in the manner which I shall presently recite. (See Hearings, p. 356:)

The CHAIRMAN. Is there any appeal from the decision anywhere

The CHAIRMAN, is there any appeal from the decision anywhere along the line?

Doctor Wiley. An appeal is often made from the decision of the board to the Secretary.

The CHAIRMAN. After the Secretary passes on it, is there then any appeal?

Doctor Wiley. The only appeal that can then possibly be made is to the courts, and no such appeal has ever been made in the six years in which this system has been in operation.

The only intimation found anywhere in Doctor Wiley's statement before the committee that there was in contemplation the possible creation of a commission or a board with final jurisdiction in matters touching the enforcement of the pure-food act is had on page 382 of the hearings, from which I read:

act is had on page 382 of the hearings, from which I read:

The Chairman. Up to this time you do not forbid the sale of these articles of food that have these preservatives in them?

Doctor Wiley. No. The regulation provides that all goods packed during the season of 1907 may go without hindrance into interstate commerce, provided they do not contain more than one-tenth of 1 per cent; but the object of that was to inhibit it in future years. That question is now carried up to another commission, and will be open until that commission makes its decision.

The Chairman. Who constitutes that commission?

Doctor Wiley. As I understand, it has not been appointed yet. The President is going to appoint it.

The Chairman. I thought he had appointed it.

Doctor Wiley. I do not think so. It has not been announced, at least.

I have searched the hearings carefully and this is all that can be found, and I am sure every member of the committee will agree with me that it was not in his mind that he was providing an appropriation which was to be used outside of the Bureau of Chemistry. The first intimation that I had that a Referee Board of Consulting Chemists had been created and that the \$100,000 appropriated for the Bureau of Chemistry, in accordance with the suggestions of its chief as to its expenditures, had been diverted to the payment of the expenses of this board came to me in the statement of the chief of the bureau before the committee on January 5 of this year. I think a study of the interrogations and answers of members of the committee and Doctor Wiley on this date will develop the fact that even the chairman of the committee was somewhat surprised at the diversion of this \$100,000 appropriation from the purposes for which it was intended. I read from the hearings, page 240:

page 240:

Doctor Wilex. The previous year we had none. The first year we did not get a case to the courts, and they just began to come in last March. They are now coming in rapidly; we have 60 or more convictions, I could not give the exact number now, and the courts are just getting busy on this matter.

The Chairman, While looking up the allotments of your bureau for the current year, I noticed that \$100,000 is set aside for the use of the referee board. Will you give us the names of the members of that board, and tell us how they are paid, and what expenses they incur that calls for \$100,000; and also tell us what their duties are?

Doctor Wiley. Mr. Chairman, I am in very poor condition to answer your question, because all I know about it is just the fact that a certain amount of money was set aside for this board, and the disbursing officer informed me of that fact so that I would not be drawing on it for any of the ordinary expenses of the bureau; but I do happen to know the names of the referee board just incidentally, but not officially. Mr. Lever. By whose authority was this sum set aside?

Doctor Wiley. That I could not say. I imagine that the Secretary of Agriculture was the only one who had authority to do it.

Mr. Lever. Did your notice come from him?

Doctor Wiley. No; from Mr. Zappone, the disbursing officer. I do not believe I can give the committee any valuable information on this subject, Mr. Chairman, because I myself am ignorant.

The Chairman, Walley. No official relation to this referee board at all?

Doctor Wiley. None whatever.

The CHAIRMAN. Have you no state at all?

at all?

Doctor Wiley. None whatever.

Mr. Lamb. How many members compose the board?

Doctor Wiley. Five.

Mr. Haskins. Is this the board before whom appeals are brought from your decisions?

Doctor Wiley. Yes, sir; a board which is reviewing the work that we did under the appropriation acts for the last seven or eight years, as I understand it.

Mr. HAWLEY. Under whose direction? Doctor Wiley. I believe they are under their own direction—I really not know

Doctor WILEY. I believe they are under their own direction—I really do not know.

Mr. RUCKER. I understand that the board examines into and supervises the work that your department does.
Doctor WILEY. Not at all; they have nothing to do with our work.

Mr. RUCKER. With whose work do they have to do?
Doctor WILEY. As I understand it, Mr. Chalrman, this board is appointed to determine whether or not certain substances added to foods are wholesome or unwholesome.

Mr. RUCKER. Is not that the province of your department?
Doctor WILEY. Well, I could not answer in regard to that.

Mr. RUCKER. I did not intend to be too inquisitive.

Mr. LAMB. Can you give us the names of the members of the board?
Doctor WILEY. I know the names of the board. Doctor Remsen, of Johns Hopkins, is president; Professor Chittenden, of Yale, is a member; Professor Long, of the Northwestern University, of Chicago; Doctor Herter, member of the medical faculty of the Columbia University, of New York City; and Professor Taylor, of the University of California, at Berkeley, constitute the board.

Mr. McLaughlin. In case you seize goods and condemn them, there is an appeal to this board to determine the quality of the goods, and the correctness of your analysis, and something of that kind; is not that true?

Doctor Wiley, L of course know nothing about the work of the

is an appeal to this board to determine the quality of the goods, and the correctness of your analysis, and something of that kind; is not that true?

Doctor Wiley. I, of course, know nothing about the work of the board excepting from hearsay, so I am not in a position to give the committee any information at all upon that subject.

Mr. Lever. What I am trying to get at is how it happens that this referee board, appointed by the President of the United States, as I understand, should have its expenses charged against this account.

The Charman. Perhaps I may make this statement in connection with this subject, as a matter of personal information, which I may say I have secured more from newspaper reports than anywhere else. My understanding is that that board was appointed by the Secretary of Agriculture at the instance, of course, of the President of the United States. The appointment was made by the Secretary of Agriculture under authority of the language in the appropriation bill empowering him to employ "assistants, clerks, and such other persons," as he may deem necessary to carry into effect the provisions of the act. The appointments were made, as I understand it, because of appeals which had come to the President from manufacturers who believed that the rulings of the Bureau of Chemistry as to what constituted adulterations in their products were unwarranted. The President, of course, did not know whether they were right or wrong. It was evident that the rulings of the Bureau of Chemistry as to what constituted adulterations in their products were unwarranted. The President, of course, did not know whether they were right or wrong. It was evident that the rulings of the bureau were not satisfactory, and the President believed that the appointment of a board made up of such eminent scientists as the ones whose names have been given by Doctor Wiley, and to which board these questions might be referred, was necessary in order to secure a determination of the matters that would be accepted by the whole coun

Mr. Lever. I was about to suggest that that appropriation of \$100,000 should be inquired into, as to the details of expenditure.

The Chairman. Yes; I think the committee feels that way about it. Each of these men, as we all know, is engaged in important work outside of his connection with this board, so that doubtless he can give only a part of his time to the work of the department; so I assume that they are paid a per diem for the time actually employed.

Mr. Hawley. How could they put in enough days—
The Chairman. As this is a rather large expense, amounting to \$100,000, I am sure the committee will be interested in knowing the details of the expenditure.

Mr. Rucker. The question arises whether this referee board which is appointed, as I understand it, for the purpose of giving confidence in the enforcement of the law governing the proper analysis of foods, if it does not reach the gentleman in charge, Doctor Wiley, I do not see how very much could be accomplished.

This appropriation was not intended by Congress to be used in any such manner. Every fact and circumstance in connection with the appropriation prove the contrary. Congress thought it was providing for the normal growth of the Bureau of Chemistry and its increased work, due to its duty in enforc-

ing the pure food and drugs act.

Mr. Chairman, an executive officer is charged with the execution of the law according to the terms of the law, but in recent years the legislative and judicial branches of the Government have been almost absorbed by the executive branch, which endeavors to exercise all the functions which hitherto were exercised by the other coordinate and equal branches. And the creation of this referee board, the diverting of this \$100,000 appropriation, is but another illustration of this growing and most unfortunate tendency.

The facts leading up to the creation of this board may be interesting. Until the passage of the pure-food act two years ago, conditions had been such that the consumer was entirely at the mercy of the dishonest manufacturer of food products. The use of preservatives and poisonous chemicals in foods sold to the public was well-nigh universal. Embalmed beef is a part of the history of our country. The demand for pure food came up from all parts of the country, and in response thereto the act of 1906 was passed and is now a law. That act provides the manner in which it shall be enforced and specifically names the

channels through which it shall be operated and sets out in detail the means of redress which are available to the aggrieved manufacturer of food products. Section 4 of the act of June 30, 1906, provides that-

Examinations of specimens of foods and products shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such bureau, for the purpose of deter-mining from such examinations whether such articles are adulterated or misbranded within the meaning of this act.

The law therefore, in terms mandatory, provides who shall enforce it—what bureau of the Government shall deal with it. There is no discretion—the law is specific. There is no evading its letter or spirit, and such evasion amounts to a violation of the law.

The Bureau of Chemistry of the Department of Agriculture is given the sole authority to deal with the enforcement of the act; to pass judgment as to the fact of adulteration or misbranding of articles of food or drugs. The law is plain; the intent of the law is equally as plain, and if there has been created by any authority anywhere in the Government any referee board, or any other board, which, in the exercise of the power conferred upon it in its creation, either hampers, supersedes, directs, or nullifies the action of the Bureau of Chemistry in the exercise of its authority under this act, such a board was created without authority of and is acting in violation of law. I quote again from the act, section 4:

And if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained.

And here the act sets out in definite terms the remedy which the aggrieved manufacturer has under the law. I read still from section 4:

Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid

And then section 5 provides that the district attorney to whom such report shall be made shall cause proper proceedings in the proper courts of the United States. I call attention to two things provided in section 4.

First. That the Bureau of Chemistry is charged with the collection of the facts as to misbranding or adulteration of food or drugs. No authority is given to any other officials of the Gov-The direction of the law is to the Bureau of Chemernment. istry; that bureau, and that bureau alone, is charged with certain duties named in the section. As to the collection of scientific facts, it is the only source of authority contemplated by the act to which the courts may look. There is nowhere mentioned in the act a referee board or a board of pure food and drug inspection. There is nowhere in the act conferred the power to any person to create such a board or boards; the direction is to the Bureau of Chemistry. That is one fact that can not be escaped.

Second. The other fact is there is no court of appeals from the facts laid down by the Bureau of Chemistry in any given case except a proper court of the United States. out in plainest possible terms the course of procedure in appeals, and the appeal goes to a court of law rather than a specially created court of chemistry, as we now have, under the operation of the so-called "referee board of consulting chemists."

A recital of the history of the passage of the pure food and drugs act will illuminate the attitude and intention of Congress with respect to any commission or board with functions such as are exercised by the referee board.

When the bill left the House it carried a provision for a commission identical in character with the referee board. The Senate struck out this provision and the House conferees agreed to the Senate amendment. The bill as thus reported to the two Houses by their respective conferees became a law and is now the law and the only law upon the subject. There can be no ambiguity as to the intention of Congress in this respect. The referee-board idea was deliberately omitted from the act, and the present board exists to-day in the very teeth of the intention of Congress and in open and flagrant violation of it.

Senator HEYBURN, on the 25th of January of this year, speaking in the Senate on this very matter, says-

Mr. President, a word may not be out of place in connection with this matter, because I think the minds of Senators will be directed to it in the near future. We absolutely refused, in enacting the pure-food law, to consider favorably the proposition of establishing standards by legis-

lation. The difference between the bill that came back to us and the bill that we sent out of this body rested largely on that question, and I am quite jealous that what we declined to do directly we shall not be found to be doing indirectly. It was the spirit of the pure-food bill that the courts should determine these questions and that no other definition than that of the courts should constitute a rule of action under the law; and yet I find every day, almost, some statement in the papers that some board or some committee has issued its edict as to what shall and what shall not be permissible under the pure-food law.

If we sit idly by and allow the practice to drift in this direction, we might as well have accepted that proposition. It was the presence of that principle in the pure-food bill that as much as anything else held it back in Congress for almost a quarter of a century. People would not submit to the proposition that we should establish standards by legislation. The people who intelligently considered that measure demanded that each case should stand upon its own facts, and when the Senate expressed its final conclusion the law was so written. I want to know by what authority this board comes into existence, and I want to know what authority it claims for its conclusions.

I see that the paper says that it will probably result in displacing one of the executive officers of the Government, and that the board will be substituted for an executive officer authorized by law for whom we have been making provision year after year. If that is to be, I think we should take it into consideration when we are asked to open the Treasury of the United States and give them an extra hundred thousand dollars upon a very indefinite statement of the purpose for which it is to be used. We have already given them something over \$700,000 in the appropriation for this year, and I may be wrong in thinking that the additional expense has been caused by this unauthorized board, and if it is so, I think the Senate would be

Senator HEYBURN was the leader in the Senate of the advocates of the present pure-food act, and his judgment as to its intent must be given great weight. Here is a man as much responsible for the pure food and drugs act of 1906 as any other man in the country, with the exception of Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry, and he tells us in plain English that such a referee board of consulting chemists was not only not in the minds of Members of Congress when the act was passed, but that such a board was specifically and pointedly excluded from the act, and gives the reasons for its exclusion. This should settle the legal phase of the question as to whether or not there was any intention in the minds of the legislators to lodge a power in some one for the creation of a board which should have authority greater or even equal to that of the Chief of the Bureau of Chemistry, who is charged with the statutory duty of furnishing the data upon which the Secretary of Agriculture is to act and upon which federal courts are to act with respect to misbranding or adulteration in foods and drugs.

I have shown, Mr. Chairman, that the committee which appropriated the funds out of which the expenses of this referee board are being borne was not advised of its contemplated creation. Doctor Wiley, the chief of the bureau from which this sum was taken, it appears, knew nothing about it. pointedly stricken from the bill, preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, and so forth, before the bill could become a law.

I am not a lawyer, but I am enough of a lawyer to know that every judicial and just interpretation of a statute must follow the lines of common sense and be guided largely by the facts and circumstances, the history, the reasons and in-tentions, and the purposes of the legislative body enacting it. And if this rule is followed in this case, the conclusion is in-evitable that the so-called "board of pure food and drug inspection," within the Bureau of Chemistry, and the referee board of consulting chemists, outside of the bureau, both exercising functions inconsistent with the statutory duty imposed upon the chief of that bureau, have been foisted upon the public without the authority of law and in plain violation of it.

Upon what authority of law is this referee board of consulting chemists predicated? I understand that the Secretary of Agriculture who appointed the board at the direction of the President of the United States relies for his authority upon this language (page 11) of the appropriation act of last year:

Employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named.

That is for carrying into effect the pure food and drugs act, and he further relies upon section 161 of the Revised Statutes of the United States, which authorizes the head of a department to prescribe regulations for the government of his department. The statute reads:

The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

As to the first authority relied upon—" for the employment of assistants, clerks, and other persons"—it seems to me, as a layman, that his position is absolutely untenable and does not give him the authority claimed. Lawyers who are listening to

me are no doubt familiar with Lord Tenterden's rule of construction, and I place it against the alleged authority for the appointment of this referee board. I read the rule:

Where general words follow particular ones, the rule is to construe the former as applicable to persons or things ejusdem generis. This rule, which is sometimes called "Lord Tenterden's rule," has been stated as to the word "other" thus: Where the statute or other document enumerates several classes of persons or things, and immediately following and classed with such enumeration the clause embraces "other" persons or things, the word "other" will generally be read as "other such like," so that persons or things therein comprised may be read as ejusdem generis with, and not of a quality superior to or different from, those specifically enumerated.

It is my information that this rule is almost universally followed by the courts in the interpretation of statutes, and that the words "other persons" can not be of a quality superior to or different from those specifically enumerated, so that these words in the appropriation act would convey the power of appointment of persons with an authority of like character with "assistants and clerks," and not of a character equal to and even superior to the chief of the bureau, and I think no one will deny the correctness of this position. Almost every bureau in this great department contains provisions for the employment of assistants, clerks, and "other persons," and yet I am sure no one will claim that the term "other persons" gives to the Secretary of Agriculture the authority to appoint persons whose duties and functions are superior to the chief of the bureau. Such an idea is absurd on its face and contrary to every principle of common sense.

These words were not intended to convey any such authority. It was not in the mind of Congress that such meaning should be given them, and I wish to call the attention of the committee to the language of the Supreme Court in the case of Holy Trinity Church v. The United States, as follows:

It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit nor within the intention of its makers.

And in the case of the United States v. Palmer (3 Wheat., 601, 631) the court applied the doctrine in this way, and it is an opinion of Chief Justice Marshall:

The words of the section are in terms of unlimited extent. The words "any person or persons" are broad enough to comprehend every human being. But general words must not only be limited to cases within the jurisdiction of the State, but also to those objects to which the legislature intended to apply them.

Does anyone contend that Congress intended the words "other persons" to convey to the Secretary of Agriculture such authority as he has exercised in the creation of this Bureau of Consulting Chemists? The Secretary of Agriculture is not a lawyer, but he is too good a farmer, with too much common sense, to believe himself, in my judgment, that he had such authority, and I am of the opinion that only the positive direction of the President of the United States could have committed him to an act in plain violation of the law.

The question is, Shall Congress stand for any such action upon the part of the executive branch of the Government and shall we permit the emasculation of the pure-food law through the devious workings and windings of commissions and boards which have been appointed in the face of the law?

But why the creation of this board? Why the creation of a

board of pure food and drug inspection? When the Chief of the Bureau of Chemistry undertook the enforcement of this act he was evidently guided by the reasons which induced this legislation, viz, the protection of the lives and health of the American citizens against poisonous preservatives and the protection of the American consumer of food products against evils and frauds in the way of misbranding. He must have had in mind the same idea that Congress had, that no chances must be taken with the lives and health of the people in permitting the use of preservatives in foods and drugs. Experts disagree, and for that reason their findings are sometimes regarded by the layman as worthless, but when their disagreement may involve the life or health of a citizen, he is wisest who decides the question in favor of life and health. It was this spirit, the spirit of taking no risk which might jeopardize life and health, that guided the course of that distinguished scientist upon whom the law, by direction, has placed the burden of protecting the consuming public against fraud, against poisonous substances, against rotten food, against insanitary methods of manufacture. He conducted his experiment with great caution and care. His conclusions were irresistible.

He put out of business salicylic acid; he drove formaldehyde out of use as a preservative and tabooed other poisonous substances; and the great scientists of the world, the Imperial Board of Germany, the chemists of all creation, in almost unani-mous voice, said that he was right. The honest manufacturer

said he was right, and wished him godspeed in his great work; the press of the country said he was right, and backed him with its great power; the innocent consumers of the country, in every home and hamlet, in mighty accord acclaimed him a benefactor. It was the dishonest manufacturers—those who sent thousands of brave soldiers in Cuba to their deaths with embalmed beef, those who have sold you catsups made from the peelings of rotten tomatoes, those who have jeopardized the lives of children and invalids by selling to them preserved, rotten milk-these are they who have stood in the way of the enforcement of the act, and these are they who whined out when the manacles of the law began to tighten around them. It was in answer to the call of these kinds of adulterators of foods, the malefactor, and the lawless manufacturer that resulted in the creation of that scientific board which we have been appropriating for in the Bureau of Chemistry, known as the "Board of Pure Food and Drugs Inspection."

I understand it to be the duty of this board, and the Chief of the Bureau of Chemistry is its chairman, to collect the facts as to the misbranding of an article of food, or as to the use of preservatives which are either harmful or deleterious to health. And it may seem strange, and it is strange, that one of these eminent scientists, one of these men who are to determine whether copper sulphate is poisonous or not, whether the use of salicylic acid is dangerous, whether the use of benzoate of soda is harmful, whether any of these chemicals used for preservative purposes are likely to produce ill effects—I say one of these experts, one of these scientists-comprehensively familiar with these preservatives and drugs, happens to be a lawyer, who has been in the Department of Agriculture a few years and is now its solicitor; that is, the general-law man of the Department of Agriculture. It may be that he knows the law, and I presume he does, but if any one should tell me that this young lawyer knows anything about chemistry, knows anything about the chemistry of food, I confess that I shall have to be shown the fact. When this board was created, one Doctor Dunlap was appointed associate chemist. Doctor Dunlap is responsible to no one—he is independent in the exercise of his functions. He is of the bureau and at the same time not of it. The Chief of the Bureau of Chemistry has no more to do with the direction of his work than you have, or I, and yet the chief of this bureau is held responsible for the findings or the facts. The majority of this board must agree to the facts certified to the Secretary.

I am not here to say that this board is harmonious or otherwise, but I am here to say that its creation was extralegal, and I fear that it has resulted in seriously hampering the enforcement of the pure food and drug act. This board was created, as I have said, at the behest of the manufacturers. The consuming public cared nothing about the creation of this board; it was satisfied with the manner of the enforcement of the law as was given to it by the Chief of the Bureau of Chemistry. For a while the manufacturers were satisfied with this arrangement, and things rocked along, as far as the public could see, without a jar, and then came the decision of this board that benzoate of soda was a preservative dangerous to health and life. The facts were certified to the Secretary of Agriculture, who published them as provided by law, and then the manufacturers who were using these preservatives swooped down upon Washington, carrying their assault even to the White House. They laid their case before the President, urging that benzoate of soda was not harmful and that certain goods could not be put upon the market without the use of it as a preservative. It was a hard problem. The President did not wish that any great manufacturing establishment should have its doors closed; and when it was alleged that such would be the case if benzoate of soda should be tabooed, he called to his aid his trusted assistants of the Department of Agriculture. I can imagine what happened. In that impulsive way, characteristic of him, he said to the imploring delegation of manufacturers, "I will give you a square deal; I will send for the Board of Pure Food and Drug Inspection and the Secretary of Agriculture." that this board and the Secretary hastened to the White House, and when they walked into the consulting room I can imagine what took place.

I can imagine, Mr. Chairman, that great stress may have been brought to bear upon the President to get him to appoint a referee board. I can well see, also, that in the utmost good faith and believing that its decision would strengthen the law, the President could have been induced to do so. I may picture what possibly might have occurred in his office. Perhaps the

Indianapolis, to enjoin the state food officials from doing their duty—for instance, Curtice Brothers, of Rochester, and Williams Brothers, of Detroit, affirm that they could not make a catsup without benzoate of soda, when they knew that some of the largest manufacturers of the country were doing so-may have solicited the protection of the President in carrying on their low-grade business. I can imagine they may have even asked the Secretary of Agriculture to confer with him on this matter and to advise him whether or not these substances are injurious to health, and the Secretary of Agriculture doubtless answered in the affirmative. I can imagine then the President turning to these gentlemen and informing them that if these are injurious substances they should not be allowed to be put into foods. At any rate, however, they seem to have had their way, and it was ordered that \$100,000 of the money which had been appropriated to carry out the provisions of this act should be used to pay the experts appointed at the instigation of these manufacturers, who had the instinctive keenness of business to prefer their bills to be paid by the United States rather than by themselves. It was in this way that they deceived the President and secured the services of a very expensive board without spending one cent.

I can imagine that the upshot of this conference was that when the President was informed by Doctor Wiley, Doctor Dunlap, Secretary Wilson, and our young chemico-legal friend, Mr. McCabe, that benzoate of soda was a poisonous substance, deleterious to health and dangerous to the lives of the people who ate food in which it had been used, that he rose upon his tiptoes and bringing his clenched fist down upon the table said, "If this is your verdict, gentlemen, benzoate of soda can not be used in the foods of this country." I do not know that this is a true picture. I can very well imagine how such a scene could happen. Doctor Wiley and his little crew went away happy and content. Time rolled on and then, like the bursting of a volcano, came the announcement that the President had determined to appoint and had appointed, as a court of final jurisdiction, a so-called "Referee Board of Consulting Chemists," which should pass finally and forever upon matters in dispute affecting the use of preservatives in foods. Victory number two was chalked up to the manufacturer. The consuming public was none the wiser.

This illegally appointed board began its investigation February 24, 1908. Exactly what they did is not known, because their report has not been published. Enough has come to the public eye to inform us that they have held benzoate of soda not to be injurious in the sense in which Doctor Wiley held it to be. Following the plan laid down by Doctor Wiley in his investigation, they conducted "poison squads" for a period of two months and found that, administered in small quantities, benzoate of and found that, administered in small quantities, benzoate of soda failed to show any deleterious effect upon healthy young men; but they did find "in some directions there was slight modification in certain physiological processes, the exact significance of which modification is not known." Larger doses of this chemical were given for only one month, and hence the conclusion that this expensive, extra-legal referee board has thrown no light upon the subject of benzoate of soda, and the only result so far from it has been the muddying of the water, the adding of confusion to confusion, and the practical suspension of the operations of the pure-food law as to benzoate of soda. The board has accomplished nothing in the way of good. Its operations have worked harm, and it is but another illustration of a fact which, happily, is dawning upon the country—that the thing most needed at this hour is an Executive whose judgment is guided by the law rather than by his individual impulses.

I do not know whether benzoate of soda is a dangerous or poisonous preservative. I am no more of a chemist than is George W. McCabe, a member of the Board of Pure Food and Drugs Inspection, but I do know that the man whose statutory duty it is to pass upon this matter says that it is dangerous; and although great general chemists differ with him, while all food chemists agree with him, I am willing to take his judgment, for I regard him as the most competent man in all the world to speak upon the subject. And besides that, I wish to guard myself and the public against any risks of endangering life and health; and the very spirit of the pure food and drugs act, if it means anything, it means that the public shall be guarded against risks.

The law of probabilities should have some weight in this connection. If Doctor Wiley has heretofore been right in his decisions touching these preservatives, it is not a great assumpsame parties who appeared before Federal Judge Anderson, in tion to attach the greatest possible consideration to his decision

with respect to benzoate of soda. What are the facts? I read from food-inspection decision 76, page 5:

In order to obtain the views of eminent physiologists and hygienists, health officers, and physicians in the United States as to the propriety of using preservatives in foods, a list of questions was sent out from the Department of Agriculture, to which a large number of replies was received. These questions and the replies have been tabulated as follows:

1. Ara preservatives, other than the usual condimental preservatives, namely, sugar, salt, alcohol, vinegar, spices, and wood smoke, injurious to health?

Affirmative	218
Negative	 33
Total	951

2. Does the introduction of any of the preservatives which you deem injurious to health render the foods injurious to health? Affirmative ____

3. If a substance added to food is injurious to health, does it become so when a certain quantity is present only, or is it so in any quantity whatever?

Affirmative _____

4. If a substance is injurious to health, is there any special limit to the quantity which may be used which may be fixed by regulation or by law? Affirmative ____ Negative ____

Affirmative ____ Total _.

It can readily be seen from this tabulation that the opinions expressed point overwhelmingly to the fact that preservatives as a class are injurious to health, and hence their use is, under the act, inhibited.

Again, Mr. Chairman, Doctor Wiley's investigation showing the effect of sulphurous acid and sulphites upon digestion and health was confirmed by the German imperial board of health; health was confirmed by the German imperial board of health; his investigations with respect to salicylic acid and salicylates were confirmed by an almost unanimous opinion of health officers and physicians throughout the country; the results of his borax experiments confirmed by the German imperial board of health; his formaldehyde investigations confirmed by everyone who has ever studied the subject; and it remains for this surreptitiously created referee board of consulting chemists to deny the results of his investigations with respect to benzole acid and benzoates. But even in this one instance, where this new board dissents, it is not supported by the food and dairy experts of the country, who agree with the findings of Doctor Wiley.

Knowing that the members of the executive committee of the National Association of State Dairy and Food Commissioners

National Association of State Dairy and Food Commissioners were men who had given their lives to the study of the effects of preservatives upon health, I addressed a number of them the following telegram:

Does your association oppose the use of all chemical preservatives in foods? Are you personally and officially opposed to the use of chemical preservatives in foods? Will the legalization of an unrestricted use of benzoate of soda result in harm to infants and invalids? Would you favor letting the question go to the courts instead of being officially decided by the Referee Board of Consulting Chemists?

To this telegram the following responses have come:

I answer yes to all questions in your message. Letter will follow at once.

Food Chemist of North Carolina.

Law of Indiana prohibits antiseptics in foods. I am opposed to chemical preservatives and drugs in foods. Legislation of benzoate will open way to unrestricted use. Infants and invalids will undoubtedly be harmed. Question can not be settled by referee board. Decision only complicates mooted questions. Sanitary aspect of use of benzoate is most important and must be fully considered.

H. E. Bannard,

State Food and Drug Commissioner of Indiana.

Commissioner Bird out of the city. Will return early next week.
N. J. SMITH,
Chief Clerk Dairy and Food Department, Michigan.

Our association does not approve the use in food products of any chemical preservative which has not been proven beyond reasonable doubt by scientific investigation to be harmless to health, or if its use conceals in any way inferiority of product. Have not received full report from referee board, but understand this board restricts its decision to physiological effects on healthy individuals under observation

for two months only. Other observations for longer period are to the contrary. This leaves effect of benzoate of soda on healthy individuals doubtful, without consideration of effect on infants and invalids, and does not take into consideration insanitary conditions and inferior products made profitable by its use. Personally, would favor test case in the courts which would bring out all sides of question. In the meantime, the Government should investigate all phases of the question. Our association has had the matter up with the President since referee board's report, and feel confident of this effort in the consumer's interest.

M. A. Scovel.

M. A. Scovel, Executor Kentucky Food and Drug Act.

Our association is unalterably opposed to use of all chemical preservatives. Am officially and personally opposed. Harm to infants and invalids. Covers up fraud. Court should interpret law.

E. F. LADD, Commissioner, North Dakota.

Answering your telegram, the Association of State and National Food and Dairy Departments, of which I am president, at its last meeting unanimously passed a resolution opposing all chemical preservatives in foods as harmful and unnecessary. Officially and personally I am opposed to the use of all chemical preservatives in foods. Am convinced that the unrestricted use of benzoate of soda would result in great harm, especially to infants and invalids. Would prefer to have all questions go to the court rather than to have them passed upon by referee board. Letter follows.

J. O. EMERY, Madison, Wis. J. Q. EMERY, Madison, Wis.

These telegrams prove two things—that the food experts agree with Doctor Wiley in his conclusions with respect to the harmfulness of benzoate of soda, and also bring out the fact that somebody blundered in the appointment of the referee board of consulting chemists.

I shall now read a few most interesting letters received in the last few days from various dairy and food commissioners. These letters agree unanimously that the use of benzoate of soda should be prohibited, not only because of its deleterious effect on health, but because—and this is a matter to which I wish to direct especial attention-its use permits the introduction of unscrupulous methods in the manufacture of food and dairy products and the use of inferior and partly decomposed materials.

Indiana State Board of Health, Department of Food and Drugs, Indianapolis, Ind., January 30, 1909.

A. F. LEVER, M. C., Washington, D. C.

A. F. Lever, M. C.,

Washington, D. C.

My Dear Str. Replying to yours of the 30th instant, I would say that the Association of State Food Commissioners, of which I am a member, is emphatically opposed to the use of all chemical preservatives save salt, sugar, vinegar, spices, wood smoke, edible oils, fats, and alcohol. These preparations above enumerated are classed as standard preservatives, and all save vinegar, salt, spices, and wood smoke have valuable food properties. The association is opposed to the use of all chemical preservatives, and all preservatives if poisonous or injurious to health under conditions in which they are used in food products. Among such preservatives we class fluorids, beta-naphthol, formaldehyde, salts of copper, sallcylic acid and its salts, boric acid and its salts, sulphurous acid and its salts, boric acid and its salts.

As a member of the joint committee on standards of the Association of Official Agricultural Chemists and of the Association of State and National Food and Dairy Departments, I take the same ground. I do not believe that chemical preservatives or drugs have any place in food products.

They have no quality which entitles them to any place as a food product. In passing through the digestive track it affords neither heat nor energy; it does not restore waste tissue; it does not build up any new tissue; It does not have any value in increasing or diminishing the saline contents of the blood; and thus can not take any part in osmosis, the great controlling physical factor in life. All of this is especially true of benzoate of soda, which is regarded generally by chemists and physicians as a drug and as such is frequently administered as a medicine. In addition to the question of the injurious or deleterious effects upon the health by benzoate of soda, I believe it should not be allowed in food products, because its use encourages and makes possible the use of poor and unfit raw material, waste products unfit for food, the maintenance of insanitary premises, and car

sumed by infants, invalids, and aged people in every wark and condition of life.

The impropriety of allowing a drug, even though that drug may be shown to be noninjurious in minimum quantities under certain rigid conditions of health and strength, can not be questioned. It will be impossible to control its use. Milkmen may employ it in their milk, the butcher in his meats, the packer in his preserves, the canner in his catsup, and the brewer in his beer, and it is certain that under a wide-open policy it will be possible for the consumer to take daily without his knowledge far more than the maximum dose of this preservative.

without his knowledge far more than the maximum dose of this preservative.

The sanitary aspect of the use of benzoate of soda is most important and must be fully considered, and for that reason I do not think the consumer should be compelled to accept a decision by any board of referees which considers only one side of the question. The argument of the manufacturers that they should be allowed to use the preservative is without weight. There is not a single article of food which has been preserved by means of benzoate of soda which can not be preserved and offered to the consumer in perfect condition without the aid of any chemical preservative. This fact has been completely dem-

onstrated in the case of fellies, jams, catsup, preserves, pickles, cider, fruit juices, mince-meat, and other articles of the same character. Yours, truly,

H. E. BARNARD, State Food and Drug Commissioner.

STATE OF WISCONSIN,
OFFICE OF DAIRY AND FOOD COMMISSION,
Madison, Wis., February 1, 1909.

A. F. LEVER, House of Representatives, Washington, D. C. Hon.

Dear Sin: Late in the afternoon of Saturday, January 30, I received the following telegram: WASHINGTON, D. C., January 30, 1909.

J. Q. EMERY,

Food Commissioner, Madison, Wis.

Does your association oppose the use of all chemical preservatives in foods? Are you officially and personally opposed to the use of all chemical preservatives in foods? Will the legalization of an unrestricted use of benzoate of soda result in harm to infants and invalids? Would you favor letting all questions go to the courts instead of being officially decided by the referee board of consulting chemists? Wire answer and write full particulars at once.

A. F. LEVER, M. C.

I immediately telegraphed you as follows:

Madison, Wis., January 30, 1909.

MADISON, WIS., January 30, 1909.

A. F. Lever, M. C.,
Washington, D. C.

Answering your telegram, the Association of State and National Food and Dairy Departments, of which I am president, at its last meeting unanimously passed a resolution opposing all chemical preservatives in foods as harmful and unnecessary. Officially and personally, I am opposed to the use of all chemical preservatives in foods. Am convinced that the unrestricted use of benzoate of soda would result in great harm, especially to infants and invalids. Would prefer to have all questions go to the courts rather than to have them passed upon by referee board. Letter follows.

J. O. EMERY.

The wires being down on account of the storm, your telegram came by wire to Janesville, Wis., and from there by mail, and it was necessary that my telegram go by mail to Chicago and from there by wire.

The resolution unanimously passed by the Association of State and National Food and Dairy Departments at its twelfth annual convention, held at the island of Mackinac, August 4 to 7, 1908, and to which I referred in my telegram, is as follows:

"Resolved, That this association is convinced that all chemical preservatives are harmful in foods and that all kinds of food products are and may be prepared and distributed without them, and pledges its best efforts to use all moral and legal means at its disposal to exclude chemical preservatives from food products, and to this end we ask the cordial support of all national, state, and municipal authorities charged with the enforcement of food and drug laws. And in this connection we desire to express our gratitude for the helpful services of the medical profession generally, and especially to the American Medical Association."

According to the newspaper account, the referee board of scientific

with the enforcement of food and drug laws. And in this connection we desire to express our gratitude for the helpful services of the medical profession generally, and especially to the American Medical Associatios."

According to the newspaper account, the referee board of scientific consulting chemists failed to find any deleterious effect upon healthy young men of small doses of benzoate of soda given for a short period of time, aithough they did report: "In some directions there were slight modifications in certain physiological processes, the exact significance of which modifications is not known," when larger doses of this chemical were given for only one month. To conclude from this that benzoate of soda would be a proper ingredient of foods would be extremely danagerous, since its effect upon infants and invalids has not been demonstrated nor even the effect upon healthy adults of oft-repeated doses extending over a longer period of time. The quantity of added bens frequently been found to be greatly in excess of what the referee board calls small doses for adults.

Moreover, this and other chemical preservatives have been found to be entirely unnecessary in the manufacture and preservation of foods when clean, sound raw materials are suitably prepared in clean, sanitary factories. Chemical preservatives make possible and are often used for the purpose of employing partly spoiled raw materials and manufacturing them under insanitary conditions.

If the report of the referee board is to be understood as holding that benzoate of soda when added to food is harmless, and this holding is accepted by the national authorities, and its unrestricted use is to follow in foods such as meats, milk, catsups, preserves, and a host of others, the conclusion is inevitable that we are by one stroke set back to the condition of things as they existed before the enactment of food laws. Such action on the part of the national authorities would prove very obstructive to state dairy and food commissioners in the enforce were

inventor of the Babcock test for the determination of the butter fat content of milk, a chemist, experimenter of preeminent ability and world-wide reputation, undertook a series of experiments to determine whether or not the feeding of salt to cattle is necessary. For a certain period of time he fed to one lot of cattle the usual amount of salt, and to another lot he withheld the salt. For a time he was unable to discover any difference and had about reached the conclusion that the feeding of salt to cattle was unnecessary; but he concluded to continue the experiment for another period, and after continuing the experiment for a few weeks longer, the cattle from which the feeding of salt was withheld began to go to pleces and actually did go to pleces, whereas the cattle to which the salt was fed continued strong and healthy. Had he generalized from the short period of feeding the cattle without salt that salt was unnecessary, his conclusion would have been entirely erroneous, as the continuation of the experiment fully determined.

Very truly, yours,

J. Q. Emerx,

Dairy and Food Commissioner.

J. Q. EMERY, Dairy and Food Commissioner.

NORTH CAROLINA DEPARTMENT OF AGRICULTURE, Raleigh, January 80, 1909.

Hon. A. F. LEVER, M. C., Washington, D. C.

Hon, A. F. Lever, M. C.,

Washington, D. C.

Dear Sir: Replying to your message regarding the use of benzoate of soda in food, I will say that the Association of State and National Food and Dairy Departments does oppose the use of all chemical preservatives in food products, and I, officially and personally, oppose the use of them. I believe that the legalization of an unrestricted use of benzoate of soda in food will result in harm to invalids and infants, as well as many others who have weak digestive or other organs. The unrestricted use of benzoates will, in my mind, not only be deterious to the health of many people, but it will make possible and pave the way for a great deal of fraud. With the use of preservatives it would be possible for unscrupulous manufacturers to use in the manufacture of food a great deal of material that is unfit for such use and could not otherwise be used for the purpose. It will permit of the use of insanitary and filthy methods of manufacture, which otherwise will not be possible.

Then there is no real need for the use of preservatives, for all foods are put up and kept in good condition without the use of them. The latter fact may be proved without a doubt.

As to the question of the use of preservatives being settled by a board or by the courts, I hardly know what to say. It seems that by a board would be the logical settlement of such a question. However, it seems to me that it is a proposition that will take long and tedious investigation to reach absolutely correct results. The effect of preservatives in food on the human system is necessarily slow, and, in my opinion, the evil effect might not show itself in months and even in years. I believe the unrestricted use of preservatives is dangerous and being unnecessary, should be prohibited.

Yours, truly,

W. M. Allen, Food Chemist

Yours, truly.

W. M. ALLEN. Food Chemist.

KENTUCKY AGRICULTURAL EXPERIMENT STATION,
DIVISION OF STATE FOOD INSPECTION,
Lexington, Ky., February 1, 1999.

Hon. A. F. Lever, House of Representatives, Washington, D. C.

DEAR SIR: I received a telegram from you Saturday, which read as

House of Representatives, Washington, D. C.

DEAR SIB: I received a telegram from you Saturday, which read as follows:

"Does your association oppose the use of all chemical preservatives in foods? Are you officially and personally opposed to the use of all chemical preservatives in foods? Will the legislation of an unrestricted use of benzoate of soda result in harm to infants and invalids? Would you favor letting all questions go to the courts instead of being officially decided by the referee board of consulting chemists? Wire answer and write full particulars at once."

This I answered in the following words, which I now confirm:

"Our association does not approve the use in food products of any chemical preservative which has not been proven beyond reasonable doubt by scientific investigation to be harmless to health, or if its use conceals in any way inferiority of product. Have not received full report from referee board, but understand this board restricts its decision to physiological effects on healthy individuals under observations for two months only. Other observations for longer period are to the contrary. This leaves effect of benzoate of soda on healthy individuals doubtful, without consideration of effect on infants and invalids, and does not take into consideration insanitary conditions and inferior products made possible by its use.

"Personally would favor test case in the courts, which would bring out all sides of question. In the meantime the Government should investigate all phases of the question. Our association has had the matter up with the President since referee board's report, and feel confident of his efforts in the consumer's interest."

As stated in the telegram, I have not received the report of the referee board as to its conclusions on benzoate of soda. I have seen nothing except reports from the papers. If these reports are correct, the referee board comes to the conclusion, after separate experiments on healthy individuals for a period lasting not over two months, that the

When Doctor Wiley first began experiments with preservatives on his squad of young men, the criticism was made that the results might or still the value if the results on the strong young men under observation showed that they were not affected by the use of the preservative. For its control of the preservative is the preservation of the preservative and the preservation of the preservative. For its control of the preservative is the preservative and the preservative is the preservative in the preservative in the preservative is the preservative in the preservative in the preservative is the preservative in the preservative in the preservative is the preservative in the preservative in the preservative in the preservative is the preservative in the preserv

But, Mr. Chairman, the manufacturers, who inveigled the President into the appointment of this referee board, who seduced his judgment and committed him to a plain violation of

law and to a policy which must ultimately mean the death of the spirit of pure-food legislation, contended that it was impossible for them to continue their manufacturing operations unless permitted the use of certain of these preservatives which had come under the ban of the Chief of the Bureau of Chemistry. Let me read the telegrams and letters from some of the honest, law-abiding manufacturers of canned goods, catsups, and the like to prove the falsity of this contention.

I sent this telegram to two concerns, and each promptly replied:

Would you wire me if you are opposed to the use of benzoate of soda in foods, and why? Wire answer and write fully. A. F. LEVER.

The following replies were received:

We are opposed to the use of benzoate of soda or any other chemical preservative in food products, upon the ground that their use makes it possible to use inferior and unsound material in the manufacture of foods. Writing.

LOUDON PACKING COMPANY, Terre Haute, Ind.

We oppose benzoate. Much expert opinion is recorded against it. Doubt existing. We prefer safe side. Furthermore it invites employment refuse and waste material, unfit for human consumption, which is principle object of its use.

H. J. HEINZ COMPANY, Pittsburg, Pa.

I now read letters from each of these great packing concerns, which are respecting the law and are not using preservatives with which to palm off on the public rotten and unfit food in order to swell their profits:

H. J. HEINZ COMPANY, Pittsburg, U. S. A., January 30, 1909.

Hon. A. F. LEVER, M. C., Washington, D. C.

Washington, D. C.

Dear Sir: We inclose herewith confirmation of our reply to your telegraphic inquiry of to-day; and in response to your request for a written reply at greater length, perhaps we could give you no better expression of our views and position upon this subject than was contained in an address by the writer before the Society of Chemical Industry at New York in October a printed copy of which we inclose.

We may say further, however, that we believe the real interest of the great prepared-food industry of the country as a whole will be best served by that course of procedure under the law which will most enhance the reputation of American food products. The legitimate preserving industry of the country will not be injured by the prohibition of chemical preservatives, but will rather be brought into disrepute by their toleration through distrust and lack of confidence thereby caused in the minds of the consuming public, both at home and abroad, concerning the materials and methods employed.

Yours, truly,

H. J. Heinz Company,
Per L. S. Dow.

H. J. HEINZ COMPANY, Per L. S. Dow.

THE LOUDON PACKING COMPANY, Terre Haute, Ind., January 30, 1909.

Hon. A. F. LEVER, M. C., Washington, D. C.

Washington, D. U.

Dear Sir: We have your telegram asking us to wire you if we are opposed to the use of benzoate of soda in foods, and why; also to write you regarding the matter, and have wired you as follows: "We are opposed to the use of benzoate of soda, or any other chemical preservative, in food products, on the ground that their use makes it possible to use inferior and unsound materials in the manufacture of foods." Being without advice as to the object of your inquiry we can only guess at it, and presume that it is your intention to take up the preservative question in Congress. If so, we would state our position in the matter, as follows:

The report of the referee board would indicate that its members con-

at it, and presume that it is your intention to take up the preservative question in Congress. If so, we would state our position in the matter, as follows:

The report of the referee board would indicate that its members consider the use of benzoate of soda not injurious in any quantity. This report is based upon the results of experiments on so-called "health squads" or "poison squads," the experiments extending over a period of two months in the case of the small doses administered, and one month in the case of the larger dosage, and the conclusions reached being directly opposed to those reached by Doctor Wiley as the result of similar experiments carried on by him for a period of nine months. We question whether the conclusions reached by the referee board in the one or two months' experiments are entitled to anything like the consideration that should be accorded to the conclusions reached by Doctor Wiley after experimental work of the same kind extending over a period of nine months.

But aside entirely from the question of wholesomeness or unwholesomeness of benzoate of soda itself, we think attention should be given to the possibility of foods being unwholesome by reason of their being made from inferior materials, the use of such materials being made possible by the employment of benzoate of soda as a disinfectant or preservative. We presume that no one but a physician, devoting his attention to internal medication, or a physiological chemist is competent to pass on the question of wholesomeness or unwholesomeness of benzoate of soda, and we would not attempt to do so ourselves, but we feel fully competent from our knowledge of business conditions to discuss the other phase of the question. We know, and every packer of catsup and similar goods knows, that it is possible, by using benzoate of soda, to make catsup from catsup stock or so-called "pulp," made from the waste and refuse of canning factories, instead of from whole, ripe tomatoes, and that it is also possible to use stock in a condition and o

sanitary manner, is only possible through the use of benzoate of soda or some other chemical preservative, and the poorer the quality of stock used the greater proportion of preservative necessary.

We are free to admit that we have not always taken our present view of this preservative question. Until a very few years ago no objection had ever been raised to the use of preservative, and packers generally accepted the statements of the chemical manufacturing concerns to the effect that such preservative in common use was salicylic acid, and when the question was raised as to its is juriousness, we were offered benzoate of soda as a substitute, with the assurance not only of the manufacturers, but in many cases of the chemists of the state of the state of soda as a substitute, with the assurance not only of the manufacturers, but in many cases of the chemists of the state of some under the equestion was raised as to its injuriousness, we were offered benzoate of soda and was not injurious in any way. It was the universal belief that a preservative of some kind was absolutely necessary in goods such as we are packing; not so much to prevent fermentation and mold before opening, as to prevent spoilage after the bottles are opened, owing to the fact that from the manner of their use the contents of the bottles are exposed to the air and to consequent contamination from germs in the air for a long time before the entire contents of the bottles are exposed to the air and to consequent contamination from germs in the air for a long time before the entire contents of the bottles are consumed. Consequently, when the question was raised as to the injuriousness of benzoate of soda and all other preservatives, we felt that the life of our business was at stake, and that the position taked by Doctor Wiley in opposition to all preservatives was arbitary and incorrect, and, in common with other packers, the writer fought that produce the preservatives of drugs in foods by many friends of the writer fought that position to all

I will now read briefly from an address of L. S. Dow, of the Heinz Company, before the Society of Chemical Industry in New York on October 23, 1908, as showing the animus of these vicious assaults upon the Bureau of Chemistry and the reasons for the vigorous efforts of certain manufacturers to have a board created which should supersede in authority the present legally constituted authority for the enforcement of the pure food and drug act:

food and drug act:

Having then disposed of some of these leading points that are commonly made against the practicability of a ruling that will prohibit the use of benzoates in tomato catsup, I hope to your entire satisfaction, although we shall be prepared to offer some further and very tangible proof upon the subject right here this evening, the question naturally arises, Why should any reputable manufacturer desire to continue the use of a questionable substance in his product? Gentlemen, that I can not understand, and I have never been able to answer it satisfactorily to myself for some very reputable concerns. Even a cannery by-product, the cheapest and lowest of all raw tomato products, can doubtless be pulped and made into a semblance of catsup without an artificial preservative if it is well enough cared for and properly handled; but apparently the trouble with most of—what I think may be fairly termed without offense—the reactionary interests lies in the fact that it costs too much to properly care for this refuse; that it costs too much to maintain sanitary premises; that it costs too much to product instead of water.

From a pamphet recently issued under the authorship of one of our esteemed competitors, who is present here this evening, and entitled "Thoughts and Suggestions Evoked by Pure Food Legislation," we quote as follows:

"There are two kinds of food and drug producers affected by the

quote as follows:

"There are two kinds of food and drug producers affected by the law, i. e., those that believe certain preservatives are harmless, or even beneficial in limited quantities, and those who don't care whether they are or not, as long as money can be made by their use. The moral difference between the two is apparent at a glance, but unfortunately the inhibition of antiseptics in food products has the same effect on both—great injury to or complete ruin of their business.

"The common interest brings them together in opposition to the enforcement of the law according to Dr. Wiley's conception of what the law means, as well as to the details of its enforcement.

"Consequently they would rather have no law, or have it emasculated or nullified, than to lose their business, and the first class mentioned, seeing no escape from Doctor Wiley's opinions or decisions under existing conditions, feels constrained to join issue with the criminal class, excusing themselves by the law of self-preservation."

I wish to read from the Indianapolis News of January 30, 1909, to show the attitude of many manufacturers of legitimate food products toward the question of the necessity of the preservatives:

Legitimate food interests of America have come to the fore to defend Dr. H. W. Wiley, Chief of the Bureau of Chemistry, and to combat the efforts being made by the heretofore dominant element of the trade to defeat the ends to which pure-food legislation has been aimed, namely, the protection of the country's food supply. An organization of manufacturers, opposed to the use of chemical preservatives and colorings in goods, was formed at a convention held this week in the Waldorf-Astoria, New York, pursuant to a call issued by Paul Pierce, editor of the National Food Magazine.

A glance at some of the names of the charter members of this association shows clearly that it is not an organization to be ridiculed. Among the members are: The Shredded Wheat Company, Niagara Falls, N. Y.; Merrell-Soule Company, Syracuse, N. Y.; H. J. Heinz Company, Pittsburg, Pa.; Columbia Conserve Company, Indianapolis, Ind.: the Franco-American Food Company, Jersey City Heights, N. J.; J. Hungerford Smith Company, Rochester, N. Y.; Beech-Nut Packing Company, Canajoharle, N. Y.; F. C. Hazard & Co., New York City; Price Flavoring Extract Company, Chicago, Ill.; J. W. Beardsley's Sons, New York City; and W. R. Roach & Co., Hart, Mich.

Practically all of these manufacturers are manufacturing, without the use of chemical preservation, the very food products that food adulterators say can not be successfully manufactured and marketed without the addition of these harmful chemical ingredients.

REFEREE BOARD'S ACTION.

REFEREE BOARD'S ACTION.

Like all harmful preservatives, there always is room for argument as to just how great a quantity the human system can stand. It appears to be admitted by all that benzoate of soda is harmful, but the referee board says that it is not harmful in certain quantities used in food products, but the board does not tell us what the effect would be on the consumer if there was a little of this preservative, or some other like preservative, in most of the foods we are obliged to eat. If 10 chemists swear that benzoate of soda poisons the child that eats it, and 10, 20, or even 30 others swear that he can manage to eat it and live, why should the risk be taken, anyhow?

Why should any manufacturer desire to use these adulterants, when it is shown by the product of many other manufacturers that their use is absolutely unnecessary to successful food preservation? In the answer to this question lies the meat of the whole subject. It is because by the use of this drug the unscrupulous manufacturer is enabled to realize large profits by employing in his product raw materials that are unfit and unwholesome to the point of exciting extreme disgust at their mere mention.

Since the legitimate food trade is on the side of the people and supporting Doctor Wiley in his stand against the use of artificial chemicals in food products, and leading chemists have declared these artificial preservatives to be poisonous, the fact that the referee board has come to the conclusion that they are not injurious in small doses ought not to have much weight.

To say that benzoate of soda is not injurious in small doses is an implied admission that it is injurious in large doses; and as so many chemists in both Europe and America declare it to be poisonous, the consumer should at least be given the benefit of the doubt, especially so when leading food manufacturers have organized and taken their stand on the side of the head of the Bureau of Chemistry and in favor of the people.

consumer should at least be given the benefit of the doubt, especially so when leading food manufacturers have organized and taken their stand on the side of the head of the Bureau of Chemistry and in favor of the people.

Many of these manufacturers of legitimate foods, who have souls and consciences, would rather go out of business than to be responsible for such widespread disaster as they firmly believe results from the chemical treatment of food products. They say that preservatives are unnecessary for the treatment of food when pure raw products are employed and when absolute cleanliness is observed in the manufacture. It would seem that our national authorities ought to side with this class of manufacturers and with the people instead of with the class of manufacturers and with the people instead of with the class of manufacturers which caused the pollution of America's food supply before the enactment of the national food law.

We are going to win this fight for the people In spite of every food adulterator in America. What are the "business interests" of a few questionable manufacturers compared with human life? Already the law has delayed and compromised in the fear of injuring the finances of these same gentlemen—always against the protest of Doctor Wiley—and now, waxing bold, they are attempting to discredit and depose the one absolutely fearless and incorruptible man who is working scientifically and unselfishly in the interest of the consumer. If right conquers at last in all battles, we're going to win this fight and free America from this particular graft permanently.

Mr. W. P. Hapgood, a member of the association and a food manufacturer of Indianapolis, said: "Over 50 per cent of the tomato catchup on the market is made from skins, parings, and rotten tomatoes taken from the refuse of other canning houses. Of course the discarding of preservatives would put such manufacturers out of business, but the public conscience ought to compel such business to generate the public conseience ought to com

ALL OPPOSE ADULTERATION

Bartlett Arkell, president of the Beech-Nut Packing Company, expressed himself as enthusiastic over this new association. He said; "We can manufacture any food better without a preservative than any other person can make the same product with a preservative; and if we ever find there is a food product that we can not make more successfully without a preservative, we will not manufacture that product." Sebastian Mueller, another food manufacturer, said: "There is no honest food product on the market to-day made out of fruits and vegetables which can not be successfully and satisfactorily packed with-

out the aid of chemical preservatives, and I wish to predict that no manufacturer engaged in the making of fruit or vegetable products will discontinue his business or be forced to discontinue it if chemical preservatives are absolutely and for all time ruled out of food products."

RESOLUTIONS SENT TO PRESIDENT.

Whereas opinions of leading scientists in both Europe and America are divided upon the subject of artificial preservatives in prepared foods, there being great weight of opinion on both sides of the controversy, thus leaving the question of their injuriousness or otherwise still in doubt; and

versy, thus leaving the question of their injuriousness or otherwise still in doubt; and Whereas, as practical manufacturers, we know that artificial preservatives of any kind are unnecessary to the successful commercial preparation of good, sound raw materials under proper sanitary conditions, thus making it both possible and reasonable to give the consuming public rather than the reactionary manufacturing interests the benefit of that doubt; and Whereas the use of artificial preservatives makes possible and invites the employment of inferior and waste materials, often totally unfit for human consumption, and of careless methods and insanitary conditions in food preparations; and Whereas we believe that not only will the reputation and standing of the great American food-producing industry be jeopardized, but that the interests of all the people will be sacrificed by any action on the part of the Government that permits the continued use of any artificial preservatives in any food product: Now, therefore, be it Resolved, That we are opposed to any ruling under the national food and drugs act of June, 1996, that permits the use of artificial preservatives in foods, or that in any way departs from either the letter or the spirit of that law.

The impression has gone abroad that the War Department

The impression has gone abroad that the War Department gives no weight to the opinions of the Bureau of Chemistry's decisions touching matters of food adulterations in the purchase of supplies for the army. Let me read the correspondence between the Commissary-General and me in this matter:

WASHINGTON, D. C., January 30, 1909.

WASHINGTON, D. C., January 30, 1903.

WASHINGTON, D. C., January 30, 1903.

Commissary Department, U. S. Army, Washington, D. C.

MY DEAR SIR: It has come to my attention that it is claimed that you request that the catsups and pickles which you purchase for the army be preserved with benzoate of soda. If you find it convenient I wish you would favor me, and without delay, with a statement in this matter, and with any official documents which touch upon it.

Very truly,

A. F. Lever.

A. F. Lever, Member Congress, Seventh South Carolina.

WAR DEPARTMENT,
OFFICE OF THE COMMISSARY-GENERAL,
Washington, February 1, 1909.

Hon. A. F. Lever, M. C., House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

My Dear Sir: Replying to your letter of January 30, I desire to invite your attention to the inclosed copy of Circular 4, issued from this office under date of March 27, 1908, and to serial No. 322, on page 11 thereof, which simply calls for "sauce, tomato catsup," and specifies the number of pint bottles to a case. Attention is also invited to paragraph 1, on page 12 of this circular, under "Conditions governing in the purchase of subsistence stores." This latter paragraph distinctly states that supplies purchased by the Subsistence Department are subject to interstate shipment, and, consequently, such supplies must be bought in conformity with the pure-food law and the meat-inspection law and the regulations made pursuant to such laws. The attention of bidders is also invited to the standards of purity for food products prescribed by the Secretary of Agriculture. From all of which it is evident that the assertions made that the specifications require catsup to be put up with benzoate of soda are not correct.

The same applies to pickles, the specifications for which are found under serial Nos. 89 and 90 of the same circular.

Very respectfully,

Henry G. Shappe.

HENRY G. SHARPE, Commissary-General.

The attitude of the courts to which prosecutions under the pure-food act have been carried, may not be out of place in this discussion, and I quote from the opinion of Judge Smith McPherson, of the district court of the United States, western district of Missouri:

district of Missouri:

Adulteration of goods and false labeling had become so common that it was well-nigh impossible to purchase pure goods or that which was called for. The same was true as to medicines. Congress undertook to remedy it. The one purpose was to prevent the sale of adulterations. The other purpose was to enable a purchaser to obtain what he called for, and was willing to pay for. And under this latter view it is immaterial whether Michigan fruits are better than those grown in Arkansas. A purchaser of canned goods may prefer Michigan fruits. He may believe them to be better than Arkansas fruits. He has the right to call for them, and when he pays or is debited for them, he has the right to have Michigan fruits. The purchaser has the right to determine for himself which he will buy, and which he will receive, and which he will eat. The vendor can not determine that for the purchaser. He of course can make his arguments, but they should be fair and honest arguments.

This statute is to protect consumers and not producers. It is a most beneficent and righteous statute, and within the powers of Congress to legislate concerning, and should be enforced. It can not be enforced if it is to be emasculated, as is sought in the present case.

I quote also from Judge Anderson, of Indiana, in a recent

I quote also from Judge Anderson, of Indiana, in a recent deliverance from the bench:

Such men as Doctor Wiley and the Indiana state board of health knew what they were doing when the benzoate was prohibited.

And he (the judge) did not intend to show his ignorance of the subject by even considering the complaint at all; and he further said:

I am of the opinion that benzoate of soda is used, if at all, to cover up inferior quality of vegetables or fruits and insanitary processes of packing. I don't know, and don't care, whether it is a poison or not, it is only used to cover fraud and deception.

And now, Mr. Chairman, having brought this matter to the attention of the House, I feel that my duty is done. It remains for you to act. At the proper time I shall offer amendments which will provide that no part of the appropriation for the for you to act. Bureau of Chemistry shall be used for either the Board of Pure Food and Drug Inspection or the Referee Board of Consulting Chemists. I believe their existence can be of no value to the public; I believe the exercise of their authority handicaps, hampers and nullifies, in a measure, the enforcement of the pure food and drugs act in the spirit which Congress intended it to be enforced. I believe the lives and health and the protection of our people against fraudulent foods are matters of too great importance with which to dally. The pure food and drugs act should be enforced liberally in the interest of the great consuming public or it should be repealed, that the public might know that there was no sincere intention to enforce it. If we are to enforce it, let us take the millstones of specially appointed boards and commissions, appointed without authority of law and at the demand of dishonest manufacturers, from the neck of the Bureau of Chemistry, which is charged with the statutory duty, and which alone is charged with the statutory duty, of furnishing the scientific facts upon which the Secretary of Agriculture and the courts must rely in their decisions. [Loud applause.]

Mr. SCOTT. Mr. Chairman, I yield thirty minutes to the

gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, there was a time in our history-and it is not so very long ago-when at least one of the great political parties seriously questioned the constitutionality of internal improvements if undertaken or proposed to be undertaken by the National Government. Luckily that day is passed. Then there came a period when the people indifferently accepted or quietly acquiesced in the policy of their farseeing statesmen looking to the improvement of rivers and harbors as a means of accommodating the growing commerce of the country. This period lasted up to the latter part of the last century. While fully realizing the benefits of cheap water transportation, and while a few organizations here and there were petitioning for an improvement policy on a larger scale, yet the masses of the American people were content with such appropriations as Congress could make after the legitimate needs of the Government in all other directions had been met. Then there came a great change. The people suddenly awakened to the importance of improving and maintaining the waterways as natural channels of trade in competition with the railroads and for the regulation of railroad rates. Organizations were formed all over the country for the promotion of special projects, and the demands upon Congress for larger appropriations became more and more urgent, until to-day both political parties are pledged to heed them, and neither can afford to longer ignore them. Owing to freight congestion and other causes these demands have, in fact, assumed the proportions of a great popular movement which has drawn into it, by its own momentum, the larger portion of the people of the United

The question of the hour is: How will Congress meet the demand? Shall progress be halted? Shall the wheels of commerce be stopped and the benefits of water transportation be withheld from the people because our revenues do not exceed our expenditures sufficiently to pay for these great improvements? My answer is that these improvements will never be made, either during the life of the present or that of future generations, if we shall have to solely depend upon an annual surplus in the Treasury, and this for the simple reason that there will either be no surplus at all or it will not be large enough to carry out the greater projects which the necessities of commerce are now forcing upon the attention of Congress.

Foreseeing this situation, Mr. Chairman, I had the honor to introduce in January, 1907, more than two years ago, a bill for the issue of waterway bonds to the amount of \$500,000,000. was the first bill of its kind ever introduced in the House, and I remember well the skepticism, derision, and hostility with which it was received in many quarters. Even friends of water-way improvements shrugged their shoulders, and last year's Waterways Congress, while flirting with the proposition, did not care to openly espouse it. But since then what a change! To-day the President of the United States, the President-elect, the Vice-President, the Secretary of State, and the National Rivers and Harbors Congress are on record as heartily in-dorsing the plan, and a committee of the latter has just intro-duced a bill with identically the same object in view. Permit me to say in this connection that I have no pride of authorship. am after results rather than glory and willingly join hands with my colleagues to work for a common cause. But I owe it to the merchants of St. Louis to state that lasting credit is due to them for their inception and steadfast support of this plan,

and for the encouragement and inspiration I have received at their hands in the effort of pointing out what is evidently the only way in which the hope for a more comprehensive policy of waterways improvement can ever be realized. The merchants of St. Louis are, in fact, the real pioneers of the bond movement.

Now, Mr. Chairman, let me give you the reasons for my advocacy of an issue of waterways bonds. It has been and is the practice of Congress to first provide for all the legitimate needs of the Government, and then, if anything is left, to set it aside for waterways, public buildings, and so forth. If all the revenues are needed for the regular expenses of the national household, it is the doubtful privilege of the friends of internal improvements to hold the bag. I venture to say, if the Government is to enter upon a policy favoring systematic internal improvements, a regular annual budget should be provided for that purpose, the same as for the army and navy and all other departments. Perhaps we shall live to see the day when that will be done, under a proper readjustment of expenditures such as will no longer permit our military and naval budgets to devour two-thirds of all our revenues; but for some years to come, I am afraid, such a readjustment will be impracticable, if not impossible. Under the present system, then, how long will we have to wait for our much-needed improvements? three millions a year were appropriated for the proposed 14-foot waterway from the Lakes to the Gulf, shall we wait thirty years for it? Shall a whole generation go down to their graves before advantages so apparent to all can be secured because the richest nation on earth can not do what smaller and poorer ones have

accomplished long ago?

No one will seriously contend that it is anything but a question of money. And this being the case, we may well ask whether the projects to secure navigable channels from the Lakes to the Gulf, in the upper Mississippi, the Missouri, the Ohio, and other rivers shall wait until an income tax or an inheritance tax shall have yielded sufficient revenue to pay for them? I say no. Already the people have waited too long and too patiently for these beneficial improvements, and from the temper of their conventions we have good reason to infer that any good and equitable method to raise the necessary funds

would be satisfactory to the people. [Applause.]

What would a level-headed business man do if he found that an enlargement of his plant or his store was sure to yield him greater profit, and yet he could not defray the extraordinary expenses out of his receipts? Why, he would not hesitate a moment in taking up a loan. The Government, I insist, should be controlled by the same business principles and do exactly the same thing. An issue of 2 or 3 per cent bonds to the amount of \$500,000,000, to be distributed over a period of, say, ten years, will suffice to complete all great waterway projects whose improvement has received the official recommendation of the United States Engineer Corps, and will forever solve the problem of the permanent improvement of our great waterways. It is my deliberate judgment that it can not be done in any other

I am well aware of the existing prejudice against an issue of onds in time of peace. This prejudice would be justified if bonds in time of peace. This prejudice would be justified if the Government proposed to mortgage the future in order to meet its running expenses; but here we contemplate an extraor dinary expenditure, with an ample return for every dollar, and with all the guaranties of a permanent investment for the lasting benefit of the present as well as future generations. [Ap-No living American has dreamed of objecting to the Panama Canal loan, though this is an enterprise which we have undertaken for the whole world. Why, then, should there be objection to an undertaking which is of particular and exclusive benefit to the people of the United States? Charity begins at home, and surely it will not be urged that the Panama Canal will be more important to the American people than a ship canal through the heart of our own continent, connecting the Gulf of Mexico with the Great Lakes. But if both projects were of equal importance, why not strive for the equal realization of both and by the same means?

A justice of the Supreme Court has recently stated on the lecture platform that we are running into debt. He may have had state and municipal indebtedness in mind, but as to the Nation the assertion is hardly justified. It is true that on account of the Spanish war we issued \$198,000,000 3 per cent bonds, and that \$30,000,000 of 2 per cent bonds were sold in aid of the construction of the Panama Canal, but these were extraordinary expenses, while in reality the Government has redeemed 2 per cent bonds of the loan of 1891 amounting to \$25,-364,500. It has also purchased for the sinking fund about \$87,000,000 of bonds belonging to the 3 per cent loan of 1898—1918, the 4 per cent loans of 1907 and 1925, and the 5 per cent burdens for their share of the benefits. [Loud applause.]

loan of 1904, a total reduction of the national debt since March, 1897, of over \$112,000,000; and, by the way, \$10,000,000 interest charges are annually saved by the conversion of 3, 4, and 5 per cent bonds to 2 per cent bonds. In other words, but for these extraordinary expenditures our national debt would have been reduced more than \$112,000,000 during the last two years, and the interest charge on account of a new loan of \$500,000,000 would not be any more than what the Government has saved in interest by the conversion of bonds.

It may also be pertinent to inquire how the public debt of the United States compares with the national debt of other coun-

tries. Here it is in round numbers:

France	\$6,000,000,000
Russia	4, 000, 000, 000
United Kingdom	4, 000, 000, 000
Italy	3, 000, 000, 000
Spain	2, 000, 000, 000
Austria-Hungary	1, 000, 000, 000
German Empire	855, 000, 000
United States	944, 000, 000

This means that the national debt of France, with not half the population, is more than six times as large as ours; that of Russia and England more than four times as large; Italy three times, and that of Spain twice as large; while economical Germany nearly comes up to our figures, though her population is barely two-thirds of that of the United States. If we add the debt of the several German States, the total will reach nearly \$4,000,000,000, while in our case the national debt and that of all the States put together amount to \$1,178,000,000. It is safe to say that each one of these countries has done more for its water courses than the United States; in fact, it has been figured out that France alone has expended more for river improvements since the Franco-German war than America has since the formation of the Government.

National economists have long ago ceased to regard a public debt as an unmixed evil. It is a well-understood truth that every man who has a dollar invested in the Government is interested in its maintenance; and in the United States, where government bonds are the only recognized basis for nationalbank note circulation, such bonds are a commercial necessity of the first importance. So in a limited sense it is true, even in America, that a "national debt is a national blessing."

The plan I have outlined is not a mere passing fancy, but the result of a most careful deliberation, as well as the most disheartening experience. It has been born of the absolute conviction that the western rivers are doomed to complete abandonment unless the Members of Congress from that section, true to the demands of the people, make their development a distinct issue here, with the rallying cry of a national loan for internal improvements. If the actual situation here were generally known, nothing short of a bond issue would satisfy the people. As matters stand to-day, the chances for the real great and important projects are almost hopeless, and will remain so as long as the friends of waterway improvements must content themselves with the crumbs that fall from the government table. And in some years there are not even crumbs, because, like at present, expenditures exceed revenues by many millions of dollars.

These are the reasons which have impelled me to assume, after mature reflection, the responsibility of advocating a bond issue and of introducing the bill to which I have called atten-The logic of the situation demands this course as the only one possible to secure to the American producers and consumers the vast benefits of cheaper transportation and the increased facilities made necessary by our growing commerce. [Applause.]

In conclusion, let me say that we of the Mississippi Valley readily subscribe to the maxim that a policy and not a project should be advocated. While we are more interested in one project than in another-and the same is true of every Member on this floor-yet we favor the systematic improvement of all waterways of the country as a permanent policy. During my service here I have come to realize that no project, be it ever so great and national in scope, can be realized without the cooperation of all. Under our system, which makes the return of a Representative depend upon his success in the furtherance of local interests, the improvement of Newtown Creek is just as important, if not more so, to the Member from Long Island than is the improvement of the Mississippi River to the Member from Missouri, and the votes of both can only be secured if the favored projects of both receive due consideration. And we are not only in favor of this policy but also of the means to carry it out, and we favor the expedient of a bond issue on the theory that those who come after us should bear a just share of the Mr. LAMB. Mr. Chairman, I yield fifteen minutes to the

gentleman from Alabama [Mr. Heflin]. Mr. HEFLIN. Mr. Chairman, under the law now the Department of Agriculture collects reports from the cotton producers of this country. These reports are made to the department and the Secretary of Agriculture makes an estimate as to what the crop will be; we also have the ginners' report of the cotton tinned. These reports are received and published monthly. And believing, Mr. Chairman, that it was just and fair to the cotton farmer that there should be some report made by the manufacturer, I have contended, and still contend, that the manufacturer ought to report to the Government once every month or once every sixty days, at least, showing how many bales of cotton he has purchased during that time and what amount has been manufactured into goods. I think that this is just

When Doctor Olmsted, of the Statistical Bureau of the Agricultural Department, was before the Agricultural Committee during the hearings, I brought this matter to the attention of the committee, and I asked Doctor Olmsted:

the committee, and I asked Doctor Olmsted:

What is the purpose of these reports?

Mr. Olmsted. The purpose is to secure prompt information that is constantly demanded and required regarding crop conditions and prospects, which, as you know, are the basis of business.

Mr. Heflin. Gives that information to the manufacturer?

Mr. Olmsted. To the farmer, the dealer, the implement man, the manufacturer, and to everybody.

Mr. Heflin. It gives reports as to what the producer is going to bring in the market. Do you not think it would be just and right that the manufacturer should make reports also, so that the producer would know what was on hand?

Mr. Olmsted. I think that would be a good idea for the proper bureau, the Bureau of Manufactures, perhaps; they might take the matter up. Take, for example, during the growing season. Everyone who has any business of any kind, I think, without exception, wants to know what the crop prospects are, whether they are favorable or not, for they desire to adjust their affairs to the prevailing conditions.

Mr. Heflin. Exactly; and if the planter knew from the manufacturer, from time to time, what he needed, it would enable him to know how much to plant in certain years.

Mr. Olmsted. It would have a bearing along that line.

Mr. Heflin. The cotton manufacturer should report the amount of raw cotton on hand at the factory, so that the producer will know how much cotton that factory will have on hand when he goes to plant his cotton.

Mr. Olmsted. That would be an excellent feature for the census re-

Mr. OLMSTED. That would be an excellent feature for the census re-

Mr. Chairman, I am glad to get this valuable testimonial from Doctor Olmsted.

Mr. Chairman, our farmers are justly demanding this legislation. It is just, and it is right, and I do not believe that any manufacturer who wishes to be fair and to do the just thing will complain. I have manufacturers of cotton in my district, and I live in the largest cotton-producing district in the State of Alabama, and I am proud to claim the friendship of both producer and manufacturer there.

In the interest of justice and in the interest of fairness, I ask that this legislation be had, and to the end that the House may have the opportunity to act in this matter I shall introduce a bill to-day, which I trust may become the law. I shall include this bill in my remarks:

A bill (H. R. 27605) to provide for collecting statistics from the manufacturers of cotton goods in the United States.

Be it enacted, etc., That the Department of Agriculture shall call upon the manufacturers of cotton goods in the United States once every sixty days and ascertain how many bales of cotton have been purchased by said manufacturers during the preceding sixty days, and how much cotton has been manufactured during that period, and also how much bale cotton is on hand at that time.

The Department of Agriculture shall publish this information next after the passage of this bill on the 1st day of September, on the 1st day of November, on the 1st day of January, on the 1st day of March, on the 1st day of May, and on the 1st day of July.

Sec. 2. This for the purpose of carrying out the provisions of section 1 of this act there is hereby appropriated \$10,000, or so much thereof as may be necessary.

Mr. Chairman, the law now requires monthly reports to be made regarding the conditions and prospects of the cotton crop of the United States. This is valuable information to the manufacturer of cotton goods, and I think that it is fair and right that the manufacturer of cotton should make monthly reports to the Government. This would be valuable information to those who produce cotton.

If you want the manufacturer to know how much cotton the farmer will produce, why do you not want the farmer to know how much of his cotton the manufacturer will need?

The Government furnishes the manufacturer, not only with crop estimates, but with the ginners' reports, showing the exact number of bales of cotton ginned from the time cotton first opens in the early fall until the last pound is picked and ginned.

The manufacturer does not have to guess at the size and condition of the cotton crop; the Government keeps him posted. The field agents employed by the Government go over these cotton fields, and they report on crop conditions, and the Secretary of Agriculture, under the law, makes an estimate as to what the crop will be. These reports are published. The manufacturer knows what the producer of cotton is doing, for the Government tells him; but the producer does not know what the manufacturer is doing, and the Government does not tell

I submit to this House that we ought to require reports from producer and manufacturer alike, or we ought to abolish these reports altogether.

As the matter stands now, you cause the producer to give an account of every bale of cotton ginned, and at the end of the statistical month the manufacturer knows just how many bales have been ginned. He compares the amount with former reports, and this enables him to tell in a measure about what the crop will be, and he conducts his business in the light of this information.

Mr. Chairman, no monthly report is made of the supply of raw material that the manufacturer of cotton has on hand or the amount of goods manufactured. If it is fair to show the manufacturer the producer's hand, why is it not fair to show the producer the manufacturer's hand?

But some gentlemen say that this is prying into the manufacturer's private business. If that be true, we are now prying into the cotton producer's private business when we require that he report every pound of lint cotton that he has grown, and "sauce for the goose should be sauce for the gander." Why not keep the producer informed as to the number of bales of cotton that pass into the hands of the manufacturer monthly? Why not publish monthly, or every two months at least, the quantity of cotton goods manufactured? Then at the end of the year give the number of bales bought and the amount of goods manufactured and sold by all the cotton mills in the United States. If you would do this, the producer of cotton would have some idea of what the demand for the raw material would be, and it would enable him to market his cotton more intelligently. He would govern his business in the light of this information.

Under present conditions the producer knows nothing about the manufacturer's stock in store, but the manufacturer knows everything about the cotton producer's business from the time he places seed in the ground until the cotton is ginned, baled, and ready for the market. There is nothing unfair or un-reasonable in this demand. The producer of cotton is simply asking for himself just what the manufacturer of cotton has asked for himself.

The Government has granted the request of the manufacturer, and now, in the name of the men who toil and produce that staple which clothes the world and gives to the United States the balance of trade, I plead for fair and just treatment at the hands of Congress.

Do for the producer of cotton what you have done for the manufacturer of cotton; give him the information that he needs in order that he may run his business intelligently. Place both upon a common level; we ask no more. [Applause.]

Mr. LAMB. I yield twenty minutes to the gentleman from Mississippi [Mr. CANDLER].

[Mr. CANDLER addressed the committee. See Appendix.]

Mr. LAMB. Mr. Chairman, I yield two minutes to the gentle-

man from Texas [Mr. Sheppard].

Mr. Sheppard. Mr. Chairman, I desire to correct an item in the trust table inserted by me in the Record a few days ago. On page 1487 of the RECORD the amount of exports by the farming-tool trust is given as \$7,000,000. This is a misprint; the amount should be \$500,000. This trust covers hand tools only. The misprint was directed to my attention by Mr. Miles, the author of the table.

In a recent letter to me Mr. Miles makes the following statement regarding the operation of the present tariff:

I feel that your State of Texas is one of those which is most concerned and most victimized, so to speak, by tariff excess. I can not see that you are helped a dollar's worth of cotton, corn, wheat, or cattle, and very little on lumber, and yet you pay your full quota of the excessive taxes or graft which the trusts collect, and which is estimated at anywhere from \$500,000,000 to \$1,000,000,000.

Mr. LAMB. Mr. Chairman, the few minutes of the time I have remaining I yield back to the gentleman from Kansas [Mr. SCOTT1.

Mr. SCOTT. Mr. Chairman, I am greatly obliged to the gentleman from Virginia for his generosity, and will take ad-

vantage of it by yielding ten minutes to the gentleman from West Virginia [Mr. Sturciss].

The CHAIRMAN. The gentleman from West Virginia is

recognized for ten minutes.

Mr. STURGISS. Mr. Chairman, I desire to consider the bill under consideration from a business standpoint. Every enterprise must be judged by the amounts of its receipts and expenditures to ascertain whether it is a business success. I desire to submit some facts and figures relating to the Bureau of Forest Service, which are drawn from official sources, and which are so striking that they must command the attention and confidence of the House.

EXPENDITURES AND RETURNS-SUMMARY.

Since it took charge of the national forests in 1905, the total expenditures of the Forest Service for the fiscal years 1905, 1906, 1907, and 1908 have been, in round numbers, \$7,250,000. By classes, these expenditures have been approximately as follows:

General administration of the Forest Service Use, maintenance, and protection of the national forests Permanent improvements on national forests Studies	\$500, 4, 900, 675, 1, 175,	000
	- 0-0	000

Under general administration of the Forest Service is included the salaries and expenses of its administrative officers in Washington, and of its general inspectors. It will be observed that the total charge for administration is less than 10 per cent of the total expenditure for the period specified. This compares very favorably with the proportion between the expenditure for general administration and operating expenses in large business enterprises comparable with the Forest Service.

Under use, maintenance, and protection of the national forests is included the salaries, station, field and traveling expenses of the executive and protective force upon the national forests, the rent of supervisors' headquarters, and the purchase of the

necessary equipment and supplies.

Under permanent improvements on national forests is included the construction and repair of roads, trails, telephone lines, fire lines, bridges, fences, rangers' cabins and barns, and other permanent improvements needed to safeguard the national forests from fire and to develop their fullest possible use by the people.

Under studies is included investigations of forest conditions and needs upon the national forests, required to promote the use and protection of these forests; and the work of the Forest Service independently and in cooperation with States and private owners, aimed at bringing about a more conservative use of forests not in federal ownership, and of forest products.

EXPENDITURES AND RETURNS.

1. ON NATIONAL FORESTS.

Since the Forest Service took charge of the national forests in 1905 it has expended upon them in the fiscal years 1905, 1906, 1907, and 1908, for their protection and for the handling of current business, \$4,900,000. The receipts from the national forests from all sources, for the same period, have been about \$4,200,000. The net cost of the national forests to the Federal Government during this period has been \$700,000. The amount expended in this period for the construction of roads, trails, and other permanent improvements is \$675,000.

The States in which the national forests lie have since 1905 received \$675,606 of the receipts from national forests, for the

maintenance of schools and roads.

When the Forest Service took charge of the national forests on February 1, 1905, their total area was 63,027,884 acres. Their total area is now 168,681,039 acres, or over two and one-half times as much. The protective force was utterly inadequate in number and low in efficiency. Practically nothing had been done to promote the use and protection of the national forests by the construction of roads, trails, telephone lines, and other improvements, and the benefits of these forests to the people were very slight. Before the service took charge of them, the national forests constituted a resource whose usefulness had been little developed, and whose safety was seriously endangered by lack of effective administration on the ground.

At a money cost of \$700,000 to the Federal Government, the Forest Service has accomplished these things upon national forests. It has increased their value, their usefulness, and their safety from fire by the construction of 708 miles of roads, 9,421 miles of trails, 3,400 miles of telephone lines, 50 miles of fire lines, over 400 cabins for its rangers, and 644 miles of fence. It has planted 2,500,000 trees, and it has 9,000,000 more in its nurseries as stock for future planting. It has issued 87,219

grazing permits, under which 4,289,203 horses and cattle and 21,216,381 sheep and goats have been grazed. It has made 8,663 timber sales, and it has granted 66,182 permits for the free use of timber for domestic purposes by settlers. More than half of the 5,923 permits issued for the conservative use of lands for special purposes of various kinds have been given free of cost to those who benefit by them. Applications for agricultural settlements to the number of 2,514 have been approved, which has opened 295,000 acres to farming. The total number of permits of all kinds issued for the use of the national forests is close upon 200,000. The total amount invested by the Forest Service in permanent improvements on the national forests is \$675,259, or nearly twice the net cost of administering these forests for four years.

Through the administration of grazing on national forests by the Forest Service range wars within them have absolutely ceased. The investment of productive capital in national forests by the people of the West in power plants, sawmills, transmission lines, railways, and other improvements has increased by many millions of dollars, giving added employment to labor and added industrial development to the regions in which the national forests are situated. The use of the national forests by the people has multiplied many times in every respect; but the use of the national forests by the small owners has increased in proportion to its use by the large owner in the relation of

10 to 1

In 1902, under the administration of the national forests by the General Land Office, an average of 5½ acres to every 1,000 acres were burned over. In 1907, under the administration of the Forest Service, less than 1 acre per 1,000 acres burned over. In 1908 the Forest Service saved, compared with the forest-fire damage on a similar area of private forest lands, \$34,000,000 worth of timber in national forests by its fire patrol.

These facts shows that the total net cost of administering the national forests is utterly insignificant compared with the results attained in the increased usefulness of the national forests to the people and in the actual value of the national forests themselves, through their development by the construction of permanent improvements, through the improved condition of the forest and the range, and through added safety from damage by fire.

The national forests should not only be so handled as to prove of permanent and increasing public benefit, but that they should pay all costs of their maintenance. If the Forest Service is permitted to pursue its avowed policy with reference to national forests and is given the funds urgently needed for its work, it will not only attain but it will much surpass, this result.

But it is necessary to face the fact squarely that the appropriations hitherto made for the national forests are barely sufficient to provide for their protection alone. They do not make provision for the proper handling of current business, and they entirely fall to take into account that this business is increasing. Last year so great were the demands upon the time of the forest rangers to handle the business of the people upon national forests that only about one-fifth of their time could be

devoted to fire patrol.

The force upon national forests, never adequate for fire patrol alone, not only has to protect the forests but to handle a business which, in the aggregate, has increased several times faster than the force available. In the year 1908 the business of the national forests, as shown by the actual number of permits granted, was about five times the business transacted in 1905. But the force which handled this business in 1908 was less than two and one-half times the force which handled one-fifth as much business in 1905. Not only the business but the area which each forest officer must cover has increased, until now the average area in charge of a ranger is about 125,000 acres, or nearly 200 square miles. To handle grazing, timber sales, and other uses of various kinds on an area of this size in rough mountain country, and also to protect it from forest fire, is much more than one man can do effectively. Not to increase the force means inevitably to increase the already excessive burden upon the ranger, because the demands upon him by the people who wish to use the national forests are steadily growing larger.

wish to use the national forests are steadily growing larger.

Should the funds needed by the Forest Service to protect the national forests and to supervise their legitimate use not be made available, this service faces these alternatives: To reduce a forest-fire patrol, already insufficient, to the point of grave danger; or to limit the growing use of the national forests by the people. Under such circumstances, the proper course for the Forest Service to pursue would be to limit the use, rather than to endanger the forests themselves. This would necessarily mean that much timber which is ripe for the ax and for use by the people could not be sold; that grazing would have to

be limited correspondingly; and that in other important respects the forests, beyond the point to which they could be safely guarded by the funds available, would have to be locked up against use by the people.

EXPENDITURES AND RETURNS.

2. IN FOREST STUDIES.

Since the Forest Service took charge of the national forests in 1905, it has expended \$1,175,000 in studies to bring about a more conservative use of forest products and of forests in private and state ownership.

In considering the need for the continuance and extension of this work, a brief summary of how this Nation stands with re-

lation to the forests is of value.

Four-fifths of the forests of the United States are in private hands. From these forests the timber supply of the future must mainly come. At present less than 1 per cent of the forests privately owned are logged conservatively or adequately protected from fire.

The growth of timber in all the forests of the United States approximates 7,000,000,000 cubic feet per year. But this Nation is using 23,000,000,000 cubic feet of timber per year, or

nearly three times as much as all our forests produce.

Since 1870, forest fires have annually cost an average of 50 lives and not less than \$50,000,000 worth of timber. They have burned over at least 50,000,000 acres of forest each year. Through destructive logging, one-fourth of the timber which might be utilized is wasted. The waste in the mill is from onethird to two-thirds of the lumber sawed. These wastes combined mean that for each 1,000 feet of timber which stood in the forest, about 320 feet, or less than one-third, is actually used. The remaining two-thirds are wasted.

We can not count upon other countries to supply our need when our own forests are gone. The condition of the world supply of timber makes us already practically dependent upon what we produce. We send wood out of our country and we bring it in, but we export one and one-half times as much as we import. From this time on we must grow our own wood supply

or we must do without.

These central facts have recently been compiled by the National Conservation Commission. They are not hysterical statements based on guesswork, but conservative estimates, backed by reliable data. It is much more probable that they understate than that they overstate the actual condition.

These facts mean that we must act vigorously if our forests are to be preserved. Even the most vigorous action will not prevent grave timber scarcity, which our waste of the forest has made inevitable. But if we fail to act, we shall face not merely timber scarcity, but timber famine.

Realizing these facts, the Forest Service has felt that its duty to promote the conservative use of forests not in federal hands, as well as all economy practicable in the use of forest products, is no less urgent than its duty to rightly administer the national forests. To this end the Forest Service is doing all it can with the funds available to teach American citizens how to practice forestry. It has carried forward a national campaign of education in forestry by spreading broadcast the useful knowledge obtained by its forest studies, in actual co-operation with States as well as with the individual forest owner and user in the handling of his timber tract, his wood lot, his forest plantation, and his timber-treating plant.

The results of this work, so far as they can actually be measured in dollars, are worth to this Nation many times the amount expended in obtaining them. But an even greater accomplishment is the awakening of the American people to their national and individual need for forest conservation. We are still far behind all other great nations in our treatment of the forest. But no nation possesses a more wholesome public sentiment upon which to build a structure of forest conservation

which will endure than does our own.

In the period and for the expenditure specified, the Forest Service has, in cooperation with private owners, made detailed working plans for the conservative handling of nearly 6,000,000 acres of private forest land. It has prepared 114 planting plans for settlers and small farmers, especially in the Middle West. Through its timber tests, which are now accepted by engineers, architects, and builders as the standard timber tests in the United States, it has promoted economy in the use of structural timbers and greatly increased the range of species used for this purpose, thereby decreasing the drain upon our forests. as the result of educational work done by the Forest Service as to creosoting and other useful methods of wood preservation about 60 timber-treating plants are now in successful operation in the United States, which turn out 1,250,000,000 feet of treated timber annually. The increased life given to timber in use through preservative treatment would mean, if all timber which could profitably be treated were treated, an annual saving of

about \$72,000,000 a year. The Forest Service answers about 140 inquiries a week for practical advice in timber preservation alone.

Through its studies of wood utilization the Forest Service is pointing out practical economies in the sawmill, in the factory, and in the use of timber itself, which have had a material effect

in reducing these great forms of waste. These are a few examples only of the direct results from the studies conducted by the Forest Service. The range of its use-fulness in answering requests for advice regarding the best use of forests and forest products in every field is indicated by the fact that these requests average 100 a day.

Since 1905 the Forest Service has distributed over seven and one-half million publications containing useful information in

the field of practical forestry.

In its work with States the Forest Service has put into actual effect the principle of cooperation between State and Nation, upon which the effective solution of our national forest problem directly depends. It has completed cooperative studies with 13 States, and cooperation with as many more is either in operation or directly pending.

The results of this state cooperative work have been farreaching. The admirable forest law of California is the direct result of a study of state forest conditions made by the Forest Service, one-half the cost of which was borne by the service and

half by California.

Through a study made by the Forest Service, Alabama has

enacted advanced conservative forest legislation.

Illinois has profited greatly through the information furnished by the Forest Service on the care of the wood lot and on forest planting.

The service has for two years been making a state forest study in cooperation with Kentucky. The result will be to improve logging methods, bring about more accurate knowledge as to timber values, and lead the farmers and other owners of timber land to take better care of their holdings.

In Michigan an examination of a portion of the State has been made, particular attention being paid to forest fires. led to important pending state legislation in regard to the con-

trol and prevention of forest fires.

In Delaware a study of forest conditions was made with special reference to the advisability of growing loblolly pine.

In Maine and Florida forest fires were studied, with a view to shaping legislation for their control. These studies have already borne fruit in better legislation.

In Maryland five counties were studied, and the facts ascertained in these counties led to the appointment of a state forester and to much better care of forests within the State.

In Mississippi a cooperative study was made of cut-over long-leaf pine lands. This resulted in the gathering of much useful information and called to the attention of the state legislature the need for forest legislation along various lines.

In Missouri a detailed study of forest conditions in the Ozarks awakened a keen interest in forestry in the State, which

promises splendid results.

In New Hampshire two studies have been made, one of forest conditions, the other of forest taxation, which have had admirable results.

A bill is pending in the West Virginia legislature providing for a study of its forests by the State and the Forest Service.

Forest conditions in Wisconsin have been studied by the service, with the result that a state forester has been appointed, and Wisconsin stands now probably at the head of States in the care of its forests.

To sum up, the studies made by the Forest Service, both independently and in cooperation with States and with individuals, and the wide distribution of their results, have been and are the prevailing influence in the United States for the better use of the forest and its products. Of the two great tasks before the service-the administration of the national forests and popular education in forestry—the one is quite as important as the other. It is no less necessary to the future of our forests that right use of the four-fifths of them which are in private hands be encouraged than of the one-fifth which is in the hands of the Government.

TIMBER SALES.

The receipts last year from the sale of timber on national forests were about \$850,000. Had the Forest Service sold all the timber it was asked to sell, it would have sold about ten times as much. Had it made these sales, the receipts from them alone would have covered the total expenditure of the Forest Service for the year and put a net balance of over \$5,000,000 into the United States Treasury.

It costs the Forest Service from 20 to 30 cents per thousand feet of timber sold to mark the trees to be cut, to supervise the logging, and to burn the brush as a precaution against fire. This expenditure is necessary to insure clean work in the woods

and the production of a good second crop.

The reason why the service did not sell more timber last year, and thereby much more than pay back the total cost of all its work, is that it did not have the money needed to safeguard the forest in logging. The Forest Service therefore confined its timber sales strictly to the number which it could handle properly with the funds available. It would have been very easy for the Forest Service, at the expense of the national forests with whose welfare it is intrusted, to have shown a large credit balance at the expense of the forests themselves. This it has declined to do.

During the past year the Forest Service gave timber to settlers in small quantities for domestic use to the total value of \$169,000. This is in pursuance of the policy of the service to give all aid practicable to the small man within and near the national forests who is trying to establish a home. This free use of timber by settlers involves certain necessary expenses in supervision by the Forest Service, from which, of course, there

is no direct return.

The national forests contain over 400,000,000,000 feet of timber, which is one-fifth of all timber standing in the United States. They contain, also, vast quantities of wood suitable for posts, poles, and fuel. Handled on a strictly commercial basis, the timber alone in the national forests could be made an important source of money revenue to the Government. Handled as the Forest Service is handling them, with a view to reasonable money returns, but also with a view to making them of direct public benefit in the development of the West, the national forests will easily pay back all costs of their administration and protection. Thus far the Forest Service has not been given an opportunity to make the national forests pay their costs, because the funds provided have never been sufficient for the adequate protection of the national forests. And the Forest Service has steadily refused, and rightly so, to devote money needed for fire patrol to increasing current business at great risk to the safefy of the national forests themselves.

FOREST FIRES.

For the last thirty years forest fires have destroyed annually in the United States an average of 50 lives and \$50,000,000 worth of timber. The area burned over each year has averaged not less than 50,000,000 acres.

For the last year, the most calamitous year as to forest fires that this country has known for a decade, the total damage by forest fires in the United States has been conservatively esti-

mated at not less than \$100,000,000.

Through its fire patrol on national forests the Forest Service saved last year, compared with the actual fire damage on private forest lands of similar area, over \$34,000,000, or enough to pay all the expenditures of the service, at last year's rate, for about ten years.

The force employed upon fire patrol through which the above result was obtained was equivalent to one man to each 500,000 acres, an area half the size of the State of Delaware. The public expenditure was about one-third of a cent per acre, The result was the protection of timber worth seldom less than \$75 per acre, and frequently as high as \$100 and even \$200 per acre. This is fire insurance at an average rate of one three-hundredths of 1 per cent.

The national forests contain one-fifth of the standing timber and one-fifth of the forest area of the United States. In West Virginia, whose forests comprise one-sixteenth of the area of the national forests, the damage by fire was five times as great; in Wisconsin, whose forests comprise one-fourth of the area of the national forests, the damage by fire was nine times as great; in the Adirondack region of New York, whose area is about one one-hundredth of the national forests, the damage by fire was

equally great.

The expenditure for fire patrol per acre on national forests is far below the amount actually expended by the lumbermen associated together for fire protection in the States of Washington and of Idaho. The Washington Forest Fire Association, organized by private owners of timber land to protect their holdings from fire, has a membership of 138, and comprises a total acreage of nearly 3,000,000 acres. This association expended I cent per acre in the protection of the forests of its members from fire in 1908, or three times as much as the Government expended in the protection of the property of the people in national forests.

The national forests, with the safeguarding of which the Forest Service is charged, are worth about \$2,000,000,000, which is more than the total value of the equipment of the army and navy combined.

The commercial timber alone in national forests is worth

\$1,000,000,000, or equivalent in value to seven such fleets as the one which has just carried the American flag around the world. The preservation of this vast natural resource is no less essential to our national prosperity and industry than is the fleet to the maintenance of our independence as a nation.

The force upon national forests is called upon to protect the forests from fire and to handle at the same time a rapidly increasing business with the people. One hundred thousand persons used the national forests under permit last year. In the not far distant future this number should be increased to one million. It is unjust and unwise to require the Forest Service to give adequate protection to the national forests for one-third the amount which private owners are expending in the protection of their timber lands and at the same time to extend and to expect this force to handle a business already vast and rapidly growing.

rapidly growing.

The fire-patrol force has been inadequate for safety since the beginning through lack of funds. Congress has assumed that the increased appropriation asked by the Forest Service is due only to increasing business. It is due mainly to the desire of this service to effectively safeguard the national forests from

fire.

Unless the force on national forests is greatly increased—and that necessarily carries with it an increase in appropriation—the Forest Service must do one of these two things—turn away national forest business or reduce a fire patrol already insufficient. This is an urgent and immediate condition, not a theory. [Applause.]

GRAZING.

The regulation by the Forest Service of grazing upon ranges within the national forests has in three years reduced the waste of forage at least 30 per cent. This means that the number of sheep and cattle fed upon these ranges is increasing in proportion.

Through the control of these ranges by the Forest Service steers grazed in many of the national forests last year weighed from 50 to 100 pounds more than steers grazed on outside ranges, and brought from \$5 to \$10 per head more on the open market. The same is true of lambs and sheep. The natural increase in calves and lambs from stock ranged on national forests is from 10 to 20 per cent larger than from stock ranged outside national forests.

During the past year the killing of mountain lions, wolves, and other predatory animals within national forests by hunters employed by the Forest Service has saved the stockmen from losses, which, on the basis of actual past experience, would have considerably exceeded the amount paid by these stockmen

in grazing fees.

The grazing fees charged on national forests are from 30 to 35 cents per head for cattle, and from 10 to 12 cents per head for sheep, for the entire year. These charges are far below those paid for similar grazing privileges outside the national forests. For example, on Indian reservations in Arizona and New Mexico a fee of \$1 per head for cattle and 25 cents per head for sheep is paid, or two or three times as much as the fees on national forests.

Large tracts of grazing lands in southern Colorado owned by the Ben Butler estate are leased at a rate equivalent to from \$1.25 to \$1.75 per head for cattle, or from three to over four times the rate charged on adjoining national forests. Lands owned by the Southern Pacific Railway Company within the boundaries of the Tahoe National Forest are leased for grazing at a rate equivalent to about 25 cents per head for sheep, or nearly four times as much as is paid for grazing on public lands in the same forests. On Indian reservations in Oregon and Washington a charge of \$1.50 per head is made for cattle and 25 cents per head for sheep. On adjoining national forests the charge is from one-half to one-third as much.

The above figures show that the Forest Service in its administration of ranges within national forests is giving for fees which run from one-half to one-fourth the actual value of the grazing privileges effective protection of the range, increasing safety from predatory animals, and a product in beef and mutton worth considerably more on the market than the

product of outside ranges.

Had the Forest Service charged last year for grazing privileges what they were actually worth these charges would have more than paid all the expenditures of the service for the current year. That the service did not increase grazing fees is due directly to its conviction that the great value of its administration of grazing is to aid the small man in establishing a home, and that the transition from free range to grazing fees should give opportunity for the easiest adjustment practicable of the stock industry to the new condition. Had not this opportunity been given, the transition would have meant inevitable hardship, especially to the small stockman.

CONCLUSIONS.

The funds recommended are needed for the government forest work for these main reasons:

1. The protective force on national forests has been inade-quate from the beginning, and the increase in it has not kept pace with the increase in business.

2. Unless the force is greatly increased the Forest Service must do one of these two things: Turn away national forest business or reduce a fire patrol already insufficient. This is an

urgent immediate condition, not a theory.

3. It is no less necessary for the better protection and fuller use of the national forests that money is provided with which to hire men than that money is provided with which to build trails, telephone lines, fences, and other permanent improvements. Without the men, the permanent improvements are of little use; without the permanent improvements, the efficiency of the additional men will be greatly reduced. Both are essential.

4. The fact that the protective force on national forests has carried a heavier load of current business per man during the last year than ever before and has held the fire damage down to 1 per cent of that on private forest lands is creditable in the highest degree. But it is unfair, as well as unsafe to the forests, to rely upon the men keeping this up. The force is at present seriously overworked, and unless it is increased the inevitable result will ensue—a serious falling off in individual efficiency.

The estimates for the ensuing fiscal year are the first estimates presented for the Forest Service, which, if granted, would put it really abreast of its task. If it is necessary that the increased expenditures proposed should be met by increased returns, that can be done; if it is necessary that they should be materially exceeded by the returns, that can also be done, although neither is advisable. The growth of business on national forests can go on until the returns greatly exceed the expenditures with absolute safety to the forests themselves, provided that the growth does not get beyond the trained force available to handle it. What the Forest Service is doing now is to train up the force, get ready for the business, and take care of the increase so far as it can. When the force is once adequate in training and in number, the service can take care of all the business, which means many times that now handled with a revenue many times as great. [Applause.]

During the delivery of the above,
The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. STURGISS. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. Chairman, I yield fifteen minutes to the

gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, no question to-day is attracting greater popular attention than the conservation of our natural resources, and the resource probably attracting most attention to-day is that of our forests. many reasons their conservation is urged. I have just listened with pleasure to the very able address of the gentleman from West Virginia [Mr. Sturgiss] in regard to the work of the Forestry Service. With the general policy of conserving our natural resources, and especially of our forests, I am in most hearty sympathy and accord; but I do not agree with all the reasons given therefor. Among other reasons urged for the protection of our forests by many is the advantage that forests are supposed to be in the protection of stream flow. Some of the advocates have linked forest protection with the improvement and protection of our inland waterways. As the Government is now being urged to buy large tracts for the purpose of protecting the forests and thereby, it is asserted, aiding navigation, it becomes of vital importance to us as a legislative body to ascertain what effect, if any, forests do have upon stream flow.

There has been a vast amount of literature written and distributed upon this question. While much of it has been valuable, some of it has been worthless, and much of it misleading. The public has generally come to accept as undisputed facts that forests have the following effect upon stream flow:

First. By acting as natural reservoirs they prevent both floods and extremely low water.

Second. That they increase precipitation.

Third. That they prevent erosion of the soil and thereby protect water courses, canals, and reservoirs from accumulation of silt. It is at least open to question whether or not forests have any such results. That such theory has found general public acceptance demonstrates that constant reiteration is often received as proof. Some of the ablest engineers in this country and in Europe contend that forests have no such effect. In fact, I think I am well within the truth when I say that few engineers of recognized ability agree with the generally accepted theory of the influence of forests in preventing floods, in preventing erosion of the soil, or in being an aid in maintaining the navigability of rivers; or, in other words, those best qualified to know dispute the popular opinion upon each of these propo-

To-day almost every paper or magazine you examine contains an article on the direful effects the removal of our forests are having upon every conceivable condition which affects humanity, and especially is this true in relation to the rainfall, climate, and stream flow. Generally, no facts are given. The only proofs usually offered are a series of statements of woeful calamities often accompanied by photographs illustrating the awful results and ending by appealing to Congress to appropriate a few hundred millions of dollars to reforest some worthless hills to stop this terrible devastation. The appeal is always to the Government and not to those that would be directly benefited. About the only calamity that has afflicted us that has not been placed to the destruction of our forests by a certain class of enthusiasts are the recent earthquakes, but here there are extenuating circumstances in this regrettable oversight—the time has been short

and the opportunity limited.

It is of vital importance that we should know the facts, as bill has been reported from the Committee on Agriculture for an appropriation for the purchase of lands to be reforested for the express purpose of improving the navigability of streams. I may add that the main inspiration in drawing the bill upon this theory was to escape certain inconvenient constitutional objections to buying the lands for the purpose alone of reforesting them. In other words, the "navigability of streams" has been injected so that the burden may be placed upon the Nation at large instead of upon the States to be benefited. This bill in its ingenuity, if not in its justice, commands my admiration. It proposes to take the money from the sale of timber in the national forest reservations in the West and buy back lands once owned and sold by certain States in the East and South. By this bill the old riddle, "how to eat your cake and save it," has been solved. Certain States have sold, used, and enjoyed their public lands and they are not now contented in depriving the Western States of their lands, but they want to take the money from the sale of the products on these lands and buy their own back again. And they are asking that this be done upon a theory that is not supported by facts. If these barren hills should be reforested, then the States that once owned them, sold them, and will be benefited by their reforestation-if any benefit should come therebyshould pay the expense. Upon what theory can it be claimed that the Western States, which have already been deprived of a large portion of their public lands for the benefit of the entire Nation, should furnish the money to do it?

We of the West are more than willing that our public lands should be reserved for the benefit of the entire Nation, but we do not think that the products of these reservations should be taken and used to buy back public lands for some of the improvident States of the East and South. What justification can there be in such action? Change the old proverb that "might makes right" to "votes make the law," and you have the only

answer.

Upon this important question what those who make the laws of this country desire is the truth. If the generally accepted theories upon this question are wrong, then we should know it. We should protect our forests, but it should not be done under misapprehension or false pretenses. If forests do not have a beneficial effect upon the stream flow, then this consideration should be eliminated when considering legislation to preserve In other words, however important may be the protection of our forests, we do not want to be influenced in legislation in reference to them by any false theory, even if it does have back of it popular belief.

Col. H. M. Chittenden, of Seattle, has written a carefully prepared article, showing great research and learning, by which he controverts much of the generally accepted theory upon this important subject. His article is calm, dispassionate, and scholarly, and it is evident in every line that his sole object is to present the facts. He is an engineer of great experience, a scholar of wide learning, and a clear and forceful writer. The opinion of no other man in America is entitled to greater weight on this question than his. His article should be read by every Member of this House, regardless of what opinion he may now hold upon this important question.

I therefore ask to extend my remarks by having printed in the Record the article referred to written by Colonel Chittenden.

I am satisfied that any unprejudiced man that will read it will be forced to the conclusion that forests do not, to any appreciable extent, tend to prevent floods or extreme low water in our rivers; that they do not have a beneficial effect upon the navigability of streams; that they do not increase precipitation nor prevent erosion; and that he will become convinced that this Nation is being asked to spend millions upon a theory that is not supported by the facts. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by appending an article by H. M. Chitten-

den, on "Forests and reservoirs in their relation to stream flow, with particular reference to navigable rivers," delivered before

the American Society of Civil Engineers.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

AMERICAN SOCIETY OF CIVIL ENGINEERS. PAPERS AND DISCUSSIONS. [This society is not responsible, as a body, for the facts and opinions advanced in any of its publications.]

FORESTS AND RESERVOIRS IN THEIR RELATION TO STREAM FLOW, WITH PARTICULAR REFERENCE TO NAVIGABLE RIVERS.

[By H. M. Chittenden, member Am. Soc. C. E. To be presented November 4, 1908.]

Note.—These papers are issued before the date set for presentation and discussion. Correspondence is invited from those who can not be present at the meeting, and may be sent by mall to the secretary. Discussion, either oral or written, will be published in a subsequent number of Proceedings, and, when finally closed, the paper, with discussion in full, will be published in Transactions.

The following paper is presented at this time with the purpose of eliciting from the society membership the results of observation and experience touching the important matters of which it treats. They are vital features of one of the chief living questions before the public to-day, and an expression of views by men accustomed to look at things from a practical standpoint can not fail to be of great value to our legislators upon whom the ultimate responsibility for action must rest.

While the author's views traverse, to some extent, currently accepted theories, they are based upon long observation and study and are what seem to be unavoidable conclusions therefrom; but he is committed to no theory, as such, and his mind is entirely open to conviction upon any point in which his opinions may be shown to be erroneous. His sympathies are wholly on the side of the present movement for the conservation of our natural resources, and, so far as this paper takes issue with certain tendencies of that movement, it is only for the purpose of inquiring whether such tendencies are not really inimical to the cause to which they pertain.

With this preliminary statement the author will take up the first part of his paper, viz, the influence of forests upon steam

FORESTS AND STREAM FLOW.

The commonly accepted opinion is that forests have a beneficial influence on stream flow:

1. By storing the waters from rain and melting snow in the bed of humus that develops under forest cover, preventing their rapid rush to the streams and paying them out gradually afterwards, thus acting as true reservoirs in equalizing the run-off. 2. By retarding the snow-melting in the spring and prolong-

ing the run-off from that source.

3. By increasing precipitation.

4. By preventing erosion of the soil on steep slopes and thereby protecting water courses, canals, reservoirs, and similar works from accumulations of silt.

There are many subsidiary influences, but, broadly stated, the above propositions cover the ground. They were first given general currency nearly forty years ago through the writings of Wex, chief engineer on the improvement of the Sir Gustav Danube, whose treatise was translated into English by the late General Weitzel, of the Corps of Engineers. Wex's theories were stoutly resisted at the time by many European engineers, and still find only a limited acceptance in the profession,b though in the popular mind they have gained ground and in

To establish by definite proof the truth or falsity of these propositions is an extremely difficult task. One would not think so, indeed, to judge from the cheerful confidence with which the popular thought accepts them; but it is nevertheless so. The elements of the problem are so many and conflicting, the necessary evidence is so hard to get, and comparative records are of such recent date, that precise demonstration is scarcely possible. The popular belief is based upon a fact and an assump-

^a Lieutenant-colonel, Corps of Engineers, U. S. Army, ^b Almost simultaneously with the publication of Wex's treatise a similar work was published in France by M. F. Vallée taking exactly the opposite view of the question.

tion forming together a basis for a conclusion. The fact is that forests in the eastern portion of the United States have disappeared to a large extent within the past century. The assumption is that floods and low waters in the same region are more frequent and severe than before the forests were cleared away. The conclusion is that these assumed conditions must be due to the disappearance of the forests. Post hoc, ergo propter hoc is the argumentative process relied upon, and little effort is made to consider whether there may not be some other and more satisfactory explanation. The author will attempt to analyze the problem from a theoretical standpoint and will then cite existing records so far as these are sufficiently long-continued to be worth anything. He will consider, first, the effect of the forests where stream flow results from rain alone, and, next, where it results in part from melting snow.

EFFECT OF FORESTS UPON THE RUN-OFF FROM RAINFALL.

The first of the above propositions—the retentive action of the forest bed—may be accepted at once as strictly true for average conditions. It is not true for extreme conditions—great floods and excessive low waters—the conditions that determine the character and cost of river control. Consider an inclined-plane surface, practically impervious to water, with a layer of sand covering some small portion of it, and let a uniform spray of water be applied to the entire surface. Assume that the temperature and rate of evaporation are relatively low. As soon as the spray begins, water commences to flow from the uncovered surface, but not for a time from that covered by the sand. After a while it begins to trickle from the sand, increasing in volume until the sand is thoroughly saturated, after which it flows off in as great quantity per unit area as from the uncovered portion. If the spray is stopped, the water immediately ceases to flow from the uncovered area, but continues in diminishing quantity from the covered area until it finally ceases altogether; but not all the water that fell on this area has run away. The sand has retained some portion of it and given it off in evaporation, so that the total run-off per unit area is somewhat less than on the uncovered portion. If the shower be long-continued and the rate of evaporation very low, the difference of total run-off per unit area from the two surfaces will be very slight.

Suppose now that the temperature and rate of evaporation are high and that the spray works intermittently. If the showers are small in volume and the intervals between them long, the sand may retain nearly or quite all of the individual showers and give them off in evaporation, so that there will be no

run-off whatever.

Between these two extreme conditions the covered area will exert a greater or smaller regulative effect upon the run-off. The retentive power of the sand will be less as the slope of the surface upon which it rests increases, or it will be greatest when the surface is nearly horizontal and least when it is nearly vertical.a

Now, in nature this ideal illustration is never fully exemplified in the cleared land and the forest. There is nearly every-where a marked retentive capacity in the bare soil. In newly plowed ground it is probably greater than in the forest. over, certain crops, like heavy grass or grain, obstruct the flow of water almost as much as the forest cover. On the other hand, the furrows of cultivated fields, drainage ditches, roads, and, particularly, the pavements and roofs of towns, greatly accelerate the run-off; so that, while the full contrast of the ideal example does not exist in nature, the principle of the illustration applies perfectly. That is, there are times when the per-

example does not exist in nature, the principle of the illustration applies perfectly. That is, there are times when the per
"Since the above was written the author has noticed, in the report of the hearing on House resolution 208 before the Committee on the Judiclary, that Gifford Pinchot, Association American Society Civil Engineers, Chief of the Forest Service, used an illustration very similar to that given above, except that he failed to carry it to its logical conclusion. Addressing the committee, February 27, 1908, he said: "I have in my hand here a photograph of a denuded hillside. After the forest has been removed rain falls on that hillside and runs off rapidly, as the water I drop upon the photograph does now, and disappears instantly [illustrating]. If, on the other hand, I place a forest cover on the hillside, that is exactly analogous in texture and effect with this piece of blotting paper, and drop the water slowly upon it, we would find that, instead of running off slowly at the bottom, the water is held [illustrating with blotting paper]. Part of it runs off, but, as soon as the absorbent quality of the paper or the forest floor has time to take effect, the water is kept and drips gradually for a considerable length of time off the hill into the stream. This is an exact illustration of the way in which the forest controls the stream flow on that hillside."

Mr. Pinchot should have completed his illustration. He should have continued to sprinkle the paper long enough and heavily enough to have saturated the paper completely in order to show that the water would then flow from the paper as rapidly as from the uncovered area; and he should then have explained that this condition represents what always happens in the forest in times of great flood. Then he should have sprinkled the paper intermittently in small quantities, and at such long intervals that the warm air of the room would evaporate all of the absorbed water, and that none whatever would flow away. He should then have explained that t

centage of retention in the forest bed is 0, and there are other times when it is 100; or, there are times when so much water comes that the forest bed can hold none of it and there are times when so little comes that it holds it all. Between these extremes there are periods when it holds more or less and gives up less or more and exercises a corresponding influence upon the run-off. There is another important condition not exemplified in the illustration, and that is that the forest areas are scattered everywhere, the ground has an infinite variety of slope, the showers never fall uniformly over an entire watershed, and the final result in the total run-off is the summation of thousands of tributary results.

It is true, therefore, as popularly understood, that, in periods of ordinary rainfall with sufficient intervals for the forest bed to dry out somewhat, forests do exert a regulative effect upon run-off. They modify freshets and torrents and prolong the run-off after storms have passed, and thus realize in greater or

less perfection the commonly accepted theory.

This result utterly fails, however, in those periods of longcontinued, widespread, and heavy precipitation, which alone cause great floods in the large rivers. At such times the forest bed becomes completely saturated, its storage capacity exhausted, and it has no more power to restrain floods than the open country itself. Moreover, the fact that the forest bed has retained a portion of earlier rainfall and is yielding it up later to the streams, produces a condition that may be worse than it would be in a country cleared of forests. Really great floods in large rivers are always, as is well known, the result of combinations from the various tributaries. It is when the floods from these tributaries arrive simultaneously at a common point that calamitous results follow. Any cause which facilitates such combinations is therefore a source of danger. Now, unquestionably, in a heavily wooded watershed forests do have a tendency in this direction. When a period of heavy storms occurs, spreading over a great area, continually increasing in intensity, the forests, by retaining some portion of the earlier showers and paying them out afterwards, do produce a general high condition of the river which may greatly aggravate a sudden flood arising later from some portion of the watershed. That the forest does promote tributary combinations, there would seem to be no question, and that it may therefore aggravate flood conditions necessarily follows. It is not contended that this increase is ever very great, but it is contended that forests never diminish great floods and that they probably do increase them somewhat. The forests are virtually automatic reservoirs, not subject to intelligent control, and act just as the system of reservoirs once proposed by the French Government for the control of floods in the River Rhone would have acted These reservoirs were to have open outlets, not capable of being closed, which were intended to restrain only a portion of the flow. A careful study of their operation in certain recorded floods showed that they would actually have produced combinations more dangerous than would have occurred

Consider now periods of extreme drought and grant that, as general rule, springs and little streams dry up more completely than when forests covered the country, although this difference is very greatly exaggerated in the popular mind.^a At first thought one would conclude that, since the springs and streams make up the rivers, these also ought now to show a smaller low-water flow than formerly. This, however, is not the case. The difference between the former low-water flow of a spring or rivulet and what it is now is relatively an insignificant quantity. Most of such water sources yield but a small fraction of a cubic foot per second. Whether these small quantities are a trifle more or less cuts very little figure in the aggregate; and so it counts but little in the flow of a great river whether some of its extreme sources lose a portion of a volume that is already inappreciable. When the summer showers come, however, there is a marked difference. At such times the forests not only hold the water back-they often swallow it completely. Small showers that make a perceptible run-off in the open are often practically all absorbed in the leaves of the trees. Heavier showers that make freshets in the open are largely absorbed in the leaves and forest bed and pass off in evaporation; so that, contrary to the general view, the evaporation from the forest is greater at such times than in the open country and the run-off from summer precipitation is less.

The term "as a general rule" is used, for it is by no means absolute. In particular the drainage of low swamp lands leads off into the streams in dry weather, waters that formerly remained or passed off in evaporation, and in such cases even the low-water flow is greater than it used to be. In 1895 the author saw an example of this on the Scioto River near the outlet of the great Scioto swamp which had recently been drained. A small mill was able to operate during the low-water season more regularly than formerly. Tile drainage, now so widely used, has the same tendency.

A single shower may produce a sufficiently greater run-off in a deforested area to more than offset the diminished low-water flow for several weeks.^a Now, on most of the smaller streams quantity of flow is a more important matter than natural uniformity of flow, particularly in the summer time. The day of the small mill, which was so dependent upon such uniformity, is past. The modern water power invariably seeks uniformity by artificial regulation, and the ups and downs of its sources of supply are abolished in its storage. Therefore it does not matter nearly as much that the run-off of the small streams be uniform as that it yield a good flow of water; and if forests diminish the total low-water supply, this fact more than offsets the gain in uniformity. Likewise the great rivers swallow up the gain in uniformity. Likewise the great rivers swallow up and equalize the small irregularities of their headwaters and actually experience a somewhat larger low-water flow than if their watersheds were still thickly forested. Thus, while forests may decrease somewhat the extreme range between maximum and minimum run-off on very small watersheds, they do not do so on great ones, which are combinations of very small ones. At the same time it seems certain that forests decrease somewhat the total run-off from watersheds, small or great.b

INFLUENCE OF FORESTS UPON SNOW MELTING.

The second proposition—that forests have a beneficial effect upon the run-off from snow melting—is quite as firmly fixed in the popular belief as that just considered, but has even less foundation in fact. It is a relation that can be definitely traced, and it can be demonstrated that the effect of forests upon the run-off from snow is invariably to increase its intensity. This results from two causes, one affecting the falling of the snow and the other its melting.

In the first place forests break the wind, prevent the formation of drifts, and distribute the snow in an even blanket over the ground. In the open country the snow is largely heaped into drifts, their size depending upon the configuration of the ground, the presence of wind-breaks, and the prevalence and force of the wind. These drifts form admirable reservoirs and in the high mountains are the most perfect known. Forests prevent their formation entirely.

The period of snow melting begins in the open country much earlier than in the forests. At first the melting is due mainly to the direct action of the sun's rays before there is sufficient warmth in the general atmosphere to produce any effect. The thinly covered areas melt off first and the streams experience a diurnal rise and fall following the warmth of day and the frost of night. Nothing like a flood ever arises from such melting.

Under forest cover this action is interfered with more or less, depending upon the density of the shade. Even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow. It is generally, though erroneously, considered that this delay is beneficial, by carrying further into the summer the release of the winter precipitation and giving it more time to soak into the ground; but, in fact, this benefit does not result. The water from the first melting of the snow blanket does not sink into the ground, but into itself. Snow is like a sponge. A panful will shrink to one-fourth of its volume, or less, before any free water appears. The author has seen an 8-foot covering of snow dwindle to 2 feet, with the ground beneath it still comparatively dry.

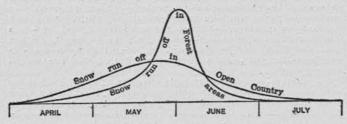
The forest shade thus holds the snow, which gradually becomes saturated from its own melting, until the heat and warm rains of late spring or early summer arrive, the soft air everywhere pervading the forest depths and finding a maximum exposure of surface to the melting influences. A cubic yard of snow which in a great drift might stand 27 feet deep with a square foot of exposure, may here lie with a depth of 1 foot and 27 square feet of exposure. The result is that when the final melting begins the whole body of snow disappears very rapidly, rushing from every direction into the streams, swelling them to their limit and often causing disastrous freshets. The active melting lasts but a short time, and there is little opportunity for the water to soak into the ground. The delay in melting, caused by the forest shade, has simply operated to concentrate it into a shorter period and increase the intensity of the resulting freshet. It comes so fast that the greater por

a So far as the author is aware, Col. T. P. Roberts, of Pittsburg, Pa., was the first to call attention to this characteristic of stream flow.

b This subject was ably discussed by Mr. Raphael Zon, of the Forest Service, Department of Agriculture, in Transactions Am. Soc. C. E., Vol. LIX, pp. 494-495. He states among other things that "the quantity of water available for stream flow from forested watersheds, all other conditions being equal, is less than from nonforested watersheds;" that "the forest soil receives least precipitation, next comes meadow land, and, lastly, tilled land;" that "in the forest only the upper layer of the soil is moister than in the open, the lower layers being always drier." This discussion is well worth perusal.

tion of it can not be utilized at the time and is lost altogether, unless intercepted by reservoirs.

In the open country, on the other hand, the drifts last for weeks after the snow has entirely disappeared from the forest, and continue to yield a supply of water far into the summer. The period of active melting in the open may have lasted four months, that in the forest scarcely as many weeks. Figure 1



GRAPHIC ILLUSTRATION OF SNOW MELTING IN FORESTS AND OPEN COUNTRY, ROCKY MOUNTAIN REGION.

illustrates, in a general way, the processes just described. These curves apply more particularly to the forests of the Rocky Mountains, where the author has had exceptional opportunities for studying their action. In the northwest corner of Wyoming and contiguous portions of the adjoining States lies an elevated region of probably 20,000 square miles, which is the source of nearly all the great river systems of the West. It is a very remarkable region in this respect. Its average altitude is about 7,500 feet, and it is in large part covered with a dense evergreen forest. At the very summit of this elevated region is that singular section now visited annually by thousands of touriststhe Yellowstone Park. The opening of the tourist season in spring occurs just about the time of active snow melting, and the most onerous and difficult task of those in charge of the road system of the park is to get the roads into condition for the first travel. This frequently has to be done while the snow still lies deep on the ground. It was the repeated execution of this task that first drew the author's attention to the fact that, as a general rule, the floods of his region are forest floods, and that the same conditions of precipitation which force the forest streams out of their banks produce only moderate effects in the open. The traditional "June rise" comes mainly from the mountain forests.

The photographs presented herewith were taken about the middle of June in a year of heavy snowfall and only two days before the tourist season opened. Plate CVII, figure 1, shows an east and west road through a dense forest of lodgepole pine, at an altitude of 8,200 feet. It shows very effectively the deep, even blanket of snow everywhere covering the ground, except along a narrow strip at the roots of the trees on the except along a narrow strip at the roots of the trees on the north side of the road, where the sun had access through the opening in the tree tops caused by the 30-foot clearing for the roadway. Plate CVII, figure 2, taken practically at the same time, shows one of the great drifts in the open country, which it was impossible to avoid in locating the road.

At this time a period of very warm weather had set in, with frequent rains. Severe floods followed, which did great injury to the roads and bridges, not only in the mountains, but for a considerable distance below. Within two weeks the snow had

considerable distance below. Within two weeks the snow had practically disappeared in the forests, but in the open country the drifts continued until the middle of July, giving forth a continuous supply of water.

A most illuminating article, and one which everyone interested in the subject should read, was published in Science, for April 10, 1896. It gives the results of observations in the mountains of Nevada for over twenty-five years, during which "ex-tensive tracts of timber" were cut off "to the very ground," and new growths had been well started. It was found that springs which were active after the land was cleared dried up when the new forest growth developed; "that the water supply from the mountains is greater and more permanent now than it was before the timber was cut off;" that freshets were no more "frequent or violent than before the trees were cut off;" and that "spring floods were less frequent." The greatly increased loss due to evaporation in the forest was pointed out. This results partly from the vast extent of surface on the ground exposed to the air and partly from exposure on the leaves and branches of the trees.

"The foliage on this class of trees being as heavy in winter as in summer, the branches catch an immense amount of the falling snow and hold it up in mid-air for both sun and air to work upon; and only those who have had experience of the absorbing power of the dry mountain air can form any idea of the loss from that source." Moreover, "the trees absorb from

the soil quite as much water as would be evaporated by the ac-

tion of the sun in the absence of the shade."

The writer states that "the strongest force at work to save our rivers is the drifting winds, which heap up the snow in great banks; and in this the trees are a constant obstacle." He declares that "close observers, after long years of study, have been led to believe that if there is any difference in the flow of streams and the size of springs before and after the trees are cut from above them, the balance is in the favor of the open country.'

In the current literature upon this subject one invariably encounters the same fallacious assumption that because the forests delay melting their action is therefore beneficial. The fact is entirely overlooked that delay means concentration and greater intensity of run-off, while the open country prolongs the melting and gives a more even distribution. If the true action of forests in this respect, however, is rarely recognized by public writers, it is recognized, though perhaps unconsciously, by those who are benefited by it. The monthly reports of the Weather Bureau in the Rocky Mountain region are instructive reading in this connection. The following are a few extracts from those sent in to the central office of the western Montana district at Helena:

"Where there is no timber to break the force of the winds solid drifts of considerable depth have collected." * * * The snowfall has been very light, and the drifts are not large or solid enough to furnish an adequate flow of water in the streams." * * * "In some sections the winter's snowfall has been the lightest for many years, and as there is little likelihood that the later snows will form solid drifts, it is practically certain that the flow of water in most streams will be inadequate for irrigation and mining purposes."

These extracts, which could be multiplied indefinitely, show how well the practical ranchman understands the value of snowdrifts. It has always been a mystery to the author that writers will persist in statements like the following, which appears in one of the ablest addresses at the recent Conservation Conference in Washington:

"The possibility of irrigation depends largely on the preservation of the forest cover of the mountains, which catches and holds the melting snows, and thus forms the great storage reservoirs of nature.'

The forests destroy the reservoirs, and the flow would be more uniform, prolonged, and plentiful if they were not there.

It will doubtless be urged that while the foregoing conclusions may hold for an elevated and densely wooded region, they will not hold for a lower altitude, warmer climate, and different kind of forest. In reply it may be said that in proportion as the conditions described prevail they apply everywhere. In deciduous forests, where the foliage is absent during seasons of snowfall and melting, the winds have greater play in winter and the sunlight in spring, and there is, of course, less difference between the forests and the open country; but while the difference is less, it is not obliterated altogether, and in hilly regions, like the Adirondacks and the White Mountains, it exists in full force. The author is very familiar with the region of western New York, having been reared on a farm nearly on the divide, between the waters of the Ohio and Lake Erie-a beautifully wooded country, deciduous growths prevailing, and one of the snowlest regions in the United States. While there is less drifting in the open and more in the woods than in high mountains, still it is strictly true that the open-country drifts outlast the forest snows just as the latter outlast the thin snows in the

A striking example of the action of forests on snow melting may be seen in the mountains of the Pacific coast. Here are the densest forests in the world, the deepest beds of humus, and the most perfect reservoir effect so long as it is in action. in this very region, particularly around Puget Sound, are to be found some of the most torrential streams in the country. This fact is largely due to the distribution of snowfall caused by the forests. Conditions like the following are constantly developing. Heavy snowstorms sweep over the forest-covered mountains. The snow can not drift, for the dense woods break the wind. A great deal of it does not reach the ground at all, but hangs on the branches and undergrowth all the way from the highest tree tops down. This covering is often so dense as to prevent cruising operations altogether, because the cruisers

*The author recalls only a single other writer who has set forth this matter in accordance with the facts, and that was an anonymous correspondent in a recent issue of the Pacific Sportsman. His view of the case is summarized in rather terse language, as follows: "Trees in the mountains make floods in the spring. * * * Snow in the timber melts too fast. The timber keeps it from drifting. * * * * The agency which maintains the river is the snow in the huge drifts. * * * That [the drift] is your reservoir that feeds the living streams of summer time. * * * The timber has nothing to do with the water supply, but is a result of the water supply."

can not see the timber through the impenetrable screen of snow. Of an 18-inch fall, perhaps 12 inches is on the trees and the rest spread evenly on the ground. To show what now happens, let an illustration be drawn from the opposite process of drying clothes. When the housewife has finished her washing and wishes to dry the clothes, she does not set them out in a basket, where it would take weeks for them to dry, but spreads them upon the ground or hangs them on a line, so that the sun and air can reach them on all sides. So these forests increase, by a thousandfold, the exposed area of the snow over what it would be if heaped in nature's clothes baskets (the great drifts), and give it the maximum possible exposure to the melting influences whenever these shall arrive. As a general rule these snowstorms are followed by warm southerly winds and rains-the rains frequently heavy in themselves-and rain and snow join hands, two storms in one, and rush down to the ocean in tremendous freshests and floods. The Skagit River, the largest in Washington except the Columbia, and a very considerable stream, has been known to rise 1 foot per hour for sixteen hours, and this where the stream has a fall of 4 feet to the mile and carries off its floods very rapidly. Plate CX, fig. 1, taken on another stream with only 480 square miles of watershed above it, shows the terrific power of these streams that come down from the most densely wooded and perfectly protected watershed in existence. The great flood of 1906 in this section was a perfect demonstration, not only of the vast intensifying effect of forests upon floods due to snow melting, but of the utter helplessness of the forest bed, when saturated with long rains, to restrain floods.

The same effect was very manifest in the great flood of 1907 in the valley of the Sacramento River, California. The tributaries on the east side come down from the densely wooded slopes of the Sierras; those on the west side from the bare or sparsely wooded slopes of the Coast Range. If the forest theory be true, these smooth western slopes should send down a greater flow for the same precipitation than the eastern slope. Exactly the reverse seems to have been the case. For the period, March 17-26, the precipitation on the Puta Creek watershed, on the west side (805 square miles), averaged 22.7 inches. The maximum resulting run-off per second per square mile for one day was 39.1 cubic feet. Directly across the valley on the Sierra slope, the precipitation on the American River watershed (2,000 square miles) averaged 14.6 inches for the same period, and the maximum daily discharge was 48.7 cubic feet per second per square mile. Considering the fact that unit run-off for the same conditions is always less the greater the watershed, this result is quite remarkable. It is undoubtedly due to the action of the Sierra forests on snow melting, and again illustrates the inability of forests to exercise any restraining influence upon great floods.a

During the spring of 1908 occurred a record-breaking flood in western Montana, nearly all the streams on both sides of the Continental Divide going far over their banks. As might have been predicted, this occurrence was promptly cited as another example of the effect that a forest-barren country has upon Nevertheless it is as certain as anything of this kind can be that if the country affected by this extraordinary downpour (in some places breaking all previous records) had been thickly forested, and the ground still covered, as it would have been, with a solid layer of saturated snow, the flood would have far exceeded in magnitude and destructiveness that which actually took place.

Wherever forests existed in the higher altitudes they did have

Having now considered the influence of forests upon stream flow from a theoretical standpoint, let the records themselves be examined as far as they are available. These records in the United States, unfortunately, are not so useful as might be wished, because of their brevity. No continuous records on any of our streams run back for more than eighty years, and most of them less than half as far. This is far short of the two hundred years considered by certain European engineers who inves-tigated Wex's theories as the minimum period "necessary in order to draw a reliable conclusion" upon this subject. It does

a In the paper, "The Flood of March, 1907, in the Sacramento and San Joaquin River Basins, California," by Messrs. Clapp, Murphy, and Martin, published in Proceedings, American Society of Civil Engineers for February, 1908, the authors say: "In the Sierras the greater part of the precipitation is normally in the form of snow, and the magnitude of floods depends largely on the rate of melting. A heavy warm rain on deep, freshly fallen snow produces a maximum run-off."

b In the Weather Bureau report, Montana section, for June, 1908, it is stated that "the rainfall was phenomenally heavy over most of this district, and, combined with the water from the rapidly melting snow in the high mountains, caused unprecedented floods in nearly all streams.

indeed seem absurd to take present-day records, as is constantly done, and draw conclusions one way or the other as to comparisons with the past, of which records are entirely wanting; but such as they are, a few of these records are given in Table 1. They include in most cases both high and low water, although the low-water records can not, in the nature of the case, be of very much value. Works of channel improvement on most of the streams have probably affected somewhat the low-water stages for the same discharge, while, as is well known, a given stage, even in a natural stream, does not mean the same discharge at different times.a It is really the discharge of the streams rather than the stage that forms the correct basis for comparison; but data for discharge are almost wholly wanting.

An examination of these records shows how utterly impossible it is to find anything in them to support the current theory of forest influence. They prove conclusively that there has been no marked change since the settlement of the country began, and that such change as there has been is on the side of higher high waters and lower low waters before the forests were cut off. What the record would be if we could go back two hundred years can not be said, but it may safely be conjectured that it would show both floods and low waters that would equal or surpass any modern record. It is the experience of every engineer who has the opportunity to observe the action and study the history of great rivers to find everywhere evidence of the occurhistory of great rivers to find everywhere evidence of the occurrence of higher waters than any of which he has positive record. The up-building of bottom lands, the survival of old water marks, and many other indications, show that, great as are modern floods, those of the past were greater still. In the very nature of the case, it is not possible to find similar evidence of former low waters, because such evidence is wiped out by every succeeding high water; but whoever will take the trouble to study records of early expeditions on our rivers, when barges, keel boats, and similar craft were used, will conclude that extreme low water is not a modern development by any means. Measurements of the Monongahela River at Brownsville in 1838 and 1856, low-water years, gave discharges of 75 and 23 cubic feet per second, respectively.

It is quite certain that the river has not fallen so low in late years. At Pittsburg in 1895 (the dryest season in recent years) it fell to 160 feet.

TABLE 1 .- Gauge records of certain rivers of the United States. [Highest and lowest stages for each year.] MISSISSIPPI.

Year.	St.	Paul.	St. Louis.	
	Highest.	Lowest.	Highest.	Lowest.
1785		2.2	b 40.6 7 33.7 36.4 27.0 27.2 41.3 32.4 25.0 27.4 36.3 30.0 37.1 27.4 37.0 25.5 31.5 18.0 20.3 26.8 26.8 26.8	0,6 1,3 3,6 0,0 1,1 1,5 5,6
861	7 7.7 16.4 11.6 18.0 11.0 7.7 6.7 10.8 15.3 19.7 19.3 12.5	2.0 2.8 1.9 2.4 3.0 2.1 1.9 1.8 0.6 0.9 1.7 3.3 2.9	24.1 29.2 26.2 21.8 23.0 25.5 18.4 30.0 31.8 26.5 25.7 21.5 33.6 32.0 34.8	1. 4. 5. 2. 2. 4. 2. 2. 5. 7. 5. 8. 2. 7.

<sup>During the past twenty years the low-water stage of the Mississippi at St. Paul has been materially modified by reservoir action.
L'année des grandes eaux.</sup>

TABLE 1.—Gauge records of certain rivers of the United States—Cont'd. TABLE 1.—Gauge records of certain rivers of the United States—Cont'd. MISSISSIPPI—continued.

Year.	St.	Paul.	St. Louis.	
	Highest.	Lowest.	Highest.	Lowest.
1884	10.3	1.8	28.1	3.0
1885	7.4	1.9	27.1	2.0
1886	8.2	1.2	27.0	1.4
1887	9.6	0.8	20.6	0.9
1888	14.4	2.4	29.4	3.2
1889	4.5	0.8	24.6	2.5
1890	7.0	0.6	20.5	2.8
1891	6.4	0.1	23.7	3.0
1892	12.6	1.0	36.0	1.0
1898	14.7	0.6	31.6	-0.5
1894	11.8	0.2	23.3	0.5
1895	4.6	0.2	23.4	-0.1
1896	10.7	0.9	27.7	3.1
1897	18.0	2.3	30.9	-0.5
1898	10.7	2.8	27.2	0.5
1899	11.0	2.4	25.7	-1.0
1900	6.6	0.7	23.5	-2.5
1901	7.5	1.2	22.5	-2.0
1902	7.5	1.1	26.8	-1.0
1903	13.5	2.5	38.0	0.6
1904	9.9	2.6	33.6	-0.1
1905	14.8	2.0	30.2	-0.5
1906	13.3	4.9	26.2	3.0
1907	13.6	1.3		

	Pitts	burg.	Cinei	nnati.	Louisville.	
Year.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.
1810	82.0			acceptant of	Upper.	Gauge.
1813	29.0					
1816	33.0					
1832	34.0		64.2		40.8	
1840	26.9					
1846	25.0					
1847	26.0		63.6			
1848	26.0 23.0 30.9				20.3	1.5
1851	31.9				20.0	1.6
1858	31.9			40.000.000		
1855	18.0	2.1				
1856	19.6	0.8				1.1
857	21.4	0.0				
1858	26.0	0.8 0.0 0.5	43.1	2.5	19.1	1.5
1859	22.0	1 1 1	55.5	8.3	33.8	2.0
1860	29.7	2.8	49.2	5.3		
1861	80.9	1.1	49.4	5.1		
1862	30.0 16.0 18.6	0.3	57.3 42.7	2.3		
1863	16.0	0.1	42.7	2.5		
1864	18.6	0.1 1.0 1.4	45.1	3.1 5.7 4.7		
1865	31.4	1.4	56.2 42.5 55.7 48.2 48.7	0.7	10.0	
1867	15.4 22.6	0.4 0.0 0.0	55 7	3.0	18.6 37.6	2.8
1868	20.6	0.0	48 9	5.1	22.3	1.0
1869	19.6	0.7	48.7	5.3	24.3	3.0 2.8
1870	18.0	1.3	55.2	3.8	22.0	2.0
1871	19.0	1.2	40.5	2.7		
1872	20.6	1.6	41.7	3.0	21.0	2.0
1873	25.6	1.6	44.4	8.7	18.3	2.0 2.0 3.0 2.0 2.0 2.0 2.0 2.0 2.0 2.0 2.0 2.0 2
1874	22.4	1.1	47.9	2.3	22.4	1.8
1875	25.0	0.4	55.3	4.2	30.3	2.1
1876	26.0	0.2 0.7 0.0	51.7 53.7	6.2 3.2	82.5 29.9 15.7	3.1
1877	25.0 24.6	0.7	53.7	3.2	29.9	2.5
1878	24.6	0.0	41.3 42.7	4.3	15.7	2.9
1879	20.0 22.0	0.1	53.1	2.5	19.6	2.5
1880	28.0	0.0	50.6	1.9	30.0 22.5	2.0
1882	21.9	0.6	58.6	6.1	87.4	1.
1883	27.6	0.1	66.3	3.6	43.8	8.9
1884	34.4	0.3	71.0	2.7	46.7	2.0
1885	23.0	1.0	46.0	2.5	22.2	2.9
1886	22.8	0.3	55.7	3.3	32.7	2.4
1887	22.0	2.0	56.2	2.7	82.5	2.1 3.6
1888	26.0 24.0	0.0	89.9	5.2	82.5 16.1	3.6
1889	24.0	0.2 1.2 1.9	38.2	5.2 5.7	13.8	3.5
1890	24.3	1.2	59.2 57.8 43.7	5.7	35.3	3.6
1891	\$1.8 23.0	1.3	49 7	4.4 8.4	32.4 21.9	2.8
1893	24.0	1.5	54.9	3.6	28.8	2.1
1894	23.2	2.0	35.6	8.1	12.8	2.8 2.1 2.0 2.5 1.8 3.9
1895	25.8	1.2	48.4	2.3	20.7	1.5
1896	23.0	2.0	47.8	5.5	22.4	3.0
1897	29.5	1.7	61.2	3.1	35.3	2.4
1898	28.9	2.2	61.4	4.5	36.3	3.1
1899	22.0	2.4	57.4	3.4	32.8	2,5
1900	27.7	1.6	40.0	8.2	15.4 33.2	2.0
1901	27.5	0.8	58.7 50.9 53.1 45.9	4.2	33.2	2.8
1902	32.4	1.1 0.0 1.7	50.9	3.9	24.8	2.8
1903	28.9	0.0	53.1	4.5 8.8	28.7	2.8
1904	80.0	1.7	45.9	8.8	22.9	2.4 3.1 2.5 2.6 2.8 2.8 2.8 2.8 3.1
1906	29.0 18.5 35.5	1.0	48.2 50.2	6.5 7.1 7.0	22.0 26.4 41.2	8.1
1907	25.5	0.0	65.2	7.0	41.9	0

TENNESSEE.

Year.	Chatta	anooga.	Florence.	
rear.	Highest.	Lowest.	Highest.	Lowest.
1867	58.6		31.1	
1871 1872			16.4	-0.0
1873			22.9	-0.5
1874		0.7	26.0	0.0
1875	54.0	2.2	29.4	0.
1876	31.1	1.0	19.8	-0.6
1877	28.7	1.2	19.4	0.0
1878	19.2	0.9	13.6	-0.8
1879	38.0	0.9	21.5	-0.
1880.	38.3	1.0	24.5	0.1
1881	22.4	0.0	17.4	0.0
1882	40.2	1.7	29.6	1.5
1883	38.2	0.0	23.3	0.
1884	42.8	0.0	25.2	0.1
1885	30.4	0.7	17.8	0.
1886	52.2	1.2	28.1	0.
1887	27.3	1.2	17.5	0.
1888	27.0	1.8	20.8	0.
1889.	29.6	2.1	19.7	1.
1890.		2.1	23.3	1.7
1891	42.5	1.2	22.2	1.0
1892	38.9 37.9	1.1	24.0	0.
1893		1.6		1.
1894	33.4	0.7	21.4	-0.
	25.5			0.0
1895	82.1	0.7	17.5 20.0	0.
	40.5			
1897	37.9	0.4	32.2 13.8	-0.
1898 1899.	24.6	1.6	25.2	
	40.0	0.8		-0.
1900	24.3	1.0	19.5	0.1
1901	87.4	1.2	21.7	-0.
1902	40.8		18.8	-0.
1908	31.8 22.1	0.6	18.8	-0.
1904		0.1	16.7	
1905	22.4	1.2		0.0
1906	83.3	3.2	16.7	1.

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	Kansa	s City.
Year.	Highest.	Lowest.
1844	a 36.0	
1873	19.3	2.
1874	16.2	1.
1875	17.8	1.
1876		2.
1877	22.2	3.
878	19.8	3.
879	19.2	3.
880	16.7	7 2.
881	26.3	3.
882	19.2	1.
883	23.8	2 5.
884	7 17.2	? 3.
885	19.1	3.
886	15.8	0.
887	20.2	1.
		4.
888	20.4	
.889	13.9	
890	17.2	0.
891	23.1	
892	24.9	1.
898	18.1	3,
894	20.1	4.
895	16.9	3.
896	19.2	2.
897	22.8	2.
898	21.5	4.
899	23.3	5.
900	17.8	4.
901	19.4	8.
902	23.2	3.
903	85.0	3.
904	25.2	2.
905	23.0	2.
906	19.7	2.
1907	24.0	4.
	30.5	8.
1908	00.0	0.

CONNECTICUT.

Year.	Dpringhetti.		
	Highest.	Lowest.	
1801 1843	21.0 20.4		
1854 1862	22.2 22.0		

· · Approximately.

Table 1 .- Gauge records of certain rivers of the United States-Cont'd. CONNECTICUT—continued.

Year.	Sprin	gfield.
	Highest.	Lowest.
1869 1871 1872 1873	20.4 13.0 14.2 15.0 17.5	0.10 1.10 0.6 1.0
1875 1876 1877 1878	15.0 17.0 16.5 18.5	0.8 0.6 1.2 1.2
1879	10.8 11.5	1.6 1.0 1.7 1.6 1.8
1884 1885 1886 1887	13.3 16.0	2.2 2.4 1.6 2.1 2.2
1889 1890 1891 1892	11.3 11.7 14.3 13.8	3.2 2.8 2.8 3.0
1893. 1894. 1895. 1896.	20.2	2.1 2.6 3.4 3.5 3.8
1898. 1899. 1900.	15.5 16.2 17.0 19.8	3.8 3.6 3.6 3.6
1902 1908 1904 1905	15.3 17.6	3.1 3.1 3.6
1906	15.1 15.5	3.0 3.3

The point should be fully recognized that these records are valueless for establishing either side of the forestry argument unless they clearly indicate a new tendency in river flow. It is not enough to cite a few isolated cases. In a period of, say two hundred years, there must be a record year for high and one for low water. Is there any reason why it might not occur this year as well as earlier? There must be clear evidence of permanent change before any conclusion can be legitimately drawn. two instances such a tendency may possibly be claimed, the Ohio at Pittsburg and the Connecticut at Holyoke, which show, in the past few years, a greater frequency of high waters than for some years previously. To whatever extent this may be true, it is certainly not due to deforestation. The change in the forested areas on the watersheds of either of these streams has been relatively very slight in the past twenty years. The great inroad into the timber of the upper Ohio took place many years ago. Since that time many cleared areas have grown up to timber while new areas have been cut. The change one way or the other in recent years, compared with the total area, is alto-gether insignificant. The Connecticut watershed above Holyoke has a greater forested area than it had forty years ago. This is due to the abandonment of former farms, which, in many instances, have grown up to timber. It is doubtful if the recent cutting in the White Mountains offsets this, and, so far as snow melting is concerned, what cutting there has been is certainly in favor of uniformity of flow.b

"In the period of thirty-four years from 1874, the Ohio River at Pittsburg rose above 15 feet on the gauge 148 times. In the first half of this period, 68 of those freshets occurred and 80 in the second half. The mean for the first half was 19.3 feet and 20.2 feet for the second half. The mean of the lowest waters of the first half was 0.3 feet and 1.6 feet for the second half. In Transactions (Am. Soc. C. E., Vol. LVIII, p. 31), is a twenty-year volumetric record of the Connecticut, which indicates somewhat higher high waters during the last half of the period. But in this case, as at Pittsburg, higher low waters are also indicated. In fact, in both cases, the greater run-off in the later period was clearly due to greater precipitation.

but in the seen in the last few years abandoned farms (abandoned because of their unprofitableness) on the western slopes of the Allegheny Mountains, which are almost impenetrable forests of thrifty trees suitable for making mine posts and telegraph poles. There are, of course, large areas subject to fires at intervals of a few years, but that they are subject to such recurrent fires is proof of their rapid production of fuel, which means twigs and leaves in great abundance." (Col. Thomas P. Roberts, Pittsburg, Pa.)

"The forest area in Vermont is probably 10 per cent greater than forty years ago. Of course the quality of the forest is inferior, but that has no effect on the watershed." (Arthur M. Vaughan, state forester.)

"Farms in the Connecticut Valley are among the richest in the State (New Hampshire) and have been less abandoned than elsewhere. There has been, however, a goodly acreage, very probably amounting to 25 per cent, which was cleared land in 1850, and which at the present time has reverted to forest; much of it excellent white pine forest." (Philip W. Ayres, forester.)

The records of some American rivers have been given. of course, in Europe that one would expect to find more definite data because of the longer periods through which records have been kept. The histories of several of these streams have been examined without finding any confirmation whatever of the forestry theory. The floods on the river Seine, for example, show greater heights in the sixteenth century than in the nineteenth. The most exhaustive investigation of the records of European rivers, however, is that of the Danube, the great river of central Europe, recently made by Ernst Lauda, chief of the hydrographic bureau of the Austrian Government. The years 1897 and 1899 brought destructive floods to the valley of the Danube, that of 1899 being particularly severe. M. Lauda prepared an exhaustive report upon this flood, published in 1900, accompanied by elaborate maps and tables and a searching analysis of the climatic and other conditions. In his concluding remarks, M. Lauda traces the history of the Danube floods for eight hundred years, including in all 125 floods. His conclusions are that floods were formerly just as frequent and as high as they are in recent times and that the progressive deforestation of the country has had no effect in increasing them. In fact, the records of the flood of 1899, which was a summer flood, produced almost entirely by rain, showed that it was severest on those very parts of the watershed that were most heavily forested.

At the Tenth International Congress of Navigation, held at Milan in 1905, one of the four questions appointed for discussion was the very one here under consideration. Papers were presented by representatives from France, Germany, Italy, Austria, and Russia. While all the writers heartily favored forest culture, the opinion was practically unanimous that forests exert no appreciable influence upon the extremes of flow in rivers. It appears, therefore, that European experience does not support the currently accepted theory.

So much for the evidence supplied by the records in this country and abroad. The constantly reiterated statement that floods are increasing in frequency and intensity, as compared with former times, has nothing to support it. There are, it is true, periods when floods are more frequent than at others, and hasty conclusions are always drawn at such times; but, taking the records year after year for considerable periods, no change worth considering is discoverable. The explanation of these periods of high water, like the one now prevailing, must, of course, be sought in precipitation. That is where floods come from, and it is very strange that those who are looking so eagerly for a cause of these floods jump at an indirect cause and leave the direct one entirely untouched. In the records of precipitation, wherever they exist, will be found a full and complete explanation of every one of the floods that have seemed unusually frequent and severe in recent years. A few examples will be cited:

The great Kaw River flood of 1903, which wrought such havoc in Kansas City, was caused by a wholly exceptional rainfall over nearly all the watershed of that stream. In the first three weeks of May, 1903, more than the normal amount (4.5 inches) for the entire month fell. This was followed in the next five days by 3.4 inches, and upon this was piled 4.7 inches in the succeeding five days, by which time the flood had crested.

In the flood of 1906 in western Washington, which did enormous damage and stopped railway traffic for upward of two

weeks, the crest of the flood occurred about the 15th of the month. The month of October had been very wet, and the ground and forest storage was exhausted. In the first half of November 25 per cent more rain fell than in the normal for the entire month, and of this about one-half came on the 13th, 14th, and 15th.

In the flood season of 1905, on the watershed of the upper Mississippi, there fell in the month of April above Pokegama Falls 2.55 inches; in May, 4.95 inches; in June, 8.03 inches; and in July, 6.88 inches, a total of 22.41 inches. The normal for the entire year is 26.5 inches.

In the record-breaking flood of 1907 in the Sacramento Valley 88 per cent of the normal for the month of March (based on twenty-one years' observation) fell in three days (17th-19th), and on one day the precipitation ranged from 5 to 8 inches at the different stations.

In the extraordinary flood of May and June, 1908, in western Montana the precipitation for May, at four selected stations, was 6.5 inches, and for June 4.2 inches. The greater portion of this fell late in May and early in June. The normal for May is 2.6 inches and for June 2.3 inches.

Similar conditions prevail in every great flood, and the true explanation is found in them and not at all in the presence or absence of forests on the watersheds. Whether the forests are in any way responsible for the precipitation itself, and so, indirectly, for the floods, brings up the third of the foregoing general

propositions, viz, that forests do increase precipitation. However strong may be the popular belief in this theory, there is nothing in the records of rainfall to give it substantial support. The author has had occasion, in connection with his official work, to compare the rainfall records in the northern half of the United States from the Atlantic to the Pacific, often with this particular point in mind, and he has never found anything to indicate a change. So far as he has examined European records the same result holds, and he believes it to be true the world over, except where climatic changes have resulted from causes entirely disconnected with the operations of man in changing the face of nature. In fact, the claim that forests increase precipitation (about 10 per cent, according to Mr. Pinchot) leads to some contradictory results in the forestry argument. dent with our recent high waters, which are attributed so largely to deforestation, there has been an increase in precipitation where there should, apparently, have been a decrease.^a It is evident that where one rule applies the other fails. So, likewise, it is held that forests are necessary to protect mountain slopes because of the greater precipitation prevailing there; yet the forests are said to increase this precipitation materially.

There is really very little, theoretically, to support the claim that forests insure precipitation. It is said that the cooler status of forest areas condenses moisture and induces precipitation; but if this were so in midsummer, when the least precipitation falls, how about the rest of the year, when no such dif-ference exists, but the reverse, if anything? Take, for example, the great forests around the source of the Yellowstone. During the period when the bulk of the precipitation falls the temperature of the forests can not differ materially from the outside, and it is impossible to believe that the forest exercises much

influence upon the snowfall.

The fact that these high areas are generally wooded is frequently cited to prove that forests produce the higher rates of precipitation which also prevail there. But would it not be more reasonable to say that the forests flourish there because of the higher precipitation, and that the latter is due to the elevated situation and consequent lower temperature? this, in fact, the reason why precipitation is nearly always greater upon the hills than upon the neighboring lowlands? The mountains are nature's wine press, by which she extracts from an unwilling atmosphere the elixir of life for the hillsides and the valleys below, and she does this whether the forests have been cut away or not.

In one respect, and a very important one, forests diminish precipitation, and that is in the deposition of dew. Dew is essentially an open-country phenomenon, where the radiation of heat from the earth's surface is unobstructed. Clouds or high cover of any kind, and also wind, interfere with this process and prevent the dew from gathering. It collects in full strength on low shrubbery, to a less degree on small trees, as in orchards, and penetrates for short distances under forest cover. In the heart of the native forest of full-grown timber, however, dew is practically unknown. The quantity deposited in the open country in a single night is quite large under favorable conditions, leaving the effect on shrubbery and on the ground of a considerable As it gathers in greater or smaller quantities on every shower. clear, still night in the eastern sections of the country, except in the colder season of the year, the total quantity must be quite large.

One authority holds that dew does not come entirely from the air, but in part from the ground. It is said that water, which in the daytime passes from the ground and plants into the air, is prevented from doing this at night because the air can not receive it, and therefore it gathers in visible form on the ground and vegetation; but if this were true, it really makes no difference in the benefit which comes from the dew. Whether the low temperature due to radiation causes a deposit of moisture from the air or prevents the air from absorbing moisture which it otherwise would, the result, so far as the ground and vegetation are concerned, is practically the same.

are concerned, is practically the same.

"As a step in the crescendo of gloomy forebodings upon this subject that have filled the periodicals during the past twelve months, the following from the September Scrap Book is the very latest: "When our forests are gone the streams will dry up, the rivers will cease to run, the rain will fall no more, and America will be a desert." Considering how large a percentage of our forests has already disappeared, the extraordinary rains in all parts of the United States during the past year are not exactly in line with this dismal prophecy. If one were to judge from the records of the past few years only, he must conclude that deforestation is increasing rainfall.

"The author has never seen any data as to the actual quantities of dew deposited in different localities and conditions, and hopes that the discussion of this paper may bring some to light. He has, however, vivid recollections on the subject when, as a lad on a dairy farm, it was his unlucky lot to go barefooted after the cows every morning without waiting to see whether the sun was going to shine or not. He knows from experience how near zero the dew point can get, and how wet dew is, and also that the warmest place in the world, at such times, is where a cow has lain all night, and next to that the dry precincts of the tall woods.

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This may be as good a place as any to note one important characteristic of precipitation, and that is its tendency to move in cycles. It is well known that dry years often follow each other for long periods with great regularity and that these are succeeded by wet periods. Take the region of the upper Mississippi reservoirs, where the normal precipitation, based upon twenty-one years' observation, is 27.1 inches. In the ten years 1886 to 1895 this normal was exceeded only once; in the succeeding ten years the record fell appreciably below it only once. Omitting these two years, the mean for the two periods of nine years was 24.7 and 30 inches, respectively, an average yearly difference of nearly one-fifth of the normal. Following the well-known law that the percentage of run-off increases and diminishes with the precipitation, the disparity between the run-offs for the two periods was greater still.

This phenomenon is also admirably illustrated in the rise and fall of the levels of the Great Lakes, for these immense storage reservoirs not only absorb and distribute annual variations of run-off, but equalize to a large degree the variations from year to year. During the period of the eighties there was a general rise in the lake levels except Superior; and many people ascribed this fact to deforestation, which allowed the water to find its way more quickly into the Lakes. During the nineties there was a period of general subsidence, occasioning considerable anxiety; and it was frequently asserted at that time that this was due to deforestation, which was drying up the streams. For some years now the Lakes have been rising, Ontario being the highest in forty years, and with another wet year the levels will almost reach record heights.

The long record of the Danube floods, already referred to, is another example. Almost invariably high floods would follow each other for several years in close succession, and then would

come long intervals of ordinary high waters.

These periodic changes are not, of course, due at all to the presence or absence of forests, for they occur just the same whether forest conditions remain unchanged or not. It is an order of nature not at all understood, but, nevertheless, fully established as a fact. Just now we are in an era of high pre-cipitation and, consequently, of high waters. There is a dis-position to "view with alarm" these exaggerated conditions. Rarely does one stop to think how far better it is to the country to have these wet periods, even with all their floods, than the dry periods that will surely follow. A single dry year may cause more loss to the country through the shrinkage of crops than the floods of an entire cycle of wet years.

Related to the subject of precipitation is that of evaporation as affecting the quantity of water that remains upon the ground. Generally speaking, the surface evaporation in summer should be greater in the open than in the forest, because of the more direct action of the sun and wind; but in the height of summer the forests arrest precipitation to such an extent in the leaves and humus that more of it escapes through evaporation than in the open. The effect of forests upon evaporation through the medium of their leaves finds its counterpart in the similar action of the growing crops that overspread deforested areas. As already pointed out, the forests of the mountains increase

the evaporation from snow very materially.

Where the balance lies among all these conflicting influences affecting precipitation and evaporation it is impossible to say, and when the records are examined it must be admitted that they afford no answer. So far as the researches of science have yet determined, the presence or absence of forests cuts no figure in climatic conditions. These depend upon causes of far greater magnitude and are influenced, if at all, only to an insignificant degree by the operations of those who occupy the planet.

The fourth proposition of the forestry argument is that forests are necessary to prevent erosion on steep slopes and the consequent silting of reservoirs and water courses below. Here again there is the same deficiency of evidence to support the theory that has characterized the three propositions already considered. The author has been unable to find anything to confirm it. In his observations, embracing pretty nearly all varieties of timber land in the northern two-thirds of the United States, he has still to see a single example where the mere cutting off of forest trees leads to an extensive erosion of the soil. Almost invariably, and it may be said always except in very unusual conditions, a soil that will sustain a heavy forest growth will immediately put forth, when the forest is cut down (or even burned down), a new growth, generally in part different from the first, but forming an equally effective cover to the soil. The only approach to an exception to this rule that he has observed is in some of the high mountain forests where the soil is extremely thin and weak and the action of nature in producing vegetable growth is slow. Plate CX, fig. 2, shows one of the best examples of this class of timber lands;

but even here the slow growth is very evident and no large amount of soil erosion resulted. In the forest areas of the East the growth that follows tree cutting, consisting not only of new trees but of briars and small brush of every description, accumulates very rapidly and forms a more effective mat against erosion than the original forest itself and equally effective in storing water. Such low growths have also a better effect upon snow melting, because they give both wind and sun freer play. Certainly the ground in a forest under culture, with the débris raked up, is more easily eroded than that of a slashing or second-growth area, or even good meadow or pasture. A forest soil unprotected by forest débris is almost as erosible as a field under culture.

The increased erosion of the soil, of which so much is heard, does not result from forest cutting, but from cultivation, using that term in its broad sense to include all of man's operations for the occupancy and utilization of the ground from which the forests have been removed. It is the "breaking of the soil" that leads to its erosion by the elements. Roads and trails are one of the great sources of erosion in hilly countries, but plowing and tilling are the principal causes. The question is not one of forests in the first instance, but of how far the cultivation of the great sources of the soil can be dispensed with Freen tion and occupancy of the soil can be dispensed with. Even on steep mountain slopes, where erosion and ruin have resulted, the effect is often due to the clumsy and injudicious work of the husbandman who uses no judgment of cause and effect in the way he exposes the soil to the force of the storms. The successful cultivation of hillsides in every quarter of the globe is an everlasting refutation of the argument that forests are necessary to protect the face of the earth wherever cultivation is practicable. Some classes of cultivated vegetation, like the wellknit turf of meadow or pasture, are a better protection against erosion than any ordinary forest cover. That there are sections of the country where erosion of the soil is much more rapid than in others under similar conditions is perfectly true. This is especially the case with certain districts in the Southern States, and very likely forest protection is there better than any other; but it is still true that the problem of control of soil erosion on cleared lands is essentially a problem in cultivation. It is not so much the absence of the forest as it is the cutting of roads and ditches, the upturning of the soil, and the various kindred operations of man that quicken the run-off and increase the surface soil wash.

The oft-repeated assertion that, owing to the cutting off of forests, our rivers are shoaling up more than formerly may be challenged absolutely. There is nothing in our river history to support it except in a few instances, like the Yuba River in California, where extensive hydraulic or similar operations have produced vast changes. It is exceedingly doubtful if it can be established by any evidence worthy of the name that the streams of the Mississippi basin are more obstructed by sand bars than formerly. The author's observation of upward of twenty years and inquiries from many sources fail to disclose any such evidence. It would not, indeed, be surprising if some such result were noticeable, for it would naturally seem that the cultivation of the soil has facilitated to some degree the wash into the streams. If this is the case, however, the rivers do not show it. They have a way of distributing their burdens so as to meet their necessities, and, except in rare cases, they do not shoal appreciably more than formerly.a

The distinction between erosion actually resulting from cultivation and that assumed to result from timber cutting is important to keep in mind, for it fixes the burden of responsibility where it belongs. It shows that this erosion or soil wash can be reduced only by the elimination or control of cultivation, and the question at once becomes that of the extent to which such control or elimination is practicable. For example, it is insisted that the suggested reservoir system of the Ohio, to be referred to later on, will be absolutely dependent for its integrity and permanence upon keeping the watersheds above them covered with forests. But it is understood not to be the policy to include in the proposed forest reserves any lands that are fitted for agriculture.b As elsewhere pointed out, that portion of these

agriculture. As elsewhere pointed out, that portion of these

a The absurd length to which this erosion argument has been carried
is well illustrated by the remark made in a recent address by one of the
officials of the Forestry Service: "This energy (of running water) is
expended in rolling along stones and gravel to finally build up the
mouths or beds of the great rivers. Next year there will be a bill introduced in Congress providing a forest reserve in the Appalachian
Mountains, so that the rocks from these mountains will be kept from
the Mississippi River?"

b Among references to the intention not to absorb agricultural lands
in the areas conserved by the reservoirs is the following from A. F.
Horton, Assoc. M. Am. Soc. C. E., in Engineering News, June 11, 1908:
"The reader should not lose sight of the fact that the conserved area
is not rendered unfit for cultivation or other use, but that only a small
portion of the conserved area (that covered by the reservoir) is so
utilized that its value for cultivation is destroyed."

areas, which is not reduced to cultivation, will not be subject to erosion more than at present by the mere fact of cutting off the timber, for the natural growth on logged-up lands is just as good a protection as the forests themselves. If the agricultural tracts are still to be left open for occupancy, the source of sediment remains uncurbed and the whole argument for forest reserves, on the ground of protecting the reservoirs from sedimentation, falls to the ground.

Some reference should be made to the real significance of the alarming reports which have been put forth concerning the washing of our soils into the sea. Over and over during the past year has the statement appeared that 1,000,000,000 tons of our soil is annually carried by our rivers into the ocean. This figure itself is quite conservative, but the conclusions drawn from it are not at all so. Taking the results of silt observations on the Mississippi River and its tributaries for 1879, and applying the Missouri rate to all western streams outside the Mississippi basin, and the Ohio rate to all eastern streams outside the same basin, a total of about 1,100,000,000 tons is indicated. But 1879 was a low-water year in the Mississippi basin, and the quantity for average years may probably be 1,500,000,000 tons and for extreme years 2,000,000,000 tons.

Let us look these prodigious quantities squarely in the face and see what they mean. Where does this enormous volume of soil come from? It is, as one might infer from published references to the subject, from our cultivated fields, an annual toll laid upon the precious fertility of our agricultural lands? Not at all. Only a very small proportion comes from this source. Possibly half of the total quantity of sediment goes down by the Mississippi. All authorities agree that the greater portion of this comes from the Missouri. From computations which the author has made, he believes that fully two-thirds of it comes from that source. The observations of 1879 indicate that five times as much sediment comes from that stream as from the Ohio. But where does the Missouri get it? entirely from the most useless areas of land with which any country was ever afflicted. The barren Bad Lands are the principal source. Much comes from the mountains; much from the sand hills; very little, relatively, from cultivated areas. Of the balance of the soil wash of the United States, by far the greater portion comes from other similar sections of the West, where the streams carry enormous loads of sediment. The entire Colorado system is even more distinguished in this respect than is the Missouri. The same is true of the Rio Grande, the Pecos, and the upper courses of the Arkansas and Red. Even the streams of the great interior basin are heavy silt bearers, and the same is true of many of the streams of the Pacific coast. The streams flowing into Puget Sound are heavily laden with slit at certain portions of the year, and the great Columbia bar is impressive evidence of the vast burden of sediment which that mighty river has carried to the sea. Nearly all of the annual load carried by these streams is entirely unaffected by anything which man has done. It is the regular natural carving down of the hills and building up of the valleys

and estuaries below. The eastern streams are clear and sediment free compared with those of the West, but even in these a large portion of their sediment is eroded from the gorges and canyons of the hills and mountains, which will continue to wash away as long as the rivers flow. This particular class of erosion, on both eastern and western rivers, is far less objectionable than one is led in these later days to believe. Has it not from the beginning been one of the most beneficent operations of nature? Are not the richest lands in the world—the river bottoms and deltas—built up in this way? To a very great extent the irrigated lands of the West are composed entirely of the débris from the mountains and the Bad Lands. Even to day this tribute from the highlands is of great value. The periodic enrichment of the Ohio bottom lands and similar tracts in hundreds of other places is of the highest economic importance. The soil-laden waters of irrigation in the spring, though sometimes injurious to the growing crop for the time being, are, on the whole, extremely beneficial. The damage from sediment is not in its injury to the lands ordinarily, but to ditches, canals, reservoirs, and similar works. On the whole it is, and always has been, a benefit to the lowlands. Even that portion carried out to sea builds up deltas and surely, though slowly, extends the habitable area of the globe. Not alone in the resources of water and timber, but in the perpetual renewal of soil as well, has the valley said to the mountains throughout the world's history: I will lift up mine eyes unto the hills from whence cometh my help.

Sediment of this character, except when accompanied by alkaline salts or other similar ingredients, is not injurious to domestic supply. The water of the Missouri River is one of the

healthiest drinking waters in the world in spite of the fact that it is one of the muddiest.^a

The proportion of soil wash that comes from cultivated fields is really very small compared with the enormous total that the rivers carry away. Heavy rains undoubtedly wash farm soils a great deal, but this erosion is in large part a transfer from one spot to another and not an absolute loss. The history of the old Ohio Canal reservoirs indicates very little filling in the sixty-six years that they have been in existence. According to the chief engineer of the Ohio state board of public works, it is scarcely appreciable in some of the reservoirs, and in none does it amount to as much as 6 inches, or one two-hundredth inch per year from the tributary watershed. Yet these reservoirs are surrounded by rich agricultural lands. The silt observations on the Ohio in 1879 indicate only a little more than one sixhundredth inch over the entire watershed, but this, it is true, was a year of light rains.

It is readily seen that the formidable danger of which so much has been written of late becomes quite harmless as to quantity when it comes down to the individual farm. The harm is probably not so much in the quantity of soil actually lost as in the fact that the soil may be leached of some of its more important ingredients. The evil is one which can be controlled only by better methods of farming, whereby the surface waters will be restrained from eroding the soil; but even these measures have their adverse side, for when heavy rains prevail for a long time it is more important to the farmer to get the water off his land than it is to save a little soil. Most of the soil will stop on lower ground and not be wholly lost, but if the water is not gotten rid of the crop may be ruined.

The caving of the banks of our great rivers is constantly cited as an example of soil loss on an enormous scale, and it is asserted that this condition is worse now than formerly. The Mississippi and Missouri rivers, practically alike in this respect, are the two most prominent examples. The author will consider briefly the case of the Missouri, because he has had a long and intimate acquaintance with that stream from its mouth to its source.

It may be stated by way of refutation that the actual condition of this stream to-day is better than before settlement began in its valley, except that possibly the low-water flow is slightly diminished to meet the demands for irrigation. The stream is not "constantly becoming more and more savage," as a recent writer asserts. On the other hand, its natural savagery is much restrained. Probably 100 miles of its banks are protected; snags and drift heaps are largely removed; considerable bottom land has been reclaimed and turned to industrial use; floods are no greater than they used to be, and navigation is safer and easier. Navigation has ceased; not because the river has deteriorated, as is commonly asserted, but because the natural difficulties peculiar to this stream are so great and so hard to overcome that boats can not live and do business at the same rates at which railroads transport freight.

That the river is a most destructive one to the bottom lands along its course is only too true, but the character of its de-structive work is generally misunderstood. The writer just quoted states that the river carries away annually 8,000 acres of bottom land within the limits of the State of Missouri alone. The total acreage of these lands is about 640,000. If this state-ment were true, more than the entire area would have been carried away since the voyage of Lewis and Clark, and if the process had been continuous since Columbus discovered America, the river to-day would be flowing in its original channel in the solid rock, 75 to 90 feet below the present surface. As a matter of fact, there is more soil in the valley to-day than there was at the date of either of these events. Taking an average for a considerable period, none of the bottom land is lost. always been slowly rising through accretion. The bank caving is only a transfer from one point of the shore to another. For every dissolving bank there is a nascent bar. Where steamboats ran last year willows may be growing this, and next year the farmer may be planting his corn. The havoc wrought concerns the individual owner, but not the valley bottom itself. The cruel losses attract attention; the unobtrusive gains do not, but the account always balances itself. The harm done is, first, to the individual whose possessions are swept away and, second, to the community through paralysis of development, depreciation of values, and the holding back of this natural garden spot from becoming what is ought to be. The evil is a very real one, and the author has long endeavored, though

^a The late J. B. Johnson, Member of American Society of Civil Engineers, used to say, in extolling the virtues of Missouri River water, that it was the most perfectly filtered water in the world; with this difference, however, that in the ordinary case water is run through the filter, but here the filter is run through the water.

without success, to secure provision in the river and harbor bill for its amelioration.^a Great as the evil is, however, it is not at all in the nature of an actual loss of land to the valley.

It must be clear from the foregoing that the bottom lands of the Missouri add nothing whatever to the total quantity of sediment that passes out of the mouth of the stream, for these bottoms have been increasing rather than diminishing in quan-Likewise the Mississippi bottoms contribute nothing to the volume of sediment that is carried into the Gulf of Mexico. It all comes from the uplands, far and near, but principally from the more remote and hilly regions. This load is in the nature of through traffic. The local freight picked up from a caving bank is mostly discharged at the next station. It follows, therefore, that if the banks of these streams were revetted from the Gulf to Pittsburg, the Falls of St. Anthony, and the mouth of the Yellowstone the quantity of sediment passing into the Gulf would not be diminished a particle. Such revetment would nevertheless be of the very highest value, if it could be made to hold, for it would give permanence to the banks, security to riparian property, and would largely prevent bar building by training the river in a regular channel and relieving it of everything except its through load of sediment.

The bank-caving problem of these valleys is unaffected in any appreciable degree by the influence of forests or cultivation on the watersheds, and can not be solved or materially assisted by any practicable changes in these conditions. The problem is strictly a local one, and the remedy must be a local one. Even if it were possible to bring the waters down from the uplands perfectly clear, it is not at all certain that the effect upon the bottom lands would not be injurious rather than beneficial; for then the caving soil, instead of being quickly deposited again, would in part be carried out to sea, and the bottom lands, unless protected, would be gradually eaten away.

In addition to the four main propositions discussed above a few subordinate features of the question will now be considered.

A feature of the Forestry Service which is generally overlooked is the possible effect of culture upon the bed of humus so much relied upon in these discussions to prove the restraining action of forests upon run-off. Mr. Pinchot, in his statement to the Judiciary Committee, said:

"The effect of a forest on a steep slope is to cover that slope with leaves, rotten and half rotten sticks, and other mechanical obstructions which prevent the water from running below as rapidly as it would otherwise."

It is understood that the forest policy is to keep this litter cleared up as a measure of fire protection, and one frequently sees in articles on forestry photographs of the typical forest culture in which the ground is thoroughly cleaned up. The result must be to diminish proportionately the retentive action of the forest bed and to increase its liability to erosion. In the light of the foregoing discussion fire protection is of much greater importance than the retentive effect of the forest bed on the run-off. The remarkable degree to which the forest bed will dry out in prolonged drought, making it one vast tinder box, supports this conclusion, and is another proof of the extreme desiccating effect of forest growth upon the soil.

It often escapes attention, except with those who are in the woods a great deal, that the water establishes little channels through the débris where the latter is of long accumulation and somewhat permanent in character. Such débris does not in reality offer so great an obstruction to flow as one would suppose, and as would be the case if its condition underwent frequent change.

The statement is constantly met that forests are very efficacious in the protection of river banks from undermining and steep slopes from sliding. The exact reverse is the case. As every river engineer knows, nothing is more disastrous to a river bank on an alluvial stream than heavy trees. This is due partly to the great weight, but in large part to the swaying effect of the wind and the enormous leverage of the long trunks which pry up the ground and facilitate the tendency to undermining. One of the regular policies of river control is to cut down these trees for a distance back from the edge of the bank wherever complications with private ownership do not prevent. Snags and driftwood in the channels have always been among the most serious obstacles to navigation on streams flowing between forest-covered banks. Likewise where railroad or highway grading cuts the skin of unstable mountain slopes, the presence of large trees immediately above tends powerfully to loosen the ground and cause it to slide; and in such cases it is necessary to cut down the timber. Far better than forest trees on river banks are thick growths of willow, alder, or any of the

⁶ Transactions, Am. Soc. C. E., Vol. LIV, p. 336.

smaller close-growing shrubs; and on side hill slopes either such

shrubbery or a good turf.a

In the current discussion a great deal is made of the fact that mountain slopes are "quick spilling," the deduction being that they therefore are more productive of floods. This is quite to the fact. It is perfectly true that more rain falls contrary on the hills than on the lowlands, that a greater percentage of rainfall runs off from steep than from flat slopes, and that it runs off more rapidly; but it does not follow at all that these conditions produce greater floods. A mountain stream carries off the water within its banks a great deal faster and more safely than a similar stream in the lowlands. The banks are almost always stable and the bottoms rocky or composed of heavy gravel or bowlders; in fact, floods do less harm on such streams than on any others. In the lowlands, where the streams have smaller slopes and unstable banks, much smaller run-off produces greater floods and more destruction. Moreover, nature to a large degree adapts streams to the work required of them. The channels of the tributaries of the Ohio have been carved out through long ages to carry in safety the average flood flow. Area for area of watershed, their cross sections are much larger than those of streams in climates of less rainfall. The normal section of the Ohio at Wheeling is over 2 square feet for every square mile of watershed, while that of the Kaw Kansas City is less than one-third square foot per square mile. It is therefore wholly erroneous to conclude that the streams of these mountains are more subject to overbank freshets than those of the lowlands or that the freshets themselves are more destructive. Considering the conditions growing out of settlement the reverse is unquestionably the case.

There is one other consideration of prime importance in this forestry argument, and that is the fact that no possible development of forestry can increase the present percentage of forest-covered areas. At least as much ground as is now devoted to agricultural purposes must continue to be so used. The utmost admissible expansion of national forests will never require a greater area than is now occupied by forests and secand growth or logged-off lands, which, so far as run-off and erosion are concerned, are just as effective as the virgin forest itself, and more effective than will be the groomed forest of the new régime. There may be a shifting of areas devoted to forests, but possible expansion, compared with the present area, is so small that its influence upon the great rivers, even admitting the full force of the forestry argument, would be

wholly inappreciable.

The fact just dwelt upon should make us thankful that the forestry theory as to the stream flow is not correct. Whatever the value of forests, we can not have them everywhere, and by far the greater portions already cleared away must always remain deforested. If this fact of deforestation has brought with it in greater degree than of old the calamities of high and low waters, then, indeed, we are in an unfortunate case. not done so. Nature has decreed no such penalty for the sub-jugation of the wilderness, and on the whole these natural visitations are less frequent and less extensive than they were Nature has decreed no such penalty for the sub-

before the white man cut away the forests.

In summarizing below the foregoing argument, the author would be particularly careful to guard against sweeping assertions in any of his conclusions. He well understands how little the subject is capable of precise demonstration. Snow, for ex-ample, does not always fall, even in the open country, under the influence of the wind, or it may fall in a wet condition that keeps it from drifting. Altitude comes in with its lower temperature and modifies the general result. There is a vast difference between a northern and a southern exposure even with the same slope and topographical conditions. Precipitation scarcely ever occurs twice alike on the same watershed. The combination of flow from tributaries is never the same in any two floods, and there is an endless variety of conditions that must qualify our rules and make us cautious in making claims in a matter of this The author objects solely to the contrary course pursued by many forestry advocates-to the extreme claims that forests exert a regulating influence upon stream flow in times of great floods or extreme low water in our larger rivers. These claims stand to-day absolutely unproven. The difference between past and present conditions is not great. One influence offsets another with such nicety that the change, if there is any, is hard to find. The "delicate balance" maintained by nature where

The following testimony before the board of consulting engineers, Panama Canal, is to the point (Report, p. 329):
Question by Mr. Welcker. Mr. Chairman, I would like to ask if Mr. Dauchy thinks that vegetation prevents the sliding?
Mr. Dauchy. My experience has been the reverse; I have stopped sliding hills by cutting off the vegetation. The weight of the timber on a sliding slope aids materially to assist the sliding.
Mr. Welcker. Does not the vegetation diminish it?
Mr. Dauchy. If you could get a grass-covered slope it would help to diminish it.

man has not cut away the forests is replaced by other balances equally delicate and efficacious in the drainage of lands, the growing of crops, and the deposition of dew.

In the following seven propositions the author sums up the

arguments presented in the foregoing pages:

(1) The bed of humus and débris that develops under forest cover retains precipitation during the summer season, or moderately dry periods at any time of the year, more effectively than do the soil and crops of deforested areas similarly situated. It acts as a reservoir moderating the run-off from showers and mitigating the severity of freshets, and promotes uniformity of flow at such periods.

(2) The above action fails altogether in periods of prolonged and heavy precipitation, which alone produce great general floods. At such times the forest bed becomes thoroughly saturated, and water falling upon it flows off as readily as from the Moreover, the forest storage, not being under control, flows out in swollen streams, and may, and often does, bring the accumulated waters of a series of storms in one part of the watershed upon those of another which may occur several days later; so that, not only does the forest at such times exert no restraining effect upon floods, but, by virtue of its uncontrolled

reservoir action, may actually intensify them.

(3) In periods of extreme summer heat forests operate to diminish the run-off, because they absorb almost completely and give off in evaporation ordinary showers which, in the open country, produce a considerable temporary increase in the streams; and therefore, while small springs and rivulets may dry up more than formerly, this is not true of the larger rivers.

The effect of forests upon the run-off resulting from snow melting is to concentrate it into brief periods and thereby increase the severity of freshets. This results (a) from the prevention of the formation of drifts, and (b) from the prevention of snow melting by sun action in the spring, and the retention of the snow blanket until the arrival of hot weather.

(5) Soil erosion does not result from forest cutting in itself, but from cultivation, using that term in a broad sense. The question of preventing such erosion or soil wash is altogether one of dispensing with cultivation or properly controlling it. The natural growth which always follows the destruction of a forest is fully as effective in preventing erosion, and even in retaining run-off, as the natural forest.

(6) As a general proposition climate, and particularly precipitation, have not been appreciably modified by the progress of settlement and the consequent clearing of land, and there is no sufficient reason, theoretically, why such a result should ensue.

(7) The percentage of annual run-off to rainfall has been slightly increased by deforestation and cultivation.

If the foregoing propositions are correct they enforce two very important conclusions-one relating to the regulation of our rivers and the other to forestry.

It follows that no aid is to be expected in the control or utilization of our rivers, either for flood prevention, navigation, or water power, by any practicable application of forestry. member always that it is the extreme of flow, not the medium condition, that controls the cost of river regulation. It is the floods and low waters that measure the cost. Any scheme of control that is not based upon these is worthless. This proposition need scarcely be urged upon the experienced engineer. For himself he would never place any real reliance upon forestry. Called in consultation, for example, in the problem of protecting the city of Pittsburg from floods, he would be bound to take as his measure of the problem the highest recorded flood on the river, with a good factor of safety on that, and then figure out

by what methods-artificial reservoirs, levees, raising of grades, or clearing the river channel of artificial obstructions—he would obtain the desired relief. He would not dare, as the physician in the case, to advise his patient that he could dispense with or lessen in any degree the application of the remedies proposed. nor save one dollar of the cost, by anything that might be done in reforesting the watershed of the rivers themselves.

In like manner no engineer could honestly advise lowering in height by a single inch the levees of the Mississippi because of any possible application of forestry to the watershed of that stream. And, again, he could not advise that forestry development would lessen in any degree the cost of improving the rivers for low-water navigation. Engineers fully under-

^a Possibly the author is too positive in this opinion. He finds that, in one case at least, the city of Williamsport, Pa., reputable engineers have advised reforestation of mountain slopes as a protection against floods. The statement of "an eminent authority" was cited with approval to the effect that "four-fifths of the precipitation is detained by the surface of the ground" under forest cover. But here, as in all these assumptions, the rule applies only to the average condition. The point is overlooked that in periods of heavy precipitation the retentive capacity of the forest bed becomes exhausted. If the city of Williamsport is relying upon this advice, it is certainly laying up for itself a season of repentance.

stand their responsibility in these matters. But great engineering projects can not be carried out without money, and the people will not give the money unless convinced of the necessity and wisdom of the plan proposed. So long as there is appropriately asset to the plan proposed. parently some easier and simpler plan, some panacea, no matter how nebulous or unproven, that offers a way out without the expenditure of so much cold cash, they will be backward in voting money, and the counsel of the engineer will be of no avail. Hence the complete divorcement of forestry from any connection with river regulation, so far, at least, as its effect upon the cost of such regulation is concerned, will be a

distinct and positive gain to the latter.

In the second place, forestry will be left to work out its own salvation without any reference to the rivers. Will not its cause be promoted by this divorcement? At first thought it may seem that thereby one great argument for forestry is lost; but no argument can be of value in the long run that is not based upon truth, and the disappointment that is certain to result in the fulfillment of these hopes will do more harm than good. Forestry does not need any such support. It stands on a basis of its own, too broad and too sure to require any extraneous aid. What is this basis? The reply may be given in the beautifully appropriate phrase that occurs in the act of Congress creating the first of our national parks—"the benefit and enjoyment of the people." In the matter of benefits forests are necessary, because they produce the most important material of construction known to man; even iron can not be excepted. From the lead pencil to the mast of a ship, from the infant's top to spacious temples and palaces, it enters into nearly every requirement of human existence. A large portion of the structures for human habitation are built of it. The land transportation of the world is closely dependent upon it, for if it were not for the railroad tie scarcely a car could run. It is only when one stops to think a little upon the unlimited adaptability of wood to human needs that its transcendent importance is borne in upon him.

In the matter of enjoyment, no other work of nature has done more for the uplifting and ennobling of the mind than these "first temples" of God. It requires no argument to enforce this assertion, particularly with him who has been reared in close companionship with the woods. Sad indeed will be the day, if it ever comes, when the people are deprived of this source of healthful pleasure, for which no adequate substitute

can ever be found.

And yet this supremely important resource in human happiness is strictly limited, and the visible supply is fast disappearing. Statistics fix the date, almost as confidently as an astronomer predicts an eclipse, when the doomsday of its final disappearance will come, unless something is done to prevent. Most fortunately this material, unlike copper or iron or stone, is a vegetable product capable of self-renewal, and the supply can be kept up forever. This is what gives its extreme importance to forestry. It requires no dubious support from any other source. It fully justifies the splendid work that the Forestry Service is doing and demonstrates the wisdom of the farsighted men who are laying the foundation of our future national forests.

Let us now inquire if it will not be to the advantage of this great work to be absolutely independent of any connection with waterway development. Will it not be better in every way for forestry if it is promoted solely on the basis of pro-ducing trees for human use and enjoyment, and not at all for any supposed influence upon flow of streams? Is it really a wise move, so far as forestry is concerned, to single out the rugged and inaccessible mountains as localities where our future supply of timber must come from? The availability of forests to human needs depends very largely upon the situation in which they grow. Few people understand the exceeding importance of this matter. The converting of a forest tree into form for use involves two distinct processes—the conversion of the tree into lumber or other product and its transportation to the place of consumption. The cost of logging operations is immensely increased by the roughness of the ground. our western forests, for example, it requires a higher grade of skill, commanding higher wages, to "lay" a tree on a steep hillside than on even ground. The losses from breakage in falling are much higher and the difficulty and expense of getting the logs out much greater. In fact, the increase of cost runs all the way from \$1 to \$10 per 1,000, depending upon the situation. Engineering News stated the case very forcibly in regard to the Appalachian forests-though it did not have this particular thought in mind—when it said in a recent issue that "the cutting off of forests on the remote mountain slopes has only become possible with the high price of lumber that has prevailed for ten years past." This increase of cost represents the perpetual tax that the public must pay for timber

from these regions as compared with that from the lowlands. And a great deal of it can never be gotten out at all. The poet's "gem of purest ray serene" was not more lost to human needs than are tens of thousands of noble trees in the rugged fastnesses of our mountains, east and west. Benefit? To convert them into lumber will cost more than they are worth. Enjoyment? Only the solitary hunter or mountaineer ever sees them. These are not the places to rear up forests for the good of the

Consider the question of transportation and take Chicago as being practically on the meridian through the center of popula-tion of the country. The rate on fir from the Cascades to Chi-cago is 55 cents per 100, or \$16.50 per 1,000 feet B. M. The average rate from the Appalachian forests is about 18 cents, or about \$9 per 1,000 for green oak. By a proper distribution of our forests these rates, on the average, ought to be brought within 10 cents per 100. In logging and transportation together the country will tax itself on the average not less than \$10 per 1,000 for whatever supply it derives from these mountain forests, as compared with what it might receive from forests more favorably located.

If it were not for the erroneous assumption that forests have a regulative effect upon the flow of our navigable rivers, would not the policy in regard to the acquisition of lands for forest reserves be quite different from that now proposed? If Congress were to vote, say, \$10,000,000 at the next session to commence the establishment of national forests by purchase, would it not be far better spent in lands where the pine, oak, cherry, and ash used to grow, in locations convenient for access by the people and in every way better adapted to their needs? States, counties, or other agencies should be required to meet half the original cost. Even if the total cost to the Government were several times what equal areas in the mountains cost, it would be far more economical in the long run. There is an abundance of land in nearly all the States suitable for the purpose that can be had at not excessive cost. In New England, for example, would not the development of forests in the lowlands, where in many places former cultivation has been abandoned, be far better than to buy up the difficult slopes of the White Moun-Let there be a national forest in every county of the tains? United States where it is practicable to create one. Let its location be carefully chosen so that its product may be manufactured and shipped with the smallest cost to the people, and serving also not only as a pleasure ground, but as a stimulus to

similar work by private agencies.

It will be urged that these mountain lands are worth more for forestry than for agriculture. Very true; but that would not justify their purchase if the same money would produce a better result elsewhere. "Never buy what you do not want because it is cheap." Again, it may be said that here is our only remainis cheap." Again, it may be said that here is our only remaining timber supply in the East, and it must be saved. Except in some possible economy by the more judicious cutting under government control, it is not apparent how a forest tree that has attained its growth is going to render any greater good to humanity by being saved for the next generation than by being cut for this. There is a general sentiment current in these later years that if timber is cut off by private agencies it is wasted; but does it not find its way into common use just the same? Not as completely, perhaps, but still substantially the same. Take the combination of the Weyerhauser Timber Company, considered entirely apart from its economic and ethical aspects as a great trust or corporation, and solely as a preserver our forests. With its system of fire control, its policy of holding its timber for high prices, is it not really conserving the timber for future use? To speak of such timber as being "lost" to the people, "wasted," and its acquisition as a "looting of our heritage," is as disingenuous as it is untrue. Will its lumber heritage," is as disingentous as it is untrue. Will its lumber cost the consumer a cent more per thousand than if it were from a government reserve? It is a wholly gratuitous assumption that our timber is going to be "wasted" unless it is placed under government control. The thing of prime importance is to get new forests started. In the thirty to fifty years that our present supply will last new forests should be brought into with the country. This is for more important then existence all over the country. This is far mo to buy the virgin timber of the Appalachians, This is far more important than

Moreover, it seems now to be considered that the virgin lands have already risen too high in price to be purchased by the Government, and that it is only the second-growth lands that can be economically acquired.a Be that as it may, it is certain that the acquisition of such of these lands as are desirable for the strict purposes of timber production will be greatly facilitated by disabusing the minds of the owners of the impression so diligently fostered of late that the very salvation of the country depends upon their selling out to the Government.

^a Report of Secretary of Agriculture on Southern Appalachian and White Mountain watershed, December, 1907, pp. 8, 30, 35.

anyone doubt that the present course will add vastly to the purchase price?

Still another argument that may be urged is that only by linking the forests with the rivers in a way to establish their utility in maintaining navigation can the constitutional objection to the acquisition of these lands be overcome. But does this apply to mountain forests more than to any others? It is incontestably true that whatever restraining effect forests have upon run-off is greater upon the lowlands than upon steep mountain sides. This legal feature of the question will be referred to further on.

RESERVOIRS IN THEIR RELATION TO STREAM FLOW.

Under this heading artificial reservoirs alone are included. Natural reservoirs of various kinds exist nearly everywhere and exert a profound influence upon stream flow. The ground is the most important of these, absorbing on the average probably one-third of the total rainfall. Natural lakes are great regulators, the St. Lawrence system being the most perfect example. Forests are effective reservoirs at certain seasons. Swamps and low-lying grounds along river courses, like the great flood basins of the Sacramento and the Mississippi, are, in their natural state, enormous reservoirs which greatly reduce the flood flow of the river channels. Snowdrifts, particularly the great drifts of the mountains, are splendid reservoirs. The streams themselves have immense storage capacity; for example, the Mississippi within levees store at least two thousand billion cubic feet of water from Cairo to the Gulf, between extreme high and low water stages. All these reservoirs and many of less importance are ever active in regulating the flow of streams. Without them precipitation would flow off as fast as it arrives and our greatest floods would be magnified many times.

Here we are considering only those reservoirs constructed by man to supplement and extend the regulating effect of nature's reservoirs. If the conclusions reached in the first section of this paper are correct, forests can not be relied upon in any degree to help solve the problems of high and low water. Present conditions must be met by purely artificial means, since man has so far discovered no way of controlling the climatic conditions which govern precipitation. He can not "stay the bottles of heaven" in times of flood, nor open them in seasons of drought. He must take the water after it reaches the earth and deal with it the best he can.

The artificial reservoir is intended to attack this problem at its source. It catches and holds back the water in the near vicinity of its deposition, instead of waiting until it gathers into the rivers and then building huge bulwarks to contain it there in times of flood. It saves the stored-up supply and gives it out in the low-water season, thereby helping navigation, instead of dredging and otherwise treating the water courses to increase the low-water depth. It corrects one of the greatest deficiencies of nature by abolishing inequalities of stream flow and convert-ing waste into utility. Theoretically, it is the perfect plan. It has always appealed to the imagination of layman and professional alike. It has often been resorted to, and the number of reservoirs in the world is very great and constantly increasing. Hitherto they have been mainly used for power, municipal supply, irrigation, and for navigation in canals. In very few instances have they been applied to improve the navigation of large natural water courses, and in none, so far as the author is aware, for the exclusive purpose of preventing floods

The question arises, Why are they not regularly applied to these last-mentioned purposes? The answer may at once be given that in the general case the cost is greater than the benefits to be received. This element of cost arises mainly from the absence of good sites (including dam sites as well as holding basins), and also, to considerable extent, from an interference with the purely artificial conditions growing out of the settlement of the country.

The best reservoir site is a natural lake. Such a site is already covered with water, and original conditions are not materially changed. Evaporation is not much increased by the necessary enlargement. Smaller and safer dams accomplish a given storage than for the average dry site. The question of public health involved in uncovering large areas for reservoir beds in the heated portion of the year is less serious. Everything makes these sites the most advantageous that can be found, and it may be laid down as a rule that the public good requires the utilization of every such site to the fullest possible extent.^a

"An interesting feature of these natural reservoirs may be noted. A natural lake wholly uncontrolled at its outlet may have a more effective control of the outflow than an artificial reservoir of equal superficial area when full, though of far greater capacity between high and low water. The outflow from a lake can be increased only by storing simultaneously a quantity of water measured by a rise in the surface equal to that in the outlet necessary to give the increased flow. But if the artificial reservoir has reached the limit of its allowable filling, the outflow must be made equal to the inflow. If this limit is reached before or at the time of maximum run-off, then a quantity equal to this

Except in a few cases, dry sites are deficient in these advantages. Greater areas of land have to be condemned and larger and costlier dams are required, with vastly greater danger in case of accident. Really good sites are not as abundant as one might wish, and the problem of developing storage on such sites is beset with difficulties of many kinds that greatly increase the cost.

In 1897 the author made a careful study of this question of flood control by means of reservoirs in connection with an official investigation of the advisability of building reservoirs in the arid regions. His view of the difficulties in the way of any general application of such a system is quite fully stated in his report (House Doc. No. 141, 55th Cong., 2d sess., p. 46), and the following extracts are directly in point:

"It is the cost, not the physical difficulties, which stands in the way. It may be stated that, as a general rule, a sufficient amount of storage can be artificially created in the valley of any stream to rob its floods of their destructive character; but it is equally true that the benefits to be gained will not ordinarily justify the cost. The reason for this is plain. Floods are only occasional calamities at worst. Probably on the majority of streams destructive floods do not occur, on the average, oftener than once in five years. Every reservoir built for the purpose of flood protection alone would mean the dedication of so much land to a condition of permanent overflow in order that three or four times as much might be redeemed from occasional over-One acre permanently inundated to rescue 3 or 4 acres from inundation of a few weeks once in three or four years, and this at a great cost, could not be considered a wise proceeding, no matter how practicable it might be from engineering considerations alone. The cost, coupled with the loss of so much land to industrial uses, would be far greater than that of levees or other methods of flood protection. The construction of reservoirs for flood protection is not, therefore, to be expected, except where the reservoirs are to serve some other purpose as well.'

The above conclusions are still as applicable as they were when written. The subject has been given renewed prominence quite recently in connection with the Ohio River floods; but before considering this particular application attention will be given to certain reservoir systems that have been proposed elsewhere, and particularly to one already built and put in operation by the Government and which will be referred to frequently hereinafter. This is the system at the headwaters of the Mississippi—the largest artificial reservoir system in the world.

The project of converting the more important of the numerous lakes around the sources of the Mississippi and its tributaries into storage reservoirs as an aid to navigation was originally proposed by Gen. G. K. Warren, and was first put into definite shape by Colonel Farquhar, of the Corps of Engineers. The plan then embraced a large number of lakes in Minnesota and Wisconsin, but only five sites have actually been improved. The dams were first built of timber cribs, but have recently been rebuilt in concrete. The combined storage is about 93,000,000,000 cubic feet. It is about twice the mean annual run-off from the watershed, and the system is probably the only one, except the Great Lakes, which equalizes periodic as well as annual fluctuations of flowthat is, it carries over the surplus from wet years to help out in dry years—and its utility is, therefore, of the most comprehensive The cost of the five reservoirs is remarkably low, character. although it is not now possible to tell the exact cost of the present structures on account of the mixture of old and new work; but it probably does not exceed \$750,000, including a lock in the Sandy Lake Dam. This is only \$8 per 1,000,000 cubic feet, or 35 cents per acre-foot on the basis of total capacity. It would be about twice this on the basis of the mean annual run-off from the watersheds.

A large portion of the original project has been abandoned because public sentiment did not support its continuance. The author has always regretted this backward step, as he believes in developing to the fullest extent the exceptional opportunities here offered for the storage of water. The available reservoir sites which could be cheaply improved in Minnesota and Wisconsin are sufficient to control absolutely the floods of the Mississippi within the danger line, for a long distance below St. Paul, and to improve the navigation of the upper river very materially, while their value for industrial purposes is almost beyond estimate.

run-off must be let out of the reservoir. This contingency can never happen in a natural lake. The turning point where outflow and inflow balance each other is always after the crest of the flood has passed—in fact, at the time when the diminishing inflow and increasing outflow balance each other and the lake ceases to rise. In the case of the Yellowstone Lake (140 square miles), for example, this rise, in average seasons of snow melting, continues from ten days to three weeks after the inflow has reached its maximum, and surrounding streams have subsided materially before the Yellowstone River (at the lake outlet) ceases to rise.

In spite of the great and obvious advantages of this system, it has not yet received the popular approval that might be expected of it. In fact, about three years ago, there arose a widespread sentiment in the community around the reservoirs that the system was, on the whole, injurious, that its disadvantages far offset its advantages, and a strong movement was organized to have it abolished altogether. For the purpose of investigating this matter, a board of engineers was appointed, of which the author was a member. The board found that there was a general belief among the people below the dams that they actually increased the floods, while the people above complained bitterly of the back waters caused, throughout that low country, by filling the reservoirs so full. The water powers immediately below the dams complained that they were not getting even the normal flow of the stream, which was the case. Navigation interests be-

low St. Paul have always been lukewarm in regard to the beneficial effects of the reservoirs, and the board was able to find only one steamboat captain who would make a positive statement that the boating interests derived any particular benefit from them.

the boating interests derived any particular benefit from them. Some curious results developed in this investigation. It was found that, great as the reservoirs are, conditions may arise in times of excessive precipitation that will compel them to discharge a greater quantity of water than would flow from the Lakes in their natural condition. That is, they might actually operate to increase the floods if they should fill to their limit during a period of excessive precipitation. This very contingency nearly happened in the season of 1905, as may be seen on the curve (Fig. 2) illustrating the effect of the reservoirs on the flood situation at Aitkin, Minn., about 130 miles below. On figure 3 is shown a comparison of the natural and regulated

DIAGRAM SHOWING EFFECT OF UPPER MISSISSIPPI RESERVOIRS ON FLOOD SITUATION AT AITKIN, MINN., 1905.

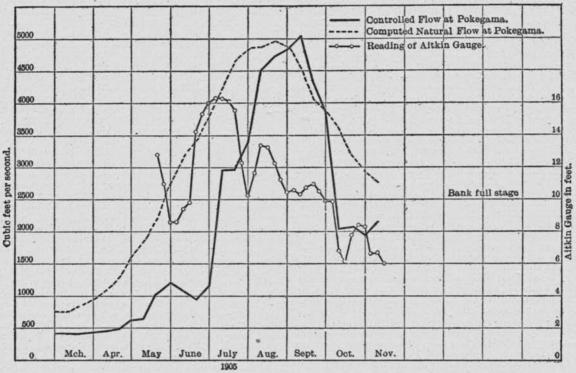
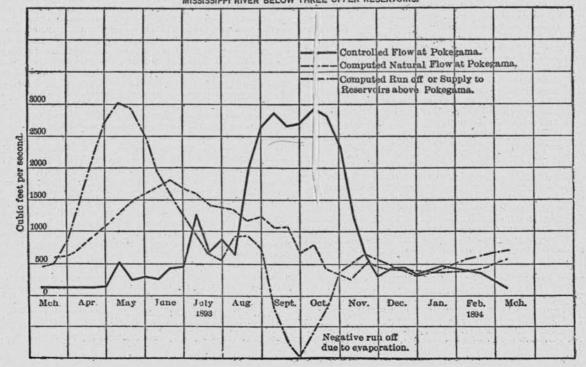


DIAGRAM SHOWING COMPARISON BETWEEN NATURAL AND CONTROLLED FLOW OF MISSISSIPPI RIVER BELOW THREE UPPER RESERVOIRS.



flow of the Mississippi below the three upper reservoirs, the lat-ter being operated in the interest of navigation alone. These curves show very clearly that the natural flow of the river was

more uniform than is the regulated flow.

In like manner, during the period of lowest water, viz, in mid-winter, the reservoir gates are closed down to about 400 cubic feet per second, and the great water powers, like those at the Falls of St. Anthony, are even worse off than in a state of nature; but this drawback is not so great as might be thought, because the powers are able to utilize most of the storage when it comes during the period of navigation.

Such are some of the complications and drawbacks which are encountered in this reservoir system, and which would surely be met in a system built up under less favorable natural conditions.

Nevertheless, the board found that the system was in itself a very great benefit and that the lack of appreciation of its advantages was for the most part due to ignorance of what they actually were. At the public hearing the opposition fell to pieces by the mere force of a better understanding, and it is safe to say that the system will never be abandoned, but will

be extended along the lines of the original project.a

The United States Geological Survey has recently proposed quite an extensive reservoir system for the Sacramento basin, similar in principle, though smaller in extent, to that of the proposed Ohio system. The flood problem of the Sacramento River is the most difficult in the United States in proportion to its magnitude. In fact, it seems as if it will prove impossible to convey the extreme floods of that river to the sea without extensive overflow of the bottom lands along its course. proposition to control the floods to some extent by means of reservoirs was elaborately set forth in the paper by Messrs. Clapp, Murphy, and Martin, previously referred to. The subject had already been considered by the commission of engineers appointed by the State of California in 1904 to devise a plan of flood relief. The commission reported that, while any help from such a source must, of course, be welcome in solving the problem, it was very doubtful if such aid would be of sufficient importance to justify giving it much weight.^b In discussing the paper above referred to, the author stated that, while he had never visited the sites in question, it was his opinion that, as to most of them, it would not be possible to realize over onefourth to one-third of the benefits claimed, and he based his opinion on the published records of the flood of 1907, which was the greatest in the history of the river. George L. Dillman, M. Am. Soc. C. E., in discussing the paper, flatly pronounced the whole scheme impracticable and gave his reasons in detail for this conclusion.c Among them he cited in one case the great value of the lands to be flooded by the reservoirs, which he claimed were altogether more important for agriculture than for any diminution of flooding which the storage might cause in the valley below. In another case he cited the difficulty, which always suggests itself to an engineer in considering the subject, of timing the operations of the reservoirs so as to combine their effects to the best advantage, and particularly in keeping them empty in periods of prolonged precipitation, so that their capacity may be available at the critical moment. Other obstacles were pointed out, and the whole discussion presents another in-stance of the practical difficulties that stand in the way of any

comprehensive reservoir scheme for controlling floods.

In 1903 the great flood of the Kaw River brought up the reservoir question again. Ex-Senator Burton, of Kansas, advo-cated the plan very urgently, stating in a speech at Kansas City that he "would have tens of thousands of reservoirs, beginning at the headwaters of the stream and coming right down." board of engineer officers was appointed to investigate the practicability of providing against future disasters such as this flood The reservoir idea had made so deep an impreshad caused. sion upon the public mind that a specific consideration of that feature of the problem was requested. In its report the board found adversely to the scheme on the ground that its great cost, conservatively estimated at \$11,000,000, and the annual loss from the withdrawal of the necessary lands from occupancy, conservatively estimated at nearly \$600,000, would not be justified on the ground of flood protection alone. Owing to the character of the country, this last consideration was particularly strong. The only real justification of so extensive a system in a country so largely devoted to agriculture would be its use in irrigation and power; and if it became necessary for these pur-

poses, doubtless a portion of it would be built.

The most elaborate study of this subject ever undertaken until very recently was made by the French Government to determine whether reservoirs could be utilized to prevent the recurrence of such great disasters as the floods of 1856 in the valleys of the Rhone and other streams. A full résumé of these studies is given in the author's report, already referred to, on "Reservoir sites in the arid regions." The conclusion was the "Reservoir sites in the arid regions." The conclusion was same that has been reached in every similar investigation. interesting feature of the system then considered was that the reservoirs were to have sluices permanently open, so that it would not be possible to close them entirely. They would operate, it was expected, to hold back a definite percentage of flood discharge—enough to keep the floods below the dams within safe limits. They would thus act automatically, just as forests are supposed to do. This was all right so far as the individual tributaries were concerned, but it was found, when the possible effect upon tributary combination in the main stream was considered, that, by holding back earlier portions of freshets and prolonging their run-off, they might actually swell the combination in the lower courses of the main stream.

Similar studies have frequently been made in all the principal countries of Europe, and in none of them, so far as the author is aware, has such a project on a large scale ever been under-

taken or even favorably considered.

Coming now to the Ohio River, the immense importance of that stream as a factor in the floods of the Mississippi makes the regulation of its flow a matter of greater moment than that of any other stream. The project of controlling the run-off of its watershed by means of reservoirs was urged very forcibly more than sixty years ago by Col. Charles Ellet. The subject has often been considered since, both in private and official investigations. The conclusion has invariably been that, great as the benefits of such a system would be if in existence, the cost of bringing it into existence would be out of all proportion to such benefits.

The scheme has recently been revived in a more attractive form, with data not hitherto available, and at a time when a period of heavy floods and much loss therefrom has turned public attention strongly upon the subject. Moreover, it comes supported by a comparatively new element in its favor-the vast expansion of water-power development made possible by the electric transmission of energy. The new presentation of the project is by M. O. Leighton, associate member of the American Society of Civil Engineers, Chief Hydrographer United States Geological Survey, and is understood to bear the approval of both the Interior and Agricultural departments.^a Mr. Leighton does not claim that his presentation is at all final or complete, but is rather a "statement of possibilities" which he believes are sufficiently promising to justify the Government in giving the scheme thorough investigation before further extensive steps are taken on present lines in the matter of flood control and channel improvement in the main rivers of the basin. Although an estimate of cost is submitted and certain conclusions are based thereon, it is stated that the data are too meager to give much confidence therein. Subject to these qualifications, the system, as set forth in Mr. Leighton's paper, embraces reservoirs on nearly all the tributaries of the Ohio; the total cost is estimated at \$125,000,000; the income from resulting water power at \$20 per horsepower; and a certain computed lowering of flood heights on the Ohio and Mississippi rivers, and a corresponding increase in low stages, are given. The full details of the scheme are set forth in quite elaborate form. So far as the present criticism is concerned, the practicability of finding the necessary sites will be accepted, and only the estimate of costs and revenues and the deductions as to benefits will be called into question.

In their effect upon floods, admitting that all the reservoirs proposed can be built, the result must fall short of the claims put forth. If built at all, they must be built, as will be shown later, primarily for power development. It will never be possible, until science can forecast the weather more perfectly than it is yet able to do, to regulate reservoirs for the maximum benefit of both purposes. This consideration is sometimes made light of, but nevertheless it is one of real importance. industrial purposes the reservoirs should be full before the rainy season ends; for flood protection they should be so far empty that they may be able to hold back any flood-producing storm that is likely to come. While, doubtless, in a majority of years, a middle course could be pursued that would not involve much risk on the flood side of the question nor much loss on the power side, yet there would surely come exceptional seasons-

^a The author has seen the description of the proposed system only as published in Engineering News, May 7, 1908. He has had some correspondence with Mr. Leighton and is under great obligation to him for a complete set of topographic sheets showing the various reservoir sites.

The report of this board contains exhaustive data upon the system and its operation. It may be seen in the annual report of the Chief of Engineers for 1906, p. 1443 (Appendix AA, published separately in the complete form).

pamphlet form).

**Proceedings, Am. Soc. C. E., May, 1908, p. 464.

**S. Doc. No. 160, 58th Cong., 2d sess., pp. 14-17.

the seasons of flood-producing rains or the seasons of great drought—when the reservoirs would be caught too full on the one hand or too empty on the other. Their full calculated capacity would not then be available for either purpose, and it is difficult to conclude that this would not happen frequently. In particular, if the reservoirs are really operated to prevent floods, it must often happen that dry weather will find them only partially filled, and that their full capacity will not be available either for power or navigation. This would not apply, of course, to a reservoir great enough to store all the run-off from its watershed in the greatest leaves and a store of the course. from its watershed in the greatest known flood, unless considerable storage were left over from previous years—as is often done in the upper Mississippi reservoirs. Mr. Leighton's estimates are based upon the mean discharge of the streams, which is, of course, greatly exceeded, possibly doubled, in very wet years. In any case it would seem to be necessary to hold ample capacity in the reservoirs as late as the end of March each year to provide for possible emergencies; but if this is done, there will be many years when the reservoirs will not fill.

An important consideration in the use of the reservoirs for flood control is that of a proper combination of their outflow. To anyone who will try to figure out how this can be accomplished over a watershed of such vast extent, with storms arriving at different times in the various portions, with no way of telling when, where, or with what intensity they will arrive, with the varying distances of the different reservoirs from those points where flood control is particularly important, the problem seems almost impossible—that is, impossible to realize the full effect based upon the aggregate capacity of the system. is understood that Mr. Leighton has endeavored to do this, but it would be interesting to see the application to some of the great floods that might be designated. For example, in the flood of 1907, which reached its maximum at Cincinnati and Pittsburg about the same time, no amount of holding back of the storm water on the upper Ohio at that time would have helped the situation at Cincinnati at all.

Another important consideration in the effect of these reservoirs, as they would have to be operated to prevent floods, is the great change that takes place in a flood wave as it propagates itself downstream. The author is unable to tell from Mr. Leighton's paper to what extent he has considered it. paper itself seems to indicate that the discharge held back by a particular reservoir produces a corresponding volumetric effect (not gauge effect, of course) at all points below, after making a due allowance of time for the transmission of the wave. This would be an erroneous conclusion. For example, a wave that might rise at Pittsburg from 100,000 cubic feet per second to 150,000 a day later and to 200,000 the next day, and then fall at a corresponding rate, would not at any point below produce a maximum increase of 100,000 second-feet; and the farther away the point considered, the less would be the increase. At Cairo, nearly 1,000 miles below, the same wave would take a much longer time in passing, probably not less than a week, and the maximum increase would probably not be more than 25,000 received fort. While is more than 25,000 received fort. second-feet. This is merely a general illustration, for exact data on the subject are not available. The problem is of such complexity that nothing but the results of long experience could establish a rule as to what might be expected in any given case; but it can be stated with certainty that the diminution of discharge at any considerable distance below the reservoirs for a given time would never be as great as the amount held back by the reservoirs in the same length of time, and that, the quicker and the higher the flood, the smaller the relative effect at all points below. It is only when such wave elimination merges into a constant quantity, continuing for a considerable time, that the full effect of a reservoir would be experienced at any point below. This, in fact, is what would actually happen in the contrary case of the low-water season when the reservoir discharge is kept up for a long time.

Still another feature in the high-water effect of such resersolution the first the man water for power at all times. If there should ever result any really general use for all this water, as is predicted, then the consumption for power would make a considerable river in itself. Now this much can not be shut off in any case. Street cars and shops must run and houses must be lighted whether the flood is ruining the lowlands or not. An example of this occurred in 1905 on the upper Mississippi, where the outflow from the upper dams was cut down to a minimum to reduce the flood in the valley at Aitkin, which was then being overflowed by the river. The mill at Grand Rapids, just below the reservoirs, made a strenuous protest and even threatened legal proceedings to compel the release of the

full normal flow of the river. Considering all the foregoing features of the operation of the proposed system, even if every reservoir were built with the

full estimated capacity, it would be extremely fortunate if 75 per cent of the predicted results, either in flood protection or in aid of navigation, could be realized.

It is in the matter of cost, however, that the weak point of Mr. Leighton's system appears. Judged by any reasonable standard, his estimates are hopelessly wide of the mark. The method itself of getting at a basis of cost is inadmissible. For example, in determining a unit of cost for that class of reservoirs which embrace the greater portion of the total storage, the figures for nine reservoirs are taken, counting as one the whole upper Mississippi system. Only the Mississippi system has been built; two others are under construction and six are merely projected. In accordance with almost universal experience, and especially in view of the great advance in prices of all kinds since these estimates were prepared, it must be expected that these works, if ever built, will cost from 25 to 50 per cent more than the estimates. Three of the projected dams are of the relatively cheap rock-fill construction, which would be inapplicable to most of the Ohio dams from considerations of

The controlling element, however, in the unit estimate, is the Mississippi system, whose capacity is nearly one-third of the whole group considered and whose unit cost is only about oneseventh of the average cost of the others. The use of the Mississippi reservoirs in any way as a basis of estimate for the Ohio system is wholly inadmissible because of the dissimilarity of sites. The Ohio sites, with one exception, are dry sites totally different from the lakes of Minnesota. Even the latter reservoirs could not now be built for three times what they have actually cost the Government. The flowage lands embraced about 80,000 acres, which were nearly all reserved while yet belonging to the Government. A few recent purchases of additional lands found necessary, and the experience now being met in acquiring the flowage rights for a reservoir at Gull Lake, show that, if these lands were to be bought to-day, they would cost from \$10 to \$25 per acre. The right of way alone would now cost twice as much as the dams.

Compare any one of these structures-Leech Lake, for example-with a representative masonry dam like the Cheesman dam on the South Fork of the South Platte River above Den-The author is familiar with both sites and once submitted a plan and estimate for a structure on the Cheesman site almost exactly like the one built. Lake Cheesman is a more favorable site than most of those on the Ohio system, for, although its capacity is not as great as some, the dam site is exceptionally advantageous, one of the most perfect in naturea very narrow gorge in solid granite, with a natural spillway already provided. In several of the Ohio sites entire towns will have to be removed, important railroads will have to be relocated, a few mineral properties will be destroyed, and, in nearly all, road systems will be seriously disarranged. None of these conditions were encountered to anything like the same extent in the Cheesman site. Undoubtedly its unit cost, which is estimated at about \$250 per 1,000,000 cubic feet, was as low as can be possibly realized on the Ohio system as a whole. Compare this with less than \$5 for Leech Lake or \$8 for the whole Mississippi system.

A recent example of projected storage is that presented by the late George Rafter, member of the American Society of Civil Engineers, for the Genesee River near Portage, N. Y. Owing to the moderate height of dam (apparently less than 150 feet) and the large capacity of reservoir (15,000,000,000 cubic feet), this is believed to compare favorably as to unit cost with the Ohio system. The estimate was \$216 per 1,000,000 cubic feet. If it were to be built under the present conditions of the market it would doubtless cost \$250. It is understood that later investigations have shown that Mr. Rafter's estimate is It is understood that only one-half large enough.

In 1895 the author made an extensive examination of storage possibilities in Ohio, near the divide between Lake Erie and the Ohio River, for the purpose of providing a water supply for certain projected canals. He prepared estimates for two sites on the headwaters of the Cuyahoga, for one site at the head of the Scioto, and for one at the head of the Great Miami. The estimates were based upon actual surveys and are given in detail in the report upon the subject.^a The type of construction was not expensive. The total capacity was 11,000,000,000 cubic feet and the unit cost \$300. To-day it would be at least \$350.

Most of the proposed sites for the Ohio reservoirs are not advantageous sites. The topography of the country is unfavor-The sites are not compact basins, like those occupied by lakes or ponds or mountain meadows, but are, for the most

⁶ H. Doc. No. 278, 54th Cong., 1st sess., pp. 78, 83, 86.

part, trunk valleys with numerous tributaries, nearly all of them quite narrow. They may be roughly compared to the form of the hand with the fingers outspread, the dam occupying the position of the wrist. The ends of the fingers are frequently many miles from each other and from the dam. Numerous villages occupy the valleys. The road systems of the local communities traverse them. The disadvantage that will result to public travel by forcing it out of these natural routes over the hills and around the ends of the fingers will be very great. The lands lying between the fingers, in some instances, will be so far cut off from convenient access that their value will be much impaired, and damages will have to be paid on that account. In several instances the necessary changes in railroad alignment in the hilly country will be extremely costly, if not impracticable. A great many cemeteries will have to be removed, which means, not only the cost of removal, but extensive purchase of lands outside. Such drawbacks are, of course, encountered in all similar work, but they are excessive in these sites. They are mentioned solely from their relation to the question of cost. No one can examine the maps of these sites and not be convinced that the cost of right of way and damages alone will considerably exceed Mr. Leighton's estimate of the entire cost of the system.

An element affecting cost is that of safety. Owing to the situation of many of these proposed reservoirs, the results of failure of the dams would be so appalling that no chances can be taken. The structures can be made safe, of course (except against earthquakes), but it will cost money. Nothing short of the highest type of construction—masonry for all the larger dams-can be considered. Mr. Leighton has cited certain dams upon the integrity of which great interests depend as evidence of the confidence of engineers in these structures, but if he will apply their costs, particularly those of important structures in Europe, to his proposed system, the money value of safety will

mount up to a prodigious figure.^a

A feature of this question of safety often overlooked is the depreciation of the market value of property, due to its location below a dam where failure of the dam would mean a disaster of great magnitude. However safe the structure may be, many people would not purchase property below it, and its market would be correspondingly diminished. While such loss can hardly be made a subject for damages, it is a real loss to the

These reservoirs being built for flood protection, the sluices must be very large, so that at times they can be discharged practically as fast as the water runs in. This will be necessary during periods of prolonged precipitation in order to keep the reservoirs from filling too full before the danger is past. This detail of construction will add largely to the cost.

Taking everything into consideration on the most liberal basis, it is evident that this system can not be built for less than \$250 per 1,000,000 cubic feet. The probable increase in the value of property to be condemned before the system could be built and the present scale of prices of labor and material make this figure a minimum. This would swell the cost of the whole system to over four times Mr. Leighton's estimate, or

over half a billion dollars.b

This is not all, however. It appears that the complete development of the reservoir system as proposed will take from industrial use probably 1,500,000 acres of land, including the lands actually overflowed, the margins subject to damages, and sites for the dams, and various structures appurtenant thereto. These lands will be in large part, by the very fact that they lie in valleys suitable for storage grounds, the best lands in the localities. Sooner or later they are bound to come into agricultural use, and with proper cultivation their annual net revenue value will be at least \$5 per acre. If utilized for forest culture, they ought to yield 500 feet b. m. of lumber and 1 cord of wood annually per acre. The value of the land for this purpose ought to be as great as the figures just given. It thus

o'The recent failure of the Hauser Lake dam on the Missouri River, near Helena, Mont., is a good illustration of how the unexpected may happen. Here was a dam built of steel and concrete, two materials whose properties are thoroughly understood. The case was one which "ordinary engineering" might be expected to handle successfully. The public had reason to feel confidence in the structure. Yet "it fell, and great was the fall thereof," not only in the total wreckage of the dam, but in the losses caused along the valley below.

The accident affords also another illustration of the omnivorous claims put forward in these days in the supposed interests of forestry. The disaster was promptly cited as an example of the havoc wrought by floods in a country without forests. The normal flood discharge of the Missouri at this point is 20,000 cubic feet per second; for 1907, it was 26,000 cubic feet; the maximum on record is about 50,000 cubic feet. At the time of the accident the discharge was about 7,000 cubic feet per second.

**Recent examinations of certain sites, embracing nearly 70 per cent of the proposed Monongahela storage, indicate that the whole Ohio system will cost at least a billion dollars, and possibly a billion and a half.

appears that the occupancy of these lands for reservoir purposes will take from the community an annual product of at least \$7,500,000 worth, and probably more.

The reservoirs will store about 2,150,000,000,000 cubic feet of water. Assume that this can be all utilized for water power, with the average head of 200 feet, giving theoretically about 1,600,000 horsepower per year, or 1,280,000 horsepower at 80 per cent efficiency. At \$5 per horsepower (the basis for this figure will presently be considered), the revenue from water power will be \$6,400,000, which falls short of the loss resulting

from withholding the sites from productive use.a

Viewed in the light of the foregoing exposition, the weakness of the reservoir scheme as a measure of flood control or for improving navigation is at once apparent. The question is, Will the ends justify the means? If the ends sought could be attained in no other way, possibly they might; but they can be, and for a small fraction of the reservoir cost. Consider the estimate already given, of \$500,000,000. Take \$40,000,000 and reenforce the entire levee system of the Mississippi. That will make it impregnable—as safe as any of the proposed reservoir dams. Take \$60,000,000 and revet the banks of the Mississippi wherever necessary from Cairo to the Gulf.⁵ The reservoir project does not touch this important matter at all. Devote whatever sum is necessary to the protection of the bottom lands of the Ohio basin. Give Cincinnati and Pittsburg each \$10,000,-000 to assist in local changes necessary for complete flood protection. Devote a sum to navigation such as our engineers have never dared dream of, and the Government will still save more than Mr. Leighton's estimate of the whole cost of the reservoir system. The more closely this reservoir proposition is scrutinized as a scheme for flood prevention the more impracticable it appears. It is only a trade off at best. It is giving up to perpetual overflow valuable lands to save others from occasional and even rare overflow for short periods. Now, if, at less cost, these lowlands can be better protected by other means, thus leaving both the valley lands and reservoir sites open to productive use, how much better it will be.

If the author were to venture a criticism on Mr. Leighton's attitude in this matter, it would be that he has not fully appreciated his responsibility in bringing forward again this old proposition without fuller consideration of its organic defects. This is well illustrated in the opening paragraph of his paper.

in which he says:

This report will be confined to a statement of possibilities. There will be no attempt to prescribe methods for treatment of each local modifying condition that will be encountered in the prosecution of the plan here proposed. Such features are merely collateral, and their proper disposition is a matter of ordinary

engineering."

This is a complete reversal of his obligation in the matter. The "possibilities" of reservoir control have long been recognized. The logic of the plan is well understood. It has always appealed to the popular mind. In particular, reservoir control of the Ohio floods has been advocated for more than sixty years, and its possibilities have often been investigated. The plan has been uniformly rejected on one ground, viz, that as a scheme for flood control and navigation improvement its benefits would not justify its cost. It is, therefore, incumbent upon whoever revives the scheme to come well fortified upon this particular feature. He must give some study to the treatment of "local modifying conditions." It makes a difference whether he can go to a great natural lake, like Winnibigoshish, and store 40,000,-000,000 cubic feet of water for a mere trifle, or whether he must evict whole villages, disturb railroads and highways, absorb valuable lands, and possibly subject communities to serious risk. These are the questions upon which the success or failure of the scheme depends. Yet Mr. Leighton brushes them aside, as it were, with a wave of the hand, as "merely collateral" features, matters of "ordinary engineering" only. Here is the weak point of his project. Weighed in the balance of practical accomplishment, either for flood control or navigation, it will be found utterly wanting, and the development of the system, as has always been held, will have to be based primarily and mainly on its value for industrial use. For the same reasons that the development of a great reservoir system in the far West is justified by its industrial value—its use for irrigation—so a reservoir system for the Ohio or any other rivers, except in a

The sanitary feature has not been considered, although it is one of some importance. The laying bare of large areas of reservoir bottoms in the heated portion of the year is objectionable, but it is not a matter affecting the element of cost. Neither is much stress here laid upon the danger to the reservoirs from silting up. This is not a region of heavy silt movement. In most of the reservoirs the process will be very slow, and we may safely leave to distant generations the task of dealing with this problem whenever it reaches an acute stage.

Begort Mississippi River Commission, 1896, p. 3457.

few unusual cases, must depend primarily upon its industrial value—the development of power.

In pursuing his criticism further, the author would not be understood to be "knocking," as current slang goes, the feature of the reservoir system just mentioned, because, in his judgment, there is no one thing in the present movement for the conservation of our natural resources that is more important than storing the flood waters of our streams for power development. It stands in the same category with the preservation and extension of our forests. It stands on even a surer basis, for man, either willfully or through neglect, can destroy the forests, but he can never diminish in the smallest degree the power of running water. It is a great solar engine, perennial and perpetual in its action. It requires no aid from man in its production. All he has to do is to utilize it. Providentially electricity has unfolded its power to transmit this energy over great distances, and has thus made practicable a development which would otherwise have been impracticable. In time water power will replace coal and oil, and will become the one great source of power, unless discoveries are made which are not now The author thoroughly believes in developing this power through public agencies and preserving it from private ownership and control. His present criticism is directed not at all at the principle involved, but at the extravagant expectations now being fostered as to the possible revenue which the Government may derive from such development.

The quantity of power estimated in the publications of the Geological Survey and the Agricultural Department are based upon an assumption that most engineers will question, viz, that 90 per cent of the fall of our rivers can be utilized in effective head upon water wheels. This is too great a figure. The most thoroughly developed river in the United States, namely, the Merrimac, in New Hampshire and Massachusetts, develops only 70 per cent of the total head. Taking all the streams into consideration, it seems hardly possible that more than 50 per cent of the fall can be utilized. When the fall of a river is uniform, even if quite steep, the cost of long canals or high dams necessary to concentrate it at one point often prohibits development altogether. From altitudes of 3,000 feet the Missouri and Yellowstone, for example, descend to the sea with a total energy of possibly 5,000,000 horsepower; yet comparatively little of this can be developed advantageously. It is only in those places where nature has helped out by concentrating the fall at cataracts or rapids that water-power development is commercially profitable. At low dams, such as are ordinarily built at lock sites, the head is often nearly all obliterated during high water. How far storage may affect these drawbacks can not be said, but it should, of course, help a great deal. The official estimates of flow for nonregulated streams are based on two weeks' average lowest flow. This may probably be extended materially with reservoir aid or supplementary steam power. Possibly the total estimated horsepower may ultimately be realized.a

When it comes to the royalty which the Government may re-ceive for these water powers, if developed by private interests, the price of \$20 per horsepower, adopted by the Geological Survery and the Agricultural Department, is wholly out of the question under present conditions. Possibly the author does not understand what the figure is intended to embrace. From Mr. Leighton's articles, the inference has been drawn that wherever the work of the Government renders power available which was not available before, either by building dams, as at lock sites, and thus creating a head, or by storing water which might supply powers below with more than they would have without, the value of the power thus rendered available should

return to the Government \$20 per horsepower per annum—an "exceedingly low price," as Mr. Leighton puts it.^b

It is not understood that the Government is to build the power plants, but that this is to be done by the interests availing themselves of the privilege. Estimates of undeveloped water powers on many streams of the Atlantic slope, by the Geological Survey, leave one to infer that these powers are considered worth at least \$20 per horsepower to the Government, even without dams or reservoir aid. While the statements are not

^a There has recently been invented a device called a "fall increaser," an adaptation of the Venturi meter, by Clemens Herschel, Member American Society Civil Engineers, which promises to utilize the extra flow of streams in time of flood water and low heads to increase and maintain the head upon the wheels. If this invention proves a success, as seems probable, it will be an immense gain to all water powers of low head subject to large fluctuation, as would doubtless be the case in very many of those under consideration.

^b On the Youghlogheny alone, where it is proposed to install a slackwater system comprising three locks and dams, at an expense of \$600,000, proper development of storage will insure the production of a minimum of 4,100 horsepower, the value of which, reckond on the exceedingly low price of \$20 per horsepower year, would produce a total income of \$82,000.

clear as to what is actually meant, the various references to resources to be derived by the Government from these powers lead to the above conclusion. It would be of advantage in considering questions involving these published estimates if the basis for this \$20 price or royalty could be made more specific.

Under present conditions, or such as can be reasonably foreseen, no such royalty is possible except in extraordinarily favorable circumstances. Efforts which have been made to derive a satisfactory revenue from existing powers do not justify any such prospect. The many and various practical difficulties in exploiting these powers are rarely appreciated by those who have not encountered them in actual experience. The cost of have not encountered them in actual experience. The cost of water-power development is restricted to narrow limits, if it is to compete with coal. An engineer of high standing whose life work has been connected with water-power development

says:
"I am advised that, with good coal at \$2 per ton in this territory, the cost of fuel per horsepower per annum (three hundred days of twenty-four hours each) is less than \$8 for producer gas engines and for steam power about \$12.50 in large size equipments. In many localities coal will cost even less than \$2 per ton, allowing thus a still wider margin. If we now consider the usual and unavoidable handicaps and incumbrances to all water-power installations, such as floods, low water, ice flow, back water, etc., we have conditions which will make serious study for any power consumer to determine if the balance is not considerably against water power in that particular territory, at this time, from a purely commercial standpoint. At any rate it must be obvious that no such rate as \$20 per annum per horsepower can be paid to the Government by any power user for the right to draw the water only, and, besides this, stand the expense of installing and operating the water plant." the water plant.'

Another hydraulic engineer of national reputation says: "I think that as a general proposition the suggestion that all water powers to which the Government consents should pay royalties, and especially where the parties own their riparian rights, would tend to defeat the development of most water powers and would certainly very much curtail the number of water-power developments. I am impressed with these conclusions because of the present difficulties in financing good water-power propositions."

In Power, May 19, 1908, is an article by Henry Docker Jackson, in which a critical comparison is made between steam and water power. In this article occur the following tabulated estimates of cost of installation and of annual operation, based upon a (theoretical) installation of 1,000 horsepower. The costs are averages of a number of different plants:

Plant cost.

Plant.	Steam.	Water.
Building and works	\$10,000 48,000	\$77,000
Turbines and generators Transportation lines, etc., 20 miles	15,000	17,000 40,000
Total	73,000	134,600
Fixed charges.	and the second	name of
Interest	\$3,650 6,160	\$6,700
Water	600	
Operation	3,400	3,800
Oil, waste, etc	1,500	2,680
Depreciation	3,650	3,500
Taxes	1,460	2,680
Insurance	650	
Total	21,840	19,860

-Cost per indicated horsepower per year: Steam, \$21.84; wa-Cost per horsepower

	Steam, 88 per cent.	Water, 95 per cent.
75 per cent load factor	\$24.82 39.92 54.60	\$20.90 32.00 45.00

From the last part of these tables it is very evident that a royalty of \$20 per horsepower would turn the scale wholly in favor of steam under all conditions of load. In fact, it is reasonably certain that \$5 per horsepower per annum would be an outside figure, and even this would often be prohibitory. The situation will not necessarily be improved by the growing demand for power, but rather by the diminishing supply and increased cost of fuel. So long as coal can be had for anything like present rates, no very great charge can be realized from water power wherever fuel is readily available. Under present conditions \$120 per horsepower may be considered as an average limit for first cost of a water-power plant, if it is to compete with steam. A charge of \$20 per horsepower per annum would be equivalent to doubling this first cost.⁴

A variable element in the cost of water-power development

A variable element in the cost of water-power development is the distance from plant to market, or the length of the transmission line. When this is very great, as in numerous plants in the mountain districts of the West, it makes a large addition to cost of installation, and must correspondingly reduce the royalty that could be paid for the power itself.

An interesting example of what the Forestry Service has been able to do in this line with unimproved water powers is that of a recent permit for the development of a large power in the Cascade Mountains within the forest reserve. The beneficiary of the privilege is required to pay annually for "conservation," 10 cents per 1,000 kilowatt-hours—equivalent to 65 cents per horsepower per year continuous running. The right is retained by the Government to increase this charge 25 per cent every five years for a period of forty years, after which the whole arrangement may be readjusted. The maximum charge at the end of the forty years will therefore not exceed \$4 per horsepower.

The only way in which a rental of \$20 per horsepower can be obtained with any degree of certainty, and that in only a small proportion of the localities for many years to come, is for the Government to build the plants. It is admitted that this suggestion will grate harshly on many ears because of its newness and its departure from the established ideas. But a little consideration will show it to be not only the best way for both private and public interests, but really the only practicable way. This may be illustrated by a concrete example:

The Government has just completed a survey and adopted a project for the construction of what is known as the "Lake Washington Canal," in the city of Seattle. It is a canal to connect Lakes Union and Washington with Puget Sound. The discharge from the tributary watershed which will flow through the canal averages about 1,500 cubic feet per second. The mean fall at the lock site is about 15 feet. The theoretical energy is about 2,500 horsepower, but owing to the tidal fluctuation and variations of flow with the seasons (which can not be wholly eliminated on account of the necessity of limiting fluctuations of level in the lakes to about 3 feet) and also to the requirements for canal power, lockage, and leakage, it was thought that about only 1,000 horsepower could be depended upon with certainty for outside use. As this power is located in the heart of a great city, it seemed as if it ought to be turned to good account in helping bear the cost of maintaining the canal. Efforts to obtain tentative propositions for developing this power were, however, wholly fruitless. The plan was then considered of having the Government build the plant and lease it to consumers of power. On this basis a tentative offer was obtained from a responsible consumer to take the plant, operate it, keep up all repairs, and pay the Government \$18 per horsepower year. Probably by the time the canal is completed a figure of \$25 can be obtained, and as more than 1,000 horsepower will probably be developed it is likely that the Government will receive upward of \$30,000 per year for this power—enough to pay the entire cost of operating the canal. The extra cost to the project of adopting the power-plant feature is \$220,000, so that the revenue will be nearly 14 per cent upon the expenditure.

In recommending this plan to the department it was pointed out that the true advantage of the Government, even apart from the revenue expected, favored its adoption. It simplified the whole relation between the Government and the consumer. If private interests were to build the plant they would acquire vested rights which would always stand in the way of future control and lead to complications if it should become necessary to terminate the arrangement. With the plant in the possession of the Government and the users standing simply in the relation of lessees for a limited period, without great initial expense on their part, and with freedom on the part of the Government to control the arrangement without the complication of private ownership, the whole plan would stand on a simple,

a Mr. Leighton cites the Falls of the Ohio as an example of an opportunity to develop 110,000 horsepower by aid of his proposed reservoir regulation. This he states, at \$20 per horsepower, is 3 per cent interest on \$73,000,000. To anyone familiar with the physical conditions involved in the development of this power it will appear extremely doubtful if any company could guarantee to deliver continuously this amount of power, even with the full aid of reservoir regulation, and pay any royalty whatever.

practical, business basis. This view prevailed with the department and is now before Congress for adoption, being possibly a departure in this line.

The principle involved in this case should be given general application. In addition to avoiding complications with private ownership, there are other important considerations. When a power is developed or a reservoir built, it should be so planned from the start as to bring out its full possibilities. A private company can rarely do this. Generally its scheme does not require it nor its resources permit; but a site once occupied by an inferior work may be perpetually barred from complete development. Moreover, in any such work the Government can derive a greater benefit than any private individual or association. A private company must build for the immediate future; it can not wait long for dividends and it can generally realize only on such application of the power as is possible in the immediate vicinity. The Government, on the other hand, derives all the benefits which come from the stored water anywhere on its course from the reservoir to sea. These benefits arise from all the powers through which the water flows, from the improvement of navigation and the prevention of floods, and from every other use to which the water can be put. Furthermore, the Government is building for all time, while the individual builds only for the present and near future. The case is similar to that of landlord and tenant. A tenant can not afford to make improvements on the farm because it is not his and he may remain on it only a short time. The most he can do is to get out of the farm what he can in its actual condition. The owner, on the other hand, can put in improvements which yield him no immediate return because he holds the property long enough to realize upon them. So it is with the Government; it can wait for realization upon its with the Government; it can wait for realization upon its improvements much longer than a private company. In forestry, for example, no individual can afford to wait from three to ten generations for a crop. Only the Government or a great railroad corporation can do this. Likewise, in building a great railroad corporation can do this. great reservoirs no private company can build for the distant future. It is only the landlord that can make such far-reaching improvements upon his estate.

Wherever, therefore, there arises any real demand for power development at the site of any government work, as a lock and dam, the judicious course would seem to be for the Government to prepare a comprehensive plan for development capable of being carried out progressively as the market for power may justify. Let it then build the plant as fast as needed and lease it to private agencies under suitable restrictions. Likewise, when the building of a reservoir promises to be of obvious utility, and the conditions are such as to make it properly a subject of government adoption, let the Government build it, utilizing the water in its own plants below and collecting a revenue from private plants that may use it. Whenever at the time of construction there is a direct return in sight of 2 or 3 per cent, it should be considered justifiable from a government point of view. The certain enhancement in the future value of such utilities and the incidental advantages in flood protection and navigation make this a conservative proposition.

That difficulties will be encountered in deriving the full return from its work to which the Government would be entitled can not be denied. This would be the case particularly wherever it is a question of compelling existing power plants to pay for the extra water they might receive through government storage. This question came up before the Mississippi reservoir board in regard to the powers at St. Anthonys Falls which derive such benefit from the reservoirs. The board remarked as follows on the subject:

"It may be urged that if the incidental benefits of the reservoirs to the water-power interests are so great, these interests should be required to contribute something to the maintenance of the system. There would doubtless be a willingness to do this if a satisfactory method could be found. But there is no practicable method of enforcing any charge upon the use of this water. Where water is taken in a separate channel from above a dam or lock and conducted to a mill, it is a simple thing to measure it and to cut it off if it is not paid for. But when it must be let into a natural stream, where it mingles with the run-off from below, it is impossible to determine what proportion of stored water the mill may be using, or to enforce its nonuse if not paid for. But, if such an arrangement is not practicable, that fact does not constitute an argument against the reservoir system. So long as the reservoirs are performing the service for which they were created, every additional benefit derived from them is only an additional argument in their favor."

These disadvantages will adjust themselves in time. Such, in the opinion of the author, must be the basis of any great reservoir system in our country—industrial use. Even in

the uniquely favorable conditions at the headwaters of the Mississippi, no one can doubt that the real purpose being served is that of mill power, whatever the theory upon which the reservoirs were built. The great system of the Far West is being built for irrigation, power, and domestic supply. So on the Ohio and other eastern streams, the system must rest upon an industrial basis and expand only as industrial demands justify. The innovation involved in building reservoirs with public funds for these uses is admitted; but it is no greater than it was ten years ago to build them for irrigation. When the author was investigating that subject in 1896-97, he found a widespread opposition throughout the arid regions against government control of irrigation works in any way, and in his report he went no further than to advise the building of reservoirs for giving the people more water, leaving its distribution exactly as it was Yet in the short space of ten years public sentiment has completely changed, and to-day no one questions the wisdom of the broader plan upon which these works are being carried out. So it will surely be in regard to reservoirs in all other parts of The principle is the same. It may be accepted the country. that only the General Government can do this work in the comprehensive way in which it ought to be done, because only the Government can reap all the benefits; only the Government can wait the long periods necessary for full returns; and only the Government has the necessary resources to make expenditures on the required scale. These points will not be enlarged upon, and the many and cogent reasons why this is so will not be given. The trend of public thought is all in that direction. The old idea that the Government can not execute great works or small as cheaply, efficiently, and expeditiously as private agencies is fast being dispelled, and the vast benefits which the people derive from public control of important enterprises are coming into fuller recognition all the time.

The foregoing remarks should not be construed as in any way rejecting the idea of local help by States, counties, cities, or even private agencies. It often happens that public works have a special local importance in addition to their public value. It is just and proper in such cases that local aid be given. This principle is now fully incorporated in river and harbor legislation. For example, the Lake Washington Canal, which will be of very great local importance to the city of Seattle, is a joint enterprise between the Government and the city, the latter paying fully one-third of the cost. The cooperation between the United States Geological Survey and the several States in preparing a contour map of the country is an example on a large scale. The principle ought to find an extensive application in the establishment of national forests throughout the country.

CONCLUSION.

This paper will be closed with some reference to the relation of navigation to other uses of our streams, and to certain legal obstacles that stand in the way of comprehensive measures. That the improvement of our inland waterways should be organized upon a more rational system than it has ever been; that the reciprocal relation between navigation, water power, etc., should be given practical recognition; above all, that the prosecution of these works should be placed upon the same sure basis as is the construction of the Panama Canal, with positive assurance that, when once commenced, funds will be forthcoming for their prompt completion, would seem to admit of no doubt. How far navigation should be correlated, in improvement work, with other uses of the streams, is an open question. Water power and navigation are in many cases so closely related that they will have to be considered together. In regard to soil wash, no such intimate relation exists. To whatever extent soil erosion now exceeds that of former times, it relates almost exclusively to cultivation and has no appreciable influence upon the channels. Its control is of far greater importance to agriculture than it is to navigation. This is also true of irrigation, which, so far as it affects navigation at all, affects it injuriously. If the development of irrigation is ever carried to the length that we hope it may be, it will cause a heavy drain upon the low-water flow of the Missouri, Sacramento, San Joaquin, and the Columbia rivers (not important as to this stream), the only navigable waterways of consequence that are affected by it. Except for this fact of drawing water from the streams, irrigation has no relation to navigation.

Forestry, irrigation, and prevention of soil wash are all re-lated to the conservation of the vegetable resources of the coun-They are kindred purposes and should naturally fall under the same administrative control. Navigation is a function of transportation, which is a very different subject. Water power is becoming more and more closely related to it, and these two subjects naturally go together. It must not be expected that the character of works for river regulation can be materially changed by means of reservoirs, forests, or soil-wash prevention.

Levees and bank protection, locks and dams, dikes, and dredging will continue to be standard methods of river improvement in the future as in the past. The accumulated experience of centuries in all civilized countries can not be set aside in a moment. In particular, flood protection is not likely ever to find any complete substitute for levees. They have been used extensively the world over throughout recorded history. People who think only of the Mississippi and the Po, when levees are mentioned, little understand to what an extent "diking" is resorted to wherever rich bottom lands have to be guarded against floods or tides. Some of the finest agricultural lands in the world are behind levees, where almost perfect security is felt. No class of river control is in more extensive use, none is better understood, and from none has the world, throughout its

history, derived greater security and benefit.

Municipalities, like Pittsburg, Cincinnati, and Kansas City, must look in the main to their own efforts for protection against floods. In particular they must reject absolutely the delusive promises of forestry. These cities are trespassers upon grounds dedicated by nature to a condition of overflow. They have occupied these grounds and placed themselves in the way of the floods deliberately and with their eyes open. They have gone further than this, and in many instances have encroached upon the channels and have thus made the floods worse than they used to be. It is not for them now to look for outside deliverance, but they themselves should grapple courageously with the problem. In most cases these problems admit, if not of complete solution, at least of a very large measure of relief. The maxim that "Providence helps them who help themselves" may also apply to the Government. Cooperation in connection with its regular work, either in channel improvement or in the building of reservoirs, would doubtless be given. The disposi-tion which must be met and overcome is to let things go as they are, trusting blindly to chance to deal more kindly in the future. This supineness of spirit and the enervating reliance upon in-definite future relief through the agency of the Government must be replaced by self-reliance, and these great industrial centers must rise in their own might and free themselves from their bondage to these ever-recurring catastrophes. In Boston, Chicago, Galveston, San Francisco, and even that lusty young giant of the Northwest, Seattle, are examples enough of what an aroused civic spirit can do in the direction of self-aid.

The part that reservoirs will play in the larger problems of channel improvement and flood control on the great rivers will be in the nature of an insurance. Every cubic foot of water taken from the crest of a flood and released when the rivers are lowest is pro tanto a benefit. If the great floods of the Mississippi can be cut down by so much as a foot through reservoir storage, it will be an immense gain; and the same will be true if the low-water stages can be increased by 2 or 3 feet. Whether the much greater results expected by Mr. Leighton can ever be realized is a question which the future alone can de-

termine

A word, finally, concerning the legal obstacles in the way of a broad government policy looking to the development of national forests, and the storage of water on an extensive scale. The expansion of government work into fields of obvious utility is often blocked by the structure of our Government through the bar of constitutional prohibition or at least lack of power. It is said that the purchase of lands for the rearing of forests for timber alone is unconstitutional, and that the same is true of the storage of water for any other purpose than navigation; and yet, forests for timber and reservoirs for power must always remain the real justification for public expenditure along these lines. To the average understanding the distinction between things constitutional and things unconstitutional is often hard to discern. The Government is now expending millions in storing water and conducting it upon land whereby the products of the soil may be obtained. It is applying this water to both public and private land, or to lands that were in private ownership when the projects began. Is there any real difference between providing the power to raise sugar beets, for instance, and that for manufacturing them into form for human consump-

a The author is not closely familiar with the situation at Pittsburg and Cincinnati, but he is familiar with that at the two Kansas Citys, where, in 1903, the greatest loss occurred that any American city ever sustained at the hands of a river flood. He speaks from the results of careful study on the ground when he states with the utmost positiveness that, for approximately \$10,000,000, with such aid as might reasonably be expected from the Government on the Missouri River front, the flood problem of the Kaw and Missouri in that hive of industrial enterprise known as the "West Bottoms" can be solved absolutely; the too small area of these bottoms can be increased by upward of 200 acres; two-thirds of the bridges in the same area can be eliminated; that prodigious barrier to free movement—the Kaw River—can be practically removed or placed where it will not be in the way; and the general situation can be so improved that the resulting benefits, wholly apart from that of flood protection, would be well worth the cost.

tion and transporting them to the consumer? Are not the last-mentioned purposes quite as necessary as the first?^a And again, is there any distinction in principle between improving a river so that boats can navigate it and improving it so that it may provide power that will transport produce by land as well

as by water?

Again, the Government has accepted gifts of land like the Yosemite Valley and the Muir redwood grove, to be given over to the enjoyment of the people and involving perpetual expenditures for mainfenance in the future. It has traded lands of its own for lands with which it has parted ownership. It reserves vast areas to-day which might be private lands to-morrow. What is the distinction of principle between doing all these things and buying outright lands that are needed for the same or similar purposes? They are distinctions without real differences. They concern the letter and not the spirit, and they can not stand whenever the interests of the public really demand

Still, it is probably a fact that federal authority to buy lands for forest culture alone and to create reservoirs for industrial use exclusively would be considered by the courts as transcending the power of Congress under the Constitution, and it is this fact that forces those who believe in having the Government do these things to strain the truth by attempting to prove that they are necessary for navigation and for the prevention of floods. It enforces a policy of indirection instead of permitting these things to be done squarely for their real purpose and as a matter of right. In his address before the Judiciary Committee, in its hearing on the Appalachian bill, Mr. Pinchot stated that that proposition must stand or fall upon the theory that the forests regulate stream flow, and are therefore useful to navigation. Did he not refer to the particular point here under consideration, that on any other theory the measure would be unconstitutional? Surely he did not mean that the cause of forestry itself must stand or fall upon any such issue.

Does not this situation suggest the necessity for an important

initial step which shall sweep away these artificial barriers and let these great questions stand or fall on their intrinsic merit? If the upbuilding of new forests, if the storing of our flood waters, are necessary measures for the welfare of the Nation, the way should be cleared for their accomplishment. There may be differences of opinion about amending the Constitution in the interest of uniform divorce laws, popular election of Senators, and the like; but if we may judge from the universal agreement upon the particular subjects here considered, every State in the Union would ratify an amendment giving to Congress the power to legislate for the conservation and development of the natural resources of the country

The author should possibly state, in justice to the official body of engineers to which he belongs, that the arguments presented in the foregoing paper are his individual opinions only. He is not acquainted with the views of any other officer upon the subjects treated, except as he has seen them expressed in official reports or in the public press.

Mr. SCOTT. Mr. Chairman, I would like to inquire how

much time remains to this side?

The CHAIRMAN. The gentleman from Kansas has seventy-

three minutes remaining.

Mr. SCOTT. I yield thirty minutes to the gentleman from Wyoming [Mr. Mondell].

The CHAIRMAN. The gentleman from Wyoming is recog-

nized for thirty minutes.

Mr. MONDELL. Mr. Chairman, in these days of rampant paternalism, when pretended apostles of individualism and states rights not only accept but applaud and pursue every federal encroachment on the domain of state authority and every project of state socialism which is sugar coated with an appropriation, when a period of somewhat thoughtless indifference of the limitations of natural resources has been followed by a carefully nurtured and somewhat hysterical sentiment for so-called "conservation," anyone who presumes to discuss the Forestry Service otherwise than in terms of the most extravagant laudation is certain to be misunderstood, misinterpreted, and roundly abused. Furthermore, I realize that to one in legislative life the pathway of concord and harmony with powerful governmental agencies is the way of peace and prosperity, and it is with a full realization of these facts that I shall say what I feel it is my duty to say with regard to the Forestry

Mr. BARTLETT of Georgia. Mr. Chairman-

Mr. MONDELL. I wish I could yield to the gentleman, but I have only limited time.

Mr. BARTLETT of Georgia. I want to ask the gentleman to except some of the southern Representatives from being in favor of that measure.

Mr. MONDELL. With great pleasure. I know that the gentleman from Georgia has always been a good Democrat in that

as in all respects.

Mr. DRISCOLL. And is consistent.
Mr. MONDELL. He is consistent always.

I feel somewhat responsible for this service, because I was the author of the bill that transferred the forest reserves from the Interior to the Agricultural Department, and I labored earnestly for that consummation with confidence-at least, with hope and faith-in the assurances of certain distinguished gentlemen that the resulting consolidation of government agencies having to do with the advancement and promotion of forestry would be in the interest of economy and good service and would remove certain friction over forestry matters existing between the Agricultural and Interior departments, a friction partly inevitable to a divided jurisdiction, but which some people were unkind enough to suggest was due in a larger measure to the ambition of the one department to force the other from the jurisdiction it coveted; however that may be, it was in the hope of rescuing the western people from beneath the upper and nether millstones of rival jurisdictions and in faith of promises of economy and fair and reasonable administration that the transfer was made.

I fully realize that there are those here and elsewhere who, in view of the disappointment of honest and reasonable hopes and expectations, could, if they were disposed to, register a very emphatic "I told you so," in view of the fact that an expenditure of \$350,000 per annum for the administration of 85,000,000 acres of forest reserve by the Interior Department has increased to an expenditure of \$3,896,200 the present fiscal year for the administration of 151,000,000 acres and a proposed expenditure of \$4,646,000 for the administration of 168,000,000 ture of \$600,000 this year and a proposed expenditure of an equal amount next year for so-called "permanent improvements." acres during the next fiscal year, not to mention the expendi-

The true bureaucrat measures his own importance and lavs his claim to fame on the amount of money the expenditure of which he controls, and particularly by the amount in lump-sum appropriations, and on the extent of territory and the importance of the interests over which he exercises autocratic control. Judged by these standards, the Forestry Bureau ranks high-in fact, in extent of autocratic power it has no rival under our flag. I doubt if it has in any civil administrative bureau anywhere outside of Russia.

This is true so far as the character of the control is concerned not so much by reason of statute as of rules and regulations, as to the legality of the most oppressive of which, by the exercise of extraordinary-if it were not unparliamentary I should be tempted to say devilish—ingenuity, it has through its advantages as a government agency succeeded in avoiding direct issue in the cases which have been brought before the

Ours has come to be the most expensive Government under the sun, and is fast becoming bureaucratic enough to suit the most exacting believer in autocratic government. I do not expect those who hail from east of the Missouri to accept this except as a figure of speech, for one must live beyond the Big Muddy to fully realize how far we have progressed in the di-rection of an autocracy that is far from being benevolent, and one must wander on and about a western forest reserve to realize the full import of the situation, for whatever may be said with regard to other lines of federal activity, one can truthfully give the palm to the Forestry Service for extravagance of expenditure and real mediæval bureaucracy.

I have not the time in the course of a brief speech to go into any considerable detail as to the character of the unnecessary and extravagant expenditures of this bureau. A mere statement of the sum of its expenditure is sufficient, particularly when one realizes that with the modest expenditure of \$350,000 the Interior Department not only protected the forests from fire but made a reasonably satisfactory start in the matter of improv-

ing the reserves.

EXTRAVAGANT EXPENDITURES.

During the past year the Forestry Service-let us hope within its authority, but without specific authorization of lawlished six elaborate and expensive administrative district head-Possibly it was wise from the standpoint of efficiency to establish administrative districts. In a proper way and along proper lines I am inclined to think that may be true, but what was done was peculiarly in line with the policy of the Forestry Service, which is to increase its lump-sum appropriation and

^{*} It has even been hinted by high judicial authority that the reclama-tion act itself would not stand the test of constitutionality if brought into court.

decrease its statutory roll and to increase its prestige and in-

fluence without regard to expense.

The change in policy gave an excuse for the reduction of the statutory roll in Washington, but actually resulted in an increase in the cost of the purely office force of the Forestry Bureau in Washington and at the division headquarters in the sum of \$755,300, besides an estimated increase of a large amount for rent, according to the figures given by the bureau in its estimates for the present and for the coming fiscal year.

The estimates for the clerical forces of the six district headquarters for the next fiscal year amounts to \$835,360. This enormous expenditure might be partly justified if it led to anything like a corresponding decrease in expenditures elsewhere; but there is no such corresponding decrease, for the estimate for the Washington office for the next year is only \$81,060 less than the estimate for the same office for the present fiscal year, leaving a net increase in proposed expenditures for the office force of \$755,300, as I have stated. No wonder the bureau clamored for an increase of \$1,500,000 in its appropriation.

The committee has given the bureau an increase of \$750,000 in this bill over the appropriation for last year, and this is claimed to have been made necessary by the addition of 17,000,-000 acres to the area of the forests. In view of the fact that, according to the bureau's own statements, but little supervision is given to additional territory the first year, it would hardly seem necessary to greatly increase the appropriation for this reason; but assuming that it is to cost as much to administer this 17,000,000 acres as it is claimed to have cost to administer the balance of the reserves, or about 1 cent an acre, \$170,000, rather than \$750,000, would be the amount to add. But assuming that this additional territory is to cost as much per acre for all purposes as the entire acreage of the reserves did last year, the increased appropriation should not have been \$750,000, but less than \$450,000.

The fact is that this increased appropriation is intended to cover the increased cost not for work upon, nor for protection of, the forests, but for the maintenance of elaborate and expensive division headquarters, with very high-salaried superintendents and assistant superintendents and aids and assistants of all kinds and character paid for out of the lump-sum appropria-Under it, any kind and any number of salaries can be

However, inasmuch as it is hoped that the establishment of these headquarters will have some little influence in stemming the tide of popular opposition to certain policies of the bureau, at least in the immediate localities in which they are situated and as Uncle Sam is rich, and in any event the West will eventually have to pay the fiddler, they are, no doubt, considered

worth all they cost.

I was much interested in reading the statement of the Chief Forester before the Agricultural Committee in regard to the provision which was made in the appropriation bill last year on my motion intended to limit and restrict the Forestry Service in its policy of self-laudation, on the one hand, and of criticism and condemnation of those who did not find favor in the eyes of the bureau, on the other, through its well-regulated publicity bureau, and I was not greatly surprised to find that after considering the matter and consulting with the Attorney-General they concluded to and did continue to do just what they had been doing before.

My notion is, however, that they have not done all of the things that were done before that provision was adopted. However, evidently the bureau expects to have a good deal of laudatory advertising work to do with its typewriters the coming year, for I notice that the forests are to be protected and conserved, and the stream flow of the country regulated, through the use of \$34,620 worth of typewriters, which they estimate as necessary for their needs, though in order to keep these busy it is expected to use only \$16,000 worth of paper, though \$22,000 worth of envelopes are to be used to inclose the same, and \$7,000 worth of card indexes are supposed to be required to keep track

of the correspondence.

It has long been a standing joke in the West that many of the gentlemen imported by the Forest Service, at high salaries, from eastern forestry schools, require a guide whenever they go into the woods. Evidently the service is trying to meet this unfortunate condition of affairs, for it expects to use \$10,000 worth of compasses the coming fiscal year. When they have purchased the \$6,000 worth of field glasses, which they anticipate the need of in their estimates, I am very much in hopes they will be able to see some of the homeseekers on and about who now seem invisible to the gentlemen of the service.

From the standpoint of the West, and I believe from the standpoint of good government everywhere, there are serious objections to unnecessary and extravagant expenditures be-

side that of the drain on the Treasury at a time when we are facing a deficit. First, extravagance in one branch of the Government breeds extravagance on all others that come in contact with it, and the high salaries which are certain to be paid, and the extravagant expenditures which seem to be inevitable, under lump-sum appropriations, breed discontent and dissatisfaction in other branches of the government service which are cognizant of them.

An extravagant service puts on airs among its fellows, attracts their best men, renders discontented those less fortunate. and breeds dissatisfaction even in the service itself when, as in the case of the Forestry Service, the high salaries and the pleasing employment go to the favored of the service, leaving those actually engaged in its hard work in many instances grievously underpaid. Second, enormous lump-sum appropria-tions, under the best administration, are bound to be misapplied in some instances, and to be used without the care and economy that guards a specific appropriation; and the temptation is constantly present to use them in every way possible within the most liberal construction of authority for the purpose of building up not only the present plant, plan, and purpose of the bureau, but in furthering its future plans, purposes, and am-

That the Forestry Service has done this there can be no question. It has been the advocate, champion, and promoter of the most extreme policies of federal expenditures and of the extension of federal jurisdiction and control that has been proposed by anyone, including the proposal to purchase unlimited areas of private lands within Eastern States for the purpose of putting them under exclusive federal jurisdiction, and the proposition for the federal control of every use of the public lands pending their absorption into private ownership, or rather with a view of retarding such absorption. No fad or scheme having for its purpose the expenditure of public cash for the extension of federal authority but has had its support within the limitations set by the accounting officers of the Treasury, and as a corollary of this situation the service has had the devoted and unquestioning support of all the advocates of these various projects.

PLOWING WITH THE BUREAU HEIFER.

One of the most tempting and absorbing games of the day is that of plowing every stony and questionable field within which federal appropriations and federal activities are invited with the government bureau heifer. The bureau is always a "Barkis," if the effort promises vast stores of succulent governmental appropriation provender, and the game is always in full swing, Sundays and holidays not excepted, on the back lot, and sometimes in the front yard, of every bureau flush with millions of federal cash in a lump-sum appropriation; and, unfortunately for the public good, too often both the bureau and the other interested party wins. Alas, in many quarters it is considered extremely impolite, not to say impertinent, by both parties in interest to have anyone suggest that the poor old Constitution and the now somewhat emaciated Treasury, neither of which have any friends with either crowd, are sure to get the worst of it.

From the standpoint of the West, particularly, the constantly increasing extravagance of the Forestry Bureau is a direct menace in that the rather curious view has been adopted that while the country as a whole bears the cost of other great national undertakings, the people in the West must eventually bear the load of the forest reserves. In fact, the brethren of New England and the Southern Appalachians are now looking with covetous eyes upon western forest lands as a source from which to draw the vast expenditures they contemplate laying upon the Federal Government for undertakings which no selfrespecting Commonwealth ought to ask any assistance in.

When the forests were transferred to the Agricultural Department one of the claims made, and if I recollect rightly, one of the assurances given, was that the service would soon be selfsupporting. On the contrary, the gap between income and expenditure has been constantly widening, in spite of the fact that in localities where there is a demand for timber the bureau has been depleting the forests much more rapidly than they have ever been depleted in the past. In one reserve in my State a virgin forest which required from one hundred and fifty to two hundred years to attain its growth is being cut at a rate that will exhaust all of the available matured and maturing timber in less than ten years. I do not pretend to say that this forest is being cut too rapidly. It is true, however, that when it is cut its like can not be again harvested on the same ground for a hundred years at least.

With the growth of forestry expenditures the demand for a larger revenue will increase, and what shall be done to make a reserve such as I have mentioned pay its proportion of the extravagant office and general expenses of the service during the century that it is reforesting? I have no doubt but what the Forestry Service will be ingenious enough to secure the revenue by laying a burden on every industry and every use of the reserve. Already the foundations of these charges are being laid in the revocable permits being granted, oftentimes for purposes for which Congress has granted a permanent right of way, in the attempt to lay a toll upon the use of water and to hamper and restrict the acquirement of every right that will not pay tribute to a federal landlord.

I hear surprise expressed that a western man should object to large federal expenditure in his region. Some of the brethren are so enamored, as we all are inclined to be, of federal expenditures in the territory they represent that they can not realize why we do not welcome these expenditures. If every dollar spent for rivers and harbors or public buildings or military posts fastened more firmly an arbitrary control not necessary to the accomplishment of any proper public purpose, and threatened an ultimate toll running through all time, the appropriation might not be so welcome.

Every dollar unnecessarily expended by the Forest Service increases the pressure on the service to obtain additional revenue, and while for the time being, under constant fire of criticism, they have not increased their charges, and in some instances have slightly decreased them, they are more confidently than ever insisting upon the right to revenue from every source and laying the plans to secure it. They now deny the right of a settler to the free use of a handful of timber, though they still grudgingly give it to him as an act of grace, but surround the taking of it with miles of red tape.

I look from my dooryard, when at home, over a wide expanse of forest reserve, with millions of feet of timber dying and menacing the surrounding territory with fire and the spread of the beetle that has wrought destruction there, so bound round with red tape of administration or held at such a price that there is little incentive to remove it. All attempts to secure some of it for firewood, coupled with an offer to pay the price asked, was met with the fixing of such conditions as to make it impossible to utilize it, and there it rots.

On the same reserve settlers attempting to secure a foothold in open mountain valleys, where their presence would, in the language of the forester, be a benefit to and lend security to the forest, are met with tedious delays, though the bureau has a corps of high-salaried officers to meet such cases, and ultimately are subjected to an expense of all the way from \$75 to \$150 for the survey of their little mountain farms amid the snows. The Forestry Service may say it is not responsible for this expense. From a thorough knowledge of the situation, I have no doubt but that if the service took an interest in the matter the expense could be reduced one-half—probably more—but the officials of the department are too busy establishing elaborate headquarters, following fads, arranging conservation conventions from Canada to Mexico, making extensive tours in the interest of the uplift of the farmer to have any time for these struggling frontiersmen attempting to get a foothold in the soil and establish American homes in the wilderness.

GOVERNMENT MONOPOLY.

Quite recently the Chief Forester stated before the Agricultural Committee that the service was not taking advantage of the government ownership of all the forests in certain districts to secure a high price for stumpage. This is a statement which we can all approve, but it is unfortunate, both for the Forestry Service and the people who use the products of the reserves, that this fair policy is not generally followed. If it were, there would not be a price of \$1 to \$1.50 a thousand for stumpage in districts where the Government owns but a limited portion of the timber supply and of \$5 or more per thousand in districts where the Government has a monopoly of all the timber. Why should the people of Wyoming pay \$4 or \$5 a thousand more for their lumber because the Government owns the timber supply and has a monopoly in certain parts of the State than in Oregon and Washington, where the government monopoly is tempered by private ownership? Why do my constituents in a part of the State where the Government has practically a monopoly in timber pay such price as competition fixes above a minimum of \$5 per thousand, fixed by the government moa minimum of \$5 per thousand, fixed by the government ind-nopoly—the Forest Service—when my neighbors in the vicinity of my own town pay but \$1 to \$1.50 a thousand stumpage for timber cut from state and privately owned lands? And yet they tell us the Government does not avail itself of its opportunities as a monopolist of timber.

Thanks to the criticism and the ridicule that have been heaped on the absurd requirements as to piling and burning of brush, fixed by some of the dude inspectors of the service, the practice in this direction has become somewhat more sensible and

reasonable, though in some regions the Bourbon theorists of the service yet have much to learn in this direction.

The Forest Service estimates that one-third of the area included in the national reserves is unforested. I will not pretend to say that this is not a fair estimate for the forest reserves as a whole, for there are a number of them with which I am not at all familiar; but in the Rocky Mountain region—at any rate in Wyoming—the proportion of unforested lands is much greater. I think it is safe to say that 60 per cent of the area of the forest reserves in our State contains no timber at all, and a large proportion of this 60 per cent is in no way adapted to the growing of timber.

adapted to the growing of timber.

The result of the inclusion of this vast area of nontimbered land in the reserves is that the so-called "forest reserves" are many of them grazing rather than forest reserves, as is indicated by the fact that the receipts for grazing during the past fiscal year exceeded the receipts for the sale of timber by more than \$100,000; and it is over the use of these grazing lands that a large amount of the friction prevailing throughout the West occurs.

Much of this friction could have been avoided and can be overcome by excluding from the reserves nontimbered land wherever possible. But this is not in accordance with the policy of the bureau, which is to extend its jurisdiction as widely as possible, not only over forest lands and lands that may be forested, but over lands that are to remain perpetual grazing lands.

It is true that under strong pressure the bureau did reduce the grazing fees in some instances the past season, but there is almost universal complaint, in my State, at least, and I think largely elsewhere throughout the West, that discrimination and favoritism are practiced as between classes of live stock and individuals; that vast areas of fine mountain grasses are not utilized at all, but are allowed to become a menace through the opportunity afforded for the spread of fires, because the Forest Service has a habit of assigning certain territory to the use of certain kinds of live stock and of keeping all other kinds out when there is not sufficient numbers of the kind of stock assigned to utilize the grasses or the conditions are such as to make such utilization impossible. There are large areas within the reserves which are grazed but little, if at all; because, while they are ideal pasture for sheep and not at all suited to the pasturage of cattle, the service insists that they shall be pastured by cattle or not at all.

The specific complaints against the Forest Service which come to a western Member of Congress are almost numberless and have to do with every feature of the department's policy. Complaints from settlers who are entitled to the free use of timber for the building of their homes and farms, on the ground that they are either denied the right to use timber or that the opportunity to use it is surrounded by so many exasperating and irritating conditions as to make the right valueless, and this while vast quantities of timber are rotting in the reserves. Complaints come from settlers at some distance from the reserves that they are compelled to pay grazing fees for the stock they turn on the range, because some of them may occasionally stray upon the reserves.

Complaints are made by people in the towns because of the high price of lumber, caused largely on account of the high price of stumpage; by stockmen of favoritism in granting grazing privileges; by miners of the difficulties surrounding the taking and holding of mineral claims; by settlers of the difficulties of the acquisition of homesteads; and while the service does occasionally put forth an effort to satisfy these complaints, in a large number of cases they are met with utter indifference. One great trouble with the Forestry Service is that it has attempted to carry out its policy by securing the aid and support of the high, mighty, and powerful, the influence of associations and corporations, rather than by rendering services that would commend them to the common people.

I note that whatever criticism is made of the service, in-

I note that whatever criticism is made of the service, instead of any effort being made to remedy conditions, the attempt is made to overwhelm and smother, squelch and annihilate the critic by the shopworn, stupid declaration that the people who are objecting to the forestry policy are the men who want to loot the public domain, skin the public range, and rape the public forests. Declarations and denunciations of this kind never settled any question and never will settle this question of the forest policy in the West, a policy now on trial and a policy which, much to the regret of those who believe in the right kind of a forestry policy, grows more unpopular as time passes. The fact is that the "big interests" have had but little cause

The fact is that the "big interests" have had but little cause to complain, and have had but little complaint of the forestry policy. The live stock association of the country, which represents more big interests than any other, has been favorable to the forestry policy as practiced, and a few days ago passed resolutions to that effect. The Chief Forester a year and a half

or so ago at a western meeting, when asked to pledge himself for free lumber, asked to be excused, on the ground that the lumber interests were all favorable to the forestry policy and

he did not care to antagonize them.

Speaking from my own experience, I will say that no one interested in the purchase of timber lands, in the cutting of lumber or any kind of timber on any considerable scale, has ever criticised the Forest Service to me or in my presence, while I have heard criticisms without number from settlers, miners, stock men, and small purchasers or intending purchasers of timber.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SCOTT. Mr. Chairman, I yield ten minutes more to the gentleman from Wyoming.

The CHAIRMAN. The gentleman is recognized for ten

Mr. MONDELL. Mr. Chairman, this does not surprise anyone who knows anything about the situation. The sale of timber on the forest reserves tends to monopoly. I think I am correct in saying that three concerns, or four at the outside, cut I think I am four-fifths of all the timber sold from the forest reserves in my State. I do not mention this in the way of criticism, but rather as a fact to show that the reserves have made possible large operations, and tend to large operations, where small operations were the rule before the reserves were established.

Mr. Chairman, I realize that some criticisms made against the Forest Service are trivial; that some are unreasonable; but making due allowance for all these, there must be something vitally wrong with a system and a policy which constantly grows in disfavor among honest and reasonable men, and no one who knows the situation, in the intermountain West at least, but knows that the Forest Service has grown more and more unpopular as the years have gone by, and yet it is true that some glaring faults have here and there been remedied.

I realize that some friction will always exist; that some dis satisfaction will always be felt with the best regulated system of national forest reserves. A certain amount of that sort of thing is inevitable in a government bureaucracy, but a good deal of it can be eliminated and removed by the inauguration of a reasonable and sensible policy.

WHAT THE SERVICE SHOULD DO.

The first thing the Forest Service ought to do is to eliminate the areas of unforested lands, particularly from around the borders of the reserves. In the second place, it ought to give less attention to a score or more of commissions for the general uplift with which it has been associated, and pay more attention to the forestry business. It ought to stop trying to maintain its popularity by lending a laboring oar to every man's fad and fancy, and by attempting to stand in with great interests, and pay its attention to looking after the common, everyday citizen who lives in and around and adjacent to its reserves. above all, it ought to cease its propaganda on behalf of a variety of meddlesome, paternalistic, and centralizing schemes and policies which are offensive to a large number of people, and pay more attention to its own particular knitting.

If the Forestry Bureau will follow this advice, discharge about half of its high-salaried chiefs and aids and gentlemen of scientific leisure, it may not be so popular in the East or in certain circles in the West, but it will get along better with the people with whom it has directly to do and in the carrying out

of the useful work for which it was established.

I do not promise perfect conditions even then, for national control of large areas of territory within a State is, at best, an evil, and I fear a growing rather than a lessening one, and I am amazed whenever I hear men who ought to realize the blessings of self-government and local control advocating schemes of federalism and paternalism calculated to hatch a crop of evils that are certain to rise up to plague those responsible for them, and, unfortunately, the balance of the community also.

I realize the States have not done their full duty in all respects, but the remedy is not to call upon the Federal Government to do what the State ought to do, but to arouse public opinion to a performance of its duty by the State, and I look confidently forward not to a still further increase of federal control over the region in which I live, but to a gradually increasing state and local control, believing that in such control is the only proper settlement of many of the questions that now

That the policy of the reservation of western mountainous forested territory and the public control and management of such areas is permanently established no one can doubt. It

upon the scene of action, and within reasonable limits it has always had the support of the western people.

No one fully alive to the inevitable effects of bureaucratic control of large areas within States but realizes that such control by federal authorities is not an unmixed blessing by anv means, but all of the benefits to the people in a locality and to the country at large, intended or expected from the policy, can be best obtained by limiting the authority and activity of the bureau having control of the reserves to that necessary to carry out the purposes for which the reserves were established.

Unfortunately for the success of the government forestry policy, the present Forestry Bureau insists on establishing over vast areas within sovereign States complete autocratic federal control over all resources, industries, and enterprises without regard to any effect they may have on the maintenance of conditions favorable to the purposes of a correct forestry policy.

In my opinion, one of two policies will eventually be established. Either the Forestry Service will be content with such control as is necessary for the carrying out of the purposes for which it was established or the States will earnestly strive for, and eventually obtain, full ownership and control of the territory now in reserves, and I am inclined to the opinion that the latter will be decided to be the best for the West and for all the country. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARDNER of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 85.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Anacortes, Wash., to determine the cost and advisability of its improvement.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. Hale, Mr. Gallinger, and Mr. Teller as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5510. An act for the relief of the owners of the tug Juno; S. 8356. An act to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska; and

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909.

- AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session,

Mr. SCOTT. Mr. Chairman, the act making appropriation for the Department of Agriculture, although one of the smallest of the great supply bills annually brought before the House, probably attracts more general interest in this Chamber than any other, and its provisions are more closely scrutinized and more carefully discussed. The reason for this is doubtless found in the fact that the activities of the department are so widely extended and touch in a vital way the interests of so large a proportion of our people that nearly every Member upon this floor feels that his own constituents are directly concerned in some one or more provisions of the bill. On account of this widespread interest in the department throughout the country, as well as in this body, I trust it will not be considered out of place if, in presenting this measure, I take occasion to review the work of the past year and direct attention, briefly, to some of the more notable achievements of the various bureaus and offices. As the time which I have reserved for myself is limited, I will ask the indulgence of the committee to be permitted to proceed without interruption until I have completed the statement I desire to make.

THE SOLICITOR.

One of the few promotions recommended by your committee was a policy deliberately entered upon and well advanced long is that of the solicitor, whose salary is increased from \$4,000 before those responsible for the present Forestry Service came to \$4,500. This increase is recommended partly because \$4,500 is the salary paid to the solicitor of other departments, but chiefly because recent legislation has imposed upon this officer duties which have greatly increased his work in volume, importance, and responsibility—work which has been done with very commendable industry and intelligence. During the calendar year 1908 there were handled in the solicitor's office 301 cases under the food and drugs act, 46 under the meat-inspection law, 120 under the cattle-quarantine law, 2 under the Alaska game law, 699 under the 28-hour law, and 78 in connection with the

In all, 1,252 cases were reported or determined during the year, and fines and penalties aggregating nearly \$70,000 were recovered. The constitutionality of the food and drugs act has been tested and upheld, and the courts have sustained the de-partment in seizing and destroying goods transported in violation of that act to the aggregate value of nearly \$300,000. The cattle quarantine law has also been held constitutional in a recent decision, in which the opinion of the court follows closely the argument of the brief of the solicitor of the department, while a large number of regulations and orders having the force of law, prepared by the solicitor for carrying into effect the various laws with the enforcement of which the Secretary of Agriculture is charged, have stood the test of the courts. It will readily be seen, therefore, that the importance and responsibility, as well as the volume of work done in the solicitor's office, has materially increased, and the advance in salary is believed to be fully warranted.

WEATHER BUREAU.

The work of the Weather Bureau has followed its usual lines, except that during the past summer, for the first time in its history, weekly forecasts of the weather were attempted, in addition to the usual daily predictions. These weekly forecasts were made possible by cooperation with other governments, as a result of which the bureau here in Washington received daily weather reports from different points in Canada, from Iceland and Japan and Russia, from all the European countries, the Guam, Hawaiian Islands, Alaska, and various islands of the Atlantic. Having thus placed before them every morning the weather conditions existing over the entire Northern Hemisphere, our experts were able to trace the sweep of the great storm waves across the continents and oceans and to predict with very creditable accuracy the general conditions that would prevail in different sections of our own country for a week in advance.

BUREAU OF ANIMAL INDUSTRY.

The Bureau of Animal Industry has made notable progress during the year in eradicating the stock diseases that for so long have levied their annual toll upon our western ranges. Four entire States and parts of two others were released from the quarantine for sheep scale, and portions of four States for cattle mange. The work of exterminating the Texas fever tick was carried on in 12 States, and 40,798 square miles of territory were cleared of the pest. Some idea of the immense amount of work involved in this effort to control and eradicate animal diseases may be gained from the statement that during the year this bureau inspected nearly 60,000,000 sheep and over 20,000,000 cattle, besides supervising the dipping of 19,000,000 animals. One of the very important achievements of this bureau during the past year was the development of a highly effective method of preventing hog cholera by vaccination. It has been esti-mated that the annual loss to the farmers of the United States from hog cholera is not less than \$70,000,000. Tests of the new remedy which have been made during the past few months seem to make it certain that this loss can be almost wholly eliminated when the method of treatment is understood and generally applied. But perhaps the most important work of the Bureau of Animal Industry during the year was the prompt and effective way in which it met the emergency created by the outbreak of contagious foot and mouth disease which occurred last November. This outbreak affected 2 counties in Michigan, last November. This outbreak affected 2 counties in Michigan, 5 counties in New York, 15 counties in Pennsylvania, and 1 county in Maryland, and by the prompt and vigorous action. of this bureau the disease has been practically eradicated with-out being allowed to spread to other parts of the country. To accomplish this result nearly 4,000 animals on 157 farms or premises were slaughtered and buried and the premises disinfected. The measures taken were heroic, but they were necessary, for if the contagion had been allowed to reach the great stock-growing regions and the range country of the West enormous losses would have been inflicted and eradication might have been impossible.

BUREAU OF PLANT INDUSTRY.

Acting upon the suggestions of your committee, the Bureau of Plant Industry has made a special effort during the past year to bring about a proper balance between its investigational, experimental, demonstrative, and extension work, and the result has been highly gratifying. In many sections of the particularly where the advent of the cotton-boll weevil had brought about conditions bordering on panic, the work of this bureau has been especially effective. Through its agents it has come into personal touch with probably 250,000 farmers, and the detail information it has carried to them has been of immeasurable value in aiding them to meet the emergency that confronted them. A large part of the increased appropriation recommended by this committee is intended to be used in extending this work. The remainder of this increase, or a large share of it, will be devoted to demonstration work in cooperation with the Reclamation Service. A large number of the projects which this service has in charge are now completed, and many settlers have entered upon them. But the soil and the climate are untested, and unless they can have the advantage of expert advice and example it is feared that the settlers will meet with failures, which would not only bring them loss and discouragement, but would seriously retard the development of the projects. It is proposed, therefore, to have the trained men in the Bureau of Plant Industry take charge of a small farm on each of these several projects, ascertain by experiment the crops best adapted to the region, and demonstrate the best methods of irrigation and tillage.

One of the very important and difficult tasks imposed upon

the Bureau of Plant Industry by a paragraph in the current appropriation act was that of fixing standards for the grading of cotton. After very carefully studying the problem the officials of the bureau asked the Secretary to call to their assistance a number of gentlemen who might be considered as experts in the handling and grading of cotton. Complying with this request, the gentlemen named by the Secretary, and who generously consented to serve without compensation, were: generously consented to serve without compensation, were: James A. Airey, of John M. Parker & Co., New Orleans, La.; J. S. Akers, of Inman, Akers & Inman, Atlanta, Ga.; Clinton B. Baker, of Lawrence Manufacturing Company, Lowell, Mass.; F. M. Crump, of F. M. Crump & Co., Memphis, Tenn.; John Martin, of Paris, Tex.; George W. Neville, of Weld & Neville, New York City; Lewis W. Parker, treasurer of Olympia Mills, Greenville, S. C.; Nathaniel N. Thayer, of Barry Thayer & Co., Boston, Mass.; and Charles A. Vedder, of John D. Rogers & Co., Calveston, Tax Galveston, Tex.

The committee was assisted in the actual preparation of the official grades by Julies Mazerat, of New Orleans; F. C. Millett,

of New York; and James R. Taylor, of Dallas, Tex. This committee met on Monday of this week and organized by the election of Mr. Nathaniel N. Thayer as chairman. It has been busily engaged during these three days in preparing actual samples of cotton which in the judgment of the experts assisting the committee may be taken as types of the various grades which they are attempting to establish. It is the expectation of the department that when these types have been selected they may be used as samples, and cotton exchanges, agricultural colleges, or any organizations or individuals who may wish to obtain samples may by the help of experts and by comparison with the typical samples on file, if we may so term it, in the Department of the Agriculture be enabled to prepare such samples. And it is the belief of the gentlemen who constitute this committee, and who are recognized as among the most expert and capable handlers and graders of cotton in the United States, that as a result of their work and of that of the department a great benefit will be brought to the purchasers as well as to the sellers of cotton in the simplification of grades and in making those grades more uniform.

THE FOREST SERVICE.

The increase in the appropriation for the Forest Service carried in the bill-\$750,000-seems large, but it is only a small part of that recommended in the estimates, which was \$2,100,000. Since last year new national forests have been created by proclamation of the President aggregating about 17,000,000 acres, while the use of the forests has enormously increased. The books of the Forest Service show that last year the number of timber sales increased 206 per cent, the amount of timber cut 102 per cent, free-use permits 176 per cent, and the number of special permits 67 per cent, while the sales and fees received increased 20 per cent. Summing it all up, the total increase in the amount of business done was 46 per cent. Assuming that there will be a corresponding growth during the coming year, the proposed increase in the appropriation seems fully warranted. The policy of making permanent improvements in the forests, with a view to their better protection from fires, seems to have been well justified by the experience of the past season, as the fire losses were but little over \$1,000,000, whereas if the same rate had prevailed as in private forests during the same season the loss would have been more than \$30,000,000. It is not unreasonable to say that in the matter of fire protection alone the Forest Service has saved for the country during the past year an amount of property equal to the entire cost of its

maintenance for a decade.

It has been the policy of the Forest Service in this as in former years to carefully protect the interests of the small users of the forests rather than to have them monopolized by the great concerns. For example, out of a total of 5,062 timber sales 4,584 were for less than \$100, 326 from \$100 to \$500, 63 from \$500 to \$1,000, 71 from \$1,000 to \$5,000, while only 18 sales were made for timber exceeding in value \$5,000. Of the 19,000 grazing permits issued during the year, 12,600 were for less than 40 head and only 1,278 were for more than 200 head. It might be added in this connection that the condition of the ranges within the forests has so much improved that it was found possible to allow 27,000 more cattle and horses and 205,000 more sheep upon them than were grazed last year. One of the interesting experiments made was the inclosing of a pasture with a coyote stock fence on one of the forests in Oregon, in order to observe the results of permitting sheep to graze freely rather than under the charge of a herder. It is claimed that the pasture thus inclosed showed a carrying capacity of 50 per cent greater than precisely similar ranges on the outside, and that the lambs weighed 82 pounds per head more at the close of the season than the lambs on the outside. This experiment at-tracted a great deal of attention throughout the West and may lead to an entire revolution in the manner of grazing sheep upon the public lands.

The revenue sales of timber during the year was \$849,227.24; from grazing, \$962,829.40; and from all other uses, \$30,425.23, bringing the total receipts up to \$1,842,481.87, showing a deficit between receipts and expenss of \$1,303,518.13, which represents the actual net cost to the Treasury of the Forest Service. Of this amount \$592,169.19 was expended for permanent improvements, leaving \$711,348.94 as all which, perhaps, could properly be charged in the nature of a deficit against the service. It should not be forgotten, however, that there is a great deal to show for this \$711,348.94 in the way of valuable investigations, the spread of the practice of forestry outside of the national forests, the protection of the forests from fire, and the insurance against the timber scarcity in the future.

BUREAU OF CHEMISTRY.

The chief energy of the Bureau of Chemistry during the year has been expended upon the enforcement of the food and drugs act, and its efforts have met with marked success. For the most part, the determinations of the bureau have been accepted without contest, and the manufacturers of foods and drugs have cordially acquiesced in the decisions rendered and complied with the regulations prescribed. In three conspicuous instances, however, vigorous protests were entered by the interests concerned, and in deference to their representations the Secretary of Agriculture organized what is known as the "referee board," appointing to membership upon it Dr. Ira Remsen, president of Johns Hopkins University; Dr. Russell H. Chittenden, of Yale; Dr. John H. Long, of Northwestern; Dr. Alonzo E. Taylor, of the University of California; and Dr. C. A. Herter, of New York. To this board the Secretary referred the question of the wholesomeness or deleterious character of benzoate of soda, sulphur dioxide, and saccharine. The report upon benzoate of soda has recently been made, the decision of the board of referees being to the effect that this substance was not deleterious when used in the ordinary way as a preservative of food. It is expected that the report on saccharine will be ready in a few weeks, while that on sulphur will probably be delayed for several months. The high standing of the scientists composing this board seems to leave no doubt that its determination will be generally accepted; and in view of the enormous business interests involved, the organization of the board, for which there is ample legal authority, seems to be fully justified.

Along the line of its usual investigations the Bureau of Chemistry has made special effort during the year to develop the manufacture of denatured alcohol. A plant of the smallest size practicable for commercial work was erected and alcohol has been manufactured from a large number of inferior farm products and by-products, among other things being low-grade molasses, damaged wheat, corn, waste apples, and watermelons.

The results of these tests are thought to be fairly encouraging and a bulletin describing them will be issued soon.

THE BUREAU OF SOILS.

The Bureau of Soils, in addition to its usual work, has begun a reconnaissance soil survey of the region lying west of the one hundredth meridian and east of the Rocky Mountains, the purpose of which is to outline in a broad way the general character of the soils in that section. During the summer some 40,000 square miles were thus mapped in North Dakota, and similar work in now going forward in western Texas. The bureau discontinued the soil utilization work which it had begun in New York and other States, turning it over to the Bureau of Plant Industry, where it properly belonged, and which has been carrying it forward.

BUREAU OF ENTOMOLOGY.

The Bureau of Entomology has found its resources heavily taxed this year to meet the demands upon it by means of the ravages of injurious insects in all parts of the country. Perhaps the most serious situation anywhere is that which confronts the pear orchards in the Pacific coast, where a parasite known as "thrips" has attacked the trees and destroyed hundreds of acres of extremely valuable orchards.

Its ravages have been so great, indeed, as to seriously threaten the future of the pear industry in the States concerned, and it is a matter for regret that as yet no practical remedies

have been found.

Decided success has, however, attended the efforts that have been made to control scale insects in southern California, and methods of treatment have been perfected which have resulted in a great saving to orange and lemon growers. The work against the white fly in Florida has been carried on with success and seems to be about concluded. The efforts of the bureau to prevent the further spread of the gypsy moth in New England have been only measurably successful, and upon the earnest solicitation of Representatives from that section the committee recommends an increase of \$50,000 in the appropriation for the work of the coming year. And I should like to say at this time that I have introduced a bill, which I hope will receive early consideration, for the inspection of orchard stock coming into this country and entering into interstate commerce in this country. I have introduced that bill at the request of the department for the reason that in the last two weeks in orchard stock imported from abroad there have been found something like 1,500 nests of the brown-tailed moth, and the stock having been shipped to many different parts of the country, it seems as if that very destructive pest is likely to be widely scattered throughout the United States. It certainly would seem to be poor economy to expend \$250,000 to \$300,000 every year in endeavoring to exterminate an insect, while at the same time we permit the importation of that insect without any attempt to prohibit it. There is now no law upon our statute books by which orchard stock entering into our ports may be inspected, either for disease of the stock itself or manifestations of injurious insects. And I hope the bill to which I have called attention may become a law at this session of Congress.

No hope is entertained that the gypsy moth can be wholly exterminated, but it is believed that by the proper effort it may be prevented from spreading beyond the present infested area until its natural enemies which are being introduced as rapidly as possible can multiply sufficiently to hold it in reasonable bounds. The importation of parasites is being continued; specimens have been brought in both from Europe and Japan in large numbers. Several species of these parasites have thoroughly established themselves and are assisting in the destruction of both the gypsy moth and brown-tail moth.

THE BIOLOGICAL SURVEY.

The Biological Survey has been carrying forward its usual work during the past year with even more than the usual degree of success. It will probably be in the nature of news to most of the Members to learn that the annual loss from wolves and coyotes on our western stock ranges is estimated at \$12,000,000. By methods recommended by the Biological Survey it was reported that during the past year 1,800 wolves and 24,000 coyotes have been killed, with a resultant saving in live stock of not less than \$2,000,000.

A plague of field mice, which was absolutely devastating the Carson Valley in Nevada, was arrested by the survey, and gratifying results were met with in similar instances in different parts of the West. The rather startling discovery was recently made in California that a certain variety of ground squirrel aids in the spread of bubonic plague, and the Bureau of Biological

Survey has been called in to assist in its extermination. One of the rather unusual suggestions of this bureau, made as a result of its recent studies, is that deer farming could be taken up with great profit in many parts of the country. The bureau estimates that the value of venison killed in the United States amounts to between \$12,000,000 and \$15,000,000 annually, and if the waste lands suitable for the grazing of deer were utilized for this purpose venison could be produced far cheaper than beef at present prices.

DIVISION OF PUBLICATIONS.

The Division of Publications naturally follows the same lines year after year, but it may be of interest to members of the committee to know that there was distributed through this division last year nearly 17,000,000 copies of bulletins, documents, and reports of various kinds. The total number of publications edited aggregated 1,522, comprising 15,510 printed pages. In order to handle this vast amount of literature properly the committee recommends in the present bill an increase in the appropriation for this division which will enable it to substitute machines for a great deal of the labor that is now done by hand.

BUREAU OF STATISTICS.

The work of the Bureau of Statistics also follows the same general lines from year to year, and it is perhaps enough to say that its reports during the last twelve months have not been the subject of unfavorable comment or criticism, and it would appear that the efforts to improve the crop-reporting service have been productive of good results.

THE OFFICE OF EXPERIMENT STATIONS.

The Office of Experiment Stations has direct charge of stations in Alaska, Hawaii, Porto Rico, and Guam, and from each of these have come very interesting reports. It was shown in Alaska that barley and wheat can be matured in many parts of the Territory, and numerous other facts have been developed which will be of great value to the rapidly increasing numbers of those who are seeking homes there.

In Hawaii methods have been devised for the shipping of pineapples, avocados, and similar fruits to Chicago and other markets, and experiments have been made which show the large possibilities of rubber production in the islands.

In Porto Rico marked success has been obtained with Java coffees and with pineapples and citrus fruits and with the breeding of swine and poultry.

In Guam the small amount of \$5,000 appropriated for the current year has been used to advantage in a sort of preliminary survey of the work needed and in a study of the situation, as a result of which definite plans for the future may be made. Owing to the fact that there is no public land in this island, it will be necessary to purchase whatever is needed for the use of the station, and a small sum is authorized in this bill for that purpose. The agricultural possibilities of the island are very considerable, and its present condition is most deplorable. As a mere matter of humanity the work begun there should be carried forward vigorously, and the pending bill makes moderate provision for its continuance.

THE OFFICE OF PUBLIC ROADS.

The Office of Public Roads, complying with the limitations in last year's appropriation bill, has dispensed with the use of road-making machinery, and, in the judgment of your committee, its usefulness has been greatly enhanced thereby, for the reason that energies heretofore absorbed in the actual construction of the roads have been directed purely to supervisory work, and it has been possible, therefore, to accomplish a great

Expert advice has been furnished to local authorities in nearly every part of the country, hundreds of samples of road material have been tested, and many counties and States have been assisted to introduce modern systems of road construction, maintenance, and administration. Particularly good results have followed from special investigations made in this office with reference to corrosion of iron and steel, as a result of which many steel mills have materially changed their method of manufacture. Experiments have also been made in the use of protective pigments, which bid fair to revolutionize the whole subject and result in the development of a method of treatment of steel surfaces immeasurably in advance of any method now practiced.

CONCLUSION.

Such, very briefly, are a few of the more striking features of the work that has been accomplished during the past year by this great department. It has occupied more time in the telling than I perhaps ought to have taken; and yet, all I have said is hardly more than a hint of the nearly innumerable

useful things which the year has seen done through this powerful and beneficent arm of our Government. Clothed with stupendous responsibility touching the enforcement of important and far-reaching laws, it has discharged that responsibility with wisdom and fidelity and success. Endowed with a splendid opportunity to serve the people by promoting the prosperity of their fundamental industry, it has more than measured up

to their most sanguine expectations.

In its preparation of the pending bill your committee did not lose sight of the condition of the national revenues, which imposes economy upon the national expenditures as an imperative obligation; and so wherever it could be done without detriment to the service the estimates submitted by the department have been reduced, the total amount of this reduction being \$1,739,700. On the other hand, the committee has not lost sight of the fact that the Department of Agriculture is to a very considerable degree a revenue-producing department; that it is in a very large degree a wealth-creating department; and that the exercise of too great parsimony in the appropriation for its support would be extravagance and not economy; and it has therefore granted increases in certain of the bureaus over the amounts available for the current year in the aggregate sum of \$1,208,820. As it stands your committee believes that the bill provides conservatively, and yet safely, for all the needs of the department, and that it appropriates funds sufficient to carry forward all the work which is likely to be

imperatively needed during the coming year.

One feature of the bill to which I desire especially to call the attention of the committee at this time is the greater itemization of the lump-sum paragraph. Your committee recognized the justice of the criticism made last year against the bill in this particular, and, although the bill of last year did not sin to any greater degree in this matter than the previous bills had sinned, yet it was evident to us that the criticism was a just one, and so far as the committee has deemed it wise that criticism has been met in the rearrangement of the present bill. The itemization still lacks much of being as detailed as the committee would like to have it, but we realize the necessity of proceeding cautiously in a matter of this kind, because with a great scientific department such as that of Agriculture it would be very easy, by tying up the appropriation too closely, to very materially hinder the transaction of the necessary business of the department. We believe that a step has been taken in the right direction, and we hope that what has been done in that line will meet with the approval of the House.

Inasmuch as there is no disposition on the part of the committee to unreasonably hamper debate under the five-minute rule, I believe that any information which Members may require, touching the details of the bill, may be had when we come to discuss it under that rule. Therefore, I will ask for the reading of the bill. [Applause.]

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

Office of the Secretary: Secretary of Agriculture, \$12,000; Assistant Secretary of Agriculture, \$5,000; 1 solicitor, \$4,500; chief clerk, \$2,500, and \$500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, \$2,500; stenographer and executive clerk to the Secretary of Agriculture, \$2,500; private secretary to the Assistant Secretary of Agriculture, \$1,600; stenographer to the Assistant Secretary of Agriculture, \$1,600; stenographer to the Assistant Secretary of Agriculture, \$1,600; at appointment clerk, \$2,000; 1 chief of supply division, \$2,000; 1 inspector, \$2,500; 2 law clerks, at \$2,000; ach; \$1 alw clerks, at \$1,600 each; 1 telegraph and telephone operator, \$1,200; 2 clerks class 4; 3 clerks class 3; 6 clerks class 2; 9 clerks class 1; 7 clerks, at \$1,000; ach; 4 clerks, at \$1,000 each; 10 clerks, messengers, or skilled laborers, at \$840 each; 8 clerks or laborers, at \$720 each; 1 chief engineer, who shall be captain of the watch, \$1,600; 1 assistant engineer, \$1,400; 2 assistant engineers, at \$1,000 each; 4 firemen, at \$720 each; 4 elevator conductors, at \$720 each; 1 construction inspector, \$1,200; 1 cainet-maker, \$1,100; 1 carpenter, \$1,000; 1 electrical wireman, \$900; 1 painter, \$900; 1 painter, \$720; 1 plumber, \$900; 1 blacksmith, \$840; 1 lieutenant of the watch, \$1,000; 26 watchmen, at \$720 each; 1 mechanic, \$1,200; 2 mechanics, at \$1,100 each; 6 assistant messengers, or skilled laborers, at \$600 each; 7 laborers, at \$600 each; 17 laborers, messenger boys, or charwomen, at \$400 each; 6 assistant messengers, or charwomen, at \$400 each; 1 charwoman, \$540; 5 charwomen, at \$240 each; for extra laborers and emergency employments, \$7,600.

Mr. MACON. Mr. Chairman, I reserve the point of order on the paragraph

Mr. MACON. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. SCOTT. Mr. Chairman, the only new matter in this paragraph is increasing the salary of the solicitor and of the inspector.

Mr. MACON. I see here, on page 2, where you create 2 law clerks at \$2,000 each and 3 law clerks at \$1,600 each. Is not that new matter?

Mr. SCOTT. The new matter in this paragraph is as follows: The salary of the solicitor is increased to \$4,500; the salary of the inspector is increased to \$2,500. There have been added to the Secretary's roll two new places, one a clerk at \$800 and one a mechanic at \$1,200. All the other additions to the

Secretary's roll are by transfer from the lump sum or from some one of the bureaus.

Mr. MACON. Are the 2 law clerks at \$2,000 and the 3 law

clerks at \$1,600 new places?

Mr. SCOTT. These law clerks have been carried heretofore on the lump-sum roll of the Bureau of Chemistry, but they were used in the office of the solicitor; and inasmuch as the salary of the solicitor is carried on the Secretary's roll, it was the opinion of the committee that all of the clerks used by the solicitor ought also to be carried on the Secretary's roll, and not to be charged up to any particular bureau, and for that reason the transfer was made from the Bureau of Chemistry to the Secretary's roll.

Mr. MACON. Have you transferred to the jurisdiction of this solicitor five law clerks?

Mr. SCOTT. They are already under his jurisdiction. This transfer is only of the salary paid to the appropriation where it is used.

Mr. MANN. May I ask the gentleman what authority is there for paying these law clerks out of the Bureau of Chemistry appropriations, and then transfer these clerks to the Sec-

retary's office?

Mr. SCOTT. Well, I presume they were paid out of the appropriation for the Bureau of Chemistry upon the theory that the larger part of their work was made necessary by the fact that upon the Bureau of Chemistry was laid the enforcement of the pure-food law.

Mr. MANN. That is the bureau especially where the law

clerks belong.

Mr. SCOTT. It was the opinion of your committee, inasmuch as the solicitor is carried on the Secretary's roll, and inasmuch as he and all the assistants in his office are doing work not only for the Bureau of Chemistry but for all the other bureaus of the department whenever called upon, that the force of the

office ought to be carried on the Secretary's roll.

Mr. MANN. Well, does not the gentleman think that in the Bureau of Chemistry, which has the duty of enforcing and construing the pure-food law, there ought to be law clerks familiar with the law, specially devoted to the enforcement of the pure-food law? Is not that the one place where the law clerks belong and where the solicitor properly belongs? Were not these law clerks created for the purpose of enforcing the pure-food law, and did they have any existence before this pure-food law was enacted?

Mr. STAFFORD. The committee is following the practice that obtains in the other departments. For instance, in the Post-Office Department the law clerks and the Assistant Attorney-General are under the control of the Postmaster-General, while their work is mostly in the office of the Third Assistant Postmaster-General. I suppose this committee is following that

idea of having them under one head.

Mr. MANN. The jurisdiction there is in the Attorney-Gen-

eral.

Mr. SCOTT. Answering the question of the gentleman from Illinois, I wish to suggest that the enforcement of the pure-food law so far as it rests upon the Bureau of Chemistry, relates only to "the examination of the specimens of foods and drugs" taken for examination by the department under the pure-food law. That is referred to the Bureau of Chemistry; but the legal part of the work, the executive part of the work, is under the direct supervision of the Secretary of Agriculture; and it seems to me, therefore, that it would not be necessary for the Bureau of Chemistry to have a law clerk who is subject to the direction of the chief of that bureau, because the chief of that bureau has nothing whatever to do with the execution of the law so far as is concerned with the preparation of the testimony to go into court or anything of that kind. His duty consists in determining, under the language of the pure-food law, the character of the food and drugs submitted to him for analysis.

So it seems to me entirely proper that the entire legal force of the department should be under one head, and that head

should be the Secretary of Agriculture.

Mr. MACON. I would like to ask the chairman of the committee a question, if he has finished answering the question of the gentleman from Illinois.

Mr. SCOTT. I yield to the gentleman from Arkansas.

Mr. MACON. Was not this solicitor's position originally that of a law clerk?

Mr. SCOTT. It began in the department as a law clerk. Mr. MACON. And has he not been insisting upon an And has he not been insisting upon an increase of about \$500 a year nearly every year since the office was created?

Mr. SCOTT. Oh, he began, as I recollect, with a salary of \$2,500

Mr. MACON. And his salary has been increased nearly every year.

Mr. SCOTT. His salary has been increased from time to time.

Mr. MACON. In 1904 the position was created, and the salary has been increased practically \$500 a year up to the present time.

Mr. LAMB. It is not yet up to the amount paid the other solicitors

Mr. SCOTT. It is still \$500 below the salary paid the solicitors of all other departments. It has been below the salaries of other solicitors ever since the position was created, as a matter of fact.

Mr. MACON. I can not understand why it is that, because one solicitor or a number of solicitors may be getting larger salaries, perhaps, than the revenues of the country will justify just now, you should increase the salary of another more than the revenues will stand.

Mr. SCOTT. The gentleman from Arkansas has studied departmental customs in Washington to very poor effect, it seems to me, if he has not discovered a marked tendency on the part of the people employed in all these departments to have men bearing the same title paid the same salary.

Mr. MACON. And they are more interested in the salary than the title, are they not?

Mr. SCOTT. The gentleman says that. Mr. MACON. I am asking the question.

Is it not true that the work in that office has Mr. WEEKS.

practically doubled in the last five years?

Mr. SCOTT. The work in the office has a great deal more than doubled in the last five years. I tried to call attention in my opening statement to the extent to which it had been increased. The imposition upon the department of the enforcement of the pure-food law, of the twenty-eight-hour law (under which nearly 700 cases were brought last year), of the meatinspection law, and of other laws has very materially increased the work of that office.

Mr. MACON. My information is that while the work may have doubled, he has been given two assistants during that

period of time.

Mr. SCOTT. He has been given more than two assistants. Mr. MACON. So he is not doing, perhaps, more than a third of the work he was doing originally, and his salary has been increased all the time.

Mr. SCOTT. The change is subject to a point of order, and if the gentleman intends to insist upon it, I do not care to

protract the debate.

Mr. MANN. Will the gentleman reserve his point of order? Mr. MACON. I will reserve the point of order? I will reserve the point of order to allow the gentleman from Illinois to make a statement.

Mr. MANN. As the gentleman from Kansas [Mr. Scorr] has declined to yield for interruption, I will take the floor in my

own time.

Mr. SCOTT. I beg the gentleman's pardon. cline to yield for interruptions; I simply desired without interruption to answer the question of the gentleman from Illinois. The CHAIRMAN. The Chair will recognize the gentleman

from Illinois in his own right.

Mr. MANN. Mr. Chairman, I do not know whether these five law clerks are now in the office of the solicitor, all of them. They were most of them appointed primarily for the purpose of the enforcement of the pure-food law. They are paid out of the appropriation for the pure-food law, and if they were not appointed for that purpose they are illegally employed, probably, which I do not apprehend is the case,

Under the arrangement for the enforcement of the pure-food law there is a board of food control, consisting of the solicitor, Mr. McCabe; the chief of the Bureau of Chemistry, Doctor Wiley; and Mr. Dunlap. All of the questions go first before the Bureau of Chemistry. They do not originate with the solicitor. They are first passed upon in the Bureau of Chemistry.

It is just as essential for the proper administration of the maw that there should be some one familiar with law-and familiar with the law-in the Bureau of Chemistry as there is that there should be some one in the Attorney-General's office familiar with law. I do not know that this is an improper transfer. I could not ascertain from the gentleman in reference to that, but there ought to be some one in the primary place where the investigation commences who has some knowledge of of law. I have had a number of cases come under my observation where cases were transferred from the Bureau of Chemistry to the board of control, and where the board of control permitted the case to pass through them and ordered a prosecution to commence that never was contemplated by the law or by the

board; and when their attention was called to it the board has very promptly, and very properly, corrected the mistake, which originated, no doubt, because some one in the Bureau of Chemistry with a technical knowledge of chemistry passed upon the question without proper technical knowledge of law.

Mr. SCOTT rose.

Mr. MANN. I will yield to the gentleman.
Mr. SCOTT. The gentleman will remember that the solicitor is a member of the board of control.

Mr. MANN. If the gentleman had listened to what I said at the beginning, he would have heard me state that the solic-

itor is a member of the board of control.

Mr. SCOTT. I wanted to refresh the gentleman's memory that he had made that statement, in order to show the inconsistency of his subsequent statement. If the solicitor of the department himself is a member of the board, how did it happen that the prosecutions were begun without the knowledge of the board?

Mr. MANN. I stated to the gentleman that the case passed through the board, having originated in the Bureau of Chemistry, without being detected in the board, whereas if the perwho had originally passed on this question in the Bureau of Chemistry had had a proper technical knowledge of the law they would never have passed through without anybody noticing

It seems to me that if they passed through the board of which the solicitor is a member they would pass through the hands of any law clerk presumably less well posted in the law.

Mr. MANN. I want to say that I am not making any criticism of the solicitor or the board of control for letting the cases go through sometimes, because I suppose that is inevitable.

Mr. SCOTT. I do not see how it could be prevented by having a law clerk in the Bureau of Chemistry.

Mr. MANN. I think if the Bureau of Chemistry had a law clerk in that bureau through which every case was passed, in addition to going through the hands of the technical chemical expert, there would be much less danger of passing a case

through which ought not to go through.

But I do not wish to be understood at all as criticising the solicitor. I have criticised the solicitor in the past on the floor of this House, but as I have learned more about the work he does—although I do not agree with him in many particulars in reference to his opinions on the board of control—the more I learn in reference to his work the more I become satisfied that Mr. McCabe is an efficient, earnest, hard-working solicitor, and personally I believe that his salary ought to be increased, so far as the salary is concerned. Nor do I doubt that he ought to have some law clerks; but I would like to know, if I may, whether all five law clerks are in his office or whether some are transferred from the Bureau of Chemistry.

Mr. SCOTT. There never has been, to my knowledge, a law clerk in the Bureau of Chemistry. The chief has never asked the committee for such an official, and the Secretary has never recommended it; and I presume it has been the opinion of the Secretary that sufficient legal advice would be given that bu-

reau by taking the solicitor himself onto the board.

Mr MANN. I may say to the gentleman that with that statement I do not see how he could do otherwise than to transfer them and not pay them out of the appropriation for the enforcement of the pure-food law; although I think there ought to be a solicitor or law clerk in the Bureau of Chemistry, who would pass on the questions when they first come into the

The CHAIRMAN. The time of the gentleman has expired. Mr. SCOTT. Mr. Chairman, I would like to make one observation before closing debate. I wish the House to distinctly

understand that there is not now, and never has been, a law clerk in the Bureau of Chemistry. All the clerks now under consideration are employed at the present time in the solicitor's office, and have been there ever since their appointment. They connect with the Bureau of Chemistry only through the pay roll. At present they are cared for under a lump-sum appropriation for the Bureau of Chemistry. It was the opinion of the com-mittee that it was better administration to have these clerks paid from the appropriation of the office in which they are doing

their work, than to have their salaries paid from the office in which they are not doing their work

These clerks are doing work for all the bureaus of the department-writing contracts, looking up cases, and things of that sort-and it would be impossible to separate the work they do for the Bureau of Chemistry from that which they do for other bureaus. It seems to me clear that they belong in the office of the Secretary, and your committee therefore recom-

mends that that transfer be made.

Mr. DRISCOLL. What bureau were they carried in before? Mr. SCOTT. For the purpose of getting their salaries they were carried in the Bureau of Chemistry, but they were doing their work in the solicitor's office.

Mr. DRISCOLL. Were they classified as law clerks?

Mr. SCOTT. Yes; under the lump sum of the Bureau of Chemistry

Mr. MANN. They were classified as clerks?
Mr. SCOTT. Possibly.

Mr. DRISCOLL. They were not classified as law clerks?

Mr. SCOTT. I am not certain as to their exact classification.

My recollection is they were classified as law clerks.

Mr. MACON. Mr. Chairman, I was to some extent brought

up in a school of economy, and was taught that the best way to administer the affairs of any free government was to do it economically and honestly; to do it on the same principle that intelligent business men conduct their private affairs; and I have not outgrown my raising. If during a period of prosperity a great business enterprise were organized with several branches, and each branch had a manager, and a period of revenue de-pression were to set in afterwards, and the enterprise were to begin to run behind millions of dollars every year, spending millions of dollars more than its profits amounted to, do you think it would be wise for it to further exploit its revenues by entering upon a policy of increasing the salaries of its managers? Undoubtedly not.

Let us suppose that during the period of prosperity some of the managers from some cause had had their salaries raised a few hundred dollars above the salaries that some of the other managers were receiving. Does the House believe it would be wise while the enterprise was running in debt millions of dollars each year to have it enter upon a system of increasing the salaries of the other managers simply to bring them up to the amount paid the higher salaried managers? I think not. I can not believe the House will insist that that would be a proper

thing to do.

Now that this Government is running behind millions of dollars each year, I think it is time for it to retrench. I understand its deficit will be approximately \$150,000,000 the next fiscal year. I am advised that during the first seven months of the present fiscal year we have run behind something like \$75,000,000; and that being the case, I can not understand why we, as Representatives of the people, should be called upon to increase the salaries of those officers who are not receiving quite as much, perhaps, as some others in their class are receiving, and in that way further distress the financial condition of the country. We all remember that a few years ago, when we had the war with Spain, we were taxed upon every legal instrument that was written or recorded and upon many other things of everyday use; and, sirs, if we go on exceeding our revenues by \$150,000,000, \$100,000,000, or \$50,000,000 a year even, it will only be a question of a few years when we will have to resort to that kind of taxation again or else place some other kind of additional tax burden upon the people in order to raise revenues sufficient to support the Government. I rebel against so unhappy a contemplation as that, Mr. Chairman, and I insist upon a point of order against the words "five hundred," in lines 11 and 12, on the first page of the bill, and in line 9 of the second

Mr. SCOTT. Mr. Chairman, I concede that the point of order as to the solicitor and the inspector is well taken, being the point of order insisted upon by the gentleman from Arkansas.

The CHAIRMAN. The Chair sustains the point of order. Mr. SCOTT. Mr. Chairman, I ask unanimous consent to have the Clerk make the necessary correction in the bill, and in all totals, as the bill proceeds.

The CHAIRMAN. Unless objection is heard, it will be so

ordered.

There was no objection. The Clerk read as follows:

WEATHER BUREAU.

Salaries, office of Chief of Weather Bureau: One chief of bureau, \$6,000; 1 assistant chief of bureau, \$3,000; 1 chief clerk, \$2,250; 4 chiefs of division, at \$2,000 each; 1 librarian, \$2,000; 7 clerks, class 4; 7 clerks, class 3; 18 clerks, class 2; 27 clerks, class 1; 18 clerks, at \$1,000 each; 9 clerks, at \$900 each; 4 copylists or typewriters, at \$840 each; 1 copylist or typewriter, \$720; 2 assistant foremen of division, at \$1,600 each; 1 proof reader, \$1,400; 1 lchlef mechanic, \$1,400; 1 lithographers, at \$1,250 each; 2 pressmen, at \$1,250 each; 10 compositors, at \$1,250 each; 1 skilled mechanic, \$1,200; 6 skilled mechanics, at \$1,000; each; 2 pressmen, at \$1,200; 6 skilled mechanics, at \$1,000; 6 skilled artisans, at \$840 each; 5 messengers or laborers, at \$720 each; 3 firemen, at \$720 each; 4 watchmen, at \$720 each; 6 messengers or laborers, at \$660 each; 13 messengers, messenger boys, or laborers, at \$600 each; 4 messengers, messenger boys, or laborers, at \$600 each; 4 messengers, messenger boys, or laborers, at \$600 each; 13 messengers, at \$450 each; 1 charwoman, \$360; 3 charwomen, at \$240 each; in all, \$205,310.

Mr. EDWARDS of Georgia. Mr. Chairman, I reserve the point of order on the paragraph, particularly on the provision

for the salary of \$6,000 to the chief of that bureau.

SCOTT. Mr. Chairman, the point is, of course, taken if it is insisted upon, but I really hope that it will not be pressed, because there seemed to your committee to be very strong reasons why this increase should be made. The present Chief of the Weather Bureau has been a member of that bureau for thirty-two years. He has been its chief for sixteen years, and during those sixteen years he has conducted its affairs with such signal ability that the Weather Bureau of the United States undoubtedly now stands in the very front rank of similar organizations the world over and is looked to from every other country in the world as a model for such organizations.

The chief of this bureau stands on a different footing also from the other chiefs of bureaus in the department, in that he alone is appointed by the President and confirmed by the Senate, and in the absence of the Secretary and the Assistant Secretary he is the acting secretary for the department. A great deal of responsibility rests upon him, and he discharges his duty with marked ability. He has been long in the service, and the committee thinks that the promotion now granted is not unreasonable. I wish to say that in the event the point is not pressed and his salary is allowed to stand at the figure fixed by the committee, I shall favor an amendment to the effect that the additional thousand dollars shall go with the office only so long as it is held by the present incumbent. I do

not care to say anything further. Mr. MANN. Mr. Chairman, I want to say this about the Weather Service. I notice that the appropriation proposed here is \$154,000 less than the appropriation made last year for this service. It is true there is a considerable saving in reference to the rebuilding at Mount Weather and elsewhere. It is also true, I think, from my own knowledge of the situation, that this service is the most economically administered service with the work that has been done in the governmental service anywhere; that the chief of that service is more careful about the expenditure of money; that he gets the best results from the expenditure of money, and gives way a fewer number of times to extravagances than any other chief in the service; and it seems to me-if I can have the attention of the gentleman from Georgia, to whom I am addressing these remarks

Mr. EDWARDS of Georgia. The gentleman has my earnest

attention.

Mr. MANN. It seems to me it would be worth a good many thousands of dollars if Congress would advertise that where a bureau chief insists not only upon economy in the service under him, but himself exercises economy in making his appointments and does not ask for excessive appropriations, that in such a case we will slightly increase his salary. I think that under the circumstances the chief of this service is worth the money for the work that he has done. There is this fact in addition. I may say: The Weather Service is a service that constantly requires the presence of the chief of the bureau late at night. For years he was supplied with horses and vehicles, and his horses and vehicles, as far as government service is concerned, went the way of other higher officers than he who had the same class of vehicles; and he is required now, at his own personal expense, to maintain these horses and vehicles for the public use. and I know of no other government official in Washington who

Mr. BARTLETT of Georgia. Mr. Chairman, I want to join with my friend from Illinois in urging my colleague, if he can, to withdraw his point of order. I know this gentleman is entitled to all that has been said about him. I think the increase of salary is just and proper, and I hope my colleague can see

his way clear to withdraw the point of order.

Mr. CANDLER. Mr. Chairman, I want to say a word along the line suggested by the gentleman from Georgia who has just taken his seat. I do not believe that we could get a man of the accomplishments and the ability of the Chief of this Weather Bureau for the amount of money he is now receiving if he did not have some patriotism as well as the desire for emolument for connection with this service. He is one of the most efficient public servants that this Government has ever had. As is well public servants that this Government has ever had. As is well known by the membership on the floor of this House, I, as a rule, do not favor an increase of salary very much; on the contrary, I have always heretofore opposed it. But believing that this is a just increase, I think it is a fit and proper recognition of great ability and of faithful service, and therefore I hope my friend will withdraw his point of order.

Mr. EDWARDS of Georgia. Mr. Chairman and gentlemen, I regret that I can not see my way clear to withdraw the point of order, as the gentlemen who have just spoken request me. I

regret that I can not see it as they do. I feel that I must per-

form my duty here as a legislator.

I want to state my reasons for interposing this point of order. The bill provides that the Secretary of Agriculture shall receive \$12,000 per annum. He is provided with an assistant at \$5,000. Now, it is proposed to raise the salary of the Chief of the Weather Bureau from \$5,000 to \$6,000 per annum. The Chief of the Bureau of Animal Industry receives \$5,000 per annum; the Chief of the Bureau of Plant Industry receives \$5,000, and he has a chief clerk who does an abundance of work, and he gets only \$2,250 per annum. The Chief of the Bureau of Forestry receives \$5,000. The Chief of the Bureau of Chemistry receives \$5,000. The Chief of the Bureau of Soils gets the pitiful sum of \$3,500. The Chief of the Bureau of Entomology receives \$4,000. The Chief of the Bureau of Biological Survey receives only \$3,000. The Chief of the Division of Accounts and Disbursements receives \$3,250. The Chief of the Bureau of Statistics receives \$4,000. The Director of the Office of Public Roads receives \$4,000.

Now, my position is: If we are going to increase salaries, we

ought to increase the small ones first. We have just as competent men in the positions I have named with the lower salaries, some of them getting only \$3,000 per annum. I am decidedly in favor of increasing the salaries of those officials of this department who are at present allowed only small amounts for their compensation. They are deserving gentlemen and filling important positions, and when we go to raising salaries

I favor looking after the smaller ones first.

I have not a word of criticism to offer against the Chief of the Weather Bureau, not a word; but, for example, here is the Director of the Office of Public Roads-at the head of one of the most important branches of the Agricultural Department—and he is receiving only \$3,000 a year. We have to have competent men in these positions, and I think we have competent men in all of these bureaus, and we should pay them salaries of competent men and try to elevate the agricultural interest. It is far from me to strike one dollar from this bill intended for the benefit of the Agricultural Department, but in this case the salary that is now allowed to this able and efficient official is far in excess of that received by many of the chiefs in the Agricultural Department. If the Government has any money to place to the increase of salaries, I favor the increase of those who at present have the smaller salaries.

I feel it my duty, under the circumstances, to insist upon the

point of order.

Mr. SOUTHWICK, Mr. Chairman—
The CHAIRMAN. Does the gentleman from New York de-Mr. SOUTHWICK. Mr. Chairman, I ask leave to print in

the RECORD so much of the annual report of the forest, fish, and game commission of the State of New York, recently sent to the legislature of that State, as relates to forestry. I also ask permission to print the address of James J. Hill, recently delivered before the Farmers' National Congress at Madison, Wis.

The CHAIRMAN. Is there objection?

There was no objection.

The documents referred to are as follows:

Annual report of the forest, fish, and game commission of the State of New York. STATE FORESTS.

The following table will show the number of acres of land owned by the State on December 31, 1908—that which has been purchased but not yet conveyed to the State:

FOREST PRESERVE.

Adirondack preserveCatskill preserve	Acres. 1, 438, 999 109, 451	1, 548, 450
PURCHASES CONVEYED 1908. Adirondack preserve	61, 627 1, 740	63, 367
Total acreage conveyed to the State		1, 611, 817
AREA JANUARY 1, 1909.		
Adirondack preserve (Dec. 31, 1908)	1, 500, 626 111, 191	
Present area		1.611 817
LANDS CONTRACTED FOR NOT YET CO		-,,
Adirondack preserveCatskill preserve	24, 648 19, 295	43, 943

Total acreage owned and contracted for _____ 1, 655, 760

In former reports we have laid much stress on the importance of our forests and especially on the necessity for their preservation and proper use. As timber in the country decreases its value increases and its importance as a conservator of water supply more clearly appears. Many things have transpired during the year just closed to especially call our attention more pointedly than ever before to these matters. During the year 1908, two notable conferences were held at Washington, presided over by the President of the United States. These conferences were attended by nearly all the governors of the States, members of the Supreme Court of the United States. Cabiet officers, United States Senators and Members of Congress, presidents of colleges, agricultural and forestry schools, engineers, representatives of scientific societies, and many others, among whom were such notable personages as Mr. J. J. Hill and Mr. Andrew Carnegie. The facts produced and discussed by learned men at those conferences attracted the attention and startled the whole citizenship of this Republic. Through discussion had there the reports on facts collected by the National Conservation Commission, by the efforts of its members and state departments, all who read have been made aware of the importance and value of our national resources. The people are becoming comizant of the ominous conditions prevalent on every hand, the rapid diminution, the threatened shortage, and the disastrous results that invariably follow the destruction of a country's forests.

Then, foo, during the last summer and autumn a long protracted drought prevailed. The water in many streams dried up, fires sprang up everywhere as by magic, the timber growth on forest land, in spite of the most strenous efforts to protect it, was destroyed, and milions of dollars' worth of woodland propologo.

Then, foo, during the last summer and autumn a long protracted from the large resulting injury to reforestation that can not be well appeared to the most disastrous from which the

ADIRONDACKS AND CATSKILLS.

The following comparative statement of forest fires during 1908 with those of 1903, when the forest-fire loss reached its maximum, is interesting and instructive. The results attest the greater efficiency of this department as now administered.

	1903.	1908.
Number of fires	377	700
Acres of timber land burned	312,590 187,928	30,400 147,000
Total	500,518	177,400
FIRE LOSS.		Talke Is
Standing timber. Pulp wood and logs. Buildings.	\$605,282 153,391 34,443	\$497,046 136,920 10,020
Total	883,116	643,986
Cost of fighting fires	153,000	138,000

These figures are very significant. The period of drought was more severe and considerably longer in 1908 than in 1903, thereby making the fire danger much greater and affording what was probably the most favorable condition for conflagrations ever known in the Adirondack region. Please note the larger number of fires in 1908, yet the acreage burned over was less than two-fifths of that of 1903, the loss one-fourth less, and the cost of fighting fire \$15,000 less.

These results can not be explained, in view of the infinitely worse conditions of the past year, except by greater departmental activity and volunteer work done by individuals. An important factor was that for the first time we had established a thorough patrol on the railroads, whereby over 500 incipient fires were extinguished before serious damage was done. Many of these fires are not included in the above tabulation. Yet, as already said, there were 83 fires started along railroad lines which resulted seriously. There seems to be no good reason for the provision of law that requires the State to pay one-half of the cost of patrolling railroads. The condition is created by railroad companies and should be cared for by railroad companies. In order to get them patrolled, the State should have the right to put the patrols on as necessity requires, and the railroad companies should pay for the work necessary to protect the forests from fire from this cause.

Reasonable provision has never been made to protect our forests from

Reasonable provision has never been made to protect our forests from fire. Fires are the one great danger. The cause and opportunity for fires, so far as possible, must be eliminated. That this may be done, a system of paid patrols should be established. For this work, only the best men will suffice. They ought to be well paid so that good men may be secured. The commission should have a free hand in selecting them. They should have ample authority to enforce their orders. Danger from fire is so imminent, the necessity for preservation so great, that, at

whatever cost it may entail, railroad companies operating within the forest preserve of the State should be compelled to use some substitute for coal for fuel; something that will not create fire to be thrown from grates or stacks into the dry, powder-like growth that abounds along their rights of way. Plainly, it is a question of change in this respect or no forests. There ought to be no question about our choice, and no hesitancy about putting it into operation.

If the fuel question was eliminated, the problem would be much simplified. As in Vermont, a law should be enacted giving the governor authority to suspend the hunting season in time of drought, prohibiting hunters and campers from going into the forests. Ninety-five fires were set by hunters, 27 by campers, 18 by fishermen; 120 in all from these causes. All of this danger should be eliminated and severe penalties imposed on those who carelessly or negligently set or cause fires to start. In fact, every instrumentality should be given and applied to prevent forest fires. In fact, ev forest fires.

In fact, every instrumentality should be given and applied to prevent forest fires.

During last year in the United States, more timber was cut for commercial purposes than ever before in a given year. The total cut amounts to more than 41,000,000,000 feet board measure. Following close upon the heels of this great destruction in tree growth is the constant decreasing supply of water in our streams, greatly reducing the availability of many mills and factories, lessening their productiveness, distressing the people in many municipalities of the State by the shortage of pure water supply, affecting agricultural land to a marked degree, and gradually reducing the available water horsepower in nearly every mountain stream in the country.

Coincident with this rapid destruction of natural resources our population in the nation is augmenting so rapidly that, in fifty years, we will number at least 200,000,000 souls. The demand for lumber is increasing faster than our population, and the supply is decreasing faster than the increase of population.

In our last report we called attention to some of these facts and urged upon the people the immediate necessity of doing all in their power to conserve and restore these resources, so bountifully bestowed and so prodigally used. We now renew those suggestions. We again urge the necessity for a change in our law that will permit of better management.

The avenues of escape from a condition that will surely confront and

and so prodigally used. We now renew those suggestions. We again urge the necessity for a change in our law that will permit of better management.

The avenues of escape from a condition that will surely confront and menace near future generations, though few, are plain and easy to follow. This observation at present applies to private land. Timber on state land under the present constitution, unfortunately, can not be cared for in a practical manner nor cut or used. We can only protect it from trespass and let it rot. We can not clean it out when burned or down ripe and old. The public can not have the use of timber that is fast depreciating in value, thereby shortening the supply, adding to the demand, and increasing the price. We can not utilize our enormous water power, which should yield to the State a large annual revenue. We can not, without great cost, reasonably protect our forests from fires, because of the thousands of fire traps left by lumbermen, by other fires and windfalls, ready for the spark from the locomotive, the carelessly left camp fire, or cast by lighted match. For these reasons, regulations suggested apply to private property, and will so apply until the State's property can be handled under an amended constitution in a more sensible and businesslike way.

It is the belief of this department that the State has ample inherent power to control the use of private property in such a way that public interests may be best served and protected. The power in the State for this purpose should be invoked to prevent in certain localities the cutting of trees below 10 inches in diameter and to compel the clearing up of refuse. This is a matter of regulation and may be done for the public good without the confiscation of private property. If this right to control private property to some extent does exist, then no one should be allowed to cut trees—at least in certain places where water sources would be affected—below 10 inches in diameter, and individuals should be compelled to clean up the débris

removing opportunity for fires. The law should permit state property to be protected in the same way, at least so far as to remove the danger from fires.

To encourage tree planting for commercial purposes, it should be made as attractive as possible by legislative acts, encouraging thereby each one to plant trees who has a waste acre of land fairly safe from fires. Trees should be furnished below cost, and land dedicated to tree growing and planted ought to be exempt from taxation. These are the lines to follow, and the only ones that seem to lead to safety.

The State owns many acres of land outside of the blue line in the 16 counties in which our forest preserve lies. These lands are detached, widely separated, small parcels surrounded by private holdings, difficult to protect, most if not all of them having been lumbered. It would be wise to dispose of these parcels of land by sale, the proceeds to be used to purchase land within the blue line, or to exchange them for equally valuable lands inside the park limits and thereby consolidate our holdings. Under the constitution, this can not now be done. To us there appears no good business reason why the commission should not have this authority. To exchange or sell these lands would be that which any prudent man would do with his own property under like conditions.

Forests, if rightly used and managed, perform for the people certain definite and important offices. The more important ones may be enumerated as follows:

They constitute a home and breeding place for game animals and birds; they protect the source of water supply and regulate, to a great extent, the continued and even flow of water. By protecting the water supply fish life is sustained, pure water is insured, the soil is better irrigated and made more productive. Woods help to regulate the temperature, and, it is believed, have an appreciable effect in increasing rainfall in certain localities. They act as wind-breakers; they add oxygen to the air and purify it. One of their most important office

the Constitution was literally enforced, no one could cut a stick of wood for a campfire; no one could cut a stick on which to hang a camp kettle. In many long reaches of the forest there would be no place where shelter could be found. A tent could not be staked down unless the stakes were carried in from other lands. The Constitution, with all the good intentions of its builders, with all the needs at the time for a restrictive provision in this respect, established a park and forest preserve for the people, built it round with a high wall, with a few excellent people inside, but left the great majority on the outside of the wall unable even to look in and see its great natural beauty and enjoy its manifold blessings.

The present law will not permit putting state forest land on a safe business basis. Under a slightly amended constitutional provision, leaving it absolutely safeguarded as to waste and improper use, it could be reasonably used by all, protected from fire, and made to yield an annual revenue through the utilization of the water, the removal of waste timber, and from rentals from those who tenant it. This arrangement would provide maintenance without further appropriation, and annually against the many? Are not. The following a special provide maintenance without further appropriation, and annually against the many? Are not. The following a special provide maintenance without further appropriation, and annually against the many? Are not. The protect water sources, while the water runs away unemployed, except to sustain fish life and water the lowlands, then the present method is right. If our forest preserves are to be used as well for those other and more valuable purposes, then the present method of using, holding, and managing our woodlands is all wrong.

The impracticability of the present law, which prevents realizing to the fullest extent upon this valuable natural asset, the woodland and water supply of the State, is illustrated by the situation at the proposed groet Ashokan reservoir. It i

SUGGESTIONS AND RECOMMENDATIONS.

commend itself to every thoughtful person.

SUGGESTIONS AND RECOMMENDATIONS.

In view of the existing conditions and the facts hereinbefore stated, the following suggestions are made:

First. It would seem to be reasonable that the constitution should be amended to provide for the sale or exchange of land outside of the blue line as necessity may require and the interests of the State warrant, the proceeds received by sale or exchange to be applied to acquiring land within the blue line.

Second. It would also seem reasonable that the constitution should be amended in such a way that the commission may lease small tracts of land under strict regulations and forfeiture clauses for permanent cottage and camp sites. In that way a very large annual revenue may be obtained, many more people would visit and enjoy the forests, and each one investing money for such a purpose would necessarily become an interested forest protector.

Third. If the constitution was amended in a way to allow a well-defined good-road system of a few main highways to be built through the forest reserve on plans to be approved by this department, to the end that the forest may be more accessible, that more of our people may visit the Adirondack and Catskill regions and have a chance to see and enjoy their great beauty, it would be beneficial in many ways. The roads would be fire breaks, and furnish a quicker and better way to reach many sections now inaccessible and difficult to protect.

Fourth. If the constitution does not now admit of removing dead and down timber and to abate threatening conditions to lessen the danger from fire, it should be amended to allow the State itself, from time to time, to do so.

Fifth. In view of the physical conditions and the facts elicited by the Water Storage Commission, it would seem that the Constitution should be amended to allow the construction of water storage reservoirs under state control and regulation within the Adirondack and Catskill counties, and that a general state policy of water storage res

servation is intimately connected with and affected by forest conservation.

Sixth. In relation to forest fires, I offer the suggestions in the form of resolutions adopted by a conference of 40 men, who represented nearly all the business interests of the forest preserve counties, and among whom were eminent lawyers, members of the last constitutional convention, and men of broad experience from many sections of the State. The conference was held at the commissioner's office December 29, 1908, and suggestions are as follows:

a. "Resolved, That it is the sense of this conference that if it be necessary to secure the use of oil fuel or other equally safe source of power on locomotive engines running through the forest, legislation should be enacted or executive action taken.

b. "That the railroad companies be made to pay the whole cost of patrolling their tracks under State supervision instead of one-half, as at present.

c. "That adequate moneys be provided to the forest, fish, and game commission for the establishment of a more complete and systematic fire patrol and signal system and, if necessary, legislation be enacted for that purpose.

d. "That more stringent laws be enacted for the punishment of persons through whose carelessness or negligence forest fires start.

e. "That the governor be empowered to suspend the hunting and fishing season in case of emergency."

Seventh. There should be a law enacted under which the State may control the cutting of trees on private land and clearing up and disposal of the refuse left after lumbering, to the end that danger from fires may be minimized and the forest cover may be retained to protect the watershed and conserve the water supply. This suggestion is based upon the belief that the State has the inherent right, at least in a limited way, to control the use and management of private property for the public good. This principle has been asserted and established by the highest court in Maine and in at least two other States, and seems to be sound doctrine.

Eighth. The rapidly increasing business of the department will require a larger office force, more foresters, and larger appropriations with which to hire power boats. It also seems that the time has come when the State, with the department's greatly increased revenue, can well afford to establish a modern game-bird farm, from which our depleted covers may be stocked.

Ninth. Appropriations for the department will necessarily have to meet the department's activities as new lines of work develop.

We submit this annual report with the satisfaction of knowing that better work was done during the year 1908 than ever before, and with the belief that, in view of the general awakening among all citizens of the State and Nation to the necessity for better protection for forests, fish, and game, advancement in these respects should be more rapid in the future than it has been in the past.

ADDRESS DELIVERED BY MR. JAMES J. HILL BEFORE THE FARMERS' NA-TIONAL CONGRESS, MADISON, WIS., SEPTEMBER 24, 1908.

has often happened in gatherings to promote the interest of agri-It has often happened in gatherings to promote the interest of agriculture or irrigation or waterways or some other national undertaking that so many side issues have crept in as to interfere with the work and weaken the conclusions of the convention. To avoid this error should be your first care, since it can have no effect upon a public that has learned to discount all so-called "official utterances" that are not germane to the body from which they issue and the subject to which they are supposed or pretend to relate; and since a wide scattering of subjects must prevent that full discussion of work and interests which alone can make it worth while for you to assemble in gatherings such as this

germane to the body from which they issue and the subject to which they are supposed or pretend to relate; and since a wide scattering of subjects must prevent that full discussion of work and interests which alone can make it worth while for you to assemble in gatherings such as this.

For this reason I will confine myself very closely in what I have to say to the present state of the agricultural interest in this country; to the emergencies which ordinary foresight can distinguish in its near future; and to those remedies and improvements which our knowledge suggests, and which are not merely experimental, but ascertained fact. What we are here for is to consider how to increase the farmer's successes, lessen his failures, and place his work upon the most certain foundation. His occupation is the first to exist in a civilized state. It is the basis of all other industry. And only recently we are coming to realize that it is an exact science. The man no longer deserves the name of farmer who conceives of his industry as a scratching of the earth, a hit-or-miss scattering of seed, and a harvesting of such yield as soil and weather may permit. That is not farming, but a game of chance. This is, therefore, a gathering of representatives of a profession, and as such it is a first duty to consider the place of farm industry in the national economy, and to what extent it is prepared to meet present and future demands upon it. For grave national concerns, the state of civilizations, the condition of social life, and the fate of institutions, as well as the farmer's position and prosperity, will depend upon his readiness to meet the work surely coming in the advancing years.

After an army has been raised and before it can enter upon any campiler, the bravest and best-organized force will melt away in a week. Our national supply of food, in like manner, is fundamental to the organization of our social life and to the progress of all our industries. Here we have so many people. Here will be, in a few years, so many mor

Where and how are we to obtain loaves enough to feed these coming millions?

The average yearly consumption of wheat per capita varies considerably with seasons and prices, but it rises steadily with our constantly advancing standard of comfort. For the last three years it has been either slightly under or slightly over 7 bushels for bread and seed. Suppose that it is 6½ bushels per capita, which is certainly within the mark. It will then require, unless we are to fall to a lower scale of living, a total product of 1,300,000,000 bushels of wheat for our bread supply, if we did not export any. From 1880 to 1906, inclusive, our crop averaged 521,738,000 bushels annually. Twice only in our history have we exceeded the 700,000,000 bushel mark. It is fair to say that 650,000,000 bushels is our present average capacity. Of course, with increasing population may come a somewhat increased total production, though it will not advance as rapidly as many suppose. We grew 504,185,470 bushels in 1882, when our population was a little over 52,000,000, and 634,087,000 bushels in 1907, twenty-five years later. The increase in wheat yield during these years, when much of the new lands of the West was being brought under the plow,

was a little over 25 per cent, while population increased 33,000,000, or over 63 per cent. Obviously supply and demand for bread will not move the increase of possible wheat yield by increasing acreage is limited. We have no longer an unlimited public domain awaiting the property of the sone land drained, and there are a few acres of public land; this is mostly devoted to the raising of truit and fodder plants. There will be some land drained, and there are a few acres of public land; the some land drained, and there are a few acres of public land; the some land drained, and it is more likely, on the whole, that the wheat acreage will be reduced, for raising all the other commodities out the property of the p

ufacture. With 60 per cent ore, where 5 tons go to the making of 3 tons of pig, this makes the actual cost of the iron \$11.66 per ton. Fifty per cent ore makes iron costing \$14 per ton. Forty per cent ore makes iron costing \$17.50 per ton. Low-grade ores, like those of the Southern States, can be used commercially because the ore, limestone, and coal are found in close proximity, thus reducing the cost of manufacture.

a tons of pit, this makes the action town of the normal pit per control pit per cont

30,000,000 or more persons who cultivate the land in this country is the problem. It is no longer one of method. Science has settled that and is adding more and more of value every year. It is merely how to move the farmer to apply to his own profit and the rescue of the Nation the better methods that are a familiar story.

It should appeal to him that the modern system is both a money-maker and a labor saver. The cost of rent and production for continuous wheat cropping averages \$7.50 per acre. When, therefore, the farmer cotains, as so many of those in the Northwest do, a yield of 8 or 10 bushels per acre, it just about meets, at average farm prices, the cost of production, leaving him either nothing at all for his year's toil or else a margin of debt. For the same amount of labor, covering the same time but intelligently applied to a smaller area, he might easily produce by improved methods 20 bushels per acre, leaving him a profit of over \$12. The not unreasonable yield of 28 bushels would not him \$20, which is 10 per cent on a valuation of \$200 per acre for his land. This gigantic waste, applying the same measure to the production of the entire country, is going on every year. If such associations as this Congress can stop it, it will pay for building two Panama canals every year; it will in two years more than pay the estimated expenses of improving every available waterway in the United States; it will save more money to the farmer than the railroads could if they carried all his grain to market free of charge.

What is true of wheat is true of all the other products of the farm. The splendid work done in this State where we are met is to the point. The average yield of corn in Wisconsin has been raised, by the application of scientific methods, from 27 to 47 bushels per acre. The new value thus created in a single State for a single year amounts to about \$15,000,000. I need not go into other details, because they are similar in kind and anyone may examine them for himself. Such increase of the national

tentiaries.

The Netherlands is a still more closely compacted population of 5,672,237 on an area of 12,648 square miles, or 448 per square mile. The advantage of this is that it forces small holdings and a more thorough tillage. The average wheat yield in the Netherlands is 34.18 bushels as against our 14; she produces an average of 53.1 bushels of oats per acre, where we are satisfied with 23.7 bushels in 1907, and an average of less than 30 bushels for the preceding ten years; her farmers gather 232 bushels of potatoes from every acre so planted, while in this country, with soil capable of fabulous yields, we took in 95.4 bushels last year and averaged a trifle less than 96 bushels for the last six years. The difference between 95 bushels and 230 bushels, at 50 cents a bushel, is over \$60 per acre. Rather a heavy loss to pay for poor farming. It is not to be wondered at that the Netherlands, hardly larger than a big county out West, after deducting enough for home consumption, exported more than \$140,000,000 worth of cereals, flour, butter, and cheese, and that her people do not have to pay any poor rates.

home consumption, exported more than \$140,000,000 worth of cereals, flour, butter, and cheese, and that her people do not have to pay any poor rates.

To such a height we can bring the productivity of many of our own fields. When we have done so, and only then, will the specters that haunt our future vanish, and the questions that it now puts to us receive an answer worthy of men careful of their future and thoughtful for their race. Every respectable authority on agriculture in the country will indorse this statement. But at present we are doing little practically, out on the land, among the farmers, to accomplish the change, the revolution in ideas and methods that is involved.

It seems to me that this is the paramount duty and mission of an organization such as this. It could well afford to throw aside most other issues presented for its consideration, refuse to spend time upon alien or abstract questions, and concentrate its energies and resources upon a campaign for better farming in the United States. For, indeed, this reform makes way slowly. It required over half a century in Great Britain to bring it about, although alded by the influence of the great landed proprietors. It is no new doctrine in this country. I have been urging the essentials of better farming upon our whole people at every opportunity for more than twenty-five years. In all the agricultural colleges of the country it is taught. Farmers' institutes have done much to make it known. And still bad methods, soil exhaustion, skimming the cream of the land by single cropping, are the rule instead of the exception. The once matchless fields of the Northwest are deteriorating. The average wheat yield has fallen on some of our best land from 25 bushels or more to about 12. Something must be done to reverse the process. By constant iteration of well-established truths, by the appeal to self-interest, since the farmer can double his own gains for the same labor, by endiess agitation and patient instruction the work may be accomplished. That it m

means to purchase it for our own population. The larmers of the Nation must save it in the future, as they have built its greatness in the past.

My suggestion, then, would be that each one of you individually and this association as a whole subordinate every activity to the educative idea; that you expend energy and resources without stint upon spreading everywhere a knowledge of the necessity, the feasibility, and the financial profit of improved farming methods. Work with your Senators and Representatives, and with your state legislatures, if necessary, for the establishment of model farms in every congressional district, and if possible in every agricultural county in your respective States. Nothing would be so effective as this practical object lesson. Every slack farmer would see the contrast between its fields and his own. Every man with a germ of intelligence would get more ideas and facts and insight into methods and the reason for them in a year by living as a neighbor to a well-run model farm, conducted by an expert in agriculture, than he would in a lifetime from reading books or listening to stump speeches. Above everything else, send your boys and girls, and insist that the farmers whom you know and can influence shall send theirs, to the agricultural colleges where modern systems of tillage are taught.

The opportunity is ample. There are 63 colleges and universities now receiving aid under acts of Congress as a condition of maintaining a course in agriculture. Keep them, if you possibly can, good agricul-

tural schools, and save them from the temptation of trying to ape the airs of the university. They are to-day the most useful, the most fruitful educational institutions in the country. See that the children of the farm go where they will not be taught to despise the soil or long for a future freed from its labors, but will learn the fact, now being fully understood, that the right kind of farming offers scope for the keenest intelligence, occupation for the most active brain, and opportunity and reward for the highest ambition.

After all it is to the next generation mainly that we must look for the transformation of our greatest and most vital industry, though something may be done with this. In both fields, the man who assumes to be the farmer's friend or hold his interests dear will constitute himself a missionary of the new dispensation. It is an act of patriotic service to the country. It is a contribution to the welfare of all humanity, and will strengthen the pillars of a government that must otherwise waver in some popular upheaval when the land shall no longer sustain the multiplying children that its bosom bears. It is a high commission that is offered to you. By accepting it you will confer new dignity, worth, and satisfaction upon the calling in whose name you are gathered here, and help to garner health and comfort and happiness and an opportunity greater than our own for the coming millions, who are no strangers or invaders, but our own children's children, who will pass judgment upon us according to what we have made of the world in which their lot is to be cast.

Mr. BURLESON. Mr. Chairman, I desire to offer an amend-

Mr. BURLESON. Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Line 24, page 3, after the word "bureau," insert the word "five;" and after the word "dollars" add the words "\$1,000 additional while the office is held by the present incumbent."

Mr. BURLESON. Mr. Chairman, I have a few words Mr. MACON. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Texas.

Mr. BURLESON. This position is the only one in the de-

partment that is

Mr. MACON. Mr. Chairman, I reserve a point of order. Mr. BURLESON. It is too late; I was on my feet and addressing the committee on the amendment before the point of order was raised.

Mr. MACON. I was on my feet at the same time; I was

on my feet before the gentleman started to speak.

The CHAIRMAN. If the gentleman from Arkansas was on his feet trying to receive recognition, then the Chair must rule that he was in time.

Mr. MACON. I insist that the moment the last word of the amendment fell from the Clerk's lips I reserved a point of

Mr. BURLESON. I want to submit an appeal to the gentle-man from Arkansas [Mr. Macon] not to press the point of order. I do not subscribe to the proposition, though, that the point of order was reserved in time, but I will not take advantage of it. If the gentleman wants to reserve a point of order, I am perfectly willing that he should do it.

Mr. MACON. Does the gentleman question my statement?
Mr. BURLESON. I say that if the gentleman wants to reserve the point, I am perfectly willing that he should do so.
However, I want to submit this suggestion to the gentleman from Arkansas, the Chief of the Weather Bureau is the only bureau chief in the Department of Agriculture who, under the law, can be called to act as Secretary in the absence of the Secretary. I want to direct his attention to the fact that in every other department in the Government where an assistant secretary or any other official under law can be called to act in the capacity of secretary, that assistant or other official receives a salary in excess of \$5,000. As a matter of fact, Professor Moore is the only bureau chief in the Department of Agriculture who can in the absence of his chief act under the law in his stead.

In every instance, in other departments, those who, under law, can act as Secretary are receiving a higher salary than is paid Professor Moore. Six thousand dollars is the minimum salary paid for this service. Now, I submit to the gentleman from Arkansas that this is a discrimination against this particular I appeal to the gentleman's sense of fairness. right that in the Department of Agriculture alone the official who acts as Secretary shall receive a smaller compensation than is allowed in every other department? In the light of this fact, I want to ask the gentleman if he will not withdraw the point of order?

Mr. MACON. Mr. Chairman, I notice here on the first page of this bill a provision providing for an-

Assistant Secretary of Agriculture, at \$5,000.

Now, if he is not the proper official to take the place of the Secretary, instead of Mr. Moore, and does not take the place of the Secretary during his absence, then I would like to know

what he is designated and appropriated for?

Mr. BURLESON. I will say to the gentleman that, so far as I am concerned, I have no objection to the increase of the salary of the Assistant Secretary; but that does not overturn the point

I make, namely, that in no other department but the Agricultural Department, where an official can be called upon to act as

Secretary, does that official receive less than \$6,000.

Mr. MACON. I think you are attempting to discriminate against the Assistant Secretary and against the other chiefs of bureaus of this department when you attempt to increase the salary of this officer. I want to say further, Mr. Chairman, I have felt called upon to act in this matter, that the gentleman from Texas ought himself to have very little respect for me if when I say that I am opposed to and have consistently opposed the increase of all salaries of all the officers of the Government when the revenues of the country are so depleted that they will not justify anything of the kind, if I were to allow this salary to be increased while I oppose the increase of others; if I were to make fish of one and fowl of

Mr. BURLESON. If the gentleman will permit, if I can show a discrimination being practiced against this department, surely that is a consideration that ought to weigh with the

gentleman. Mr. MACON. I can not see how any discrimination could be practiced against anyone who has for sixteen long years re-ceived a fine salary at the hands of his employer, without any expense whatever to himself to obtain it, without any expense or trouble of travel, without having to leave the place of his employment, without having to be deprived of the society and comforts of home and family-I can not see, to save my life, how a man who has been served by his Government in this way for sixteen years can say he is discriminated against because Congress refuses to increase his salary at a time when it is not proper for it to increase salaries. Again, I have not been able to see where the discrimination comes in. This gentleman is performing the duties of his office satisfactorily, no doubt. But the same may be said of many other employees of the Government. It seems, Mr. Chairman, that the officer or employee whose salary it is proposed to increase is the very best officer or employee in the service of the Government. I undertake to say now that if some one were to move to increase the salary of the Chief of the Bureau of Plant Industry that he would be proclaimed-

Mr. MANN. It ought to be increased, too-

Mr. MACON (continuing). To be the best officer in the service of the Government.

Mr. MANN. And would not be wrong in saying it. Mr. MACON. I do not know that they would, but it would be the same with anyone else whose salary any Member of the House might propose to increase. If you can show where there is any discrimination against this gentleman, I am ready to be shown. I have not been up to this time.

Mr. BURLESON. I take the gentleman at his word.

Mr. MACON. I do not ask you to take it.
Mr. BURLESON. I take the gentleman at his word on that proposition. The gentleman evidently did not understand what I said, or he would certainly not so propose. There is no other department of the Government where in the absence of the Secretary the official who is called upon under the law to act for such Secretary is not receiving \$6,000 or more.

Mr. MACON. Here is one right before me. The Assistant

Secretary, who has to act in the absence of the Secretary-he

does not receive but \$5,000.

Mr. BURLESON. That is the very point I am making; a discrimination is being practiced against all these officials in

the Agricultural Department.

Mr. MACON. Here is the Assistant Secretary of Agriculture. who is only getting \$5,000, as stated a moment ago; and when you offer to raise this other salary you discriminate against him.

Mr. Chairman, consistency and economy demand that I insist

upon the point of order. [Applause.]
Mr. MANN. Will the gentleman reserve the point of order?

The CHAIRMAN. The Chair sustains the point of order?

Mr. SCOTT. I ask that the word "five" be substituted for the word "six" in this item.

The CHAIRMAN. Without objection, it will be so ordered. There was no objection.

Mr. SCOTT. Mr. Chairman, I move that the committee do

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill (H. R. 27053) and had come to no resolution thereon.

SENATE JOINT RESOLUTION AND BILL AND HOUSE JOINT RESOLU-TION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and Senate bill and House joint resolution with Senate amendments were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 102. Joint resolution proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases—to the Committee on Election of President, Vice-President, and Representatives in Congress.

S. 7883. An act to authorize the Secretary of the Interior to construct a bridge across the Little Colorado River, abutting on the Navajo Indian Reservation, in the Territory of Arizona, and for other purposes—to the Committee on Indian Affairs.

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes-to the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10986. An act for the relief of L. H. Lewis; H. R. 10987. An act for the relief of A. A. Lewis:

H. R. 13319. An act for the relief of the heirs of Thomas J.

H. R. 4119. An act to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails:

H. R. 8050. An act for the relief of James R. Wyrick;

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation;

H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 17344. An act for the relief of Frederick Daubert; H. R. 19893. An act for the relief of Thomas J. Shocker

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 10606. An act for the relief of Robert S. Dame;

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box in-spector from March 29, 1902, to June 13, 1903;

H. R. 17297. An act authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road;

H. R. 7807. An act to place John Crowley on the retired list of the United States Navy;
H. R. 7963. An act for the relief of Patrick Conlin;
H. R. 7006. An act to correct the military record of George

W. Hedrick

H. R. 10416. An act to correct the naval record of Lieut. Hil-

ary Williams, U. S. Navy; H. R. 16927. An act for the relief of Lieut. Commander Kenneth McAlpine:

H. R. 19839. An act for the relief of W. H. Blurock;

H. R. 14361. An act to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty;

H. R. 23711. An act to build a bridge across the Santee River, South Carolina;

H. R. 27427. An act to prohibit the importation and use of opium for other than medicinal purposes;

H. R. 24635. An act to create a new division in the middle judicial district of the State of Tennessee; and

H. R. 24303. An act for the relief of the estate of Charles Fitzgerald.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8333. An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas; and

S. 6418. An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes. ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 10416. An act to correct the naval record of Lieut. Hilary Williams, U. S. Navy;

H. R. 8050. An act for the relief of James R. Wyrick;

H. R. 23711. An act to build a bridge across the Santee River, South Carolina;

H. R. 7963. An act for the relief of Patrick Conlin;

H. R. 7807. An act to place John Crowley on the retired list of the United States Navy;

H. R. 7006. An act to correct the military record of George

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903;

H. R. 4119. An act to pay John Wagner, of Campbell Hall,

N. Y., for carrying the mails;

H. R. 26062. An act authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district;

H. R. 19839. An act for the relief of W. H. Blurock; H. R. 19893. An act for the relief of Thomas J. Shocker; H. R. 19095. An act authorizing the Secretary of the Interior

to sell isolated tracts of land within the Nez Perces Indian Reservation:

H. R. 17344. An act for the relief of Frederick Daubert;

H. R. 17297. An act authorizing the extension of New York avenue from its present terminus near Fourth street NE, to the Bladensburg road;

H. R. 16927. An act for the relief of Lieut. Commander Ken-

neth McAlpine:

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12. 1901:

H. R. 14361. An act to reimburse the Eastern Salt Company,

of Boston, Mass., for certain excess duty; H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 13319. An act for the relief of the heirs of Thomas J.

H. R. 10987. An act for the relief of A. A. Lewis;

H. R. 10986. An act for the relief of L. H. Lewis; and H. R. 10606. An act for the relief of Robert S. Dame.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8356. An act to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska—to the Committee on Indian Affairs.

S. 5510. An act for the relief of the owners of the tug Juno-

to the Committee on Claims.

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expense of the inaugural ceremonies of the President of the United States, March 4, 1909-to the Committee on Appropriations.

Senate concurrent resolution 85.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Anacortes, Wash., to determine the cost and advisability of its improvement—

to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now

The motion was agreed to.

Accordingly (at 5 o'clock and 29 minutes p. m.) the House

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary.of War, transmitting correspondence, etc., relating to the payment of certain claims in Panama (H. Doc. No. 1411), was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BANNON, from the Committee on the Judiciary, to which

tion 10 of chapter 252, volume 29, of Public Statutes at Large, reported the same with amendments, accompanied by a report (No. 2025), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Messrs. WEEKS and LEVER, from the Committee on Agriculture, to which was referred the bill of the Senate (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, reported the same with amendments, accompanied by a report (No. 2027), which said bill and report were referred to the Committee on the Whole House on the state of the Union.

Mr. FOSTER of Indiana, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23864) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road, reported the same with amendments, accompanied by a report (No. 2031) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 24152) for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE to Bowen road, reported the same with amendments, accompanied by a report (No. 2032), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 24853) to amend the charter of the Lake Erie and Ohio River Ship Canal Company, approved June 30, 1906, reported the same without amendment, accompanied by a report (No. 2022), which said bill and report were referred to the House Calendar.

Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27425) to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes, reported the same without amendment, accompanied by a report (No. 2029), which said bill and report were referred to the House Calendar.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. J. Res. 249) to enable the States of Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan, reported the same without amendment, accompanied by a report (No. 2030), which said joint resolution and report were referred to the House Calendar.

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21589) to repeal section 802 of the Revised Statutes and to provide for the return of jurors to serve in the courts of the United States, reported the same with amendments, accompanied by a report (No. 2034), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4312) for the relief of William E. Moses, reported the same without amendment, accompanied by a report (No. 2023), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4313) for the relief of John V. Vickers, reported the same without amendment, accompanied by a report (No. 2024), which said bill and report were referred to the Private Calendar.

Mr. CUSHMAN, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns, reported the same without amendment, accompanied by a report (No. 2028), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 890) for the relief of William Boldenweck, assistant treasurer of the United States at Chicago, reported the same without amendment, accompanied by a report (No. 2033), which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26516) authorwas referred the bill of the House (H. R. 16274) to amend sec- | izing Daniel W. Abbott to make homestead entry, reported the same without amendment, accompanied by a report (No. 2035), which said bill and report were referred to the Private Cal-

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

A bill (H. R. 26055) granting an increase of pension to Mary E. Balch-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27518) granting a pension to Ethel K. Guerin— Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27552) granting a pension to Ann Rager—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27356) granting an increase of pension to Thomas Kelly-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 27600) pensioning the surviving officers and enlisted men of the New Mexico and Arizona Volunteers employed in the defense of the frontier of the Territories of New Mexico and Arizona against Mexican marauders and Indian depredations from 1855 to 1890, inclusive,

and for other purposes—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 27601) to authorize the establishment of a light signal and to provide for the reconstruction of the light-house at North Point, Milwaukee, Wis .-- to the

Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 27602) for the extension of Albemarle street from Wisconsin avenue to the east line of Thirtyninth street NW .- to the Committee on the District of Co-

By Mr. HUMPHREY of Washington: A bill (H. R. 27603) to amend "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908—to the Committee on Industrial Arts and Expositions.

By Mr. McGUIRE: A bill (H. R. 27604) to establish in the

Department of Agriculture a bureau to be known as the bureau of public highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. HEFLIN: A bill (H. R. 27605) to provide for collecting statistics from the manufacturers of cotton goods in the

United States—to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 27606) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 27607) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States-to the Committee on the Territories.

By Mr. SULLOWAY: Resolution (H. Res. 533) for the appointment of a stenographer to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. CASSEL: Resolution (H. Res. 534) for the purchase of Matthews' Legislative, Pension, and Postal Docket, etc.-to the Committee on Accounts.

By Mr. FOELKER: Resolution (H. Res. 535) to pay to U. Grant Smith a certain sum of money—to the Committee on Ac-

By Mr. GAINES of Tennessee: Resolution (H. Res. 536) authorizing the Committee on the Judiciary to investigate and report regarding certain corporations—to the Committee on Rules.

By Mr. HAMILTON of Michigan: Resolution (H. Res. 537)

providing for the consideration of the bill H. R. 27607-to the Committee on Rules.

By Mr. GRONNA: Memorial of the legislature of North Dakota, for the passage of a bill giving clear title to lands in North Dakota not classified as coal lands before being enteredto the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 27608) granting an increase of pension to Reuben S. Palmer—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 27609) granting an increase of pension to John Hepler-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27610) granting an increase of pension to Lafayette Riker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27611) granting a pension to George W. Willets—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 27612) granting an increase of pension to Edgar A. Sheldon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27613) granting an increase of pension to Oscar E. Mitchell—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 27614) grant-

ing a pension to Sarah J. Vaughan-to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27615) granting an increase of pension to John F. Hoben—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 27616) granting an increase of pension to George N. Stork-to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 27617) for the relief of the estate of Dorothy Davis, deceased-to the Committee on War

By Mr. DIXON: A bill (H R. 27618) granting an increase of pension to Jonathan C. Chasteen—to the Committee on Invalid

Also, a bill (H. R. 27619) granting an increase of pension to Nathan F. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27620) granting an increase of pension to Martha Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27621) granting an increase of pension to Lewis H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27622) granting an increase of pension to Andrew Carpenter-to the Committee on Invalid Pensions Also, a bill (H. R. 27623) granting an increase of pension to

Also, a bill (H. R. 27625) granting an interest of the Committee on Invalid Pensions.

Also, a bill (H. R. 27624) granting a pension to Elymas F.

Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27625) to restore Lieut. James Hampton to

the pension roll-to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 27626) granting an increase of pension to William H. Watkins-to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27627) for the relief of R. Boatright-to the Committee on War Claims,

Also, a bill (H. R. 27628) granting an increase of pension to John S. Lewis-to the Committee on Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 27629) for the relief of Rear-Admiral John J. Read, U. S. Navy, retired—

to the Committee on Claims.

Also, a bill (H. R. 27630) granting an increase of pension to Kate G. Beugless—to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 27631) granting an increase of pension to James J. Reeves-to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 27632) granting an increase of pension to Jonathan C. Crane—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 27633) granting a pension to Henry M. Allen—to the Committee on Invalid Pen-

Also, a bill (H. R. 27634) granting an increase of pension to Andrew F. Byers—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 27635) for the relief of the heirs of Dr. Robert H. Power, deceased—to the Committee on War Claims.

By Mr. KIMBALL: A bill (H. R. 27636) granting an increase of pension to Christopher T. Grinstead—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 27637) granting an increase of pension to Edward F. Smith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27638) granting an increase of pension to Jacob Alles-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27639) granting an increase of pension to Minor Hoover-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27640) granting an increase of pension to John H. McMillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27641) granting an increase of pension to John H. Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27642) granting an increase of pension to Elmer V. Cowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27643) granting an increase of pension to Charles H. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27644) granting an increase of pension to Jacob D. Morris-to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 27645) granting an increase of pension to Henry Beeson-to the Committee on Pensions.

By Mr. LAMAR of Florida: A bill (H. R. 27646) granting an increase of pension to Lizzie Lynch—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 27647) for the relief of the trustees of White Oak Church, of Dinwiddle County, Va.—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 27648) for the relief of

Jacob C. Robberts—to the Committee on Claims,
By Mr. MARSHALL: A bill (H. R. 27649) granting an increase of pension to William H. Blanchard-to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 27650) granting an increase of pension to William L. Riley-to the Committee on Invalid

Also, a bill (H. R. 27651) granting an increase of pension to Lewis F. Pelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27652) granting an increase of pension to

John Kehoe-to the Committee on Invalid Pensions. Also, a bill (H. R. 27653) granting an increase of pension to

Robert Parkin—to the Committee on Invalid Pensions. Also, a bill (H. R. 27654) granting an increase of pension to

Edward Trumble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27655) granting an increase of pension to Clement J. Cherington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27656) granting an increase of pension to Charles E. Bromley—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 27657) granting an increase of pension to Robert Enis-to the Committee on Invalid Pen-

By Mr. TOU VELLE: A bill (H. R. 27658) granting an increase of pension to Thomas J. Black-to the Committee on In-

Also, a bill (H. R. 27659) granting an increase of pension to Harvey D. Parmenter-to the Committee on Invalid Pensions,

Also, a bill (H. R. 27660) granting an increase of pension to Isaac N. Smith-to the Committee on Invalid Pensions

Also, a bill (H. R. 27661) for the relief of Egbert S. Reedto the Committee on War Claims.

Also, a bill (H. R. 27662) for the relief of Henry S. Call-to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 27663) granting an increase of pension to Allen Martin-to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 27664) granting an increase of pension to Nicholas Wheeler-to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 27665) granting a pension to Emilia Granger-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows

By Mr. ACHESON: Paper to accompany bill for relief of Joseph Gilmore—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Springfield Grange, No. 49,

of Williams County, Ohio, favoring a national highways commission-to the Committee on Agriculture.

Also, petition of Ohio Seventh Day Adventists, of Columbus, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of L. A. Pearson, of Columbus, Ohio, favoring repeal of duty on raw and refined sugars-to

the Committee on Ways and Means.

By Mr. BATES: Paper to accompany bill for relief of Edgar

A. Sheldon—to the Committee on Invalid Pensions.

Also, petition of Luther Gates & Son, of Shadeland, Pa., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads,

Also, paper to accompany bill for relief of Oscar E. Mitchell-to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of George H. Alexander & Co., the National Lead and Oil Company, the S. Keigbley Metal Ceiling and Manufacturing Company, and the Brown & Zortman Machinery Company, favoring proposed amendment to the bankruptcy act as per the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

By Mr. CALDER: Petition of Long Island Bottlers' Union, for retention of tariff on ginger ale and other carbonated bever-

ages-to the Committee on Ways and Means.

Also, petition of American Protective Tariff League, against a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of Yellow Pine Manufacturers' Association, against any changes in the tariff on lumber—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, favoring increase of salaries of United States circuit court judges to \$10,000 and of United States district court judges \$9,000 per annum-to the Committee on Appropria-

By Mr. CRAVENS: Paper to accompany bill for relief of estate of Dorothy Davis-to the Committee on War Claims.

By Mr. DARRAGH: Petitions of Eastport Grange, of Antrim County, Mich., and W. N. Baldwin and 12 other citizens of Gratiot County, Mich., favoring a national highways commis-

sion—to the Committee on Agriculture.

Also, petitions of Mount Vernon Grange, of Isabella County, Mich., and Elmer Kitrick and 10 others, favoring a parcels-post law (S. 5122) and a postal savings bank law (S. 6484)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. T. Pickham and 65 other citizens of Montcalm County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DAWSON: Petition of 172 mercantile firms in the Second Congressional District of Iowa, against parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany H. R. 27470, fixing grade of certain employees at United States arsenals and proving grounds to the Committee on Military Affairs.

By Mr. DIXON: Petition of Myron King and others, of North

Vernon, Ind., against S. 3940 (religious legislation in the District of Columbia)-to the Committee on the District of Columbia.

By Mr. DRISCOLL: Petition of Hullim Brothers, of Syracuse, N. Y., favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

Also, petition of J. D. Neor and others, favoring enactment of legislation to create a national highways commission-to the Committee on Agriculture.

By Mr. ELLIS of Oregon: Petition of N. P. Hansen, O. C. Thompson, and 68 other citizens of Oregon, asking that jute grain bags and the cloth from which they are made be admitted free of duty-to the Committee on Ways and Means.

Also, memorial of legislature of Oregon, against the Porter bill, changing size of apple boxes—to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of superintendent of public works, New York, favoring improvement of upper Hudson River (Senate amendment No. 13)-to the Committee on Rivers and Har-

Also, petition of the Grand Army of the Republic of the State of New York, against consolidating pension agencies-to the Committee on Appropriations.

By Mr. FULLER: Petition of road committee of Alaska Chamber of Commerce, for appropriation of \$1,000,000 in aid of Alaska roads-to the Committee on Agriculture.

Also, petition of the Hibbard, Spencer, Bartlett Company, of Chicago, favoring proposed amendment to bankruptcy act, as per the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

By Mr. GILHAMS: Petition of Chancey Avery and others, favoring parcels post on rural free-delivery routes and postal savings banks-to the Committee on the Post-Office and Post-

By Mr. GOULDEN: Petition of Tremont Baptist Church, of New York, in favor of a children's bureau in the Department of the Interior-to the Committee on Expenditures in the Interior Department.

Also, petition of Illinois Manufacturers' Association, favoring establishment of a merchant marine-to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York Produce Exchange, against federal inspection and grading of grain-to the Committee on Inter-

state and Foreign Commerce.

By Mr. GRAHAM: Petition of the Fort Pitt Supply Company, the Brown & Zortman Machinery Company, and the National Lead and Oil Company, favoring the Sherley bill (H. R. 21929), amending present bankruptcy act—to the Committee on the

Also, petition of the Illinois Manufacturers' Association, favoring ship-subsidy legislation, to the end of swift ships to Australia, Asia, and the Orient-to the Committee on the Merchant

Marine and Fisheries.

Also, petition of Iron City Subordinate Association, No. 24, Lithographers' International Protective and Beneficial Association of the United States and Canada, of Pittsburg, Pa., against reduction of tariff on lithographic works-to the Committee on Ways and Means.

Also, petiton of James P. Sipe & Co., of Pittsburg, Pa., favoring legislation in the fair interest of railways, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petition of Rhode Island Chapter, American Institute of Architects, favoring S. 8927, for a Lincoln memorial—to the Committee on the Library.

By Mr. GRONNA: Petition of American Society of Equity,

for retention of the present import duties on grains-to the

Committee on Ways and Means.

By Mr. GUERNSEY: Petition of Ira Barnes and others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. HAMILTON of Michigan: Petition of citizens of Allegan County, Mich., for a national highways commission and federal aid in construction of highways (H. R. 15837)-to the Committee on Agriculture.

By Mr. HASKINS: Petition of Calais Grange, No. 387, of East Calais, Vt., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY: Petition of legislature of Oregon, against the Porter bill, increasing size of apple boxes—to the Committee

on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of citizens of Morse Bluff, Prague, Lushton, Grafton, York, Beaver Crossing, Dwight, Seward, Swaburg, and Cedar Bluffs, all in the State of Nebraska, against a parcels-post and postal savings bank law-to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of James F. Youngblood (H. R. 11551)—to the Committee on In-

By Mr. HULL of Iowa: Protest of citizens of Knoxville, Iowa, against establishment of parcels post-to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Petition of Thad C. Round, of Chippewa Falls, Wis., urging enactment of a law providing for a national income tax—to the Committee on the Judiciary.

By Mr. KAHN: Petitions of S. A. Young and 117 other residents of San Pedro, Cal., and J. G. Brown and 88 other residents of Ballard, Wash., favoring a law to exclude all Asiatics save merchants, travelers, and students-to the Committee on Foreign Affairs.

By Mr. KENNEDY: Paper to accompany bill for relief of James Meneely-to the Committee on Invalid Pensions.

By Mr. LASSITER: Paper to accompany bill for relief of White Oak Church-to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of James M. Slate (H. R. 27568)—to the Committee on Invalid Pensions. By Mr. LINDBERGH: Petition of citizens of Belgrade,

Minn., against a tariff on tea and coffee-to the Committee on Ways and Means.

By Mr. LOUD: Petition of citizens of East Tawas, favoring parcels-post and postal savings bank laws-to the Committee on the Post-Office and Post-Roads.

Also, petition of Fisher Grange, No. 790, of Harrisville, Mich., favoring a national highways commission-to the Committee on Agriculture.

By Mr. McHENRY: Petition of Colley Grange, No. 365, of Colley, Pa., for the creation of a national highways commission and an appropriation for aiding in the improvement and maintenance of public roads-to the Committee on Agriculture.

By Mr. MANN: Petition of American Society of Equity, protesting against removal of import duty on grain-to the Com-

mittee on Ways and Means.

Also, petition of Yellow Pine Manufacturers' Association, against any changes of the tariff on lumber-to the Committee on Ways and Means.

By Mr. MURPHY: Paper to accompany bill for relief of William S. Riley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lewis F. Pelton-

to the Committee on Invalid Pensions.

Also, papers to accompany bills granting increase of pension to Clement J. Cherington, Charles E. Bromley, Edward Trumble, John Kehoe, and Robert Parkin—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petition of Dauphin County Bar Association, favoring an increase of salaries to judges of federal

courts-to the Committee on Appropriations.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Thomas Vernon—to the Committee on War Claims. By Mr. PAGE: Petition of citizens of Montgomery County,

N. C., favoring the Davis bill (for federal aid of state schools)to the Committee on Agriculture.

By Mr. PORTER: Petition of residents of Medina, N. Y., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PRAY: Petition of citizens of Yellowstone County, Mont, against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. RHINOCK: Petition of citizens of Boone County, Ky., favoring a parcels-post and savings bank law—to the Committee

on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of Chicago Typographical Union, No. 16, disapproving of the decision of Justice Wright relative to the case of Messrs. Gompers, Mitchell, and Morrison-to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of Cairo Commercial Club, against further hostile legislation toward corporations-to the

Committee on Interstate and Foreign Commerce,

SENATE.

THURSDAY, February 4, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CLAIMS AGAINST CHOCTAWS AND CHICKASAWS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, stating, by direction of the President, and in response to a resolution of the 21st ultimo, relative to the report of J. W. Howell, an assistant attorney in the office of the Assistant Attorney-General for the Department of the Interior, covering the investigations conducted by him of the claims of certain persons to share in the common property of the Choctaw and Chickasaw Indians, etc., that the Interior Department has no report from J. W. Howell concerning the matters mentioned in the resolution (S. Doc. No. 694), which was referred to the Committee on Indian Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Masonic Lodge of Bexar, Ala., v. The United States (S. Doc. No. 695), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 4535) to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to

the amendments of the Senate to the following bills:

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army;

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H.R. 11460. An act to remove the charge of desertion from the military record of William H. Houck; H.R. 16015. An act for the relief of Lafayette L. McKnight;

H. R. 20171. An act to correct the military record of George H. Tracy.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 24135. An act to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes;

H. R. 24337. An act to amend section 2625 of the Revised Statutes of the United States;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 24835. An act authorizing the necessary resurvey of

public lands:

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa;

H. R. 27238. An act to amend section 2619 of the Revised Statutes of the United States; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 6418. An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes;

S. 8333. An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas;

H. R. 24303. An act for the relief of the estate of Charles

Fitzgerald:

H. R. 24635. An act to create a new division in the middle judicial district of the State of Tennessee; and

H. R. 27427. An act to prohibit the importation and use of opium for other than medicinal purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Spokane Chamber of Commerce, of Spokane, Wash., praying for the removal of the duty on coal imported into the United States, which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of the Commercial Club of Cairo, Ill., remonstrating against the enactment of any legislation inimical to the corporate interests of the country, which

was referred to the Committee on the Judiciary.

He also presented a petition of the State Manufacturers' Association of the State of Illinois, praying for the enactment of legislation providing for the restoration of the American mer-chant marine, which was referred to the Committee on Com-

Mr. FRYE presented a petition of the Society of Colonial Dames of Maine, praying for the enactment of legislation providing for the preservation of the forests of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GAMBLE presented a memorial of the American Society of Equity, of Chicago, Ill., remonstrating against the repeal of the duty on wheat, barley, and other grains, which was referred

to the Committee on Finance.

Mr. WARREN presented a petition of the State Wool Growers' Association, of Rawlins, Wyo., praying for the enactment of legislation granting the use of the public lands of the country for grazing purposes, which was referred to the Committee on Public Lands.

He also presented a memorial adopted by the National Wool Growers' Association at its annual convention held at Pocatello, Idaho, remonstrating against the repeal of the duty on wool and hides, which was referred to the Committee on Finance.

Mr. BOURNE presented a petition of Local Grange No. 334, Patrons of Husbandry, of Deer Island, Oreg., and a petition of Crowfoot Grange, No. 314, Patrons of Husbandry, of Lebanon, Oreg., praying for the passage of the so-called "rural parcelspost" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER presented a petition of sundry citizens of Grafton, N. Dak., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. RICHARDSON presented a memorial of the Peace Society of the State of Delaware, remonstrating against any further appropriation being made for the increase of the navy, which was referred to the Committee on Naval Affairs.

Mr. PAGE presented a petition of Calais Grange, No. 387, Patrons of Husbandry, of East Calais, Vt., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

THE NAVY DEPARTMENT.

Mr. HALE. I have here, Mr. President, a statement of the Secretary of the Navy before the Committee on Naval Affairs as to the methods of conducting business in the Navy Department. ment. It is an important matter, and I ask that it may be printed as a Senate document and that 500 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Maine presents a statement made by the Secretary of the Navy before the Committee on Naval Affairs with respect to the manner of conducting business in the Navy Department, and asks that it may be printed as a document (S. Doc. No. 693) and that 500 additional

copies be printed for the use of the Senate.

Mr. HALE. At the suggestion of the Senator from Indiana [Mr. Beveringe], I ask that the number of copies be 1,000 instead of 500.

The VICE-PRESIDENT. The Senator from Maine asks that 1,000 additional copies be printed for the use of the Senate. Without objection, the order is made as requested by the Senator from Maine.

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (H. R. 4286) for the relief of John Shull, reported it with an amendment and submitted a report (No. 909)

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 7380) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported it with amendments and submitted a report (No. 910) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon, and moved that they be indefinitely postponed, which was

agreed to:
A bill (S. 8526) for the relief of Willard H. Peck; and
A bill (S. 7993) to correct the military record of Benjamin Brothers

Mr. CARTER, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 83) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai, reported it without amendment and submitted a report (No. 915) thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. Fulton on the 27th ultimo, providing for the paving with asphalt of Connecticut avenue extended from Macomb street to Newark street, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments and moved that it lie on the table, which was agreed to.

IMPROVEMENT OF BLAINE HARBOR, WASHINGTON.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 86, submitted by Mr. PILES on the 3d instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Blaine, Wash., to determine the cost and advisability of its improvement.

CANAL TO THE GULF OF MEXICO.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 82, submitted by Mr. MILTON on the 29th ultimo, reported it without amendment; and it was considered by unanimous consent and agreed to, as fol-

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made to ascertain the most feasible and practicable route to build a canal or inland waterway on the shores of the Gulf of Mexico connecting St. Andrews Bay, in the State of Florida,

and the Mississippi River near New Orleans, in the State of Louisiana, with a view to determining the advantage, best location, and probable cost of such canal or inland waterway, and to submit a plan and an estimate for such improvements.

IMPROVEMENT OF POPHAM BEACH, MAINE.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 83, submitted by himself on the 1st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Popham Beach, Maine, with a view to the building of a bulkhead or hreakwater along said beach for the protection of property of the United States and to prevent the deposit of sand in navigable waters adjacent thereto.

WASHINGTON, SPA SPRINGS AND GRETTA RAILROAD.

Mr. SMITH of Maryland. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 9006) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907, to report it favorably without amendment, and I submit a report (No. 908) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY AT WEST POINT.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred Senate resolution 256, submitted by the Senator from Ohio [Mr. Dick] on the 20th ultimo, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Secretary of War be directed to furnish to the Senate of the United States copies of all reports, recommendations, and other correspondence of record in the War Department, or at the United States Military Academy at West Point, relative to the subject of hazing at the Military Academy since January 1, 1908; also copies of all reports, recommendations, and other correspondence of record in the War Department relative to cadets of the Military Academy reported as deficient in either conduct or studies, or both, as a result of the last general examination held at the Military Academy.

The amendment of the committee was, in line 6, after the date "1908," to strike out the remainder of the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

DEWITT EASTMAN.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8588) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, to report it favorably with an amendment, and I submit a report (No. 913) thereon. I call the attention of the Senator from Minnesota [Mr. Nelson] to the bill.

Mr. NELSON. I ask for the present consideration of the bill.

It relates simply to the removal of a charge of desertion.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON rose.

Mr. SCOTT. It only amends an act that has already passed, in which a mistake was made in not giving the man an hon-

orable discharge. It simply corrects that.

Mr. CULBERSON. It seems to be a short bill. Let it be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and to insert:

That Dewitt Eastman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery I, Fourth Regiment U. S. Artillery, on the 13th day of June, 1865: Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ASTORIA, OREG.

I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7374) to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon, to report

it favorably with amendments, and I submit a report (No. 912) thereon. I call the attention of the Senator from Oregon [Mr. FULTON] to the bill.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consid-

The amendments were, on page 1, line 11, before the word "hundred," to strike out "five" and insert "one;" after the word "hundred" to insert the words "and seventy-five;" and

after line 11 to strike out the remainder of the bill down to and including line 9, on page 3, so as to make the bill read: A bill (8, 7374) to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office in the city of Astoria and State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$175,000.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS FOR TRIAL OF ENLISTED MEN.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 6252) to promote the administration of justice in the navy, to report it favorably with an amendment, and I submit a report (No. 911) thereon. I ask for the present consideration of the bill. I will state that the Senate passed a bill a few days since, and it is offered as a substitute for the House bill. If the bill is now passed, I propose to recall the Senate bill from the House with a view to its indefinite postponement.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendment of the Committee on Naval Affairs was to strike out all after the enacting clause and to insert:

The amendment of the Committee on Naval Affairs was to strike out all after the enacting clause and to insert:

That courts for the trial of enlisted men in the Navy and Marine Corps, for minor offenses, may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval control, by a commanding officer of marines, or by higher naval authority.

Sec. 2. That such courts shall be known as "deck courts," and shall consist of one commissioned officer only, not below the grade of lieutenant in the Navy or captain in the Marine Corps, who, while serving in such capacity, shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article 30 of the Articles for the Government of the Navy: Provided, That in no case shall such courts adjudge discharge from the service or adjudge confinement or forfeiture of pay for a longer period than thirty days.

Sec. 3. That any person in the Navy or Marine Corps, under the command of the officer by whose order a deck court is convened, may be detailed to act as recorder thereof.

Sec. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated.

Sec. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe.

Sec. 6. That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary ourts-martial may be carried into effect upon approval of the convening authority or his successor in office.

Sec. 7. That all sentences of summary ourts-martial

issue.

SEC. 12. That every person not belonging to the navy of the United States, who, being duly subpœnaed to appear as a witness before a general court-martial or court of inquiry of the navy, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor,

for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by such naval court to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: Provided, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witness and his mileage, at the rates provided for witnesses in the United States district court for said State, Territory, or District, shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: Provided further, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

himself or to answer any question which may tend to incriminate or degrade him.

SEC. 13. That the depositions of witnesses may be taken on reasonable notice to the opposite party, and, when duly authenticated, may be put in evidence before naval courts in cases not capital, as follows: First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance.

SEC. 14. That all acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

Mr. PERKINS. I move that the House be requested to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

The motion was agreed to.

Mr. PERKINS. I enter a motion to reconsider the vote by which the Senate bill 7872 was ordered to a third reading and passed.

JOHN M. BRYAN, JR.

Mr. OWEN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 8555) to relinquish the interest of the United States in and to certain lands in Dade County, Fla., to John M. Bryan, jr., to report it favorably with an amendment, and I submit a report (No. 914) thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. TALIAFERRO. I ask that the bill may go over until I can look into it

The VICE-PRESIDENT. Objection to present consideration made. The bill will go to the calendar.

Mr. TALIAFERRO subsequently said: I wish to withdraw the objection to the consideration of Senate bill 8555, that was read a moment ago.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands was, at

and patent shall issue therefor: Provided. The said John M. Bryan. jr., pay \$1.25 an acre for the land referred to prior to the issuance of the patent to him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 9104) granting an increase of pension to James H. Little, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM (for Mr. HOPKINS) introduced the following bills, which were severally read twice by their titles and re-

ferred to the Committee on Pensions:

A bill (S. 9105) granting an increase of pension to Hattie A. Vaughan:

A bill (S. 9106) granting an increase of pension to John F.

Blakely A bill (S. 9107) granting an increase of pension to Mary J.

Harrison (with an accompanying paper) A bill (S. 9108) granting an increase of pension to Leander C. Johnson (with the accompanying papers); and

A bill (S. 9109) granting an increase of pension to Uriah L.

Rape (with the accompanying papers).

Mr. McCUMBER introduced a bill (S. 9110) for the relief of Commander William S. Hogg, U. S. Navy, and others sta-

tioned at Pensacola, Fla., during the hurricane, September, 1906, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions

A bill (S. 9111) granting an increase of pension to Ida Clark;

A bill (S. 9112) granting an increase of pension to John W.

Dunahey Mr. FRAZIER introduced a bill (S. 9113) for the relief of Mrs. George M. Goodwin, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9114) for the relief of the heirs at law of James B.

Hill; and

A bill (S. 9115) for the relief of Abraham Slover.

Mr. GALLINGER (by request) introduced a bill (S. 9116) to incorporate the American Academy of Medicine, which was read twice by its title and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. PENROSE introduced a bill (S. 9117) for the relief of Nathan Van Beil and others, which was read twice by its title

and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 9118) granting an increase of pension to Culbert King, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 9119) granting an increase of pension to Isabella Morrison, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 9120) for the relief of Marshall Leviner, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9121) granting a pension to Zennie Stanton; and A bill (S. 9122) granting an increase of pension to Stephen M. Buckner.

Mr. GORE introduced a bill (S. 9123) to increase the limit of cost for erection of a certain post-office building at Oklahoma City, Okla., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 9124) to authorize the Secretary of the Interior to grant rights of way across the segregated coal lands to cities in Oklahoma for public improvements, and for other purposes, which was read twice by its title and referred

other purposes, which was to the Committee on Public Lands.

Mr. SMTTH of Maryland introduced a bill (S. 9125) for the relief of the heirs of Frederick S. Poole, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 9126) granting an increase of pension to Wilson Carter, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 9127) for the relief of Isaac W. Airey, which was read twice by its title and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 9128) granting an increase of pension to Elizabeth Benton Hughes, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RICHARDSON (by request) introduced a joint resolution (S. R. 125) preparing an amendment to the Constitution.

tion (S. R. 125) proposing an amendment to the Constitution acknowledging the Deity in this foundation document of the Government, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WARREN introduced a joint resolution (S. R. 126) authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo., which was read twice by its title and referred to the Committee on Military Affairs.

PARCELS-POST SYSTEM.

Mr. BEVERIDGE. I introduce a joint resolution, and I ask that it be read.

The joint resolution (S. R. 124) authorizing the Postmaster-General to test in not to exceed four counties and report to Congress the practicability and expense of a rural parcel-post system confined entirely to rural routes, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Postmaster-General be authorized and directed to experiment and report to Congress on the 1st day of December, 1909, the practicability and expense of establishing a rural parcel-post system on the rural-delivery routes throughout the United States, said

test or experiment to be confined exclusively to rural-delivery routes in not to exceed four counties in the United States for packages of fourth-class matter originating on a rural route or at its distributing post-office for delivery by rural carriers to the patrons thereof. That for the above-mentioned purpose rates of postage on such parcels shall be as follows: Five cents for the first pound and 2 cents for each additional pound or fraction thereof; on parcels weighing I pound or less, 5 cents; Provided, That no package weighing more than 11 pounds shall be received for conveyance under the provisions hereof.

Mr. BEVERIDGE. Mr. President, I do not ask for the present consideration of the joint resolution, but that it may lie on the table for the present. But at an early day I shall ask that it be taken up and considered. However, I do at this time crave the indulgence of the Senate for two or three minutes for some brief words of explanation.

There have been many objections to this country's adoption of the parcels-post system. The point has been made that it would injure the dealers in small towns by concentrating the

trade in the cities.

It has occurred to me, upon reading the recommendation of the Postmaster-General and because of a letter to the Postmaster-General from a postmaster in my own State, which he asked to be referred to me, and which the Postmaster-General has referred to me, that the only way of determining the validity of the objections to a parcels-post system on the one hand or its usefulness to the people on the other hand, would be by an experiment to be made in three or four counties of the country. If it proves impracticable, certainly little injury can result

I ask that the letter of the Postmaster-General transmitting the letter from Postmaster Starr, of Goshen, Ind., shall be incorporated in my remarks without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

UNITED STATES POST-OFFICE, Goshen, Ind., January 22, 1909.

United States Post-Office, Goshen, Ind., January 22, 1909.

The honorable Postmaster-General, Goshen, Ind., January 22, 1909.

The honorable Postmaster-General, Washington, D. C.

Sir: Referring to that portion of your interesting and comprehensive report for the fiscal year ended June 30, 1908, in which you recommend that the "Postmaster-General be authorized to establish experimentally a limited parcels post, confined entirely to rural delivery routes in not to exceed four counties in the United States," for the purpose of testing the practicability of such a system, I beg to assure you that, in my opinion, the suggestion is timely and worthy of adoption. Such a practical test would be educational and tend to dispel opposition existing in the minds of some people who, perhaps, have not considered the matter from the right view point.

In this connection, I beg to state that I would be very glad indeed if Elkhart County might be one of the four counties designated for the experiment in the event your excellent recommendation is carried into effect. In support of this suggestion it occurs to me that some very good reasons can be given in favor of Elkhart County, namely:

Complete county service is well established; service is never suspended on account of bad roads, and I believe that the condition of the highways throughout the county is above the average.

Elkhart County has a population of about 50,000, Goshen, the county seat, having an estimated population for city directory purposes in 1906 of 10,905; and Elkhart, the largest city in the county, claims about 18,000 inhabitants, while Nappanee, Wakarusa, Middlebury, Millersburg, Bristol, and New Paris are thriving towns rating in size and importance in the order named.

The merchants in all the cities and towns named are enterprising, and the rural population comprises a thrifty people and above the average in intelligence.

Therefore it seems to me that conditions existing here are favorable to giving the system a fair test in a rural community, and I res

OFFICE OF THE POSTMASTER-GENERAL,

Washington, D. C., January 29, 1909.

My dear Senator: I beg leave to transmit herewith, in compliance with the suggestion of Mr. Martin V. Starr, postmaster of Goshen, Ind., a copy of his letter to me of the 22d instant, concerning the establishment of a special local parcels post on rural-delivery routes.

Mr. Starr has been advised of this action.

Faithfully, yours,

Hon: Albert J. Beveridge,

United States Senate.

Mr. BEVERIDGE. I ask also that the paragraph of the Postmaster-General's report upon this subject shall be incorporated without reading

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

In order to demonstrate that this recommendation is a valuable one and to ascertain its practicability on the rural routes throughout the United States, I urge that the Postmaster-General be authorized and directed to establish experimentally a limited local parcels post, confined entirely to rural delivery routes in not to exceed four counties in the United States for packages of fourth-class matter originating on a rural route or at its distributing post-office for delivery by rural carriers to patrons thereof at such special rates of postage and under such regula-

tions as the Postmaster-General may deem advisable; and that no parcel shall be accepted from any person acting as representative for any person or company not a resident on such rural delivery routes or in the town from which they emanate, and that only such parcels shall be received for delivery at the special rates of postage as are offered by bona fide merchants or dealers whose regular places of business are on such rural delivery routes in the ordinary and regular course of their business and in their individual capacity by residents on such routes. The result of the experiment to be reported to Congress at the beginning of the Sixty-first Congress.

Mr. BEVERIDGE. Now for the explanation. This joint resolution is precisely the same kind of a joint resolution by which the practicability and usefulness to the people of rural free delivery was originally tested. It provides that four counties shall be selected by the Postmaster-General. These counties are not to be contiguous, but are scattered over the country. If he should be given this authority this is exactly what would occur in each of those counties: A farmer living any place in the county and not having time to spare from his work to go to town to order anything that he might need, groceries or anything else, would write a postal card, a letter, or he would telephone to the nearest town and have the merchant send his purchases by that day's rural delivery. It thus would seem, that, upon the one hand, the trade of every town, small as well as large, would be increased; and, on the other hand, that the time of the purchaser would be saved.

The prices that are named for this service in the joint resolution have been carefully computed. They are about the same as those now charged by express companies for a like service; but, of course, this is a service which express companies can So, on the one hand, the trade of the towns will be increased, and, on the other hand, the convenience of the people of the country would be subserved.

If any injurious effects resulted it would be confined to these four counties, scattered throughout the whole Republic, and it would last for less than six months. Certainly it would throw great light upon the feasibility of the entire project.

Just one further word. By reason of some closeness of com-munication with the farmers of the country for the past two or three years on another subject, and from a large correspondence with them, I know, as a matter of fact, that this experiment is not only desired by the rural population of the United States, but is demanded by them.

I think, Mr. President, that is all I have to say in general explanation of the joint resolution, and I am very much obliged to the Senate for its courtesy in permitting me to say this much at this time, out of order. In a few days I shall ask that the resolution be taken from the table; and I shall then submit further considerations in its support.

Mr. TILLMAN. Would the Senator from Indiana be kind enough to answer me a question?

Mr. BEVERIDGE. I will if I can.
Mr. TILLMAN. The Senator said it was doubtful in the minds of a great many whether a parcels post would be good for this country or not. I think I caught that expression

Mr. BEVERIDGE. Yes; there is doubt.
Mr. TILLMAN. Is not a parcels post in existence in almost

every country in Europe? Mr. BEVERIDGE. Yes.

Mr. TILLMAN. It is not confined to rural routes, because they have not anything there like we have here.

I want to ask the Senator why we should confine the parcels

post to rural routes.

In answer to the Senator's very clear Mr. BEVERIDGE. and intelligent question, I will say that I do not know that it should be confined to rural routes. The purpose of the joint resolution

Mr. TILLMAN. I understand the purpose perfectly well. Mr. BEVERIDGE. It is merely to test this system in a

most limited and immediately practicable way; that is all.

Mr. TILLMAN. In the hope that if we drive the point of the wedge in we will then drive it up?

Mr. BEVERIDGE. Not to do anything one way or the other, except to get light on the subject. Light on the subject will be shed by this experiment. If it is bad it can not hurt anybody and will give us light. If it is good it can help everybody and also give us light. In either event we get information which we otherwise can not possibly have.

Mr. TILLMAN. We already have information as to the working of the parcels-post system in European countries.

Mr. BEVERIDGE. Certainly, in European countries; but the point has been made on this floor in the discussion of the postal savings banks bill that conditions in this country are not similar to the conditions in European countries. That may or may not be a good point. My mind is perfectly open. I am not a devotee of the parcels-post idea on the one hand, nor its opponent upon the other hand; but what the National Legislature must have before it can proceed with the best intelli-

gence is information on the subject; that is all.

Mr. TILLMAN. The Senator will agree, however, that we have the eastern portion of this country as densely populated as almost any European country.

Mr. BEVERIDGE. Perhaps so. Mr. TILLMAN. Therefore while it might not be permissible on account of the expense in the large areas in the West where there are few people, it inevitably must be a good thing in the eastern portion of the country; and in view of the fact that we have never hesitated to afford mail facilities to the western people because of the extra expense, we could just as readily, I think, provide for a parcels-post system that would be selfsustaining and perhaps give us revenue by putting on such a charge as would enable us to extend the benefits of the parcels post throughout the land.

Mr. BEVERIDGE. Undoubtedly, if the system is a good thing at all. The Senator's remark shows very wise statesman-

Recurring to the particular point, this is designed as an experiment to test its benefits or its harmfulness.

Mr. TILLMAN. That would involve confining its benefits to a limited area

Mr. BEVERIDGE. No. Mr. TILLMAN. Well, the rural route is only 25 miles, and therefore it would not extend out from a city more than 25

miles in any given direction.

Mr. BEVERIDGE. The Senator apprehends the general purposes of the joint resolution, but he does get confused upon one point. The only reason why the rural route is mentioned here is because it is the most convenient instrument at hand to ascertain how this thing will work when we have the machinery. It does not at all preclude the idea of a general system. I am inclined to think the Senator is right about it. In case the system is good at all we should have a system that will not only include rural free-delivery routes, but also those sections of the country to which the Senator refers. I am not sure about that, but I am inclined to that view now. The object is merely to get information by actual experience, so that in case it is shown that the experiment is successful a bill may be drafted with a knowledge of the conditions.

Mr. TILLMAN. As I understand the Senator, then, he is not prepared to say to-day that he favors a parcels-post system?

Mr. BEVERIDGE. I am not prepared to say to-day or any

other day that I am for or against any system until I get the

fullest information possible to get upon it.

Mr. TILLMAN. If the Senator is satisfied with walking around the question in that way, I am perfectly content with

that.

Mr. BEVERIDGE. If informing one's self before acting is walking around, then I walk around. It is better to get your information before legislating than to legislate before getting your information. We can not have too much of that kind of walking around.

Mr. TILLMAN. I want to say that I am perfectly convinced—

Mr. SCOTT. Mr. President, I should like to know under what rule the discussion is going on?

Mr. BEVERIDGE. None at all, except the courtesy of the

Senate.

If it requires unanimous consent, I object.

Mr. TILLMAN. I will say in conclusion that I am absolutely

in favor of a parcels post.

Mr. BEVERIDGE. Let the joint resolution go over.

The VICE-PRESIDENT. The joint resolution will go over.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to reserve land in Boreman County, S. Dak., for cemetery purposes for the perpetual use of the Indians of the Standing Rock Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to pay to the Flandreau tribe of Indians in South Dakota, per capita, the balance remaining in the Treasury to their credit, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. DIXON submitted an amendment proposing to amend the act of Congress approved May 30, 1908, relative to surveying allotments of lands on the Fort Peck Indian Reservation, Mont. and the sale and disposal of all the surplus land after allotment, etc., intended to be proposed by him to the Indian appro-

priation bill, which was referred to the Committee on Indian

Affairs and ordered to be printed.

Mr. LODGE submitted an amendment providing for the appointment of a commission to investigate the condition of diplomatic and consular affairs, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to patent or grant a permanent permit, with or without charge, in his discretion, to any of the cities in Oklahoma to the right of way across the segregated coal lands in that State where said right of way is necessary to establish waterworks, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

CREWS ON PASSENGER TRAINS.

Mr. CULBERSON. Mr. President, 12 States of the Union have passed laws relating to the number of men who shall be required to operate a passenger train. I have the compilation here, and I ask that it may be printed as a document (S. Doc. No. 692)

The VICE-PRESIDENT. The Chair hears no objection, and

it is so ordered.

THE IMMIGRATION COMMISSION.

Mr. GARY. I submit a resolution and ask that it be read and lie on the table subject to call.

The resolution (S. Res. 279) was read, as follows:

The resolution (S. Hes. 279) was read, as follows:

Resolved, That the Immigration Commission, created by section 39 of
"An act to regulate the immigration of aliens into the United States,"
approved February 20, 1907, be, and hereby is, directed to report forthwith to the Congress a brief summary of its acts, doings, and present
work, together with an itemized statement of its expenditures, giving
the amounts, purpose for which spent, to whom and for whom or what
paid, and a list of all persons that have been or now are employed by
the commission, directly or indirectly, their residence at time of appointment, the length of service, salary paid, and all allowances, and
such other information as will give the Senate an idea of the amount
of money and length of time it will take the commission to complete
its labors and make its recommendations and final report.

Mr. GALLINGER. Let the resolution go over under the

The VICE-PRESIDENT. The Senator from South Carolina

asks that it may lie over, subject to call.

Mr. CULBERSON. The Senator from South Carolina asked that the resolution might be printed, and lie on the table subject to call.

Mr. GALLINGER. Oh, there is no objection to that,

The VICE-PRESIDENT. The Senator from South Carolina asks that the resolution lie on the table, subject to call. Is there objection? The Chairs hears none, and it is so ordered.

CLAIM OF ADOLPH G. STUDER, DECEASED,

Mr. LODGE submitted the following resolution (S. Res. 278), which was considered by unanimous consent and agreed to:

Resolved. That the President be requested, if not in his judgment incompatible with the interests of the public service, to furnish the Senate with copies of all the correspondence in regard to the claim of the late Adolph G. Studer, deceased, a citizen of the United States, against the Sultan of Johore, between the Government of Great Britain, in charge of the foreign affairs of the said sultanate, and the Department of State, and also between the said department and the said claimant or his attorneys, arranged in chronological order.

AMENDMENT OF THE RULES.

Mr. LODGE submitted the following resolution (S. Res. 277), which was referred to the Committee on Rules:

Resolved, That the rules of the Senate be, and they hereby are, amended as follows:

RULE XI.

OBJECTION TO READING PAPERS.

Strike out Rule XI and adopt in lieu thereof the following:
"When the reading of a paper is called for and objected to, or
when the reading of a paper by a Senator is objected to, such objection
shall be determined by a vote of the Senate without debate."

RULE XIX.

Change the numbers of paragraphs 4 and 5, of Rule XIX, to numbers and 6, respectively, and add new paragraph, No. 4, to said rule, as

follows:

"4. No Senator in debate shall refer offensively to either of the other coordinate departments of the Government or to the other branch of the Congress."

RESIGNATION OF JUDGES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4535) entitled "An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States," which were, in line 7, after "United States," to insert "appointed to hold his office during good behavior;" in line 9, after "years," to insert "continuously;" and in line 10, to strike out all after "during," down to and including "resignation," in line 12, and insert "the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at a time ten years before his resignation."

Mr. KNOX. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 24135. An act to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes;

H. R. 24337. An act to amend section 2625 of the Revised Statutes of the United States; and

H. R. 27238. An act to amend section 2619 of the Revised Statutes of the United States.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" and

H. R. 24835. An act authorizing the necessary resurvey of

public lands.

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, was read twice by its title and referred to the Committee on Commerce.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military

H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa; and
H. J. Res. 241. Joint resolution to authorize the Secretary of

War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. GALLINGER. I ask unanimous consent for the present consideration of House bill 25392, known as the District of Co-

lumbia appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GALLINGER. I ask unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that committee amendments be first considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that committee amendments be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under ment reported by the Committee on Appropriations was, under the head "General expenses," on page 1, line 12, before the word "dollars," to strike out "five thousand" and insert "six thousand five hundred;" on page 2, line 2, before the word "dollars," to strike out "two hundred and eighty" and insert "one thousand seven hundred and eighty;" and in line 3, be-fore the word "dollars," to strike out "five thousand" and insert "six thousand five hundred," so as to read:

For executive office: For two commissioners, at \$6,500 each; engineer commissioner, \$1,780 (to make salary \$6,500).

The amendment was agreed to.

Mr. BACON. Mr. President, I do not wish to unduly delay the bill in any particular, but I desire to say, in the beginning, that these appropriation bills, carrying large sums of money, come to us and are seen by Senators who are not members of the Committee on Appropriations for the first time when the bills are called up. It is impossible for us to give any due consideration to the appropriations of these large amounts unless the bill is read with some degree of slowness and particularity. I am moved to make this statement by the fact that the Clerk reads an amendment, and it is pronounced "agreed to" by the Chair before we even have an opportunity to know what it is.

Speaking for myself, I do not feel that I am primarily responsible in any degree for these matters of appropriation; but it does occur to me that the time has come when the Senate should take a more general interest in the items of appropriation bills than we have done heretofore-at least, I feel that for myself. I should like the bill to be proceeded with without undue delay, but in such a way that we can at least keep up with the Clerk as he proceeds with its reading.

The VICE-PRESIDENT. The Chair supposed that he had put distinctly the question as to whether each amendment so far considered was to be agreed to. If any Senator should not hear the submission of an amendment for the consideration of the

Senate, it will, of course, be resubmitted upon request.

Mr. GALLINGER. Mr. President, I offer amendments in behalf of the committee, which I send to the desk.

The VICE-PRESIDENT. The amendments proposed by the

Senator from New Hampshire will be stated.

The Secretary. On page 2, line 11, it is proposed to strike out the word "at," the first word in the line, and to insert the words "one at."

The VICE-PRESIDENT. Is there objection to the amend-Without objection, it is agreed to. The next amendment proposed by the Senator from New Hampshire will be stated.

The Secretary. On page 2, line 11, after the word "thousand," it is proposed to strike out "two" and to insert "four."

The VICE-PRESIDENT. Is there objection to the amend-Without objection, it is agreed to. ment?

Mr. BACON. Mr. President, I am utterly in the dark as to what those amendments are.

The VICE-PRESIDENT. The Secretary will again state the amendments

Mr. BACON. I heard what the Secretary stated; but unless we can see something of the connection we can not tell what the amendments are.

Mr. GALLINGER. I will state to the Senator what the committee contemplates: In the bill, as reported from the committee, there is a provision for two clerks at \$1,200 each.

Mr. BACON. Very well.

Mr. GALLINGER. And these amendments contemplate giving one clerk at \$1,400 and one clerk at \$1,200. That is the only change.

Mr. BACON. That is entirely intelligible, but before the

Senator's statement it was absolutely unintelligible.
Mr. GALLINGER. I think the Senator from Georgia is

right.

The VICE-PRESIDENT. For the information of the Senate, the Secretary will state the amendments which are proposed by the committee, and then the text of the bill as it will read if amended.

The SECRETARY. On page 2, at the beginning of line 11, it is proposed to strike out the word "at."

Mr. GALLINGER. Let the word "one" be inserted before the word "at," in place of striking out "at."

The Secretary. On page 2, line 11, before the word "at," the first word in the line, it is proposed to insert the word "one;" in the same line, after the word "thousand," it is proposed to strike out the word "two" and insert the word "four;" and in the same line, after the word "dollars," it is proposed to strike out "each" and the semicolon and insert the words "and one at \$1,200."

The VICE-PRESIDENT. Without objection, the amendments

The VICE-PRESIDENT. Without objection, the amendments will be agreed to. The Secretary will now read the text as it has been amended.

The Secretary. As amended, the clause will read:

assistant secretaries to commissioners, one at \$1,400 and one Two ass at \$1,200.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 11, after the word "dollars," to insert "deputy inspector of buildings, \$2,000;" and in line 14, before the word "assistant," to strike out "ten" and insert "eleven," so as to read:

Building inspection division: Inspector of buildings, \$2,750; deputy aspector of buildings, \$2,000; principal assistant inspector of buildings, 1,600; 11 assistant inspectors of buildings, at \$1,200 each.

The amendment was agreed to.

The next amendment was, on page 4, line 10, after the word dollars," to insert "index clerk, \$720," so as to make the clause read:

Plumbing inspection division: Inspector of plumbing, \$2,000; principal assistant inspector of plumbing, \$1,400; 5 assistant inspectors of plumbing, 1 at \$1,200 and 4 at \$1,000 each; clerk, \$1,200; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, \$2,000; draftsman, \$1,350; sewer tapper, \$1,000; index clerk, \$720; 3 members of the plumbing board, at \$300 each.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The Secretary. On page 4, after line 12, it is proposed to

Child-labor inspectors: For 2 inspectors of child labor, at \$1,200 each,

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriation's was, on page 4, line 14, to increase the total appropriation for maintenance of executive office from \$104,254 to \$112,647.

Mr. GALLINGER. Let the total be changed to correspond with the additional amendment which has been made.

The Secretary. It is proposed to amend the amendment by changing the total on page 4, line 14, so as to read "\$115,274."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BACON. I should like to ask the Senator from New Hampshire a question in regard to the amendment which he has proposed for child-labor inspectors. Is that matter provided for in the child-labor law heretofore passed?

Mr. GALLINGER. I will say to the Senator that we passed the child-labor law, but failed to give the necessary force to execute it. This simply provides the necessary force.

Mr. BACON. It creates the office as well as provides for the payment'

Mr. GALLINGER. No. The office was created by law at the last session, I will say to the Senator.

Mr. BACON. I understood the Senator to say that we failed in the law which we passed to provide the necessary force

We did not Mr. GALLINGER. Yes; that is it, precisely. make any

Mr. BACON. This bill, then, adds to the force, does it, and

also provides for the pay?

Mr. GALLINGER. It provides the inspectors for which we failed to provide in the bill when it was enacted.

Mr. BACON. That is exactly the question I asked the Sena-

tor from New Hampshire. Mr. CLAY. With the So With the Senator's permission-

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. CLAY. We have passed over page 3, line 10. The matter escaped me at the time, but I wish to recur to the item under the building-inspection division, which reads:

Inspector of buildings, \$2,750; deputy inspector of buildings, \$2,000; principal assistant inspector of buildings, \$1,600; 11 assistant inspectors of buildings, at \$1,200 each.

It seems to be peculiar language—"inspector of buildings, \$2,750; deputy inspector of buildings, \$2,000; principal assistant inspector of buildings, \$1,600." Why should it not simply read "twelve assistant inspectors?" The proper language, it strikes me, would be "inspector of buildings, \$2,750; 12 assistant inspectors, at \$1,200 each." The bill provides one "deputy inspector of buildings" and also a "principal assistant inspector of buildings." I must confess that I can not see the reason for these designations, unless there is a difference in the duties or something of that character.

Mr. GALLINGER. So far as the title "principal assistant inspector of buildings" is concerned, the other body is responsible for that. It has been in the bill ever since I have been in the Senate. I will say to the Senator that the difference is that in certain cases we expect to get a higher grade of service, and the Senator will observe that a larger salary is paid to the deputy inspector and the principal assistant inspector than to the other assistant inspectors. That is the purpose of the provision.

Mr. BACON. It is in line with the precedent we established when we passed the bill which authorized an Under Secretary of State, is it not?

Mr. GALLINGER. Exactly.

Mr. BACON. It was suggested at the time that it would be

taken as a precedent.

Mr. CULBERSON. Mr. President, I have just secured a copy of the report accompanying this bill. It is report No. 897. notice that the bill as passed by the House carried a total of \$9,955,049.52. The Committee on Appropriations of the Senate present this bill with a total of \$11,974,722.16, being a net increase of this bill over the bill as it came from the House of \$2,019,672.64.

The report, Mr. President, it is true, states the items of increase; but there is nothing in the report, so far as I have seen, which states the reasons of the committee for increasing the total appropriation by this extraordinary amount. I should like to have the Senator from New Hampshire—and I am sure he can do so—state the reasons for the increase, not taking up each item separately, but taking up the large items commencing with the proposed increase of the salaries of the commissioners from \$5,000 to \$6,500.

Mr. GALLINGER. Mr. President, I am very much gratified to find so keen an interest displayed in the District of Columbia

appropriation bill. I believe this is the first time since my service in the Senate that such interest has been manifested. bodes well for good legislation, and it is a great gratification to

me to discover it.

Mr. CULBERSON. In reply to the Senator from New Hampshire, I will say that I have made the same request at this session of every Senator having in charge a large appropriation I agree with the Senator that the interest displayed bodes well for legislation upon this bill and upon other matters.

Mr. GALLINGER. Yes. Now, Mr. President, if the Senator

will turn to the hearings before the subcommittee of the Committee on Appropriations, a copy of which I will send him, embracing 228 printed pages, he will find in detail our reasons for making these increases. The commissioners were interrogated on every point, and we only inserted a portion of their recommendations. The estimates of the commissioners were over \$16,000,000, but we kept the bill down to \$11,000,000. thought that was a fair amount.

The question of the increase of the salaries of the commissioners is one that was determined by the subcommittee, and subsequently by the full committee, without any consultation with those gentlemen concerning the matter. The committee thought it was but fair to make a reasonable increase in the salaries of those very diligent and very hard-worked officials, who work almost every day in the year and who have all the great interests of the District of Columbia on their hands to care for. I do not know whether it was a wise thing to do or not, but it appealed to me, and I voted for it. I hope it will remain in the bill and go to conference, where it can be further considered.

The other large increases are, to a considerable extent, for schoolhouses and other matters that are very urgent in this District. In fact, Mr. President, in my judgment, we ought to have at least a million dollars more on this bill for the purchase of land and the construction of schoolhouses in the District of Columbia; but realizing the fact that we ought not to swell this bill inordinately, we made provision for only a very small part of what we thought was absolutely necessary.

We made large increases, Mr. President, in the appropriation

for sewers

Mr. BURKETT. Mr. President—
The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. Certainly.

Mr. BURKETT. While the Senator is on that point, would he state how much extra appropriation is made for schoolhouses? Mr. GALLINGER. I think about \$297,000, or something like

Mr. BURKETT. That would provide something like five additional buildings, would it not?

Mr. GALLINGER. The Senator, if he will turn to the bill under that head, will discover exactly what we have done. We shall reach that in due time.

We made a large additional appropriation for sewers. were some members of the committee, at least, who felt that the public health was of great concern and that we could not have a good condition here, so far as the public health was concerned, unless we had a complete system of sewerage. We did not do one-half in that connection that we ought to have done, but we did something, and we hope it will remain in the bill. Other important matters I would allude to, but I presume it is

not necessary at this time.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the The VICE-PRESIDENT. Does the Senator from New Hamp-shire yield to the Senator from Texas?

Mr. GALLINGER. Certainly. Mr. CULBERSON. Before the Senator passes entirely from the question of buildings and grounds for the public schools, I note on page 3 of the report that the total increase amounts to \$349,000. At the last session of Congress, I think, I introduced a resolution asking the Committee on the District of Columbia to inquire into the safety of the school children of the District with reference to fire protection in the buildings. That resolution has never been reported back to the Senate from that

committee, and I do not know what has become of it. I now ask the Senator in charge of this bill if this \$349,000 increase includes any additional fire protection to the children of the Dis-

trict of Columbia in the schoolhouses?

Mr. GALLINGER. I will say to the Senator in that connection that we made a very large appropriation for that purpose last year in the last District of Columbia appropriation bill; I have forgotten the exact amount, but it enabled the building inspectors' division to make very radical changes, to fireproof stairways and exits so that at the present time it is believed the school buildings are very safe. Of course, we could spend a great deal more money in that direction, and I hope we shall do so in the near future, but, as I recall, we have not any appropriation in this bill for that specific purpose, believing, as we did, that having made a large appropriation in the last Congress perhaps we could get along without making a further appropriation this year.

Mr. CULBERSON. I am gratified to know that the Committee on the District of Columbia, while it did not report the resolution back to the Senate, has taken action with reference to increased protection from fire in the public schools. I note now-and I am sure the Senator will justify this inquirythat on page 3 of the report there is a statement of an increase for the public schools of \$101,335 under the general head "Miscellaneous." We should like to know at least some of the

larger items of that increase.

Mr. GALLINGER. Well, would not the Senator be willing to restrain his intense interest in this matter until we reach that item in considering the bill? When we reach that page we can discuss it.

Mr. CULBERSON. If it will suit the convenience of the

Senator better, I shall be glad to defer it.

Mr. GALLINGER. I think that would be the better way.

Mr. CULBERSON. I trust the Senator will not fail to point

out the items of miscellaneous expenditures under the head of 'Public schools.

Mr. GALLINGER. I shall be delighted to do that when we come to that part of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, line 4, after the words "United States," to strike out "one-half," and in line 5, after the words "District of Columbia," to strike out "and one-half as miscellaneous receipts," so as to make the clause read:

The Commissioners of the District of Columbia are hereby authorized and directed, from time to time, to prescribe a schedule of fees to be paid for permits, certificates, and transcripts of records issued by the inspector of buildings of the District of Columbia, for the erection, alteration, repair, or removal of buildings and their appurtenances, and for the location of certain establishments for which permits are now or hereafter may be required under the building regulations of the District of Columbia, said fees to cover the cost and expense of the issurance of said permits and certificates and of the inspection of the work done under said permits; said schedule shall be printed and conspicuously displayed in the office of said inspector of buildings; said fees shall be paid to the collector of taxes of the District of Columbia, and shall be deposited by him in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. BACON. Mr. President I notice that the striking out of

Mr. BACON. Mr. President, I notice that the striking out of those words is an amendment to the bill as it came from the House. I simply desire to ask the Senator, without occupying any time in so doing, whether that has been the law heretofore and it is now sought to change it?

Mr. GALLINGER. I will say to the Senator that I do not know whether the other House made a mistake in that matter, or whether they purposely put that provision in the bill; but the revenues as provided in this paragraph are revenues of the District of Columbia, and they should go into its treasury.

Mr. BACON. I quite agree with the Senator. As an original proposition, that strikes me favorably. I simply desired to know what has been the law heretofore in that regard.

Mr. GALLINGER. Always precisely as we propose to amend

Mr. BACON. Then I think the amendment is entirely proper. The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, line 17, after the word "each," to insert "two laborers, at five hundred dollars each;" in line 22, before the word "watchmen," to strike out "eight" and insert "nine;" and in line 24, before the word "and," to strike out "thirty-seven thousand four hundred," and insert "thirty-nine thousand," so as to read:

For care of District building: Clerk and stenographer, \$1,500; chief engineer, \$1,400; three assistant engineers, at \$1,000 each; electrician, \$1,200; two dynamo tenders, at \$875 each; three firemen, at \$720

each; three coal passers, at \$600 each; one electrician's helper, \$840; eight elevator conductors, at \$600 each; two laborers, at \$660 each; two laborers, at \$500 each; two chief cleaners, who shall also have charge of the lavatories, at \$500 each; forty cleaners, at \$240 each; chief watchman, \$1,000; assistant chief watchman, \$600; nine watchmen, at \$600 each; one pneumatic-tube operator, \$600; in all, \$39,030.

Mr. BACON. Mr. President, I want to make a suggestion to the Senator from New Hampshire, if he will permit me. should like to suggest, in the interest of time, that as each amendment is reached, he would, as briefly as he may see proper, state the cause for it, so as to prevent the necessity for any interruption or expenditure of time in asking any question about it. Very frequently there are items which we do not understand, and as to which we should like to have some statement, but, at the same time, we do not like to interrupt the

Senator to ask it of him.

Mr. GALLINGER. Does the Senator desire an explanation as to the insertion of the words "two laborers, at \$500 each?"

Mr. BACON. I do not as to that item particularly. My suggestion was more of a general character than relating to that particular item.

Mr. GALLINGER. I will say to the Senator that the small increases we have made in the force, not only for the care of the District building, but in other parts of the bill, are a very small part of what we were asked to grant. Realizing the fact that some increase ought to be made, we gave them these two appointments.

Mr. BACON. I repeat that my suggestion did not relate to

that particular item, but was intended to be general.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. I was merely going to remark, having been on the subcommittee with our laborious friend from New Hampshire [Mr. Gallinger], that our work was mainly in resisting the importunities of the Commissioners of the District, who had asked, I believe, for about double or more than double what we have given them. They seemed to be very importunate and insistent on getting more, more, more of every-thing—more money and more employees. We resisted as far as we were able apparently; at least I did, and the Senator from New Hampshire was even more repugnant to granting some of their demands than I was. We did the best we could.

Mr. GALLINGER. That is right.

Mr. CLAY. Will the Senator from New Hampshire yield to me for a minute?

Mr. GALLINGER. Certainly.

Mr. CLAY. Mr. President, we spend more money to keep up the city of Washington by \$2,000,000 than is spent for the state government of Texas. Texas has a population of 4,000,000 people, and it spends \$10,000,000 per year. In Georgia we now have a population of probably two million and a half, and we spend about \$4,000,000. Maine has a population of about six or seven hundred thousand, and she spends a little over two and a half million dollars. I have mentioned Georgia. We spend in

this city about \$12,000,000.

I agree that Washington ought to be a beautiful city. It belongs to the people of the United States. But in a period of twelve years we have leaped from \$5,000,000 to \$12,000,000. But this increase has not gone on so rapidly as have increases in other departments of the Government. In the same period of time you have seen the naval appropriation go from \$30,000,-000 to \$134,000,000, as it probably will be when the bill shall have passed the Senate. You have seen the army appropriation bill grow from \$28,000,000 to \$120,000,000. We know at this time that imports from other countries into this country during the last year have fallen off by more than \$300,000,000, and our exports have fallen off \$170,000,000. We have been discussing on the floor of the Senate for the last three or four years what we would do with our \$300,000,000 of surplus. I stand here in my place and predict that in less than twelve months from to-day there will not be a single dollar of surplus in your Treasury, and that at the rapid speed at which we are going in less than two years, unless your revenues increase, the Government will be called upon to issue bonds for the purpose of maintaining the Government.

I have no criticism to make of the Senator from New Hamp-shire. He has a herculean task before him. He is besieged day after day for these appropriations; and I do not desire to be niggardly in my course in regard to this great city. But when we study the history of our finances and the increases that have gone on during the last ten or twelve years it is absolutely I do not charge it to the other side; I do not charge it to this side of the Chamber, but my observation teaches me that there is growing among the people the sentiment "how

much money can Senators and Representatives bring from the National Treasury into the different States;" and our efficiency is judged by how much money we get for our constituents, forgetting that every single dollar of public funds must come from the people by taxation.

Mr. TILLMAN. I should like to suggest to the Senator that they are great idiots if they think the money can come from any

other source than the people.

Mr. CLAY. That sentiment is growing in South Carolina. It is growing in Georgia. It is growing in every State of the Union, I believe. The people simply clamor, "What have you done? How much money have you brought to the State?" Unless the Government is administered more economically in the next ten years than it has been in the last ten, I can not tell where it will end. In a period of ten years it cests as much money to repair a battle ship as to construct it.

Mr. President, our expenditures have grown more rapidly in the last seven or eight years than in any other period in the

history of our country.

Mr. OVERMAN. May I ask the Senator from Georgia a question?

Mr. CLAY. Certainly.

Mr. OVERMAN. I notice that in the statement the Senator made he compared the expenses of this city with those of some of the States. Has he ever made any comparison between the expense of carrying on this city and other cities of the same size?

Mr. CLAY. I have not; but I am going to have some figures

made

Mr. GALLINGER. Mr. President

VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. Certainly.

Mr. GALLINGER. The comparison the Senator from Georgia has made is an unfortunate one. In Georgia they have not only a state appropriation, but they have expenses in every county in the State and in every town or township. In the District of Columbia this is a sum that covers the expenditures of the entire District. We will take as an illustration the little State of New Hampshire, with a few more people than the District of Columbia. Our state tax has been only \$500,000. I believe they are going to increase it this year. But when you reckon what the town and township taxes are, it swells the amount enormously. So a comparison between the appropria-tions for the District of Columbia and the state taxes of any given State is an unfortunate one.

I think our appropriations for the District of Columbia are kept well within bounds, and I have every reason to believe that every dollar appropriated is judiciously and honestly expended. We have a pride in the belief, at least—and I think it is well founded—that in no municipality in this whole country is the business transacted with such scrupulous integrity as in the District of Columbia. Of course, we would be glad to keep the appropriations down still lower if we could, but, as the Senator from South Carolina has stated, we sat in the committee room hour after hour-

Mr. TILLMAN. Day after day.

Mr. GALLINGER. Day after day, and we acted upon our best judgment, resisting importunities that were sometimes almost persuasive, and we have reported such a bill as we thought about right.

Mr. CLAY. I did not intend to criticise the Senator from New Hampshire,

Mr. GALLINGER. I did not take it that way.

Mr. CLAY. I esteem him most highly. There is no Senator more zealous in the discharge of his duties than the Senator from New Hampshire. He has before him a task I would not want. I am fully aware of the fact that when the subcommittees are in session they are compelled to devote most of their time to appeals for appropriations for improvements in different parts of the city, and my remarks were not intended to complain especially of extravagance in the city of Washington. I concede that the city of Washington ought to be the most beautiful city in the world; but I was making this comparison of the rapid increases which have been made in other departments to show the point we have reached.

The Senator from New Hampshire will concede that two or three years ago we thought we had more money than we could utilize. We had \$250,000,000 deposited in the national banks in the United States, and criticisms on both sides of the Chamber were made against collecting more revenue than we needed for the purpose of paying the expenses of the Government; and the Senator from New Hampshire will concede now that the time is bound to come, unless there is either an increase in the revenues

or a decrease in expenditures, when we will have no surplus, but a deficit.

We are going to be called upon in a short time to revise the tariff, and some of our folks on this side of the Chamber have been clamoring day and night for a reduction of the tariff, but I am frank to confess that some of my constituents, when they see revision near at hand, are not so strong on that line. But how are you going to revise it unless you arrange at least by your schedules to get as much money as you spend? It is a difficut problem. If we had \$300,000,000 surplus in the Treasury, it would not be a difficult task to revise the schedules and get at This theory may be true; you may reduce your schedules as to articles coming into this country in competition with articles made in this country, and by such methods our imports may be greater and consequently our revenue greater.

Mr. TILLMAN. I wish to ask the Senator a question. Does he not believe from his information of the tariff that if the duties were lower the income would be greater because of the fact that many of the duties now are prohibitive and therefore

the imports are restricted?

Mr. GALLINGER. But if the Senator will permit me, what, under those circumstances, is to become of our American industries?

Mr. TILLMAN. If we really want to increase our revenue, we must reduce the duties.

Mr. GALLINGER. I am afraid our people under those circumstances would not have anything with which to buy foreign

Mr. CLAY. I have always been taught the doctrine that we ought to have sufficient revenue to pay the expenses of the Of course, when duties become prohibitive, we do Government. not get much revenue. But let us look now at the difference between the Republican party and the Democratic party. The Republican party is insisting that we shall have a tariff for protection, and the Democratic party a tariff sufficient to pay the expenses of the Government, economically administered, which means incidental protection. But if our expenditures are going to reach a billion or a billion and a quarter dollars a year, and you raise enough money to pay the expenses of the Government, that will be all the protection any man in this country would want, because the expenses have grown so large. The very fact that you have to raise enough money to meet these expenses will certainly give all the protection that the people of any section of our common country can want. The strongest protectionist ought to be satisfied with this situation.

Mr. GALLINGER. Mr. President, the tariff question having been disposed of, I hope the reading of the bill will be pro-

ceeded with.

Mr. BACON. May I interrupt the Senator long enough to say that the very high tribute which he has paid to the scrupulous care with which the business of the District is managed is a very strong argument against the proposition to change the character of the government of the District.

Mr. GALLINGER. I think that is right.

The reading of the bill was resumed and continued to the end of line 4, on page 6, the last paragraph read being as follows:

Hereafter policemen shall not be detailed for duty as watchmen at the municipal building.

Mr. BACON. Will the Senator explain why these policemen shall not be detailed? Is it considered that no such guardianship is needed?

Mr. GALLINGER. I will say to the Senator that this is a House provision. It seems that last year, I think, two policemen were detailed from the force for duty at the municipal building. We feel that with the bill, especially as the Senate has amended it, they will have force enough, and we know of no reason why the policemen should not be kept at the duties that it is contemplated they shall perform.

Mr. BACON. There are other officers who can perform the

Mr. GALLINGER. Yes; we felt so. Mr. FRAZIER. I notice that in line 22, page 5, the number of watchmen is fixed at nine. I desire to ask the Senator from New Hampshire if heretofore it has not been the custom to assign old and somewhat decrepit policemen, long in the service, to the discharge of the duties as watchmen, and if five of those have not been heretofore thus assigned?

Mr. GALLINGER. There is constant clamor that we have not policemen enough, not only on the part of the commissioners, but on the part of the public and on the part of men in public life, and we felt that we ought to keep our policemen at their proper duties, and not have them at the will of the commissioners detailed for work of a different character. We did increase the number of watchmen by one. They asked for

two more. We gave them one, and we have no doubt they will get along under the provisions of the bill.

Mr. FRAZIER. Is it not a fact that only five policemen have been thus employed to do the work now proposed to be done by nine watchmen?

Mr. GALLINGER. We do not deal with the question of policemen at all. They were detailed by the commissioners.

Mr. FRAZIER. Has it not been the custom to detail policemen at all policemen at all policemen at all policemen are set their policements.

men who have had long service, and who by reason of their long service are more or less disabled, to discharge the duties of watchmen? Is not that a very proper way to dispose of those faithful public servants who for many years have been

in the employment as policemen doing outdoor work?

Mr. GALLINGER. I know of no law that would warrant a detail of that kind. If there are policemen who are incapacitated, they ought to be retired. We give them a liberal

pension. They ought not to be kept in the service. The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 5, after the word "repairs," to insert "mechanics and labor, not to exceed \$3,000," and in line 7, before the word "thousand," to strike out "twenty-six" and insert "twenty-eight;" so as to make the clause read:

For fuel, light, power, repairs, mechanics, and labor, not to exceed \$3,000, and miscellaneous supplies, \$28,000.

The amendment was agreed to.

The next amendment was, on page 6, line 26, to increase the appropriation for the salary of clerk in the assessor's office from \$600 to \$720.

The amendment was agreed to.

The next amendment was, on page 7, line 1, to increase the total appropriation for maintenance of assessor's office from \$44,100 to \$44,220.

The amendment was agreed to.

The next amendment was, on page 7, line 15, to increase the appropriation for salary of deputy collector for collector's office from \$1,800 to \$2,000; and in line 23, to increase the appropriation for salary of messenger in collector's office from \$600 to \$720.

The amendment was agreed to.

The next amendment was, on page 7, line 24, to increase the total appropriation for maintenance of collector's office from \$21,300 to \$21,620.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the word "clerk," to insert "and deputy auditor;" in line 6, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" in line 14, before the word "hundred," to strike out "five" and insert "eight;" and in line 18, before the word "dollars," to strike out "two hundred and fifty" and insert "eight hundred," so as to make the clause read:

For auditor's office: For auditor, \$4.000; chief clark and deputy and

For auditor's office: For auditor, \$4,000; chief clerk and deputy auditor, \$2,500; bookkeeper, \$1,800; 2 clerks, at \$1,600 each; 3 clerks, at \$1,400 each; 3 clerks, at \$1,200 each; 5 clerks, at \$1,000 each; 2 clerks, at \$900 each; clerk, \$720; messenger, \$600; disbursing officer, \$3,000; deputy disbursing officer, \$1,800; 1 clerk, \$1,200; 1 clerk, \$900; messenger, \$480; in all, \$34,800.

The amendment was agreed to.

The next amendment was, on page 9, line 11, after the word "dollars," to insert "hostler and laborer, \$365," and in line 13, before the word "dollars," to insert "three hundred and sixtyfive," so as to make the clause read:

For coroner's office: For coroner, \$1,800; morgue master, \$720; assistant morgue master and janitor, \$480; hostler and laborer, \$365; in all, \$3,365.

Mr. GARY. I should like to ask the Senator in charge of the bill if the office has not gotten along heretofore without this hostler and laborer; and if so, what is the necessity for him now?

Mr. GALLINGER. I will read from the hearings. Commissioner Macfarland said:

The note explains the necessity for adding a hostler and laborer to the coroner's office at \$365. There are only two men, of course, in that office, the morgue master and assistant morgue master; and two men should go with the morgue wagon, for it is difficult, if not impossible, for one person to remove bodies.

Senator GALLINGER. Who takes care of the horses now?

Commissioner Macfarland. They pay a man between themselves.

Upon that representation, that there were two men where there ought to be three, which they have insisted upon for several years, and in view of the fact that these two men were paying another man, the committee felt that the increase should be

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.
The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, line 13,

after the word "dollars," to strike out "second assistant sealer of weights and measures, \$900" and insert "two assistant sealers of weights and measures, at \$900 each;" and in line 17, before the word "and," to insert "nine hundred," so as to make the clause read:

For office of sealer of weights and measures: For sealer of weights and measures, \$2,500; first assistant sealer of weights and measures, \$1,200; two assistant sealers of weights and measures, at \$900 each; clerk, \$1,000; laborer, \$480; in all, \$6,980.

The amendment was agreed to.

The next amendment was, on page 10, line 21, to increase the appropriation for salary of engineer of bridges from \$2,100 to \$2,250.

The amendment was agreed to.

The next amendment was, on page 11, line 10, to increase the appropriation for salary of superintendent of repairs in the engineer's office, record division, from \$1,500 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 11, line 13, to increase the appropriation for salary of assistant superintendent of trees and parkings from \$1,000 to \$1,200.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, on page 11.

Mr. BACON. I simply desire to know whether the copy of the bill which I have is correct. The Clerk read, in lines 15 and 16, as follows:

Four assistant engineers, at \$1,800.

In my copy the word "each" follows those words.
Mr. GALLINGER. "Each" should be in—"four assistant engineers, at \$1,800 each."
Mr. BACON. It is in the copy I have, but it was not so read by the Clerk. I thought my copy was incorrect.
The VICE-PRESIDENT. The Secretary inadvertently omitted the word.

the word.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the item for engineer's office, record division, on page 11, line 22, after the word "dollars," to insert "duplicating clerk, \$900," so as to read:

One assistant engineer, \$1,200; 2 transitmen, at \$1,200 each; 1 transitman, \$1,050; duplicating clerk, \$900.

The amendment was agreed to.

The next amendment was, in the item for engineer's office, record division, on page 12, line 3, before the word "two," to strike out "two draftsmen, at \$1,350 each" and insert "draftsman, \$1,500; draftsman, \$1,350," so as to read:

Eight rodmen, at \$780 each; 12 chainmen, \$650 each; draftsman, \$1,500; draftsman, \$1,350.

The amendment was agreed to.

The next amendment was, on page 12, line 23, to increase the appropriation for salary of chief clerk in engineer's office, record division, from \$1,900 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 14, line 4, to increase the appropriation for salary of assistant inspector of gas and meters from \$840 to \$900.

The amendment was agreed to.

The next amendment was, on page 14, line 5, to increase the appropriation for salary of messenger in engineer's office, record division, from \$540 to \$600.

The amendment was agreed to.

The next amendment was, in the items for engineer's office, record division, on page 14, line 11, after the word "dollars," insert:

municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the Engineer Commissioner of the District of Columbia, \$3,600; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed.

Mr. GARY. This municipal architect seems to be a new office that is created. I should be glad if the Senator in charge of the bill would give us some explanation of it.

Mr. GALLINGER. It is a new office. The work heretofore has been a divided work, the inspector of buildings having charge of it, and outside architects, at the usual fee of 21 per

cent, frequently being employed to make the plans.

It will be remembered that a great deal of complaint has been made about the buildings in the District not being properly inspected. The inspector of buildings has so many duties placed upon him that some neglect in that direction has doubtless resulted.

The other House, after a hearing upon the matter, inserted this paragraph and it went out on a point of order. The Senate committee had a full hearing on it and were fully satisfied upon the representations made that it would be in the line of economy

as well as of good administration to have an architect for municipal buildings.

It will be remembered that we have a great many buildings in the District of Columbia belonging to the District. a great many school buildings and we are building new ones constantly. We have fire stations, police stations, and buildings of other kinds. Beyond a doubt, an architect will have his hands full if he performs this service, and it will relieve the inspector of buildings from that duty, so that he can give more time to a proper inspection of the buildings that are being constructed in the District, and not have two of them tumble down, as they recently did, one of them occasioning loss of life. The committee were fully satisfied that this was a proper thing to do, and that it would result in economy rather than in a waste of the public money.
Mr. BURKETT.

Has the inspector of buildings done this

work in the past?
Mr. GALLINGER. It has been in his care. He has been charged with that duty. Of course he had to go outside and employ architects to a greater or less extent.

Mr. BACON. He himself is not an architect? Mr. GALLINGER. He is not an architect.

Mr. BACON. Heretofore, I understand the Senator to say, the expense has had to be incurred of employing outside architects, at the rate of 2½ per cent on the valuation for the plans.

Mr. GALLINGER. Yes; that was brought out in the House

hearing more particularly.

Mr. BACON. I understand, then, from what the Senator says, that hereafter this work will be done solely by the municipal architect.

Mr. GALLINGER. Yes.

Mr. BACON. And the expense of outside architects will not be incurred?

Mr. GALLINGER. It will be entirely saved.

Mr. BACON. I think myself that that will be in the line of

I simply desire to ask the Senator one question in regard to the inspector of buildings of the District of Columbia. He is retained?

Mr. GALLINGER. He is retained.

Mr. BACON. At the same salary or an increased salary? Mr. GALLINGER. At the same salary. Mr. BACON. I have, of course, every confidence in the investigation made by the committee, but let me ask if there is enough work still left for him to occupy his time?

Mr. GALLINGER. Oh, yes; he is a very hard-worked man.

The amendment was agreed to.

The next amendment was, on page 14, line 20, to increase the total appropriation for maintenance of engineer's office, record division, from \$196,462 to \$201,982.

The amendment was agreed to.

Mr. BACON. I will take advantage of this opportunity to ask the Senator a question, as it follows a section in which there is a large enumeration of salaries. We are unable to there is a large enumeration of salaries. We are unable to ascertain, of course, from an inspection of the bill to what degree the House has raised existing salaries. I see only here and there that the Senate committee has proposed to amend the House schedule of salaries. I desire to ask the Senator in charge of the bill whether it is true that in the bill as it comes from the House there is a general increase of salaries over those now fixed by law?.

Mr. GALLINGER. I have an impression that there is not a single increase in the bill as it came from the House over what was allowed last year, but that the House kept it down to

the rates of the former bill.

Mr. BACON. The amendments proposed by the committee, then, I will not say entirely, but practically all of the increases that there are are in the way of a raise?

Mr. GALLINGER. They are; and I will say-

Mr. BACON. And in each instance there has been, then, a

recognition of the propriety of a general raise?

Mr. GALLINGER. Not at all. Wherever an increase was allowed it was done upon the representation that the man had been in service for a good many years; that he was very faithful; that he had unusual responsibilities placed upon him; and that a small increase might properly be made.

Mr. BACON. I wish to say, Mr. President, that my inquiry was not suggested by any indisposition on my part to make any proper increase in salaries. On the contrary, as Senators may remember, I myself at the last session favored an increase in the salaries of clerks in the departments. I did not know but that if there had been a general increase in the bill as it came from the House it might manifest a desire on the part of the Committee on Appropriations to make a general increase for department clerks.

I confess that I have myself felt somewhat dissatisfied by the fact that we have generally raised salaries all along the whole line of high officials and that we have utterly neglected, and not only neglected but refused, to give increased salaries to the class of government employees who are probably more in need of it than some of us who have had an increase.

Mr. GALLINGER. Mr. President, I sympathize profoundly with the Senator in what he has just stated, and if a schedule of increased salaries for the government clerks is worked out,

I shall vote for it very gladly.

I will say to the Senator that all through the bill there are salaries that are utterly inadequate, as \$720 a year for a young man performing clerical service or as a telephone operator. The salaries ought to be increased, but the committee did not feel, in view of circumstances I do not care to discuss, like taking up the entire matter and making an advance all along the line.

Mr. BACON. I fully appreciate, of course, that any move-ment of that kind ought to be of a general character and ought to be one which should not be limited to the District. If it is undertaken it ought to be general. The Senator is an honored and very valuable member of the Committee on Appropriations, and he is in a position where, I think, he can more efficiently inaugurate that movement than those of us who are not in so

advantageous a position.

I repeat, Mr. President, with the utmost sincerity, I do not think it to the credit of the lawmaking department of the Government that we have not only increased our own salaries, but increased the salaries of almost all high officials, and that we have utterly neglected and refused to give a needed increase to those who are not in a position to insist upon their demands, but who are in a position where, if they attempt to do anything which may further their interests, they are in danger not only of rebuke but of absolute loss of that which they now have.

I am not content with the situation, Mr. President, and I do not think it is to the credit of the lawmaking department

of the Government. The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, on page 14, line 23, after the word "dollars," to insert "2 clerks, at \$1,500 each;" in line 24, before the word "clerks," to strike out "seven" and insert "five;" and on page 15, line 2, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand five," so as to make the clause read:

Special assessment office: For special assessment clerk, \$2,000; 2 clerks, at \$1,500 each; 5 clerks, at \$1,200 each; 2 clerks, at \$900 each; and 1 clerk, \$750; in all, \$13,500.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

Automobile board: For acting secretary of the automobile board, \$300. Mr. BACON. I possibly ought not to make prominent my

ignorance, but I want the Senator in charge of the bill to tell us what the automobile board is.

Mr. GALLINGER. It is a board that issues permits; and I will say to the Senator that the income is quite large-several thousand dollars.

Mr. BACON. The name of the board did not indicate the

character of its duties. I recognize, of course, that there must be such a board. I was in hopes that it might be a board which had a little more extensive duties, and that it might be a board which would see somewhat to the enforcement of the law in this city in the movement of automobiles.

Mr. TILLMAN. I should judge that that would be a police regulation.

Mr. BACON. I did not know but we had an automobile board that had charge of the enforcement of the law and, of course, supervision of the duties of policemen in that regard. The law is undoubtedly most grossly violated in this city every hour of the day, and, I might say, almost every minute, and particularly in the night.

The VICE-PRESIDENT. The hour of 2 o'clock having

arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes. Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. BACON. I am not going to take up any time in discussing the matter. The Senator knows what my view is on the

subject. I do think that people who have the right, or liberty rather, of the use of the streets in a degree which, even when they comply with the law, endangers the safety of the public ought not to abuse that liberty, but ought to confine themselves

to a proper and necessary observance of the law.

Mr. TILLMAN. Mr. President, I agree entirely with what the Senator from Georgia has said, because every time I take a walk, and I do a good deal of it, I am dodging these things. If the Senator from New Hampshire will aid us by some provision in some way or some interview with the persons in au-thority to see that the laws in regard to the speed of automobiles are observed, I am sure he will earn the gratitude of nearly all the people in this city.

I am not like the Senator from Texas [Mr. Bailey], anxious to see the automobile out of use, because I think it is one of those advances along with railroads, the telegraph, and other modern inventions that we are compelled to recognize as having their place and being very useful, but I do not think these automobiles ought to run over people or frighten them, and all that kind of thing; and if we have a regulation here in regard to speed the police ought to be compelled to observe it and arrest

Mr. BAILEY. Mr. President— Mr. TILLMAN. I did not know the Senator had come in or

I would not have said a word.

Mr. BAILEY. I want to say to the Senator from South Carolina that I am very much less concerned about whether they run over people than I am about the other aspect of the matter. I am very frank to say that I do not believe there is any true progress in a course of commercial or political conduct that substitutes a product of the factory for a product of the farm; and I believe, in the larger sense, that this country will be infinitely worse off when it withdraws its population from the farm, because they can not prosper there, and concentrates them in the great cities. That course of events has already progressed so far until the cities are overcrowded and the farms are not sufficiently cultivated. When we aggravate that condition still further by taking our rural population and concentrating them in the cities, then all the vices of idleness and extravagance and all the crimes of murder, theft, and arson will multiply themselves many times over.

And at the risk of standing in the way of progress, I protest against the Government still further accelerating this tendency by rejecting what the farms produce and substituting what is

manufactured in the cities.

I want to say, besides, Mr. President, if I sought any political advantage, I would not want a very much better issue in a congressional election in the rural districts of America than this naked proposition of the product of the farm against the product of the factory

It was stated in the House of Representatives the other day that the secretary to the President has announced that if the appropriation of \$12,000 for automobile expenditure remains in the bill as the House has restored it, it is the intention of the President to discard horses and substitute the automobile. We do a great many things in this world according to the

fashion, and people in high places sometimes set the fashion. When the President turns his horses out to die, then everybody who wants to imitate the President does the same thing, and the example extends itself down, not only to everybody who can buy an automobile, but to a good many people who can not afford to buy one. Thus you are depriving the farmers of a valuable customer for one of the necessary products of the farm. I say "necessary," because it is necessary if the farmer is to have a profit.

If we are, in high places, to set the example of discarding the horse and substituting the machine, the people who have raised him and who must thrive, if they thrive at all, by providing the hay and corn and oats to feed him, which the city folks have heretofore been buying from the farmer, and the farmers of the American Republic know it, I am willing to go to them on that question in the next congressional election. If it is true that the farmers are content to stand by and see their Representatives constantly and systematically displacing the product of the farm for the product of the factory, then they ought to

walk.

Mr. TILLMAN. Mr. President, I had no desire or purpose to enter into a discussion with the Senator from Texas. fact, I did not know the Senator had come in. He did not approach me in any furtive way, but I am blind on one side, and it seemed like exploding a bomb under me when he started into the debate in that way.

While I always differ with reluctance from my friend, and

especially shun a contest in logic with him, I think his position is entirely untenable. For instance, in the product of the farm,

take the horse as a concrete example, which he is advocating and so earnestly pressing. If it is bad to have automobiles substituted for carriages, then it is fearful to have railroads substituted for wagons, because if we did not have any railroads to transport our products we would have to have millions of horses to carry them, and some of them never could reach the market at all.

I do not hesitate to assert that if it were not for the railroads the West, which is blossoming like a rose, would not have reached out and reached out until we have even crossed the desert after having gotten to its borders. But for the railroads transporting the products of those very farms those States would be prairie to-day and be inhabited by buffaloes, or their products would have rotted on the farms and the price would have been probably a third or a half less than what the western farmers now obtain.

Coming to the other proposition, it does not follow at all that the use of the automobile in the way it is used now is going to concentrate our population in the cities, for the simple reason that I happen to have had the necessity as well as the

pleasure of visiting London during the last year.

Mr. BAILEY. Whenever a man goes abroad— Mr. TILLMAN. Wait a minute. I went there in search of health and I thank God I have a reasonable share of it.

Mr. BAILEY. Mr. President—
Mr. TILLMAN. Wait until I get through.
Mr. BAILEY. Let me make a comment right there.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. Surely; I yield always. Mr. BAILEY. I rejoice that the Senator found health, but I am sorry he brought back with him some of the foreign notions.

Mr. TILLMAN. Wait a minute. I did not bring back foreign notions, because I was calling attention, if the Senator had permitted me-he went off half-cocked-to the fact that while I was in London, where the greatest aggregation of human beings ever was assembled in a given area—having been told by those who know that there are 7,500,000 within 5 miles of Trafalgar Square-I did not see half a dozen automobiles, and there is no population with a greater concentration of a vicious and poor element of men anywhere else on the globe.

Therefore, it does not follow at all that automobiles are nec-

essary to make people poor or to concentrate them in cities. The Senator's position is entirely untenable and illogical, and

he will have to confess it before he gets through.

Mr. BAILEY. The Senator from South Carolina ought to have extended his knowledge a little more than his personal observation. Within the last twenty days I have read an extract from one of the principal publications in Great Britain, in which it is asserted that the progress of the various motive power has been such that if Great Britain were to become involved in a war to-day she would be unable to mount her cayalry; that the breeding and raising of horses has been discontinued to such an extent in the Kingdom of Great Britain that she could not mount her cavalry if a foreign army were to attempt to invade her shores. That is not what I say; it is not what some American agricultural paper says; but that is the assertion of a great publication in Great Britain.

Now, Mr. President, I want to say to the Senator that there is no argument more fallacious than that based on an analogy, when the analogy is either carried too far or stops too short; and as to the assertion of the Senator that because I protest against displacing the horse from work which he can do, and do just as well as these machines, therefore the same logic would have compelled me to have resisted the construction of railroads; with all deference to the Senator, when he talks about lack of logic he lacks it woefully right at that point.

In the first place, the horse could not have carried the great commerce which we now produce on our farms and in our factories; and the extension and development of the railroads have helped, as he well says, to make a market for the very things which the horse produces and which the farmers produce

with the aid and by the labor of the horse.

But this is not a proposition to extend markets for farm products. Of course I know there is a kind of argument which tells us, and which asks us with some show of reason to accept it, that as you withdraw people from the farms and crowd them into the cities you have less competition in the production of farm products and a greater consumption of them. In other words, they tell us that if you take people from the farms and crowd them into cities you reduce the production in the country and increase the consumption of the farm products. There is some force in that; but we come to the other fatal objectionthat as you take people from the country where the air is free and pure and where they breathe a kind of spirit of patriotism

and crowd them into the narrow tenements and dark places of a city, you convert a good citizen too often into a riotous one.

Nobody disputes that. TILLMAN.

Mr. BAILEY. Then, if nobody disputes that, everybody must admit that just in the same proportion as you substitute the product of the factory for the product of the farm you are taking from the rural population of this country and concentrating in the cities. No curse, in my opinion, could match that In the cities, when men are without bread and when men are not comfortably housed, when women and children live with the light and air of God shut out of their apartments, I do not wonder that they have a sentiment in their soul that would welcome any change, even the subversion of social order and governmental regulation, as an improvement in their condi-

It is in the city where we breed the anarchy, where we breed the socialism, where we breed all the vices that threaten the stability of this Republic. If I had my way, I would take the elements that are now crowded in the cities and I would send them to our smaller farms, and the problem which confronts us would be infinitely less serious than it is to-day. I do not plead for this merely because of the profit of the farmer. I plead for it as a condition which makes farm life attractive as well as profitable.

Mr. President, I have had some experience in this regard; I was raised in an agricultural country; all my life I have lived among an agricultural people; and I can tell what kind of folks I am going to find in a house, if they will let me first go through the barnyard. If I go through there and find the cattle well tended and find the horses and the mules sleek and well kept and I see them comfortably housed and I see the vehicles are such as men of spirit and women of refinement love to use, I know that when I go into the house, though I may not find the walls covered with paintings, though I may not find the house decorated with fine furniture, I will find the kind of men and women and children there that make a republic great and permanent. On the other hand, if I go there and find the cow's horn off, the horse's hip down, and the buggy looks as though it were ready to fall the first time anybody gets into it, I know I shall find the same kind of people when I get into the house. The test of a farmer's prosperity, I will say to the Senator from South Carolina [Mr. Tillman], is always the live stock with which the farmer surrounds himself. I may not be able to maintain that when the horse disappears from the farmer's economy.

Mr. TILLMAN. Does the Senator from Texas reckon that we shall ever get to plowing with automobiles?

Mr. BAILEY. No; I think not; and yet the Senator from South Carolina is not unmindful of the fact that they are using

steam plows on all the great farms.

TILLMAN. And they could not raise those immense crops of wheat and oats and various other things if they did not have other than horsepower to break up those vast areas that they are putting in wheat and oats in the Dakotas, eastern Oregon, and Washington.

Mr. BAILEY. If we could take some of the uncomfortable and dissatisfied people from the cities and send them out there, we would not need steam plows to cultivate the land, and the country would be better off.

Mr. TILLMAN. That may be; but somehow or other the fellow prefers to stay in the city; because, probably, he can get more wages than the farmer is able to pay him. I remember I found in the West a couple of years ago that there was a great clamor for labor, but the trouble was that, though they could get a dollar and a half a day, the denizens in the cities the dwellers in dark streets and attics and all that kind of thing—would not go there. I do not know why.

Mr. BAILEY. It may be true that they do not like to work. and it may be true that a man would rather work around a furnace where the heat was artificial than he would to work in the field where the heat is made in God's own way. I can not quite comprehend how a man likes the artificial heat better than the sun's heat: but the Senator from South Carolina must remember that the reason people of the city will not go to the farm is because \$1.50 a day is not a permanent wage. If it were, they would go; but that is only now and then. They realize that a man can not afford to travel from New York to the Dakotas for the purpose of getting \$1.50 a day for sixty or ninety days.

I want to say to the Senator from South Carolina, furthermore, that one of the reasons people like to stay in the cities, instead of on the farm, is the very course of legislation we are now pursuing—always preferring the prosperity of the city above the prosperity of the agricultural communities; always

legislating so as to draw the men from the country which God made into the town which men have made. That is not the course of legislation which wise men ought to pursue; and, if persisted in, it will bring results too awful to contemplate.

In my time I have seen the farmers of this country prosperous, and then I have seen their prosperity sink to a low ebb; and I have seen every time that the farmer prospers that the balance of the country prospers; and then, when I have seen him descend into that valley over which falls the dark shadow of bankruptcy and poverty, I have seen others from the city walking by his side. There can be no real, substantial, or permanent prosperity in this Republic unless it is based upon the earth, for it is true in political economy, as in the physical world, that it all at last rests upon the earth. The men who till that earth, the men who tickle it with a hoe and make it laugh a field's rich harvest, are the men who perpetuate free institutions in this and all other countries.

If it be to stand in the way of progress when I stand up for men like that, I cheerfully bear the opprobrium of being op-posed to progress, science, and invention, for, Mr. President, while I believe in progress, I believe infinitely more in safety.

That is my philosophy.

Mr. TILLMAN. Mr. President, there is so much eloquence and truth in what the Senator from Texas contends for that I hardly know what portion of his argument to pick out for an-I am not in a contentious mood anyway; I am a peaceably minded man, if people will let me alone [laughter], and, as I said, I had no idea or purpose in the world of arousing my leonine friend on my left. I want, however, to call his attention to a thought which struck me as he went along. I agree to almost all he says as to country life, because I am still a farmer, while he has left the farm and gone to practicing law.

Mr. BAILEY. The Senator from South Carolina is mistaken. I do both.

Mr. TILLMAN. I am not able to do both, because I was never admitted to the bar, and would not be competent to practice law if I had been; but I am a pure, simple farmer, nothing else as a matter of business. The Senator from Texas perhaps, being a capitalist or having more money than I have, has invested in land that which he has made as legal fees.

But I want to call his attention to the danger of quoting an isolated fact as a basis for an argument, such as he has been giving us. Speaking of England not being able to mount her cavalry because there are so few horses being raised in England in competition with the machines, automobiles, and other things of that character that have taken the place of horses. I want to say to the Senator that if England depended on her own products, if Britain-taking England, Scotland, Ireland, and Wales-were to depend on the horses produced there they would be in the same fix that they are in regard to food. If you were to shut off the supply of imports from Englandits bread and its meat—for ninety days, you would put the whole island on the verge of starvation. That is the reason why England is compelled to maintain the great fleet that she does to protect her commerce and bring to her doors the food which is necessary to preserve the lives of her people. She has those vast colonies of Australia, Canada, New Zealand, and colonies in Africa and in every part of the world from which to draw her cavalry horses, or she can come over here and buy them, as she did in the Boer war.

It is not worth while for us to run off on the contemplation of the beautiful picture the Senator from Texas has drawn of farm life and the necessity for and the value of maintaining a sturdy yeomanry, which everybody recognizes as the very essence of good citizenship and the basis for all the armies of the world that ever have done any fighting worth doing. The denizens of the cities have never been noted for their soldierly qualities. The Romans went to the country to get their soldiers, just as England has had to go to the country to get hers, and we shall have to go to the country in case we have a death grapple with any other nation.

But, as I said in the beginning, I did not intend to arouse my friend here. While I have been very much edified by his eloquent words, setting forth the beauties of farm life and pleading for the maintenance of the farmer's opportunity and right to live and to get some of the good things of this world, I think the Senator is still mistaken in his dread of the effect of automobiles on rural life. He just "boos" and "shoos" at the automobile, without taking into consideration that it is a part of the progress of the world and serves its good uses the same as railroads and other things do, and that the horse is not going out of business because we have got automobiles; but I do want the automobiles in Washington to go out of the business of scaring me. [Laughter. I

Mr. BAILEY. I was going to ask the Senator the questionand I will not prolong the colloquy-if it necessarily follows that every invention is an improvement? We have invented a kind of pistol now that all you have got to do is to try to shoot once and you can shoot five or six times.

Mr. TILLMAN. You have just got to pull the trigger until

the gun is empty.

Mr. BAILEY. No; you do not have to pull the trigger but once. It is a kind of automatic arrangement. I do not believe that is any progress. I believe it ought to be made a crime for a man to have one of those pistols in his possession, provided, of course, that the State in which he happened to possess it made it a crime. It is not civilized warfare; it is almost like shooting a man with a poisoned bullet, and I think the possession of that kind of an invention ought to be prima facie evidence that a man intends to commit a crime, because, if he uses it on one of his fellow-citizens, he does not give him a decent chance for his life. I could name more than one invention that I do not think marks any degree of progress in the world's history.

The automobile is one of that kind. The Senator from South

Carolina himself says that it runs over people.

Mr. TILLMAN. That is because the policemen will not stop them and make them run at a reasonable rate of speed.

Mr. BAILEY. Mr. President, I doubt if the police can always The policemen seem to do their duty. stop them in time. am told-I do not know whether it is true or not-that when a man rides in one of these automobiles he gets what is called the "speed craze," and does not want to go at all unless he goes very fast.

Mr. TILLMAN. If he breaks his own neck I do not care, but [Laughter.] I do not want him to run over me and break my leg.

Mr. BAILEY. I do not want him to break his own neck. a man transgresses the law and is hurt in the transgression, he is still not beyond the pale of my sympathy I do not want anybody hurt. Of course, I had rather the occupant of a machine be hurt than some innocent user of the public highway; but if men will persist in having automobiles, I suppose we shall reach the time which, I am told, the French people have already reached. I am told that if a man gets run over in France by one of these automobiles, they punish him instead of the man who runs over him, upon the theory, I suppose, that the machine has the right of way, and the pedestrian must get out of the way or be killed. The Senator from South Carolina has been abroad, and I have not, and I should like to know if that is the law in France.

Mr. TILLMAN. I did not make any examination into automobiles, for I never have had any use for the things here or anywhere else, because I am scared of them. [Laughter.] But I will say for the Senator's benefit that neither he, nor I, nor anybody else will ever be able to stop the use of automobiles. because they mark a distinct advance in motive power, such as the locomotive invented by Stephenson. A machine which, by the use of water and fire, could run itself was regarded as one of the great inventions of the age, and to-day it is just as inevitable that that same instrumentality or mechanism should be run upon any ordinary road, if it is well graded and properly ballasted, as that 2 and 2 make 4. I am surprised the Senator does not confine his appeals for the horse to a legitimate channel, and not go away off yonder straying into the realms of—I will not say what. [Laughter.]

Mr. BAILEY. Language fails the Senator at that point. Mr. TILLMAN. "Illegitimate logic," I will say, if the Senator wants me to fill it out. [Laughter.]

Mr. BAILEY. I am not trying to prevent people from using automobiles. I am not one of the men that invoke the law to keep people from doing what they have a right to do.

Mr. TILLMAN. If the Senator will permit me— The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. BAILEY. I do. Mr. TILLMAN. The The Senator was speaking about how to stop them. I will tell him how we stopped them in Anderson County, in my State, when they came "puff, puff, puff" down there.

Mr. BAILEY. They shot one, I guess.
Mr. TILLMAN. Yes; they did. When these machines got to scaring the horses of the farmers and their wives and daughters out on the roadways, it got so that every man who started off put his trusty old shotgun in his buggy, and when one of these things came along he just simply reached down and held the fellow up. They then got very polite and obeyed the law very quickly. [Laughter.]

Mr. BAILEY. I hardly think the Senator from South Caro-

lina would recommend that example.

Mr. TILLMAN. I would not have anybody shot here for disobeying the law; but if you will capture these men, as they can be captured, and make them pay heavy fines for disobeying the

law and the police regulations, you will stop them running through the streets of Washington at 30 miles an hour.

Mr. BAILEY. I believe the laws ought to be obeyed Mr. TILLMAN. They ought to be enforced, if they are not

obeyed.

Mr. BAILEY. I was just going to observe, if the Senator had not interrupted me in the middle of a sentence, that all laws ought to be obeyed and that all laws are obeyed by good citizens, and when a man is not willing to obey them, the police ought to enforce them against him. I cordially unite with the Senator in thinking that the police ought to arrest and that the magistrates ought to punish men who disregard the law that limits the speed of automobiles.

Mr. TILLMAN. The automobile board, the one which brought about this discussion, ought to revoke the license of anyone who is guilty of transgressing the rules.

Mr. BAILEY. Any kind of punishment that is sufficient to insure obedience to the law would satisfy me, and I think probably a revocation of the license would be a very effective means of punishment. But I pause here to say to the Senator from South Carolina that the shotgun policy as a means of vindicating each man's right to the public highway is not one to be recommended. I should much prefer the orderly and peace-

able way.

But, to go back a moment, I want to say to the Senator that if he understands me as advocating a law to prevent people from using automobiles I have been very unfortunate in my use of words. I would not prevent any man from using any invention, whether a machine or whatever genius might contrive, so long as he could use it without endangering the lives or the limbs of other people, provided always that he did not endanger their health or their happiness. I expressed on a former occasion my belief that the use of the public highway by automobiles is dangerous. I do not believe that anyone in this world has the right to use the public highways in such a manner as to endanger the safety of other people who also have the right to use it. In stating that I not only stated what I consider to be a sound principle of legislation, but I consider that I state what is the universal rule of law.

I hear it sometimes stated that if the horse is afraid of what genius has created the horse ought to give up the highway, but I am rather inclined to think that the horse has the oldest right to the highway. He has what the lawyers call an "ancient and prescriptive right;" and if it is impossible for him to enjoy this right without this modern machine also enjoying the same right, the horse having the older right, his right must prevail.

But that is apart. What I am protesting against now is that the Government shall itself set this example and invite everybody to follow it. In a great city like New York, where distances are from 15 to 20 miles from one part of it to another, I can readily understand the necessity of having some means of locomotion quicker than the horse furnishes. stand even how elevated railroads and the underground subway would still not provide for everybody and at every place; I can readily understand how, under a condition like that, men would want a different means of locomotion, and they would have the right to purchase it and to use it. But distances are not so great in Washington that men can not go from one place to another with very comfortable dispatch by using a horse.

Most of the Senators walk. I think it would be better for us

all if we walked more and rode a little less. I think it would be conducive to our health. But that is aside from what I am now contending. If a Senator wants to ride, let him go and buy his own machine and ride in it; but the Government of the United States ought not by its example to teach the people of this country to discard the horse and to adopt the machine where the horse can serve the purpose, because, when it does so, it encourages, I repeat, the rejection of a product of the farm and the substitution of the product of a factory. It is against that that I protest—against the Government encouraging men to do it.

Mr. GALLINGER. Mr. President, a single observation of a practical nature. I want to say to Senators that we have a very good automobile law in this District. I think the penalties for its violation are pretty severe, and if it is not observed it is not the fault of the Congress, but, of course, the fault of the officers who ought to enforce the law. I think this discussion will have a very good effect, and that the officers will take notice of the fact that there are some men in Washington who complain that the law is being habitually violated. Now, I hope that the reading of the bill will proceed.

The Secretary resumed the reading of the bill on page 16,

line 3, and read as follows:

Department of insurance: For superintendent of insurance, \$3,500; examiner, \$1,500; statistician, \$1,500; clerk, \$1,000; stenographer, \$720; temporary clerk hire, \$1,200; in all, \$9,420.

Mr. OVERMAN. I inquire of the Senator from New Hampshire what is meant by the provision just read? Do they have an insurance company under the District government?

Mr. GALLINGER. We have a department of insurance in the District of Columbia that is bringing into the treasury of the District, I think, some \$75,000 a year or more. They have supervision over the fire and life insurance companies that are doing business in the District, and see that they pay proper fees for the privilege.

Mr. OVERMAN. Yes.

Mr. GALLINGER. Mr. President, in connection with the discussion on automobiles, I desire to have it printed in the RECORD, so that Senators may see it for themselves, the law of the District of Columbia in that respect.

Mr. BACON. Will the Senator, without stopping to read it

all, give us in substance the regulation as to speed?

Mr. GALLINGER. The law provides that within the fire limits of the District of Columbia they must not make a greater speed than 12 miles an hour between intersecting streets and avenues; nor at a greater rate of speed than 15 miles an hour through any of the parks within said District; nor across streets at a greater speed than 8 miles an hour; nor at a greater rate of speed than 6 miles an hour around the corners of any street or avenue; nor at a greater rate of speed than 4 miles an hour on the east side of Fifteenth street NW. between the south building line of G street and the south curb line of New York avenue; nor on the west side of Fifteenth street NW between the line which would be the south building line of G street if extended to the west side of Fifteenth street, and from said extended line north to the north curb line of Pennsylvania

avenue, and so forth.

Mr. BACON. Mr. President, I want to say, without the slightest hesitation, that that law is violated every minute and every second of the day, and grossly and undisguisedly violated.

Mr. GALLINGER. As to penalties, I think the law is pretty severe. I will say that the author of this law is Mr. Sims, of the House of Representatives, who is not a lover of automobiles, I believe. We discussed the propriety of revoking the license after two or three offenses, but it was argued that if we revoked a license, the automobile could be turned over to another man, who would get a license and go along running the same machine, so we put into this law penalties as follows:

Machine, so we put into this law penalties as follows:

And the driver or operator and the owner or proprietor riding thereon or therein violating any of the provisions hereof shall, upon conviction for the first offense, be fined not less than \$5 nor more than \$50, and shall, upon conviction for the second offense within one year from the commission of the first offense, be fined not less than \$10 nor more than \$100, or imprisoned for not less than five days nor more than thirty days, at the discretion of the court; and shall, upon conviction for the third offense within one year from the commission of the first offense, and for any and all subsequent offenses, be fined not less than \$50 nor more than \$250, and be imprisoned in the workhouse for not less than thirty days nor more than six months.

Mr. BACON, I want to say that my observation and I

Mr. BACON. I want to say that my observation-and I have observed the matter a good deal, because it irritates meis that most of the gross violations of this law do not occur when the owners of the machines are in them, but they occur when the chauffeurs are running the machines about without the owners of them. Then they seem to be absolutely reckless and regardless of the law or any consideration for the safety of human beings. It is frequently the case in the part of the city in which I live that these machines are run at a speed of at least 30 miles an hour across streets, around corners, and in every other way

Mr. GALLINGER. I ask that the law in reference to automobiles in the District of Columbia may be printed in the

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The law referred to is as follows:

[Public-No. 361.]

An act regulating the speed of automobiles in the District of Columbia, and for other purposes.

and for other purposes.

Be it enacted, ctc., That no person shall drive or propel, or cause to be driven or propelled, any automobile, horseless or motor vehicle, bicycle, or horse-drawn vehicle within the fire limits of the District of Columbia, as said fire limits are now defined or may hereafter be defined from time to time in and by the building regulations of said District, upon any street, avenue, alley, or public highway at a greater rate of speed than 12 miles an hour between intersecting streets and avenues; nor at a greater rate of speed than 15 miles an hour through any of the parks within said District; nor across streets at a greater speed than 8 miles an hour; nor at a greater rate of speed than 6 miles an hour around the corners of any street or avenue; nor at a greater rate of speed than 4 miles an hour on the east side of Fifteenth street NW. between the south building line of G street and the south curb line of New York avenue; nor on the west side of Fifteenth street NW, between the line which would be the south building line of G street if extended to the west side of Fifteenth street NW, between the line which would be the south building line of G street if extended to the west side of Fifteenth street NW, between the line which would be the south building lines of the intersection of Ninth and F streets NW, between the building lines of the said streets; nor at the intersection of Ninth and G streets NW, between

the building lines of said streets; nor at the intersection of Eleventh and F streets NW. between the building lines of the said streets; nor at the intersection of Eleventh and G streets NW. between the building lines of the said streets; nor on any public roadway, street, avenue, or alley within said District outside of said fire limits at a great rate of speed than 20 miles an hour; and when meeting or passing any other vehicle the speed shall not exceed 12 miles an hour, and any automobile shall be brought to a full stop whenever the driver of a horse-drawn vehicle shall signal by raising the hand, and said vehicles shall at all times be under the control of the driver or operator; and the driver or operator and the owner or proprietor riding thereon or therein violating any of the provisions hereof shall, upon conviction for the first offense, be fined not less than \$5 nor more than \$50, and shall, upon conviction for the second offense within one year from the commission of the first offense, be fined not less than \$10 nor more than \$100, or imprisoned for not less than five days nor more than thirty days, at the discretion of the court; and shall, upon conviction for the third offense within one year from the commission of the first offense, and for any and all subsequent offenses, be fined not less than \$50 nor more than \$250, and be imprisoned in the workhouse for not less than thirty days nor more than six months.

imprisoned in the workhouse for not less than thirty days nor more than six months.

Sec. 2. That prosecutions for violation of the provisions of this act shall be on information filed in the police court of the District of Columbia by the corporation coursel or any of his assistants.

Sec. 3. That this act shall not be held to take away the authority of the Commissioners of the District of Columbia to make police regulations not inconsistent herewith.

Approved June 29, 1906.

The reading of the bill was resumed.

Mr. HALE. Mr. President, I perceive that the bill is going along rapidly, and I have been unable to keep up with its I wish the Senator from New Hampshire in charge of the bill would tell me on what page is the amendment which has been discussed.

Mr. GALLINGER. Page 16.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 17, line 4, before the word "dollars," to strike out "five thousand" and insert "six thousand five hundred," so as to make the clause read:

For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care or hire of teams, purchase and maintenance of a motor vehicle, \$6.500; all expenditures hereunder to be made only on the written authority of the Commissioners of the District of Columbia, and may include the purchase of a motor vehicle at a cost not exceeding \$1,500, said vehicle to be driven by a member of the field party using the same.

The amendment was agreed to.

The next amendment was, on page 17, line 12, to increase the total appropriation for maintenance of surveyor's office from \$28,425 to \$29,925.

The amendment was agreed to.

The next amendment was, on page 17, line 18, after the word dollars," to insert "chief, useful arts department, \$1,200," so as to read:

Free public library: For librarian, \$3,500; assistant librarian, \$1,500; chief, circulating department, \$1,200; chief, circulating department, \$1,200; chief, useful arts department, \$1,200.

Mr. CULBERSON. I will ask the Senator if that is a new

department of the library that has been organized recently?

Mr. GALLINGER. I think it was organized recently. The librarian stated to the committee that it was very largely patronized, and he felt that he ought to have some one to take charge of it.

Mr. CULBERSON. The amendment reads:

Chief, useful arts department, \$1,200.

Apparently a new department having been created in the library.

Mr. GALLINGER. Yes. The librarian, I think, designates the various departments. For instance, the librarian asked for a chief of the order department. We did not allow that, · Certain subordinates, I suppose, were doing the best they could to care for the departments not specifically provided for. He also asked for a chief of catalogue department, and so on, but we only allowed this one clerk—he is nothing but a clerk after all to care for that particular department, which the librarian said was a very important one.

This library is doing a great work, the patronage is increasing by leaps and bounds, and unquestionably the force now there is very inadequate to give proper service. In fact, I am told, and not by the librarian, but by others, that a long row of people oftentimes is there to get waited on, and because of the inadequate force the people have to wait and take their turn, which is sometimes rather provoking to them. The committee felt that they ought to give this library a little additional

force, and among other things they allowed this chief for the useful-arts department.

Mr. BEVERIDGE. May I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. What does the department of useful arts do? I am not thinking of objecting to the item. The Senator from Maine [Mr. Hale] suggests to me that I ask what it does not do. Of course, in his answer the Senator might include both.

Mr. GALLINGER. I fear I can not specifically answer the question. I have not recently gone through the testimony; but, as I say, the librarian, who is a very competent man-and he is being advised by the Librarian of Congress, who is now on the board—has, in the exercise of his judgment, made certain departments in the library, and this is one of them; and I have no doubt that if the Senator could investigate the matter a little more carefully than he can do to-day and get more definite information than I can give him he would find that this is a department which ought to be sustained. At any rate there is no one in the library—and I know all about it—from the top to the bottom who is not kept very busy, and unquestionably they need more service than they have at the present time.

I wish that I could answer the Senator more definitely than I

can at present, but I confess I do not know what the exact duties of this person may be.

Mr. BEVERIDGE. I think the Senator has answered in a way that ought to be satisfactory to all Senators. I agree with the Senator that the Government has not a more useful and accomplished officer than the librarian in charge of this library, and the fact that he recommends it carries very great weight with me. I was merely attracted by the curious wording there—some person in charge of the department of useful arts.

The VICE-PRESIDENT. The question is on agreeing to the

amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. GALLINGER subsequently said: While I am anxious to proceed with the bill as rapidly as possible, I wish to read from the House hearings, which I had before me in the committee but which I had forgotten, the statement of the librarian concerning the useful arts department. I recall the fact that he made an oral statement before our committee. He said:

The useful arts department has been in operation for one year. It has been successful from the outset. Its chief users are men who come with the definite problems of engineering or of their trades or their business affairs to solve. It was established partly to relieve the overcrowded condition of the main reference room and partly because the library wished to make itself practically helpful to business men, engineers, and mechanics. It is accomplishing this purpose, but it is doing so with an inadequate force and at the expense of drawing the assistant librarian away from most of his administrative work.

The librarian stated that evenings there are a very large number of business men, engineers, and men of practical affairs in the room, and that they remain until the library closes, and they get very useful knowledge; which statement impressed the

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations The next amendment of the Committee on Appropriations was, in the item for free public library, page 17, line 19, to strike out "assistant, \$900," and insert "two assistants, at \$900 each;" in line 21, before the word "assistants," to strike out "four" and insert "five;" on page 18, line 5, before the word "attendants," to strike out "five" and insert "six;" and in line 18, before the word "dollars," to strike out "thirty-eight thousand six hundred and eighty" and insert "forty-two thousand and forty" so as to read: sand and forty," so as to read:

Free public library: For librarian, \$3,500; * * * chief, useful arts department, \$1,200; 2 assistants, at \$900 each; 5 assistants, at \$720 each; * * 2 assistants, at \$480 each; 6 attendants, at \$540 each; * * in all, \$42,040.

The amendment was agreed to.

The next amendment was, on page 19, line 4, to increase the appropriation for purchase of books for the free public library from \$7,500 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 19, line 7, after the word to insert "purchase and maintenance of transportation vehicles;" and in line 10, before the word "dollars," to strike out "seven thousand five hundred" and insert "eight thousand," so as to make the clause read:

For fuel, lighting, fitting up building, purchase and maintenance of transportation vehicles, including lunch-room equipment, and other contingent expenses, \$8,000.

The amendment was agreed to.

The next amendment was, on page 19, line 11, to increase the total appropriation for miscellaneous items, etc., free public library, from \$18,500 to \$21,500.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the word "thousand," to strike out "thirty-five" and insert "thirty-

eight," so as to read:
For contingent expenses of the government of the District of Columbia, namely, * * \$38,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, on page 20.

Mr. FLINT. Mr. President, I desire to inquire whether indi-

vidual amendments are now in order.

The VICE-PRESIDENT. Only committee amendments are now in order.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 14, to increase the appropriation for postage for strictly official mail matter from \$8,000 to \$9,000.

The amendment was agreed to.

The next amendment was, on page 21, line 19, to increase the appropriation for necessary expenses in the collection of overdue personal taxes from \$3,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 22, line 5, to increase the appropriation for livery of horse or horse hire for coroner's office, jurors' fees, witness fees, removal of deceased persons, etc., from \$3,000 to \$3,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to insert:

For making surveys to obtain accurate data with reference to old subdivisions in the District of Columbia, \$2,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 14, to insert:

For the office of the register of wills: For furnishing to the office of the assessor copies of wills, petitions, and all necessary papers wherein title to real estate is involved, \$900.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to insert:

For extra services necessary to classify, arrange, and rebind the old records of the District of Columbia, including the corporations of Washington, Georgetown, and the levy court, with authority to employ clerks of the auditor's and other offices after office hours, \$1,500.

Mr. BURKETT. Mr. President, it seems to me the whole amendment is bad, but I desire to move to amend it on page 24, line 2, by striking out the words beginning in line 2:

With authority to employ clerks of the auditor's and other offices after office hours.

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment to the amendment, which will be stated.

The Secretary. On page 24, line 2, after the word "court," it is proposed to strike out "with authority to employ clerks of the auditor's and other offices after office hours."

Mr. GALLINGER. Mr. President, I will say just a word before the question is put. That item was placed in the appropriation bill upon the representation that the clerks in the office who are experienced and competent were very much more qualified to do this work than some outside person. pressed with the belief that that was doubtless so; and I think

the words ought to remain in the bill. Mr. BURKETT. Mr. President, my opinion is that the extra services will not be very great. It will simply be getting the books that are torn ready for rebinding. Those books ought to be taken down and arranged in office hours. If you put in this authority, the work will be done after office hours. Here is a thing that has occurred very often in my experience. ple come in for employment after office hours. It has always been the belief of the committees of Congress that that is a bad practice. In the first place, if the office hours are not long enough, they ought to be lengthened and the salaries made greater in proportion. But more particularly, in my opinion, if the words that I have moved to strike out are left out, this work will be done by the clerks, and it will be done in office hours, and we will save that much, because they are not going to get any outside help. The work will be done in office hours if we strike out the authority to pay them for work after office hours. That is my opinion about it; and I think we would save that much. I think we ought not to encourage clerks, for example, or departments to come in, and on a pretense of some little extra work get authority to do it after office

hours and have extra pay for it.

Mr. GALLINGER. Mr. President, it is safe to say that if the words go out, and it is expected that this work will be done by the clerks now in the office, it will not be done at all. They have been asking for this for three or four years, to my knowledge. The work has not been done. The clerks have an abundance of work to do during the regular office hours; and it is a mere question whether we will permit those clerks to do it, or whether an additional clerk shall be appointed under the provision of this paragraph. If the words which the Senator objects to are stricken out, beyond a question a fifteen hundred dollar clerk will be appointed and will go into the office for the purpose of doing that particular service. I hope the amendment will not be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment. [Putting the question.] By the sound the "noes"

Mr. BURKETT. A division!

The VICE-PRESIDENT. A division is demanded.
Mr. GALLINGER. Mr. President, it is manifest that that will develop the absence of a quorum, and if the question is to be contested I will call for the yeas and nays.

Mr. BURKETT. I withdraw the request.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was rejected.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 24, after line 4, to insert:

For repair of buildings owned and used by the District of Columbia when injured by fire, \$10,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 6, to insert: For fireproof steel file cases for the office of register of wills of the District of Columbia, \$1,500.

The amendment was agreed to.

The next amendment was, on page 24, line 10, after the word "wiring," to strike out "system" and insert "and gas systems," so as to make the clause read:

For the installation of a permanent electric-wiring and gas systems for lighting and power in the western District of Columbia Market, \$800.

The amendment was agreed to.

The next amendment was, on page 25, line 5, to increase the appropriation for the elimination of grade crossings from \$150,-000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 25, in line 6, after the word "dollars," to insert the following proviso:

word "dollars," to insert the following proviso:

Provided, That the Commissioners of the District of Columbia are hereby authorized to use such portion of the unexpended balances of the appropriations for elimination of grade crossings, District of Columbia, improvement of plaza, as may be necessary for the construction of the three flagstaffs shown upon the approved plans for "Plaza improvement, Union Station," on file in the office of the Engineer Commissioner of the District of Columbia: And provided further, That the Washington Terminal Company shall first convey to the United States all that portion of the terminal area, as described in the act of February 28, 1903, providing for a union railroad station in the District of Columbia, lying north of the north line of Massachusetts avenue and south of the line of balustrades of islands "C," "D," "E," and "F," and of the north line of lamp-posts of the central island, as shown on the plans referred to above.

The amendment was agreed to.

The next amendment was, on page 25, line 24, to increase the appropriation for assessment and permit work from \$160,000 to \$200,000.

Mr. OVERMAN. I should like to ask the Senator from New Hampshire what is meant by the term "assessment and permit work." I do not understand it. The amendment increases the appropriation from \$160,000 to \$200,000.

Mr. GALLINGER. It is work on the streets. I will say to the Senator, where permits are issued to make certain improvements, and it is assessed ordinarily against the holders of the property and some part of it returned to the revenues of the District. But it relates wholly to street improvements. The term "permit work" has been used I guess since the time of the organic act in the District, and is well understood at the

District building.

Mr. BURKETT. If I understand it aright, the alleys are paved and the sidewalks are builded in a different way from that in which the streets are paved. One-half of the sidewalk is paved by the property owner, but the District pays it, puts up the money, and assesses the half back, as I understand, and that is what this fund is used for. It is the fund they use every year in the paving of sidewalks.

Why do they call it "permit work?" Do Mr. OVERMAN. we pay for work that we permit somebody else to do?

Mr. BURKETT. Where the term "permit" comes in I have never understood, but I have had it explained to me—

Mr. GALLINGER. The Senator from Nebraska has stated it accurately; and I think the term "permit" is used for the reason that they have to get a permit to do the work. That is about all, as I understand.

Mr. OVERMAN. They have to get a permit to do the work, and then the Government pays for it?

Mr. GALLINGER. The Government pays one half of the cost of building a sidewalk and the abutting owner pays the

other half; but the District, I understand, puts up the money in the first place and then assesses it back, and thus recoups itself. That is the way I understand it. I may be wrong. But it is a matter that has gone along for a great many years without any difficulty.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 26, line 6, to increase the appropriation for work on streets and avenues from \$35,500 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 26, line 10, to increase the appropriation for the Georgetown schedule from \$1,000 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 26, line 12, to increase the appropriation for the northwest section schedule from \$7,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 26, line 13, to increase the appropriation for the southwest section schedule from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 26, line 15, to increase the appropriation for the southeast section schedule from \$5,000 to \$35,000.

The amendment was agreed to.

The next amendment was, on page 26, line 19, to increase the appropriation for the northeast section schedule from \$12,500 to \$35,000.

Mr. BURKETT. I should like to ask the chairman about this work on streets and avenues. There is so much enumerated for each section of the city. The commissioners usually, I think, submit a list of the streets they propose to improve. Is there anything here which provides, or is there anything to that effect in the law, that they must follow those and improve them down the list as far as the amount that is appropriated will make the improvements, or is there something omitted from this bill? It occurs to me that always heretofore there has been a provision in this bill that this fund should be used as far on the list of streets in that particular division as it would go. It occurs to me that the language here omits something and leaves it discretionary. They may improve the last street on the list as well as the first under this language. Perhaps there is a general law on the subject.

Mr. GALLINGER. The commissioners in their estimates submit a list of streets in each section of the city which the amount appropriated will enable them to improve. Last year the appropriation was \$88,500, as I remember it, and for some unexplained and unexplainable reason the House reduced it to \$35,500 this year. The commissioners estimated this year \$100,000 and apportioned it precisely as it is amended in this bill, and then submitted the list of streets that the amount named in each schedule would improve. So they are compelled to improve all the streets named in the schedule, there being money enough for that purpose.

Mr. BURKETT. There is money enough? That answers the

question.

Mr. GALLINGER. There is money enough for that purpose. The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations. The amendment was agreed to.

The next amendment was, on page 27, after line 23, to insert:

Nineteenth street NW., between Pennsylvania avenue and N street, 30 feet wide; on P street NW., from Wisconsin avenue to Twenty-eighth street, 40 feet wide, and for paving with old granite block Sherman avenue north of Florida avenue with a width of 40 feet, \$45,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert: Seventh street NW., from Q to R street, \$7,000.

The amendment was agreed to.

The next amendment was, on page 29, line 6, after the word "dollars," to insert the following proviso:

Provided, That \$2,000 out of said appropriation, or so much thereof as may be necessary, shall be used to fill to its full width of 160 feet that portion of Sixteenth street that lies south of Piney Branch.

So as to make the clause read:

Northwest: Sixteenth street extended, grade and improve, \$10,000; Provided, That \$2,000 out of said appropriation, etc.

The amendment was agreed to.

The next amendment was, on page 31, after line 23, to insert: Northeast: Rhode Island avenue extended, grade and improve, provided the land necessary to open this avenue to its full width to the District line be first dedicated to the District of Columbia without cost, \$15,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to insert: Northwest: Thirteenth street, Euclid street to Park road, grade and improve, 40 feet wide, \$17,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 5, to insert: Northeast: Rhode Island avenue, Lincoln road to Fourth street, grade, \$10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to insert: Northeast: T street, Lincoln road to Second street, grade and improve, \$6,500.

The amendment was agreed to.

The next amendment was, on page 32, after line 9, to insert: Southeast: Pennsylvania avenue, grade and improve, \$5,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 11, to insert: Southeast: Twenty-third street, Naylor road to Minnesota avenue, and from Q street, Twenty-third to Twenty-fifth street, grade and gravel, \$4,900.

The amendment was agreed to.

The next amendment was, on page 32, after line 15, to insert: Northwest: Fessenden street, River road to Wisconsin avenue, grade and improve, \$7,500.

The amendment was agreed to.

The next amendment was, on page 32, after line 18, to insert: Northwest: Rittenhouse street, from Georgia avenue to Blair road, grade and improve, \$12,500.

The amendment was agreed to.

The next amendment was, on page 32, after line 21, to insert: Northeast: Fourth street, from end of present pavement to Rhode Island avenue, macadamize, \$1,400.

The amendment was agreed to.

The next amendment was, on page 32, after line 24, to insert: Northwest: Thirteenth street extended, between Park road and Monroe street, widen 10 feet on the easterly side, and grade and improve, \$2,500.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert: Northeast: Seaton place, from North Capitol street to Lincoln road, pave 30 feet wide, \$2,600.

The amendment was agreed to.

Mr. CULBERSON. If I mistake not, the amendment proposed, from the top of page 31 to the top of page 33, inclusive, carries an increase over the House appropriation of \$85,000.

I suggest that the Senate is entitled to some explanation of this extraordinary increase, in view of the amount appropriated by the House and the condition of the Treasury.

Mr. GALLINGER. I will say to the Senator, Mr. President, that in addition to the appropriation for paving streets, made that in addition to the appropriation for paving streets, made in the bill as it came to the Senate, the Commissioners of the District had estimated for a very large number of other streets which, in their judgment, needed improvement. The Senate committee examining that list, which had been left out, felt that they could with propriety add something to the House bill, and they added the streets that appear in italies on pages 21, 22, and 22. It is only a prest of what had been left out. 31, 32, and 33. It is only a part of what had been recommended by the commissioners. Upon the representations which were made to the committee we felt that these streets very greatly needed to be improved; and the persons living on those streets, or near them, have been very insistent upon the committee that they ought to be included in the bill.

It will go to conference if the items are left in the bill. hope they will all remain in the bill, but I have very little expectation that they will. However, we probably will get a little addition to what the House allowed for this very necessary

A great deal will have to be done on the streets of Washington yet to make them as passable as they ought to be in a city of this kind. We thought very carefully in selecting these improvements, and I can assure the Senator from Texas, while it does make quite an addition to the bill, the improvements really ought to be made, and the Senate conferees will do the best they can to keep at least a portion of the items in the bill.

Mr. BACON. I should like to inquire of the Senator whether those particular items were before the House or the House committee, and were rejected by them?

Mr. GALLINGER. Yes; they were.

Mr. BACON. They were considered and rejected by the House?

Mr. GALLINGER. They were not inserted.

They were not, then, brought for the first time Mr. BACON. to the Senate?

Mr. GALLINGER. Oh, not at all.

Mr. BACON. They were originally presented to the House? Mr. GALLINGER. They are on the schedule that was made up on the estimates of the commissioners.

Mr. BACON. I understood from the former statement of the Senator that they had been estimated for.

Mr. GALLINGER. They had been estimated. Mr. BACON. I did not know whether they had been presented to the House.

Mr. GALLINGER. They were presented to the House committee, I will say to the Senator.

The next amendment was, on page 33, line 6, to increase the total appropriation for the construction of county roads and suburban streets from \$133,600 to \$218,500.

The amendment was agreed to.

The next amendment was, on page 33, after line 7, to insert: For grading Massachusetts avenue and N street SE., from the Bowen road to Thirtieth street, including the construction of the necessary culverts: Provided, That said thoroughfares, between the limits named, be first dedicated to the District of Columbia, without cost: And provided further, That the sum of \$7,000 be deposited with the collector of taxes of the District of Columbia as an addition to the above appropriation, to be expended as a part of the same for the purposes named, including all incidental and contingent expenses, \$7,000.

The amendment was agreed to.

The next amendment was, on page 33, line 23, before the word "thousand," to insert "and fifty," so as to read:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, of which sum \$50,000 shall be immediately available, \$350,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 23, to insert: For replacing sidewalks and curbs on the east and north sides of the United States Treasury Department building, \$5,600.

The amendment was agreed to.

The next amendment was, at the top of page 35, to insert:

For replacing sidewalks and curbs on the east and north sides of the Government Printing Office, \$3,000.

The amendment was agreed to.

The next amendment was, on page 35, line 5, before the word "thousand," to insert "and twenty-five," so as to make the clause read:

Repairs county roads: For current work of repairs of county roads and suburban streets, \$125,000, of which sum \$20,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 36, to insert:

For removal of the superstructure and substructure of the old Anacostia Bridge, \$10,000: Provided, That the unexpended balances of appropriations heretofore made for the construction of the new Anacostia River Bridge and its approaches shall continue available during the fiscal year 1910 for all necessary expenses to complete said bridge and its approaches.

The amendment was agreed to.

The next amendment was, on page 36, after line 7, to insert: Sixteenth Street Bridge across Piney Branch: For widening bridge across Piney Branch on the line of Sixteenth street, said bridge to be widened to a width over all of 65 feet, \$85,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 11, to insert: Anacostia flats: For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, for the purpose of improvement of the Anacostia flats, \$5,000.

Mr. GARY. I should like to ask the Senator in charge of the bill for some information concerning this item. It seems to be a rather unusual item, appropriating \$5,000 for a lawyer to examine titles. I should like to ask if there are not attorneys

employed already whose business it is to do just such work.

Mr. GALLINGER. I will read for the information of the
Senator what occurred at the hearing before the subcommittee.

The chairman said:

There is an item here for employment of special counsel to investigate and determine the ownership and riparian rights along the Anacostia River for the purpose of the improvement of the Anacostia flats, \$5,000.

Commissioner Macfarland. That was put in by the House committee and, I think, went out on the floor in some way.

A point of order was doubtless made against it.

Senator Gallinger. I think we had it in the bill last year. Do you think it desirable?

Commissioner Macfarland. I think it desirable in order to get at

think it desirable?

Commissioner Macfarland. I think it desirable in order to get at the question of title.

Senator Gallinger. The corporation counsel finds it impossible to attend to that?

Commissioner Macfarland. It is quite impossible for him to take this burden. The House committee agreed to it. It is just a question of having your concurrence.

This question has been up before, I will say to the Senator from South Carolina, and some time in the future very great improvements will have to be made along the river front at Anacostia. There is a condition there which is not creditable

to this great city, and doubtless a very considerable amount of money will have to be spent when we reach the point where

the improvement will be made.

In the meantime there is a controversy as to the title to a very considerable part of the land, and it is extremely desirable that that matter should be settled in some way. office of the corporation counsel say that they are unable to do it; in other words, that some man with special knowledge as to riparian rights, and all that sort of thing, would be a better man to take up this work than any one of the assistants to the corporation counsel. Beyond a doubt the corporation counsel and his assistants are kept very busy in the ordinary work of the office.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. Certainly. Mr. CULBERSON. The Senator from New Hampshire has stated that the corporation counsel has a number of assistants. I will ask him how many?
Mr. GALLINGER. He has four.
Mr. CULBERSON. What is the

What is the total salary paid to that office?

Mr. GALLINGER. I should think likely \$8,000 or \$9,000, possibly \$10,000. The assistants are not paid large salaries.

Mr. CULBERSON. What is the salary of the corporation counsel?

Mr. GALLINGER. For a guess I would say \$3,000. That may not be accurate; I think it may be above that amount.

Mr. CULBERSON. He has four assistants? Mr. GALLINGER. He has four assistants.

Mr. GALLINGER. He has four assistants. Mr. BURKETT. The corporation counsel is paid \$4,500.

Mr. GALLINGER. Forty-five hundred dollars.
Mr. BURKETT. The first assistant receives \$2,500, the second assistant \$1,800, the third assistant \$1,600, and the fourth assistant \$1,500.

Mr. GALLINGER. Then the aggregate of salaries is a little in excess of \$10,000. I was not accurate in stating the salary of the corporation counsel. When I made the statement I thought that likely I had not put it high enough, but I was not well informed on the subject.

Mr. GARY. I move to amend the committee amendment by striking out "\$5,000" and inserting "\$2,500."

The VICE-PRESIDENT. The Senator from South Carolina proposes an amendment to the amendment, which will be read by the Secretary.

The Secretary. In line 15, strike out "\$5,000" and insert

"\$2,500."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. CULBERSON. I should like to have a vote on the amendment itself.

Mr. GALLINGER. Let it be stated again.
The VICE-PRESIDENT. The amendment of the committee will be read by the Secretary.

The SECRETARY. On page 36, after line 11, it is proposed to

Anacostia flats: For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, for the purpose of improvement of the Anacostia flats, \$5,000.

Mr. BURKETT. Mr. President, I wish to suggest to the Senator who moved to amend the amendment and to those who have called for a vote that in my opinion this is a pretty important matter. Senators will remember that a year ago we had a question as to the right to a piece of property that, apparently, we lost over here, not knowing exactly what our rights were. It was a piece of property that had been filled in here There is a good deal of this property here which probably belongs to the District filled in with accretions. If the corporation counsel can not look after the title, in my opinion somebody ought to look after it, and he ought to look after it very soon.

I will say, also, that there is another piece of land in the District of Columbia, and in my opinion the District government ought to hire special counsel for a considerable time in investigating title to it and the Government's right in it. In my opinion this amendment, from what I have known of the matter in times past and some information I have had, ought not to go out of the bill. This allowance ought to be made some time, somewhere, and there should be a report on these titles to find out what are the rights of the Government so as to prevent others from getting rights by reason of our negligence.

I will say, with reference to the office of the corporation counsel, that I remember when the number of assistants to the cor-

poration counsel was increased to four. I happened to be upon the subcommittee of the Committee on the District of Columbia handling the bill in the House. The committee of the House, I will say, enlarged the office force of the corporation counsel, and before the House committee did it they investigated the matter very thoroughly to find out what work was being done that he had to do. At that time Mr. Duvall, a very hard-working attorney, in whom we had a good deal of confidence, was the corporation counsel, and an additional force was given at that time, including the clerks who were needed to provide for the work he had to do.

It has occurred to me that since that time the work of the office might have depreciated, in view of the fact that some of the titles with reference to street condemnations have been settled. The corporation counsel, it seems to me, ought not to have quite so much work to do as he had two or three years ago. However, I presume in the growth of the District and the multiplicity of important matters that need legal attention perhaps the work of the office has grown with the growth of the District, and therefore he is as busy as he was when he had that special work upon him. But taking the word of the commissioners that the office of the corporation counsel is fully employed, I submit that this is an important matter and we can hardly afford to have it stricken out.

Mr. GALLINGER. Before the amendment is voted on I wish to offer an amendment to it. After the word "dollars," in line 15, I move to insert a comma instead of the period, and to add

"or so much thereof as may be necessary."

Mr. McCUMBER. I should like to have the Senator in charge of the bill explain the necessity of employing a special attorney for this work. I understand we have attorneys connected with the government of the District of Columbia who are paid regular salaries for that purpose. Why can not those attorneys be called upon to do this work, and what basis has the Senator for fixing \$5,000 or any other fee for this particular work?

Mr. GALLINGER. Mr. President, the Senator, I presume,

was out of the Chamber when I stated that the office of corporation counsel is already kept busy with the usual work of that office, and both the corporation counsel and the District Commissioners say that it is utterly impossible for them to take up work of this kind. It is not a small work; it is a very important work, and it will require a good deal of time and a good deal of talent to determine these titles.

Mr. McCUMBER. Will the Senator tell me how much we are

paying the corporation counsel at the present time?

Mr. GALLINGER. I have just gone over that, I will say

to the Senator; but I presume it can be repeated.

Mr. McCUMBER. The Senator can just tell me generally.

Mr. GALLINGER. The aggregate salary is a little over \$10,000 for the corporation counsel and four assistants.

Mr. McCUMBER. That would be less than \$2,000 for each. Mr. GALLINGER. The corporation counsel is paid \$4,500 and the other \$4,000 or \$5,000 is divided between four men.

Mr. McCUMBER. Why not put in another man, if they have not enough, and allow another assistant for the next year to put in all of his time on this one question, if it is necessary? Then we would not be paying him any more for a whole year's work than it is proposed to pay one man, and we would be paying him at the rate of \$2,500.

Mr. GALLINGER. Mr. President, I think if the Senator stops and reflects he will see that work of this kind will require special talent. A man who is qualified to do this work would not take the position of fifth assistant corporation counsel at a

salary of \$1,200 or \$1,500 a year, I feel sure.

Mr. McCUMBER. I will answer the Senator by saying that any man who is qualified to hold the position of assistant is qualified to pass upon a question of title. If he is not qualified for work of this kind, he is not qualified to be an assistant attorney to the corporation counsel

Mr. GALLINGER. I am willing that the matter shall be voted on. The committee went over it with great care and were satisfied that the provision is as it ought to be in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Sewers," on page 36, after line 18, to insert: For the purchase and maintenance of one motor truck for use in cleaning and repairing sewers and basins, \$2,500.

The amendment was agreed to.

The next amendment was, on page 37, line 3, to increase the appropriation for suburban sewers from \$50,000 to \$120,000. The amendment was agreed to.

The next amendment was, on page 37, line 9, to increase the appropriation for continuing work on extension of east side intercepting sewer from boundary sewer to Brookland from \$40,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 14, to insert: For changes in grade vicinity of Seventeenth and B streets NW. and Second and N streets SW., required by the abandonment of two sewer canals by the construction of the sewage-disposal system, and for the protection of the said system from flooding by river overflow at these points during the high water, \$50,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 20, to insert: For the Rock Creek west side intercepting sewer: For beginning work on the intercepting sewer on the west side of Rock Creek northward of P street (estimated cost \$298,000), \$50,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 24, to insert: For Piney Branch valley trunk sewer: For beginning the construction of the Piney Branch valley trunk sewer between Sixteenth street and Georgia avenue (estimated cost \$300,000), \$30,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Streets," in the item for "sprinkling, sweeping, and cleaning," on page 38, line 17, before the word "cents," to strike out "nineteen" and insert "twenty-one;" in line 23, before the word "cents," to strike out "twenty" and insert "twenty-two;" and on page 39, line 1, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred and twenty-four," so as to make the proviso read: four," so as to make the proviso read:

Provided, That whenever it shall appear to the commissioners that said latter work can not be done under their immediate direction at 21 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder; and if the same can not be procured to be done at a price not exceeding 22 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; \$324,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 39, after line 3, to strike out-

For cleaning snow and ice from cross walks and gutters, under the act approved March 2, 1895, \$4,000—

And in lieu thereof to insert:

For cleaning snow and ice from streets, sidewalks, cross walks, and gutters, in the discretion of the commissioners, including services and not exceeding \$10,000 for the purchase of necessary implements, \$35,000, to be immediately available and until expended.

Mr. OVERMAN. Why is the appropriation in that case increased from \$4,000 to \$35,000? The snow is about all gone. I can not understand the reason for the increase.

Mr. GALLINGER. I will suggest to the Senator from North Carolina that if he will look at the provision stricken out he will find that it is only "for cleaning snow and ice from cross walks and gutters," while this provision reads—

For cleaning snow and ice from streets, sidewalks, cross walks, and

The purpose being to give an appropriation sufficiently large to enable the Commissioners of the District, when we have a storm such as we recently had, to put a force of street cleaners and their teams on the work, and do it expeditiously and prop-We have made the sum sufficiently large—and we hope to retain it in the bill—so that we shall never have a repetition of the condition of things that we had a week or two ago, which was protested against by the newspapers, as well as by public men, by citizens of the District, and by visitors to Washington. That is the purpose.

Mr. BACON. I should like to inquire of the Senator from New Hampshire if he thinks the provision made—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. BACON. I desire to ask the Senator if he thinks the provision made will result in such work as will prevent the accumulation of snow remaining upon the sidewalks for as much as a day?

Mr. GALLINGER. I think so. The provision is to enable the commissioners to buy machinery. That means snowplows. The provision is, "\$10,000 for the purchase of necessary im-

plements." They have their horses; they have their men; and they will, with this \$10,000, buy whatever implements are necessary. When the snow comes they can immediately put their force at work and clean it off, I should think, in a very short time.

Mr. BACON. That refers more to the work on the streets than it does to the work on the sidewalks, does it not?

Mr. GALLINGER. This includes sidewalks.

Mr. BACON. I know; but I am speaking about the machinery contemplated.

Mr. GALLINGER. I think plows would be for sidewalks rather than for streets.

Mr. BACON. Well, of course I may be in error about it, but it strikes me that the snow on the sidewalks is generally not deep, and that plows would not be very efficacious. We had a law which required the property owners to clean off sidewalks, but I believe that was declared by a judge of the District to be unconstitutional.

Mr. GALLINGER. Yes.

Mr. BACON. I never had occasion myself to examine the decision. I want, however, to inquire of the Senator from New Hampshire whether there has ever been any effort made to test the correctness of that decision?

Mr. GALLINGER. I would say to the Senator from Georgia that the law was declared unconstitutional by the courts. Then the Commissioners of the District undertook by regulation to accomplish the same result. That was tested, and went to court, and that was declared unconstitutional. In the committee of which I chanced to have been chairman for the last two years the lawyers of that committee-some of them very good ones-have been struggling to evolve a law on this subject that would stand the test of the courts, and they have about given They have found it impossible to formulate a law that would in their judgment be any more efficacious than that which the courts have declared to be unconstitutional.

Mr. BACON. That was the object of my inquiry, because if

such a law can be framed I think it very important. I do not think that any rule or regulation of a municipality, if I may so term the District of Columbia, can be sufficiently efficacious, because the streets are very extended; and while it is a very small work for each property holder, it would require a tre-mendous force to go over the sidewalks of this city; and the sidewalks, it seems to me, are the portions of the streets which require most immediate attention.

Mr. GALLINGER. Undoubtedly.

Mr. BACON. It would be a comparatively easy matter for each householder, by very slight attention when snow first falls, unless it is an extreme snowfall, to clear at least enough of the sidewalk so that pedestrians could walk with some degree of safety; for it is not simply a matter of comfort, but it is absolutely a matter of safety. Pedestrians are very much interesed in that part of it.

Mr. GALLINGER. I quite agree with the Senator from Georgia; but, unfortunately, in some of the States similar laws have been declared unconstitutional, among others in my own city, where our supreme court declared the law unconstitutional, taking the ground that it was the business of the municipality to keep the sidewalks clear, as well as the streets.

Mr. BACON. Mr. President, I have never examined the question myself, but I confess that, without such examination, I very seriously doubt the correctness of that decision. I know that in a great many jurisdictions the power of a municipality to require property holders to pave the streets in front of their houses is enforced and held to be legal. Of course, if we can compel such property holders to pave the street, we can compel them to keep that portion of the street clear of such obstructions.

Mr. GALLINGER. In this city it is not claimed that we have

the power to compel them to lay a sidewalk.

Mr. BACON. I was going to say that I am very sorry that that decision was not tested to its final limit, for I do not believe that any regulation will ever be efficacious which does not im-

pose that burden upon the property holders.

Mr. GALLINGER. I will say further to the Senator from Georgia that the subcommittee of the Committee on the District of Columbia, named the "judiciary committee," has now a bill before it to which they are giving some consideration, and I should be delighted if the Senator would examine that bill.

Mr. BACON. I quite agree with the Senator from New Hampshire that there are able lawyers upon that committee, and I am very willing and content to rest on their judgment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, line 4, before the word "dollars," to strike out "one thousand five hundred," and insert "two thousand;" and in line 6, after the word "thoustand," to insert "five hundred," so as to make the clause read:

Bathing beach: For superintendent, \$600: watchman, \$450; for temporary services, supplies, and maintenance, \$2,000; for repair of houses, bathing pools, and grounds, \$500; in all, \$3,550.

The amendment was agreed to.

The next amendment was, on page 40, after line 6, to insert: For construction of swimming pool at present bathing plant, \$5,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 8, to insert: For improvements of pools for colored bathers at present plant, \$3,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert: For one dressing house on river front, at point to be determined by the commissioners, and for services and supplies in operating and main-taining said house, \$1,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert: All the appropriations herein made for the bathing beach, except for salaries of superintendent and watchman, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 40, after line 18, to insert: Deep wells: For drilling deep wells and maintenance of same, \$5,000.

The amendment was agreed to.

The next amendment was, on page 40, line 21, after the word "maintenance," to strike out "and renewal of equipment" and insert "equipment, and supervision;" and in line 24, before the word "dollars," to strike out "one thousand five hundred" and insert "ten thousand," so as to make the clause read:

Playgrounds: For maintenance, equipment, and supervision, and planting trees for outdoor playgrounds, \$10,000.

The amendment was agreed to.

The next amendment was, at the top of page 41, to insert: For the improvement and equipment of the Georgetown site, \$5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 5, to insert: For one new public-convenience station under the sidewalk on the east side of Ninth street NW., between F and G streets, \$22,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 8, to insert:

For one public-convenience station on the west side of Fifteenth street, near New York avenue, \$27,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 11, to insert: For one public-convenience station on the triangle west of Dupont rcle, between Twentieth and P streets and Massachusetts avenue, \$15,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 14, to insert: For one public-convenience station to be located on the south side of Pennsylvania avenue between First and Third streets north, \$22,500: Provided, That the above public-convenience stations be located on public space to be selected by the Commissioners of the District of Columbia, and the jurisdiction and control of such portion of any public reservation so selected as shall be required for the location of such stations and their approaches is hereby transferred from the United States official having charge of said reservation to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by the said commissioners to the said United States official of the location of the sites for said stations.

Mr. BURKETT. Mr. President, I want to read that over. call the attention of the Senator in charge of the bill to the language beginning in line 18, which reads:

That the above public-convenence stations be located on public space to be selected by the Commissioners of the District of Columbia, and the jurisdiction and control of such portion of any public reservation so selected as shall be required for the location of such stations and their approaches is hereby transferred from the United States official having charge of said reservation to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by the said commissioners to the said United States official of the location of the sites for said stations.

Does that express the intention of the committee to transfer any public grounds that belong to the Government of the United States to the District Commissioners?

Yes; to transfer the jurisdiction and con-Mr GALLINGER. trol of that small bit of ground. That is the purpose of it. Of course, if it is not placed in their control there will be no control whatever. If it is left under the control of the United States Government, we can readily understand that it would be utterly neglected.

Mr. BURKETT. I understand one of these stations would be located in some part of the Botanic Garden. Is that correct?

Mr. GALLINGER. Well, probably somewhere along there. Mr. BURKETT. Have not the District Commissioners now within their control for police purposes all of these parks, or all portions of ground the Government may own in the District?

Mr. GALLINGER. I think they have no control over the arks. The officer who is at the head of the public buildings and grounds of the District of Columbia, Colonel Bromwell, I think has jurisdiction over the Government's property

Mr. BURKETT. It seems an unusual authority to be granted,

but still I shall not object.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, line 12, before the word "dollars," to strike out two thousand five hundred" and insert "four thousand," so as to make the clause read:

Condemnation of insanitary buildings: For all expenses necessary and incident to the enforcement of the provisions of an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, including personal services, when authorized by the Commissioners of the District of Columbia, not to exceed \$1,200, \$4,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 42, line 15, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" in the same line, after the word "dollars," to strike out "superintendent, \$1,600," and insert "assistant electrical engineer, who shall perform the duties of the electrical engineer in the absence or disability of the latter and shall have the same qualifications as to ability and technical knowledge as is required by law of the head of the department, \$2,000;" in line 23, after the word "dollars," to insert "draftsman, \$1,200;" and on page 43, line 4, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty," so as

For electrical engineer, \$2,750; assistant electrical engineer, who shall perform the duties of the electrical engineer in the absence or disability of the latter and shall have the same qualifications as to ability and technical knowledge as is required by law of the head of the department, \$2,000; three electrical inspectors at \$1,200 each; inspector of lamps, \$1,000; electrician, \$1,200; draftsman, \$1,000; 3 telegraph operators, at \$1,200 each; 3 inspectors, at \$900 each; expert repair man, \$960; 4 repair men, at \$900 each; 3 telegraph operators, at \$120 each.

The amendment was agreed to.

The next amendment was, on page 43, line 21, to increase the total appropriation for the force in the electrical department from \$44,735 to \$46,945.

The amendment was agreed to.

The next amendment was, on page 44, line 5, to increase the appropriation for general supplies, repairs, new batteries, battery supplies, etc., in the electrical department, from \$12,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in the item for the electrical department, on page 44, line 11, to increase the appropriation for placing wires of fire-alarm, telegraph, police-patrol, and tele-phone service underground in existing conduits, etc., from \$10,000 to \$12,000.

The amendment was agreed to.

The next amendment was, in the item for the electrical department, on page 44, line 17, to increase the appropriation for extension of police-patrol system, including purchase of new boxes, purchase and erection of the necessary poles, etc., from \$4,300 to \$4,800.

The amendment was agreed to.

The next amendment was, in the item for lighting, on page 45. line 2, to increase the appropriation for illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, etc., from \$253,000 to \$280,000.

The amendment was agreed to.

The next amendment was, in the item for lighting, on page 45, line 3, before the word "dollars," to strike out "fifteen" and insert "eighteen;" in line 8, before the words "per annum," to strike out "\$18" and insert "\$20.85;" and in line 9, before the words "per annum," to strike out "\$20" and insert \$22.80," so as to make the proviso read:

Provided, That no more than \$18 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, nor more than \$20.85 per annum for each gas and \$22.80 per annum for each oil lamp equipped with an incandescent mantle burner of not less than 60 candlepower.

The amendment was agreed to.

The next amendment was, on page 46, after line 13, to insert: Hereafter contracts shall be entered into for lighting avenues, streets, roads, and alleys in the District of Columbia by gas or electricity for a period of not exceeding three years.

Mr. CULBERSON. Mr. President, I ask the Senator in charge of the bill what is the present limit, if any, as to these contracts?

Mr. GALLINGER. I will say to the Senator that prior to last year the commissioners were given authority to make contracts for three years. Under that provision they made a very considerable saving; they got better terms than they could have gotten for one year; but last year-and I do not know what reason was urged—they were limited to a yearly contract. commissioners represent that if they can get authority to make contracts for a term not exceeding three years, they can make

quite a saving to the District. The committee put this provision in the bill for the purpose of sending it to conference and looking it over with the conferees on the part of the other House, with the idea of adjusting it. Of course, we may have to recede from it. My own opinion is that it ought to remain in the bill, because, beyond a question, it will be a matter of some saving to the District and to the Government.

Mr. CULBERSON. I ask the Senator if this will be affected

in any way by the present inquiry in reference to gas?

Mr. GALLINGER. Not at all. I will say to the Senator—
and I want to be very frank about this matter—that on the preceding page the Senate struck out the amount allowed by the House per lamp and put in the amount that was in last year, with a view of having that influenced by the legislation that is pending, especially if any legislation shall be enacted, because we propose to reduce the price of gas.

Mr. CLAY. With the Senator's permission—
Mr. GALLINGER. Certainly.
Mr. CLAY. I understood the Senator to say that legislation was pending to fix the price of gas.

Mr. GALLINGER. It is; yes.
Mr. CLAY. Does the Senator think that legislation will likely

go through at this session of Congress?

Mr. GALLINGER. I will refer that question to the Senator from Kansas [Mr. Long], who is chairman of the subcommittee having that matter in charge.

Mr. CLAY. Does that legislation attempt to fix the future

rate on gas?

Mr. GALLINGER. It does.

Mr. CLAY. I will ask the Senator—
Mr. GALLINGER. I will say to the Senator that the House has passed the bill reducing the price of gas.

The House has passed the bill? Mr. CLAY.

Mr. GALLINGER. The House has passed the bill reducing the price of gas from \$1 to 85 cents per thousand cubic feet. They have likewise passed other gas legislation, and are now struggling with the monoxide question.

Mr. CLAY. Is this provision in conformity with the bill passed by the House relative to gas? I see that the Senate

committee puts this item at \$20.85.

Mr. GALLINGER. That is for lighting lamps. was that the Senate committee struck it out for the purpose of sending it to conference; and, if we have gas legislation, it will influence the amount which we will place in the bill.

I know there has been a great deal of agitation Mr. CLAY. on the subject, though I have not been very familiar with it. There has been a contention that the price of gas was too high. Whether or not that is true, I presume the Senator is perfectly familiar with the fact.

Mr. GALLINGER. We are taking the question up in good faith, and hope to have proper legislation before the end of this

Congress, I will say to the Scnator.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The restained of the Committee on Appropriations was, on page 46, line 20, before the word "dollars," to strike out "nineteen thousand four hundred and twenty-five" and insert "twenty-five thousand;" and in line 21, before the word "dollars," to strike out "eighty" and insert "eighty-five," so as to make the clause read:

For electric arc lighting, and for extensions of such service, not exceeding \$125,000: Provided, That not more than \$85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

The amendment was agreed to.

The next amendment was, on page 47, line 9, to increase the appropriation for the purchase of 15 additional fire-alarm boxes and for the purchase and erection of necessary poles, etc., from \$3,000 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to insert: For purchase of one motor delivery wagon with extra tires and equipment, \$1,200.

The amendment was agreed to.

The next amendment was, under the head of "Washington Aqueduct," on page 47, line 23, to increase the appropriation for care, including salaries of all necessary employees, maintenance, and operation of the Washington Aqueduct, District of Columbia, etc., from \$82,000 to \$85,000.

The amendment was agreed to.

The next amendment was, under the head of "Rock Creek Park," on page 48, line 8, after the word "Park," to insert "and of the Piney Branch parkway entrance to said park from Sixteenth street extended;" in line 12, before the word "thousand," to strike out "fifteen" and insert "twenty;" and in line 13, after the word "dollars," to insert "and the said board of control is hereby authorized to purchase eight hundred and sixty-seven one-thousandths acre, more or less, of land adjoining the northern boundary of Rock Creek Park, assessed as parcel 64-3, for a sum not to exceed \$400, chargeable to said appropriation," so as to make the clause read:

For care and improvement of Rock Creek Park, and of the Piney Branch parkway entrance to said park from Sixteenth street extended, exclusive of building for superintendent's residence, to be expended under the direction of the board of control of said park, \$20,000; and the said board of control is hereby authorized to purchase eight hundred and sixty-seven one-thousandths acre, more or less, of land adjoining the northern boundary of Rock Creek Park, assessed as parcel 64-3, for a sum not to exceed \$400, chargeable to said appropriation.

The amendment was agreed to.

The next amendment was, on page 48, line 25, after the word "dollars," to insert "chief clerk, who in the absence of the secretary, upon leave granted by the board of education, shall act as his deputy, \$1,600;" on page 49, line 6, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" and in line 10, before the word "dollars," to strike out "fifty-two thousand five hundred and twenty," and insert "fifty-four thousand three hundred," so as to make the clause read:

For officers: For superintendent of public schools, \$5,000; 2 assistant superintendents, at \$3,000 each; director of intermediate instruction, 13 supervising principals, and supervisor of manual training, 15 in all, at a minimum salary of \$2,200 each; secretary, \$2,000; chief clerk, who in the absence of the secretary, upon leave granted by the board of education, shall act as his deputy, \$1,600; clerk, \$1,400; 2 clerks, at \$1,000 each; clerk to carry out the provisions of the child-labor law, \$900; 2 stenographers, at \$840 each; 1 messenger, \$720; in all, \$54,300.

The amendment was agreed to.

The next amendment was greed to.

The next amendment was, on page 49, line 15, after the word "dollars," to insert "one attendance officer, \$720;" and in line 17, before the word "dollars," to strike out "one hundred" and insert "eight hundred and twenty," so as to make the clause read:

Attendance officers; For two attendance officers, authorized by the act providing for compulsory education in the District of Columbia, approved June 8, 1906, at \$600 each; one attendance officer, \$900; one attendance officer, \$720; in all, \$2,820.

The amendment was agreed to.

The next amendment was, on page 49, after line 17, to insert: Child-labor inspectors: For two inspectors of child labor, at \$1,200 each, \$2,400.

Mr. GALLINGER. Let the amendment be disagreed to, as the provision has been inserted in a former part of the bill.

The amendment was rejected.

The reading of the bill was continued to the end of line 18 on page 50.

Mr. GALLINGER. I offer the amendment I send to the desk, to be inserted as a proviso.

The SECRETARY. After the word "each," in line 18, page 50, it is proposed to insert: Provided, That hereafter no teacher shall be eligible to group B, class 6, who has not attained the maximum of group A.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 50, line 20, before the word "in," to strike out "three" and insert "fifty-eight," so as to read:

For teachers in group A of class 6, 258 in all, at a minimum salary of \$1,000 each.

The amendment was agreed to.

The next amendment was, on page 50, after the word "each," in line 21, to insert:

in line 21, to insert:

Provided, That all teachers of manual training, drawing, physical culture, music, domestic science, and domestic art in the normal, high, and manual training schools, and the assistants to the directors of primary instruction shall be placed in group A. class 6: Provided, That hereafter no teacher of these subjects shall be appointed without like or equivalent requirements as for academic or scientific subjects. And provided further, That all principals and teachers, including principals and teachers in normal, high, manual training, grade schools, and kindergartens, and teachers of special studies, now in the service of the public schools, may be placed by the board of education and receive their longevity increase according to their number of years of experience in teaching in accredited schools, and the amount of additional longevity pay for this purpose shall not exceed \$20,000 in any one year.

Mr. GALLINGER. I move to amend the amendment by inserting before the word "teachers," in line 5, page 51, the words "directors and."

The Secretary. On page 51, before the word "teachers," in line 5, it is proposed to insert "directors and."

Mr. BURKETT. I want to make a point of order against the amendment

The VICE-PRESIDENT. Against the amendment just offered?

Mr. BURKETT. Against the whole amendment. Mr. GALLINGER. Will the Senator allow the amendment to be perfected?

Mr. BURKETT. I will be glad to.
The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. After the word "now," in the same line, I move to insert "and hereafter.'

The amendment to the amendment was agreed to.

Mr. BURKETT. Mr. President, I make the point of order against the amendment that it is general legislation.

The Chair is of the opinion that The VICE-PRESIDENT. the point of order is well taken.

Mr. GALLINGER. I should like to have the Senator state

Mr. GALLINGER. the ground upon which he makes the point of order.

Mr. BURKETT. I make the point of order that it is general

The VICE-PRESIDENT. The Chair is of the opinion-Mr. GALLINGER. Let the rule be read, if you please. Will the clerk read Rule XVI, subdivision 3?

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read subdivision 3 of Rule XVI, as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. GALLINGER. Mr. President-

Mr. GAILLANGER. All, President Mr. BURKETT. I ask the clerk to read the paragraph from the Record which I send up on this point.

The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

Mr. BURKETT. I will say that what I have asked to have read is a paragraph from the remarks of the Senator himself, made a year ago upon an amendment which I offered, somewhat changing the school law, on which occasion the presiding officer held the amendment out of order.

Mr. GALLINGER. Mr. President, I think that is hardly nec-

essary unless the Senator insists upon it, although I have no objection to anything I have ever said being read.

Mr. BURKETT. I want it read for information.

Mr. GALLINGER. I am not going to resist the point of order. I think it will lie against the amendment. I am sorry it has been made, I will say, because I think the amendment would do simple justice to a very worthy class of teachers who are now discriminated against in our school law. The Chair has ruled correctly, as the Chair always does.

The VICE-PRESIDENT. The Chair sustains the point of

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 51, line 12, to reduce the number of teachers in class 5 at a minimum salary of \$950 each, from 154 to 113.

Mr. CULBERSON. I do not understand the amendment. I understand that the teaching force in class 5 is to be reduced?

Mr. GALLINGER. I will say to the Senator that these amendments which were reported will all have to be disagreed to. The first is in line 20, on page 50. It will have to be restored so as to read "two hundred and three" in place of "two hundred and fifty-eight," and likewise on the succeeding page.

Mr. CULBERSON. On page 51, line 11—

Mr. GALLINGER. If the Senator will permit me, on page

50, line 20, the amendment should be disagreed to.

The VICE-PRESIDENT. The amendment will again be

The Secretary. On page 50, line 20, it is proposed to strike out "three" and insert "fifty-eight," so as to read:

For teachers in group A of class 6, 258 in all, at a minimum salary of \$1,000 each.

The VICE-PRESIDENT. The amendment will be regarded as open.

Mr. GALLINGER. Let it be disagreed to.

The amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment in line 11, on page 51, which has heretofore been

The amendment was rejected.

The next amendment was on page 51, line 14, to reduce the number of teachers in class 4, at a minimum salary of \$800 each, from 425 to 411.

Mr. GALLINGER. Let the amendment likewise be disagreed The changes were made, I will say to the Senator from Texas, in view of the amendment that had been placed in the bill, which has been ruled out on a point of order. So we will now return to the provisions of the House bill.

Mr. CULBERSON. It occurred to me as an extraordinary reduction-from 154 to 113-in the teaching force of this class,

and I wanted an explanation of it. Mr. GALLINGER. It was. We had placed the difference in

numbers in the amendment at the bottom of page 50.

The amendment was rejected.

Mr. GALLINGER. It is all right now.

The next amendment was, on page 52, line 8, to increase the total appropriation for salaries of teachers from \$1,313,050 to \$1,317,900.

Mr. GALLINGER. Let 'the proposed amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 53, line 10, to increase the appropriation for longevity pay from \$210,000 to \$230,000.

Mr. GALLINGER. Let the amendment be disagreed to.

The amendment was rejected.

The next amendment was, at the top of page 54, to insert the following further proviso:

Provided further, That hereafter officers, teachers, and janitors may employ substitutes for such periods at such rates of pay and from such eligible lists as may be prescribed by the board of education: Provided further, That in case of death or other emergency the board of education may temporarily appoint substitute officers, teachers, and janitors to fill any vacancy which may occur in the public school system, provided that substitutes appointed by the board of education be paid the salary of the position or class in which the service is performed.

Mr. BURKETT. Mr. President, I desire to make a point of order on the amendment, or to reserve it at least, until I can ask the Senator in charge of the bill the necessity for it and what it is intended to accomplish, if anything more than we can read in the wording of it. In my opinion, after investigating somewhat, as I have had to do, the whole school system, if there is one abuse here which is annoying to those in charge of the schools, it is the habit which it seems has grown up and become a practice, of having substitutes. It is very bad for the students and it is very bad for the organization of the

It occurs to me that this will have a tendency by legislation to extend that bad practice. It does not protect, as the Senator will observe, the substitute who is hired by the teacher so much as the substitute hired by the board. The board is limited in paying salaries to what the position pays. The individual janifor, if the board will permit it. In short, it seems to me that this cultivates that practice and extends it, which I say from some investigation is rather abused now.

I do not want to raise a point of order if the matter has been well considered and if it is necessary for the board of education. but I have not had my attention called to it. However, I will say what information I have from superintendents and principals is that the practice of substitutes coming in all the time is already too general, and is detrimental.

Mr. GALLINGER. The Senator will readily agree with me that it is absolutely necessary in the public schools of Washington to appoint substitutes to a greater or less extent.

Mr. BURKETT. Yes; they do now.

Mr. GALLINGER. If a teacher is sick, of course the place must be filled. The board of education submitted this proposed amendment to the committee, and the committee thought it was a very proper amendment. As I understand the matter, the present rule is that where a substitute is employed the substitute is paid one-half the salary. Where the other half goes I do not know—whether it goes to the sick teacher or the absent teacher, or whether it goes into the Treasury—and I apprehend the board of education had in view the correction of that as much as anything else in providing that the full salary should be paid to the substitute. It may be that the substitute is not so good a teacher as the one absent, but if he fills the place it does seem to me the same salary should be paid to the substitute who is there for a few days.

We can not get rid of the appointment of substitutes. That will go on, whether we legislate or not. I can not for the life of me see that there is any provision in this amendment which can by any possible means prove detrimental to the schools. Possibly the Senator does see some objection that does not occur to me.

Mr. BURKETT. The Senator raises the exact point that I wanted to bring out. I was not certain of it, although I had that impression. There is an evil here, which has grown up, as I have been informed by those in the schools, of too much substitution, and the board has had some difficulty in handling it. I realize that. I did not know before, however, that they had been hiring substitutes for half their own pay. That would have a tendency to cultivate the practice. That answers the question I asked with reference to the first three lines. Why. should not the same provision be placed in the amendment with reference to a teacher hiring her own substitute as is put upon the board in hiring a substitute; in short, that the teacher must pay full salary to the substitute? It seems to me it would take away some of the inducements to substituting.

Mr. GALLINGER. There is much force in that suggestion, and if it is agreeable to the Senator from Nebraska the para-

graph may be passed for the present, and the Senator can pre-

pare an amendment.

Mr. BURKETT. Then I will withdraw the point of order and let the amendment be acted upon directly if the Senator will consider it in the conference committee. It will have to go into conference anyway. I withdraw the point of order.

Mr. GALLINGER. I guarantee the Senator that will be done.

The VICE-PRESIDENT. The point of order is withdrawn.

The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 54, line 18, to increase the appropriation for salaries of teachers and janitors of night schools from \$12,500 to \$22,000.

The amendment was agreed to.

The next amendment was, on page 54, line 22, to increase the appropriation for contingent and other necessary expenses of night schools, etc., from \$2,500 to \$3,500.

The amendment was agreed to.

The next amendment was, on page 54, line 24, to increase the appropriation for kindergarten supplies from \$2,000 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 55, line 2, to increase the appropriation for the salary of the superintendent of janitors from \$1,200 to \$1,500.

The amendment was agreed to.

The next amendment was, on page 55, line 6, to increase the appropriation for care of the Business High School from \$1,600 to \$2,200.

The amendment was agreed to.

The next amendment was, on page 55, line 11, to increase the appropriation for the care of the Western High School from \$1,400 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 55, line 17, to increase the appropriation for care of the McKinley Manual Training School from \$1,400 to \$1,700.

The amendment was agreed to.

The next amendment was, on page 55, line 20, to increase the appropriation for salary of 1 engineer and instructor in steam engineering at the McKinley Manual Training School from \$1,200 to \$1,500.

The amendment was agreed to.

The next amendment was, on page 55, line 22, to increase the appropriation for the salary of 1 assistant engineer at the Mc-Kinley Manual Training School from \$600 to \$900.

The amendment was agreed to.

The next amendment was, on page 56, line 3, to increase the appropriation for the salary of 1 engineer and instructor in steam engineering at the Armstrong Manual Training School from \$1,000 to \$1,300.

The amendment was agreed to.

The next amendment was, on page 56, line 5, to increase the appropriation for the salary of 1 assistant engineer at the Armstrong Manual Training School from \$600 to \$700.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 56, line 8, before the word "Emery," to strike out "Wallach and;" in the same line, after the word "school," to strike out "buildings," and insert "building;" in line 9, after the word "and," to strike out "one sixteen-room building in the first division," and insert "the Henry D. Cooke building;" in line 11, before the word "in," to strike out "four," and insert "three;" and in line 12, before the word "dollars," to insert "two hundred," so as to make the clause read:

Of the Emery School building, sixteen-room building to take the place of the Mott, and the Henry D. Cooke building, three in all, at \$1,200

The amendment was agreed to.

The next amendment was, on page 56, line 13, after the word "annex," to insert "and the Wallach school, at;" and in line 14, after the word "dollars," to insert "each;" so as to make the clause read:

Of the Van Buren School and annex, and the Wallach School, at \$1,000 each.

The amendment was agreed to.

The next amendment was, on page 56, line 17, after the name "Lincoln," to insert the name "Lovejoy;" and in line 20, after the word "schools," to strike out "twenty" and insert "twentyone," so as to make the clause read:

Of the Birney and annex, Brookland, Bryan, Curtis, Dennison, Force, Gage, Gales, Garfield, Garnet, Grant, Henry, Johnson and annex, Lincoln, Loveloy, Monroe and addition, Peabody, Seaton, Sumner, and Webster school buildings, and one new buildings to relieve the Franklin and Thompson schools, 21 in all, at \$900 each.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 57, line 2, after the name "Bell," to insert "Benning (white);" in line 4, after "Cardozo," to insert "Chevy Chase, Cleveland Park;" in line 8, after the name "Logan," to strike out the name "Lovejoy;" in line 10, after the name "Polk," to insert the name "Potomac;" and in line 14, before the word "in," to strike out "seventy-one" and insert "seventy-four," so as to make the clause read:

clause read:

Of the Adams, Addison, Ambush, Amidon, Anthony Bowen, Arthur, Banneker, Bell, Benning (white), Blair, Blake, Blow, Bradley, Brent, Briggs, Bruce, Buchanan, Carberry, Cardozo, Chevy Chase, Cleveland Park, Congress Heights, Corcoran, Dent, Douglass, Edmunds, Eckington, Fillmore, Garrison, Giddings, Greenleaf, Harrison, Hayes, Hilton, Hubbard, Hyde, Jackson, Jones, Ketcham, Langston, Lenox, Logan, Ludlow, Madison, Magruder, Maury, Montgomery, Morgan, Morse, Patterson, Payne, Petworth, Phelps, Phillips, Pierce, Polk, Potomac, Ross, Abby S. Simmons, Slater, Smallwood, Takoma, Taylor, Toner, Towers, Twining, Tyler, Van Ness, Webb, Weightman, Wheatly, Wilson, and Wormly buildings, and one eight-room building adjacent to Johnson School, 74 in all, at \$600 each.

Mr. GALLINGER. In line 12, I move to strike out "Wheatly" and insert "Wheatley," and in line 13 I move to strike out the name "Wormly" and insert "Wormley."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, line 18, before the name "Benning," to strike out "Benning (white);" in line 19, after the name "Brightwood Park," to insert "Brookland (colored);" in the same line, before the name "Deanwood," to strike out "Chevy Chase;" in line 20, before the name "Reno," to strike out "Potomac;" and in line 22, before the word "in," to strike out "fourteen" and insert "twelve," so as to make the clause read:

Of the Benning (colored), Brightwood Park, Brookland (colored), Deanwood, Hamilton, Kenilworth, McCormick, Orr, Reno, Reservoir, Stanton, and Threikeld buildings, 12 in all, at \$300 each.

The amendment was agreed to.

The next amendment was, on page 58, line 4, after the word "schools," to strike out the comma, so as to make the paragraph

For care of smaller buildings and rented rooms, including cooking and manual training schools wherever located, at a rate not to exceed \$72 per annum for the care of each schoolroom, \$9,000.

Mr. GALLINGER. That is a very important amendment.

The amendment was agreed to.

The next amendment was, on page 58, line 7, to increase the total appropriation for janitors and care of buildings and grounds from \$108,320 to \$113,820.

The amendment was agreed to.

The next amendment was, on page 59, line 7, before the word "thousand," to strike out "fifty" and insert "one hundred," so as to make the clause read:

For repairs and improvements to school buildings and grounds and for repairing and renewing heating and ventilating apparatus, \$100,000.

The amendment was agreed to.

The next amendment was, on page 59, line 9, before the word "thousand," to strike out "fifty" and insert "sixty," so as to make the clause read:

For necessary repairs to and changes in plumbing in existing school buildings, \$60,000.

The amendment was agreed to.

The next amendment was, on page 59, line 18, before the word "thousand," to strike out "twenty" and insert "thirty," so as to make the clause read:

For the purchase and repair of tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, \$30,000.

The amendment was agreed to.

The next amendment was, on page 59, line 20, before the word "thousand," to strike out "ninety" and insert "ninety-five," so as to make the clause read:

For fuel, gas, and electric light and power, \$95,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 20, to strike

No expenditure shall be made under appropriations made by this act for gas or electric current used for any purpose whatsoever at a price exceeding 85 cents per 1,000 cubic feet for gas, or 4½ cents per kilowatt hour for electric current. This provision shall not apply to lighting streets, avenues, alleys, or highways, the price for which is otherwise limited by this act.

The amendment was agreed to.

The next amendment was, on page 60, line 4, after the word "furniture," to insert "including also clocks, pianos;" in line 9, before the word "dollars," to strike out "eight hundred and seventy-five" and insert "one thousand one hundred and fortyin line 12, before the word "dollars," to strike out "two thousand six hundred and twenty-five" and insert "four thousand one hundred and fifteen;" in line 14, before the word "dollars," to strike out "one thousand seven hundred and fifty" and insert "two thousand seven hundred and thirty-five;" in line 17, before the word "dollars," to strike out "two thousand six hundred and twenty-five" and insert "four thousand one hundred and fifteen;" in line 18, before the word "hundred," to strike out "nine" and insert "two thousand six;" in line 19, before the word "hundred," to strike out "four" and insert "eight;" and in line 22, before the word "dollars," to strike out "nine thousand six hundred and twenty-five" and insert "fifteen thousand nine hundred and sixty," so as to make the

For furniture, including also clocks, pianos, and window shades for new school buildings, additions to buildings, kindergartens, manual training, cooking, and sewing schools, as follows: One four-room addition to Monroe School building, \$1,145; 1 twelve-room building to take place of the Garfield School building, \$4,115; 1 eight-room building, Johnson Annex, \$2,735; 1 twelve-room building to relieve Franklin and Thomson schools, \$4,115; 6 kindergartens, \$2,600; 2 manual training shops, \$800; 1 cooking school, \$300; 1 sewing school, \$150; in all, \$15,960, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 61, line 6, before the word "thousand," to strike out "forty-five" and insert "fifty," so as to make the clause read:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipment for high-school cadets, and other necessary items not otherwise provided for, including an allowance of \$300 each for livery of horse or garage of an automobile for the superintendent of schools and for the superintendent of janitors, and including not exceeding \$1,000 for books, books of reference, and periodicals, \$50,000.

The amendment was agreed to.

The next amendment was, on page 61, line 10, before the word "hundred," to strike out "one thousand two" and insert "two thousand four," so as to make the clause read:

For purchase of planos for school buildings and kindergarten schools, at an average cost not to exceed \$300 each, \$2,400.

The amendment was agreed to.

The next amendment was, on page 61, line 20, before the word "thousand," to strike out "sixty-five" and insert "seventy-five," so as to make the clause read:

enty-five," so as to make the clause read:

For text-books and school supplies for use of pupils of the first eight grades who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, including 1 bookkeeper and custodian of text-books and supplies, at \$1,200, and 1 assistant, at \$600, \$75,000: Provided, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

For equipment, grading, and improving six additional playgrounds, \$1,500.

The amendment was agreed to.

Mr. GALLINGER. On page 62, in line 2, at the end of the amendment, the period should be stricken out and a semicolon inserted.

The amendment was agreed to.

The next amendment was, on page 62, after line 2, to insert:

For maintenance and repairing 18 playgrounds now established, \$900; in all, \$2,400.

The amendment was agreed to.

The next amendment was, on page 62, after line 8, to insert:

Purchase of horse and wagon and equipment and maintenance of same; also the hire of driver at rate not to exceed \$50 per month; in all, \$1,400.

The amendment was agreed to.

The next amendment was, on page 62, line 15, before the word "School," to strike out "High" and insert the name "Hill," so as to make the clause read:

For extending the telephone system to 1 twelve-room building in the fourth division," and 1 eight-room building in the "third division," the tunker Hill School, including the cost of the necessary wire, cable,

poles, cross arms, braces, conduit connections, extra labor, and other necessary items, to be expended under the electrical department, \$400.

The amendment was agreed to.

The next amendment was, on page 65, after line 8, to insert: For construction of a normal school building on lots 76 and 106 of Parker and Pulsifer subdivision of Columbia Heights, \$100,000; and the total cost of said building, under a contract which is hereby authorized therefor, shall not exceed \$250,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 14, to insert: For refitting Franklin School building, for storerooms, offices, and board rooms, \$25,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 16, to insert: For alteration and repair of Central High School building and equip-

The amendment was agreed to.

The next amendment was, on page 65, after line 18, to insert: Equipment of Business High School addition, \$25,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert: Purchase of ground adjacent to Fillmore School, approximately 25,000 square feet, \$10,000.

The amendment was agreed to.

Mr. GALLINGER. On page 65, after line 23, I move to insert:

For the purchase of additional ground for further extension of Mc-Kinley Manual Training School, \$100,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 23, to insert: For construction of a further extension of McKinley Manual Training School, \$95,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 25, to in-

For purchase of lots adjacent to Petworth School, approximately 8,715 square feet, \$4,000.

The amendment was agreed to.

The next amendment was, on page 66, line 10, before the word "thousand," to strike out "fifty" and insert "one hundred," so as to make the clause read:

For additional amount for "Repairs and improvements to school buildings and grounds" for the purpose of replacing wooden stairways in brick buildings with those of freproof construction, removal of old and unsuitable fire ladders and fire escapes, improving exits, and for such miscellaneous alteration and repair work as may be necessary to secure protection against fire in existing school buildings owned by the District of Columbia, \$100,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 66, line 20, before the word "of" where it occurs the second time, to strike out "inspector of buildings" and insert "municipal architect," so as to make the clause read:

That the plans and specifications for all buildings provided for in this act shall be prepared under the supervision of the municipal archi-tect of the District of Columbia and shall be approved by the Commis-sioners of the District of Columbia, and shall be constructed in con-formity thereto.

The amendment was agreed to.

The next amendment was, in the items "For Metropolitan police," on page 68, line 8, before the word "captains," to strike out "ten" and insert "eleven;" in line 10, after the word "clerk," where it occurs the second time, to insert "and stenographer;" and in line 11, after the word "dollars," to insert clerk, who shall be assistant property clerk, \$1,200," so as to

For major and superintendent, \$4,000; assistant superintendent, with rank of inspector, \$2,500; 3 inspectors, at \$1,800 each; 11 captains, at \$1,500 each; chief clerk, who shall also be property clerk, \$2,000; clerk and stenographer, \$1,500; clerk, who shall be assistant property clerk, \$1,200.

The amendment was agreed to.

The next amendment was, in the items "For Metropolitan police," on page 68, line 22, to reduce the number of privates of class 3, at \$1,200 each, from 82 to 80; in line 24, to reduce the number of privates of class 2, at \$1,080 each, from 89 to 87; and in line 25, to increase the number of privates of class 1, at \$900 each, from 88 to 142.

The amendment was agreed to.

The next amendment was, in the items "For Metropolitan police," on page 69, line 6, to increase the salaries of 6 telephone operators from \$600 each to \$720 each.

The amendment was agreed to.

The next amendment was, on page 69, line 16, to increase the number of police matrons, at \$600 each, from two to three. The amendment was agreed to.

The next amendment was, on page 69, line 17, to increase the total appropriation for the Metropolitan police from \$923,453,52 to \$971,513.52.

The amendment was agreed to.

The next amendment was, in the items for Metropolitan police, page 69, line 19, after the word "cents," to insert the following

Provided, That any private of the Metropolitan police force who served for a period of five years prior to the act of June 8, 1906, shall be included in class 3.

The amendment was agreed to.

The next amendment was, on page 69, after line 25, to insert: For the purchase of a site for a substation in the ninth precinct, or so much thereof as may be necessary, \$2,000.

Mr. GALLINGER. The words "two thousand dollars" should be transposed.

The Secretary. On page 70, line 1, after the word "precinct," insert "\$2,000," and at the end of the line strike out "\$2,000," so as to read:

For purchase of a site for a substation in the Ninth precinct, \$2,000, or so much thereof as may be necessary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 70, line 17, before the word "thousand," to strike out "thirty-five" and insert "forty," so as to read :

For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase of horses, horse and vehicle for superintendent, bicycles, police equipments and repairs to the same, harness, forage, repairs to vehicles, van, and patrol wagons and saddles, mounted equipments, and expenses incurred in the prevention and detection of crime, repairs to rented buildings, and other necessary expenses, \$40,000.

The amendment was agreed to.

The next amendment was, in the items for miscellaneous and contingent expenses, on page 70, line 23, after the word "expended," to insert the following proviso:

Provided, That the War Department may, in its discretion, furnish the District Commissioners for the use of the police, upon requisition, such worn mounted equipment as may be required.

The amendment was agreed to.

The next amendment was, on page 71, after line 4, to insert:

For reconstruction of cell corridors and making, erecting, and placing therein in the first, fourth, and sixth police precinct station houses eight modern cells in each, \$15,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 8, to insert: For one motor patrol wagon, \$3,000.

The amendment was agreed to.

The next amendment was, on page 71, line 10, to increase the total appropriation for miscellaneous and contingent expenses Metropolitan police, from \$45,080 to \$70,080.

The amendment was agreed to.

The next amendment was, in the items for the maintenance of the house of detention, on page 71, line 21, to increase the number of clerks at \$900 each from 2 to 3, and in line 24, to increase the number of matrons at \$600 each from 2 to 3.

The amendment was agreed to.

The next amendment was, on page 71, line 25, to increase the appropriation for maintenance of the house of detention from \$12,980 to \$14,480.

The amendment was agreed to.

The next amendment was, at the top of page 72, to insert:

To aid in the support of the National Bureau of Criminal Identifica-tion, to be expended under the direction of the Commissioners of the District of Columbia: Provided, That the several departments of the General Government may be entitled to like information from time to time as is accorded the police departments of various municipalities privileged to membership therein, \$3,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 72, line 9, after the word "dollars," to strike out "1 fireman, \$480" and insert "2 firemen, at \$600 each;" in line 11, before the word "dollars," to strike out "four hundred and twenty" and insert "five hundred and forty;" in line 13, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and forty;" and in the same line, before the word "hundred," to strike out "two thousand three" and insert "three thousand two." so as to make the clause read: two," so as to make the clause read:

For harbor patrol: For 1 engineer, \$1,000; 2 firemen, at \$600 each; 1 matchman, \$540; 1 deck hand, \$540; in all, \$3,280.

The amendment was agreed to.

The next amendment was, on page 72, line 17, to increase the total appropriation for maintenance of the harbor patrol from \$4,380 to \$5,280.

The amendment was agreed to.

Mr. GALLINGER. On page 72, line 14, after the word "dollars," the period should be stricken out and a semicolon inserted, and the same at the end of line 16.

The Secretary. Line 14, after the word "dollars," strike out the period and insert a semicolon; and in line 16, after the word "dollars," strike out the period and insert a semicolon.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 72, line 25, before the word "clerk," to insert "chief;" in line 1, page 73, before the word "hundred," to strike out "four" and insert "six;" in line 5, before the word "hundred," to strike out "four" and insert "six;" in line 18, after the word "each," to insert "messenger at fire department headquarters, \$600;" in line 20, after the word "dollars," to insert "hostler, to have charge of department stable, \$720." so as to read: stable, \$720," so as to read:

FOR THE FIRE DEPARTMENT.

For chief engineer, \$3,500; deputy chief engineer, \$2,500; three battalion chief engineers, at \$2,000 each; fire marshal, \$2,000; deputy fire marshal, \$1,400; two inspectors, at \$1,080 each; chief clerk, \$1,600; clerk, \$1,200; 35 captains, at \$1,400 each; 36 lieutenants, at \$1,200 each; superintendent of machinery, \$1,600; assistant superintendent of machinery, \$1,200; 22 engineers, at \$1,150 each; 22 assistant engineers, at \$1,100 each; 22 pilots, at \$1,150 each; 22 marine engineers, at \$1,100 each; 20 arine firemen, at \$120 each; 36 drivers, at \$1,150 each; 36 assistant drivers, at \$1,100 each; 202 privates of class 2, at \$1,080 each; 37 privates of class 1, at \$060 each; messenger at fire department headquarters, \$600; 1 laborer, \$480; hostier to have charge of department stable, \$720.

The amendment was agreed to.

The next amendment was, on page 73, line 22, to increase the total appropriation for the fire department from \$507,860 to \$509,580.

The amendment was agreed to.
The next amendment was, on page 73, line 25, to increase the appropriation for repairs and improvements to engine houses and grounds from \$9,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 74, line 2, after the word "appliances," to insert "including motor vehicles and other motor-driven apparatus," and in line 3, before the word "thousand," to strike out "twelve" and insert "thirteen," so as to make the clause read:

For repairs to apparatus and for new apparatus and new appliances, including motor vehicles and other motor-driven apparatus, \$13,000.

The amendment was agreed to.

The next amendment was, on page 74, line 7, to increase the appropriation for forage for the fire department from \$24,000 to \$29,300.

The amendment was agreed to.

The next amendment was, on page 74, line 10, to increase the appropriation for repairs and improvements of the fire boat from \$1,000 to \$1,500.

The amendment was agreed to.
The reading of the bill was resumed.
Mr. BACON. I am under the misfortune of again finding that my print of the bill is not correct. The word "dollars" is a very important feature in the appropriation.

The VICE-PRESIDENT. The Secretary will read the bill.

The reading was resumed.

The next amendment was, on page 74, line 14, to increase the appropriation for contingent expenses, horseshoeing, furniture, fixtures, oil, medical and stable supplies, harness, blacksmithing, etc., from \$23,000 to \$24,000.

The amendment was agreed to.

The next amendment was, on page 74, line 15, to increase the total appropriation for miscellaneous items for the fire department from \$114,000 to \$124,800.

The amendment was agreed to.

The next amendment was, on page 74, line 19, after the words "District of Columbia," to insert "including cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters;" and in line 22, before the word "thousand," to strike out "eighty" and insert "eighty-five," so as to make the clause read:

Increase fire department: For house, site, and furniture for engine company No. 2 of the fire department of the District of Columbia, including cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters, \$85,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 7, to insert:

For house, site, and furniture for an engine company, to be located in the northwest section of the city, in the vicinity bounded by H and I streets and Eleventh and Thirteenth streets, including cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters, \$55,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 13, to insert:

For house, site, and furniture for a truck company, to be located in the northeast section of the city, in the vicinity of Twelfth and H streets NE., including cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters, \$37,000.

The amendment was agreed to.

The next amendment was, on page 75, line 24, to increase the total appropriation for increase of fire department from \$113,750 to \$210,750.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Health Department," on page 76, line 3, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and in the same line, after the word "dollars," to thousand;" and in the same line, after the word "dollars," to insert "assistant health officer, who shall be a physician, and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position, \$2,500;" in line 8, before the word "dollars," to strike out "two hundred" and insert "five hundred;" in line 9, before the word "clerks," to strike out "four" and insert "five;" in line 11, before the word "clerks," to strike out "two" and insert "three;" in line 12, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" in line 15, after the word "each," to strike out "1 inspector, \$1,000," and insert "2 inspectors, at \$1,000 each;" in line 18, before the word "sanitary," to strike out "1 inspector, \$900," and insert "2 inspectors, at \$900 each;" on page 77, line 5, before the word "dollars," to strike out "forty" and insert "fifty;" in line 6, before the word "hundred," to strike out "two thousand four" and insert "three thousand six," so as to read:

For health officer, \$4,000; assistant health officer, who shall be a physician, and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position, \$2,500; chief clerk and deputy health officer, \$2,500; clerk, \$1,400; 5 clerks, 2 of whom may act as sanitary and food inspectors, at \$1,200 each; 2 inspector, who shall be a veterinary surgeon, at \$1,000 each; and 5 sanitary and food inspectors, at \$900 each, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, \$1,800; messenger and janitor, \$600; driver, \$540; pound master, \$1,500; and for laborers, at not exceeding \$50 per month, \$3,600.

Mr. GALLINGER. On page 76, line 13, after the word "dollars," I move to amend by inserting, "One assistant chief inspector, \$1,600."

The amendment to the amendment was agreed to.
Mr. GALLINGER. The word "fifteen" should be stricken
out, at the end of the line, and "fourteen" inserted.
The Secretary. In line 13, after the word "dollars," strike

out "fifteen," the last word in the line, and insert "fourteen," so as to read:

Fourteen sanitary and food inspectors.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 77, line 7, to increase the total appropriation for the force of the health department from \$53,740 to \$62,460.

Mr. GALLINGER. Let the total be changed to \$62,800.

The Secretary. On page 77, line 7, change the total to read " \$62,800."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 77, line 17, after the date to insert "and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908;" and on page 78, line 5, before the word "thousand," to strike out "twenty-six" and insert "thirty," so as to make the clause

read:

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health officer of said District, including salaries or compensation for personal services when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, purchase and maintenance of necessary horses, wagons, and harness, rent of stables, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, \$30,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the item for miscellaneous items for health department, on page 78, line 18, to increase the appropriation for the enforcement of the provisions of an act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896, etc., from \$3,000 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 5, to strike out: "For the necessary traveling expenses of sanitary and food inspectors while traveling outside of the District of Columbia for the purpose of inspecting dairy farms, milk, and other dairy products, \$3,000, or so much thereof as may be necessary," and

For allotments to the health officer, and assistant health officer, medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed \$365 per annum, and for necessary traveling expenses, including horse hire, incident to the inspection of dairy farms, \$6,000, or so much thereof as may be necessary.

Mr. JOHNSTON. I should like to ask the Senator in charge of the bill what the word "allotments" means in line 11

Mr. GALLINGER. I suppose it means that the \$6,000 will be allotted to these different officials when they incur expense in traveling, in the inspection of dairy farms, the investigation of contagious diseases, and so forth. We make the appropriation a lump sum, and put it in the hands of the officials to allot that amount under conditions that may arise.

Mr. JOHNSTON. The Senator will observe that line 16

And for necessary traveling expenses, including horse hire, incident to the inspection of dairy farms.

That would seem to be included above.

Mr. GALLINGER. My attention had not been called to that before. It is an amendment that was put in at the instance of the commissioners, and it seemed proper that they should have this amount, but the phraseology of the amendment I did not examine with care, I will say to the Senator. I think his crit-icism is well grounded. Let the amendment be passed over for the present, and we will look it over.

The VICE-PRESIDENT. The amendment will be passed

over.

Mr. CULBERSON. Before it is passed over I should like to ask the Senator in charge of the bill if it is really intended to appropriate \$6,000 a year for necessary traveling expenses, including horse hire, incident to the inspection of dairy farms for the District of Columbia. Is that really the purpose?

Mr. GALLINGER. That is the purpose beyond a doubt. The House allowed \$3,000, and it was represented to the committee that it was wholly inadequate for them to make these necessary inspections with that amount of money. I think they had a deficiency last year. So we increased it. Perhaps we have made it too large, but that was the amount suggested.

Mr. CULBERSON. The House provision which is stricken

out reads:

For the necessary traveling expenses of sanitary and food inspectors while traveling outside of the District of Columbia for the purpose of inspecting dairy farms, milk, and other dairy products, \$3,000, or so much thereof as may be necessary.

The amendment to which the Senator from Alabama called attention reads:

For allotments to the health officer, and assistant health officer, medical inspector in charge of contagious disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed \$365 per annum, and for necessary traveling expenses, including horse hire, incident to the inspection of dairy farms, \$6,000, or so much thereof as may be necessary.

Is that applied for the inspection of dairy farms in the District of Columbia, or is this large amount of money given to enable these people to travel about over the country and inspect dairy farms wherever they see proper?

Mr. GALLINGER. They inspect dairy farms, not only in

the District of Columbia, but in the States of Virginia, Maryland, and New York, in all cases where milk and cream are sent into the District of Columbia. These inspectors go at certain times to see what dairy farms are kept in proper condition. There is a note here of the health officer, which I will read in this connection:

this connection:

Note (by health officer).—The health officer now receives an allowance of \$365 for the maintenance of horse and vehicle for his official use, payable from the contingent fund. The inspector in charge of contagious disease service receives a like allowance for enabling him to provide such transportation as is necessary to the discharge of his official duties. He provides therewith an automobile. Each of the inspectors of dairy farms now in the service receives an allowance of \$365 per annum, payable in three instances from the appropriation for necessary traveling expenses of inspectors outside of the District of Columbia, and in three other instances \$255.50 from appropriation for traveling expenses, and \$109.50 from the contingent fund. The allowance from the contingent fund is believed to be an equitable charge, representing the cost of transportation within the District for the inspection of dairy farms.

In view of the fact that question has been raised as to the propriety of making such allowances with express authority, the matter is submitted in its present form. The difference between the amount expended by way of allowance, covered by the preceding paragraph, and the total amount of the appropriation is needed for the inspection of the dairy farms that are not within driving distance of any base of operations that may be established by the health department for any of its inspectors. This difference would be expended for railroad fare, board bills, and horse hire when the horses and vehicles were needed to convey inspectors from the railroad station to the dairy farms.

This appropriation has been limited heretofore to the cost of traveling outside the District of Columbia, the traveling expenses of the three inspectors who work partly within the District being paid in part from this appropriation and in part by the allotment for the contingent expenses of the health office. Nothing is gained by the division of the cost of this service between two funds, and the method herein proposed represents, it is believed, the best administration.

Mr. JOHNSTON. I want to say to the Senator that under

Mr. JOHNSTON. I want to say to the Senator that under my construction of this paragraph the result would be that the health officer, the assistant health officer, the medical inspector in charge of the contagious-disease service, and inspectors assigned to the inspection of dairy farms would each get \$365 additional compensation. Then the clause goes on to provide:

And for necessary traveling expenses, including horse hire, incident to the inspection of dairy farms, \$6,000, or so much thereof as may be

Being so framed, this provision would give each of these officials \$365 in addition to the salaries provided in this bill, and the balance of \$6,000 would be for horse hire.

Mr. GALLINGER. I find in the Book of Estimates a different paragraph. I had an impression that the paragraph that is inserted came in a letter from the commissioners later than the estimate. I think the item in the Book of Estimates is a general item. I will read it, if the Senator will give me his attention. It is as follows:

For allotments to the health officer, and assistant health officer, medical inspector in charge of contagious-disease service, and each of 10 inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed \$365 per annum, and for necessary traveling expenses, including horse hire, incident to the inspection of

Mr. JOHNSTON. That is the exact language of the amendment.

Mr. GALLINGER. Is it? I thought it was different.
Mr. JOHNSTON. I think it is word for word the same.
Mr. GALLINGER. What suggestion does the Senator desire

to make? If it is allowed to remain in the bill, it will go to conference, and it can easily be adjusted there.

Mr. JOHNSTON. I suggest that we adopt the language used by the House and increase the appropriation, if that is desired.

Mr. GALLINGER. The Senator will recall that heretofore

the allowance has been made from two funds. There has been some question about it, and I have an impression that the House language ought to be changed, to some extent, at least. I feel sure that the conferees can readily adjust it if the language now in the bill is allowed to remain, but still, if the Senator has an amendment to offer, I shall not resist it.

Mr. JOHNSTON. I ask that it be passed over for the present.

will prepare an amendment.

VICE-PRESIDENT. The amendment will be passed over.

Mr. CULBERSON. I move to amend the amendment by striking out "six" and inserting "three," so as to correspond to the amount as passed by the House.

The VICE-PRESIDENT. Does the Senator from Alabama withdraw his request that the amendment be passed over?

Mr. JOHNSTON. Yes; certainly. Mr. GALLINGER. Mr. President, of course the Senator from Texas need not move that amendment. The question will be upon agreeing to the amendment the Senate has put in, and, if that is rejected, of course the House provision will stand.

Mr. CULBERSON. No; the House provision is entirely different from the Senate provision. It includes different purposes. I want to have the "six" changed to "three" in the Senate, even if the amendment should prevail.

The VICE-PRESIDENT. The amendment to the amendment

proposed by the Senator from Texas will be stated.

The Secretary. On page 79, line 18, it is proposed to amend the amendment of the committee by striking out "six" and inserting "three," so as to make the amendment read:

For allotments to the health officer, and assistant health officer, medical inspector in charge of contagious disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed \$365 per annum, and for necessary traveling expenses, including horse hire, incident to the inspection of dairy farms, \$3,000, or so much thereof as may be necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JOHNSTON. I now ask that the paragraph be passed

The VICE-PRESIDENT. The Senator from Alabama asks that the amendment as amended be passed over. Is objection? The Chair hears none, and that order is made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 79, after line 19, to insert:

For the maintenance of an additional pound wagon, including compensation for personal services when ordered in writing by the commissioners and necessary for the maintenance of said wagon, and all other extra expenses whatsoever connected therewith, \$5,000, or so much thereof as may be necessary.

Mr. GALLINGER. Mr. President, I move to amend the amendment by striking out "five," in line 24, and inserting "one," so that it will read "\$1,000."

The VICE-PRESIDENT. The amendment to the amendment

will be stated.

The Secretary, On page 79, line 24, after the word "therewith," it is proposed to amend the amendment of the committee by striking out "five" and inserting "one," so as to make the amendment read:

For the maintenance of an additional pound wagon, including compensation for personal services when ordered in writing by the commissioners and necessary for the maintenance of said wagon, and all other extra expenses whatsoever connected therewith, \$1,000, or so much thereof as may be necessary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 80, line 18, after the word "officer," to insert "who is hereby authorized to act as clerk in the absence of that officer;" in line 22, after the word "dollars," to insert "deputy marshal, \$1,000;" and in line 23, before the word "thousand," to strike out "nine" and insert "ten," so as to make the clause read:

Juvenile court: For judge, \$3,000; clerk, \$2,000; chief probation officer, who is hereby authorized to act as clerk in the absence of that officer, \$1,500; probation officer, \$1,200; probation officer, \$1,000; deputy marshal, \$1,000; janitor, \$540; in all, \$10,240.

Mr. GALLINGER. In line 18, after the word "dollars," I

move to insert "deputy clerk, \$1,200."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The Secretary. On page 80, line 18, after the word "dollars," it is proposed to insert "deputy clerk, \$1,200."

Mr. CULBERSON. I do not see any use for that if the other provisions of the clause remain in the bill, because it is provided that the chief probation officer is authorized to act as clerk in the absence of that officer.

Mr. GALLINGER. I rose to move to strike out the words in

italics-" who is hereby authorized to act as clerk in the absence of that officer;" and I move that amendment now.

Mr. CULBERSON. What necessity is there for having an

additional officer?

Mr. GALLINGER. If the Senator knew the pressure there is to have additional help in the juvenile court, he would understand that we have done remarkably well in making the few changes that we have. If the Senator will look on line 22, he will observe that a deputy marshal is provided for at \$1,000. I will say to the Senator that I propose moving to strike that out, so that it will simply give a clerk instead of a deputy marshal.

Mr. CULBERSON. I wanted to know the reason which actuated the committee in moving this amendment, Mr. President.

Mr. GALLINGER. It is simply upon the urgent representa-tions of the judge that he needs another clerk. He said he would dispense with the deputy marshal provided for in line 22 if he could get a clerk; that he needed a clerk very much

Mr. CULBERSON. Then the provision in regard to the deputy marshal will be stricken out?

Mr. GALLINGER. Yes; that will be stricken out.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire [Mr. Gallinger], in line 18, to insert "deputy clerk, \$1,200."

The amendment was agreed to.
The VICE-PRESIDENT. The question now is on the amendment reported by the committee, which will be stated.

The Secretary. On page 80, line 18, after the word "officer," is proposed to insert "who is hereby authorized to act as clerk in the absence of that officer.'

The amendment was rejected.

The VICE-PRESIDENT. The question is on the amendment reported by the committee, in line 22, which will be stated.

The Secretary. On page 80, line 22, after the word "dollars," it is proposed to insert "deputy marshal, \$1,000."

The amendment was rejected.

Mr. GALLINGER. Now, I move that the words "who is hereby authorized to act as clerk in the absence of that officer," be inserted after the words "deputy clerk, \$1,200," which were inserted on my motion.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 80, line 18, after the amendment inserting the words "deputy clerk, \$1,200," it is proposed to insert "who is hereby authorized to act as clerk in the absence of that officer.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. The total should be changed on lines 23 and 24, page 80, so as to read "\$10,440."

The VICE-PRESIDENT. That change will be made in the

absence of objection.

Mr. GALLINGER. Mr. President, we have been in session a good while, and, if it be agreeable to other Senators, I suggest that we discontinue the further consideration of the bill for the day. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, February

5, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 4, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907. The SPEAKER. The gentleman from Pennsylvania asks

unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the following bill and to consider the same in the House. The

Clerk will report the bill.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. BONYNGE. Mr. Speaker, for the present I shall have to object

The SPEAKER. The gentleman from Colorado objects.

ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

Mr. COLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the

state of the Union from the further consideration of the following bill, and to consider the same in the House.

The Clerk will report the title of the bill.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. HULL of Iowa. Mr. Speaker, I shall have to reserve the right to object

Mr. BONYNGE. I desire to object to that bill also, Mr.

The SPEAKER. The gentleman from Colorado objects. BRIDGE ACROSS CONDADO BAY, SAN JUAN, P. R.

Mr. LARRINAGA. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the bill (H. R. 26838) to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico, and that the same be referred to the Committee on Insular Affairs.

The SPEAKER. The Commissioner from Porto Rico asks unanimous consent for a change of reference of the following bill, of which the Clerk will report the title, from the Committee on Interstate and Foreign Commerce to the Committee on Insular Affairs.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, what is the request?

The SPEAKER. He asks unanimous consent to change the reference of this bill from the Committee on Interstate and Foreign Commerce to the Committee on Insular Affairs. there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16015. An act for the relief of Lafayette L. McKnight; H. R. 20171. An act to correct the military record of George H.

H. R. 10752. An act to complete the military record of Adol-

phus Erwin Wells; H. R. 2952. An act for the relief of Chaplain Henry Swift,

Thirteenth Infantry, U. S. Army; and H. R. 11460. An act to remove the charge of desertion from

the military record of William H. Houck.

BRIDGES ACROSS ROCK RIVER, ILLINOIS.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 26482) to authorize the construction of two bridges across Rock River, State of Illinois. The Clerk read the bill, as follows:

Be it enacted, etc., That the Rock River Traction Company, a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct two bridges across Rock River; the first bridge at a point between the west line of section 30 and the west line of section 14 in township 20 north, range 5 east, in the State of Illinois; the second bridge at a point between the east line of section 30 and the west line of section 23 in township 21 north, range 7 east, in the State of Illinois. Said bridges to be built across Rock River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ADVANCE IN FREIGHT RATES.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the report of the Interstate Commerce Commission in reply to a resolution asking for information as to the advance of freight rates throughout the country. I understand the report is on the Speaker's desk.

The SPEAKER. The gentleman from Illinois asks unanimous

consent for printing in the RECORD the report from the Interstate Commerce Commission in relation to an inquiry for information as to the advanced freight rates throughout the United States. Is there objection?

Mr. MANN. Does the gentleman desire this to dispose of the

matter, or will he ask to have it sent to a committee?

Mr. MADDEN. I understand it will be printed as a public document. I want it printed in the RECORD for the information of the House.

Mr. MANN. I have no objection to its being printed in the RECORD, and that was the reason of my inquiry whether, after being printed in the RECORD, it would be referred to the committee-naturally to the Committee on Interstate and Foreign Commerce, I assume.

The SPEAKER. It would be referred and printed as a public document (H. Doc. No. 1412), and the gentleman's request is that it be printed in the RECORD. Is there objection? [After pause.] The Chair hears none.

The report is as follows:

INTERSTATE COMMERCE COMMISSION, Washington, February 4, 1909.

To the House of Representatives:

On January 15 the House of Representatives adopted the following

On January 15 the House of Representatives adopted the following resolution:

"Resolved, That the Interstate Commerce Commission be required to inform the House, as soon as may be, what advances have occurred in freight rates in different parts of the United States since the passage of the Hepburn amendment, June 29, 1906; whether such advances have been occasioned by an advance in the tariff rate or by a change in classification or by charging for some privilege which was formerly accorded free."

In response thereto the Interstate Commerce Commission has the boner to report:

In response thereto the Interstate Commerce Commission has the honor to report:

Between July 1, 1906, and January 15, 1909, nearly 600,000 schedules of rates and classifications and supplements thereto, varying in size from 1 page to 700 pages, were filed with this commission. No record has been kept of the number of pages contained in schedules as they were filed. Such record has now been kept for one week, and it is found that the schedules and supplements average 5 pages each. This is believed to be a fair average for the period above mentioned, and, based thereon, it is seen that the schedules filed within that period contained approximately 3,000,000 pages. The number of rate ftems is conservatively estimated to be about 50 per page, and in order to determine accurately what advances have been effected by such schedules

it would be necessary to examine and compare 150,000,000 rate items, with a like number of items filed previous to July 1, 1906.

This estimate does not take into account changes which have been effected in the absence of through joint rates by changes in proportional rates, basing rates, or local rates which are used in the absence of joint through rates. For example, a single-page schedule naming proportional rates from New York and other Atlantic seaboard cities to Chicago, Peoria, East St. Louis, and other Mississippi River crossings and applicable to traffic destined to points west of the Mississippi River, if changed, would affect through rates to thousands of destinations west of the Mississippi River. In instances of this kind—and they are numerous—the present rates would have to be determined by combining the proportional rates east of the base points with the local rates west thereof, and before comparison could be made, former rates would have to be made up in like manner.

A schedule of 90 pages recently filed contains specific rates on 3,800 separate articles. There are two ratings, one applicable to carload quantities and one to less than carload quantities, for most of these articles. The rates apply from ten groups of origin, embracing a large number of the States east of the Mississippi River. This schedule contains approximately 60,000 separate specific rates, and in order to determine what changes are effected thereby comparison would have to be made with a like number of items published in previous schedules. This schedule was not of exceptional size, as many schedules contain between 200 and 700 pages.

On a previous occasion the schedules filed upon a single day were examined and compared with corresponding rates previously on file. Eight rate clerks were engaged upon this work for a period of seven days and were unable within that time to complete the check of the single day's filing. The number of schedules filed on that day was considerably below the average daily filing. The number of

it would not accurately represent conditions at the time of its completion.

Many important advances in rates have been made since the passage of the Hepburn amendment. We have not been able to keep a record of the advances, but, in a general way, the following are noted:

The different freight association territories hereinafter referred to are, in a general way, defined as follows:

Central Freight Association territory is that territory lying west of Buffalo and Pittsburg, north of the Ohio River, and east of Chicago and St. Louis.

Southeastern Freight Association territory is that territory lying south of the Ohio and east of the Mississippl rivers.

Trunk Line territory is that territory lying north of the Ohio River, east of Buffalo and Pittsburg, and west of the Hudson River.

Transcontinental rates apply between points on the Pacific coast and points east of the Missouri and Mississippl rivers. Under these rates it is common to blanket a large territory on the east. For example, many of these rates apply alike from or to all points east of Chicago and north of the Ohio River.

Official classification territory includes all the territory south and east of the Ohio and Mississippi rivers.

Western classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territory west of the official and southern classification territory includes all the territ

COAL.

Rates have been advanced 5 cents per ton from the Pennsylvania, Maryland, and West Virginia fields to Central Freight Association territory and from the Kentucky, Tennessee, and Alabama fields to points in Southeastern Freight Association territory.

PIG IRON.

Rates have been advanced 25 cents per ton from furnace points in Southeastern Freight Association territory to points in Central Freight Association and trunk-line territories.

CAST-IRON PIPE.

Rates have been advanced 25 cents per ton from foundry points in Southeastern Freight Association territory to points in Central Freight Association and trunk-line territories.

IRON AND STEEL ARTICLES.

Rates subject to official classification have been generally advanced by the withdrawal of commodity rates and the application in lieu there-of of higher class rates. These advances are not uniform to all points

LUMBER.

Rates from Chicago and points basing thereon to trunk-line territory have been generally advanced by withdrawal of commodity rates and the application in lieu thereof of higher class rates. This advance was not uniform as to all points affected.

Rates from producing points in the Pacific Northwest to all destinations were advanced on November 1, 1907. After full hearing on complaint, this commission condemned the advance made from the producing points to points lying west of a line drawn from Pemblina, N. Dak., through Omaha and Kansas City to Port Arthur, Tex. An increase of 5 cents per 100 pounds was permitted to points lying east of that line.

GRAIN AND GRAIN PRODUCTS.

Rates have been advanced 2 cents per 100 pounds from Ohio and Mississippi River crossings to Southeastern Freight Association territory. Rates from northern and western producing points are based upon the Ohio and Mississippi River crossing rates, and therefore this advance resulted in an advance from all that territory.

Rates were advanced 2 cents per 100 pounds from Chicago to New York in May, 1907. The proportional rate applicable from Chicago on shipments from points west of the Mississippi River was reduced 1½ cents per 100 pounds on wheat and corn, and one-half cent per 100 pounds on rye, oats, and barley in May, 1908.

Rates from the Missouri River to the Mississippi River crossings and to Chicago were increased 1½ cents per 100 pounds in July, 1907.

PACKING-HOUSE PRODUCTS.

Rates have been advanced 3 cents per 100 pounds from Ohio and Mississippi River crossings to Southeastern Freight Association territory. Rates from northern and western producing points are based upon the Ohio and Mississippi River rates, and therefore corresponding advances result in rates from those producing points.

SUGAR.

Rates have been advanced 2 cents per 100 pounds from New York and New Orleans and from points in trunk-line territory, rates from which are made with relation to the New York rates, to points in Central Freight Association territory and to Chicago and to St. Paul and to points in the Northwest, the rates to which are made with relation to the Chicago or St. Paul rates.

TO TEXAS POINTS.

Rates have been advanced from Kansas City and St. Louis and points basing thereon, which embraces the entire territory east of the Mississippi River and a large number of points west thereof, to Texas points in sums ranging from 4 cents per 100 pounds on one class or article to 10 cents per 100 pounds on another class or article.

TRANSCONTINENTAL RATES.

TRANSCONTINENTAL BATES.

These rates have been advanced both eastbound and westbound between points in the Atlantic seaboard territory and States east of the Mississippi River on the one hand, and terminal points on the Pacific coast and intermediate points, the rates to which are made with relation thereto on the other hand, in sums ranging from 3 per cent on one article to 60 per cent on another article. The heaviest advance was in eastbound rates.

CLASSIFICATIONS.

Many advances in rates have been effected by changes in classifica-tion ratings and without changes in the specific scale of rates. Many changes in required carload minimum weights have been made. These do not necessarily increase the rates upon the commodities to which they apply unless the minimum weight has been fixed so high as to make it impossible to load it into the car.

OTHER CHANGES.

The tariffs of to-day contain many listed charges for services which would not be found in the tariffs in effect immediately prior to the Hepburn amendment. They, however, can not be said to be additional or increased charges, because now the tariffs contain lawful authority and provision for many services and charges which formerly were rendered without specific tariff authority therefor. The tariffs now contain many provisions for assessment and absorption of switching charges, which simply continue former practices for which provision was not made in the tariffs. The same is no doubt true as to many transit privileges.

EXPRESS RATES.

Express companies were first brought under the act to regulate commerce by the Hepburn amendment, and this necessitated an entire reconstruction of their rate schedules. None were on file with the commission prior to that time. No general advances in the charges of express companies have been noted except between various points in New England territory, where advances have been made ranging from 10 cents to 25 cents per 100 pounds.

PASSENGER FARES.

There have been no general increases in passenger fares; the tendency has been in the opposite direction. Reductions in state fares have resulted in a general lowering of interstate passenger fares.

The general increases in rates to Southeastern Freight Association territory and the increase in the rates to southwestern territory have been made the subject of complaint to this commission, and these complaints are in course of investigation, several hearings on same having been had.

As steed in our course,

been had.

As stated in our annual report recently submitted to the Congress, the commission, on April 15, 1908, promulgated a ruling that tariffs applying on traffic exported to or imported from foreign countries not adjacent to the United States must, in accordance with the requirements of the law, show the rates, fares, and charges of the inland carriers, subject to the act for the transportation in the United States to the port and from the port.

Bether than to conform to this requirement, the rail carriers in the

and from the port.

Rather than to conform to this requirement, the rail carriers in the United States ordinarily known as "the transcontinental lines," withdrew, effective November 1, 1908, all their through import and export rates via the Pacific ports, leaving their domestic rates to and from the ports to apply to the inland carriage of such export and import traffic. Presumably this resulted in increased rates upon such traffic as has been subsequently imported or exported through those ports, but we have no means of measuring the advance, as the tariffs did not disclose, and we were not informed how the former rates were divided between the rail carriers in this country and the ocean steamship lines, and we have no means of knowing now what are the charges of the steamship lines.

Very respectfully,

MARTIN A. KNAPP, Chairman.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill (H. R. 27053).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Foster of Vermont in the chair.

The Clerk read as follows:

For rent of offices and repairs to buildings now completed and located outside of the District of Columbia and care and preservation of grounds, including construction of sidewalks and curbing on public streets abutting Weather Bureau grounds, \$80,000.

Mr. MANN. Mr. Chairman, I reserve a point of order. I notice this item carried in the appropriation-

for the construction of sidewalks and curbing on public streets abutting the Weather Bureau grounds.

It has not been the custom of the General Government to pay for curbing in front of public grounds, as I have found to my bitter regret on various occasions, and I would like to inquire of the gentleman what this is for. I may personally have no objection to it.

Mr. SCOTT. We asked the Chief of the Weather Bureau why he included the language in the estimate, and he stated, as I recall it, that the sidewalks and curbing around the Weather Bureau building in Washington are getting out of

repair.

Mr. MANN. Is this for the city of Washington? Mr. SCOTT. For the city of Washington.

Mr. MANN. The item covers buildings outside. Is this construction of sidewalk and curbing on public streets only for the Weather Bureau grounds in Washington?

Mr. SCOTT. It is only for Washington, according to my

recollection.

Mr. MANN. No; it says:

Buildings now completed and located outside of the District of Columbia, and care and preservation of grounds.

Mr. SCOTT. The impression I gained from the statement made before the committee by the chief of the bureau was that he had no expectation of using any of the money outside of the city of Washington for this purpose.

Mr. MANN. I do not see how he could use it inside the Dis-

trict of Columbia. It says:

For rent of offices and repairs to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of sidewalks and curbing on public streets abutting Weather Bureau grounds.

I think that would only apply to buildings outside of the District of Columbia.

Mr. SCOTT. The language undoubtedly bears that construction. I was quoting my recollection of what the Chief of the Weather Bureau said he wanted the money for.

Mr. MANN. Very likely that is what he desired it for.
Mr. SCOTT. But even if it was wanted for Weather Bureau
stations outside of the District of Columbia, I do not see why it ought not to be given. The custom in all the cities I know of is for property owners to keep the sidewalks in repair.

Mr. MANN. I think they ought to build the sidewalks.

Mr. SCOTT. In the city where I live we have to keep

Mr. SCOTT. In the city where I live we have to keep the curbing in repair. I do not know whether that is the custom in other places or not.

Mr. MANN. The curbing is usually a part of the pavement.

Mr. LIVINGSTON. I want to call the attention of the gentleman to the fact that the word "bureau" in this paragraph is singular.

Mr. MANN. The words "Weather Bureau grounds" would include grounds anywhere in the United States.

Mr. SCOTT. In looking over the language I think it would apply to bureau grounds not in the city. I think the plural goes to the word "grounds."

Mr. MANN. Would the gentleman consent to strike out the word "curbing?" In other words, I do not undertake to say what the policy of the Government should be, but it ought to be the same policy in regard to the Weather Bureau as to other public buildings.

Mr. SCOTT. I would consent to an amendment striking out the words "and curbing," if the gentleman desires to offer it. Mr. MANN. Then, I withdraw the point of order.

Mr. MADDEN. Mr. Chairman, I desire to reserve the point

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws the point of order and the gentleman from Illinois [Mr. Madden] renews it.

Mr. MADDEN. Mr. Chairman, I do so for the purpose of getting the gentleman in charge of the bill to agree to an amendment striking out any language of this appropriation that may apply to the District of Columbia.

Mr. MANN. It does not apply to the District of Columbia.
Mr. SCOTT. I do not believe, on reconsideration, that any of

it would apply to the District.

Mr. MANN. It expressly provides for outside of the District of Columbia.

Mr. MADDEN. That is all right.

Mr. SCOTT. Mr. Chairman, I ask for a vote on the amendment of the gentleman from Illinois.

Mr. MANN. The point of order is withdrawn and I offer an amendment to strike out in line 22, the words "and curbing."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 22, strike out the words "and curbing."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For official traveling expenses, \$22,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Will the gentleman inform us how this money for traveling expenses is expended and if there is any limitation upon the per diem traveling expenses?

Mr. SCOTT. There is no limitation except the money shall be paid upon sworn vouchers, which are handed in by the agents of the bureau who do the traveling.

Mr. MANN. It is only the actual expenses? Mr. SCOTT. It is only the actual expenses.

The CHAIRMAN. Unless objection is heard, the pro forma

amendment will be considered as withdrawn.

Mr. EDWARDS of Georgia. Who audits the accounts?

Mr. SCOTT. They are audited first by the accountant of the Weather Bureau, and from him they go to the accountant in the department, and from him they go to the Auditor for the State and other Departments.

Mr. MADDEN. Actual expenses mean what?

Mr. SCOTT. It means actual expenses. Mr. MADDEN. Is there any limit placed on the person expending the money as to what the actual expenses are to be?

Mr. SCOTT. I do not think there is any limit in the law, but I wish to assure the gentleman from Illinois that in my judgment there is no department of the Government where a closer accounting is kept than in this department and where those who travel at the expense of the Government are more carefully required to keep their expenses within reasonable limits.

Mr. MADDEN. Does not the gentleman think there ought to be a limit placed as a maximum?

Mr. SCOTT. Is there a limit placed in any other department, does the gentleman know?

Mr. MADDEN. Oh, yes; I think there is—
Mr. MANN. This does not cover per diem at all.
Mr. SCOTT. There is no per diem in this. The man who
travels is obliged to keep an account, just as a commercial man keeps an account with his house, and to swear to it when he hands in his account at the end of the month.

Mr. MADDEN. Most of the business houses when they send a man out on the road limit the amount he can expend in any

one day.

Mr. SCOTT. I think it is very clearly understood in a general way among the employees of the department how much they shall expend, and I do not believe they offend against economy in that particular.

Mr. MADDEN. Would it not be a good plan to limit them as to how far they could go?

Mr. SCOTT. I doubt whether that would be advisable, for the reason that some of the employees of the bureau may require a greater allowance for traveling expenses than others.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it. Mr. HEPBURN. I desire to know what is now before the

The CHAIRMAN. A motion to strike out the last word.

Mr. HEPBURN. I noticed a triangular contest between those gentlemen over there in whispers, and I thought perhaps the committee ought to be in secret session.

The CHAIRMAN. The committee will be in order, and gentlemen desiring to converse will retire to the cloakrooms.

Mr. MADDEN. Then it is understood in this bureau there are several degrees of expenses that may be incurred—that a man who has a higher classification in the service could incur higher expenses. Is that it?

Mr. SCOTT. For example, the chief of a bureau in traveling throughout the country would be expected to stop at higher-class hotels than some minor employee who might have occasion

to go from one part of the country to the other.

Mr. MADDEN. Then what might be considered reasonable expenses for one person might be considered extravagant in the other, according to the view of the gentleman in charge of this bill.

Mr. SCOTT. That is the view I take of it.

Mr. MADDEN. It seems to me that any person who might be sent as a messenger for the Government in connection with the work of this department would be considered equally qualified to perform the duties of any other man who might be sent on a similar message; and that being the case they each would have similar rights of expenditure, and there ought not to be a minimum for the one and a maximum for the other.

Mr. SCOTT. Well, I have examined the accounting system in

this department with a great deal of care. I have gone over a good many of these expense vouchers, and have investigated the matter closely. I have not yet seen any occasion for adopting either a maximum or minimum limit of expenditure.

Mr. MADDEN. The gentleman having taken the pains to make a personal investigation into the accounting of the items which would naturally be vouchered under this appropriation, will he be good enough to say to the committee what the average expenditure per person is each day while traveling in his official capacity?

Mr. SCOTT. Well, they usually figure that from \$3 to \$5 a day, probably nearer \$5 than \$3, is the average traveling expense-not only in this bureau but in other bureaus of the

Mr. EDWARDS of Georgia and Mr. GAINES of West Virginia

The CHAIRMAN. To whom does the gentleman from Kansas [Mr. Scorr] yield?

Mr. SCOTT. I yield to the gentleman from Georgia [Mr.

The CHAIRMAN. The gentleman's time has expired.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last two words. Will the gentleman in charge of the bill consent to this amendment, namely, to insert on line 24, after the word "for," the words "actual and necessary," so that the sentence will read—

For actual and necessary official traveling expenses, \$22,000.

Mr. SCOTT. Mr. Chairman, I prefer not to accept that amendment, for the reason that throughout this bill we have used the term "official traveling expenses." That is the term which has been construed by the accounting officers of the Government to mean exactly what the gentleman says, namely, actual and necessary official traveling expenses. The words which he offers to insert as an amendment are not necessary under the construction that has been placed on the present language by the accounting officers.

Mr. EDWARDS of Georgia. I respectfully submit that there

could be official traveling expenses without being actual and necessary, and I think the amendment ought to be made, and I

The CHAIRMAN. The gentleman from Georgia [Mr. ED-WARDS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 24, on page 6, before the word "official," insert "actual and

Mr. SCOTT. Mr. Chairman, I hope that amendment will not prevail. The committee has made an honest effort to word this bill in the simplest possible language so that it may be clear and easily understood. We considered carefully the matter of the phraseology which should be used in covering the subject of traveling expenses, and were told by the accounting officer of the bureau, who is one of the most careful and efficient men in that capacity in the Government employ, I think, that the phrase "official traveling expenses" had been construed by the auditing officers of the Treasury Department as meaning only actual and necessary expenses. This being true, the amendment offered by the gentleman simply cumbers the bill with unnecessary phraseology, and I hope it will be voted down.

Mr. STAFFORD. If the phrase as now carried in the bill is construed in the language of the amendment offered by the gentleman from Georgia [Mr. Edwards], what objection can there be to inserting it? I wish to say, in addition, that the language as suggested in the amendment is the same phrase-

ology as that carried in other appropriation bills.

Mr. SCOTT. The objection to inserting it is, first, that it is unnecessary; second, that we ought to keep the language of the bill harmonious and not be compelled to insert the words everywhere else where the term "official expenses" is used; and, third, that it adds words without adding meaning. I ask for a vote on the amendment.

Mr. GAINES of West Virginia. May I ask the gentleman a question bearing on this part of the bill? Do the words "official traveling expenses" include subsistence while traveling? I take it, from what has been said, that they do.

Mr. SCOTT. They do. Mr. GAINES of West Virginia. I remember when I was connected at one time with the Department of Justice that the allowance for subsistence when traveling was limited. not know whether it is the law now in the Department of Justice or not, but some years ago the subsistence expenses were limited to \$4 a day. What is the reason that the limitation upon the traveling expenses has been taken out of the language of the agricultural appropriation bill when appropriating for

Mr. LIVINGSTON. The Committee on Appropriations always put a limit on the expenses for travel in the bills they report from that committee.

limit on the traveling expenses on the appropriation bills that come from that committee. I ask the gentleman in charge of this bill why such language is not included in the language of the agricultural appropriation bill?

Mr. SCOTT. Such a limitation never was included in the language of the agricultural appropriation bill; and I presume it was omitted because it was thought that the expense account was sufficiently guarded when the men paying it out were required to present itemized sworn vouchers.

Mr. STAFFORD. Would not the effect of putting a limita-

tion, as is sometimes provided in other appropriation bills, result in the accounts for subsistence inclining toward the maximum rate rather than the actual amount?

Mr. GAINES of West Virginia. I can not see that it would so result. On a sworn statement of actual expenses all people do not put in the maximum amount. All gentlemen are supposed to be honest, and they would not put in the maximum.

Mr. STAFFORD. In many instances it has been shown that where a limit has been placed, many department officials consider that is what they are entitled to, and they enter their expenses at the maximum amount.

Mr. GAINES of West Virginia. But that is a distinctly wrong impression. It is not considered that the maximum

amount is allowed.

Mr. SCOTT. I would like to call the attention of the gentle-man from West Virginia to a comparatively recent impeachment trial in the Senate of the United States, where a certain federal judge was impeached; and, among other things, the charge was made that he had put in an expense account at the maximum amount, whereas his actual expenses were less than that amount. His defense was that the limitation in the appropriation bill fixed the amount for subsistence at such a figure, and he deemed that he was warranted in charging that amount whether his

actual expenses were that much or not.

Mr. GAINES of West Virginia. But, Mr. Chairman, in the case of Judge Swayne, there were two considerations, which will be remembered. In the first place, his practice was deemed a very bad one; and in the second place, there was a considerable amount of difference of opinion as to whether the appropriation relating to the subsistence of federal judges was not intended by the Appropriations Committee and by Congress that they were to be allowed to charge that amount for their ex-

I insist again that it is not the practice to charge the maximum amount for subsistence if the actual amount be less than that; and where any officer does put in a sworn account to the maximum amount when the actual expense was less than that he is liable to prosecution.

Mr. SCOTT. My judgment is, Mr. Chairman, that it would not be in the interest of economy to adopt this amendment, and

I trust, therefore, that it will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected. Mr. GAINES of West Virginia. Mr. Chairman, I move to amend, in line 24, by inserting "for actual official traveling expenses and subsistence not exceeding the sum of \$4 per day."

Mr. MANN. They could not travel far on that.

Mr. GAINES of West Virginia. That does not cover the traveling.

Mr. SCOTT. I would like to have the amendment read from

The Clerk read as follows:

Page 6, line 24, before the word "official," insert "actual," and amend so it will read "actual official traveling expenses and subsistence, not exceeding the sum of \$4 per day."

Mr. SCOTT. I wish to reserve the point of order against the amendment; in the first place, because I believe it is legislation; and I reserve that point and speak to the merits of the amendment.

I wish to say that in my judgment this amendment would make it impossible for the Chief of the Weather Bureau to travel at all and have his expenses paid. The chief of a great government bureau as conspicuous as the Weather Bureau ought when he travels to travel as any Member of this House would travel. He ought to stop at good hotels, and in other ways maintain the position of dignity which should be held by any gentleman representing this Government in a high official capacity. That can not be done, as I think we can all testify, on \$4 a day. I do not believe, either, that the adoption of this amendment would tend to economy, because, in spite of what the gentleman from West Virginia says, it is my information that it is the universal practice, when such a limitation is Mr. GAINES of West Virginia. The gentleman from Georgia placed upon traveling expenses, to construe the amount named states that the Committee on Appropriations always puts in a sa a minimum. I am assured that in a great deal of the traveling done by the minor officials of the Weather Bureau the

expenses amount to less than \$4 a day.

It seems to me, therefore, that this amendment would result in increasing rather than in diminishing this traveling-expense account, and I trust therefore, if it be held in order, that it will be voted down.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. SCOTT. Yes. Mr. HULL of Iowa. Is this \$4 limitation intended to apply to transportation as well as subsistence?

Mr. SCOTT. The gentleman from West Virginia must answer

Mr. GAINES of West Virginia. No; the language is not open to that interpretation. The limitation is plainly upon subsistence, and not traveling expenses, of course. It is actual traveling expenses, and subsistence not exceeding \$4 a day. I should be willing to increase the amount to \$6 a day, if the gentleman thinks so, but there ought to be a limitation.

Mr. SCOTT. I would ask for a ruling on the point of order. The CHAIRMAN (Mr. OLMSTED). The gentleman will state

his point of order.

Mr. SCOTT. That the proposition to amend this bill by fixing a maximum of subsistence is legislation, and therefore contrary to the rule

Mr. GAINES of West Virginia. The remarks of the gentleman from Kansas show that this would result in a reduction of expenditure, and the language itself shows it to be a limitation, and therefore it is not obnoxious to the point of order.

The CHAIRMAN. The Chair would ask the gentleman from Kansas whether there is any authority of law for the payment

of the traveling expenses provided in the bill?

Mr. SCOTT. Oh, undoubtedly there is the general authority of law to cover that point, but I do not believe there is any authority to fix a certain amount as subsistence in addition to traveling expenses.

The CHAIRMAN. The Chair will ask the gentleman from West Virginia whether the limitation in the amendment, the words "not exceeding the sum of \$4 per day," is intended to apply only to subsistence or to qualify also the word "ex-

penses?"

Mr. GAINES of West Virginia. Clearly, it does not, Mr. Chairman. It is intimated by gentlemen around me that I do not understand the Chairman's question, and I admit I did not hear it very well. There is a great deal of conversation going

The CHAIRMAN. The Chair will ask the gentleman from West Virginia whether this limitation of \$4 a day is intended to

apply to the two items?

Mr. GAINES of West Virginia. It does not. It applies only to subsistence, and not, of course, to the traveling expenses.

That would appear very clearly.

The CHAIRMAN. The Chair is of opinion that unless there is some authority shown for the appropriation for subsistence the amendment in the present form is open to the point of order. If it were merely a limitation upon the appropriation for traveling expenses to a certain amount, the Chair would think it a limitation within the rule, as frequently construed; but it seems to separate the two items, and applies the limitation only to the matter of subsistence, for which latter item no authority of law has been shown. The Chair therefore sustains the point of order.

The Clerk read as follows:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, \$260,000.

Mr. MORSE. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what rates are fixed for telephoning and telegraphing as between the Secretary and the company?

Mr. SCOTT. I do not recall at this moment what the rates are. That question did not come up in the hearings this year, because we had discussed it in previous years and had obtained the information. Just at this moment I can not recall.

Mr. MORSE. Are any reductions made to the Government? Mr. SCOTT. Oh, the reductions are very great indeed. And I will say further, that the cost of telegraphing to this bureau is very much reduced by a code which is used, by means of which a message which ordinarily would require 20 or 30 words can be transmitted by the use of 3 or 4 words.

Mr. MORSE. Is there any law of the United States which

prevents the Government securing special privileges from the

telephone and telegraph companies?

Mr. SCOTT. I do not know of any, and I think there can be none, because undoubtedly the Government does get better rates

from the telegraph and telephone companies than any individual or organization that I know of is able to get.

Mr. MORSE. Is this sent out for a less sum than the Government rates, a cent a word?

Mr. SCOTT. I think it is for considerably less than the usual Government rates and less than the press rates.
Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last two words. I want to ask the gentleman from Kansas what the objection is in leaving the fixing of the rates to the chief of the bureau instead of to the Secretary of Agri-

culture?

Mr. SCOTT. The Secretary of Agriculture has supervision over the bureau. It is simply a branch of his department, and there does not seem to be any reason why that authority should not be invested in him.

Mr. EDWARDS of Georgia. Yes; he has supervision, but the chief of the bureau has direct charge of it and is closely in

touch with it.

Mr. SCOTT. The gentleman will find, if he follows the bill through, that the Secretary of Agriculture is always named when some important executive act is to be performed.

Mr. EDWARDS of Georgia. I withdraw the pro forma

amendment.

The Clerk read as follows:

For the maintenance and repair of Weather Bureau telegraph, telephone, and cable lines, \$4,200.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Kansas whether the Government owns any telegraph, telephone, or cable lines outside of the city of Washington?

Mr. SCOTT. Yes; the Government owns such lines at several points, chiefly along the edge of the continent, if I might use that expression. For instance, we have weather bureau stations on islands adjacent to the coast, and we have some in

the Great Lakes, and cables have been laid from the mainland to those islands.

cation except by these special telegraph and cable lines? Mr. SCOTT. No.

Mr. DRISCOLL. And this is for the maintenance and repair of those lines?

And there are no other means of communi-

Mr. DRISCOLL.

Mr. SCOTT. Yes.
Mr. MANN. I may say to the gentleman that these lines do some outside business, but the receipts are all turned into the Treasury

Mr. DRISCOLL. Turned into this fund?
Mr. MANN. No; into the Treasury, into the miscellaneous receipts.

Mr. DRISCOLL. I withdraw the pro forma amendment.

The Clerk read as follows:

For the maintenance of a printing office in the city of Washington, including the purchase of necessary supplies and materials for printing weather maps, bulletins, circulars, forms, and other publications, and for pay of additional assistant foremen, proof readers, compositors, pressmen, lithographers, and folders and feeders, when necessary, \$45,000.

Mr. LIVINGSTON. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee a question. They have a regular printing office in the Weather Bureau?

We have a printing office there.

Mr. LIVINGSTON. Have you a scale of prices so that we can get at the cost of printing and compare it with the cost of printing in the Public Printing Office?

Mr. SCOTT. I'doubt very much whether the work of the Weather Bureau printing office would afford data for such a comparison as the gentleman wishes.

Mr. LIVINGSTON. Do you have any printing for that bureau done at the Public Printing Office?

Mr. SCOTT. I think the reports of the chief and the bulle-tins, when a large number are required, are printed in the general printing office. The work that is done in the bureau printing office is chiefly that of the printing of maps, the monthly and weekly Weather Bureau reports, and the necessary blanks used by the bureau.

Mr. LIVINGSTON. And the committee did not look into the

cost of that printing?

Mr. SCOTT. No; we did not have any occasion to do that, because we make an appropriation for the maintenance of the office in a lump sum, and it has not changed for many years until this year, when we allowed an increase of \$15,000 because it was the intention of the chief to print in the bureau here at Washington publications which heretofore have been printed in the offices throughout the country. The chief recommended that the publications heretofore printed in the outside offices be discontinued, and we believe it is in the interest of economy to have the change made.

Mr. LIVINGSTON. Do I understand you to say that there has been an increase in the price of the work?

Mr. SCOTT. No; not in the price of the work, but an increase

of \$15,000 in the appropriation.

Mr. LIVINGSTON. If the gentleman listened to the discussion a few days ago on the floor in regard to the Interior Department and the Treasury Department, he will remember that the chairman of the Committee on Appropriations stated that there has been an increase of 55 per cent in the cost of printing. The gentleman has not discovered that in this bureau?

Mr. SCOTT. There is no occasion for any report of that kind coming from the printing office of the Weather Bureau, for the reason that it does not do any work for any other outside bureau, and therefore has no occasion to make any itemized

statement showing the cost of its work.

Mr. LIVINGSTON. I want the gentleman to understand that it is just as necessary for the Government to have cheap printing done as it is for an outsider.

Mr. SCOTT. I quite agree with the gentleman.

Mr. HEPBURN. Mr. Chairman, I rise to a point of order, that the gentlemen carrying on the colloquy are out of order. I submit that whatever there is in the way of address on this floor is to the Chairman of this committee, and that a Member has no right to address another Member on the floor, and carry on in this way a private conversation. I have been listening and attempting to hear what the two gentlemen have said, and not a word have I been able to hear.

Mr. LIVINGSTON. That is not our fault.

Mr. HEPBURN. The gentlemen are violating the rules. It is the duty of each gentleman to address the Chair if he desires to ask a question; and if he desires to answer a question, he must do it through the Chair. That is the parliamentary usage, and any other method is a violation of the law.

The Clerk read as follows:

BUREAU OF ANIMAL INDUSTRY.

BUREAU OF ANIMAL INDUSTRY.

Salaries, Bareau of Animal Industry: One chief of bureau, \$5,000; 1 chief clerk, \$2,000; 1 editor and compiler, \$2,000; 4 clerks, class 4; 5 clerks, class 3; 15 clerks, class 2; 1 clerk, \$1,300; 14 clerks, class 1; 14 clerks, at \$1,000 each; 5 clerks, at \$900 each; 3 clerks, at \$840 each; 5 clerks, at \$720 each; 1 mechanic, \$1,200; 1 messenger and custodian, \$1,000; 1 carpenter, \$1,100; 3 carpenters, at \$900 each; 1 painter, \$900; 3 messengers, at \$340 each; 4 messengers, at \$720 each; 2 messenger boys, at \$480 each; 1 skilled laborer, \$840; 2 skilled laborer, at \$720 each; 3 skilled laborers, at \$600 each; 1 skilled laborer, \$660; 1 illustrator, \$1,400; 4 laborers, at \$600 each; 1 laborer, \$480; 1 charwoman, \$540; 6 charwomen, at \$480 each; 2 charwomen, at \$240 each; in all, \$114,100.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last

Mr. MADDEN. Mr. Chairman, I reserve the point of order on

Mr. DRISCOLL. Mr. Chairman, I wish to ask if any employees from any other part of this bureau have been transferred to the salary list which is set out in this paragraph.

Mr. SCOTT. Yes; there are a number of employees who have heretofore been paid under the lump-fund appropriations that are now carried to this salary statutory roll.

Mr. DRISCOLL. That is the way the gentleman accounts for

the large increase in the total for the salary list?

Mr. SCOTT. That explains it. I will say for the information of the gentleman from New York that the only new places on this roll are 3 clerks, at \$1,000 each. There have been transferred from this bureau to the Secretary's roll 1 clerk of class 2; 1 clerk, at \$840; 2 messengers, at \$720; and 1 skilled laborer, at \$720; and all the transfers to the roll except the 3 clerks which I mentioned have come from the lump-fund appropriation.

Mr. DRISCOLL. Were they employed heretofore in the same work, but paid out of a lump sum?

Mr. SCOTT. They are employed now in the bureau, and there is no change in their official duty. The transfer is made in accordance with the practice of the committee, which, it believes, is in the interest of good legislation, to bring under the statutory roll employees who are regularly engaged in the bureau and are to remain there permanently, so far as we can see.

Mr. DRISCOLL. I withdraw the pro forma amendment. Mr. MANN. Mr. Chairman, I would like to ask the gentle-

man a question.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. MADDEN. I reserve the point of order.

Mr. MANN. Mr. Chairman, I notice in this paragraph a number of increases of items, such as laborers, painters, carpenters, and so forth, which, I assume, are perfectly proper; and I would like to ask the gentleman whether the occasion for employing

them now and heretofore, which has only been a recent employment, is because of the additional expense of taking care of the new Agricultural building?

Mr. SCOTT. That accounts for a good many of these places. There are 64 rooms in the new Agricultural building which are used by the Bureau of Animal Industry. A good deal of work is necessary to get those rooms properly fitted up, and therefore the chief of the bureau asks for these increases in his force.

Mr. MANN. I can see the reason for that. May I ask the gentleman a further question? I notice that in the bill the gentleman carries items of carpenters under the Bureau of Animal Industry, carpenters under the Bureau of Plant Industry, and carpenters under the bureau of something else, all located in the new building. Has the gentleman's committee considered the question of whether it is desirable to have these carpenters scattered under different bureaus instead of being all under one head?

Mr. SCOTT. In reply to the gentleman's question I wish to say that the committee has considered that very carefully. Under the appropriation carried in the last year's bill, new shops have been constructed on the department grounds, as the gentleman doubtless knows. When the estimates came before us this year, the committee inquired whether it would not be in the interest of economy to have the mechanics now allotted to the various bureaus all gathered together in these shops under one foreman, so that when the Bureau of Animal Industry needs the services of a carpenter, for example, it could notify that foreman and he could detail a man to do that particular work, and so all the way around the other bureaus. The Secretary, to whom this matter was referred, after consultation doubtless with his chiefs, gave it as his opinion that in another year that could be properly done, but at present, when things are more or less in chaos, owing to the fact that the bureaus have not yet settled down into their new quarters, it seemed more desirable to have the present arrangement continue.

Mr. MANN. Then, it is not intended to continue this as a per-

manent policy?

Mr. SCOTT. Not if the committee can control it.

Mr. MANN. Probably not. May I ask the gentleman one more question? Are these persons now covered into the regular salaried list people who have been appointed in the classified service through the Civil Service Commission, or are they there by being covered into the classified service?

Mr. SCOTT. They were originally appointed in the classified service, and I will say to the gentleman that they can not get a charwoman in the Department of Agriculture except through the civil service. They can not, even, appoint a laborer on the

temporary rolls, so they tell me.

Mr. MANN. I understand that, as far as I am concerned, but that is not true in every case. Now, a charwoman is not in the classified service, and there is a very different roll from which they take the charwomen and from which they take the skilled laborer. What I desired to learn was whether these people who now go into the classified service were originally appointed from the same rolls from which appointments to the classified service are made, or whether they are appointed on the roll from which mere laborers are appointed?

Mr. SCOTT. They were appointed from the rolls from which the classified service is appointed, and it is my information that the only appointments which can be made in the Department of Agriculture outside the civil service are for "experts." think it is claimed that there is a provision of the civil-service rules under which the Secretary can appoint an expert without

calling upon the civil service. Mr. DRISCOLL. Let me ask a question in connection with a remark the gentleman made. Is it not possible to transfer from other departments to the Agricultural Department persons who have been gotten into those departments without the civil-service examination?

Mr. SCOTT. It is governed by the civil-service regulations;

there are such regulations.

Mr. MADDEN. I wish to inquire why the committee thought it necessary to increase the number of clerks provided in lines 9, 11, and 14—3 new clerks, at \$1,000 each?
Mr. SCOTT. That increase is a very small part of the in-

creases asked for by the chief of the bureau in the estimates, and the committee believes that the increase of the work of the

bureau justifies this addition to his office force.

Mr. MADDEN. Does the committee think there is an increased work in the Department of Agriculture, as a matter of fact?

Mr. SCOTT. There does not seem to be any doubt about that.

Mr. MADDEN. Mr. Chairman, does the gentleman give it as his opinion that the addition of these three clerks, at \$1,000

each, is a prime necessity for the proper conduct of the work of the department?

Mr. SCOTT. Mr. Chairman, it was the opinion of your committee that it is a prime necessity; otherwise it would not

have been recommended.

Mr. MADDEN. Then I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

The Clerk read as follows:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, in cooperation with the state agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including rent, and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, \$50,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I reserve the point of order and I would like to know what authority of law there is other than in the appropriation bills for several years carrying that provision?

Mr. SCOTT. The gentleman refers to the paragraph for co-

operative experiments in animal feeding and breeding

Mr. BARTLETT of Georgia. Yes; page 12, lines 12 to 19.

Mr. SCOTT. Aside from the authority of several preceding appropriation acts-

Mr. BARTLETT of Georgia. Which is no authority at all.
Mr. SCOTT (continuing). It seems to me that under the
general authority of the law creating the Department of Agri-

culture the work may well be justified. The first section of that law provides that-

It shall be the duty of such department to acquire and diffuse among the people of the United States useful knowledge on subjects connected with agriculture in the most general and comprehensive sense of that

It seems to me that the investigations provided for in this paragraph may well lead to knowledge relating to the breeding and feeding of domestic animals which will be of very great use to the agricultural interests of the United States.

Mr. BARTLETT of Georgia. Now, with the construction which the gentleman puts on the act creating this department, is there anything you can not do in this bill except increase

salaries which are fixed by law?

Mr. SCOTT. Well, in my judgment, there are very few things which relate to the fundamental industry of our country which you could not do under the authority of this act.

Mr. BARTLETT of Georgia. I confess that the construction of the rule put upon it by the gentleman from Kansas would permit the House to embrace anything in this appropriation bill. As he seems to think that this is a very useful appropriation and of great service to the agricultural interests, will not make the point of order, although I do not want to be understood as concurring in the proposition that there is no limit on the Committee on Agriculture or on the House when considering this bill as to what new law they shall enact in it. While I think many of the purposes of this and other provisions in this bill are very laudable, I think we have already stretched the authority of Congress to the point of breaking.

Mr. SCOTT. I thoroughly appreciate the gentleman's posi-

Mr. BARTLETT of Georgia. I will not make the point of order. [Applause.] The purpose of reserving the point of order was to ascertain if this appropriation is made for the purpose

of increasing the quality and character of the live stock.

Mr. SCOTT. That is the purpose of this investigation.

The CHAIRMAN. The time of the gentleman from Georgia

[Mr. BARTLETT] has expired. Mr. BARTLETT of Georgia. I am very much in favor of that, and I will not make the point of order. [Applause.]

that, and I will not make the point of order. [Applause.]

Mr. COX of Indiana. Can the gentleman inform the committee how much money the Government spends annually in cooperative work in the various institutions of the States?

Mr. SCOTT. I have never had a statement prepared showing all of the money that is expended in cooperation with the various States, and I am unable to give the gentleman a categorical

Mr. COX of Indiana. I think it is a splendid work that the Government is doing. If the gentleman could approximate the amount, I would like to know.

Mr. SCOTT. I wish to say that it is the disposition of the committee, wherever it can be justly done, to require the States to cooperate in the event that the General Government spends any money within their borders for a specific purpose.

Mr. COX of Indiana. Can the gentleman answer this ques tion, How many States are now cooperating with the General Government along this line?

Mr. SCOTT. There is hardly a State in the Union that is not cooperating in some way with the General Government.

Mr. COX of Indiana. They have practically all taken advantage of it?

Mr. SCOTT. Nearly all of them have done so; and I may add that the cooperation of the States in the matter of the enforcement of the pure-food law is referred to especially by the Chief of the Bureau of Chemistry as being helpful and in the interest of economy.

The Clerk read as follows:

Total for Bureau of Animal Industry, \$1,402,860.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of this committee whether it is expected that this bureau will take on any new and additional lines or kinds of work other than have been conducted or carried on in the past?

Mr. SCOTT. There is not any intention, as far as I know,

of taking on any new projects this year.

Mr. DRISCOLL. I observe the amount appropriated for this bureau for the next year is \$322,000 more than that for the current year, and more than 30 per cent additional. That is a pretty large increase for the work carried on in this bureau.

Mr. SCOTT. The gentleman must be mistaken in his figures. The estimates ask for an increase in this bureau of \$96,560. The committee has allowed a total increase of \$72,000 only.

Mr. DRISCOLL. The present law carries a total of \$1,080,860, and this carries a total of \$1,402,860, which, as I have figured out, is an increase of \$322,000 in this bureau. That is a pretty large increase for the ordinary growth of the bureau and for doing the ordinary work

Mr. COCKS of New York. They have put in something for this foot-and-mouth disease. I do not know how much. Mr. DRISCOLL (continuing). Especially when our deficit is growing all the time and was about \$15,000,000 during the last month.

Mr. SCOTT. The total appropriation for the Bureau of Ani-

mal Industry for 1909 was \$1,330,860.

Mr. DRISCOLL. There must have been some shifting of it somewhere. I want to know whether it is proposed to take on any new work during the next year not included in the Bureau of Animal Industry during the last year.

Mr. SCOTT. The explanation probably is in the fact that last year there was carried as a separate appropriation \$250,000 for the eradication of the cattle tick, and that is included in the general expense account here this year instead of being

carried as an emergency measure.

Mr. DRISCOLL. Is that carried here in the appropriation for the Bureau of Animal Industry?

Mr. SCOTT. In last year's bill the appropriation for the eradication of the cattle tick, \$250,000, was carried as an emergency appropriation and was not included in the total as shown in the last of the Bureau of Animal Industry. in the law for the Bureau of Animal Industry. This year that \$250,000 is included. The amount is the same, and the work is not changed.

Mr. DRISCOLL. I withdraw the motion.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, \$5,000; 1 chief clerk, \$2,250; 1 editor, \$2,000; 1 superintendent of gardens and grounds, \$1,800; 1 officer in charge of records, \$2,000; 3 executive clerks, at \$1,980 each; 4 clerks, class 4; 8 clerks, class 3; 1 clerk, \$1,500; 13 clerks, class 2; 31 clerks, class 1; 1 seed clerk and superintendent, \$1,200; 1 clerk, \$1,080; 19 clerks, at \$1,000 each; 15 clerks, at \$1,000; at clerks, at \$400 each; 16 clerks, at \$400 each; 16 clerks, at \$400 each; 17 clerk, \$800; 13 clerks, at \$720 each; 8 clerks, messengers, or laborers, at \$660 each; 15 clerks, messengers, or laborers, at \$660 each; 16 clerks, at \$1,000 each; 6 gardeners, at \$900 each; 2 gardeners or assistants, at \$1,000 each; 6 gardeners, at \$900 each; 2 gardeners, at \$840 each; 4 gardeners, at \$780 each; 5 gardeners, at \$720 each; 3 gardeners, at \$600; 1 painter, \$840; 2 plumbers, at \$840 each; 8 skilled laborers, at \$720 each; 4 skilled laborers, at \$840 each; 14 skilled laborers, messengers, or messenger boys, at \$840 each; 14 messenger boys, at \$840 each; 16 all, \$210,510.

Mr. EDWARDS of Georgia. I move to strike out the last

Mr. EDWARDS of Georgia. I move to strike out the last

Mr. DRISCOLL. I will make or reserve a point of order on the three executive clerks.

Mr. EDWARDS of Georgia. I wish to offer an amendment, move to strike out of page 12, line 25—
The CHAIRMAN. The Chair will first dispose of the point

Mr. DRISCOLL. I make the point of order against the words "three executive clerks," in line 4, page 13, as creating new offices, not authorized by law.

Mr. SCOTT. Mr. Chairman, two of these clerks are new to this bill. One was provided in the last bill. So that the total number is now three clerks, with only two of them new. It seems to me that the point of order against them is not well taken, because the Secretary of Agriculture is certainly author-

ized by law to employ all the clerks, assistants, and other persons he may need to perform the duty imposed upon him. I ask for a ruling upon the point of order.

The CHAIRMAN. Does the gentleman from New York make

the point of order?

Mr. DRISCOLL. I reserved it; I wanted to know if the gentleman had shifted either of these clerks from some other line of service and whether they were paid from some other appropriation; if so, I would not have minded. But now, since the gentleman wants a ruling, I want to see any authority for two of these places at \$1,980 each.

Mr. SCOTT. Mr. Chairman, this matter was considered, and very carefully, by the committee, and it was the judgment of the committee that the bureau chiefs made a good case in asking for this increase. The Bureau of Plant industry is managed with very great discretion and good judgment, and it is the opinion of your committee that these two places are needed in order to carry out the work of the bureau. It seems to me clear that the point of order can not lie against them, and I will ask a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New York make

the point of order?

Mr. DRISCOLL. Well, yes; I make it now. The CHAIRMAN. Will the gentleman from Kansas inform the Chair as to the statute which gives to the Secretary of Agriculture the authority he referred to a moment ago?

Mr. SCOTT. The organic act establishing the department authorizes the Secretary of Agriculture to employ such "clerks, assistants, and other persons" as he may need to carry into effect the provisions of the act. I quote from memory, but I am quite sure I am not mistaken about it.

Mr. DRISCOLL. Mr. Chairman, in order to save time, I

withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. EDWARDS of Georgia. I move to amend, page 12, line 25, by striking out at the end of the line the word "two" and inserting the word "five," and in line 1, page 13, strike out the words "and fifty."

Mr. MACON. I reserve a point of order on the amendment. The CHAIRMAN. The Clerk will report the amendment.

Mr. EDWARDS of Georgia. I expected that of the gentle-

Mr. MACON. Whenever the gentleman undertakes to violate

the rules of this House he may expect it.

Mr. EDWARDS of Georgia. I am aware of the fact that the gentleman is always on the lookout.

The CHAIRMAN. The gentleman will please repeat his amendment, in order that the Clerk may get it.

Mr. EDWARDS of Georgia. Line 25, page 12, strike out the word "two," at the end of the line, and insert "five;" and in line 1, page 13, strike out the words "and fifty."

The Clerk read as follows:

Page 12, line 25, strike out the word "two," at the end of the line, and insert "five;" and in line 1, page 13, strike out the words "and fifty," so as to read "\$2,500."

Mr. SCOTT. I make the point of order against that. Mr. MACON. I will say to the gentleman from Kansas, it is already made.

I was waiting until the amendment could be Mr. SCOTT. reported at the Clerk's desk.

Mr. EDWARDS of Georgia. I withdraw the amendment. The CHAIRMAN. Without objection, the amendment will

be withdrawn. Mr. MACON. I object to the withdrawal of the amendment.

I would like to have the Chair rule on the point of order. The CHAIRMAN. Objection is heard. The point of order

Mr. HARDY. Mr. Chairman, I rise with some hesitation to move to strike out the last word, in order to ask for some information. I see in this bill, on this page, there are provisions for as many as 30 gardeners and assistant gardeners. What I want to know is where this gardening of the department is done, and what is the necessity for so many gardeners. The information I am anxious to secure, and what I want to understand, is what the department is doing that requires the employment of this many laborers in that line.

Mr. SCOTT. If the gentleman has visited the grounds around the Agricultural Department, he will have noticed there are extensive greenhouses, which are used in plant breeding and propagation and other plant-cultural work. The men who take care of these greenhouses are carried on the roll as gardeners. They are all kept busy, and their number is not greater than

the work requires. Mr. HARDY. Is most of that within the city limits and close

to the department buildings?

Mr. SCOTT. It is all within the city of Washington, with the exception of some men who are employed on the Arlington experiment farm across the river.

Mr. HARDY. How large is that Arlington experiment farm? Mr. SCOTT. My recollection is that there are about 200 acres in the Arlington experiment farm.

Mr. HARDY. That is taken charge of by these men? Mr. SCOTT. Yes.
Mr. HARDY. I withdraw the pro forma amendment.

The Clerk read as follows:

For the investigation and improvement of grains and methods of grain production, \$63,910.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. should like to inquire of the Chair whether the lines now being read are considered as a part of one and the same paragraph, beginning at line 11, page 14, or whether each paragraph is considered as an independent paragraph? You will notice that at the end of line 23 there is a colon, and all these subsequent paragraphs end with semicolons.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that each one of these seems to be a separate

paragraph.

Mr. DOUGLAS. I have been waiting for what I supposed to be the end of the paragraph. Under the ruling of the Chair I ask unanimous consent to return to the bottom of page 15.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to the paragraph at the bottom of page 15. Is there objection?

There was no objection.

Mr. DOUGLAS. I move to amend that paragraph by adding after the word "cotton," in line 23, the words "and wool," so that it will read:

For investigating the handling, grading, and baling of cotton and wool, and the establishment of standards for the different grades thereof.

Mr. SCOTT. Mr. Chairman, I shall be obliged to reserve a

point of order against that amendment.

Mr. DOUGLAS. Anticipating the point of order, I wish to call the matter to the attention of the committee when this bill is considered another year. It is of great importance to the growers of wool in my State and in other States that this matter of the grading of wool, equally with the grading of cotton, may receive governmental supervision and attention. I have found by reading on the subject and otherwise that the grading of wool in Australia has made a wonderful difference and been of very great value to the woolgrowers of that country; and I am sure that the artificial methods by which wool is now graded in the Boston and other markets could be greatly improved by governmental supervision. If it be held, as I apprehend it will be, that this amendment is subject to the point of order, I hope that the committee will bear it in mind at their hearings another year. I should like to ask the chairman of the committee what, if any, attention the committee have given to the matter of the grading of wool?

Mr. SCOTT. Mr. Chairman, the committee considered the proposition of including an investigation along this line, with a view of improving the standards of the grades of wool, but decided not to recommend it in this bill, because the work of standardization of cotton has not yet been finished, and we thought it was better to finish one investigation before taking

up another.

Mr. DOUGLAS. If I may be pardoned for interrupting, is

not that investigation substantially finished?

Mr. SCOTT. It could hardly be said to be finished. It has come to the stage where we will determine pretty soon whether the work which has been done is of any value. A very impor-tant part of the work still remains to be done. I appreciate the importance of the suggestion of the gentleman, and can assure him that the committee will consider it at another time, but I shall be obliged at this time to insist upon my point of order.

Mr. DOUGLAS. I concede the point of order to be well taken.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the investigation and improvement of methods of growing, producing, and handling tobacco, \$30,530.

Mr. COLE. Mr. Chairman, I offer an amendment, after the word "dollars," in line 23:

For experiments in the manufacture of paper from cornstalks, \$20,000.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 16, line 23, insert the following:
"For experiments in the manufacture of paper from cornstalks, \$20,000."

Mr. SCOTT. I reserve the point of order.

Mr. COLE. Mr. Chairman, I realize the appropriation called for by this amendment is subject to a point of order, but the subject-matter is of sufficient importance to receive congressional recognition. During the past year the Department of Agriculture has been making some experiments in the manufacture of paper from cornstalks and other fibrous plants in one of its chemical laboratories. The results obtained have been very gratifying. The finest quality of paper has been manufactured from cornstalks. It is a demonstrated fact that all grades of paper can be successfully made. Now, Mr. Chairman, this is an age of conservation. We recognized the necessity of practicing economy in the use of our natural resources. The whole question of conservation revolves around the preservation of our forests and our supply of timber. Government authorities assure us that at the present rate of consumption our present supply will be exhausted within a period of thirty years. Anything that tends to conserve that supply is worthy of consideration. The manufacture of pulp and paper is one of the greatest demands upon our forests at the present time. When a pulp factory is established in any timber land, as a rule it usually denudes that section. It uses all timber from 2 inches in diameter to the largest tree of the forest. As a result of the great consumption of wood the price of paper has greatly increased. Every newspaper in the country will testify to that fact.

Many papers have been compelled to cut down the size of their issues because of this increased cost. Therefore, any product that can be used in the manufacture of paper ought to It would only cost about \$20,000, according to the estimate of the department, to equip a factory in the great corngrowing belt for the purpose of making this experiment. It would be a source of increased income to the farmers. Doctor Galloway, of the Bureau of Plant Industry, estimates that \$5 a ton can be paid for cornstalks and the manufacturer realize a reasonable profit on his investment. An acre of ordinary corn land in the United States produces from 3 to 5 tons. This excludes the husks and blades, which can be used for provender. From this statement it is evident that from fifteen to twenty dollars can be realized from this by-product that now is practically worthless. One ton of cornstalks will produce about as much paper as 1 ton of wood. Of course it is of much greater bulk than wood and would cost more for transportation. But if the factories were established in the corn-growing regions that element of cost could be greatly reduced. It occurs to me that an enterprise which would lessen the cost of print paper and bring millions of dollars into the pockets of the American farmers from a source that is now almost useless should receive encouragement at the hands of this Congress. [Applause.]

Mr. GRONNA. Mr. Chairman, I want to ask the gentleman from Ohio if he would have any objections to including the

words "flax straw" in his amendment?

Mr. COLE. I have not any objection to including anything that can be used for the manufacture of paper that will lessen the tax on our forest reserve, so rapidly being exhausted in the making of pulp and paper. At this time, when we are expending so much of the public funds in the discovery of methods of increased production, it is certainly proper and expedient to devote a small appropriation to the utilization of the by-products of the farm. Here is a great product that is almost worthless to-day, great quantities of it unused and burned up in the springtime. Let us give the department authority and sufficient appropriation to perform this experiment and ascertain if this waste can not be made a source of profit to the farmer.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objec-

There was no objection.

Mr. GRONNA. Unless the gentleman insists on the point of

Mr. SCOTT. I insist on the point of order, but I thought the gentleman from Ohio had withdrawn the amendment.

The CHAIRMAN. Without objection, the amendment will be

withdrawn.

There was no objection.

Mr. GRONNA. Mr. Chairman, I move to strike out the last I hoped that the gentleman from Ohio would not withdraw the amendment, and also I was in hopes that the gentleman from Kansas would not make an objection to an amendment of this kind. I am heartily in favor of the amendment offered by the gentleman from Ohio, especially because he was willing to include flax straw. We raise in the western country, in our State alone, more than 3,000,000 tons of flax straw that is burned up every year. We burn up more flax straw than would be required for the manufacture of white paper to supply

the United States. I believe now is the time to make a small appropriation for this purpose.

Mr. MANN. Will the gentleman yield? Mr. GRONNA. Certainly.

Mr. MANN. Is the gentleman aware that flax straw is used for commercial manufactured paper now?

Mr. GRONNA. I am aware of that, but I am also aware that it is not used to any great extent. Mr. MANN. It is as far as it is profitable to use it. It does

not require any experimentation.

Mr. GRONNA. It does require an experimentation. believe it is profitable as an article for the manufacture of paper. It requires two and a half tons of flax straw to make a ton of white paper.

Mr. MANN. It requires a great deal more than that.

Mr. GRONNA. You can pay \$5 to \$7 a ton for flax straw, and yet it would be cheaper than the price we are paying for wood. I am heartily in favor of such an amendment to this bill as is proposed by the gentleman from Ohio.

Mr. DRISCOLL. I would like to ask the gentleman if the question of transportation would not be an important factor? You might have straw enough, but not be able to get it to the

Mr. GRONNA. I will say in reply to the gentleman from New York that it is possible to establish these factories right in the center of where the flax straw is grown. The gentleman from Ohio well says that this is the time when we want to conserve our forests, and this is an annual recurring crop. It takes from 80 to 120 years to grow a saw log, and it takes only a year to grow a crop of flax or cornstalks, and I hope the gentleman from Kansas will not make the point of order against the amendment.

Mr. SCOTT. Mr. Chairman, nobody on the floor of this House is more anxious to promote the manufacture of paper from cornstalks and flax and other by-products of the farm than am I. However, I shall feel obliged to make the point of order against this proposed amendment, for the reason that it is not necessary, in my judgment, at this time. This bill carries a paragraph "to enable the Secretary of Agriculture to test such plants as may require tests, to ascertain if they be suitable for making paper, \$10,000, or so much thereof as may be necessary." Under that appropriation, which is carried in the current act, investigations have been made in which it has been fully demonstrated that paper can be made from cornstalks, and I have before me here a book of samples of paper ranging all the way from rough wrapping paper to a very high grade of writing paper manufactured from that material. The laboratory tests are complete, and it has been demonstrated beyond question that paper ranging all through the qualities I have named can be manufactured from cornstalks.

Mr. COOPER of Wisconsin. Where was that made? Mr. SCOTT. The samples were made, as I understand it, in the laboratories at Washington. The bureau having charge of this work has now arranged for a commercial test with one of the New England mills, and until that test has been made it seems to me unnecessary to carry an appropriation for any further investigation into the subject. It certainly is being looked after with all possible diligence, and I do not think any good would be gained by inserting the amendment proposed at this

Mr. GAINES of Tennessee. Mr. Chairman, I will ask the

gentleman if there is a patent on that?

Mr. SCOTT. There are no patents, I think. Perhaps there may be a patent on some of these processes, but things which are developed through the investigation of the Government, of course, are protected by the bureau making the discovery.

Mr. GAINES of Tennessee. Is the gentleman certain about

that?

Mr. SCOTT. I understand the practice of the Department of Agriculture to be, whenever it develops a machine, a device, or any sort of a method of any kind which is patentable, to patent it for the benefit of the people, and thus protect it from private monopoly.

The CHAIRMAN. The Chair will state that the amendment having been withdrawn, we are proceeding by unanimous con-

int. There is nothing pending.

Mr. GAINES of Tennessee. I move to strike out the last word, and I may want to move to strike out the word "two" and insert the word "one," making it \$10,000 instead of \$20,000, and I offer that amendment now.

Mr. SCOTT. May I suggest to the gentleman from Tennessee that a discussion of the question of manufacturing paper might more properly come when we reach the paragraph especially providing for that investigation?

Mr. MANN. I may say to the gentleman also that I propose to offer an amendment on this subject, following line 3, page 17, where a discussion will be appropriate.

Mr. GAINES of Tennessee. At that time I want to discuss

this patent matter also.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For general plant breeding and cooperative plant-breeding demonstrations, \$14,840.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 17, after line 3, insert: "For the testing of such plants as may require tests to ascertain if they be suitable for making paper, \$10,000."

Mr. SCOTT. I reserve the point of order as against that.

Mr. MANN. Mr. Chairman, I think it is not subject to a point of order. It is in the language of the item in the bill, which item I offered last year in Committee of the Whole and which ran the gantlet of the point of order, and the point of order was overruled.

Mr. SCOTT. My point of order would be that it would be a

duplication of language that may be in the bill.

Mr. MANN. If the point of order be that it is duplication of language in the bill, then it is for the committee to determine where in the bill the language shall occur and under what

Mr. COLE. Wherein does that amendment differ from the amendment which I offered?

Mr. MANN. If I get a chance to, I will explain it. It is the

point of order now that I would like to have disposed of.

The CHAIRMAN. The Chair understands the point of order to be that the language of the amendment duplicates something already in the bill. The Chair thinks it is entirely proper for the Committee to duplicate language if it desires to do so. The

point of order is therefore overruled.

Mr. MANN. Mr. Chairman, I offer the amendment at this place so that it may be under the Bureau of Plant Industry. The item in the bill is now under the head of "Miscellaneous," simply authorizing the Secretary of Agriculture to make these experiments. My object in offering the amendment is to have the investigation carried on by the Bureau of Plant Industry, for the purpose of testing, as far as may be tested, annual plants or other plants, annual or perennial, herbaceous or otherwise, which may be used in the manufacture of paper. In this connection I want to say just a word or two in regard to the cornstalk experiment. The experiment so far carried on in reference to the manufacture of paper from cornstalks would indicate that the idea is purely chimerical. While paper can be manufactured from cornstalks, it is also true that paper can be manufactured from expensive orchids, but it is not a commercial probability that it ever will be done. I do not intend to detain the committee this morning, because I hope in a few days to have time in general debate to give some time to this subject of the methods of manufacturing paper. It takes one cord of spruce wood to make a ton of ground wood, all of which is used in the production of paper. It takes about nine cords of cornstalks to produce one ton of fiber, and most of this fiber is not fit for paper making, so far as has yet been demonstrated. A ton of cornstalks will produce about 250 pounds of good fiber, which can be used in the manufacture of paper. It will produce in addition about 550 pounds of pith pulp, the pulp that comes from the pith in the cornstalks, which it may be possible to utilize in the future, but for the use of which no one yet has discovered any purpose. From this ton of cornstalks you produce in addition about 300 pounds of what is called "stock food," and the chemist

Mr. DRISCOLL. Will the gentleman yield? Mr. MANN. In just a moment—and the gentleman who

made the experiment informed our committee that out of this 300 pounds of so-called "stock food" there would be chemically contained from 40 to 44 per cent of saccharine matter, but when it was analyzed by the Bureau of Chemistry instead of being 40 to 44 per cent it was less than 4 per cent, and some of it less than 2 per cent of saccharine matter, making a very great difference in the value of it as a by-product. I yield now to the gentleman from New York for a relevant question. [Laughter.]

Mr. DRISCOLL. Just a question. The gentleman said it would take 9 tons of cornstalks to make 1 ton of fiber. Were

these stalks dry or green when weighed?

Mr. MANN. Did I say 9 tons? I said 9 cords.

Mr. DRISCOLL. What is a cord of cornstalks?

Mr. MANN. I knew the gentleman would not ask a relevant

Mr. DRISCOLL. It strikes me that is a relevant question;

what is a cord of cornstalks? When you transport any article by freight the space it occupies is a very important question. You can transport a cord of spruce wood to the mill and it will make a ton of paper. It will take 9 cords, 9 times the space in a freight car, to transport the same amount of cornstalks to produce the paper. Now, if it were practical to grind up cornstalks and bale them, that could be done, but the moment cornstalks are ground up they commence to heat and the moment you commence to bale them they commence to heat and they are of no value at all. The great difficulty with farmers in the country when they make corn stover is to keep it from spoiling by heating and molding.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes for the purpose of addressing himself, if he will, to the question of why that amendment should be carried under this item in the bill rather than under the general miscellaneous item.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Illinois shall proceed for five minutes. Is there objection? [After a pause.]

hears none.

Mr. MANN. Now, Mr. Chairman, I hope no gentleman will divert me from the course of my remarks by another irrelevant question, although it may be a very pertinent question. not criticise the gentleman for asking the question. It is highly desirable that the department should make investigations of these annual plants for possibilities of paper making in the future. Reference has been made here, for instance, to the fact that paper has been made from cornstalks. I have in my possession a statement from the company which has done all of this work, so far as the paper making is concerned, and who have been carrying on these experiments for years, and they say frankly that they do not consider that the manufacture of paper from annual plants is to-day a commercial possibility, but that as the price of pulp material increases in the future it will become desirable to be able to obtain something besides wood to make this cheaper paper, and that they hope to be able through experiments to develop something which in the future may be of service. Take cornstalks, for instance. The manufacture of paper from cornstalks as a by-product of the farm is, in my opinion, out of the question, but by proper plant breeding it may be possible and practicable to produce a cornstalk rich in fiber, cultivated not for the purpose of producing the corn itself, but for the purpose of producing the fiber, which can be raised for the purpose of making paper, not merely as a by-product, but as the very object of the raising.

The same is true of various other annual plants. The Bureau of Plant Industry has connections throughout the world with large numbers of plants. It has been proposed for us to experiment with bamboo, as Japan is now experimenting, and for us to experiment with other annual or perennial plants which we may obtain; and for that reason this money ought to be under the control of the Bureau of Plant Industry. \$10,000 which was appropriated last year has been practically wasted, not but that they may have learned something through the testing plant put up here, but all the information which has

been learned so far was already known in the paper world.

I do not wish to be understood as criticising the department.

They had to learn the subject themselves, as they knew very little about it; but there is now in the department Doctor Cobb, connected with the Bureau of Plant Industry, and probably the best-informed man in the world on the subject of the fiber in plants, and I believe that if under that bureau they were given the appropriation and permitted to experiment, not with paper making, but with the testing of plants and the fiber in plants, and producing plants full of fiber which may be used, they would be able to be of great service to the country. The testing as to paper making will be readily done by many of the paper manufacturers in their laboratories and in their plants, where it is impossible for them now to obtain plants themselves with which to make the tests, both for lack of opportunity to obtain the plants and lack of knowledge in regard to the fiber in plants.

Mr. STEPHENS of Texas. Will the gentleman yield to a question? I wish to ask in reference to cotton fiber. gentleman know whether or not that has been sufficiently tested for paper? I have seen a statement to the effect that they have

been successful.

Mr. MANN. A test of the cotton fiber is now being carried on. So far as it has been used it has not been a success, although you will find highly colored descriptions of stock for

sale in companies who would lead you to believe it was a great The test of okra has not been fairly made, and I do not say that the test of cotton stalk has not been fairly made, but I am satisfied that the people who have made the tests have absolutely no confidence in the future use of cotton fiber or cornstalks to any extent for paper making unless by breeding you

produce a different plant.

Mr. SCOTT. Mr. Chairman, Doctor Galloway, Chief of the Bureau of Plant Industry, when before the committee, was ques-

tioned on this subject and said:

The paper work has been carried on in cooperation with the Forest Service. The Forest Service has a laboratory in Washington that is available for certain phases of the work, and by an arrangement with the experts in that service they have carried on the tests with plants that have been brought here for the purpose.

Mr. Pinchot, the Chief of the Forest Service, when before the committee, was asked whether he had anything to report as to the paper investigation. He said:

Yes; we have quite a good deal. We have established the practicability of making merchantable pulp from a considerable number of woods, about a dozen, other than the ones that have been used hitherto. We have a laboratory here in Washington in which we try various species from all over the country, and we find that good wood pulp can be made from a large number of trees that have never been used for that numbers.

Mr. MANN. If the gentleman will permit, I may say that those experiments have not been made under this appropriation

at all—that is, those experiments as to woods.

Mr. SCOTT. Whether they are made under this appropriation or not, the extracts from the hearings which I have read make it clear that there is a perfectly harmonious cooperation between the Bureau of Plant Industry and the Forest Service in this investigation. And that being true, I confess I can not see any point to be gained by transferring the investigation so that it will be exclusively under the jurisdiction of the Plant Industry Bureau. As the gentleman from Illinois [Mr. Mann] has said, the work is now in charge of Doctor Cobb, to whom he pays a deserved tribute, and all of the operations are being carried on under his direction, subject, of course, to the general oversight of the chief of the bureau and of the Secretary of Agriculture. As the language reads in the current law and in the pending bill, the whole matter rests with the Secretary of Agriculture, and if he believes that better results can be obtained by having the investigations conducted exclusively by the Bureau of Plant Industry, he is not prohibited from making such direction.

It certainly seems to me that we ought not to put anything in this bill which possibly might be construed as taking away from the Forest Service a continuation of any investigation which it has made. It must be of great utility to discover that wood pulp can be made from varieties of timber which up to this time have not been available. Undoubtedly such discoveries have been made as the result of the investigations already concluded, and I can see no object to be attained in the amendment offered by the gentleman from Illinois. I trust therefore it will be voted down, so that the bill may remain as it is now.

Mr. GRONNA. I move to strike out the last word. Chairman, I want to ask the gentleman from Illinois a question. I know he is very well posted on this particular question, the same as he is on all others on which he has made a study. I want to find out if the committee of which the gentleman is a member has made an investigation as to whether any tests have been made as to the manufacture of paper from flax straw.

Mr. MANN. There have been no tests made by the Govern-

Mr. GRONNA. I want to state that I understand that there has been some paper made from flax straw, but there is a patent on the process of bleaching.

Mr. MANN. I think the gentleman is mistaken about there being a patent on the process of bleaching.

Mr. GRONNA. I so understood. Mr. MANN. The retting of flax straw for linen is one thing that would not be required in making it ready for use in making paper. They are using a flax straw in Minneapolis and up in that country for a character of paper.

Mr. GRONNA. I want to say to the gentleman that in a letter from Doctor Drewson, of New York, a noted chemist, he states that it takes just 2½ tons of flax straw to make a ton of paper, or 40 per cent of paper can be made from flax straw; and I understand there is a patent, or at least a patent pending, on the bleaching process of this particular paper.

Mr. MANN. Well, the bleaching process is a simple thing.

You can bleach anything in the way of a fiber to-day by putting a little chlorine in it. Flax straw is no different from other things. All really white paper is bleached, taking the same

process practically for one as for the other. The patented process which has been experimented with by the Agricultural Department is probably the one to which the gentleman from Tennessee refers as the process by which the fiber is separated from the pith. All annual plants contain a considerable amount of pith; cornstalks contain notably a large amount of pith. You can not manufacture paper to advantage without separating the fiber from the pith, and there is a patented process which has been used by the department here, and they are the ones largely interested in pushing the cornstalk proposition, by which they successfully separate the pith from the real cellulose fiber.

Mr. GRONNA. I thank the gentleman for the information. Mr. COOPER of Pennsylvania. I would like to ask the gentleman from Illinois, In what branch of the Agricultural Department is being conducted the experiment of making paper?

Mr. MANN. In the Bureau of Plant Industry and Bureau of

Mr. POLLARD. Mr. Chairman, I want to read from the present bill, on page 46, beginning with line 16, where I think this same matter is incorporated in the bill, for it reads as

To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be suitable for making paper.

Now, the only difference between this provision that is now in the bill and the amendment offered by the gentleman from Illinois is, that he desires to limit the work and desires to take it out of the hands of the Secretary of Agriculture, the head of that great department, and place it under the direction of the Chief of the Bureau of Plant Industry. That, it seems to me, ought not to be done. It seems to me this matter, as well as all other matters relating to investigations in that department, ought to be left under the direction of the head of the whole department. As he has the general supervision over all the work, if he desires to have that work done, and if in his judgment it can be done better by the Bureau of Plant Industry, he can have it done there. On the other hand, if he thinks it can be best accomplished by a system of cooperation between the Bureau of Plant Industry and the Bureau of Forestry, he can direct to have it done in that way. It seems to me it ought to be left in his hands.

Mr. MANN. The gentleman is a member of the committee reporting the bill. Can he find any other item in the bill which is not put under the head of one of the particular bureaus? He thinks they ought all to be under the Secretary; can he find another item in the bill that is not under one of the bureaus?

Mr. POLLARD. As a matter of fact, as the gentleman's provision now is, it only makes a limitation and puts it into the hands of the Chief of the Bureau of Plant Industry.

Mr. MANN. I offer this amendment, which will put it in the same class, the same as any other item. The same relating to paper. If the gentleman thinks this amendment is unreasonable, he thereby condemns every other item in the bill.

Mr. POLLARD. Mr. Chairman, I do not agree with the gentleman.

Mr. MANN. Of course the gentleman does not.

Mr. POLLARD. Every appropriation in this bill, from one end of it to the other, is under the direction of the Secretary of Agriculture. The provision in the bill as it now stands authorizes the Secretary, as I have said, to carry on this investigation, and I see no object to be gained in taking it out of his hands.

Mr. GAINES of Tennessee. I should like to have the attention of the gentleman from Illinois [Mr. Mann]. I should like to know where his amendment comes in; the page and line?

Mr. MANN. I offered the amendment to follow the paragraph concerning plant breeding, after line 3, on page 17.

Mr. GAINES of Tennessee. Mr. Chairman, I should like to have the amendment reported again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read. Mr. GAINES of Tennessee. I should like to ask the chairman of the committee reporting the bill what is his exact objection to this? Does he object to the proposition entirely, or does he object to the place at which it is offered in the bill?

Mr. SCOTT. My objection to the amendment is that it seems to restrict the investigations wholly to the Bureau of Plant Industry; whereas I believe that to a considerable extent they may be carried on under the Bureau of Forestry. I think, in other words, that the language of the present bill, which authorizes free cooperation, may well be allowed to remain.

Mr. GAINES of Tennessee. Are not all the departments of the forestry and plant departments under the Secretary of Agri-

Mr. SCOTT. Undoubtedly.

Mr. GAINES of Tennessee. Then that is rather a technical objection, is it not?

Mr. SCOTT. It is rather technical, and yet after the provision has been carried apart from any bureau, as a paragraph by itself, and Congress then particularly and specifically picks it out and puts it under a given bureau, it seems to me that the Secretary might well construe it as being the intent of Congress to limit the investigations to that bureau.

Mr. GAINES of Tennessee. I understand the gentleman from Illinois disclaims that intention. Mr. Chairman, whether the amendment comes in here or not, I do hope some such amendment as this will be made to the bill somewhere. Exactly where it ought to be, I am not familiar enough with the bill

to say.

Mr. POLLARD. The gentleman says he hopes the item will be inserted in the bill. If he will turn to page 46, beginning with line 16, he will find the identical amendment offered by the gentleman from Illinois, except that it is not limited.

Mr. GAINES of Tennessee. I have that before me. Now, I want to ask the gentleman from Illinois why he puts this

amendment in here?

Mr. MANN. This is where it belongs, under the Bureau of Plant Industry. Like all the other items that relate to the handling of annual plants, this item ought to be under the Bureau of Plant Industry, where the money will be profitably expended. We have examined before the special Pulp and Paper Committee all of the people who have had to do with the experiments of the last year, and I want to say that, in my judgment, so far as value to the country is concerned, they have wasted the money undoubtedly. They have helped to give themselves necessary education. They were like the rest of us;

they did not know very much about it.

Mr. GAINES of Tennessee. If the amendment is adopted where you propose it, it will still be in the Agricultural Department and under the direction of the Secretary of Agriculture.

Mr. MANN. Oh, certainly.
Mr. DOUGLAS. The gentleman of course contemplates strik-

ing out the provision on page 46?

Mr. MARTIN. I should like to inquire of the gentleman from Illinois, in case this amendment carries, whether experimenta-tion could be made in this Bureau of Plant Industry on any plants except annual plants? Could they be made upon wood generally?

Mr. MANN. They could be made, of course, upon anything; but I may say to the gentleman, so far as the question of wood is concerned, they have learned nothing new, either in the Bureau of Forestry or anywhere else, in regard to the use of wood. Practically all kinds of wood are now used for paper making, so far as they are commercially profitable.

Mr. MARTIN. Is it the gentleman's judgment that the effect of the transfer of this item would be to limit the experiments to

annual plants only?

Mr. MANN. My own judgment is that if they use the money profitably they will use it in connection with the development of annual and perennial plants-probably largely in perennial plants, which grow from the roots and are cut down each year.

Mr. MARTIN. Would it not have the effect to abandon the

experiment in miscellaneous wood fiber?

Mr. MANN. Not at all. The Forestry Service is conducting experiments in regard to the use of wood, but not a single one has been made out of this fund, and not one of them has been made since this money was appropriated. We had the Bureau of Forestry before us, and they testified as to their experiments. We had this testimony before this was law at all.

Mr. MARTIN. What experiments have been carried on under

Mr. MANN. They have experimented in Washington on cornstalks, with a grass that grows in California, with rice straw, and have collected together some cotton stalks. They have experimented mainly for the purpose of showing whether a certain patented process could be profitably used by the Government. That is what the main experiment has been for. I do not like to say that, but that is the fact, and I do not think it is a proper expenditure of money.

Mr. MARTIN. Under what burea

Under what bureau has the experimentation

been carried on?

Mr. MANN. Under the direction of the Forestry Service, which I do not wish to criticise in this direction. They did not know anything about the making of paper, or paper material, contemplated by the bill. They had to learn. I have been on the Paper and Pulp Committee for a year, and we have learned a good deal and do not know much now. But in every step we have taken if we had known then what we know now, before we took a step, we might have taken a better step or not taken it at all.

Mr. MARTIN. Does not the gentleman think it likely that if we take advantage of what little has been learned and keep

on in that direction we might make some progress?

Mr. MANN. We have not learned anything except as to whether a certain patented process could be profitably used to separate fiber from the pith. The Warren mills made paper out of cornstalks years and years and years ago. That is where this paper that we have here is made, not by the Government, but in the Warren mills. I have a letter from Mr. Warren, in which he says that they have been experimenting on this subject for years, but never yet have they reached the point where it was commercially profitable, or where it looked as though it would be in the near future.

Mr. MARTIN. Under the terms of the bill, the Secretary could direct the experiments to be had in the Bureau of Plant

Industry

Mr. MANN. The Secretary of Agriculture is not posted on this subject. I make no reflection upon him when I say that he does not know anything about paper making, and that what he does not know would fill quite a volume.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to

ask the gentleman a question.

Mr. MANN. I have not the floor; but I will answer the gentleman.

Mr. EDWARDS of Georgia. What experiments have been made with cotton stalks and marsh grasses, if the gentleman knows?

Mr. MANN. There has been considerable experimentation made with cotton stalks, but cotton stalks are very bulky when you come to gather them, more so than cornstalks; and while you can make good paper or good fiber, it is not the opinion of those who have investigated the subject that it will ever be profitable to make paper out of cotton stalks as cotton stalks are now raised.

Mr. EDWARDS of Georgia. How about the marsh grass?

Mr. MANN. There have been experiments made on various marsh grasses. If the gentleman will read the bulletin issued by the Pulp and Paper Committee, he will find a letter from abroad on that subject which is very interesting. When they undertake to collect the grass which grows in the marshes of the South for paper making, the cost of collection up to the present time has been prohibitive as to cheap paper, and as to the more expensive paper, it does not compete with rag paper.

Mr. EDWARDS of Georgia. It fails in quality. Now, does not the gentleman think that this amount ought to be increased

to \$20,000 instead of \$10,000?

Mr. MANN. I think \$10,000 is all they want. I have discussed this matter with Doctor Galloway, Chief of the Bureau of Plant Industry, along the line of making an investigation of these plants. While I do not undertake to quote him at all, or express his opinion, still I think I know what he wants.

Mr. EDWARDS of Georgia. Mr. Chairman, I am in accord

with the gentleman's amendment.

Mr. SCOTT. I move that all debate on this paragraph and amendments thereto close in five minutes.

The question was taken, and the motion was agreed to. Mr. DAVIS. Mr. Chairman, I am heartily in accord with what the gentleman from Illinois has said and with the particular object and purpose of his amendment, but I am inclined to believe that there is a mistaken idea among some of the members of the committee. I understood that the amendment of the gentleman from Illinois was directed chiefly to the breeding of fibrous plants that might be tested and successfully used in the manufacture of paper. I ascertained more recently, however, that there was a dispute, if I may use that word, as to which bureau or department of the Government should particularly have charge of testing material for the making of

Mr. MANN. I hope the gentleman from Minnesota will not use that word; I never have heard the term used, or any question of dispute, and I do not think there is anything in it.
Mr. DAVIS. Then I withdraw the word "dispute."

it gingerly to ascertain the nature-

Mr. MANN. I do not think there is any dispute between the

departments about it at all.

Mr. DAVIS. Mr. Chairman, I would suggest the following amendment as a substitute for the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The gentleman from Minnesota offers an

amendment, which the Clerk will report.

Mr. DAVIS. It may not be in proper language, and I would like to read it from my place on the floor. After the word "dollars," in line 3, on page 17, insert the following:

For breeding of fibrous plants which may be used for paper making, \$10,000.

The paragraph under discussion is for general plant breeding and cooperative plant breeding demonstrations, \$14,840. That is not directed at any specific proposition, and the object of the substitute amendment which I propose is particularly to call the attention of the Bureau of Plant Industry to this proposition, that \$10,000 shall be used for the purpose of demonstration. strating by plant breeding any fibrous plants that in their judgment might be used for paper making.

Mr. MANN. Will the gentleman yield?

Mr. DAVIS. Certainly.

Mr. MANN. I would have no objection to the amendment of the gentleman, which would be subject to the point of order if the point of order were made. I think myself that the gentleman's amendment is better than mine, although I offered one not subject to the point of order.

Mr. DAVIS. Well, will the gentleman accept this as a substitute providing the Chairman does not rule it is subject to the

point of order?

Mr. MANN. It would be perfectly agreeable if no point of

order is made.

Mr. DAVIS. I think, Mr. Chairman, this would solve the problem, and it would fit in very admirably with the provisions of the bill on page 46, under the item of "Miscellaneous," which reads as follows:

Paper tests: To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be suitable for making

Now, that would be all right. The \$10,000 there could be properly used for the purpose for which it is specified by the Secretary of Agriculture; but if the Bureau of Plant Industry could breed a plant or plants and thus improve the fibrous quality thereof for paper making that this amendment of mine seeks to have them do, it certainly would not conflict in any way with the appropriation of \$10,000 on page 46.

The CHAIRMAN. The time of the gentleman from Minne-

The question is on agreeing to the amendsota has expired. ment offered by the gentleman from Minnesota as a substitute to the amendment offered by the gentleman from Illinois.

Mr. MANN. The amendment has not been reported yet, Mr.

Mr. DAVIS. I have offered this amendment verbally from my place.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for the amendment offered by the gentleman from Illinois the following:
"For breeding hibrous plants which may be used for paper making, \$10,000."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. SCOTT. Mr. Chairman, I believe I will ask for a division on that question.

The committee divided; and there were-ayes 41, noes 23. So the amendment was agreed to.
The CHAIRMAN. The question now is on the amendment

offered by the gentleman from Illinois, as amended by the amendment offered by the gentleman from Minnesota.

Mr. SCOTT. Mr. Chairman, I understood the amendment offered by the gentleman from Minnesota is in the nature of a substitute to the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair stated the question correctly, that the amendment was offered in the nature of a substitute.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, may we have the amendment and substitute reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment and substitute amendment.

The amendment and the substitute amendment were again reported.

Mr. GAINES of Tennessee. Mr. Chairman, as I understood that amendment, it was not for the purpose of making paper, but for growing plants out of which we are to make paper. Mr. DAVIS.

Mr. GAINES of Tennessee. If it is in order, I would like to offer an amendment on that patent question to this effect:

Provided, That all discoveries in making paper by the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the United States and the people thereof.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk reported the amendment.

Mr. SCOTT. I will reserve the point of order on that, Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous

consent to withdraw that amendment for the present, and I will offer it later.

The CHAIRMAN. Without objection, the amendment may be withdrawn.

There was no objection.

The Clerk read as follows:

For the study and demonstration of the best methods of meeting the ravages of the cotton boll wevil, \$146,470.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. This is a matter of very great, in fact of vital, importance to a number of us here. ask the chairman of the committee something about it. recommendation of the official under whom this appropriation will be administered was for an increase of \$150,000. The increase carried in this bill is a little less than \$50,000. ask the chairman of the committee if he does not believe it would be the part of wisdom for the House to grant a larger appropriation than that carried in this bill?

Mr. SCOTT. Mr. Chairman, the committee considered this matter very carefully, having the advantage of the advice of the gentleman from Mississippi and others on this floor, who appeared before the committee to represent the interests in their localities, and the committee, as a result of its deliberations, has

recommended the amount that appears in the bill.

I should like to call the attention of the gentleman from Mississippi to the fact that while only \$146,470 is carried in this particular paragraph for this work, there is carried under the Bureau of Entomology \$42,000; so that the total amount available for work in combating the boll weevil is about \$190,000. In addition to this amount, as the gentleman well knows, there is a considerable sum available through the National Educational Board, which is used in cooperation with the officials of the Bureau of Plant Industry in carrying on the work which they are doing for the purpose of combating the boll weevil; and, still further, considerable sums are contributed by the localities, not as great as ought to be, in my judgment, yet enough to very largely increase the total amount. It is the opinion of your committee that we ought to give for this purpose a little less than is actually needed, rather than quite as much or a little more, because if we give not quite so much it certainly has a tendency to stimulate local contributions; and in work of this character, which is not investigational so much as it is demonstrational, it is the judgment of the committee that localities immediately benefited ought to contribute at least a reasonable portion of the expense.

Mr. DOUGLAS. If the gentleman from Mississippi will yield for a moment while I ask a question I desire to ask of the gentleman in charge of the bill, I will be much obliged.

Mr. HUMPHREYS of Mississippi. I yield. Mr. DOUGLAS. I have a memorandum here to ask the wellinformed chairman of the committee why it is that an appropriation of \$150,000 is carried in one bureau and \$42,000 in an-

other bureau for identically the same purpose?

Mr. SCOTT. Because the work is carried forward along two entirely separate lines. The work of the Bureau of Plant Industry is to demonstrate by cultural methods, the selection of seed, and in other similar ways how cotton may be grown in spite of the boll weevil. The work of the Bureau of Entomology is to follow the life history of the weevil and attempt to get at the problem from that point of view, to ascertain what method may be best used to assist in its extermination. And they are having very gratifying success along that line, I may say, particularly in the direction of the introduction of parasites from other countries.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the chairman of the committee about that appropriation for the Bureau of Entomology. We have not yet reached it, but he has suggested it. The conditions of life, it is thought by the Chief of the Bureau of Entomology, in the delta sections of Mississippi and Louisiana are very different from the conditions of life under which the boll weevil has heretofore existed, and in the opinion of that bureau it is worth while to make a particular study of the weevil in those localities, and he is anxious to have a sufficient fund to establish an entomological laboratory there. I will ask the chairman now if the increase carried in the paragraph appropriating \$42,000 for the Bureau of Entomology, to which he has referred, is intended by the committee to be applied by the chief of that bureau for that purpose?

Mr. SCOTT. I would prefer to discuss the Bureau of Entomology when we get to it, but since the gentleman has asked the question I will answer it by saying that it is the expectation that with the increased appropriation it will be possible to

establish the laboratory to which he refers.

Mr. HUMPHREYS of Mississippi. And that is the inten-

tion?

The increase was made with that expectation. Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have a good many figures and statements from those who are in position to understand this question of the boll weevil thoroughly, the extent of its ravages, and so forth, that are very interest-ing to those parts of the country that are now affected, and I will ask, for that reason, permission to extend my remarks in the RECORD.

The gentleman from Kansas is mistaken, I think, when he says that the general education board is contributing to this fund. Their allotments go exclusively to States unaffected by the weevil, the effort being to notify the farmers of the approaching danger, and by introducing these new processes to prepare them for the wrath to come. I am not complaining, however, about the appropriation which is carried in this bill. It is an increase of some \$50,000 over the amount provided in the last bill, and I suppose I can say without violating any confidences that it is not only the expectation but the inten-tion that an equal additional increase will be put on in the Senate. In the light of our past experiences, I believe I can say that this will be seed sown upon fertile soil and will return to us an hundredfold.

In discussing the question of cotton production in the Southern States, it is difficult for anyone not conversant with conditions there to understand its vital relation to our people and that in most of the South it is the principal cash crop, and in a large portion of the South the sole cash crop; and, consequently, financial conditions are very sensitive to the question of cotton-

crop production.

I believe that it is of the highest importance to maintain this crop and that we can not readily change to a diversified agriculture that shall omit cotton; and, in my opinion, it would not be wise to do so, because cotton is one of the great staples of the world. The boll weevil from Mexico has invaded the cotton territory and proven an enemy of no insignificant force in this question of production; but the damage due to actual destruction of cotton in sections where the boll weevil has first appeared has been grossly exaggerated, and it is evident from investigations that I have made that a successful crop of cotton can be grown in spite of the boll weevil if the right methods are followed. There may be some years when it will be less and some years when it will be more, but a good average can be produced even with the boll weevil at its worst. Study of the effect of the weevil on the Texas crop before and since it has covered the entire cotton-producing portions of that State has given me greater confidence in the future of the cotton industry than I had before.

There is always a class of people who take the pessimistic side of every question and seem to glory in alarming somebody, or, if there be any alarm, in intensifying its effect. There are or, if there be any alarm, in intensifying its effect. There are two elements of disaster which attend the invasion of the boll weevil, one results from the actual destruction of cotton and the other from the condition of panic which takes possession of every community upon the arrival of the pest, and I am not sure which is the greater. Sane men, cool men, men who are conservative in all the affairs of life are startled to such alarm as has not been witnessed since General Grant landed his army Bankers decline to extend further credit to at Bruinsburg. merchants upon whom the farmer must rely for the assistance necessary to make a crop, and the tennant thus deserted must seek other fields of endeavor. Plantations are either deserted or sowed to some other crop, and when as a necessary result of such conditions the cotton yield of that particular section falls off materially from the average yield, that fact is heralded on the wings of the morning to strike further terror to the territory yet to be invaded. The alarm caused by the approach of no invading army in the history of the world ever bore such abnormal relation to actual devastation in its rear as the terror which the threatened attack of the boll weevil bears to the actual work which he does. In front of him men are fleeing the cotton field and in some instances sacrificing their property, while behind him the fields are still white in waving beauty and real estate higher than ever before.

I would not be understood as minimizing the seriousness of the situation which confronts us, nor of underestimating the damage which we are sure to suffer; but I do believe that the disaster which must befall every community, if all credit is withheld by the banks, can be largely averted if we can get not only the truth, but the whole truth, before those whose judgment

must direct the conduct of the banks.

The problem which confronts the planter in the Mississippi Delta is twofold. He must allay the panic which is liable to take possession of his tenant and his banker, not one or the other, but both, and to do this he must answer the question, Can cotton be profitably grown in spite of the boll weevil? In order to answer this let us inquire, Has it been done elsewhere? Can it be done in this delta? and first, Has it been done elsewhere?

The Department of Agriculture has answered this question most emphatically. The Bureau of Entomology, under the

efficient direction of its chief, Doctor Howard, and the division of farm demonstration work, under Doctor Knapp, have rendered invaluable service to the cotton planters and to the country by their ceaseless labors, and I wish now to make my bow to them both. I shall have more to say about the work of the Bureau of Entomology when we reach that paragraph in the bill; but as we are now considering the item which carries the appropriation for the farm demonstration work, I will refer more particularly to it. As the weevil has been in Texas for a number of years and we are able to study the statistics for this longer period, it will be interesting to know just what the facts there are.

The figures for a single plantation or a single county can not always be relied upon as furnishing an accurate index for general conclusions, but where the same cultural methods are introduced in a great number of different localities with practically unvarying results, we may safely base conclusions on these results. I shall print in the Record, as an appendix to my remarks (Appendix A), a list of farmers who have made experiments under the supervision of this division, planting 1 or 2 acres in their fields for that purpose, using the seed furnished and observing faithfully the cultural methods prescribed. There are 112 in all, taken from widely different communities, but all telling the same story of success. Nothing unreasonable is required of these farmers. There is not a more practical man in the United States than Doctor Knapp. He has simply adopted a system of cultivation that any farmer can readily follow with the implements he now uses on his farm. These farmers pro-duced—in the very worst of the boll-weevil territory, mind you—from three-fourths to a bale and a half per acre. His agents visit the farmers and agree with them to furnish the seed for the experiment and to supervise the working of the crop, in this way carrying the practical lesson to the very men who need it most. In order to carry this work on successfully. it is necessary to have an agent for each county.

I agree with the chairman of the committee that it is not desirable that we pay all the expense of maintaining these experts. I believe a part of that burden should be borne by the counties or States, and in the district which I have the honor to represent we are doing our part. Some of the counties in Mississippi are paying half the expense of the expert and some even more than that. I have a most interesting and instructive statement, prepared by a number of prominent cotton growers in Harrison County, Tex., which I shall print as an appendix to my remarks (Appendix B), and which will be all the more interesting when we recall that Harrison County was one of the worst infested counties in the State; that the ribbell there is about 50 inches per annum; and that, according to a statement from the department, "nearly every farm is surrounded by

Here is the statement at length: timber."

Harrison County, Tex., bordering on Louisiana, has a rainfall of about 50 inches per annum. Nearly every farm is surrounded by timber. During the general alarm caused by the advent of the weevil, many farms were abandoned in 1907, and others diversified so that there was an enormous reduction in the crop, due in part to the weevil, but, as many believe, to a great extent to the reduction in acreage caused by the spring of 1907 the formers' constitution.

the alarm.

In the spring of 1907 the farmers' cooperative demonstration work was introduced, but so late as not to have its full effect. Several hundred sample plats were distributed through the county. The effect of the work has been to restore confidence and, in a large measure, cotton production. The following letters from prominent citizens of that county will explain the situation.

The letters referred to are the ones I will append to my remarks when this speech appears in the RECORD. This letter is so pertinent that I will insert it right here in the body of my speech. Mr. Twyman is a merchant of Marshall, Tex., and knows whereof he speaks: MARSHALL, TEX., January 26, 1909.

Dr. S. A. KNAPP, Washington, D. C.

Washington, D. C.

Dear Sie: The people of Harrison County are very grateful for the work done by you during the last two years, for they feel it was indeed timely and saved many from bankruptcy. Many deserted their crops during 1907, but the presence of yourself, Mr. Proctor, and Mr. Plunkett kept up the courage of many, who, by their devotion to their crops during the boll-weevil scare, demonstrated to the rest of their countrymen that a crop could be made, even with the weevil present.

We believe that your work here prevented the depreciation of our lands in value and also kept our farmers from scattering over the world.

Yours, respectfully,

I have a very interesting statement compiled from the figures of the Census Office showing the yield per annum from 1903 to 1908 of the entire State of Texas, from which it appears that the total crop has not been seriously diminished. Various reasons have been assigned for this which I will discuss briefly, but one fact does unquestionably stand out quite prominently and that is that cotton can be produced and produced at a profit even

with the boll weevil present and at work. Just how much cotton Texas would be producing if the weevil were not there is another question. I have heard the statement that you can prove anything by the census figures. Be that as it may, I have a table here showing the production in Louisiana and Texas for some years past, and I shall print that, too, as a part of my speech (Appendix C). The point I wish to emphasize is simply this, not that the boll weevil is not a most destructive pest, because it would be very stupid to say any such thing, but that it is not an accurate treatment of the figures to charge every slump in the yearly crop—as, for instance, in the crops of 1905 and 1907—to the ravages of the boll weevil. These same slumps came before the weevil invaded the United States. For in-

Table showing difference between total production in bales of cotton in the years 1904 and 1905.

	Texas.	Louisiana.	Arkansas.	Mississippi.
1904	3,132,503	1,107,271	916,945	1,808,617
	2,490,128	523,871	615,837	1,198,568
Difference	642,375	583,400	301,608	610,049
	20+	52+	32+	33+

This table was prepared for me by the Department of Agriculture, with this explanatory note:

The foregoing table snows the great fluctuation in cotton production from one year to another, regardless of the presence of the boll weevil. Taking the years 1904 and 1905, the first was a good crop year in the State of Texas, Louisiana, Arkansas, and Mississippi, and the second was a poor crop year. The weevil had but just entered the border of Louisiana, but owing to conditions in the fall of 1904 and the winter of 1904 the effect of the weevil was scarcely to be taken into account in Louisiana in the periods mentioned.

The above table shows that the percentage of loss from the first to the second period in Texas, with the boll weevil over considerable of the State, was 20 per cent. In Louisiana, with the boll weevil over only a few counties and in those not disastrous at all, the loss was 52 per cent. In Arkansas, with no boll weevil, the loss was 32 per cent; and in Mississippi, with no boll weevil, the loss was 33 per cent.

I have another table to the same effect, which was also pre-

I have another table to the same effect, which was also prepared for me by the department, which shows the yield per acre:

Showing the fluctuation in production of lint cotton per acre between two consecutive years in the State of Texas.

		and the second second	Per co	ent.
Loss from 18	870 to	1871		34
Loss from 18	878 to	1879		36
Loss from 1	880 to	1881		30
Loss from 18	892 to	1893		48
				36
Loss from 1				31
				42
	TO STATE OF THE PARTY			0000000

All of these figures are intended to show and only to show that it is not an accurate, but, on the contrary, a very erroneous conclusion to draw that the weevil is responsible for all the short crops.

The statement is made by some that in the eastern and central portions of Texas the cotton production has greatly declined, and that the reason the State has maintained its general average is due to extension of the industry into the western or drier portions of the State and into portions where the boll weevil has not yet appeared. This will not bear investigation. This table will prove interesting in this connection:

	1903.	1904.	1905.	1906.	1907.	1908.4
East Central Semiwest West	651,651 1,239,290 446,888 68,317	889,452 1,683,352 422,658 116,741	460,100 1,374,412 426,493 171,713	898,973 2,080,652 720,241 257,753	473,945 1,157,561 318,362 258,153	788,323 1,896,285 786,799 200,450
Total	2,408,148	3,062,203	2,432,718	3,957,619	2,208,021	3,671,857

^a Estimated at 10 per cent above the census ginners' report of December 13, 1908, and leaving out 30,397 bales reported as scattering.

The official who prepared this table for me said in explana-

I took a map of Texas and ran a line from north to south, covering the wooded portion and the portion of greatest rainfall in Texas, averaging from 40 to 50 inches per annum. I then drew a line west of the great central portion, or black prairie region, which has produced frequently more than one-half of the cotton crop of Texas. This also extends from north to south and has an average annual rainfall of from 30 to 40 inches. In the division west of this I included the counties that had produced no crop of any great extent, and this division covered such territory as has a range of about from 18 to 30 inches of rain per annum. All the territory west of this, with a rainfall of from 18 inches down to 10 inches, was included in the fourth section, which produced in 1903, 68,317 bales of cotton.

In general terms it may be stated that the wooded portions.

In general terms it may be stated that the wooded portions, nominally called "eastern Texas," generally produced about one-fourth of the cotton crop, the central portion about one-half,

the semiwest, or sometimes called "semiarid," about one-fourth, and the western portion but a small per cent of the production. These figures show that in the last five years, during which period the weevil extended over the entire area, there has been an increase of actual production in the central and eastern divisions amounting to several hundred thousand bales.

They show, further, that the cotton crop of 1906 is over 900,000 bales more than the crop of 1904, though much greater territory was covered by the weevil in 1906. This great increase is due mainly to greater production in the central and eastern portions of the State; and in the great increase of cotton in 1908 over 1907, amounting to over a million and a half bales, over a million are to be credited to the central and eastern portions.

Another very interesting fact appears from the figures which the department has furnished, and that is that the yield per acre has been greater during the last five years—that is, 1903 to 1908—than in the preceding five-year period, 1898 to 1903, the exact increase being an average of 7.4 pounds. From this it seems clear that the new territory planted in cotton beyond the area of boll-weevil infection is not responsible for the fact that the total yield of the State is about normal. Another interesting fact which throws much light on this phase of the situation is that the center of production for the State has not moved 10 miles in the last four years.

To summarize, we have reports from 112 individual farmers in Kaufman County, Tex., Webster and De Soto counties, in Louisiana (Appendix A), showing that good crops have been made in spite of the weevil.

The report of the committee of farmers of Harrison County, Tex. (Appendix B), giving successful results from 300 demonstration crops, certified to and indorsed by the county judge.

Report of the special agent of the Department of Agriculture at Marshall, Tex. (Appendix C.) Census figures, which show the total crop in the boll-weevil

sections of Texas to be as large as ever and the yield per acre to be equally as great.

In view of these facts, I feel warranted in giving an affirma-tive answer to the question, "Has cotton been successfully grown elsewhere under boll-weevil conditions?"

I will now direct my remarks to a discussion of the other inquiry, "Can this be done in the Yazoo Delta?"

We have all grown familiar with the prophecy that the weevil will find conditions just suited to his hand in the wet timbered delta, where all vegetation is so luxuriant in weed and foliage. The prophet of evil has pitched upon this much-favored section as the bright particular object of his maledictions. Not maliciously, of course, but none the less persistent, until even now, before the weevil has actually begun his work of destruction, panic stands upon the borders of the delta, threatening to invade us with results equally if not more calamitous than the ravages of the weevil have ever been.

If any prophecy can be indulged with assurance from the facts now known, it is quite certain that the weevil in a comparatively few years will have spread over the entire cotton producing area of the United States. How vain, then, and senseless any exodus from one section of the cotton belt to another in an effort to get away from the weevil. True, this has not hurt the delta so far, but if the planters there are to hold the labor, which they now have in some plenty, it will be necessary to convince the banker that these prophecies of evil are not well founded. If the planter can get no advances he can not supply his tenants, and if the tenant is thrown upon his own resources for the bread that is to keep body and soul together he must of necessity leave the farm and seek another field for his activities. All this can be prevented if we can reassure the timid, and the way to do that is to satisfy them that cotton can be grown in the delta at a profit after the weevil comes. To this end every county should at once join hands with Doctor Knapp and employ an expert to establish and superintend these demonstration farms just as has been done in Texas and Louisiana. His cultural methods are radically different from those now in vogue on most of the delta plantations, but they are simple, and experience has demonstrated their value. The sooner this is done the better, and I am glad to be able to say that a number of the counties are doing it now.

It would be money well spent if there was no such thing as the boll weevil. I shall print (Appendix D) a letter from a man who terms himself a "single-handed" farmer, which shows not only the character of the work that is being carried on by the department, but the good effect produced where it is most needed. This man will not be panic-stricken when the weevil reaches him.

Washington County has an expert who will give his entire time to that county, and now Coahoma has done likewise. Each county pays \$1,200 toward the salary of its expert and

the department here pays the balance. But to return to the question, Can cotton be successfully grown in the Yazoo Delta after the boll weevil comes? Until we have been through the fire we can not, of course, answer this question, as Texas has done, by pointing to the record of the thing actually done, but it is entirely competent to ask, If Texas has done it, why can not we? The first answer we always have to this inquiry is that, being a heavily timbered section, where the annual rainfall is very heavy, our situation discourages us to hope for success. That the delta is a heavily timbered section and that our rainfall is quite heavy can not be denied, but both of these untoward circumstances will bear investigation and analysis.

I have taken this excerpt from a statement furnished me in response to my request by the Department of Agriculture:

It is claimed by all experienced in handling the boil-weevil problems that an important factor is to have sunshine so as to destroy the larvæ in the squares. The question of the ultimate rainfall in the course of the year is not so much a problem in cotton production as when that rainfall comes. It might come in the winter and make no particular difference, or if it comes in the summer the number of clear or sunshine days has a most important bearing. A light rainfall accompanied by clouded weather would be practically as bad as a heavy rainfall followed by clear weather.

Accepting this statement as authoritative, and we must so accept it considering its source, it will be interesting to examine the reports of the Weather Bureau as shown in the following tables:

Annual precipitation.

	1905.	1906.	1907.	1908.
Shreveport, La Greenville, Miss Dallas, Tex Yazoo City, Miss	63.12 66.65 55.02 57.43	34.35 54.65 44.61 52.11	89.50 45.99 35.84 47.35	(a) (a) (a) (a)

Precipitation, April to August, inclusive.

Shreveport, La.	86.94	18.98	18.86	26,63
Greenville, Miss.	34.91 29.73	17.40 28.03	11.31	26.03 21.82
Yazoo City, Miss	24.71	19.35	24.17	31.52

Clear days, April to August, inclusive.

Shreveport, La	67	72 96	81 92	60 81
Dallas, Tex Yazoo City, Miss	67 71 73 84	60 92	74 91	56 85

a Not vet available.

From this table it will be observed that while the annual rainfall in the delta towns (which the department says "is not so much a problem") is heavier than Shreveport or Dallas, the number of sunshine days during the growing season (which the department says "is an important factor") is much larger.

Taking Dallas, Sulphur Springs, Paris, Rockland, Waco, and

Taking Dallas, Sulphur Springs, Paris, Rockland, Waco, and Wills Point as representing fairly the cotton area of Texas; Shreveport, Monroe, Simmsport, Alexandria, and Baton Rouge as representing fairly the cotton area of Louisiana; and taking Yazoo City, Greenville, and Greenwood for the Yazoo Delta, we find that the number of sunshine days during the crop-growing months of the past four years averages, for Texas 58.67, for Louisiana 76, and for the Yazoo Delta 80.08.

The rainfall is heavier to be sure, but the department says in the extract just referred to, "The question of the ultimate rainfall in the course of the year is not so much a problem in cotton production as when that rainfall comes." The number of sunshine days in the delta during the crop-growing months, as seen, is larger in the delta than in Texas or in Louisiana, and in the light of this fact it is pertinent to read again the statement of the department:

It is claimed by all experienced in handling the boll-weevil problems that an important factor is to have sunshine so as to destroy the larvæ in the squares.

And now as to the other element of disadvantage which handicaps the delta planter—the fact that the delta is a heavily timbered section. By referring again to the table showing the crop of Texas by subdivisions for the past six years, we may be able to get some further light on this phase of the question. Bear in mind that the eastern division is the timbered section, where the rainfall is heaviest, averaging from 40 to 50 inches per annum. The central division is the black prairie region, with a yearly rainfall of from 30 to 40 inches. The semiwest (sometimes called the "semiarid") embraces those counties west of the great central belt, where the rainfall is from 18 to 30 inches; and the fourth division comprises all the State still farther west, the rainfall there being from 10 to 18 inches.

Total bales produced.

	1903.	1904.	1905.	1906.	1907.	1908.4
East Central Semiwest West	651,651 1,239,290 446,888 68,317	889,452 1,683,352 422,658 116,741	460,100 1,374,412 426,493 171,713	898,973 2,080,652 720,241 257,753	473,945 1,157,561 318,362 258,153	788,323 1,896,285 786,799 200,450
Total	2,406,146	3,062,203	2,432,719	3,957,619	2,208,021	3,671,857

^a Estimated at 10 per cent above the census ginners' report of December 13, 1908, and leaving out 30,397 bales reported as scattering.

A careful reading of these figures discloses the fact that, while there has been a very great fluctuation in the total crop from year to year, the variation in the timber section is no greater than in the prairie section. For instance, the decline in cotton production from 1906 to 1907 in the several sections enumerated was 47 per cent in the eastern division, 44 per cent in the central, 55 per cent in the semiwest, and there was a small increase in the west or arid, so that the entire decline was in the older portions of the cotton-producing counties, and the largest per cent decline was in the drier portion of the State. If the year 1907, which was a year of poor production and poor climatic conditions, be compared with 1905, another year of poor production, it will be noted that, while the total crop of 1907 was about 230,000 bales less than that of 1905, the eastern or timber division, the wetter portion of the State, shows a gain of over 13,000 bales, while in the semiarid portion there was a loss of over 100,000 bales, and in the prairie section the loss was more than 200,000 bales.

It may be considered very little consolation that the wet-land or timber-land farmer fares no worse than his neighbor in the prairie, since the figures show the falling off in one section of 44 per cent and in the other 47 per cent, which means practical ruin in either event. This is a very serious phase of the whole boll-weevil situation, because these figures are constantly paraded to show that all cotton planters are doomed to the demnition bow wows, whether the highland or the lowland goes But what about the crop in those States where there is no boll weevil? Take the counties in the Yazoo Delta, where there was no weevil, and we find that the crop in 1905 fell off from the crop of 1904 in Washington County 35 per cent; in Sunflower County, 40 per cent; in Quitman County, 43 per cent; and in the whole delta, 38 per cent; and in eastern division of Texas, 48 per cent. In other words, the falling off in the wet and timbered section of Texas, overrun by the weevil, was only 10 per cent greater than the falling off in the wet and timbered delta of Mississippi, without the weevil.

The following year, 1906, being a favorable crop season, both sections—that is, the timbered district of Texas and the delta counties of Mississippi—returned to their normal yield. Taking 1904, the high-water mark in cotton production, as a basis for comparison, we find that the weevil-infected district of Texas produced 9,521 bales more than 1904, while the delta counties of Mississippi made 38,295 bales less than 1904.

	1904.	1905.	1906.
East Texas division (timbered and wet)Yazoo Delta		460,100 255,819	

In view of all these facts, which are beyond any question or refutation, I believe it is unreasonable and unwarranted to predict or believe that cotton can not be produced in the delta counties simply because they are in a heavily timbered region and the annual rainfall is heavy, or to expect the damage from the ravages of the weevil to be any greater there than elsewhere or to any extent more prolonged.

Convincing as these figures are to me that cotton can be produced at a profit in spite of the weevil, I would not accept them if their lesson had not been confirmed by statements from gentlemen whose experience in the very territory affected enables them to speak with knowledge. I began by saying that I was not certain which was the element of greatest disaster, the destruction of cotton or the panic which the weevil produces when he first enters a community. I believe I would be warranted in saying that the panic has done more than the bug. I have a communication from a gentleman who has had a number of years' experience in different sections of Louisiana and Texas which have been overrun by the weevil, and I quote from it to show that my opinion is shared by others who are in a position to know whereof they speak:

The greatest disaster that seems to come to a section is the fright. Our people make their cotton largely by means of advances from merchants and bankers. All the advances are withdrawn upon the advent of the weevil; consequently the farmer is obliged to discharge his em-

ployees and cut down his acreage enormously. In addition to this, many small farmers that receive advances abandon their farms and remove to other territory or go into other business. The large farmers diversify extensively—that is, put in other crops—because they have not the means to pay for cultivating such large areas in cotton. This immediately reduces the crop, and then the alarmist cries "Look and see what an immense decline has occurred, due to the weevil." When the labor has gone and the small farmers have abandoned their farms and the larger farmers have commenced to diversify, it takes some time to get back to a normal condition, and the surprise is that the State of Texas should show such a record of recovery. We think it is largely due to the government work that has been put in, because we concede that the boll weevil is a bad pest, and we admit that certain things must be done.

A different kind of cotton must be planted, a cotton of earlier maturity, different habits of growth and fruit production, in some cases different bolls. Then the method of cultivation must be changed, all of which requires time and requires that some one give it attention to prevent great disaster coming to the people. It is my opinion that the Department of Agriculture has the problem well in hand, and will be able to handle it provided we furnish the means sufficient to send men into the field and do the following things:

First. Stop the alarm and show the people that a crop can be made, regardless of the presence of the weevil.

Second. Point out the kind of cotton that should be raised under boll-weevil conditions and how to cultivate it so as to secure a crop.

I have another letter which I shall print in full. It is from

I have another letter which I shall print in full. It is from the gentleman who has charge of this farm demonstration work, and who has had much experience in the campaign which has been waged against the boll weevil. I do not believe there is a man in the United States who is better qualified by training and experience to speak advisedly, and I commend his letter to the consideration of everyone who is earnestly seeking light on this most important subject. The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., February 1, 1909.

Hon. B. G. Humphreys, M. C., Washington, D. C.

Washington, D. C.

Dear Sir: You have frequently asked me in regard to the ravages of the boll weevil.

I have been raising cotton in Louisiana on a more or less extensive scale for twenty-two years, and have been familiar with the history of cotton in the Southern States during that period. In January, 1904, I opened an office in Houston and commenced the demonstration work on a large scale. The greatest obstacles that I had to overcome in this effort to make a cotton crop were the following:

1. The general impression that under certain conditions the people could not make a crop.

2. The withdrawal of advances by bankers and merchants, causing disaster.

1. The general impression that under certain conditions the people could not make a crop.

2. The withdrawal of advances by bankers and merchants, causing disaster.

3. The people were obliged to change their general methods; that is, change their variety of cotton planted and produce their own food supplies upon their own fathers. The requires time.

The requires

pecially to blame for not being able to put in as much cotton as they would under other circumstances. I feel confident that, with proper attention, your people in Mississippi need not fear the advent of the weevil.

Respectfully, yours,

S. A. KNAPP, Special Agent in Charge.

APPENDIX A.

The following is a list of a few demonstrators and their yields in the vicinity of Terrell, Kaufman County, Tex., and is in the territory infested by the Mexican cotton boll weevil.

One thousand three hundred pounds of seed cotton of the varieties shown will make a 500-pound bale of lint cotton, whereas ordinary cotton requires about 1,500 pounds of lint to make a bale.

Cotton crop, 1908.

	Name. Address.		Yield seed cot- ton per acre.	
			Pounds.	
W. Warren		Triumph	1,500	
B. Warren	do	do	1,800	
3. S. Phillips	do		1,500	
A. C. Vall	Kemp	do	1,500	
W. R. Lagow	Scurry	do	1,80	
J. W. Duke	do	do	1.50	
I. W. Stanfield	Marrall	do	1.80	
N Stallings	do	do	2,20	
O. F. Walton	do	do	2,20	
H. P. Gaines	Elmo	do	1,60	
). T. Weddington	Terrell	do	1,80	
D. T. Weddington	Elmo	do	1,00	
B. H. Conway	do	do	1,40	
I. C. Lyon	do	do	1,00	
Squire Peters	do	do	1,000	
O. J. Ledbetter	Forney	do	1,40	
A. S. Taylor E. G. Dunsom	do	do	1,60	
E. G. Dunsom	Kaufman	do	1,40	
S. E. Greenslade	do	do	1,00	
H. N. Hoffer	do	do	1,20	
J. W. Bain	do	do	1,20	
J. B. Haines	do	do	1,00	
J. P. Spence W. C. Brooks	Kemp	do	1,20	
W. C. Brooks	- Terrell	00	1,00	
W. Wickham	do	do	1,20	
T D MoNell	Pocces	do	1,20	
J. D. McNell	do	do	1,20	
E. C. Slayton	do	do	1,20	
J. Stanfield	Senery	do	1,50	
J. H. Ewing	do	do	1.00	
B. Williams	do	do	1,20	
A. Peede	do	do	1.00	
G. M. Chenoutt	do	do	1,00	
J. N. Buchanan	do	do	1,00	
M. L. McCormiek	do	do	1,00	
J. F. Carter	do	do	1,00	
W. P. Hightower	- Terrell	do	1,00	
J. F. Carter W. P. Hightower J. P. Springer	do	do	1,20	
F. K. McGinnis	do	do	1,20	
B. Holland			1,00	
E. P. Piper			1,00	
B. T. Pullin			1,50	
H. Pullin			1,50	
A. H. Beavers			1,20	
C. H. Bodin	do	do	1,20	
J. S. Grinnan	do	do	1.00	
W. H. Lyon	do	do	1.00	
J. H. Grannt	do	do	1.20	
C. W. Durham	do	do	1.40	
E. Langmity			1.40	

The following is a list of a few demonstrators and their yields, in the vicinity of Minden, Webster County, La., and is in the territory infested by the Mexican cotton-boll weevil.

One thousand three hundred pounds of seed cotton of the variety shown will make a 500-pound bale of lint cotton, whereas ordinary cotton requires about 1,500 pounds of lint to make a bale.

Name.	Address.	Variety.	Yield seed cot ton per acre.	
	77		Pounds	
J. W. Hortman		Triumph	1,80	
W. J. Word	Shoreston.	do	1,60	
Hugh McDaniel	- Snongaloo	do	1,40	
J. E. Sexton		do		
J. B. Lee	Leton	do	1,13	
S. L. Cole	Cotton valley.	do		
		do		
J. C. Fulbright		do	1,30	
F. Youngblood		do		
W. Alexander		do		
D. W. Pratt		do		
		do	1,00	
A. P. Lipscomb		do		
J. B. Fields		do		
W. A. Barrett		do		
F. M. Sexton		do		
J. S. Turner W. H. Hortman	Wellin	do	1,00	

The following is a list of a few demonstrators and their yields in the vicinity of Grand Cane, De Soto County, La., and is in the territory infested by the Mexican cotton boll weevil.

One thousand three hundred pounds of seed cotton of the varieties shown will make a 500-pound bale of lint cotton; whereas ordinary cotton requires about 1,500 pounds of lint to make a bale.

Name.	Address.	Variety.	Yield seed cot- ton per acre.
			Pounds.
R. H. Anthony	Cook	Triumph	1,334
C. M. Rassoe			1,000
H. T. Copeland	Renson	do	1,250
Walter Noland			1,300
W. L. Worsham		do	1,000
G.W. Tull	Grand Cane		1,000
Mrs. S. E. McMicall			1.150
Mrs. I. V. Cowdin	do	do	1,000
B. W. Cowdin	do		1,300
O. E. Milby	do	do	1,300
L. H. Richardson	do	do	1,300
W. S. Phillips			1,100
W. E. McMicall	do	Rowdan	1.500
			1.000
J. B. Abington			1.460
David Johnson			
	do		1,200
G. C. Dixons	do	Triumph	1,040
W. E. Stong			1,250
J. F. Fisher	do	Triumph	1,450
W. S. Powell	Stonewall	do	1,325
E. H. Powell			1,370
J. M. Nelson			1,12
J. A. Williamson	do	do	1,160
Henry Marshall	do	do	1,000
J. J. and W. A. Louy	Gloster	do	1,250
J. H. Sample	Longstreet	do	1,134
M. Rowe	do	do	1,000
H. W. Dixon	do	do	1,050
Wm. Bigham	Mansfield	do	1,000
Eugene Milford	do	dc	1,000
L. A. Lowery	do	Bank Account	1,200
J. T. Guy	do	Triumph	1,200
J. T. Guy T. H. Risher	Pelican	do	1,114
W. E. Risher	do	do	1,122
W. D. Coday	Logansport	do	1.250
W. C. Arsett	do	do	1,200
W. C. Clark	do	do	1,000
L. B. Adams	do	do	1,400
E. C. Ashton	do	do	1,000
	do		1,450
Royal Dennis	do	do	1,200

APPENDIX B.

APPENDIX B.

Dr. S. A. KNAPP,
Farmers' Cooperative Demonstration Work,
Lake Charles, La.

Dear Sir: We, the undersigned committee for Harrison County,
Tex., make the following preliminary report on the farmers' cooperative
demonstration work done the past season in this county.
On account of the ravages of the boil weevil, Harrison County, Tex.,
was threatened with a disaster in the loss of the cotton crop that
would affect every material interest in the county. The loss of money
was not the sole consideration; our tenants and farm laborers would,
to a large degree, leave the county, and would thus permanently injure
our Commonwealth. In this emergency we appealed to the United
States Department of Agriculture through you for advice and aid;
you came to our county and organized the work in February, 1907,
under an arrangement by which the Department of Agriculture would
furnish the superintendents and the people of this county would raise
enough funds to buy improved seed for the demonstration farms.
The citizens of the county promptly raised and deposited in bank
\$1,000 and later contributed \$700 more, making a total of \$1,700 invested in better seed. All agreements between the Department of Agriculture and the people were promptly and satisfactorily carried out.
Almost without exception this was the worst season this section has
ever known for producing cotton, but, without reservation, we wish to
make the following statements:

First. The results of the demonstration work have been in the highest
degree satisfactory to our people, and they regard this movement as
one of the greatest ever made for the upbuilding of our section.

Second. Our people are unanimous in asking for its continuance, and
would regard the discontinuance of the work as an untold disaster.

Third. Among the many good things accomplished, we enumerate the
following:

(a) It established over 300 demonstration farms, scattered over the
entire county.

(b) It taught better culture and introduced better seed. These two
items alone were wort

JNO. H. POPE.
W. T. TWYMAN.
P. G. WHALEY.
M. SCULLY.
H. B. MCWILLIAMS.
W. L. MARTIN.

Mr. S. A. KNAPP.

The committeemen are well known to me and are among the most substantial and reliable citizens of Harrison County, Tex., and I also personally indorse the statements made.

County Judge, Garrison County, Tex. MARSHALL, TEX., January 27, 1909.

Dr. S. A. KNAPP, Washington, D. C.

Dr. S. A. Knapp, Washington, D. C.

Dear Sir: The year 1907 was a great factor for the cooperative demonstration work, for the fact that it demonstrated beyond a doubt that cotton could be made in a district where boli weevils were as bad as they were ever known anywhere. Our people became easy in their minds about the boll weevil, and there was not a farmer in Harrison County afraid to plant cotton in 1908. The year 1908 was one of unprecedented rainfalls and great floods, which ruined many fields of corn and cotton, and boll weevils were almost as numerous as they were in 1907. With an increased acreage of probably one-third over 1907, more than 17,000 bales of cotton of the 1908 crop have been produced according to the last ginner's report. It is estimated that the yield of cotton in Harrison County for 1908 will reach 20,000 bales.

In 1907 R. Scott, of Scottsville, a large planter who furnished his tenants, did not believe we could make cotton and fight the boll weevil. He called in all the men he could from his farms and had them cut cross-ties to pay for the provisions already furnished. The same thing was done by J. M. Furrh, at Elysian Fields, who is about the largest planter in Harrison County. These men and others who took the same course are working with us now, and they never mention the boll weevil with any fear.

The price of lands in Harrison County in the spring of 1907 was at the lowest ebb, ranging from \$4 to \$20 per acre. Since the successful fight against the boll weevil and the general advancement in agricultural work, lands have advanced from 100 to 500 per cent.

Tom O. Plunkett,

Special Agent. Farmers' Cooperative Demonstration Work.

Special Agent, Farmers' Cooperative Demonstration Work.

APPENDIX C.

Actual production of cotton in Texas and Louisiana. [From Census Reports.]

	Texas.	Louisiana.
1908 4	Bales. 3,705,761 2,267,293	Bales. 510,752 679,782
1906 1905	4,066,472 2,490,128	979,270 523,871
1904	3,132,503 2,454,616	1,107,271 836,334
1902 1901 1900	2,475,881 2,491,394 3,368,310	886,365 852,448 720,088
1899	2,556,413 3,363,109	713,929 717,747
1897 1896	2,822,408 2,122,701	788,325 567,251
1895	1,905,337 3,140,392	513,843 760,757
1893	1,997,000	473,000

⁶ Based on Census Bureau Ginners' Report of December 13, 1908, adding the usual percentage of crop not reported.

Production of cotton. [From Bureau of Statistics.]

	TEXAS.	Bales.
1878		1, 105, 133
		752, 500
*000		1, 224, 162
1000		1, 326, 000
4000		1, 118, 000
1001		995, 400
400*		1, 332, 027
1000		1, 400, 698
100#		1, 584, 131
		1, 594, 305
		1, 471, 242
		.,,
L	OUISIANA.	
1878		476, 629
1879		593, 431
1880		359, 147
1882		560, 000
1883		490, 200
1884		485, 200
		487, 722
		471, 974
400		504, 622
7444		446, 778
1000		659, 180
		200, 100

APPENDIX D.

BERRY, ALA., October 5, 1908.

Mr. S. A. KNAPP.

Sin: I have thought that I would rite you for some time, but for neglect have waited to long. I am one of your demonstrators and as true a one as you have. Words can not express my thanks to you for your help and what you have learned me about farming. This year I had I acre, this coming year I ame to put my entire crop in as I did that acre. I am a singlehanded man, no help and renting land. Some say they don't see how I make a living, just me to work and feed two big mules. I tell them that the mules feed themselves and if I make the landowner any money I will make some for me. I think by having an early start that I can get in 8 acres this time, 3 in cotton and 5 in corn. I think I will get 3,000 lbs. of cotton off my acre if it all opens. The seed you furnished me is the finest that

I ever saw, me and two other men picked 100 bolls that Triupmh cotton in my acre that weighed 3½ lbs. That beat anything I ever saw. The Triumph cotton has been gined here and found to beat 40 per cent. That is far ahead of anything we have had here before. Anything you will send me will be more than apreciated. When I get any mail from you I dont stop till I read it throe. The farmers are coming more together with your work than anything that ever came along. I think in a few years the farmers will be rite along together. Dont forget me, anything you can due for me I will be glad to get it. The knights are giting long and I would like to read something from you every night.

I will close. Hope you have not wearied over this hard wrote letter. I am your friend,

J. A. KELLER, Berry, Ala.

APPENDIX E.

Extract from a letter of Col. Charles Schuler, commissioner of agriculture, addressed to the farmers of Louisiana December 19, 1908, and published in the Shreveport Times, in which the writer takes strong grounds in the paper of the possibility of raising cotton under boll-weevil conditions. Among other things, he said:

grounds in the paper of the possibility of raising cotton under boll-weevil conditions. Among other things, he said:

EXAMPLE OF DE SOTO.

In my own parish of De Soto diversified farming has proven a marked success. * * Prosperity is returning to both the farmer and merchant, and this can be credited to nothing more than making the farm self-sustaining and to adopting the up-to-date methods of fertilization and cultivation. Two farmers particularly in De Soto Parish may be pointed to as a very successful in the fight against the weevil, Mr. D. J. Bland, of Logansport, and Mr. A. R. Roach, of Mansfield. The former gentleman has averaged 1,000 pounds and over of seed cotton per acre for the past three years, farming on relatively poor, upland soil.

Mr. Roach, at Mansfield, has done equally as well on his upland soil, and has made this year nearly a bale to the acre on bottom land. Mr. Roach frankly says that he has averaged more cotton per acre during the past four years fighting the weevil than he did during the fourteen years preceding 1904 farming on the same land.

Success in fighting the weevil is by no means confined to hill farmers. E. N. Norris, of Grand Bayou, and J. M. Robinson, of Bayou Le Chute, both farming in Red River Valley, made good crops last year.

Even at Bunkie, where the weevils were worse this year than anywhere in the State, R. F. Keary made over 600 pounds of seed cotton to the acre in spite of the weevils and bad weather. It is true that some of his neighbors falled to make a crop, but they did not follow the improved methods advocated by the crop-pest commission and the Department of Agriculture. Porter Fisher, farming at Keachie, after five years' experience with the weevil, says:

"I am just now finding out how to make cotton. You have got to clean up your fields in the fall, plant early varieties, fertilize heavily, and cultivate for all you are worth."

Mr. Fisher this year made 8 bales to the mule on hill land.

Others May Do As Well.

OTHERS MAY DO AS WELL.

OTHERS MAY DO AS WELL.

What these men and others have done can be done by any intelligent farmer who attends to his business as he should. The more provident colored people can do the same thing with proper instruction and encouragement.

Some people hold to the opinion that the negro can not be induced to adopt better methods of cultivation or to diversify successfully, but my own experience with the colored men on my own place at Keachie has been such that I have great hopes for the future of our colored farmers if they be but rightly instructed and encouraged by their white brethren. In February, 1907, I received information from De Soto Parish that there was an exodus of negro laborers from that part of the parish known as "Africa." The laborers were going to Oklahoma, and I was requested to go up and visit that section to see if I could do something to stop it. I went and held a meeting of the heads of negro families at the negro church for a plain, practical, business talk. On a Saturday I met 96 negro men there, and I talked to them for an hour and a half on diversification, more industrious habits, buying less on credit, and explaining to them that the South was the country for them to live in; that they were among friends, etc. I promised them that demonstration farms would be established in their midst and an occasional lecture given to teach them. I wired Doctor Knapp, of the United States Demonstration Farm Work, and had established in the parish of De Soto 240 demonstration farms of from 3 to 5 acres each, with a lecturer to visit these farms as often as it was possible for them to do so.

WAS PERSONALLY INTERESTED.

a lecturer to visit these farms as often as it was possible for them to do so.

WAS PERSONALLY INTERESTED.

I was personally interested in that section, having 800 acres of land there being worked on the tenant system. I had one demonstration farm established on my place under the control of a negro, who owed me \$623. I went to Europe in the interest of immigration and did not return to my plantation or parish until the following November. My experience with my tenants was as follows: The negro who owed me \$623 paid me every cent of it; had three bales of cotton left over, and had plenty of corn and meat to do him for that year. I supplied him for the year 1908, and his indebtedness at the end of the season was only \$32. He has 11 bales of cotton and again had plenty of corn and meat to do him. Another negro owed me over \$300 for the year 1907. He paid it all; paid me \$80 cash for a mule, had some money left over, and had plenty of corn and meat to do him. One negro who had been working for me sixteen years, and who had never been out of debt before, came out of debt and had some money left over, besides a plentiful supply of corn and good meat. The fact is, every one of my tenants and neighboring negroes in the improvement of the 1008 crop to, first, the talk I gave them, and secondly, to the establishment of the demonstration farms in their midst. It stopped the exodus of negro laborers, and a number are now in a prosperous condition.

The CHAIRMAN. Is there objection?

The CHAIRMAN. Is there objection?

There was no objection. The Clerk read as follows:

For investigating the methods of growing, harvesting, packing, storing, handling, and shipping fruits, and for experimental shipments of fruits within the United States and to foreign countries, \$71,360.

Mr. EDWARDS of Georgia. Mr. Chairman, I want to offer an amendment, to insert after the word "fruits," on lines 2 and 3, page 18, the words "and melons."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 18, lines 2 and 3, after the word "fruits," insert the words and melons."

Mr. SCOTT.

Mr. SCOTT. I accept that amendment. The CHAIRMAN. The question is on agreeing to the amend-

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to hear it read as amended.

The Clerk read the paragraph as amended.
The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, and electric current, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for rent and repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, \$317,960, of which amount not less than \$270,320 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixtis of all seeds, bulbs, shrubs, vines, cuttings, and plants, shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or malled by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine: Provided, however, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary of Agriculture, and the Berestantives, and Delegates in Congress remainin

Total for Bureau of Plant Industry, \$1,620,736.

Mr. SCOTT. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 16, page 19, after the word "seventy," the word two," so as to read "\$72,320."

Mr. SCOTT. The purpose of the amendment, Mr. Chairman, is merely to correct a typographical error.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: Provided, That the cost of any building erected shall not exceed \$500; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated: Provided, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July I, 1910; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other laber required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and

illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the city of Washington and elsewhere, \$3,986,000: Provided, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly, connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Mr. MONDELL and Mr. MARTIN rose.
The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. Martin].
Mr. MARTIN. Mr. Chairman, I would like to inquire of the chairman of the committee whether, in his judgment, there is any good reason why this large lump-sum appropriation of nearly \$4,000,000, in this paragraph, should not hereafter be classified and apportioned separately as in other appropriation

Mr. SCOTT. I hope there is no reason why it should not hereafter be classified and itemized more closely. It seemed, however, to the committee that it would be impracticable to do it in this bill, for the following reasons: This year there has been a very marked change in the organization of the bureau, by means of which the national forests have been divided into districts and headquarters have been established for each of those districts in the field, so that a very large amount of the work that hitherto has been done in Washington is now done in the headquarters of the various districts.

Mr. MARTIN. Does the gentleman think that if the appropriations for this bureau had been made after the usual method of apportioning the amounts the large number of separate heads of the bureau through different portions of the West would

probably have been established at all?

Mr. SCOTT. I have no reason to doubt that the chief of the bureau would have been of the same opinion that he is now, that greater efficiency could be reached through the organization which he has adopted.

Mr. MARTIN. In the manner that the committee has recommended these appropriations is there anything except the opinion of the chief of the bureau to govern how he shall use this

Mr. SCOTT. There is nothing. The question of more closely itemizing this large fund was discussed at length by the committee, and the chief of the bureau was asked to submit an

estimate in a different form.

He did this, saying that it was the very best he felt he could do without running great risk of hampering the service, by submitting an estimate, in which he divided the appropriation among the various districts, giving in a lump sum the amount he expected to expend in each of the districts. That did not seem to the committee to be getting any nearer the result it desired than the original proposition. The Forester gave to the committee his assurance, however, that after this new system had been in operation for a year he would be able to, and he would, send an estimate, itemized as the committee de-sired. He thought it was impossible, however, for him to do it now, because the new system has not been tried long enough to enable him to make a reasonable guess as to the manner in which the funds should be assigned.

Mr. MARTIN. Is it the purpose of the committee to here after systematize the appropriations for this bureau as all

others under the service?

Mr. SCOTT. It is the decided purpose of the committee

Mr. MARTIN. I should like to call the gentleman's attention to the following section, and inquire whether the purposes there enumerated for which this \$600,000 additional is added to this general sum are not all subjects that can be covered by the authorizations already given in the previous section. I notice, for example, in the last section: "Erecting necessary buildings;" and further, "to improve the national forests;" and I notice in the following section the general clause "to erect cabins and fences and other permanent improvements, \$600,000." Does not that mean to accumulate \$600,000 for purposes already covered by the general section?

Mr. SCOTT. Not in the opinion of the committee, and not according to the construction of the bureau. The appropriation for permanent improvements has been carried, I think, for the last three years—the sum fixed the first year being \$500,000;

last year, \$600,000; and for the coming year, as provided in this bill, the same amount; and it has been the construction of the Forester that he is limited in the work of permanent improvements to the amount provided by this paragraph.

Mr. MARTIN. Well, for example, I notice for "necessary buildings" in the main paragraph, and the buildings shall not exceed \$500 each. The following paragraph provides \$600,000 for general improvements. Certainly that whole \$600,000, without any limitation, can be expended in making buildings to cost not exceeding \$500 each, can it not?

Mr. SCOTT. I think so, Mr. MARTIN. In other words, it means an added, accumulated appropriation. It can be used for at least some of the purposes already covered by the appropriation of \$3,900,000.

Mr. SCOTT. The committee concedes without any cavil the various suggestions the gentleman is making touching the desirability of greater itemization in this appropriation, and if it had seemed possible to secure such an arrangement it would have been done.

Mr. MARTIN. If I have any further time I desire to say that while from the beginning I have been, and still am, enthusiastic for the conservation policy of the Government, particularly as far as it pertains to the proper preservation and utilization of the forests, that the sentiment throughout the West with reference to the way this service is being applied is growing more and more adverse to it.

It is becoming very difficult for the settler; the man who is honestly looking to a particular spot to make his home, containing the proper area where he can settle, is almost sure to find that the ranger desires to select this particular piece as the site of a government cabin. The settlers in a given locality render a great deal of service in the conservation of the forests, for the reason that they are interested in putting out fires on the range. I think it is an extraordinary expenditure of money, without any stipulation as to what manner and for what purposes it is to be used, and the tendency of it frequently is rather to subvert than promote the interests of these great forests, in which we of the West take a lively interest. For one I would like to suggest to the committee the propriety of bringing this bureau as rapidly as possible to that proper administration that applies to the other branches of the public service.

Mr. PARSONS. I understood the gentleman to say that the settlers could render services equal to those of the ranger. Will

the gentleman explain that?

Mr. MARTIN. I think my statement will be found not to go to that extent. It is well known to people familiar with the forests, that the settlers in that section are interested as individuals in the preservation of the forests and the prosperity of that locality, and will readily cooperate with the Bureau of Forestry in its efforts to prevent and extinguish fires. They are anxious to promote the well-being of the locality and in a proper and legitimate way to help this service in protecting any of our natural resources.

Mr. MONDELL. I offer the following amendment.

The Clerk read as follows:

Page 24, line 7, strike out "nine" and insert "four."

Mr. MONDELL. Mr. Chairman, the amendment I propose reduces the lump sum appropriated for the Forestry Service in the sum of \$500,000. The committee increased the very liberal appropriation of last year

Mr. PARSONS. I would like to reserve the point of order

against that amendment.

The CHAIRMAN. The point of order is too late.
Mr. PARSONS. I withdraw the point of order.
Mr. MONDELL. The amendment is not subject to the point

of order. As I said, the amendment reduces the lump-sum appropriation by \$500,000. The committee has increased the very liberal appropriation—I may say the very extravagant appropriation—carried in the bill last year by \$750,000.

In the report of the committee the statement is made that that

increase is necessitated by the increased acreage within the reserve, it being stated that 17,000,000 acres have been added to the reserves since last year. Now, the bureau insists that it expends about 9 mills per acre for the administration and care of the reserves; but assuming that 1 cent per acre is to be expended in this way, this additional area would call for an additional appropriation of \$170,000, rather than \$750,000. However, the very liberal appropriation of last year, taken altogether, amounts to about 2\frac{3}{2} cents per acre. On that basis this increase should be not \$750,000, but about \$450,000. However, the bureau, in its report—and, I think, the Forester in his statement before the committee—called attention to the well-known fact that territory newly included in reserves is not, during the

first year or so, very closely patrolled or as fully and expensively administered as later.

Therefore, assuming that this appropriation ought to be increased at all (and in my opinion it should be decreased a very great deal, in the interest of the purposes for which the re-serves were established), it certainly ought not to be increased over \$250,000. Therefore I have presented my amendment.

On yesterday I gave some facts and figures with regard to the extravagant expenditures of this service. I called attention to the fact that, without any specific authority so to do, the service had established six departments or field divisions last year, and, according to the estimates for the coming fiscal year for the maintenance of the headquarters of these six divisions, the cost will amount to \$835,360 for purely clerical services, clerks, and assistants connected with these division headquar-The incurrence of this vastly increased appropriation does not bring about any corresponding decrease in the appropriation in Washington; for while the amount estimated for the Washington office last year was \$571,000, the amount asked for the Washington office this year is \$490,000. So that there is an increase in the field for purely clerical services of over \$800,000, and a decrease in Washington of about \$80,000; so that in this one bureau, supposed to be established for the protection of the forests and the conservation of the water supplies, the increased cost in one year for purely clerical work is \$754,300. As a matter of fact that is what this increased appropriation is needed

Now I think that the expenditures of the Forestry Bureau have been quite extravagant enough in the past. The bureau pays from its lump-sum appropriation more high salaries in proportion to the number of its employees than any bureau of the Government. It is notorious in the region in which these reserves are located that high-priced men in great numbers are constantly going over the reserves to investigate this, that, and the other condition, or alleged condition; that a large portion of the time of these scientific gentlemen is, consumed in attending meetings and in furthering the very elaborate propaganda of this bureau, carried on for the purpose of strengthening its hold among people who are acquainted with the character of the work which it is actually performing.

Now, Mr. Chairman, it seems to me that we went quite far

enough last year in increasing the appropriation, and in adding to the lump-sum appropriation \$600,000 for permanent improvements, and that we shall be treating the bureau not only fairly but liberally if we give them an increase, not of \$750,000, but \$250,000.

Mr. PARSONS. Does the gentleman contend that the administrative districts that were established are against efficiency, or in the direction of efficiency?

Mr. MONDELL. In my remarks yesterday I said I did not pretend to pass on that question. I am inclined to think that it might be well for the Forestry Service to do as the Land Office does, establish administrative districts, with modest and reasonable headquarters, costing three or four thousand dollars a year each to maintain, through which certain reports may be transmitted to the central office at Washington, and where certain questions may be settled without reference to the Washington office.

I am not certain as to that, but when the bureau establishes six districts, that cost all the way from \$144,000 to \$147,000 each per annum for clerical services alone, we are not surprised that they are asking for \$35,000 worth of typewriters for the coming fiscal year to keep this force busy.

Mr. PARSONS. Will the gentleman yield for another ques-

Mr. MONDELL. I will. Mr. PARSONS. Is not it necessary in establishing the administrative districts to send the records to those districts and keep the records there?

Mr. MONDELL. If the gentleman wants to know the opinion of the gentleman from Wyoming on that subject, I will be frank about it. My opinion is this: These expensive administrative districts were largely established for the purpose of stemming the tide of popular opposition to certain policies of the department in the region in which it operates. That is my opinion.

Mr. PARSONS. Will the gentleman answer the question whether it is not necessary to send out there to each administrative districts these records?

Mr. MONDELL. I do not think of any special records that would be needed. The maps of the reserves are printed in duplicate. It would not be expensive to send those out there. The gentleman recalls that in the matter of land titles the Agricultural Department must yield to the Interior Department, and

therefore the questions relating to patents and to rights of way in the nature of easements must be referred to the Interior Department, and all land plats are in the Interior Department and not in the Agricultural Department.

Mr. PARSONS. What are the records that the Bureau of Forestry keeps

Mr. MONDELL. I am not fully informed on that subject. I presume they have some records.

Mr. PARSONS. They have records in regard to permits? Mr. MONDELL. I do not think it would cost \$147,000 to send the records to Missoula, and it would cost \$141,000 to amount to keep the men to look after them.

Mr. PARSONS. How many permits are granted in the Mis-

soula district a year?

Mr. MONDELLI. Oh, a few thousand; and the gentleman from New York, if he was running the reserves, could issue all the permits that are issued all over the United States and he

would not be near as busy as he is now. [Laughter.]

Mr. PARSONS. I want to say that I visited a forest reserve
in the gentleman's State, and I was very much impressed with the work they were doing.

Mr. MONDELL. Oh, they do some good work. Spending the money they do, it would be strange if they did not.

Mr. SCOTT. Mr. Chairman, inasmuch as this matter has been very thoroughly discussed, I ask unanimous consent that all debate close on this amendment in five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate on the amendment close in five minutes. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, it is true, as the gentleman from Wyoming has suggested, that one reason given for the increase in the appropriation for the forest reserves allowed in this bill is the extension of the area of the forests, but that is not the only reason. Additional reasons, and very strong ones, are found in the tremendous increase in the use of the forests. As I stated in my opening address yesterday:

The books of the Forest Service show that last year the number of timber sales increased 206 per cent, the amount of timber cut 102 per cent, free-use permits 176 per cent, and the number of special permits 67 per cent, while the sales and fees received increased 20 per cent. Summing it all up, the total increase in the amount of business done was 46 per cent.

Obviously a very large increase in the use of the forests demands an increase in the forest force, and an increase in the forest force calls for an increase in the appropriation to pay that force, just as an increase in the business of a merchant, in the number of customers coming into his store, calls for an addition to the number of clerks.

But not only has the use of the forests increased, but it is hoped through this new arrangement to facilitate the transaction of business for the benefit of those who use them.

If I mistake not, one of the complaints of the gentleman from Wyoming, as voiced in this Chamber heretofore, has been the tedious delay in the transaction of business brought before the Forestry-Service. One of the first purposes sought to be gained by the new system, whereby the forests are divided into districts and headquarters are established in the field, is to facilitate the transaction of business so that hereafter there will be no occasion for such complaint.

I can not acquiesce in the statement that the bureau is administered with wanton and reckless extravagance. It was found by the Keep Commission, which investigated the departments two or three years ago, that the average salary paid to employees in the Forestry Service was less than was paid to the employees of other departments of the Government.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SCOTT. Yes.
Mr. MONDELL. Is not that due to the fact that the men who actually do the work in the Forestry Service, the rangers, receive very low salaries; but is not my statement a moment ago also true, that there are more very high salaries in this bureau in proportion than in any other?

Mr. SCOTT. Mr. Chairman, I take it that the rangers are paid salaries which are adequate or it would be impossible to supply the places, and I take it that the salaries paid to other officials are such as similar services could command in other employment.

Mr. LAMB. I will state that the average salary is \$900.

Mr. SCOTT. I thank the gentleman for his suggestion. The average salary paid professional employees, I am reminded by the gentleman from New York [Mr. Parsons], is about \$1,500 a year, and I know of a number of cases in which some of the highest-salaried employees of this bureau have left this service in order to go into private employment, where they could be

paid a larger salary. It must be understood that the men who are charged with the large responsibility of conducting timber sales involving many hundreds, and sometimes many thousands, of dollars, must be high-grade men. They must be expert, skilled men in the timber and lumber business, and such men

can not be employed for a paltry sum.

It seems to me that the committee has not erred on the side of extravagance in recommending an increase of \$750,000. The only question we had in our minds was whether we had recommended enough. The Secretary's estimate asked for an increase of \$2,100,000, and we thought when we were cutting it down to \$750,000 we were possibly making a mistake on the side of economy, because there are chances that too great economy in this service may prove to be wasteful extravagance. I pointed out in my opening address the other day that by virtue of the work done in this service there was saved during the past season alone forests to the amount of \$34,000,000 from losses by fire, estimating losses which would have occurred without forest protection by those which did occur in the privately owned

The CHAIRMAN. The time of the gentleman has expired. Mr. DOUGLAS. I ask unanimous consent that the gentleman's time may be extended for five minutes.

Mr. SCOTT. I do not care to continue it.
The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by

Mr. Mondell) there were—ayes 15, noes 47. So the amendment was rejected. The Clerk read as follows:

Improvement of the national forests: There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$600,000, to be expended as the Secretary of Agriculture may direct, for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last I would like to ask the gentleman in charge of the bill a question. As I understand the present administration of forest reserves, it is like a large business, carried on by the Government, and growing more so all the time; that is, the Government is the landlord of an enormous domain, which it rents out for forest purposes, and carries on in that way a business of forestry, grazing, stumpage, selling timber, and the like.

Mr. SCOTT. The gentleman is correct.

Mr. DOUGLAS. That being so, is it contemplated by the committee and by the Government generally to continue this for an indefinite term of years, and to keep control of these forests and to carry on this business, the renting out of land, of water power, and selling timber?

Mr. SCOTT. It is the policy to hold possession perpetually of these national forests, partly to guard against the timber famine which is threatened for the future, partly to protect stream flow, according to the judgment of the Chief Forester,

and for other important public purposes.

Mr. DOUGLAS. Then, is it not expected soon, or at least ultimately, that this business, which is nothing more or less than a large commercial business, shall become self-sustaining?

Mr. SCOTT. That is the expectation. The chief forester told the committee this year that he thought next year's receipts would approach \$3,000,000. The receipts last year were about \$1,880,000, and they will be about \$2,000,000 this year.

Mr. DOUGLAS. What were the total appropriations last

year for the purpose, and this year?

Mr. SCOTT. The total appropriations last year were something over \$3,000,000. I can give the figures exactly if the gentleman desires.

Mr. DOUGLAS. I think it will be wise to give them.

Mr. SCOTT. The total for the Forest Service during the current year is \$3,896,200.

Mr. DOUGLAS. And the receipts?

Mr. SCOTT. The receipts for this year it is estimated will be something over \$2,000,000, so that as a matter of fact the actual net cost to the country of this service is about a million and a half dollars, but for that million and a half dollars we get fire protection worth many times that amount. We also get all the study and research and investigation, and a great many other important things.

Mr. DOUGLAS. Now, am I right in supposing that the receipts from all sources connected with forest exploitation by the Government are covered into the Treasury?

Mr. SCOTT. Those receipts are covered into the Treasury as miscellaneous receipts.

Mr. DOUGLAS. And we make appropriations out of the Treasury

Mr. SCOTT. And they are used for appropriations just as receipts from the post-office or any other source of public revenue.

Mr. DOUGLAS. Thank you very much. Mr. SMITH of California. Mr. Chairman, I take the floor, suppose, in opposition to the motion of the gentleman from

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. SMITH of California. I desire to say a word on the subject that has just been before us, the matter of the revenues of the forestry department. I characterize it as the greatest outrage that has ever been perpetrated by this Government on any portion of its people. The effort of the forestry department is to grind every dollar that it can get out of the people of the West, and there is no kind of activity carried on in any part of the national forest that is not made to yield money, money, money all the time to the Federal Government. It is written in the law for instance, and in the original act establishing the "forest reserves," as they were then called, that mining should proceed without interruption and be in no way affected by the forestry law, and yet you can not touch a mining proposition within a national forest that the hand of the department is not laid upon your shoulder at once and a fee extorted for the benefit of the National Treasury.

Now, let me give you a specific illustration: A year or two ago a friend of mine, living in my own county, desired to construct a small quartz mill, what we call in the West a "Huntington quartz mill." He started in, as he assumed he had the right to do, to erect it, and being within the limits of a national forest he was proceeding with his work when the forest ranger laid his hand on his shoulder and said: "You can not build a quartz mill in the forest without a permit." And in the course of a year and a half he got his permit upon the condition that he would pay into the Federal Treasury \$50 a year. Now, there is not one syllable of law that justifies the payment of \$50 or 50 cents for a privilege of that kind. And speaking of this matter of privileges, it was stated here yesterday that one of the shining glories of the Forestry Service is that 200,000 permits had been issued in the past year. That means exactly 200,000 interferences with the daily affairs of the farmers and the miners and the stockmen of the West, and a very large per cent of those permits were at the price of a fee which they were obliged to pay into the Federal Treasury without one syllable of authority in law which justified it, and nothing but the greed and the grinding policy of this department of the Government. will sustain them in bringing it to the Treasury of the United States.

Mr. SMITH of Arizona. And if my friend will permit me an interruption, is not that also true as to the men who, in good faith, attempt to settle on the forest reserves as homesteaders?

Mr. SMITH of California. It is true as to everything that is undertaken in the forest reserve. Now, I want to give another case that came within my knowledge last fall: When I was going from one town to another during the campaign, a gentleman came in the train and sat down beside me and we engaged in conversation. I soon discovered he did not know who I was and what my connection with the forestry department or the Government was. He said he was a bee man, and up the road a way he was going to leave the train and go back to a mountain canyon, where he had a few stands of bees feeding on the bloom of the sage and the tar weed, and those indigenous plants. The forestry department, he said, had laid its hand upon his shoulder and demanded that he pay a tax of 10 cents a hive.

Now, the bee men in the West are among the poorest people.

They go into that occupation because they have not the money to engage in farming or in any other general occupation, and every penny which the forest department extorted from that man was the loss of a comfort, yes, a necessity, to his family. It represented some deprivation of some little boy or girl or the hard-working and industrious wife in that man's family. There is neither in sense nor in law any justification for filching these pennies from the pockets of that poor bee man. Now, I speak with some interest and some zeal

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from California asks that he may have five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of California. I speak with some energy and zeal on this, because I plainly foresee that unless a halt is called in this grinding of the people in their everyday affairs there is going to be a reaction and the entire forestry system may be destroyed, and that would be a great calamity. If the Forestry Service will confine itself to its proper functions, it is one of the great institutions of this Government and will result in great good. Not that they are going to enlarge the timber supply extensively, for they are not-that is the biggest humbug in the world—but it is going to conserve the ranges, it is going to benefit the stream flow, and to some extent it will result in reforestation where timber is milled off properly.

I want to say to you, gentlemen, if you have any idea that great and glorious forests are going to be spread over the country which is now designated on the map-and always in green, I believe—as a forest reserve, you are doomed to great disap-

pointment.

The thing that the West needs, industrially, and I refer to the conservation of the timber, the water, and the feed, is rest. Leave it alone and give it the least administration possible, and nature will give you the result. It is largely impractical to set trees out over the forest reserves. A large portion of them are as destitute of timber growth as the roof of this building, be-cause nature never intended that trees should grow where the granite and rock are as near the surface as they are, and where the rainfall is as little. We have all seen certain photographs printed again, and again, and again. All the picture papers in the country and all the magazines and many of the daily papers have printed a picture of a mountain side that seems to be en-tirely bare, as if the soil and all had slid into the canyon below. That is held up to us as an illustration of the great iniquity that has resulted in this country because there was not a Chief Forester born some generations earlier.

I can show you a forest reserve in my district where for miles and miles there is nothing to be seen but that stony, rocky mountain side, and if there ever was a forest there it disappeared before Adam was born. It was a natural condition, and has no more business to be in a forest reserve, except for the purpose of making places in which to spend money and provide for the activities of that department, than there would be for putting this building into a forest reserve for the purpose of

growing a forest all over it.

Mr. PARSONS. Why does the gentleman make that com-plaint when he says that one of the good results of the Forestry

Service would be the improvement of the range?

Mr. SMITH of California. I say that there is neither range, timber, nor anything else on the forest reserve I just spoke of. In the county in which I live the forest reserve is extended out onto the floor of the Mohave Desert, where you can not grow a single thing but lizards. [Laughter.] Nobody undertakes to grow anything there, and a man would be sent to the insane asylum if he would undertake to raise a forest on such land

The activities of the Forestry Service have gone too far in two particulars; first, as I say, in meddling with the everyday activities of the people that live anywhere near it; and, second, spreading the boundaries of the forests over a vast amount of territory that is in no sense forest, in no sense contains a water supply, and is in no sense responsive to any of the legitimate

purposes of the Forestry Department.

I wish that department would do two things. First, I wish it would get off of the backs of the people who live in the vicinity of the mountains—in the foothills, where a large majority of the land has passed into private ownership; and, second, I wish it would withdraw its limits from that country which can never be forest, and where there is no water to conserve, and concentrate its efforts on those watersheds well up in the mountains, above settlements, where timber to some extent may be grown, where the range needs some attention, and where there is a chance to conserve the water for irrigation below and to prevent floods from the storms that prevail in those watershed districts.

The CHAIRMAN. The time of the gentleman has expired. Mr. PARSONS. I ask that the gentleman be given five min-

Mr. SCOTT. I object.

Mr. CALDER. Mr. Chairman, I ask that the gentleman be given two minutes more.

Mr. SCOTT. I object.

Mr. SMITH of California. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent to continue for two minutes more. Is there objection?

Mr. POLLARD. I object.

Mr. COOK of Colorado. Mr. Chairman and gentlemen, I desire most heartily to concur in what the gentleman from California said in regard to the conditions in his State. Similar conditions exist in the State of Colorado. I will say, gentlemen of the committee, that the prospecting for minerals in my State has almost entirely ceased. Why? On account of the arbitrary action of Mr. Pinchot's bureau. I brought out in the hearings before our Committee on Agriculture from Mr. Pinchot that he was charging the people of my State \$5 per thousand feet for timber worth half the price; that he charges the people of California, Oregon, Washington, Montana, and Utah \$1.90 per thousand feet. When I asked Mr. Pinchot for his authority, he said:

By authority of the Attorney-General of the United States.

Now, gentlemen, what we want in the Forestry Bureau is a little more practicability and less sentiment. The statement was made by the chairman of our committee [Mr. Scorr], on the statement made to him by Mr. Pinchot, that the receipts for the coming fiscal year would amount to the sum of \$3,000,000. I deny the correctness of that statement. It is well known to all through the forestry regions of this country that to-day the receipts are largely falling off on account of the sale of timber; also the receipts from grazing horses, cattle, and sheep on forest ranges.

Now, gentlemen, I desire to say for your information, with the people of my State, at the last election the question of Judge Taft's and Mr. Bryan's election was not the issue. I want to say in this connection that at no time was I a candidate myself for reelection as Member of this honorable body, but Mr. Pinchot and Pinchotism was one of the issues in my State, and the result was the State went Democratic. [Great laugh-

ter.

Mr. LAMB. Will that be a national calamity? [Laughter.]
Mr. COOK of Colorado. With all due respect to my comrade, Colonel LAMB, I rather think it was, in some respects, in

our State. [Laughter.]

Now, gentlemen of the committee, what we want to-day in my State is to carry out the law. We do not want the Chief Forester in Washington here to get to the members of the committee and by misrepresentations have them vote money to enable Pinchot to put 1,400 more employees to work, build up a political machine, and spend hundreds and thousands of the people's money and accomplish no results, when his object, as

is well known, is to get Mr. Wilson's position in the Cabinet as Secretary of Agriculture. [Laughter.]

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph last read, appropriating \$600,000 for so-called "permanent improvements" in the forest reserves. I desire to call the attention of the committee to the fact, already called to their attention by the gentleman from South Dakota, that the improvements proposed under this paragraph can all be carried out under the lump-sum appropriation. This paragraph contains no authorization not contained in the former paragraph. This paragraph is simply an excuse for getting more money. Now, one or two gentlemen have suggested to me that it is strange that one should object to appropriations for improvements within the territory I represent. I object to these improvements because they are unnecessary, because they are extravagantly carried on, because unnecessary improvements on our forest reserves mean an ultimate toll.

The gentleman from Ohio made inquiry a moment ago of the chairman of the committee as to how soon we could expect returns from the forest reserves to equal the expenditures. I think that it is the intention of the Forestry Service within a very short time, if possible, to secure an income much in excess of the outlay. However, that never can be done, no matter how rapidly they sell their timber, if the expenditures are to increase as they have increased in the past few years. I called attention yesterday to the fact that in my State there is one reserve on which the timber is now being cut so rapidly that in ten years there will be practically no standing mature timber on that great reservation. It will require from one hundred to one hun-

dred and fifty years to grow another crop.

Mr. SCOTT. Will the gentleman name the reservation to

Mr. MONDELL. When the gentleman asks me to give the name I am embarrassed, for the reason that we have a peculiar condition in the West. It is as though in Illinois and Missouri you should have the names of your counties changed every time the county clerk had a bad spell of indigestion or had the notion strike him that he wanted to name something

Mr. SCOTT. Perhaps the gentleman will give us the present

Mr. MONDELL. This reservation was known as "Medicine Bow Reserve." The Medicine Bow Range is known throughout the West. It is a majestic, towering, snow-capped range, familiar to all travelers and dwellers in that region for many years by that name, but somebody in the Forestry Service, just to show that he had the power to do so, I suppose, rechristened it.

Day before yesterday I think they called it the "Cheyenne Re-

serve." To-morrow it may be something else. But we will call it the "Medicine Bow." In ten years, at the present rate of cutting, there will be no considerable amount of large timber on the Medicine Bow, and then there will be at least one hundred and fifty years during which there can be no considerable receipts from timber; but the Forestry Service are forehanded, never forget that. They are laying the foundation for a continual revenue. Last year I called attention to the fact that 500 revocable permits had been issued in the forest reserves of the country for purposes for which the Congress of the United States had given the applicants an easement, and these revocable permits were forced upon these applicants through various procedures of delay and suggestion and intimidation, laying 500 different bases for the collection of a perpetual toll.

The Forestry Service, instead of confining itself to the purposes for which it was created, is attempting to establish over great areas within the Western States federal districts within which the Federal Government shall lay a tax on every industry, within which no man shall operate except he shall pay to the federal taxgatherer. The system is un-American. It is a system that no American Commonwealth will long tolerate.

Mr. PARSONS. Does the gentleman contend that when a man gets a permit for mining in a forest reserve he should pay nothing for the permit?

Mr. MONDELL. I say that since the beginning of the Government we have allowed prospectors to go on the public domain and prospect, we have invited them to do that, and the result has been marvelous development. The law gives them the same right now in the reserves, but the department, unfortunately, is higher and mightier than the law.

Mr. SCOTT. Does the gentleman mean to say that the de-

partment denies to any man the right to go upon the reserve

for the purpose of prospecting?

Mr. MONDELL. The gentleman desires to be fair.

Mr. SCOTT. I know he does. That is the reason I ask the

Mr. MONDELL. I do not understand that the bureau denies the right; it often surrounds the right with so many conditions, with so much red tape, with so much inquiry, with so many conditions as to the use of timber for the building of the prospector's little shack to shelter him while he is carrying on his prospecting work; it so very carefully investigates the question as to whether he has mineral enough that he can afford to pay the Government's price for the land and continue to mine; it surrounds him with so many conditions practically impossible of fulfillment, that the result is that the miner, like the home-steader has ceased to seek the mountains. The homesteader steader, has ceased to seek the mountains. The homesteader has learned, as the gentleman from South Dakota has just stated, to shun the forest-reserve region.

The CHAIRMAN. The time of the gentleman from Wyoming

has expired.

Mr. MONDELL. I ask unanimous consent for five minutes more.

Mr. HASKINS. I object.

Mr. WEEKS. Mr. Chairman, I want to say just a word on this question. I had not intended to take any of the time of the committee, but there have been so many misstatements made, and so many statements which will give a wrong impression to the members of the committee, that I want to correct at least two or three of them.

We have 169,000,000 acres set aside in the forestry reserves. They belong to all the people of this country. They belong to the constituents of every Member upon this floor. They do not belong to the people of the States where they are located, but they belong to all the people. The difficulty with these gentlemen is that their constituents in the past have been in the habit of going onto these reserves and removing timber when-ever they saw fit, without paying anything for it. They have been in the habit of grazing their herds on these grazing lands and not paying for it. The gentleman from California says the people in that country are being imposed upon to supply a fund for the National Treasury. The proceeds from grazing and from timber are divided in two parts. One-quarter of the receipts go to the people of the State where the receipts are obtained and three-quarters go into the Treasury as a general

Now, as a matter of fact, there is probably not a single place in the Rocky Mountain section where the Government is charging for stumpage the price that private owners are obtaining for stumpage alongside it. There is not a single place in the Rocky

Mountain section where the Government is charging for grazing the price that private owners are charging for grazing, or which the Indian Bureau of our own Government is obtaining for grazing.

We are receiving from this grazing privilege something like 00,000 a year. If we received for the same service what \$800,000 a year. would be charged by private owners, or what would be received by the Indian Bureau of our own Government, it would amount to something like \$2,500,000.

Further than that, Mr. Chairman, there is not, in my judgment, a single instance where any charge whatever has been made to any man for taking up or prospecting any mining claim on a government national reserve. The instructions which are given to the range men and the supervisors, which are in print, a copy of which any Member of the House can obtain if he will take the trouble, explicitly instruct the range men to encourage prospectors, and expressly stipulate that no charge whatever shall be made to the prospector on a government reserve.

Mr. MONDELL rose

Mr. WEEKS. I will yield to the gentleman from Wyoming. Mr. MONDELL. Did I understand the gentleman to state that the Government had in no instance charged more for stumpage than is charged by private owners?

I have not been able to find an instance. Mr. WEEKS.

Mr. MONDELL. I gave one instance, and had I time I could give a dozen of which I have knowledge where the Government is charging \$5 for stumpage, when a few miles, or perhaps a considerable distance, in the same general region, private parties are selling for a dollar or a dollar and a half.

Mr. WEEKS. Conditions may have been different. I was informed yesterday by a large timber owner who lives at Colorado Springs that he was obtaining \$5 a thousand stumpage for his timber and the Government was selling right alongside, under the same conditions, for \$4.

If gentlemen will take the trouble to look up the hearings before the Agricultural Committee, they will find that only about one-third is being charged by the Government for grazing privileges on national reserves that is being charged by private owners in private localities under the same conditions.

Mr. COOK of Colorado. Will the gentleman yield for a ques-

tion?

Mr. WEEKS. I will. Mr. COOK of Colorado. The gentleman from Massachusetts stated that in Colorado a less price was being charged by the Government than was being charged by private individuals for stumpage. I will ask the gentleman if he is aware of the fact that more than 92 per cent of the timber lands in Colorado are in forest reserves?

Mr. WEEKS. I did not mean to say that the charges in one locality are the same that they are in another locality. Charges for stumpage should depend on location, on transportation, and all other incidents that go to make up a proper price.

Mr. SMITH of Arizona. Where did the gentleman get the

figures about the price for grazing purposes?

Mr. WEEKS. Largely from the testimony that was submitted to the Committee on Agriculture at the hearings held before this bill was presented.

Mr. SMITH of Arizona. How could there be similar conditions in the public grazing lands and those owned by private persons, so that you could make a comparison?

Mr. WEEKS. Comparison was made in several cases, and any examination will show that my statement is correct.

Mr. COOK of Colorado. I desire to say to the gentleman from Massachusetts

Mr. WEEKS. I believe I have the floor, Mr. Chairman.

Mr. SMITH of California. Will the gentleman yield to me for a question?

Mr. WEEKS.

Mr. SMITH of California. Is it not true that the lands privately owned are uniformly the best, and therefore there can be no just comparison?

Mr. WEEKS. I will state that my informant told me the conditions were the same, including the cost of transportation, and that he was obtaining \$5 for stumpage where the Government was selling for \$4.

Mr. SMITH of California. My question related to the grazing

Mr. COOK of Colorado. Will the gentleman yield for a question?

Mr. WEEKS.

Mr. COOK of Colorado. Where are the best timber lands that the gentleman speaks of near Colorado Springs?

Mr. WEEKS. I understood they were near Colorado Springs.

Mr. COOK of Colorado. There are no timber lands near Colorado Springs. Their supply of lumber comes from New Mexico, Texas, Oregon, and Washington.

I did not intend to locate them at any particular Mr. WEEKS. The information was given me by the predecessor of the gentleman who has just spoken, and any Member who served with him will believe his statement.

The CHAIRMAN. The time of the gentleman from Massa-

chusetts has expired.

Mr. SCOTT. Mr. Chairman, this matter has been thoroughly thrashed out this year and last year, and I therefore move that debate on this amendment close in five minutes.

Mr. SMITH of California. Mr. Chairman, I hope that motion will not prevail. This is a new problem, not understood in its workings by eastern Members. I move to amend by making it fifteen minutes.

The question is on the amendment of the The CHAIRMAN.

gentleman from California.

The question was taken, and the amendment was rejected. The CHAIRMAN. The motion now is on the motion of the gentleman from Kansas.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Chairman, I would not be understood as making a harsh statement, especially about my friends who represent the Territories in which these forest reservations are, but I take it that as a matter of fact for many years it has so become the custom to loot the public domain that when the Government endeavors to come into its own it looks to them like For years they cut the forests without paying for it, they herded their stock upon the grazing land without paying for it, and when in course of time the Government wishes to preserve its own, they complain. When I first came into this House the complaint was that the Forestry Service would not administer the national forest reserve with a businesslike administration. The complaint was that there would be no economy in the management of the forest reserves, and now their complaint is that there is too much of a businesslike ad-

Mr. Chairman, it is not necessary to defend Mr. Pinchot on the floor of this House against the assaults which have been made upon him. His work will speak for all time. He has, with the help of other great men of the country, inaugurated a system in this country of inestimable value to future generations. [Applause.] This year, Mr. Chairman, it so happened that I traveled for more than a hundred miles through burning forest fires. I tramped for long distances through the forest in search of some information upon this subject connected with the special committee of which I am a member. The great need of the country, so far as forests are concerned, is, first, fire protection. In Minnesota, in Wisconsin, in Michigan, millions of dollars of property were destroyed for lack of fire protection, and you might just as well expect that a man will preserve his home in this city from fire without a paid fire department as to expect that the forests of the country will be preserved from fire without governmental aid of some kind. [Applause.] Under the regulations and the control of this Forestry Service, our forests, the Government's forests, worth hundreds of millions of dollars, probably a billion or two of dollars, have gone through the past dry season with scarcely a stick destroyed by fire. Wherever a fire started there were the servants of the Government to put it out, but where it started on the private property of the people there it burned, as I know myself. Mr. Chairman, these gentlemen are working against the inevitable. We will continue in our country to have the forest reserves. We will attempt to administer them properly with businesslike methods, and in the end the people who come after the distinguished gentlemen now occupying the floor of this House will thank their Lord that we and not they prevailed in the policies of our country. [Applause.]

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Wyoming.

The question was taken, and the amendment was rejected. Mr. SMITH of California. Mr. Chairman, I move to strike out the last word. This discussion generally comes around to a certain stage of misrepresentation, not intentional on any-one's part, when the chairman of the Committee on Agriculture moves to close the debate. I criticise him to that extent and proceed with my remarks. The gentleman from Illinois [Mr. MANN] endeavors to create the impression in the minds of the House and the country that the Members from the West are opposed to the forestry department and to the system. I positively and emphatically deny that that is true. There are no stancher friends of the Forestry Service, within reasonable limits and for the purpose of preserving and conserving the natural resources of the country in the West, than are the

people of my district. I would go as far as the gentleman from Illinois or any gentleman from any timber country in the pres ervation of the forests and in the care of the public property of

But I insist that it is not a fair deal, when all of the East and the Middle West have had all of the bounties of nature free, that we who are now struggling with the rockiest proposithat has been presented in the country should be burdened by a system of taxation that reaches into the pockets of every man who dares go upon the public domain.

We are in favor of the Forestry Service. We want the tim-ber preserved, and we do not care to steal any more of it, as the gentleman intimates we have been doing. The law gives to every man living on the forest reserve or in its vicinity free wood for his fuel, and it is not a fair statement to say that the people of the West have been petty larcenists for all of the years past.

The gentleman from Massachusetts has endeavored to make some statements, and has made them, with reference to prices. I say the policy of the Forestry Department is franklyhave it in writing from the Chief Forester-to get the last living cent out of whatever it disposes of. A miner a year or two ago wrote to me because the price of timber for his mine had been raised from \$2.50 to \$4 a thousand stumpage, and he wanted it reduced.

I wrote to the Forester, and he gave me this reply: That it had been raised to \$4 a thousand because they found that the man could not get it anywhere else for any less. On another occasion I went with some mining men from my district to meet Mr. Pinchot when he was in Sacramento at the Irrigation Congress a year ago; the miners were asking about some stumpage near their mine, which was remote from a railroad point. He said to them the price of the stumpage would be the price of the lumber at the nearest railroad station, plus the price of hauling it to the mine. Now, that is business; that is the way individuals do business. We take what the traffic will bear; we exact from our neighbors the highest price we can get. But I assert, Mr. Chairman, as positively as I can, that that has never been the policy of the United States Government, and it is a vicious policy for any government to invoke against its people.

Mr. PARSONS. What should be done? Mr. SMITH of California. I am going to state. The Government of the United States is a government and not a business institution, and it has no more business to go among the people and drive hard bargains, especially at this time in our history, than it has to drive people from their homes. The policy of The policy of this Government, from the beginning until within the last five years, has been to pass over the natural resources of the country to the individual and let him have the increment, thereby strengthening himself; and never until within the last few years has the United States Government been a money-making institution in any of its departments.

Mr. PARSONS. To whom is it to be given? Mr. SMITH of California. Give it to the man who will appropriate it to a useful purpose, exactly as we give to the man who sails a ship the free use of the harbor on which we have spent millions in its improvement. Now, I say this is a fundamental question. It is a question that goes to the policy of the Are we going to turn this great Republic into a finan-Nation. cial institution, grinding from the people the last cent that they will yield, or shall we continue it as a government, a government of individualism, and continue the policy of allowing the man—the individual—to enjoy the natural resources and develop them for his benefit? Ours is not a socialist government; this is not a nation of paternalism; and some day the error of this forest policy will be seen, and we will turn back to true principles as a matter of political wisdom. [Applause.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SCOTT. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. MONDELL. Mr. Chairman, I move to amend that motion by providing that debate shall close in ten minutes.

The CHAIRMAN. The gentleman from Wyoming offers an amendment that all debate be closed upon the paragraph and amendments thereto in ten minutes.

The question was taken, and the motion was rejected.

Mr. MONDELL. Mr. Chairman, I now move that all debate close in five minutes.

The CHAIRMAN. The gentleman from Wyoming moves that all debate close in five minutes.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were-ayes \$1 noes 20.

So the motion was agreed to.
The CHAIRMAN. The question now is upon the motion of the gentleman from Kansas as amended by the gentleman from Wyoming.

The question was taken, and the motion was agreed to.
Mr. MONDELL. Mr. Chairman, I rather expected that before this debate closed we would hear about "looting" the public domain, and the gentleman from Illinois [Mr. Mann] has not disappointed us. He insists, mildly as the Forestry Service has vehemently, that all those opposed to the present for-estry policy are "looters" of the public domain. I tried to answer that briefly yesterday. Mr. Chairman, I, as Assistant Commissioner of the General Land Office, had the honor of forwarding from that office the papers submitted to the President for his signature setting aside one of the largest forest reserves in my State and a number in other Western States.

I had the honor of the authorship of the bill that transferred the forest reserves from the Interior Department to the Agricultural Department. I have always been a friend of proper forest reservation and preservation; I am now. I am opposed to the policy as carried on and to the extravagant expense of the service, an extravagance which, if it were really understood on the floor of this House, would result in the cutting of this ap-

propriation in two, if not in a still further reduction of it.

The Interior Department protected 85,000,000 acres of reserves from fire, as effectually as 160,000,000 are now being protected, with a measly appropriation of \$350,000, and carried on timber sales, made fire guards, built roads, and made trails. Ten times that appropriation is now demanded for twice the area.

Now, Mr. Chairman, I hope the western people will be no longer misunderstood in this matter. We do not complain of a reasonable charge for the products of the reserve, and we never have. We complain rather as to the vexatious conditions under which we must avail ourselves of the use of the reserves. I will tell you a brief story of one of those "looters" who have been referred to.

Three or four years ago I camped one night with a friend beside a little spring in the desert. Along in the evening a four-horse team came into camp. We went out from our tent and found an old gentleman, about 70 years of age, with four horses, and with a little handful of scrubby timber on his wagon. After having helped him take care of his team and prepared supper for him, we inquired why he was coming from the direction of the forested mountains with such a trifling load of almost worthless material. He said that he lived at Burlington, 35 miles below. He had been to Carter Mountain, 35 miles above; in all, 70 miles over a hard road. He went up to the mountains to get some posts and poles to put a fence around his little cabin on his homestead.

The slopes of Carter Mountain are covered for miles with dead timber. That man was a law-abiding citizen, and besides he believed he would be arrested or pursued if he did not find the forester and get his permission to get some dead poles. After hunting about a day he found him. The forester inquired as to whether or no he was entitled to the free use of timber under the law, asking him about his homestead. He said that he had made a homestead entry, but that a mistake had been made in the description, and he had made an application to amend. The application had not been passed upon. So this high and mighty servant of the Federal Government turned that old man back and refused to allow him to have a single stick of timber, although there were millions of feet of it in sight, rot-ting on the mountain side. The old man came back. Do you think he was as well disposed a citizen when he came back as he was when he started on that journey? On his way back on a rocky slope, that had escaped the scrutiny of the forest service, the old man found the few sticks he had on his wagon when he drove into our camp.

Such cases are innumerable. Mr. Chairman, what we object to is having large areas of our Commonwealths turned into federal districts and having a federal jurisdiction established over every enterprise, over every effort made for the development of these great regions within our State. We believe in individualism, we believe in local control, and we do not believe in unnecessary government paternalism and bureaucracy. [Applause.]

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, \$5,000; 1 chief clerk, \$1,800; 3 clerks, class 4; 5 clerks, class 3; 7 clerks, class 2; 1 property clerk, \$1,600; 1 clerk, \$1,300; 9 clerks, class 1; 9 clerks, at \$1,000 each; 1 assistant property custodian, \$900; 11 clerks, at \$900 each; 1 engineer, \$1,200; 2 messengers, at \$840 each; 1 skilled mechanic, \$900; 2 skilled laborers, at \$720 each;

1 skilled laborer, \$600; 1 fireman, \$600; 4 messengers or laborers, at \$600 each; 3 messengers or laborers, at \$480 each; 2 messengers or laborers, at \$420 each; 4 charwomen, at \$240 each; in all, \$75,560.

Mr. HEPBURN. Mr. Chairman, I move to amend by inserting after the word "dollars," in line 9, page 25, the following:

And an additional \$1,000 so long as the office shall be filled by the present occupant.

The CHAIRMAN. The gentleman from Iowa [Mr. Hepburn] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, line 9, after the word "dollars," insert:
"And an additional \$1,000 so long as the office shall be filled by the present occupant."

Mr. SCOTT. Mr. Chairman, I shall be obliged to reserve a point of order against that.

The CHAIRMAN. The gentleman from Kansas reserves a point of order.

Mr. SCOTT. I make the point of order if the gentleman from Iowa does not wish to make any remarks.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Iowa [Mr. HEPBURN] on the point of order.

Mr. HEPBURN. There is no point of order. I submit that the proper procedure is to vote on the amendment.

Mr. KEIFER. A point of order has been made. Mr. HEPBURN. But no point of order was reserved.

Mr. SCOTT. I reserved it thinking the gentleman from Iowa [Mr. Hepburn] would like to make a few remarks on the amendment.

Mr. HEPBURN. I do not care to discuss the amendment. Mr. SCOTT. Then I make the point of order, Mr. Chairman. The CHAIRMAN. The Chair assumes that this is an in-

crease on the salary. Mr. SCOTT. That is what I had in mind, Mr. Chairman. The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

The Clerk read as Iollows:

For all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and ilquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, rent, gas, and electric current, \$136,000; for official traveling expenses, telegraph and telephone service, express and freight charges, \$85,000; for employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, in the city of Washington, \$200,000; out of the city of Washington, \$266,460.

Mr. LEVER. Mr. Chairman, I make the point of order on that part of the paragraph beginning with a semicolon on line 17, down to line 21, and ending with the word "dollars" on line 21, page 27, on the ground that it is not authorized by existing law.

Mr. KAHN. Mr. Chairman, I hope the gentleman will re-

serve his point of order.

Mr. LEVER. Oh, Mr. Chairman, I think the matter has been discussed here and it is getting late. Let the Chair pass upon the point of order.

Mr. SCOTT. I would ask the gentleman from South Carolina to reserve the point of order.

Mr. LEVER. Oh, well, I will reserve the point of order.
Mr. SCOTT. I yield to the gentleman from California.
Mr. KAHN. Mr. Chairman, I take it that the language referred to, to which the point of order was reserved, has reference to the so-called "referee board of consulting chemists." sincerely hope that the gentleman will not insist on his point No one in this House has a higher regard for the of order. No one in this House has a higher regard for the Chief of the Bureau of Chemistry than I have. The entire world acknowledges the splendid work he has done in connection with pure-food legislation. But at the same time, to place in the hands of one man the terrific power, without appeal, that the pure-food law does may result in the destruction of millions of dollars of invested capital if that one man should decide that a certain material used in the preparation or preservation of food is harmful and deleterious.

Take the conditions that exist in the State of California. quarter of a century ago that State produced more cereals than any other State in the Union. By degrees its agriculturists have gone out of the business of raising cereals and have gone into the business of raising fruits. As wheat raisers they were practically at the mercy of the Liverpool market, which fixed the price for their commodity, whereas the fruit grower has three avenues for disposing of his crop.

He can sell it when it ripens, in its fresh state; he can dis-

the approval of the world, for he finds a market for his product in every civilized country. There are millions of dollars invested in this industry. The Chief of the Bureau of Chemistry is, however, of the belief that the use of sulphur dioxide is harmful and deleterious.

Mr. LEVER. Mr. Chairman, I call the attention of the Chair to the fact that the gentleman from California is not discussing

the point of order.
The CHAIRMAN.

The CHAIRMAN. The point of order was reserved.

Mr. LEVER. Well, Mr. Chairman, I do not desire that this debate shall go on indefinitely.

The CHAIRMAN. The gentleman reserved the point of order, and the gentleman from California is recognized for five minutes.

Mr. LEVER. I beg pardon.

Mr. KAHN. The Chief of the Bureau of Chemistry has declared that sulphur dioxide is harmful and deleterious. He clared that sulphur dioxide is harmful and deleterious. He threatened to prohibit its use, whereupon the President of the United States appointed this referee board of consulting chemists, consisting of Doctor Remsen, of Johns Hopkins University; Professor Chittenden, of Yale; Professor Long, of the Northwestern University; Doctor Herter, of Columbia University; and Professor Taylor, of the University of California, men of the highest standing in their profession, to investigate these various questions of the use of preservatives. A friend of mine, a chemist, in speaking of the experiments of Doctor Wiley, said, and I think truly, that at times those experiments are not altogether scientific. When Doctor Wiley experiments on a number of people he begins by calling them the "poison squad." This squad is usually made up of young men in the government emsquad is usually made up of young men in the government employ, and before they enter on the experiment he makes them sign an agreement that if their health is injured or impaired by reason of the experiments they will not hold the Government responsible for the injuries sustained

In other words, he produces a condition of fear in the mind of every man upon whom he experiments, and, in consequence, possibly discovers results that he would not find if experiment-

ing on normal men.

Now, there is in San Francisco a young physician, Doctor Atkins, who has taken great interest in this very subject. He, too, began to experiment. Quite recently he tried a diet of dried fruit upon a squad of tailors, and he called that squad the "health squad." He chose tailors because they lead a sedentary life. He gave them California dried fruit, treated with sulphur dioxide, every day. To one man he gave the fruit three times a day. In practically every case of the eight men upon whom he experimented there was an increase of health at the end of thirty days, and an increase of weight. He had the cooperation in his experiments of five or six of the leading physicians of San Francisco; and yet Doctor Wiley says that this sulphur dioxide is harmful and deleterious and ought to be prohibited.

Why, Mr. Chairman, if this referee board which has been appointed should not be given an opportunity to pass upon this

appointed should not be given an opportunity to pass upon this subject, if the word of Doctor Wiley alone should control in the matter, millions of dollars' worth of property of the people of the State of California would practically be destroyed. Doctor Wiley is, no doubt, a most able chemist. But he is not infallible, and there ought to be an appeal from his decision to this board.

Will the gentleman yield to a question? Mr. MANN. Mr. KAHN. Certainly.

Mr. MANN. I suppose the gentleman is aware that under the pure-food law no one's word can avail except the word of the Supreme Court of the United States?

Mr. KAHN. True; but, Mr. Chairman, before he could have his case heard in the Supreme Court of the United States every orchardist in the State of California would be financially ruined.

I ask unanimous consent that I may be allowed to insert in the Record a brief report of Doctor Atkins in reference to his experiments, and also of some chemists who made analyses of the dried fruit used in those experiments.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the RECORD the matters referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

SAN FRANCISCO, CAL., January 24, 1909.

Hon. Julius Kahn, Washington, D. C .:

Washington, D. C.:

I hereby submit to you and the California delegation in Congress a brief report of the results obtained in my recent experiments.

During the past thirty days I have been feeding eight men on a mixed diet of California dried fruits which has been highly sulphured in the drying process. The fruit was selected from the packing houses in different parts of the State, just as it is offered to the trade. The fruit consists of applies, pears, peaches, apricots, and sliver prunes.

Seven of the men have been eating the fruit once per day at the noon hour; the other man has eaten it three times per day, cooked and raw. The last-mentioned man is Colonel Richardson, who is a police officer working at night. During the test he has eaten 28 pounds of the fruit and says he never felt better in his life. At the beginning his weight was 225 pounds; now his weight is 227 pounds.

The seven men who have eaten the fruit once a day have all thrived except one, who lost 3 pounds, but says he attributes that to the loss of sleep and not to eating the fruit; for he says, "I have derived great benefit from eating the fruit. I have lost considerable sleep and worked very hard during the time." His name is Mr. C. B. Sens.

Mr. A. Lund, who has gained 1½ pounds, says, "I think sulphured fruit is absolutely harmless so far as its effect upon me is concerned."

On account of a severe cold Mr. Almquist lost 3 pounds during the second week of the test, but on the last week gained 4, making him weigh 1 pound more than at the start. He says, "I feel no ill effects from the test."

ruit is absolutely harmiess so far as its effect upon me is concerned fruit is absolutely harmiess so far as its effect upon me is concerned as each week of the test, but on the insulation of the many him weigh I pound more than at the start. He says, "I feel main him weigh I pound more than at the start. He says, "I feel main him weigh I pound more than at the start. He says, "I feel fully as well as when I began the diet; in fact, my weight shows I have improved."

Mr. F. Nagel has gained 9 pounds during the test, and says, "I feel fully as well as when I began the diet; in fact, my weight shows I have improved."

Mr. J. E. Nordquist weighed, when he began the fruit diet, and at the close tipped the scales at 145 pounds. He says, "I think my whole physical condition has improved; I sleep and feel better than when I began the diet.

Sained sained exactly 4 pounds, and says, "I do not feel any weight of the fruit."

We for a start of the fruit."

Mr. Henry Stieglitz also gained 4 pounds, and says, "When I began the test my stomach was bad, and I could only eat two meals a day; now I cat three and relish them all."

During the test the weather has been unusually bad, so that the 7 men, who lead sedentary lives, owing to their business (being tailors by profession), were still further hindered from exercise in the open air by the weather. Still further, these men were subjected to considerable heat in the room where they work on account of the gas grates for heating their froms. Notwithstanding all these unhealthy conditions, the heaths squad, "after undergoing all the usual clinical test, tribute the general improvement in the condition of the consideration of the categories of the fruit upon alimentation, as few persons in ordinary life eat sufficient fruit.

The object of this test was to determine by clinical observation if there was any harm in eating California sulphured fruit dried fruit undernormal conditions, and I have tried to eliminate fear and imaginary evils from the mind of each subject by appealin

CURTIS & TOMPKINS,
ANALYTICAL, INDUSTRIAL, AND CONSULTING CHEMISTS,
SAN FRANCISCO, January 19, 1909.

Dr. Albert J. Atkins, San Francisco:

We have examined your samples of fruits (20 samples) received December 31, 1908. Marked 10 dry, as received; 10 cooked, as eaten; and found them to give the following results:

	Sulphurous acid.				
	In original dry fruit.	In eooked fruit as eaten.	Loss due to soaking and cook- ing of total.4	Grains in 4 ounces of cooked fruit.	Proportion of original dry fruit in cooked material.
December 31. Apples	Per cent.	Per cent.	Per cent.	1/20	Per cent.
January 1. Pears January 2. Silver	.116	.032	60.3	1/2	.70
plums	.067	.011	74.7	1/5	.64
January 4. Peaches		.043	60.3	3/4	.53
January 5. Apples		.002	42.9	1/33	.46
January 6. Pears		.043	44.1	3/4	.65
January 7. Apricots January 8. Peaches January 9. Silver	.147	.045	51.7 52.8	4/5 1.0	.63
plums	.054 .134	.019	40.7 49.3	1/3 3/5	.59
Average for 10 days	.107	.029	54.1	1/2	.57

a Comparisons with the cooked and dry fruit computed to the same [SEAL.] CURTIS & TOMPKINS.

SAN FRANCISCO, January 19, 1909.

Dr. Albert J. Atkins, 1609 Franklin street, City.

Dr. Albert J. Atkins,

1609 Franklin street, City.

Dear Sin: We inclose herewith reports of our examination of your samples of dried fruits (10 not cooked, 10 cooked), 4 each (2 cooked, 2 dry), of apples, pears, silver plums, peaches, and apricots.

The best understanding of this work may be obtained by consulting the analytical data, which are of necessity greatly condensed.

The general results of similar experiments made by us over a year ago, a copy of which we inclose.

Inasmuch as the same fruits have been consumed by your squad in like proportion (6 times of each kind) for thirty days, a fair average of the amount of sulphur dioxide consumed during this period can be deduced from the results of the 10 cooked samples (2 of each kind). By this means we find that 1 man eating 4 ounces of the cooked fruit per day (dally proportion for each man) would take into his system an average of one-half grain of sulphur dioxide per day; or, in other words, during the entire month he would eat 120 ounces (about 8 pounds) of the cooked material, equivalent to 67.5 ounces (4.2 pounds) of the original dried fruit, and from which he would obtain about 15 grains of sulphur dioxide during the entire experimental period.

This diet would furnish to the individual at any one time a minimum dose of about one thirty-third of a grain, and a maximum of about 1 grain of sulphur dioxide.

Some inconsistencies are apparent in the tables, which are naturally to be expected, as the practice of each cooking is not controlled with any degree of precision; and the fruits themselves vary greatly, even those sulphured at the same time. This latter fact is due in part to an unequal absorption of sulphur by the ripest and less ripe fruits, as well as to the variation in size, etc.

Under these conditions it will be readily seen that only general results can be obtained either in the laboratory or in commercial practice. Furthermore, the freshly sulphured fruit rapidly loses a considerable proportion of its sulphurous acid and continues to di

CURTIS & TOMPKINS, By P. W. TOMPKINS.

Mr. LEVER. Mr. Chairman, I insist on the point of order. The CHAIRMAN. Will the gentleman restate his point of order?

Mr. LEVER. The point of order is that this section carrying the words beginning on line 17, after the semicolon, and ending on line 21, after the word "dollars," page 27, is contrary to existing law and not authorized by existing law.

The CHAIRMAN. Will the gentleman inform the Chair which portion of the language he considers out of order?

Mr. LEVER. I consider the whole clause that I have named out of order. There is nothing in the pure food and drug act which authorizes this language making the appropriation, and there is no other law.

Mr. BURLESON. Mr. Chairman, I wish to direct the attention of the Chairman to another point: That the appropriation for all expenses necessary for carrying into effect the pure-food act is in the provision above, and if all the expenses are provided for in the paragraph above, there can be no authority for this particular appropriation.

this particular appropriation.

Mr. SCOTT. Mr. Chairman, it seems to me that the point made by the gentleman from South Carolina [Mr. Lever] and the point made by the gentleman from Texas [Mr. Burleson] are not well taken. There is an act of Congress authorizing the Secretary of Agriculture to employ such persons as Congress may from time to time authorize him to employ; that is to say, as Congress may from time to time make appropria-tions to enable him to employ. And in reference to the point made by the gentleman from Texas, it is obvious that the word "all" is intended to extend over the remainder of the paragraph and to include those parts of the paragraph to which he has called attention as well as the first lines of it. The case seems so clear that I do not care to take time to argue it

The CHAIRMAN (Mr. Foster of Vermont). The Chair desires to call the attention of the committee to the following language in section 523 of the Revised Statutes, being a portion of the organic act establishing the Department of Agriculture: He-

Referring to the Secretary of Agriculture-

shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government; and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in natural sciences pertaining to agriculture.

Now, that is very broad authority. The Chair also desires call attention to the language in another statute, section 169 of the Revised Statutes, which reads as follows:

Each head of a department is authorized to employ in his department such number of clerks of these several classes recognized by law, and such messengers, assistant messengers, copylists, watchmen, laborers, and other employees, and at such rate of compensation respectively as may be appropriated for by Congress from year to year.

This language has from time to time been held sufficient authority for an appropriation in a general appropriation bill, and it seems to the Chair that this language that has just been read is analogous to the language in the organic act of the Department of Agriculture.

Mr. LEVER. Mr. Chairman, I suppose the Chair is about to overrule the point of order, and I wish to offer an amendment.

The CHAIRMAN. The Chair desired, first of all, to call the attention of the gentleman to the state of things under the organic act, and the Chair will now be glad to hear anything further on the point of order.

Mr. LEVER. I would like to have the Chair make a ruling.
Mr. BURLESON. Before the Chair rules, I want to direct
his attention to the fact that the particular paragraph against which the point of order has been raised, considering its phraseology, can not be claimed to be based on the organic act creating the Department of Agriculture. You will notice that it follows immediately a provision or paragraph which provides for "all expenses to carry into effect the pure-food act." Hence it relies for its validity in this bill upon the provision of the pure-food law. Now, Mr. Chairman, there is absolutely no authority in the pure-food law for the paragraph against which the point of order is raised and you can be the paragraph. the point of order is raised, and you can not escape the conclusion that the paragraph purports to rest upon the pure-food act, for the concluding part of the paragraph objected to includes these words:

Assistants, clerks, and such other persons as the Secretary of Agriculture may consider necessary for the purposes named.

What purposes named. Why, you look to the paragraph immediately preceding, which provides for all expenses necessary to carry into effect the provisions of the pure-food act.

As I see it, the Chair can not possibly escape the conclusion that this paragraph depends for its right to remain in this bill upon the provisions of law contained in the pure-food law, and if there is no provision in the pure-food law authorizing the Secretary of Agriculture to employ such assistants and clerks and other persons as he may see fit, and so forth, then this item necessarily must fall to the ground. In the pure-food act there is no such authorization; hence, I say, the Chair should sustain the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Weeks having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 86.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Blaine, Wash., to determine the cost and advisability of its improvement.

Senate concurrent resolution 82.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made to ascertain the most feasible and practicable route to build a canal or inland waterway on the shores of the Gulf of Mexico, connecting St. Andrews Bay, in the State of Florida, and the Mississippi River near New Orleans, in the State of Louisiana, with a view to determining the advantage, best location, and probable cost of such canal or inland waterway, and to submit a plan and an estimate for such improvements.

Senate concurrent resolution 82

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Popham Beach, Maine, with a view to the building of a bulkhead or breakwater along said beach for the protection of property of the United States, and to prevent the deposit of sand in navigable waters adjacent thereto.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8906. An act to provide for the retirement of certain officers on the active list of the Regular Army who have been passed over in promotion by officers junior to them in length of commissioned service.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MANN. Mr. Chairman, when the pure-food law was passed, it was in the mind of Congress that the organic act creating the department did authorize the Secretary of Agri-culture to appoint clerks, and assistants, and so forth. It seems culture to appoint clerks, and assistants, and so forth. to me that the only question here is as to whether this portion of the paragraph-

and such other persons as the Secretary of Agriculture may consider necessary for the purposes named—

is subject to a point of order. Upon reflection, it would seem to me that the authority to employ such other persons as may be needed is practically the same thing, identically the same

thing, as the employment of such other persons as the Secretary of Agriculture may consider necessary, because the persons who may be needed are to be judged by the Secretary. While the language is not precisely the same, the authority is

precisely the same.

The CHAIRMAN. The pure food and drug law simply unloaded an additional subject upon the Department of Agriculture. In itself it afforded no additional machinery of administration. As the gentleman from Illinois [Mr. Mann] has indicated, it was believed at the time that the organic act provided the method for furnishing this machinery. The Chair overrules the point of order.

Mr. LEVER. Mr. Chairman, I move to strike out, after the semicolon, in line 17, page 27, all the words down to "dollars," on line 21, and to insert thereafter the following, which I send

to the Clerk's desk.

The Clerk read as follows:

Strike out all after the word "dollars" in line 17, page 27, and insert, after the semicolon, the following:

"For the examinations of specimens of foods and drugs, made in the Bureau of Chemistry, under the direction and supervision of such bureau for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of said act, in the city of Washington, \$200,000; out of the city of Washington, \$266,460."

Mr. POLLARD. Mr. Chairman, I wish to reserve a point of

order on the amendment.

Mr. LEVER. That amendment is written in the language of section 4 of the food and drug act of June 30, 1906, and I say frankly that it is intended to eliminate the operation of the so-called "referee board of consulting chemists." I tried to point out yesterday that this referee board was appointed in violation of law. I tried to point out that the referee board was violation of law. I fried to point out that the referee board was appointed at the behest of manufacturers who were not obeying the pure food and drug act of 1906. I pointed out, Mr. Chairman, that there was no necessity for the use of any of these chemicals in canned goods and foods. I pointed out, I think, clearly that the operation of this referee board of consulting chemists had the effect of tying the hands of the Chief of the Russey of Chemistry, whose statutory duty it is to enforce the Bureau of Chemistry, whose statutory duty it is to enforce the pure food and drug act of 1906. I pointed out, too, that the exercise of the functions of this referee board of consulting chemists acted in the nature of an absolute superseding of the Chief of the Bureau of Chemistry in the performance of the

duties imposed upon it by law.

In this connection, Mr. Chairman, I want to read for the information of the Committee of the Whole a portion of a letter just received from the Secretary of Agriculture. At the proper time I will ask for permission to insert the whole letter, in justice to the Secretary, but I want at this point to read this portion, which bears upon this proposition:

You ask what duties in the Bureau of Chemistry are assigned to members of the referee board, and whether these gentlemen act under the authority of the chief of the bureau. No duties in the Bureau of Chemistry are assigned to these men. They are all connected with prominent universities and have their own laboratories. They do not do any work under the authority of the Chief of the Bureau of Chemistry.

I call especial attention to that language:

They do not do any work under the authority of the Chief of the Bureau of Chemistry.

Let me put alongside of that language the language of the statute, the language that we passed, the language that we intended to have obeyed in the enforcement of the pure food and drug act. I read from section 4 of the act-

That the examinations of specimens of food and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction or supervision of such bureau.

Yet we are told by the Secretary of Agriculture that this extra legally appointed referee board is not connected with the Bureau of Chemistry and does not exercise its authority in conformance with the directions of the Chief of the Bureau of Chemistry

Mr. COLE. Will the gentleman yield for a question?
Mr. LEVER. Yes.
Mr. COLE. Does the gentleman contend that the findings of the Bureau of Chemistry are absolutely binding upon the Secre-

tary of Agriculture?

Mr. LEVER. I contend that the law points out just exactly what the Secretary of Agriculture shall do with the facts furnished to him by the Bureau of Chemistry. The facts are handed to the Secretary, as I understand it, and if, in his judgment, it seems to him that a good case has been made, a fair case has been made, those facts are certified to the proper district attorney of the proper federal court. The Secretary of Agriculture has no discretion in the matter. The data is collected by the Chief of the Bureau of Chemistry or those acting under the

direction of the chief. But I want to read further from the letter of the Secretary referring to this board. He says:

They report directly to me.

Mr. Chairman, they do not report to the Chief of the Bureau of Chemistry, but to him, the Secretary of Agriculture. He continnes:

The law speaks to me and says that I must keep out of foods substances which are deleterious to health. When great conflicts of scientific opinion arises concerning the deleteriousness of a particular substance, I refer that substance to the referee board—

Oh, no; not to the Chief of the Bureau of Chemistry, as provided in section 4 of the pure-food act; not at all; but to the referee board-

and an elaborate scientific investigation is conducted to determine whether the substance is harmful.

Mr. Chairman, I want to call the attention of the committee to the fact that section 4 of the act provides that this scientific investigation shall be made by the Bureau of Chemistry or under the supervision of the Bureau of Chemistry, and you can not get away from the fact.

Mr. TAWNEY. Will the gentleman permit a question?
Mr. LEVER. Yes.
Mr. TAWNEY. Does the pure-food act also authorize the

appointment of this referee board?

I have searched the pure-food act carefully Mr. LEVER. night after night for more than a week, and I say to the gentleman that there is not an iota of language in it which authorizes the appointment of this referee board of consulting chemists, nor any other law so far as that is concerned. I read further from the Secretary's letter:

My action in allowing or excluding a substance is based upon-

Based on what? Based on the report of the Chief of the Bureau of Chemistry? Based on the findings of those acting under the supervision or direction of the Chief of the Bureau of Chemistry? Not at all.

My action in allowing or excluding a substance is based upon the report of this board, which is made directly to me.

A board illegal in its make-up; a board absolutely exercising authority which this Congress did not give.

The CHAIRMAN. The time of the gentleman has expired.

The letter referred to, with inclosures, is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 3, 1905.

A. F. LEVER, House of Representatives, Washington, D. C.

Hon. A. F. Lever.

House of Representatives, Washington, D. C.

Dear Mr. Lever: I am sending you the information requested in your two letters of the 1st instant regarding the referee board of consulting scientific experts and the board of food and drug inspection. Most of the information which you desire concerning the referee board is contained in a letter which I have written to Mr. Scorr, the chairman of the House committee, on January 13, 1909, and I am taking the liberty of inclosing a copy of this letter. You ask what duties in the Bureau of Chemistry are assigned to the members of the referee board, and whether these gentlemen act under the authority of the chief of the bureau. No duties in the Bureau of Chemistry are assigned to these men. They are all connected with prominent universities and have their own laboratories. They do not do any work under the authority of the Chief of the Bureau of Chemistry. They report directly to me. The law speaks to me, and says that I must keep out of foods substances which are deleterious to health. When grave conflict of scientific opinion arises concerning the deleteriousness of a particular substance I refer that substance to the referee board, and an elaborate scientific investigation is conducted to determine whether the substance is harmful. My action in allowing or excluding the substance is based upon the report of this board, which is made directly to me. I think, with this statement and the copy of my letter to Mr. Scorr, you will be able to answer any questions which may arise in the course of the debate.

The formation of the Board of Food and Drug Inspection is also treated in my letter to Mr. Scorr, but you ask for the orders and official documents relating to the creation of the board, and I am sending you a copy of the order. I also send a copy of Doctor Dunlaj's appointment. General Order No. 111 defines the duties of the Board of Food and Drug Inspection, as follows:

"** The board will consider all questions arising in the enforcement of the food

a board at these hearings, and stenographic notes are taken of them. This is done by the force in Doctor Dunlap's office, and the records of the board are kept on file there. Hearings on general topics of interest are conducted by the board, frequently in view of a proposed publication of an important question under the food and drugs act, as, for example, the case of hearings on coffee, mineral waters, bleached flour, etc. Hearings before the board are also frequently had on appeal from cases heard at the various port laboratories.

2. Executive sessions.—These are held regularly twice a week, or oftener if need be, and are given over to the consideration of important questions affecting the enforcement of the act, such as questions of interpretation, cases arising for prosecution under the act, and important questions raised in connection with correspondence. As secretary of the board, Doctor Dunlap keeps the minutes of executive sessions, and presents all the matter at the meetings for the consideration of the board.

3. Correspondence.—All correspondence affecting the food and deven

the board, Doctor Dunlap keeps the minutes of executive sessions, and presents all the matter at the meetings for the consideration of the board.

3. Correspondence.—All correspondence affecting the food and drugs act passes through Doctor Dunlap's hands for consideration, and he, personally, handles as much of the correspondence as time allows. Especially is this true of letters which require the signature of the Secretary of Agriculture. Only by such control is consistency of action on the part of the department obtainable.

4. Doctor Dunlap also personally supervises the preparation of the letters for the signature of the Secretary, which are to be sent to the Secretary of the Treasury, dealing with imported foods and drugs, indicating the offense under the act. These letters are afterwards considered by the other members of the board before being submitted to the Secretary for consideration.

5. Doctor Dunlap prepares all letters for the consideration of the board, where, in his opinion, imported foods and drugs should be released at the ports. These letters are afterwards submitted to the Secretary of Agriculture for his consideration and approval.

6. He handles personally considerable correspondence on food and drug matters affecting the interpretation of the act; these letters go to the chiefs of the food laboratories. He also handles largely the correspondence coming to Washington on questions affecting imports, where such letters are sent by importers or other interested parties.

7. He considers, as a member of the board, all recommendations to the Secretary of Agriculture for seizures under section 10 of the act.

8. All the evidence in cases of adulterated or misbranded foods, when the cases are passed to the other members of the board for their vote.

9. He has also given a portion of his time to the proper action to take, the cases are passed to the other members of the board for their vote.

9. He has also given or asked concenting the food and drugs act, which have been submitted to the Attorne

Hon. Charles F. Scott,

Chairman Committee on Agriculture,

House of Representatives.

Dear Sir. On February 20, 1908, I appointed five men consulting scientific experts of this department, and on February 24, 1908, I organized them into a board called the "referee board."

I appointed these men under a provision in the agricultural appropriation bill which authorizes me to employ such assistants as I may consider necessary to secure the enforcement of the pure-food law.

I organized them into a board under authority of section 161 of the Revised Statutes, which authorizes the head of each department to prescribe regulation not inconsistent with law for the government of his department. Section 161 reads:

"The head of each department is authorized to prescribe regulations not inconsistent with law for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it."

The men so appointed are Dr. Ira Remsen, president of Johns Hopkins University; Dr. Russell H. Chittenden, of Yale; Dr. John H. Long, of the Northwestern University; Dr. Alonzo E. Taylor, of the University of California; and Dr. C. A. Herter, of New York. Their duties are to determine the wholesomeness or deleterious character of such foods or articles used in foods as I may refer to them for such determination.

The law snys to me that foods which are deleterious in themselves or which contain deleterious substances shall not be shipped in interstate commerce. It should be remembered that the pure-food law and the appropriation act speak to the Secretary of Agriculture. Examinations of samples are to be made by the Bureau of Chemistry, but the enforcement of the law is with me. It is necessary for me to know definitely whether certain articles are deleterious or not, and where there is grave conflict of scientific opinion on the question, I refer the subject to this board.

I have referred thre

conflict of scientific opinion on the question, I refer the subject to this board.

I have referred three subjects—benzoate of soda, sulphur dioxide, and saccharine. No reports have been received by me from the referee board on these subjects, but I am expecting a report on benzoate of soda and on saccharine about March I next. The members of the board are paid \$25 a day for each day they are actually employed, and so far they have received in salary a total of \$4,703.04, and the expense of the investigations conducted by them on the subjects of benzoate of soda and saccharine have been \$27,119.84.

The referee board was appointed because certain large manufacturers of foodstuffs asked thorough investigation by the most distinguished scientists in the land. They asked the President to select a number of disinterested scientific men competent to pass upon the question, and stated that if these men found that sulphur dioxide, saccharine, and henzoate of soda were harmful, they would, of course, immediately discontinue their use. The President corresponded with the presidents of a number of the leading universities of the country, who suggested certain names to him, from which he made the selection of the five men I have heretofore named, and these men were appointed by me and organized into a board, as stated.

It will be remembered that when the pure-food law was under discussion before a committee of the House, the view was expressed that the Secretary of Agriculture should be allowed a free hand in selecting experts of renown on questions of the wholesomeness of certain foods and articles used in foods, and this had always been my position. Apparently, it was indorsed by the Congress when they included the item in the agricultural appropriation bill giving me authority to employ such persons as I considered necessary for the enforcement of the law, and I have used the discretion confided in me by Congress.

I may say that it is my personal opinion that it is necessary to have the opinion of five eminent, disinterested experts as to the wholesomeness or unwholesomeness of benzoate of soda, saccharine, and sulphur dioxide.

BOARD OF FOOD AND DRUG INSPECTION.

When the department started in to enforce the pure-food law, I was looking to the Chief of the Bureau of Chemistry to handle the administrative details and the chemical end of the work, and to the department solicitor to handle the legal work, and to these two officials jointly to report to me on such details as required my personal action, such as the exclusion of adulterated and misbranded foods or drugs offered for import, advice as to prosecutions, etc.

I soon discovered that we were needing another chemist to devote his whole time to the work of enforcing the law. The Chief of the Bureau of Chemistry has many other duties in addition to his duties under the pure-food law. The questions to be considered are important, and the decisions are more generally accepted when they are not a one-man product.

pure-food law. The questions to be considered are important, and the decisions are more generally accepted when they are not a one-man product.

To get this additional man, the presidents of some of the leading universities in the country were consulted, and finally Dr. F. L. Dunlap, of the University of Michigan, was appointed upon the strong recommendation of President Angell. Doctor Dunlap was appointed under the authority conferred upon me in the agricultural appropriation act.

Coincident with Doctor Dunlap's appointment, under authority of section 161, Revised Statutes, I organized the Board of Food and Drug Inspection, consisting of the Chief of the Bureau of Chemistry as chairman, Dr. F. L. Dunlap, and Mr. George P. McCabe. This board acts for me. This board advises me on matters concerning which the pure-food law says I must make a decision. It in no way interferes with the duty assigned by the pure-food law to the Bureau of Chemistry. This duty is the examination of samples, and this is the sole duty imposed upon the Bureau of Chemistry by the food and drugs act. This duty that bureau now performs.

I inclose a statement, showing in detail the expenses of the referee board from February 20 to December 31, 1908, inclusive.

Very truly, yours,

JAMES WILSON, Secretary.

General Order No. 111.

United States Department of Agriculture, Office of the Secretary, Washington, D. C., April 25, 1907.

There is hereby created in the Department of Agriculture a board of food and drug inspection. The members of the board will be Dr. Harvey W. Wiley, Chief, Bureau of Chemistry, chairman; Dr. Frederick L. Dunlap, associate chemist, Bureau of Chemistry; and Mr. George P. McCabe, Solicitor of the Department of Agriculture. The board will consider all questions arising in the enforcement of the food and drugs act of June 30, 1906, upon which the decision of the Secretary of Agriculture is necessary, and will report its findings to the Secretary for his consideration and decision. All correspondence involving interpretations of the law and questions arising under the law not theretofore passed upon by the Secretary of Agriculture shall be considered by the board. The board is directed to hold frequent meetings at stated times in order that findings may be reported promptly.

In addition to the above duties, the board of food and drug inspection shall conduct all hearings based upon alleged violations of the food and drugs act of June 30, 1906, as provided by regulation 5 of the rules and regulations for the enforcement of the food and drugs act, approved October 17, 1906.

JAMES WILSON,

JAMES WILSON, Secretary of Agriculture.

United States Department of Agriculture, Washington, D. C., April 25, 1997.

Mr. Frederick L. Dunlap, of the State of Michigan, is hereby appointed associate chemist of the Bureau of Chemistry and a member of the Board of Food and Drug Inspection in the United States Department of Agriculture, at a salary at the rate of \$3,500 per annum, on the miscellaneous roll paid from the fund appropriated for the "Enforcement of the food and drugs act, 1907."

The above-named appointee is hereby required to take the oath of office immediately and file the same, together with a statement of legal and actual residence and personal record, with the appointment clerk in the Department of Agriculture, and report for duty in person to the Secretary of Agriculture, and be subject to the rules and orders of the Secretary of Agriculture. This appointment shall take effect on the appointee taking the oath of office and reporting for duty.

JAMES WILSON,

Secretary of Agriculture.

A true duplicate copy.

A true duplicate copy.

R. W. ROBERTS Acting Appointment Clerk, United States Department of Agriculture.

Mr. SCOTT. Mr. Chairman, I move that debate on the pending paragraph close at 5 o'clock.

The motion was agreed to.

Mr. HAYES. Mr. Chairman, the people of California believe in the pure-food law. We are not opposed to the amendment of the gentleman from South Carolina because we are opposed to any part of that law; but I hope the amendment will not prevail, because I believe that a referee board such as has been provided by the Secretary of Agriculture is absolutely necessary for the proper administration of the pure-food act. This board was appointed because, as the Secretary has well said in his letter, there was great difference of opinion among chemists upon certain subjects upon which, under that law, he

was called to act. One of the matters submitted to this referee board is the question of the use of sulphur in the curing of fruit, and I think that the condition of this question shows clearly that this board is absolutely necessary.

Mr. LEVER. Will the gentleman yield for a question?

Mr. HAYES. Yes.

Mr. LEVER. I would like to ask the gentleman from California if it is his contention that there is anywhere in any law authority for the appointment of this referee board of consulting chemists?

Mr. HAYES. Yes; my contention is that there is ample authority, not only in the general law as read from the Chair,

but in the pure-food act as well.

Mr. LEVER. I should be glad to have the gentleman put his

Mr. HAYES. That is settled; the Chair has already ruled that the language in the bill is in order and was not opposed to any existing law. That settles that so far as this bill is concerned. In the early stages of the administration of the purefood law this matter came before the Bureau of Chemistry, and Doctor Wiley held that more than 350 milligrams of sulphur dioxide per kilogram of dried fruit was deleterious to health, thus holding, so far as I know, contrary to the universal opinion of chemists on this subject all over the world.

The rule of the German chemists has been for years that

1,050 milligrams per kilogram of fruit was not deleterious, which is three times the amount that Doctor Wiley has held to

be the safe limit. Mr. ROBERTS. Milligrams of what?

Mr. HAYES. Of sulphur dioxide. Now, the people of California have treated their fruit with sulphur, and they have for years easily met this limit of the German chemists and the French chemists and the chemists of all the governments of the world; yet the ruling of Doctor Wiley, if enforced, would de-stroy the dried-fruit business. As my colleague has already pointed out, it would cause the loss of millions of dollars invested in this business in California. Now, if the referee board, to whom this matter is referred, should finally find that Doctor Wiley is correct in his conclusion, then, of course, we must abide by that decision, and we are ready to do so; but until it is thus determined by the highest authority I think that the Congress of the United States ought to permit the Secretary to use the method which, under the law, he has provided to determine whether or not Doctor Wiley is correct in his conclusion that anything more than 350 milligrams of sulphur dioxide to the kilogram of fruit is deleterious.

The CHAIRMAN. The time of the gentleman from Califor-

nia has expired.

Mr. HAYES. Mr. Chairman, I ask unanimous consent for

one minute more.

The CHAIRMAN. The gentleman from California asks unan-

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYES. Now, Mr. Chairman, we have no criticism to make of Doctor Wiley. We have no doubt he is an honest man and is doing what he thinks is his duty, but all men are mortal and liable to err. What we ask in this matter is that the law as the Secretary has interpreted it may continue to be administrated and in this manner all disputed questions may be decided. tered, and in this manner all disputed questions may be decided by the referee board, which is composed of men of such high authority in chemistry that when their decision is once announced no one will think of questioning the correctness of their

conclusion, whatever it may be.

Mr. HUGHES of New Jersey. Mr. Chairman, this amendment, as I understand it, is aimed to eliminate what seems to be known as the "referee board." Unless I am absolutely mistaken in the premises, this referee board has been appointed practically without authority of law. In other words, as it strikes the ordinary man interested in the administration of the pure-food law, it would seem as though, having passed a law intended to correct a great many evils and abuses, a certain number of people interested in the continuation of those evils and abuses have been powerful enough to have the operation of the law suspended by having this referee board called into existence. are going to establish a court of errors and appeals in this matter of pure food, let us do it by law and not by indirection. If it is true that the Chief of the Bureau of Chemistry is not competent to perform the duties of his office and it is necessary to call in these gentlemen with high-sounding names and titles to check up his rulings, let us do it, but let us do it in the light of day; let us do it in the face of the people of the country, who I believe want this law, and who I believe are in favor of its enforcement, and who I believe are behind the Secretary of Agriculture and Doctor Wiley in the manner in which they have directed the enforcement of it.

Now, what is the situation as we find it presented to us here to-day? Just as soon as any body of men interested in the continuation of the sale and distribution of impure food are powerful enough to approach the officers of the Government they, too, may have a referee board appointed. Nobody can possibly know where they are at in this matter. This referee board which makes this last report only removes the subject once more into the domain of doubt and controversy. They set about the wellnigh impossible task of proving a negative. It would be impossible for them to prove actually what they have attempted to prove and say that there were no deleterious substances used in the manufacture of these goods. Of course they can cite the fact that these substances did not deleteriously affect this man or that man, or this or that body of men, but that does not prove anything. It would take a thousand times that amount of testimony to offset the direct results obtained by the Chief of the Bureau of Chemistry when he, acting under the law, acting with all the authority given to him, proves and submits in his report that such substances are deleterious and—
Mr. KAHN. Will the gentleman yield for a question?
The CHAIRMAN. The time of the gentleman from New

Jersey has expired.

Mr. KAHN. I ask that the gentleman be given one minute

more in order to answer a question.

Mr. SCOTT. I am obliged to object, because the time of debate has been limited. I now yield two minutes to the gentle-

man from Michigan [Mr. Townsend].

Mr. TOWNSEND. Mr. Chairman, personally, I can conceive of nothing more deleterious to the impartial enforcement of the pure-food legislation than the passage of this amendment, which would put in the hands of one man, however good he might be, however wise-and I am not questioning the wisdom of the chief chemist-the power to decide, without review, all great

questions of this kind. I have not heard—
Mr. BURLESON. The courts can review his actions.
Mr. TOWNSEND. I have not heard one word of criticism as to the character of this board. It is composed of eminent chemists of national reputation and unquestioned character; and yet because the board did not agree with the Chief of the Division of Chemistry it is proposed to abolish the many and retain the

I contend, Mr. Chairman and gentlemen, that this law contemplated that the Secretary of Agriculture should carry out its provisions, that he was to promulgate rules and regulations for enforcing it, and that the appointment of the board was under his advice and with his consent. The spirit and intent of the law has been complied with and great good to the people has been secured, and at the same time no honest manufacturer has been injured by the proper regulations which have been established.

I submit, Mr. Chairman, that we ought to be very careful before we confer such powers as have been conferred in the purefood law upon one man, for even though, as the gentleman from Texas [Mr. Burleson] suggests, the courts might review his action, they could not review it until possibly much legitimate business of the country had been destroyed or disastrously af-The argument thus far advanced in favor of the amendment is the claim that the board is not legally constituted. The ruling of the Chair on the point of order settles the legality of the matter, so far as the House is concerned; and inasmuch as common fairness, as well as the ultimate success of the purefood law, depends upon its just interpretation and the highest degree of scientific ability employed in fixing standards, and inasmuch as there has been no argument against the board and no denial that it is in the highest degree efficient, I hope the amendment will fail.

Mr. BURLESON. Let me ask the gentleman— Mr. TOWNSEND. I am fearful I have occupied my two

The CHAIRMAN. The time of the gentleman from Michigan

has expired.

Mr. SCOTT. Mr. Chairman, the very clear and comprehensive decision of the Chair in passing upon the point of order raised by the gentleman from South Carolina [Mr. Lever] seems to leave it unnecessary to further discuss the question of the legality of the appointment of this board of referees. I will pass that, therefore, and call attention to the effect of the amendment that has now been offered by the gentleman from South Carolina [Mr. Lever], and which, if it should prevail, would bring about the anomalous condition of a bureau chief within a department having greater power than the secretary in charge of that department. If this amendment prevails it means that the Secretary of Agriculture shall have no authority to review a decision which is made by one of his bureau chiefs, or to call upon anybody else to help him reach a determination

in regard to the justice of that view and the wisdom of it. That would be a condition so intolerable from every standpoint of good administration that I can not believe this committee will be willing to support a proposition which will bring it about.

Mr. GAINES of Tennessee and Mr. BURLESON rose.

The CHAIRMAN. Will the gentleman yield?

Mr. SCOTT. I am obliged to decline to yield. The only other point to be considered by the committee is the wisdom of the action of the Secretary in appointing this board of And that is a question also which seems to need no longer discussion than the minute which I have left. It has already been referred to by both the gentlemen from California [Mr. HAYES and Mr. KAHN], who called attention to the enormous industrial and commercial interests that were at stake, great industries that were in danger of destruction if the dictum announced by the Chief of the Bureau of Chemistry should be permitted to stand as the law. Undoubtedly the Secretary of Agriculture exercised wisely the discretion vested in him when, in view of the possibility of irreparable injury to great commercial interests, he determined that the question should not be deemed settled until the last word had been spoken.

And I venture to say that there is not a court in the United States but would hold that the last word has been spoken upon any chemistry proposition when the gentlemen named as members of the board of referees have passed upon it, because they are the most eminent in their profession in the United States.

Mr. BURLESON. Mr. Chairman-

Mr. SCOTT. The wisdom of the Secretary's action therefore seems to be as indisputable as the legality of it, and I trust that the amendment will be voted down.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired. The question is on the amendment offered by the gentleman from South Carolina [Mr. Lever]

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LEVER. Division, Mr. Chairman.

The committee divided; and there were—ayes 53, noes 41. Mr. SCOTT. Tellers, Mr. Chairman. And pending that re-

quest, I move that the committee do now rise.

The CHAIRMAN. Pending the request for tellers, the gentleman from Kansas [Mr. Scort] moves that the committee do now rise.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. LEVER. Division, Mr. Chairman.

The committee again divided; and there were—ayes 50, noes 42. The committee accordingly rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 27053, the agricultural appropriation bill, and had come to no resolution thereon.

JUSTICES OF THE PEACE COURTS IN THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, with the House amendment disagreed to by the Senate.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House

insist upon its amendment and agree to the conference asked.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the appointment of Mr. Campbell, Mr. Olcott, and Mr. Johnson of Kentucky, as conferees on the part of the House.

ILLUMINATING GAS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The Clerk read as follows:

House Order No. 24.

Ordered. That the Committee on the District of Columbia be, and hereby are, authorized to investigate the quality and composition of the illuminating gas furnished in the District of Columbia, and to send for persons and papers.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, have they not been investigating that for the last three or four weeks?

Mr. SMITH of Michigan. There have been five or six witnesses before the committee.

Mr. CLARK of Missouri. What do you want with the order then?

Mr. SMITH of Michigan. We desire to make a further investigation. There has been some claim made by some of the witnesses that it would cost five to seven millions to make a change of the system.

Mr. GAINES of Tennessee. Are you going to report this ession?

Mr. SMITH of Michigan. I am not certain whether we will or not. We want the power that is given by this order.

Mr. GAINES of Tennessee. How many experts have you

Mr. SMITH of Michigan. Five or six.

Mr. GAINES of Tennessee. On which side of the question? Mr. SMITH of Michigan. Well, three upon one side and four upon the other.

Mr. SIMS. The committee has no side.

Mr. SMITH of Michigan. No.

Mr. BARTLETT of Georgia. I would like to ask if the gentleman's committee has been investigating why it is that we have so many gas lamps in the city of Washington, while we also have electric lights, and why it is that we find so many of the old-fashioned gas lamps in the streets?

Mr. SIMS. The Committee on Appropriations can answer that question.

Mr. SMITH of Michigan. I did not hear the gentleman's question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

ALLOWANCE TO DEPUTY UNITED STATES MARSHALS.

Mr. BANNON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 16274 and to consider the same in the House.

The Clerk read as follows:

A bill (H. R. 16274) to amend section 10 of chapter 252, volume 29, of Public Statutes at Large.

Be it enacted, etc., That section 10 of chapter 252, volume 29, Public Statutes at Large, is hereby amended by striking out in the twelfth line of said section the word "two" and inserting in place thereof the words "three and one-half," so that said section as amended shall read as follows:

"SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpora, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed three and one-half dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided."

The amendments recommended by the committee were read, as follows:

Strike out the words "and one-half" where the same appear in line 7 of page 1 and in line 8 of page 2 of the bill.

The SPEAKER. Is there objection?

Mr. EDWARDS of Georgia. Reserving the right to object, I would like to have an explanation of the bill given by the gentleman. I should like to know if it has been reported on by the Committee on the Judiciary.

The bill seems to be reported from the The SPEAKER.

Committee on the Judiciary.

Mr. BANNON. The bill is reported from the Committee on the Judiciary by a unanimous report and is recommended by the Attorney-General. The object of the bill is simply to increase the maximum allowance to office deputies of United States marshals for necessary and actual expenses for lodging and subsistence when necessarily absent on official business outside of the place of their employment, making it \$3 per day.

Mr. FITZGERALD. Three dollars and fifty cents.

Mr. BANNON. No, sir; the amendment strikes out "and a half," and the increase is from two to three dollars per day.

The SPEAKER. Is there objection?
Mr. MACON. I should like to ask the gentleman this question: The bill does not contemplate any great raid on the Treasury, does it? Mr. BANNON.

Oh, no.

Mr. BARTLETT of Georgia. Is there anything in the bill to limit the number of deputies?

Mr. BANNON. The existing law provides for that, and provides that deputies shall not be appointed, except by and with the consent of the Attorney-General.

Mr. BARTLETT of Georgia. In every case?

Mr. BANNON. In every case under the act of 1896.
Mr. BARTLETT of Georgia. What is meant by the provision "when he is compelled to go outside of his territory?"

Mr. BANNON. Why, outside of the locus of his employment. If a man, for instance, is employed in the city of Cincinnati,

and must go to Columbus or to Dayton or to Springfield, then

he will receive his expenses, not exceeding \$3 a day.

Mr. BARTLETT of Georgia. The provision ought to be, when he is required to go outside of the district in which he is a deputy. Is it intended to confine it to the city in which he lives?

Mr. BANNON. No; I mean outside of the place of his em-Take, for instance, a given district, the federal office building will be in a certain city, as in the city of Chicago or the city of Cincinnati. That is the place of his employment. Occasionally the deputy marshal is given a writ and is obliged to go to some other city to serve that writ, and this simply allows him, when he is away from his headquarters, going to another city, not to exceed \$3 per day for expenses; and I want to say for the benefit of the House and the gentleman that before he can get any expenses whatever allowed he must file an itemized account with the Attorney-General, showing every item expended, and an affidavit that it was paid for in good and lawful money of the United States.

Mr. BARTLETT of Georgia. We are in this condition in the southern district, that the marshal for the southern district is also marshal for the eastern division and the southern division of the southern district. In that district are located three cities, Savannah, Augusta, and Macon. Now, the marshal resides at Macon. If he appoints a deputy in Macon and sends him to Augusta, then is he entitled to this extra compensation when he goes from the city of his residence to the city where he attends court?

Mr. BANNON. It is not for compensation at all. It is for

Mr. BARTLETT of Georgia. It adds that much to his total

compensation, though.

Mr. BANNON. It is not for compensation, but merely for expenses and adds nothing to his compensation. This is unanimously reported by the Committee on the Judiciary and recommended by the Attorney-General.

Mr. EDWARDS of Georgia. As I understand the gentleman,

there is no contemplation of an increase of salary at all.

Mr. BANNON. None whatever.

Mr. EDWARDS of Georgia. It is merely for expense money.

Mr. BANNON. Merely for expense money.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. On motion of Mr. Bannon, a motion to reconsider the last vote was laid on the table.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Railways and Canals from the further consideration of Senate bill 8154, to amend the charter of the Lake Erie and Ohio River Ship Canal Company, approved June 30, 1906.

I make this request in order to get the return of the bill to the Speaker's table. A similar bill has been reported by that committee to the House, and the Senate bill has been referred to that committee but not reported.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to discharge the Committee on Railways and Canals from the further consideration of the Senate bill referred to, of which the Clerk will report the title, and that the same be returned to the Speaker's table.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. FITZGERALD. What is the purpose of getting this onto the Speaker's table—a change of reference?

Mr. DALZELL. No; I want to get a chance to pass it in the House. The Senate bill went to the Committee on Railways and Canals of the House on the same day that the Committee

on Railways and Canals reported an identical bill.

Mr. FITZGERALD. What does this bill do?

Mr. DALZELL. It extends the time for the completion of this canal. The gentleman will have an opportunity to pass on the merits of it when I ask to pass the bill.

Mr. FITZGERALD. Is this the only way the gentleman can

Mr. FITZGERALD. Is this the only way the gentleman can get the bill from the Railway and Canals Committee?

Mr. DALZELL. It is not the only way. The committee could report it, probably, in time.

Mr. FITZGERALD. The gentleman is on the Committee on Rules, is he not? He could have a rule by which he could bring this matter before the House.

Mr. DALZELL. Oh, yes.

Mr. FITZGERALD. If this request be granted, it will be on the Speaker's table, a similar House bill having been reported. Mr. DALZELL. Yes; I can ask unanimous consent for con-

Mr. DALZELL. Yes; I can ask unanimous consent for consideration, and that is what I propose to do.

Mr. FITZGERALD. Does it require unanimous consent?

Mr. DALZELL. No; I do not think it does.

Mr. FITZGERALD. I think the gentleman ought to let us know what the provisions of the bill are, because if he puts the bill on its passage, it will pass regardless of whether we wish to consent or not. consent or not.

Mr. DALZELL. I can state what the purpose of the bill is. The charter granted by the last Congress, or perhaps the Congress before, to this company provided that the canal should be commenced within a certain period of time and completed within a certain period. The incorporators have been at work, expended a large amount of money for procuring rights of way and storage reservoirs, and have been prevented from financing the scheme as they expected to do, by reason of the panic. They ask now an extension of time for the commencement of the canal and for its completion.

Mr. MACON. How much time? Mr. DALZELL. I have forgotten just the period. What does the bill say?

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 19 of the act granting the Lake Erla and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erle, in the State of Ohio, approved June 30, 1906, be, and it is hereby, amended as follows: In said section of said act strike out the words "three years" and insert the words "six years" in lieu thereof; also strike out the words "ten years" and insert the words "thirteen years" in lieu thereof.

Mr. DALZELL. It gives three additional years, Mr. GARRETT. Does the gentleman ask for consideration of the bill now?

Mr. DALZELL. No; I do not ask for consideration now. The SPEAKER. Is there objection? [After a pause.] Chair hears none and it is so ordered.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 8460. An act to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States for his approval the following bills:

H. R. 24303. An act for the relief of the estate of Charles Fitzgerald:

H.R. 24635. An act to create a new division in the middle judicial district of the State of Tennessee; and

H. R. 27427. An act to prohibit the importation and use of opium for other than medicinal purposes.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8906. An act to provide for the retirement of certain officers on the active list of the Regular Army who have been passed over in promotion by officers junior to them in length of commissioned service-to the Committee on Military Affairs.

Senate concurrent resolution 82.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made to ascertain the most feasible and practicable route to build a canal or inland waterway on the shores of the Gulf of Mexico, connecting St. Andrews Bay, in the State of Florida, and the Mississippi River, near New Orleans, in the State of Louisiana, with a view to determining the advantage, best location, and probable cost of such canal or inland waterway, and to submit a plan and an estimate for such improvements—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 83.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Potham Beach, Maine, with a view to the building of a bulkhead or breakwater along said beach for the protection of property of the United States, and to prevent the deposit of sand in navigable waters adjacent there-

to the Committee on Rivers and Harbors.

Senate concurrent resolution 86.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the harbor at Blaine, Wash., to determine cost and advisability of its improvements—

to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the Interstate Commerce Commission, transmitting a reply to the inquiry of the House as to advances in freight charges (H. Doc. No. 1412)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for payment of the claim of the Roman Catholic Church in Porto Rico (H. Doc. No. 1413)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for claims allowed by accounting officers under exhausted appropriations, etc. (H. Doc. No. 1414)-to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for pneumatic-tube service in the customs service in New York City (H. Doc. No. 1415)-Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Auditor for the War Department submitting an estimate of appropriation for payment of the claims of the State of Kansas (H. Doc. No. 1416) -to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for payments of judgments in Indian depredation cases (H. Doc. No. 1417)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting papers and recommendations relating to appropriations to satisfy the judgment in the case of the Eastern Cherokees against The United States (H. Doc. No. 1418)-to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MARTIN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming, reported the same without amendment, accompanied by a report (No. 2041), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21138) to increase the efficiency of the Pay Department, U. S. Army, reported the same with amendments, accompanied by a report (No. 2043), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 26068) providing for an additional judge for the western district of Pennsylvania, and for other purposes, reported the same without amendment, accompanied by a report (No. 2044), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 27244) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, reported the same without amendment, accompanied by a report (No. 2045), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 27818) providing for participation in the Universal and International Exhi-

bition to be held at Brussels in 1910, reported the same without amendment, accompanied by a report (No. 2047), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27479) to require motor vessels to be equipped with mufflers, reported the same without amendment, accompanied by a report (No. 2046), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HASKINS, from the Committee on War Claims, to which was referred the amendments of the Senate to the bill of the House (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts, and for other purposes, reported the same, accompanied by a report (No. 2038), which said amendments, bill, and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4168) to carry out the findings of the Court of Claims in the case of James A. Paulk, reported the same without amendment, accompanied by a report (No. 2039), which said bill and report were referred to the Private Calendar.

Mr. HOWLAND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23699) which was referred the bill of the House (H. R. 25099) to grant to John T. Rivett privilege to make commutation of his homestead entry, reported the same without amendment, accompanied by a report (No. 2040), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R.

119) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright, reported the same with amendment, accompanied by a report (No. 2042), which said joint resolution and report were referred to the Private Calen-

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 27464) granting a pension to Emmett Puckett-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27569) granting an increase of pension to Stanley R. Bronson-Committee on Invalid Pensions discharged. and referred to the Committee on Pensions.

A bill (H. R. 17779) granting an increase of pension to S. G. Ragsdale-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27633) granting a pension to Henry M. Allen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. STEVENS of Minnesota: A bill (H. R. 27666) regulating details of officers of the army-to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 27667) to amend an act authorizing the Commissioners of the District of Coan act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 27668) to amend sections 612, 613, 617, and 621 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOK of Colorado: A bill (H. R. 27669) to amend paragraph 7, chapter 389, of volume 1 (second edition) of the Supplement to the Revised Statutes of the United States, relating to park watchmen-to the Committee on Public Brildings and Grounds.

By Mr. CARY: A bill (H. R. 27670) for the prevention and punishment of cruelty to animals—to the Committee on the District of Columbia.

By Mr. DALZELL: A bill (H. R. 27671) providing for an additional judge for the western district of Pennsylvania, and for other purposes-to the Committee on the Judiciary.

By Mr. BURKE: A bill (H. R. 27672) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers-to the Committee on the Merchant Marine and Fish-

By Mr. OLCOTT: A bill (H. R. 27673) to incorporate the trustees of the Chi Psi Fraternity—to the Committee on the District of Columbia.

By Mr. LINDSAY: Joint resolution (H. J. Res. 251) to authorize the Secretary of War to furnish 50 condemned rifles to the Union Guard, a military organization attached to the Church of the Most Holy Trinity, of Brooklyn, N. Y.—to the Committee on Military Affairs.

By Mr. RODENBERG: Concurrent resolution (H. C. Res. 63) authorizing the Interstate Commerce Commission to make in-

vestigations concerning railroad appliances, etc .- to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 27674) granting an increase of pension to George W. Lloyd—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 27675) granting an increase of pension to John Meadows-to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 27676) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company—to the Committee on

By Mr. BARNHART: A bill (H. R. 27677) granting an increase of pension to John R. Kissinger-to the Committee on

By Mr. BURLESON: A bill (H. R. 27678) granting an increase of pension to Henry C. Hubert—to the Committee on Pensions.

Also, a bill (H. R. 27679) granting an increase of pension to Henry T. Hill—to the Committee on Pensions.

Also, a bill (H. R. 27680) granting an increase of pension to Isaac C. Holt--to the Committee on Pensions.

Also, a bill (H. R. 27681) granting an increase of pension to

John Hutchinson—to the Committee on Pensions. Also, a bill (H. R. 27682) granting an increase of pension to

John W. Harris—to the Committee on Pensions. Also, a bill (H. R. 27683) granting an increase of pension to

Joseph H. Harris—to the Committee on Pensions.

Also, a bill (H. R. 27684) granting an increase of pension to Joshua F. Huff—to the Committee on Pensions.

Also, a bill (H. R. 276%5) granting an increase of pension to Montraville Harrell—to the Committee on Pensions.

Also, a bill (H. R. 27686) granting an increase of pension to Robert T. Hurley—to the Committee on Pensions.

Also, a bill (H. R. 27687) granting an increase of pension to

Robert W. Hall-to the Committee on Pensions. Also, a bill (H. R. 27688) granting an increase of pension to William Hurst-to the Commmittee on Pensions.

Also, a bill (H. R. 27689) granting an increase of pension to Christopher C. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 27690) granting an increase of pension to Edwin P. Jones-to the Committee on Pensions.

Also, a bill (H. R. 27691) granting an increase of pension to Frank Jenull—to the Committee on Pensions.

Also, a bill (H. R. 27692) granting an increase of pension to John J. Jacobs-to the Committee on Pensions.

Also, a bill (H. R. 27693) granting an increase of pension to

William B. King-to the Committee on Pensions. Also, a bill (H. R. 27694) granting an increase of pension to

Robert H. King-to the Committee on Pensions.

Also, a bill (H. R. 27695) granting an increase of pension to Richard J. D. Kolb—to the Committee on Pensions. Also, a bill (H. R. 27696) granting an increase of pension to

James W. Kennedy-to the Committee on Pensions.

Also, a bill (H. R. 27697) granting an increase of pension to Stephen A. Jones—to the Committee on Pensions.

Also, a bill (H. R. 27698) granting an increase of pension to Thomas C. Capell—to the Committee on Pensions.

Also, a bill (H. R. 27699) granting an increase of pension to

William A. Cole-to the Committee on Pensions.

Also, a bill (H. R. 27700) granting an increase of pension to John H. Bingham-to the Committee on Pensions.

Also, a bill (H. R. 27701) granting an increase of pension to Alexander B. Davis-to the Committee on Pensions

Also, a bill (H. R. 27702) granting an increase of pension to Benjamin F. Dye-to the Committee on Pensions.

Also, a bill (H. R. 27703) granting an increase of pension to Charles Wesley Danley—to the Committee on Pensions. Also, a bill (H. R. 27704) granting an increase of pension to

John H. Debord—to the Committee on Pensions.

Also, a bill (H. R. 27705) granting an increase of pension to Alexander Earp-to the Committee on Pensions.

Also, a bill (H. R. 27706) granting an increase of pension to Henry W. Ellis-to the Committee on Pensions.

Also, a bill (H. R. 27707) granting an increase of pension to

Robert W. Eller—to the Committee on Pensions, Also, a bill (H. R. 27708) granting an increase of pension to Adam H. Files—to the Committee on Pensions.

Also, a bill (H. R. 27709) granting an increase of pension to John M. Fleming—to the Committee on Pensions.

Also, a bill (H. R. 27710) granting an increase of pension to Solomon Fitzhugh-to the Committee on Pensions.

Also, a bill (H. R. 27711) granting an increase of pension to William B. Fleming—to the Committee on Pensions.

Also, a bill (H. R. 27712) granting an increase of pension to

Elijah Goodnight-to the Committee on Pensions.

Also, a bill (H. R. 27713) granting an increase of pension to

Emory Gibbons—to the Committee on Pensions.

Also, a bill (H. R. 27714) granting an increase of pension to Frederick Mortimer Gibony—to the Committee on Pensions.

Also, a bill (H. R. 27715) granting an increase of pension to John R. Gibbons—to the Committee on Pensions.

Also, a bill (H. R. 27716) granting an increase of pension to Wenceslao Garza—to the Committee on Pensions.

Also, a bill (H. R. 27717) granting an increase of pension to William R. Gregg—to the Committee on Pensions. Also, a bill (H. R. 27718) granting an increase of pension to Alfred House—to the Committee on Pensions.

Also, a bill (H. R. 27719) granting an increase of pension to John Campbell—to the Committee on Pensions.

Also, a bill (H. R. 27720) granting an increase of pension to John F. Arnett-to the Committee on Pensions.

Also, a bill (H. R. 27721) granting an increase of pension to Abner H. Beard-to the Committee on Pensions. Also, a bill (H. R. 27722) granting an increase of pension to

Alfred G. Brown-to the Committee on Pensions. Also, a bill (H. R. 27723) granting an increase of pension to

Anton L. Berger-to the Committee on Pensions. Also, a bill (H. R. 27724) granting an increase of pension to Charles Bock-to the Committee on Pensions.

Also, a bill (H. R. 27725) granting an increase of pension to James Besser--to the Committee on Pensions.

Also, a bill (H. R. 27726) granting an increase of pension to William L. Williams—to the Committee on Pensions.

Also, a bill (H. R. 27727) granting an increase of pension to

James S. Bigham—to the Committee on Pensions.

Also, a bill (H. R. 27728) granting an increase of pension to
Joseph Boles—to the Committee on Pensions.

Also, a bill (H. R. 27729) granting an increase of pension to

Milton C. Baird—to the Committee on Pensions.

Also, a bill (H. R. 27730) granting an increase of pension to William H. Baxter—to the Committee on Pensions.

Also, a bill (H. R. 27731) granting an increase of pension to Benjamin F. Cotton—to the Committee on Pensions.

Also, a bill (H. R. 27732) granting an increase of pension to Elijah S. Clean to the Committee on Pensions.

Elijah S. Close-to the Committee on Pensions. Also, a bill (H. R. 27733) granting an increase of pension to

Isaac S. Chapman-to the Committee on Pensions. Also, a bill (H. R. 27734) granting an increase of pension to

Jerry C. Campbell—to the Committee on Pensions. Also, a bill (H. R. 27735) granting an increase of pension to

John Campbell-to the Committee on Pensions. Also, a bill (H. R. 27736) granting an increase of pension to

Nicholas N. Cox-to the Committee on Pensions.

Also, a bill (H. R. 27737) granting an increase of pension to Robert Carson-to the Committee on Pensions.

Also, a bill (H. R. 27738) granting an increase of pension to John Y. Rankin—to the Committee on Pensions.

Also, a bill (H. R. 27739) granting an increase of pension to Francis M. Rainbolt—to the Committee on Pensions.

Also, a bill (H. R. 27740) granting an increase of pension to

Marion M. Redmon—to the Committee on Pensions.

Also, a bill (H. R. 27741) granting an increase of pension to William B. Reagan—to the Committee on Pensions.

Also, a bill (H. R. 27742) granting an increase of pension to Benjamin N. Shropshire-to the Committee on Pensions.

Also, a bill (H. R. 27743) granting an increase of pension to Gustav H. Schmeltzer-to the Committee on Pensions.

Also, a bill (H. R. 27744) granting an increase of pension to Israel S. Standefer-to the Committee on Pensions.

Also, a bill (H. R. 27745) granting an increase of pension to Josephus Sparrow-to the Committee on Pensions.

Also, a bill (H. R. 27746) granting an increase of pension to Robert Schaefer-to the Committee on Pensions.

Also, a bill (H. R. 27747) granting an increase of pension to Samuel Shelton-to the Committee on Pensions.

Also, a bill (H. R. 27748) granting an increase of pension to Valerius P. Sanders—to the Committee on Pensions.

Also, a bill (H. R. 27749) granting an increase of pension to George W. Tom—to the Committee on Pensions. Also, a bill (H. R. 27750) granting an increase of pension to

H. Simpson Tom-to the Committee on Pensions. Also, a bill (H. R. 27751) granting an increase of pension to

William O. Tumlinson—to the Committee on Pensions.

Also, a bill (H. R. 27752) granting an increase of pension to Charles A. Williams—to the Committee on Pensions.

Also, a bill (H. R. 27753) granting an increase of pension to David A. T. Walton—to the Committee on Pensions.

Also, a bill (H. R. 27754) granting an increase of pension to Emil F. Wurzbach—to the Committee on Pensions.

Also, a bill (H. R. 27755) granting an increase of pension to

Isaac Williams-to the Committee on Pensions. Also, a bill (H. R. 27756) granting an increase of pension to

James F. Wright-to the Committee on Pensions. Also, a bill (H. R. 27757) granting an increase of pension to

Philip A. Work-to the Committee on Pensions.

Also, a bill (H. R. 27758) granting an increase of pension to James P. H. Wilson—to the Committee on Pensions. Also, a bill (H. R. 27759) granting an increase of pension to

Sebastian Wipff, sr.-to the Committee on Pensions. Also, a bill (H. R. 27760) granting an increase of pension to William A. White—to the Committee on Pensions.

Also, a bill (H. R. 27761) granting an increase of pension to filliam A. Williams—to the Committee on Pensions. William A. Williams-

Also, a bill (H. R. 27762) granting an increase of pension to Wilson H. White-to the Committee on Pensions.

Also, a bill (H. R. 27763) granting an increase of pension to Gcorge H. Adams-to the Committee on Pensions.

Also, a bill (H. R. 27764) granting an increase of pension to Jacob Anders-to the Committee on Pensions.

Also, a bill (H. R. 27765) granting an increase of pension to Joel W. Adkins-to the Committee on Pensions.

Also, a bill (H. R. 27766) granting an increase of pension to Valentine Wilson—to the Committee on Pensions.

Also, a bill (H. R. 27767) granting an increase of pension to

Hezekiah G. Williams—to the Committee on Pensions.

Also, a bill (H. R. 27768) granting an increase of pension to Hermann W. Toepperwein—to the Committee on Pensions. Also, a bill (H. R. 27769) granting an increase of pension to

George W. Light—to the Committee on Pensions.

Also, a bill (H. R. 27770) granting an increase of pension to

James M. Low-to the Committee on Pensions.

Also, a bill (H. R. 27771) granting an increase of pension to Levi D. Ladd-to the Committee on Pensions.

Also, a bill (H. R. 27772) granting an increase of pension to Martin V. Lackey—to the Committee on Pensions. Also, a bill (H. R. 27773) granting an increase of pension to Robert G. Long—to the Committee on Pensions.

Also, a bill (H. R. 27774) granting an increase of pension to David McFadden—to the Committee on Pensions.

Also, a bill (H. R. 27775) granting an increase of pension to George W. McKinzie—to the Committee on Pensions. Also, a bill (H. R. 27776) granting an increase of pension to Samuel J. McElrath—to the Committee on Pensions.

Also, a bill (H. R. 27777) granting an increase of pension to

Joseph Mahavier-to the Committee on Pensions. Also, a bill (H. R. 27778) granting an increase of pension to

Leonard Moss-to the Committee on Pensions. Also, a bill (H. R. 27779) granting an increase of pension to

Lewellen Moore-to the Committee on Pensions. Also, a bill (H. R. 27780) granting an increase of pension to

Marcellus Moore-to the Committee on Pensions. Also, a bill (H. R. 27781) granting an increase of pension to Charles H. Nimitz—to the Committee on Pensions.

Also, a bill (H. R. 27782) granting an increase of pension to

Frederick W. Nehaus—to the Committee on Pensions.
Also, a bill (H. R. 27783) granting an increase of pension to Charles A. Patton—to the Committee on Pensions.

Also, a bill (H. R. 27784) granting an increase of pension to George S. Powell-to the Committee on Pensions.

Also, a bill (H. R. 27785) granting an increase of pension to Green B. Powell—to the Committee on Pensions.

Also, a bill (H. R. 27786) granting an increase of pension to Robert Parsons—to the Committee on Pensions.

Also, a bill (H. R. 27787) granting an increase of pension to William W. Parker—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 27788) granting a pension

to George Frazier—to the Committee on Invalid Pensions.
Also, a bill (H. R. 27789) granting an increase of pension to
William J. Gwaltney—to the Committee on Invalid Pensions.
Also, a bill (H. R. 27790) granting an increase of pension to
Calvin Burton, alias Calvin Birg—to the Committee on Invalid

Pensions.

By Mr. CUSHMAN: A bill (H. R. 27791) granting an increase of pension to Robert Lyman-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27792) granting an increase of pension to

William R. Fontaine—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 27793) granting an increase of pension to William Davis-to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 27794) granting an increase of pension to Robert Knox-to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 27795) granting an increase of pension to Thomas Putnam-to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 27796) granting a pension to

Myers Fertig—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 27797) granting an increase of pension to Julia McPhail-to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 27798) for the relief of the heirs of John Ferrel, deceased-to the Committee on War Claims.

By Mr. HARDING: A bill (H. R. 27799) granting an increase of pension to Donald McDonald—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 27800) granting a pension to H. Rowan Saufley-to the Committee on Pensions.

By Mr. KIMBALL: A bill (H. R. 27801) granting a pension to Eliza Jane Ellis-to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 27802) granting a pension to

Evalina Imswiler—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 27803) for the relief of Alden R. Holden—to the Committee on Claims. By Mr. RAUCH: A bill (H. R. 27804) granting a pension to

Martha Dunkle-to the Committee on Invalid Pensions. Also, a bill (H. R. 27805) granting an increase of pension to

Robert M. Miller—to the Committee on Invalid Pensions. By Mr. SABATH: A bill (H. R. 27806) granting an increase

of pension to Frank G. Cook—to the Committee on Pensions. Also, a bill (H. R. 27807) granting an increase of pension to

Joseph A. Paul—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 27808) for the relief of Charles Wright Geddes—to the Committee on Naval Affairs.

By Mr. TIRRELL: A bill (H. R. 27809) to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit—to the Committee on

Claims. By Mr. MURDOCK: A bill (H. R. 27810) for the relief of E. N. Smith-to the Committee on Claims.

Also, a bill (H. R. 27811) for the relief of the Watson Mill Company—to the Committee on Claims.

Also, a bill (H. R. 27812) granting an increase of pension to Charles W. Charter—to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 27813) granting a pension to Mary Petrik-to the Committee on Pensions.

Also, a bill (H. R. 27814) granting a pension to Anton Slamato the Committee on Pensions.

Also, a bill (H. R. 27815) granting a pension to Marie Kuchar—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 27816) granting a pension to Teresa C. Cooper-to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 27817) granting an increase of pension to Samuel F. Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of the Elias Thomas Company and the Thompson Hall Company, of Portland, Me., favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Board of Trade of Columbus, Ohio, favoring such legislation touching transportation as is best calculated to restore business confidence-to the Committee on Interstate and Foreign Commerce.

Also, petition of farmers' institute held at Haviland, Paulding County, Ohio, January 23, 1909, in favor of parcels post and postal savings banks-to the Committee on the Post-Office and

By Mr. ASHBROOK: Petition of the Ohio Seventh-Day Adventists conference, against S. 3940 (Johnston Sunday law)-to the Committee on the District of Columbia.

By Mr. BATES: Petition of W. H. Duffey & Co., of Corry, Pa., for removal of duty on hides—to the Committee on Ways

and Means.

Also, petition of C. A. Curtze, of Erie, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Erie, Pa., favoring creation of a permanent tariff commission—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petition of Robert Large and other citizens of Iowa, against duty on teas and coffee—to the Committee on Ways and Means.

By Mr. BURKE: Petition of Pittsburg Association of Credit Men, favoring the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the H. J. Heinz Company, of Pittsburg, favoring bills proposing certain amendments to the interstate-commerce act-to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Bridge Company, favoring Senate Document No. 686, for purchase and erection of a government testing machine—to the Committee on Appropriations.

Also, petition of John F. Becker and others, favoring the omnibus claims bill (H. R. 15372) for payment of overtime claims of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of J. W. Miller, captain of New York Naval Militia, favoring H. R. 7620, establishing a naval

militia-to the Committee on Naval Affairs.

Also, petition of National Rivers and Harbors Congress, favoring issuance of bonds to improve such waterways of the country as have been favorably reported upon by the United States Corps of Engineers through the Secretary of War—to the Committee on Rivers and Harbors.

Also, petition of office of superintendent of public works of Albany, for legislation to aid in the improvement of the upper Hudson River-to the Committee on Rivers and Harbors.

Also, petition of New York Produce Exchange, against federal inspection and grading of grain (S. 382)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Maritime Association of the Port of New York, favoring H. R. 15657, relative to licensed officers of steam and sail vessels-to the Committee on the Merchant Marine and Fisheries.

By Mr. CAPRON: Petition of the Dry Dock and Marine Railway Company, Providence, R. I., favoring H. R. 25542, regarding maritime liens—to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: Petition of Chamber of Commerce of Milwau-kee, favoring "An act to regulate commerce" (H. R. 22901, 22902, and 22903)—to the Committee on Interstate and Foreign

Also, petition of C. F. Schimmel & Co., for removal of specific duty on linoleum and oilcloth (8 cents per yard on same and 20 cents per square yard on other kinds)-to the Committee on Ways and Means.

By Mr. COCKS of New York: Paper to accompany bill for relief of Edward Trenchard—to the Committee on Claims.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Law Association, favoring increase of salaries of United States judges (S. 6973)-to the Committee on Appropriations.

By Mr. DRAPER: Petition of Illinois Manufacturers' Association, for establishment of a merchant marine to insure a line of fast ships for Australia, Asia, and the Orient-to the Committee on the Merchant Marine and Fisheries.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of Charles E. Collins-to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: Petition of J. O. & G. N. Rowe, of Oneonta, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FULLER: Petition of John S. Collins, of Moorestown, N. J., against parcels-post and postal savings bank laws to the Committee on the Post-Office and Post-Roads.

Also, petition of the Keep, Nathan & Fisher Company, of Chicago, and Bradner Smith & Co., favoring improvement of bankruptcy act in the Sherley bill (H. R. 21929)-to the Committee on the Judiciary.

Also, petition of Illinois Manufacturers' Association, for enactment of an ocean mail steamship bill to secure a line of fast ships to Australia, Asia, and the Orient-to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Illinois State Horticultural Society, favoring S. 6515 and H. R. 21358, concerning national supervision over insecticides and fungicides-to the Committee on Agricul-

Also, paper to accompany bill for relief of Julia McPhail-to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Society of Columbia University Architects, against placing the Lincoln memorial near the Union Station—to the Committee on the Library. By Mr. GRAHAM: Petition of John F. Becker and others,

favoring H. R. 15375, for payment of overtime claim of letter carriers-to the Committee on the Post-Office and Post-Roads. Also, petition of Pittsburg Association of Credit Men, favor-

ing amendment to the bankruptcy act as per the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of American Bridge Company, of Pittsburg, Pa., favoring appropriation for construction of a testing machine (S. Doc. No. 686)—to the Committee on Appropriations. Also, petition of the H. J. Heinz Company, of Pittsburg, Pa.,

favoring certain bills proposing amendments to the interstatecommerce act-to the Committee on Interstate and Foreign

By Mr. GRONNA: Petitions of citizens of Norwood, McVille, and Clyde, all in the State of North Dakota, against a tariff on tea and coffee-to the Committee on Ways and Means.

By Mr. HAMILTON of Iowa: Petition of 850 citizens and church members of Keota, Iowa, favoring legislation against importation of opium—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Oskaloosa, Iowa, against the establishment of a parcels post-to the Committee on the Post-Office and Post-Roads.

By Mr. HAMMOND: Petition of C. W. Denhart and 29 others, of Pipestone, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Danville Grange, No. 325, of Danville, Vt., favoring the establishment of parcels post and postal savings banks-to the Committee on the Post-Office and Post-Roads.

Also, petition of White River Grange, No. 53, of South Royalton, Vt., in favor of H. R. 15837, for a national highways commission and appropriation giving federal aid to construction and maintenance of public highways—to the Committee on Agri-

By Mr. HOUSTON: Paper to accompany bill for relief of James Smithson (H. R. 24710)-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Robert Fullerton (H. R. 23918)—to the Committee on War Claims,
By Mr. HOWELL of New Jersey: Petition of Manufacturing
Jewelers' Association, of Newark, N. J., favoring a permanent tariff commission—to the Committee on Ways and Means.
Also, petition of Rev. J. G. Mason, against sale of intoxicants in all chips and buildings used by the United States (Tirrell

in all ships and buildings used by the United States (Tirrell bill, H. R. 12405), and in favor of various other bills upon the subject of temperance—to the Committee on Alcoholic Liquor Traffic.

By Mr. HUFF: Petition of Kansas State Retail Merchants' Association, favoring S. 28, relative to ocean mail—to the Committee on the Post-Office and Post-Roads.

By Mr. KIMBALL: Petition of Turners Station (Ky.) Bank, against parcels post on the rural mail-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. L. Martin and others, of Lexington, Ky., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LAFEAN: Paper to accompany bill for relief of Abraham Hetrick (H. R. 21970)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Evalina Imswilerto the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of citizens of Litchfield, Minn., against a duty on tea and coffee-to the Committee on Ways and Means.

By Mr. LOUD: Petition of business men of Oscada, Mich. against establishment of parcels post and postal savings banks (S. 5122 and 6484)-to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Illinois Manufacturers' Association, favoring establishment of a merchant marine of fast ships for Australia, Asia, and the Orient-to the Committee on the Merchant Marine and Fisheries.

By Mr. PEARRE: Petition of citizens of Frostburg, Hancock. Mount Savage, Echart Mines, and Cumberland, all in the State of Maryland, against establishment of a parcels-post and postal savings bank system-to the Committee on the Post-Office and Post-Roads

Also, petition of E. H. Welsh and Hetzel Brothers & Co., of Cumberland, Md., favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. RAINEY: Petition of Hansfurther Stone Company and 6 other business firms of White Hall, Ill., favoring repeal

of duty on hides—to the Committee on Ways and Means.

By Mr. SULZER: Paper to accompany bill for relief of
Charles Wright Geddes—to the Committee on Naval Affairs.

Also, petition of Religious Liberty Bureau, against passage

of Johnston bill (S. 3940) -to the Committee on the District of Columbia.

Also, petition of Headquarters Grand Army of the Republic and F. H. Magdeburg, of Milwaukee, against consolidation of pension agencies at Washington—to the Committee on Appropriations.

Also, petition of National Lumber Manufacturers' Association, against reduction of tariff on lumber-to the Committee on Ways and Means.

Also, petition of board of directors of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon-to the Committee on Agriculture.

Also, petition of Shore Line Railway Association, for legislation to secure fair compensation for railway service of carrying

the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Produce Exchange, against federal inspection and grading of grain (S. 382)-to the Committee on Interstate and Foreign Commerce.

Also, petition of J. W. Miller, captain of New York Naval Militia, favoring H. R. 7620, establishing a naval militia—to the Committee on Naval Affairs.

Also, petition of Calaveras bigtree committee of the Outdoor Art League of the Department of California Club, for appropriation to preserve the big trees of the Calaveras groves-to

Also, memorial of Spring Valley Water Company, against House joint resolution 223, allowing city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys, in the Yosemite National Park, and for other purposes—to the Committee on the Public Lands.

By Mr. TAYLOR of Ohio: Petition of Isaac Eberly Company and G. W. Bobb Company, of Columbus, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and

By Mr. TIRRELL: Petition of W. J. Nutting and others, for the creation of a national highways commission (H. R. 15837)

to the Committee on Agriculture.

By Mr. TOU VELLE: Petition of Gibson Grange, No. 692, for national highways commission and federal aid in construction of public roads (H. R. 15837)-to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of Tecumseh Grange, of Tecumseh, Mich., favoring Senate bills 5122 and 6484, for the parcels-post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Michigan Chapter of the American Institute of Architects, against placing the Lincoln memorial near the Union Station—to the Committee on the Library.

Also, petition of Cadmus Grange, for the creation of a national highways commission and for an appropriation to give federal aid to the States in highway construction (H. R. 15837)-to the Committee on Agriculture.

By Mr. VREELAND: Petition of Belfast Grange, No. 1068, of Belfast, N. Y., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and

By Mr. WANGER: Petition of Illinois Manufacturers' Association, favoring enactment of the ocean mail steamship bill-to the Committee on the Merchant Marine and Fisheries.

By Mr. WOOD: Petition of River Side Grange, No. 125, Patrons of Husbandry, of Three Bridges, N. J., for removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of Pennington (N. J.) Grange, No. 64, Patrons of Husbandry, favoring federal aid to highways by establishment of a national highways commission-to the Committee on

Also, petition of New Jersey state board of agriculture and New Jersey State Horticultural Society, favoring H. R. 21318, for preventing manufacture, sale, or transportation of adulterated or misbranded fungicides or insecticides—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, February 5, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

USES OF DENATURED ALCOHOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a special and detailed report of the Commissioner of Internal Revenue and the chief chemist of the bureau to the Secretary of the Treasury, reviewing observations and work in Europe regarding denatured alcohol, its manufacture and uses (H. Doc. No. 1419), which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing vote of the two Houses thereon, and had appointed Mr. CAMP-BELL, Mr. OLCOTT, and Mr. Johnson of Kentucky managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large; and H. R. 26482. An act to authorize the construction of two

bridges across Rock River, State of Illinois.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 8460. An act to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels;

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army;

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck;

H. R. 16015. An act for the relief of Lafayette L. McKnight;

H. R. 20171. An act to correct the military record of George H. Tracy.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of Liberty Grange, No. 1557, of Trumbull County, Ohio; of Local Grange No. 140, of Freedom, N. H.; and of local grange of Wauseon, Ohio, all Patrons of Husbandry, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads

Mr. DICK presented a memorial of the Produce Exchange of Toledo, Ohio, remonstrating against the enactment of legislation providing for the inspection and grading of grain under federal control, which was ordered to lie on the table.

He also presented petitions of Pomona Grange, of Franklin County; of Friendship Grange, No. 670, of Hardin County; and of Local Grange No. 271, of Sharon, all Patrons of Husbandry, in the State of Ohio, praying for the passage of the

so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of Merrimac, Rye, Milton, and West Thornton, all in the State of New Hampshire, and of Olympia, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a memorial of sundry citizens of North Yakima, Wash., and a memorial of sundry citizens of Ephrata, Wash., remonstrating against the passage of the so-called "rural parcels-post" bill, which were referred to the

Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a petition of sundry citizens of Effingham, Kans., and a petition of sundry citizens of Winona, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Englevale, Kans., remonstrating against the enactment of any legislation proposing to change the present mail service in that city, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a joint resolution of the legislature of Colorado, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF COLORADO, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Colorado, 88:

CERTIFICATE.

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the foregoing joint resolution of the seventeenth general assembly of the State of Colorado, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 29th day of January, A. D. 1909.

[SEAL.] JAMES B. PEARCE

Senate joint resolution 1. By Senator Bohn.

Whereas, by the acts of May 15, 1828, and of June 7, 1832, granting full pay during life to the surviving officers and enlisted men of the Army, Navy, and Marine Corps who served with credit during the Revolutionary War, the Congress of the United States established a precedent for the reward of patriots who offered their lives in defense of the libertles of their country and of the Constitution of the United States: and

States; and
Whereas it has been the policy of this country from the beginning to
maintain a small Regular Army, and in time of war to rely upon the
patriotism of the people to rally as volunteers in defense of the flag of

patriotism of the people to rany as volume the nation; and Whereas it is a recognized fact that the civil war, 1861 to 1865, forms the most sangulary chapter of the history of the world, during which struggle the Regular Army was maintained at about 25,000 men, while the Volunteer Army numbered more than 2,500,000 officers and

which struggle the Regular Army was maintained at about 25,000 men, while the Volunteer Army numbered more than 2,500,000 officers and enlisted men; and

Whereas it is also a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortifude, and valor of the volunteers, to whom this great, reunited people, now enjoying the inestimable blessings of a preserved Union, owe a debt of gratitude that can never be paid; and

Whereas the Congress of the United States during the civil war made frequent pledges that the services of the Volunteer Army should be fully rewarded and recognized by a grateful country; and

Whereas the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of a captain of the Navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had served with credit during the civil war; and the act of 1905, providing for the retirement of two officers of volunteers, namely, Generals Joseph R. Hawley and P. J. Osterhaus, with the rank and pay of brigadier-generals, were acknowledgments of the obligations incurred by the Congress of the United States while the civil war was in progress; and

Whereas there is now pending in the Senate and House of Representatives of the United States a bill entitled "A bill to create in the War and Navy departments, respectively, a roll to be known as the 'Civil war officers' annuity honor roll,'" which bill grants to the surviving officers of the Volunteer Army who served with credit during the civil war as officers or enlisted men for the total period of two years one-half of the pay of the highest rank held by them during such term of service, and to those who served less than two years and not less than six months, like pay in proportion to their periods of service: Therefore be it

Be it

Resolved by the senate and house of representatives of the State of Colorado, That, in our opinion, the surviving officers of the Volunteer Army, Navy, and Marine Corps who served with credit in the great war for the preservation of the Union are entitled to recognition equal to that bestowed upon the officers who served in the Revolutionary war by the acts of 1828 and 1832, and should receive from the National Government honors and emoluments equal to those which have heretofore been bestowed upon any officer who served in time of war in defense of the country.

Resolved further, That we respectfully urge upon the Sixtieth Congress of the United States the passage of the above-named bill, and request the Senators and Representatives of the Sixtieth Congress from the State of Colorado to aid in the prompt enactment into law of the bill above mentioned, that the surviving officers of the Volunteer Army, Navy, and Marine Corps may, upon application, receive the pay and

emoluments to which they are justly entitled by the reason of their services during the civil war and precedents heretofore established.

Resolved further, That, in our opinion, as such survivors constitute but a small remnant of that body of gallant men who led the Union forces to final victory, and their ranks are being rapidly depleted, the Congress of the United States should lose no time in redeeming the obligations to these men made by the Thirty-seventh, Thirty-eighth, and Thirty-ninth Congresses of the United States.

Stephen R. Fitzgerald, President of the Senate.

H. L. Lurers, **Speaker of the House of Representatives.**

Approved this 29th day of January, A. D. 1909, John F. Shaproth, **Governor of the State of Colorado.**

Manual Processes of Colorado.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 8914) granting an increase of pension to William Fifer, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 8141) granting a pension to Sarah J. Fulton, which was referred to the

Committee on Pensions.

Mr. SMITH of Michigan presented a memorial of the Michigan Chapter, American Institute of Architects, of Michigan, remonstrating against the enactment of legislation providing for the erection of the proposed Lincoln memorial in the vicinity of the Union Station, Washington, D. C., which was referred to the Committee on the Library.

Mr. CULLOM presented memorials of Charles E. Hovey Post, No. 786, of Normal; of Loomis Post, No. 106, of Du Quoin; and of Kansas Post, No. 405, of Kansas, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout

the country, which were referred to the Committee on Pensions.

Mr. GALLINGER presented petitions of the National
Woman's Christian Temperance Union, of sundry citizens, and of the Georgetown Citizens' Association, all in the District of Columbia, praying for the adoption of certain amendments to the present excise law regulating the sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. RAYNER presented a petition of sundry citizens of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Barre Grange, No. 1026, Patrons of Husbandry, of Albion, N. Y., and a petition of Mount Hope Grange, No. 902, Patrons of Husbandry, of Wappingers Falls, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business firms of the State of New York, praying that the Government of Cuba be prevailed upon to recognize roasted coffee as being a product of the industry of the United States and entitled to certain benefits under the reciprocity agreement between the Republic of Cuba and the Government of the United States, which was referred to the Committee on Finance.

Mr. PAGE presented a petition of the Local Branch, Asiatic Exclusion League of North America, of San Francisco, Cal., praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States except merchants, students, and travelers, and remonstrating against the extension of the right of naturalization to Asiatics, which was referred to

the Committee on Immigration.

He also presented petitions of sundry citizens of St. Albans Bay, Bennington, Pittsfield, and Chittenden, all in the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to

the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (8, 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 8461) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907, submitted an adverse report (No. 923) thereon, which was agreed to, and the bill was postponed indefinitely

Mr. HALE, from the Committee on Appropriations, to whom was referred Senate resolution 276, submitted by Mr. CulBERSON February 3, relating to the pay of clerks and messengers to Senators, asked to be discharged from its further consideration and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (8, 5092) to remove the charge of desertion against the military record of James A. Windsor, reported it without amendment and submitted a report (No.

924) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 8441) to authorize the Secretary of the Interior to cause to be surveyed any unsurveyed lands belonging to the Five Civilized Tribes, and for other purposes, reported it without amendment and submitted a report (No. 925) thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 7298) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, reported it with amendments and submitted a report (No. 926) thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 18487) for the relief of Charles H. Dunning, reported it without amendment and submitted a report

(No. 927) thereon.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom were referred the following bills, reported them

severally without amendment and submitted reports thereon:
A bill (H. R. 23707) to incorporate the Imperial Palace,
Dramatic Order Knights of Khorassan (Report No. 928); and A bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances

(Report No. 929).

PHILIPPINE LEGISLATURE.

Mr. LODGE. From the Committee on the Philippines I report back favorably with amendments the bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, and I submit a report (No. 918) thereon. I ask for the present consideration of the bill. I will say, Mr. President, that the only purpose of the bill is to change the date of meeting of the Philippine assembly.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. I did not hear the statement made a

moment ago by the Senator in charge of the bill.

Mr. LODGE. It is a House bill merely permitting a change of date in the assembling of the Philippine legislature; that is

Mr. CULBERSON. Very well. There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the committee were, on page 2, to strike out the proviso beginning in line 8, in the following words:

Provided, however, That the Philippine legislature may by law fix the date for the commencement of its annual sessions.

After the words "provided further," in line 10, to strike out the word "That" and insert the word "and," and after the word "election," at the end of line 12, to insert the following proviso:

Provided, That the Philippine legislature, after its first meeting as herein provided, may by law fix a date other than the first Monday of February in each year for the commencement of its annual sessions.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That the seventh section of the act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902, is hereby amended to read as follows:

"Sec. 7. The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not Included), and the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: Provided, That the Philippine legislature, after its first meeting as herein provided, may by law fix a date other than the first Monday of February in each year for the commencement of its annual sessions: And provided further, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The committee reported an amendment to strike out the preamble, and it was agreed to.

CONDEMNED CANNON FOR STATE OF IOWA.

Mr. WARREN. From the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 27051) authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa, and I submit a report (No. 916) thereon. I ask the attention of the junior Senator from Iowa [Mr. Cummins] to the bill.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill just reported by the Senator from

Wyoming.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONDEMNED CANNON FOR CHEYENNE, WYO.

Mr. WARREN. I report back favorably from the Committee on Military Affairs, without amendment, the joint resolution (S. R. 126) authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo., and I submit a report (No. 917) thereon. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded

to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANAL TO EEL RIVER, CALIFORNIA.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 84, submitted on the 2d instant by Mr. Perkins, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California.

MARK TOMLINSON.

Mr. du PONT. I report back from the Committee on Military Affairs with an amendment the bill (S. 8603) for the relief of Mark Tomlinson, and I submit a report (No. 920) thereon. I invite the attention of the senior Senator from Wisconsin [Mr. LA FOLLETTE] to the bill.

Mr. LA FOLLETTE. I ask unanimous consent for the pres-

ent consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 6, after the word "Infantry," to strike out the words "and the Secretary of War is hereby authorized to issue to said Mark Tomlinson a certificate of honorable discharge as of that date," so as to make the bill read:

Be it enacted, etc., That Mark Tomlinson shall hereafter be held and considered to have been honorably discharged on September 18, 1863, as first lieutenant Company A, Tenth Regiment Connecticut Volunteer Infantry: Provided, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MOORES CREEK BATTLE GROUND ASSOCIATION.

Mr. OVERMAN. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 8708) authorizing the Secretary of War to furnish two condemned cannon to Moores Creek Battle Ground Association, and I submit a report (No. 919) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The amendment was, in line 4, after the words "directed to," to strike out the remainder of the bill and to insert:

Donate to Moores Creek Battle Ground Association, of Currie, N. C two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may not be needed in the service: Provided, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to Moores Creek Battle Ground Association, of Currie, N. C., two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may not be needed in the service: Provided, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association."

TOWN LOTS IN OKLAHOMA.

Mr. OWEN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 9036) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla., and I submit a report (No. 921) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WINNEBAGO INDIAN LANDS.

Mr. BROWN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, and I submit a report (No. 922) thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 9129) for the relief of John W. Twiggs and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 9130) to correct the military record of Andrew Edgar, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs,

He also introduced a bill (S. 9131) for the relief of Abner C. Proctor, which was read twice by its title and referred to the

Committee on Claims.

Mr. GALLINGER introduced a bill (S. 9132) for the extension of Albemarle street from Wisconsin avenue to the east line of Thirty-ninth street NW., which was read twice by its

title and referred to the Committee on the District of Columbia. He also introduced a bill (S. 9133) to amend an act author-He also introduced a bill (8, 9133) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 9134) for the relief of the heirs of Rear-Admiral Henry Glass, U. S. Navy, retired, which was read twice by its title and, with the accompanying

paper, referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 9135) naturalizing George Drought, which was read twice by its title and, with the accompanying papers, referred to the Committee on Immigration.

Mr. OWEN introduced a bill (S. 9136) amending an act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 9137) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 9138) granting an increase of pension to Elias H. Funk, which was read twice by its

title and referred to the Committee on Pensions.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9139) granting an increase of pension to Horatio J. Collins:

A bill (S. 9140) granting an increase of pension to John B.

A bill (S. 9141) granting an increase of pension to Ransom Manning;

A bill (S. 9142) granting an increase of pension to Hosea Q. Mason;

A bill (S. 9143) granting an increase of pension to Martin V.

Worden; A bill (S. 9144) granting an increase of pension to Henry

S. Perry A bill (S. 9145) granting a pension to Daniel F. Healy (with

the accompanying papers); and A bill (S. 9146) granting a pension to Sarah D. Drew (with

the accompanying papers).

Mr. PAGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9147) granting an increase of pension to John N. Schmerhorn

A bill (S. 9148) granting an increase of pension to Henry S. Tillotson; and

A bill (S. 9149) granting an increase of pension to John Preman.

Mr. FRAZIER introduced a bill (S. 9150) for the relief of the estate of H. J. Binkley, which was read twice by its title and referred to the Committee on Claims.

Mr. CULBERSON (by request) introduced a bill (S. 9151) for the relief of the heirs of H. C. Plemons, which was read twice by its title and referred to the Committee on Claims.

Mr. BANKHEAD introduced a bill (S. 9152) for the relief of the heirs of the estate of John Hogan, which was read twice by its title and referred to the Committee on Claims.

Mr. FUL/TON introduced a bill (S. 9153) granting an increase of pension to William Allen King, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 9154) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908, which was read twice by its title and referred to the Select Committee on Industrial Expo-

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9155) granting an increase of pension to Robert Hilliard; and

A bill (S. 9156) granting an increase of pension to John C. Milton.

Mr. WARNER introduced a bill (S. 9157) granting an increase of pension to Emma A. Porch, which was read twice by its title and, with the accompanying paper, referred to the Com-

mittee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 9158) granting an increase of pension to Amos K. Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER (by request) introduced a bill (S. 9159) for the relief of Cornelius Ruffin and others, which was read twice by its title and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 9160) authorizing the Secretary of War to furnish four condemned brass or bronze field guns, carriages, and cannon balls to the State of South Carolina, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. OWEN introduced a bill (S. 9161) to place Edward P. Champlin on the retired list of the United States Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 9162) for the relief of the heirs of Eldred Nunnally, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 9163) granting a pension to Elizabeth Agnes Plunkett, which was read twice by its title and, with the accompanying papers, referred to the Committee on

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANKENY submitted an amendment proposing to appropriate \$30,000 to aid in the payment of the expenses of the Seventeenth National Irrigation Congress, to be held in the city of Spokane, Wash., in the year 1909, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$3,600 to purchase certain land as an addition to the Fort Douglas Military Reservation, intended to be proposed by him to the army appropriation bill, which was referred to the Com-

mittee on Military Affairs and ordered to be printed.

Mr. OWEN submitted an amendment referring to the Court of Claims the claims of the Creek Nation of Indians against the United States on account of land alleged to have been taken from them by the United States without compensation, etc., in-tended fo be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Postmaster-General to settle the accounts of Charles B. Carter for rent of post-office at Ardmore, Okla., etc., intended to be proposed by him to the post-office appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. NIXON submitted an amendment proposing to appropriate \$23,000 for the establishment of a fish-cultural station at some suitable point in the State of Nevada, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment relative to the compensation of watchmen, messengers, and laborers in the Post-Office Department, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

IMPROVEMENT OF CHEBOYGAN RIVER, MICHIGAN.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 88), which, with the accompanying papers, was referred to the Committee on Commerce:

pers, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring),
That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Chebovgan River,
Chebovgan County, Mich., for the purpose of widening its channel
and rebuilding or repairing the locks in said river as will render the
river navigable to boats drawing 8 feet of water, and to furnish an
estimate of the cost of such improvement.

CONDITIONS AT ARMY POSTS.

Mr. SCOTT submitted the following resolution (S. Res. 280), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military reservations, posts, and stations of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpoena witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties, the expenses incurred to be paid out of the contingent fund of the Senate.

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT submitted the following concurrent resolution (S. C. Res. 87), which was referred to the Committee on the District of Columbia:

District of Columbia:

Whereas the Government of the United States is now paying \$471,000 annually for the use of private bulldings in the city of Washington and the District of Columbia in which to conduct the public business and store valuable documents; and

Whereas some of these buildings are not fireproof and are unsafe and otherwise unfit for such service; and

Whereas recently a large number of valuable public records were destroyed by fire in one of said buildings and the public business otherwise interrupted: Therefore

Resolved by the Senate (the House of Representatives concurring), That the Committees on Public Buildings and Grounds of the Senate and House of Representatives be, and are hereby, authorized, empowered, and directed to thoroughly investigate the necessity for renting said buildings or other private buildings for said purposes, the reasonableness of the rental paid and to be paid, the kind and length of existing leases, and the necessity for the Government to erect suitable buildings

in said city and District in which to transact the public business, and the probable cost thereof, making a full and complete investigation of the whole subject, the said committees being fully authorized and empowered to summon and examine witnesses, administer oaths, and make said investigation as clear and complete as practicable.

LONDON SLIDING SCALE FOR GAS.

Mr. GALLINGER. An article in the Progressive Age of January 15, 1909, entitled "London sliding scale for gas," by Civil Engineer William D. Marks, who is an authority on the subject, is of great interest at the present time, when the gas question is being considered in both Houses of Congress. I move that the article be printed as a document (S. Doc. No. 696) and referred to the Committee on the District of Columbia.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR LATIMER.

Mr. TILLMAN. Mr. President, I desire to give notice that on February 27 I will ask the Senate to consider resolutions commemorative of the life and character of Hon. Asbury CHURCHWELL LATIMER, late a Senator from the State of South Carolina

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE POWERS.

Mr. FRYE. Mr. President, I desire to give notice that on Saturday, February 27, I will ask the Senate to consider resolutions commemorative of the life and character of LLEWELLYN Powers, late a Member of the House of Representatives from the State of Maine.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had, on the 4th instant, approved and signed the following joint resolution:

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

DISTRICT BUILDING INSPECTION DEPARTMENT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 697); which was read, and, with the accompanying paper, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate and House of Representatives:

To the Senate and House of Representatives:

I transmit herewith a letter from the Commissioner of Labor and Special Agent Victor S. Clark, of the Bureau of Labor, relating to an investigation conducted by them into the office of the building inspector of the District of Columbia, and I recommend that the Congress authorize the appointment of a commission of three members, with power to administer oaths, to make a thorough investigation of the building inspection department of the District of Columbia; and that an appropriation of \$3,500 be made to defray the expenses of this commission.

I append herewith an extract from a recent verdict of a coroner's jury, and certain letters which explain the reason of the investigation conducted by the Bureau of Labor.

I agree fully with the position taken in the report from the Bureau of Labor that the building inspection department should not be left under suspicion as the result of unproven charges. In the interest of the building inspector, no less than of the public, there should be a thoroughgoing investigation of the conduct of his office. If that important department of the District government is inefficient or imporperly conducted, its personnel should be reorganized. If, on the other hand, the criticism of it is unfounded, this should be demonstrated and sustained.

The White House, February 5, 1809.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 5, 1909.

HOUSE BILLS REFERRED.

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large, was read twice by its title and referred to the Committee on the Judiciary.

H.R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois, was read twice by its title and referred to the Committee on Commerce.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5. That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, and 8, and agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert \$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter proposed to be

stricken out amended as follows:

On page 5 of the bill, in lines 10 and 11, strike out the sum "five hundred thousand dollars" and insert in lieu thereof the sum "\$150,000;" and the Senate agree to the same.

EUGENE HALE, J. H. GALLINGER, H. M. TELLER, Managers on the part of the Senate. J. A. TAWNEY, EDWARD B. VREELAND, L. F. LIVINGSTON, Managers on the part of the House.

The report was agreed to.

IMPROVEMENT OF HARBOR AT LEXINGTON, MICH.

The VICE-PRESIDENT. Morning business is closed. The Chair lays before the Senate concurrent resolution No. 80.

Concurrent resolution 80, submitted by Mr. SMITH of Michigan on the 27th ultimo and reported from the Committee on Commerce on the 3d instant, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet and to submit a plan and estimate for such improvement.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask unanimous consent that the District of Columbia appropriation bill be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending

June 30, 1910, and for other purposes.

The VICE-PRESIDENT. The Secretary will resume the

reading of the bill.

The Secretary resumed the reading of the bill at line 13, on

The next amendment of the Committee on Appropriations was, on page 81, line 18, before the word "bailiffs," to strike out "three" and insert "seven;" in line 19, after the word "each," to strike out "four bailiffs, at \$720 each;" and in line 24, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty," so as to read:

Police court: For 2 judges, at \$3,600 each; clerk, \$2,000; 2 deputy clerks, at \$1,500 each; 2 deputy clerks, at \$1,200 each; deputy clerk, to be known as financial clerk, \$1,500; 7 balliffs, at \$900 each; deputy marshal, \$1,000; janitor, \$540; engineer, \$900; assistant engineer, \$720; fireman, \$480.

The amendment was agreed to.

The next amendment was, on page 82, line 3, to increase the total of the appropriation for officers and employees of the police court from \$27,480 to \$28,320.

The amendment was agreed to.

The next amendment was, on page 82, line 6, after the word "buckets," to insert "city directory;" and in line 10, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to make the clause read:

Miscellaneous: For fuel, gas, laundry work, stationery, printing, preservation of records, mops, brooms, buckets, city directory, removal of ashes and other refuse, telephone service, electric current, and all other necessary and incidental expenses not otherwise provided for, \$2,500.

The amendment was agreed to.

The next amendment was, on page 82, line 11, to increase the appropriation for witness fees from \$4,000 to \$4,500.

The amendment was agreed to.

The next amendment was, on page 82, line 17, to increase the appropriation for repairs to the police court building from \$300 to \$750.

The amendment was agreed to.

The next amendment was, on page 82, line 19, to increase the total of the appropriation for miscellaneous expenses of the police court from \$16,850 to \$18,050.

The amendment was agreed to.

The next amendment was, on page 83, line 2, to increase the appropriation for writs of lunacy from \$2,500 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 2, to strike

Justices of the peace: For six justices of the peace, at \$2,500 each, and the further sum of \$400 each for rent, clerical services, stationery, and other expenses; in all, \$17,400.

The amendment was agreed to.

The next amendment was, on page 83, after line 7, to strike

The next vacancy occurring in the office of justice of the peace for the District of Columbia shall not be filled, and thereafter the number of justices of the peace for the district of Columbia shall not exceed five.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," on page 85, after line 23, to insert:

The next amendment was, under the head of "For courts and prisons," on page 85, after line 23, to insert:

Sites for reformatory and workhouse: The Commissioners of the District of Columbia are hereby authorized and directed to purchase two tracts of land, widely separated, of not less than 1,000 acres each, either or both of which to be situated in the State of Maryland or in the State of Virginia; one of said tracts shall be used as a site for the construction and erection of a reformatory of sufficient capacity to accommodate at least 1,000 prisoners, and the other for the construction and erection of a workhouse of sufficient capacity to accommodate at least 500 prisoners and to build necessary temporary structures on each tract; the said commissioners are hereby authorized and directed to appoint a commission to consist of three persons, one of said commissioners shall be chairman, which commission shall employ an architect skilled in the construction of such buildings to prepare all plans, specifications, and estimates deemed necessary or required by said commission, and which shall first be approved before acceptance by the Commissioners of the District of Columbia, who are hereby required to construct said reformatory and workhouse; and on their direction the prisoners at the time confined in any existing workhouse of said District shall clear and prepare any or all such tracts of land for building, and assist in the construction of any or all of said buildings; and the supreme court of the District of Columbia, and the Attorney-General, and the warden of the jail of said District, are hereby authorized and directed, on the request of the Commissioners of the District of Columbia, to require male prisoners at the time serving sentence in said jail to do the said work. For the purchase or condemnation of said sites, work of preparing same for buildings, and erection of said temporary structure and the means necessary thereto, the sum of \$16,696.64 is hereby appropriated, and in addition thereto the unexp

Mr. BURKETT. Mr. President, I call the attention of the Senator in charge of the bill to page 86, line 7. I move to amend the amendment at that point by striking out the word "prisoners" and inserting the word "inmates." As it applies to a reform school, it seems to me "inmates" is a better word than "prisoners

Mr. GALLINGER. I agree to that. I think it is a wise sug-

gestion.

The amendment to the amendment was agreed to.

Mr. BURKETT. I call attention to line 3, on page 86, where the location of the institution is limited to the State of Maryland or the State of Virginia. I take it that the idea is to place it somewhere near the District of Columbia. It might be that there would be in some other State a good location, and one just as close; and I suggest that we place it at within 50 miles of the District of Columbia.

Mr. GALLINGER. How far? Mr. BURKETT. I suggest that we put it within 50 or 75 miles of Washington.

Mr. GALLINGER. I think the belief is-certainly it is the belief of the commission which have investigated this matterthat they will be able to get land within 15 or 20 miles of the city of Washington.

Mr. BURKETT. If it be in the State of Maryland, I can see that they may go more than a hundred miles, and I thought it had probably better be limited to miles rather than to States.

Mr. GALLINGER. They will get it as near the city of Washington as possible. In the report of the commission the provision suggested was that the land should be purchased in the District of Columbia or in the State of Maryland or in the State of Virginia. There is no acreage in the District of Columbia that possibly could be secured of sufficient amount, so the Committee on Appropriations struck out the District of Columbia. But the purpose is, I will say to the Senator from Nebraska, to get the land as near the city of Washington as possible, on the line of a steam railroad or an electric railroad, at such a point as it can be bought for a small sum per acre, and the gentlemen who have investigated this matter say that there is going to be no difficulty about that.

Mr. BURKETT. I will say that the purpose of the amendment I suggested was to accomplish exactly what the Senator has stated in his remarks; that is, to get the land close to Washington, rather than in any particular State. Therefore, I suggested that it might be better to substitute the words "within 50 miles or within 25 miles of the city of Washington," rather than limit it to the State of Maryland or the State of Virginia, where the location selected might be a long way off.

Mr. GALLINGER. There is no other State within that

distance, is there, where a selection could be made?

Mr. BURKETT. There are a good many places that are a long distance from Washington in those States. That is what

was trying to get at.
Mr. GALLINGER. I will assure the Senator from Nebraska that there will be no trouble about that. The land will be secured as near Washington as possible.

The VICE-PRESIDENT. The question is on agreeing to the

amendment as amended.

Mr. GARY. Mr. President, this seems to be entirely new legislation. The necessity for it may be evident to members of the committee, but those of us who are not on the committee are not so familiar with it, and I should be very glad if the Senator in charge of the bill would give us some idea about it.

Mr. GALLINGER. Mr. President, I will say to the Senator from South Carolina that this is a matter that has been agitated for a great many years. We have, within a mile and a half of this Capitol, on the shores of the Eastern Branch of the Potomac River, a collection of institutions-a jail, a workhouse, a smallpox hospital, a crematory, and various other buildings. They are very much crowded. They ought not to remain there. As a matter of fact, the city is expanding very rapidly in that direction, and the conditions at the jail are deplorable in the extreme. There are, I think, about 600 prisoners in the jail. There are no sanitary conveniences there. It is so crowded that in many instances there are two prisoners in a very small cell; they are in en-forced idleness; there is no means of putting them to work; and the result is that in place of making them better they are growing day by day worse, so far as their morals are concerned, and we are simply supporting them without getting any return whatever from them.

In the workhouse the conditions are not so bad, although that also is very much crowded. Those men are worked to some extent on the streets, being sent out in gangs for that purpose. The prisoners confined in the jail are short-term prisoners, the law requiring that all prisoners sentenced for over one year shall be sent to a penitentiary. We have no penitentiary in this District. The penitentiary prisoners are sent to Moundsville, to Atlanta, and to other prisons in different parts of the

country to be cared for. Realizing the bad conditions existing there and the necessity for doing something, Congress at its last session legislated so as to authorize the President of the United States to appoint a commission to investigate the subject and to recommend reme-

dial legislation.

The President appointed a commission, consisting of Judge Stafford, of the supreme court of the District of Columbia, a very able man; Mr. John Joy Edson, a very prominent business man in the city of Washington, and a man who takes great interest in charitable institutions; and Mr. La Dow, of the Department of Justice, who has had to do with prisons and reformatories. Those gentlemen made a very exhaustive investigation. They traveled all over the country, visited prisons and reformatories, and they have made a report that is embodied in Senate Document No. 648, which ought to be read by every Senator. It is a most interesting and illuminating report. As a result of their investigation, they have recommended the legislation which is embodied in this bill.

The proposition is that we shall purchase two widely separated tracts of land of a thousand acres each in some adjoining State; that on one of those tracts of land we shall build a reformatory, to which short-term prisoners can be sent-all those people who are convicted of petty crimes; and that on the other we shall build a jail, to which shall be sent the prisoners who

have committed crimes of sufficient gravity to send them to jail.

Mr. BACON. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.
Mr. BACON. When the Senator from New Hampshire says

"send them to jail," does he include in that felonies?

Mr. GALLINGER. I did not catch the Senator's question. Mr. BACON. I ask the Senator, does he include among the offenses to which he refers felonies?

Mr. GALLINGER. No crime that is of sufficient gravity to

require a state-prison sentence.

That is what I referred to. In other words, you do not propose to send to this newly constructed jail those who are now, for instance, sent to Moundsville?

Mr. GALLINGER. Not at all. We do not interfere with

As I suggested, these institutions are to be widely separated, one on one tract of a thousand acres and the other on another tract of a thousand acres, so that those in the reformatory will not

come in contact with the prisoners in the jail.

At the last session of Congress we appropriated \$85,000 to erect an administration building at the workhouse, which, as I said before, is on the Eastern Branch of the Potomac River. That appropriation is still held in the Treasury, for the reason that it has been thought unwise, pending this discussion, to expend that amount of money for an administration building, which, if expended, would do nothing whatever for the poor unfortunates who are housed there, crowded to suffocation almost, but would simply give us an administration building. The com-mission say that they can buy 2,000 acres of land in the ad-joining State of Virginia or Maryland and construct temporary buildings for \$100,000. This bill proposes that we shall reappropriate that \$85,000, or the \$83,500 which remains of it, and add a sufficient amount to make it \$100,000, which will buy the land and will enable them to build temporary structures to house the criminals while they are improving the land and building permanent structures, the purpose being, as I understand, to construct buildings of concrete, which is comparatively inexpensive, but which will answer every possible requirement.

The commission called my attention particularly to one institution, the location of which I have forgotten, where they found buildings that were estimated to cost \$240,000, but by utilizing the labor of the convicts they had cost only \$40,000. So that if permitted to put up temporary structures to house the convicts while they are employed in the construction of these buildings, we shall get the buildings constructed for a very small amount

of money.

Massachusetts has a farm at Bridgewater, which has attracted a great deal of attention. I think it is 30 or 40 miles from the city of Boston. It consists of a thousand acres, and prisoners are sent there from Boston day by day. They are required to work. They have made a garden spot of that tract of land, where they not only perform labor on the land, but where they raise vegetables that are furnished to all the other penal institutions of the State, and I think they are also manufacturing certain articles for use in the other institutions. It is a model institution of its kind. It is the purpose of this commission, if this legislation is enacted, to create two institutions somewhat similar to that at Bridgewater, where the prisoners themselves can not only construct the buildings to a large extent, but where they can raise produce that can be utilized in the other eleemosynary institutions of the District of Columbia. It is not a dream; it is simply a practical question that confronts us at this time. It relates to a matter that we must do something about in the near future. It proposes, if it is carried into effect, to rid this city of the deplorable condition that exists on the Eastern Branch of the Potomac River, and to relieve us from an odium that has been denounced by the courts; that has been denounced by Congress; that is a reproach to this great Capital City of the Nation; and that we must get relief from in some way.

Mr. President, I have looked into this matter with great care; I have conferred with members of this commission, who are very able and very humane men, and I am fully satisfied that the scheme which they have worked out is one that will give us the desired relief, and that it will not be, as upon the face of it it might seem to be, a proposition that will involve an expenditure of a very large sum of money. On the contrary, I think as a matter of economy that no scheme could possibly be proposed that would be as economical as the scheme involved in the legislation which is proposed in this bill.

I shall be glad to answer any question that may be asked in so far as my information will enable me. I do hope, in the interest of common humanity, in the interest of good administration, in the interest of the poor unfortunates who are committed to our care, that the proposed legislation will be allowed

to remain in the bill.

Mr. CLAY. Mr. President, I believe if Senators had read carefully the report referred to by the Senator from New Hampshire [Mr. Gallinger] there would not be a dissenting vote to the adoption of this amendment. The report is rather lengthy, but I am going to ask that the most important part of it be inserted in the RECORD. It shows a most deplorable condition in this city in regard to prisoners. It shows that while the jail was constructed for the purpose of accommodating 300 prisoners, at different times as many as 600 or 700 prisoners have been confined there.

The Senator said the report showed that as many as two prisoners had been put in one cell. I find instances referred to in the report where as many as three were confined in one cell.

Such a condition can not be defended from any standpoint. It should be a rule, so far as national affairs and state affairs are concerned, when men are convicted of crime and sentenced for a certain term of servitude not to confine them in cells. They ought to be put to work so as to assist in earning money to pay the expenses of maintaining the system.

Under the system in force in this city what do we find? We find in the jail men arrested for crime and kept there before they are convicted, and after conviction they are sentenced to the same jail and placed in cells without any opportunity for exercise and without any of the conveniences of life. It is a most deplorable condition.

Now, turn to the workhouse. While it is denominated a "workhouse," it is badly crowded, and most of the inmates are

kept in confinement instead of being at work.

The commission appointed to make this investigation was beyond question a very intelligent body of men. They have gone thoroughly into this subject. They insist that prisoners They have boys and women-sentenced for as much as six months, or where there are mitigating circumstances, shall be sent to the workhouse, where they can be kept employed and where they will probably earn the necessary amount to pay the expenses of the administration of the institution. The commission also insists that where prisoners are sentenced for as much as one year, instead of keeping them in a little cell five by nine, two and three to a cell, locked up there for a whole year, without any exercise, without earning one cent, and with conditions that are almost unbearable, that a change should be made; that farms should be purchased near the city, improvements made thereon, and these people put to work.

Take a boy or a young man, put him in this jail, and keep him there for twelve months, with the surroundings found there, and there is no hope for his reformation when he comes out of prison. There are many who, notwithstanding the fact that they have transgressed, notwithstanding the fact that they have gone wrong, if given an opportunity to reform and do

better, would doubtless do so.

I do not believe there ought to be the slightest opposition to the adoption of this amendment. In this connection I ask that the matter beginning on page 6 of the report, which I have marked, under the heading "How the jail is filled, and why," from the bottom of page 6 down to the close of page 28, be printed in the Record. It recites the conditions existing in the jail and the workhouse, and to my mind makes an unanswera-ble argument in favor of the establishment of the new system. The VICE-PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

HOW THE JAIL IS FILLED, AND WHY.

The matter referred to is as follows:

How the jail is filled, and why.

As the police court is without authority to sentence to more than a year's imprisonment, and as no person can be sent to a penitentiary unless his sentence exceeds one year, that court can not sentence its prisoners to the penitentiary, but must sentence them either to the workhouse or the jail. Between the workhouse and the jail it has, as the statute now reads, only this strange choice: If the sentence is stamonths or less, it may be to either place; if it is more than six months, it must be to the jail. (D. C. Code, 934.) The consequence is that great numbers have been sentenced by the police court to the jail. Although that court is prohibited from sentencing for a longer period than one year, even where there are "cumulative" sentences against the same person, yet it has happened not infrequently that there have been in that court against the same person, for different offenses, several sentences, which have been held not to be "cumulative" in a legal sense, resulting in the prisoner being confined in the jail for eighteen months or more. When we shall see the condition of prisoners in the jail, the evil of this practice will be more apparent. Most of those sentenced by the police court have been found guilty of small larcenies, or disorderly conduct sometimes involving assaults of aminor character, of vagrancy, and the like. Such offenders do not always object to a steady abode, with warmth and shelter and plenty of food, and especially with nothing to do, even though the place be called a jail, and do not hesitate to commit some offense that will secure them such winter quarters. At the writing of this report there are confined in the jail substantially 600 persons. Of these the number awaiting trial or awaiting sentence or awaiting the result of their appeal from the sentence of the trial court is a few over 100. All the others, nearly 500, are serving sentence.

CONDITIONS AT THE JAIL.

The jail was originally intended to accommod

act odors. There is no dining room for the prisoners. They are fed out of tin cans thrust through the grating of the doors. In these cells they are obliged to stay all the time, day and night, except for a half hour each day when they are marched through the inside corridor. There is no jail yard, and they never go outside of the jail walls. They pass their time in absolute idleness—all of them except the very few who are employed in preparing and serving food to their fellow-inmates or in a little routine work,

COMMENT.

COMMENT.

The evils of such a state of things are too obvious to call for or even to justify extended comment. That men and women should be sent to these narrow and crowded cells, the innocent with the guilty, the first offender with the hardened criminal, in one promiscuous assembly, to corrupt and be corrupted by each other, the lazy to be humored and fostered in their laziness, the industrious to be deprived of every form of employment, to be fed like beasts and mainfained at the public charge, not only with no prospect of improvement in their condition, but with the moral certainty that they will come out far worse than they went in, is a fact that has become a stench in the nostrils of the whole community and ought to be felt as a shame and disgrace to the whole Nation, whose representatives are responsible for its existence.

CONGRESS RESPONSIBLE.

CONGRESS RESPONSIBLE.

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CONGRESS RESPONSIBLE.

The attention of Congress has been called repeatedly to the overcrowded and defective condition of the jall. In 1903 the Attorney-General, in his annual report to Congress, informed them as follows:

"The jail is old, without modern improvements, and of insufficient capacity for the present needs. Something should be done at once toward remedying the present defects in construction, increasing its capacity, and providing a suitable dining hall, so that the present system of feeding the prisoners can be done away with."

These recommendations have been repeated in each annual report up to and including the one for 1907, and in his current report the following paragraph appears:

"The attention of the department was called recently to the condition of the jall in the District of Columbia, which had become so crowded by reason of the large number of prisoners confined there as to render it inappropriate as a place of confinement and to endanger the health, discipline, and safe-keeping of its inmates. Under the authority conferred upon me by law, I directed the removal of a large number of prisoners to the jail at Fort Smith, Ark, which had become nearly empty by reason of the admission of Oklahoma to statehood. This measure temporarily releved the congestion, but the relief has been temporary only, and conditions have again become very unsatisfactory in the District by reason of the inadequate provision for the detention of criminals. I respectfully urge upon the Congress the necessity of prompt and effective action in dealing with this situation. If it be deemed advisable to await the report of the commission recently appointed to consider the subject at large, I recommend that provision be made for the temporary custody of prisoners now confined in the jail in such places of provisional detention as can be secured for this purpose. Such action will und

CONDITIONS AT THE WORKHOUSE.

At the workhouse the physical conditions are somewhat better than at the jail. Since 1900 Congress has appropriated for this institution \$260,000, of which \$142,000 was expended in the construction of two modern wings, separated from each other but so related that they may form parts of one complete building if it should be decided to build a permanent workhouse for the District at that point. These two wings contain 334 cells, and in them only 1 prisoner is confined in 1 cell. In the old wings, however, the condition is still crowded and 2 or more prisoners are confined in the same cell. Taken as a whole, the workhouse, like the jail, is crowded far beyond its normal capacity. There has been a large increase in the number of inmates. The average for the five months of the present fiscal year is higher by 125 than for the corresponding period of last year. Even at the workhouse no regular system of industry is carried on. Some of the prisoners are sent about the city to be employed in gangs upon the streets, and may be seen almost any day as they are driven to or from their work, in stripes and under guard. Others are engaged in menial service about the institution, but with the present system it has not been possible to give adequate employment to the great majority of those confined. The present number of inmates at the workhouse is 400. On some days it has been 600.

WHAT SHALL BE DONE?

WHAT SHALL BE DONE?

It is perfectly obvious that something must be done. It is not a question of whether, but of what. If we are to continue the present plan and system, it is absolutely necessary to greatly enlarge the present jail and the present workhouse, and to invest large sums of money for that purpose.

TWO WAYS POSSIBLE.

Apparently there are two ways open. One is to temporize, to adhere to the present plan, making such changes and enlargements as are absolutely required, extending the present jail, erecting a new wing to

the workhouse, but attempting no advance upon the present penal system. Under this plan we should continue to use the jail as we are now using it; we should merely enlarge the present workhouse so as to accommodate a larger number. If it should be attempted to make provision for the employment or outdoor exercise of the jail and workhouse prisoners upon the tract where the buildings are now located, it would require the building of a wall to inclose those institutions and would end in establishing a permanent penal colony in what will soon be, if it is not already, the heart of the city, within a mile or two of the Capitol and in the direct line of the extension of one of the finest avenues of the city, and will thus end in placing a permanent barrier between the natural growth of the city and a great and attractive territory on both sides of the Anacostia River. The other way would be to seize the opportunity now presented for putting the penal and correctional system of the District upon a proper and permanent basis, adopting a plan that can be followed and filled in as years go by, no matter how the city may grow or the needs of the system increase.

The first plan requires an investment of large amounts in property which ought not to be permanently devoted to its present uses. The jail can not permanently be used as a place where men are to serve sentences, because such men should be put to work, and it is not and can not be made a proper institution for that class of prisoners. Moreover, the adoption of the first plan will postpone the adoption of improved methods of dealing with criminal problems, and will tie us for many years to come to an antiquated and unreasonable system. The more we invest upon the present plan, the more difficult it becomes to change it, and thereby we are putting further and further off the true solution of our problems. The adoption of the second plan means the abandonment of the present jail as a place where prisoners shall be sent to serve their sentences, but permits the conti

THE CRIMINAL PROBLEM A PERMANENT ONE

Humiliating as it may be to confess it, the confession must be made that society is still in a state of siege. The property classes, and they comprise the vast majority of our population, live in a state of siege. If we doubt it, we have only to notice the bars and bolts on every hand, the watchman, the policeman, everywhere. After four thousand years of social order of one sort or another, after two thousand years of Social order of one sort or another, after two thousand years of Christianity, it is still the fact that those who have must maintain their possession by force or the threat of force. The mailed hand of government is over every house and shop and bank vault in the civilized world, and apparently it must be so for centuries to come. The criminal problem may be looked upon as practically permanent, and certainly we have none more important. What ought to be done to protect the law-abiding part of the community from the part that is disposed to prey upon it? That is the question. Of course the most desirable thing is to get rid of crime itself, either by transforming the lawbreaker into a law keeper and law defender, or, better still, by preventing the citizen from ever becoming a criminal at all. The possible prevention of crime is a great subject by itself. The possible reformation of the criminal is another.

THE MAIN OBJECT OF CRIMINAL LAW.

But the main purpose and object of criminal law we hold to be the welfare and protection of society itself. It is this object which underlies all sound legislation and judgments. It is this which justifies the infliction of punishments which would otherwise be cruel. It is this consideration that compels the judge to turn his eyes away from the suffering of the individual offender, and even from the greater suffering that often falls upon his family and friends, and keep his eyes fixed upon the thousands of innocent people whose safety and security demand that the consequences of lawbreaking should be painful.

THE TRUE PRINCIPLES CONCERNING THE TREATMENT OF CRIMINALS.

THE TRUE PRINCIPLES CONCERNING THE TREATMENT OF CRIMINALS.

We do not believe in taking any attitude toward the violators of law that will lead them to look upon their offenses as trivial, to look upon themselves as victims of oppression, or upon governments as their debtor. But we do believe in taking a passionless, patient, and impartial attitude toward them, making it as easy as possible to do right, as difficult as possible to do wrong, keeping always before their eyes the hope of redeeming themselves, and convincing them in every practicable way that they are still the makers of their own destiny. We believe that some way ought to be devised to prevent the return to social lifte of those who have committed grave crimes and have given no indication of reform. We believe that there should be a rigid separation of those who are awaiting trial from those who have been convicted. We believe that all convicted persons who are able to work should be compelled to work. We believe that those who may be reasonably supposed to be reformable should be treated and employed with that end in view. We believe in the beneficial effects of education upon most of those who are confined in prisons. We believe that no system of dealing with the criminal classes should ever at any point lose sight of the fact that the criminal is a man. He should never be needlessly degraded, insulted, or abused. We believe that a vital and momentous point of time is when the prisoner is released and turned back upon the world, and that the law should employ all possible agencies to guard and assist him making a new start. We believe that many who come up for sentence may be wisely put in the watchful care of judicious officers and given one more chance to choose between a life of decency and a life of crime. Belleving this, we are led to accept the following practical propositions as necessarily resulting from these convictions, so far at least as the District of Columbia is concerned:

WHAT WE RECOMMEND.

There should be-

There should be—

1. A jail, to be used only as a house of detention, never as a place of confinement for those under sentence.

2. A probation system for those cases which may be safely dealt with without sending the offender to any place of confinement.

3. A reformatory for all who must be sentenced to confinement and who nevertheless are hopeful cases.

4. A workhouse for those who must be confined and who are not proper subjects for reformatory treatment, and yet whose offenses are not such as to require that they be sent to a penitentiary.

5. Confinement in the federal prison or penitentiary for those worst offenders who are not proper subjects for either the reformatory or the workhouse.

6. A carefully guarded parole law for prisoners in these various institutions who may be safely released upon conditions.

To consider these propositions more fully:

1. A HOUSE OF DETENTION.

1. A House of Detention.

The present jall may be used for this purpose, and with some changes in its interior would be an adequate building for a long period of time. The outer jail—that is to say, the main walls of the building—are in excellent condition. Relieved of the sentenced prisoners, it would need to accommodate at present only a few more than 100. The interior could be torn out, modern cells constructed, sanitary plumbing introduced, a common dining room provided for, and the building could thus be made a commodious and suitable house of detention for all persons awaiting trial or awaiting the final determination of their cause. It would not only be sufficient for the present, but so far as we can foresee it would be sufficient even when the city shall have grown to three times its present size.

Being used only for the confinement of accused persons, it would not be regarded as a prison, and its presence would be far less objectionable than it is now. It would be more convenient if it were still nearer the courts, and it certainly ought not to be farther away. In most cities the house of detention is now built adjoining or as a part of the courthouse. In our opinion that is the correct method, and if a new courthouse should ever be erected here that plan might be adopted. There is no reason why such a building should not be architecturally attractive. In many places it is. The present building is not, as the workhouse is, a barrier to the extension of Massachusetts avenue. It stands at one side of that thoroughfare and at a considerable distance from it.

2. A PROBATION SYSTEM.

2. A Probation System.

2. A Probation System.

We are woefully and shamefully in need of this. Except in the juvenile court, we have nothing of the sort. Some of our judges have entertained such views of the law that they have felt justified in suspending sentence in some cases after a plea of guilty or conviction by the jury, and have allowed the offender to go on his own or other recognizance. Others of our judges have entertained such views of the law that they have not felt themselves empowered to do this. But even if we accept the view that courts have authority indefinitely to suspend sentences, notwithstanding the express mandate of the legislature that upon conviction a prescribed punishment shall follow, we are still in this position—that there is no officer in whose care the released person can be placed; there is no system for following up his subsequent career and informing the court whether he should be left at liberty or brought back and sent to prison; and there is no system by which he can be warned, guided, encouraged, and assisted to become a good citizen instead of relapsing into crime. Our study of the working of probation systems in other jurisdictions, and, so far as made use of, in our own, our reading upon the subject, and the testimony we have received from experts in this branch of penology has left us without a doubt that we should have such a system here. We accompany our report with a draft of a statute upon this subject which we believe would meet the needs of the community, and we earnestly recommend its enactment. (Exhibit F.)

THE NEEDS OF THE DISTRICT PECULIAR.

THE NEEDS OF THE DISTRICT FECULIAR.

The District of Columbia ought not to be put off in this matter by reason of any consideration Congress may be giving to the subject of a general probation law for all federal courts. Our situation is peculiar. The offenses dealt with in our courts are not merely such offenses as are cognizable in other federal courts, but include crimes of every character. In this respect, although all offenses committed in the District are offenses against the United States (since there is no other sovereignty), yet they are, almost all, exactly such offenses as when committed in a State are offenses against the State in distinction from offenses against the United States. Indeed the number of strictly federal prisoners from the District of Columbia is less than 30 out of a total of more than 1,400. Practically, for the purpose of dealing with this problem, we are to be regarded as a State by ourselves. We should have a system adapted to our own special needs.

THE PROBATION SYSTEM OUTLINED.

THE PROBATION SYSTEM OUTLINED.

When sentence is to be pronounced and it appears to the court that the case may be one calling for the use of the probation system, there should be an officer to whom the matter may be referred by the court and by whom the necessary information may be furnished. Such an officer would investigate the circumstances, if they were not fully brought out at the trial (and the most frequent use of the system will be in cases where there has been a plea of guilty and no trial at all), the previous record and conduct of the person to be sentenced, and all other facts which ought to be considered in determining the question. That question should be whether there is a reasonable probability that, if he should be given another chance under the restraints and encouragement of the probation system, he would never again break the law, but would ally himself permanently with the forces of order instead of becoming their enemy. If the court is convinced that such is the case, there should be at hand a wise and judicious officer in whose watch-care the offender should be placed, under prudent restrictions and conditions especially adapted to his case—an officer who will keep in touch with his charge and personify to his mind the kindness and also the severity of the law, an officer to whom reports must be frequently made by the subject, and who will keep the court informed of the subsequent course of the probationer. All this requires careful provisions by statute and a well planned, but not too complex, system of procedure.

The question whether the probationer has broken the conditions of his release or should, on the other hand, be finally discharged from probation, must ultimately be decided by the court; but the court may be greatly aided and enlightened by the reports and recommendations of such an officer. The officer should be in closest touch with the court and in all respects subordinate to it. In our opinion, he should be appointed by it, and be subject to discharge whenever the courts

not overlooked. But we believe that on the whole the advantage of having the probation work of each court done under the supervision of, and in fulfillment of the conditions imposed by, the court which is responsible for the case outweigh these advantages, and that each court should appoint and control its own probation officers. The general plan of probation work should, however, be laid down by the statute, leaving to the court only the duty and province of applying the principles adopted to the individual case before it.

VIEWS OF EXPERTS IN PENOLOGY.

the principles adopted to the individual case before it.

VIEWS OF EXPERTS IN PENOLOGY.

The probation theory does not tend to minimize the offense. It rather magnifies it by restricting the liberty of the offender, and perhaps for a longer time than if he were confined in prison. It takes away many of his rights. The court prescribes what he may do, where he may go, with whom he may associate, and how he shall conduct himself. It requires him to shun evil companions, to abstain from drink, to keep away from the saloon, to work steadily for the support of those who are dependent upon him. One of the chief advantages is that it keeps the probationer in right relation to his family; if imprisoned he is for a time relieved of the obligation to support them and discovers perhaps that they can get along without him. Probation lays its hand upon him and compels him to support them. That is a condition of his liberty. In this way it tends to reformation without actual imprisonment.

But the system of probation ought not to be considered by itself. It must be considered in contrast with its alternative, imprisonment. Even in institutions where care is taken to separate the beginner in crime from the hardened offender it is not possible entirely to prevent contact. Some contamination is inevitable. Even at its best imprisonment is better calculated to develop than to arrest evil tendencies. The man who has been in prison has at least two terrible disadvantages, He comes out with the stigma of the prison, which hinders him from getting employment and heavily handicaps him in his struggle for a living. This stigma attaches to his innocent wife and children as well, who often suffer more than the guilty husband and father. The second is that prison acquaintances constitute an obstacle to a new and respected life. In prison he has come in contact with men who have no desire to reform and who are willing to drag others down to their own level. He can not always avoid them when he meets them out of prison. If they can not per

EXPENSE.

Such a system need not be expensive even in the first instance, and such expense as may necessarily attend it will most certainly be overbalanced even in dollars and cents by the saving to the public which will result from the continuance of the probationers in industrial occupation instead of being supported in public institutions and by the permanent transfer of some of them from the criminal to the law-abiding class. The results already achieved by the system as it now obtains in our own juvenile court have demonstrated the correctness of this position.

our own juvenile court have demonstrated the correctness of this position.

We do not mean to put our recommendation of a probation system wholly or necessarily upon a mere monetary basis. Neither do we put it on the ground of a humane and philanthropic duty on the part of government toward its disobedient members. We believe there is a safer and an impregnable basis to be found in the prime duty of society to provide for its own welfare and protection. We look upon such a system as a practical method of recruiting the ranks of law-keepers from the number of those who would otherwise join the ranks of the enemies of government and order. No reasonable pains or expense should be spared to secure so desirable a result. And when we find, as we do, that the system, so far from proving a financial burden upon the community, actually pays for itself several times over even in the money point of view, we feel that the proposition ought to commend itself to conservative minds of every cast.

3. A Reformatory.

3. A REFORMATORY.

Next in order, and not less important, is the need of a reformatory. At present we have none. The National Training School for Boys and the Reform School for Girls, as we have already shown, are restricted to children not over 17 years of age.

the Reform School for Girls, as we have already shown, are restricted to children not over 17 years of age.

THE CLASS TO BE SENT THERE.

What we need is an institution to which the courts can send such offenders as can not be safely released upon probation, who must for one reason or another be confined for a time at least, and yet who are susceptible to good influences, capable of being trained to some useful form of labor, of being improved in body and mind and made more fit to meet the temptations of life—who have not abandoned themselves to criminal courses nor come to look upon themselves as at serious odds with society, but who will almost certainly turn out habitual criminals if they are not immediately turned from the path they have entered. It is not so much a question what is the name of the crime they have committed (barring a few of the gravest) as it is a question of how they came to commit it and under what circumstances it was done, and what the general disposition and character of the offender has been. Most of those who would be eligible to such an institution are between the ages of 17 and 30 years. We believe that the court before whom the case is tried will be able to make a generally wise decision upon the question whether the culprit is a hopeful subject for such treatment. It is believed that if there were such an institution now established in the District there are between 500 and 600 prisoners, now confined in fail, workhouse, or penitentiary, who would be receiving the benefit of its course of discipline and education.

SHOULD BE ISOLATED FROM OTHER INSTITUTIONS.

SHOULD BE ISOLATED FROM OTHER INSTITUTIONS.

Our visits to similar institutions in various States have convinced us that a reformatory for our District ought to be erected; that it should be located at a safe distance from all public institutions and, above all, widely removed from any other penal institution. One of the best informed and most energetic officers of such an institution said to us that if the State should erect a workhouse within sight of his reformatory he would resign at once, so strongly did he insist upon the necessity of absolute separation—not only separation in point of fact, but likewise in point of mental association. The object is to lead

the inmate of the reformatory to regard himself as not yet sunk to the level of the criminal classes, to preserve his self-respect so as to enable him to go out at the end of his term feeling that he has not been branded as a felon.

AT LEAST 1,000 ACRES OF UNRECLAIMED LAND SHOULD BE SECURED AS THE SITE.

Another thing which we have been led to conclude from our visitations is that the reformatory should be erected upon a large tract of land belonging to the Government. It should be a farm of at least a thousand acres practically undeveloped. Such a tract could be secured by purchase, possibly in the District of Columbia; if not, then in the State of Maryland or the State of Virginia. The clearing and cultivation of the land itself, with the construction of necessary buildings, would furnish occupation for hundreds of those sent there.

SHOPS AND INDUSTRIES.

There should be shops as well, where the men could be taught to use their hands in trades of skill and engage in the manufacture of useful articles. Such articles could be used by the District government in its various departments and the whole product thus consumed. Nearly everywhere we went we found that this practice prevailed. In the various correctional institutions articles are manufactured in great variety and in large quantities, and are disposed of and used by the municipal and state departments.

EDUCATION.

There should be classes, too, where at some hours of each day the young men should be taught the rudimentary branches and hear lectures on practical subjects. In some of the best reformatories most of the teachers are found among the prisoners themselves. Those who are competent are selected and employed for this purpose and take a natural pride in the position.

LAWS REGULATING TERM.

LAWS REGULATING TERM.

With such a place to send to, there should be carefully framed laws regulating the length of the term and making it to correspond with the progress of the sentenced person. He should be able to shorten his sentence by faithful work and obedient behavior. It should be possible for him to work out his own salvation, if not without fear and trembling, yet without a doubt that honesty, industry, and a willing disposition would receive their reward. The one thing important above all others is that he should feel and know that he is being dealt with according to just and settled principles, so that the time of his release is measurably in his own hands. In these reformatories the inmate soon learns that he is hedged round by a well-nigh inflexible system; when he goes wrong, it is charged against him; when he does right, he receive credit. He comes to look upon it as impersonal and its results as attributable to his own folly or good sense. Such a lesson is in itself invaluable. When a prisoner incurs a penalty, he is reminded that it is his own doing; when he secures a benefit, he is not permitted to thank any officer as for a favor, but is reminded that he has earned it and it is his. The system thus cultivates and fosters a manly spirit of independence.

Provision should be made at the reformatory for the care and custody of female prisoners, of whom there would be, in all probability, 75 or 100. They could be employed in kitchen and laundry work and should be trained to useful service in various lines.

4. A Workhouse.

4. A WORKHOUSE. CLASS TO BE SENT THERE.

There is a large class of offenders whose crimes are not of that magnitude to demand a sentence in the penitentiary, and yet who are not proper subjects for reformatory treatment. They may be too old, they may have offended too often, or they may be of such a character that it would be useless to send them to a reformatory, and, moreover, to send them there might be to undo the work which is there being done upon hopeful cases. At the same time they may not have deserved a long-term sentence, or for other reasons it may not be best that they should be sent to a penitentiary, either state or federal. Among this class will be found many who have committed assaults, many vagrants, drunkards, deserters of their families, abusers of their wives, and the like. Usually these are men to whom hard work is the most dreaded form of punishment. They should be put to hard labor at long hours. Even among these some cases may be found that will deserve attention under a parole system, but most of them will need to be kept to, or near to, the end of their terms. For such men as these work in the open air, upon the farm or in construction of buildings or in redeeming waste places, is admirably fitted.

A LARGE TRACT OF UNDEVELOPED LAND FOR THE WORKHOUSE.

A LARGE TRACT OF UNDEVELOPED LAND FOR THE WORKHOUSE.

For the workhouse, then, as for the reformatory, we recommend the purchase of a large tract of undeveloped farm land, which may be either within the District or in one of the adjoining States, as may be found most advisable—a farm of not less than a thousand acres, to which the institution now known as the "workhouse" should be removed. Land adapted to the purpose may doubtless be obtained at a very low price per acre.

EXPERIENCE OF OTHER STATES.

In other States we have seen prisoners of this class successfully employed in such labor as we have just mentioned, and we have been deeply impressed by the sound judgment and clear foresight of those who have thus planned and executed. The farm at Bridgewater, Mass., is one instance. The farm of 2,000 acres near Cleveland, Ohio, is one instance.

HOW THE PRISONERS SHOULD BE TREATED.

How the prisoners should be treated.

That such men are not fit subjects for a reformatory does not mean that they are not to be treated with any reference to improvement or that they are not to be released the sooner by reason of exemplary behavior. Still less does it mean that they have forfeited their right to be treated as men and to receive every encouragement of which they prove themselves worthy. Least of all does it mean that they should be unnecessarily degraded by marks or badges of shame or compelled to look upon themselves as beyond hope. They should not be put in stripes. On the contrary, we believe in stimulating them to self-respect in all practical ways, and especially by setting apart a substantial portion of their earnings to be paid to their families, or for want thereof to be paid to them on their release; and we believe that their sentences should be somewhat elastic and responsive to their behavior and indications of a change in disposition. For such of them as are illiterate we would have some instruction, and for such as appear capable of mastering a useful trade implying some skill in handicraft, we would have employment adapted to that end.

From estimates submitted by the company which installed the cells at the present workhouse we find that those cells could be taken out,

transported to a new workhouse, and there installed at a cost of about \$35,000. A large part of the labor could be done by the prisoners themselves.

5. CONFINEMENT IN THE FEDERAL PRISON OR PENITENTIARY.

In the present situation of things we do not feel it our duty to recommend the establishment of a penitentiary especially for the District of Columbia.

CLASS TO BE SENT THERE.

There is undoubtedly a large class of prisoners who must be sent to some such institution. The offenses which they have committed are of so grave a character, or they themselves have repeated their offenses so often, or they have become so fixed in their evil tendencies, that long terms of imprisonment are necessary, and neither a reformatory not a workhouse is a proper place for their confinement.

We have at present some 400 prisoners serving sentence in state penitentiaries and in the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans. At Leavenworth there are at this writing about 75 prisoners from the District of Columbia; at Atlanta, 76; and the others are distributed between Moundsville, W. Va., and Trenton, N. J., the two latter being state institutions, which are under contract with the Department of Justice. No doubt there are many of these who would have been sent to a reformatory if there had been an institution of that sort when their cases were disposed of. One member of this commission is positive, from his own experience while presiding in the criminal court in this District, that such is the fact. In our opinion, if the plan for a penal and correctional system which we are here outlining should be adopted—that is to say, if we should have a jail used as a place of detention only, a reformatory, and a workhouse, such as we have recommended—the number of those to be confined in penitentiaries would be reduced by nearly, if not quite, one-half. It will be readily seen that this is a conservative estimate when it is recollected that all sentences of imprisonment which are longer than a year must, as the law now stands, be served in the penitentiary. There are thus many offenses which at present call for sentences in such an institution if the plan we recommend should be adopted. But it would still remain true, as we have said above, that there would be a considerable class requiring imprisonment in a penitentiary. It might amount in number to 200, or something over, at the present

SHOULD THERE BE A PENITENTIARY ESPECIALLY FOR THE DISTRICT?

The practical question is whether for this number a separate pententiary ought to be established in this vicinity. Upon principle, we believe that there should be local institutions to answer our local needs. We believe that as far as possible there should be a separation between those institutions which are expected to answer local needs and those which are national in their aim and scope, and we believe that local institutions ought to be under the direction and control of district officers. district officers

HOW THE LINE OF JURISDICTION SHOULD BE DRAWN ESTWEEN THE DISTRICT AND THE FEDERAL AUTHORITY.

Believing thus, it is our opinion that the jail, the workhouse, and the reformatory, if it should be established, should be under the exclusive direction and control of district authorities. The fact that the United States Government pays one-half of the taxes assessed upon property in the District does not, in our opinion, affect this question. That only means that the Federal Government is a large property holder within the District, but it affords no better ground for saying that the Federal Government should control the institutions of the District than would the fact that a multimillionaire owns more than half of the property in a city or a county justify the turning over to such an individual of the direction and control of the public affairs of the city or the county. The question whether a given institution shall be under the direction of the district authority or of the national anthority should be answered, as it appears to us, solely with reference to the purpose and character of the institution itself. As we have already shown, there are less than 30 strictly federal prisoners out of more than 1,400 prisoners of the District of Columbia. All the others have committed crimes which properly can only be considered as local offenses. All these prisoners are supported at the expense of the District of Columbia, for the taxes paid upon government property are a part of the funds of the District in the same sense and upon the same principle as are the taxes paid upon other property in the District.

The advantages that would follow from the adoption of the rule which we are now advocating would be many.

upon the same principle as are the taxes paid upon other property in the District.

The advantages that would follow from the adoption of the rule which we are now advocating would be many. An illustration lies close at hand. At present the jail is under the practical direction and control of the Attorney-General, while the workhouse is under that of the District. Upon the workhouse grounds are buildings which at times might be used for the accommodation of inmates of the jail if the two institutions were under the same head. It does seem unreasonable that such a state of things should exist, for while it is possible in the course of time to bring about arrangements between the local authorities and the federal, such arrangements do take time, and while they are being waited for great inconvenience and loss may result. We are therefore of the opinion that the penitentiary prisoners, as well as the others, ought to be under the direction and control of district authority.

But there is another fact to be considered, namely, that in Leaven-worth and Atlanta the United States Government has in process of construction two magnificent penal institutions. In them it is investing millions of dollars. For a long time to come they will be able to accommodate not only all strictly federal prisoners from the whole United States, but all our local prisoners who ought to be confined in a penitentiary.

OUR RECOMMENDATION.

OUR RECOMMENDATION.

In view of this fact, we believe that good judgment and sound economy require that for the present our penitentiary prisoners should be sent to these institutions, under proper arrangements to be made between the District authorities and the Department of Justice. The fact that our prisoners are serving their terms in these places ought not, however, to prevent the application to their cases of laws to be passed by Congress providing for their release upon parole if a parole system shall be adopted for our own prisoners in general.

6. A PAROLE LAW

One crying evil of the present system of dealing with our prisoners is that when they are released from confinement there is little to prevent their going back to a life of crime. It seems absurd that year after year the Government should be turning back upon society its

vowed and inveterate enemies, yet there is no doubt that this is

THE PROFESSIONAL CRIMINAL.

Men who have spent their lives in crime, who have deliberately chosen to lead such a life, are released and leave the prison gates with the declared intention of continuing their warfare against the State. One such prisoner when appealed to by the warden to change his course replied that he had carefully calculated the chances and had reached the conclusion that he could not afford to give up the trade of crime. "I know," he said, "that I must pass a considerable part of my life in prison, but I shall be able to live upon the fruits of my enterprise while I am out of prison enough better to make up for the time I am confined. On the average I shall have a better time." It ought to be a crime in itself to be a professional criminal. There ought to be a statute defining the offense. It occurs to us that the definition should be "A professional criminal is one who has deliberately chosen to lead a life of crime and who has been more than once convicted of a felony." A person convicted of being a professional criminal ought to be sentenced to imprisonment for life. The question whether he is a professional criminal ought to be determined by the jury under a proper charge in the indictment. It will be necessary to distinguish between professional criminals, and habitual criminals, for there are men and women who under the stress of temptation may fall again and again, and yet again and again repent. Their offenses are usually petty and they have not that express determination to get their living by criminal means, which should be held to be a distinguishing characteristic of the professional criminal.

ADVANTAGE TO THE GOVERNMENT FROM A PAROLE SYSTEM.

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ADVANTAGE TO THE GOVERNMENT FROM A PAROLE SYSTEM.

No argument is necessary to show that if the Government could in some way retain its hold upon its prisoners after they are released from confinement it would be a distinct advantage to the public. Everyone knows that when a prisoner comes back to the community he is looked upon with suspicion and often finds it all but impossible to win back the confidence of his fellows. Often it is impossible for him to obtain employment, and necessity itself may tempt, if it does not drive him to his old course. Something has been done here and there by associations formed to assist and relieve discharged prisoners, but it would be much better and more effectual if it could be supervised by the Government itself and as a part of the prison discipline. When a man has served out his sentence to the limit and is entitled to his discharge he goes out a free man, but if he is released before the end of his term, upon his own application, under a parole, with conditions which have been imposed to prevent his falling into evil ways, the situation is entirely different. Then he goes out under the supervision of authority, his whereabouts are known, his subsequent course is followed, he is helped to obtain employment, and if he breaks the conditions of his parole he is brought back to prison. We think that in the case of the parole system, just as in the case of the probation system, the chief argument to be considered in its favor is not the chance that now and then a criminal may be reformed, and thereby a philanthropic duty be performed by the State, but that the State will by this means protect itself against the depredations of those who have a tendency toward crime and will be able to strengthen the forces of order at the expense of the forces that oppose it.

A PAROLE BOARD.

Somewhere there should be ledged the suthority to decide whether

of the forces that oppose it.

A PAROLE BOARD.

Somewhere there should be lodged the authority to decide whether a prisoner who has served a substantial portion of his term may be released upon parole, not merely with advantage to himself, but with advantage to the State. This authority should be at liberty to impose such restrictions and conditions upon the freedom and occupation of the paroled prisoner and require from him such reports and proofs of lawful conduct as reason, prudence, and justice may dictate in each case. Such authority should, in our opinion, be vested not in the courts but in the executive department. It is administrative rather than judicial work. It belongs in one view to the discipline of the prison, for a paroled person is still restrained of his liberty.

PRISONERS' EARNINGS—A FUND FOR THEIR FAMILIES OR THEMSELVES.

PRISONERS' EARNINGS—A FUND FOR THEIR FAMILIES OR THEMSELVES.

Allusion has heretofore been made to the wisdom and justice of setting apart for the benefit of the prisoner's family, or for the benefit of the prisoner himself upon his release, a substantial part of his earnings. Such a fund as that could evidently be better managed in connection with a parole system than without it. It has sometimes happened, where this plan of paying prisoners a portion of their earnings upon release has been adopted, that large amounts have been paid to the departing convict, who has squandered it all in a single night's debauch. That might be prevented even without a parole system by providing that the fund so reserved should not be paid to the prisoner all at once, but in periodical installments. But under the parole system it would be much easier and simpler to control the disposition of such a fund. In some institutions there is reserved for the prisoner only the miserable pittance of 3½ cents a day, and out of the small sum accumulated in this manner he must pay for the ticket and suit of clothes which are furnished him when he leaves. United States prisoners are provided with one plain suit of clothes, with \$5 in money, and with a ticket to their home or the place of conviction. (R. S. Supp., vol. 1, p. 89.) In other institutions the allowance is so liberal that at the end of a long term men have gone out with \$600 or \$700 of their own. It seems to us it would be at once prudent and practicable to fix an arbitrary amount as the fair price of the prisoner's day's work, and then to charge it against the expense of his maintenance, including therein a round percentage, say 20 per cent, of the total wage as interest upon the capital invested in the plant. Let this fund accumulate during the prisoner's confinement, unless it shall be paid to his family in necessity at home, and be turned over to him in installments after his release. PRISONERS' EARNINGS-A FUND FOR THEIR FAMILIES OR THEMSELVES,

MARYLAND.

MARYLAND.

In the Maryland Penitentiary, in 1906 and 1907, prisoners earned for themselves \$41,682.62, a single prisoner earning in the course of a year over \$600. In 1906, \$18,000 was paid out of the earnings of prisoners for the support of their families and \$12,000 was paid to the prisoners themselves upon their discharge. The plan also exists in other institutions, whose authorities mention it with favor.

THE PAROLE SYSTEM HAS THE SUPPORT OF THOSE BEST QUALIFIED TO JUDGE.

We have found that the parole law has won the favor and support of prison officials generally. The warden of the United States penitentiary at Atlanta have both put themselves on record as believing in the principle and hoping for its adoption. In none of the States where it has been adopted has it been made applicable to murder in

the first or second degree. Such cases may best be left to the pardoning power inherent in the executive.

It may safely be said that the beneficent character of parole statutes has been established, that opinions in their favor are well-nigh unanimous, and that the States which have tried them longest are their foremost advocates. The committee of the American Bar Association declares that its general investigation is amply sufficient to justify it in reporting that the parole laws in operation are working beneficially and that the committee "deems their wise execution and extension to be in the interests of sound public policy and the prisoner."

A PAROLE BOARD-HOW IT SHOULD BE CONSTITUTED.

A PAROLE BOARD—HOW IT SHOULD BE CONSTITUTED.

The question to be determined by the authority vested with the power to parole is not a question which can be determined upon any mere system of marks or bookkeeping in the prison. It goes deeper than that. It concerns the disposition of the prisoner and his whole attitude toward life. The determination of such a question ought not to be left to a single official, but would more wisely be vested in a board, so constituted as to insure a conservative and yet an unprejudiced hearing. The case should be heard upon application by the prisoner seeking the parole, which application should be required to be made in a prescribed form. It should have the indorsement of the superintendent or warden of the institution where the prisoner is confined, and the test should be whether there is a reasonable probability that the interests of the public, no less than of the prisoner, would best be served by his return to the community.

The liberation of a prisoner on parole ought never to be confounded with the allowance which is made him by statute on account of his perfect deportment in prison. That allowance, called "good time," belongs to him by reason of his compliance with the rules of the institution. He may keep all those rules from purely selfish motives and yet be at heart as criminal as ever. Something more than such deportment must be required to convince a parole board that the interests of the public require his release, and yet some such board is the only tribunal which can competently deal with such a question. Certainly the court can not deal with it when it imposes the sentence. No judge, however wise and farseeing, can possibly foretell when, if ever, a point of time will be reached at which the convict may safely be set free. The most he can do is to see that a sentence is imposed which shall be roughly commensurate with the grade of the offense and serve as a proper warning to others.

ALL DEPENDS ON HOW THE LAW IS ADMINISTERED.

ALL DEPENDS ON HOW THE LAW IS ADMINISTERED.

The success of the parole system depends largely upon how it is administered. In the States where this system has been adopted approximately 10 per cent of those serving sentence become eligible for this conditional liberation each year. It is reasonable to suppose that an equal number of District prisoners would go into this class. All prisoners on parole remain in the legal custody and control of the authorities of the institution from which they have been released until the expiration of the full term specified in their sentences. The conditions upon which they are paroled require that they shall have employment; that they shall avoid evil associations; live an orderly life and abstain from the use of intoxicating liquor as a beverage; other conditions peculiar to the individual or his case may be imposed. Supervision under these circumstances must be systematic, and requires care and intelligence on the part of the authorities having the cases in charge.

With the jail, the workhouse, and a reformatory maintained by the District under the methods hereinbefore recommended, the management and control of these institutions should be vested in a single head appointed by and responsible to the District Commissioners. This officer should have some such title as "commissioner of correction." He should be chairman of a board to be known as a "board of management and parole," consisting of himself and two other members, one of whom should be one of the District Commissioners, and the other a prominent citizen of the District, the latter serving without pay. Besides passing upon cases of parole, this board should constitute an advisory council to the commissioner of correction in the management of these institutions. It would take charge of all moneys earned by prisoners while in confinement, and under rules and regulations disburse the same to the prisoners' families, and to the prisoners themselves while on parole, or even after their full terms have expired. In passing upon all applications for parole care should

This class should be completely identified and the justice of their detention fully established. To this end there should be kept and classified the measurements of all sentenced prisoners. Bureaus for this purpose are maintained in many of the States, and are carried on with success. The United States also conducts a bureau of criminal identification and exchanges records with officials of state institutions. These records consist of photographs and description cards of the anthropometric system, known as the "Bertillon system," and also what are known as "finger-print records." Since 1895, through the aid of these records, the Department of Justice has successfully identified over 1,900 criminals who have been convicted and sentenced more than once, Such a system would be invaluable in administering the parole law in the District.

the District.

When a reformatory and a new workhouse shall have been established on the lines here recommended, a parole law should be enacted in accordance with the principles above set forth and should embrace, as we believe, a system of credits to prisoners on account of their

SOME QUESTIONS NOT DISCUSSED.

There are many questions concerning the construction of buildings to be used for penal and correctional purposes and concerning the proper cells for such institutions, as well as many details of prison discipline and management, which are left unnoticed in this report, not because we have not formed opinions thereon, but because we do not wish to becloud the questions which demand immediate answer by a lengthy discussion of matters which may be settled after the first necessary steps shall have been taken.

LAND SHOULD BE PURCHASED AT ONCE AND JAIL PRISONERS PUT TO WORK IN THE SPRING.

To the end that the jail may be immediately relieved of the maintenance of prisoners in idleness and that the inmates of the workhouse may all be employed, we recommend that an appropriation be made at the present Congress which will enable the Commissioners of the District to purchase separate tracts of land as sites for a reformatory and a new

workhouse and for plans and specifications for the buildings to be erected thereon. If this plan shall be adopted, all those idle sentenced prisoners may be put to work with the opening of the coming spring. So strongly do we believe in the necessity of immediate action that we have taken the liberty of submitting herewith a draft of a bill for the purpose. (Exhibit G.)

A DETENTION HOME FOR JUVENILES.

Our attention has been called to the need of a home for the detention of children awaiting trial in the juvenile court. We submit herewith a letter from the judge of that court, the Hon. William H. De Lacy, setting forth the reasons for such a home, and without recommending any particular site therefor indorse the general plan outlined by him.

CONDITIONS PECULIAR TO THE DISTRICT OF COLUMBIA.

As we have already pointed out, almost all of the offenses to be dealt with here are such offenses as, when they are committed in the several States, are punishable under the state laws.

CRIME AND THE COLORED RACE.

States, are punishable under the state laws.

CRIME AND THE COLORED RACE.

A large proportion of them are committed by colored people. With substantially one-third of the population, they contribute to the various criminal institutions more than three-fourths of the whole number there confined. This fact is not referred to by way of reflecting upon the colored people, for whose condition we, as members of the white race, hold ourselves in no small measure to blame, but as a fact necessary to be considered in dealing with the questions before us. It would not be just to the colored race, however, to leave the above statement unexplained. We must take into account not only the number of crimes committed by the respective races, but the character of those crimes as well. When we consult the records of the jail for the past five years we discover several things which ought to be duly weighed by all impartial persons. We find that two-thirds of all the persons committed to the jail are charged with assaults, not including assaults with intent to kill. Of these assaults a very large proportion, in fact more than five-sixths, are committed by colored people. Of all persons committed for fornification seven-eights are colored. Of all those committed for petty larceny more than three-fourths are colored. Of those committed for larceny from the person, not amounting to robbery, nearly all are colored; that is to say, 28 out of a total of 31. On the other hand, the number committed for grand larceny is almost equally divided between the two races. Among those committed for embezzlement there are almost twice as many whites as blacks. Among those committed for obtaining property by false pretenses the whites are nearly three to one. For robbery, there were committed 139 whites as against only 80 blacks. The fair deduction seems to be that the crimes most common among negroes are crimes of cunning or of boldness—the more daring crimes and larger thefts. The criminal instincts of the colored people are such as belong to the

A REFORMATORY IN ITS RELATION TO THE COLORED PEOPLE.

A REFORMATORY IN ITS RELATION TO THE COLORED PEOPLE.

To those who believe that the negro is incapable of mechanical skill or ingenuity and unworthy of manual training, the fact that so large a proportion of our prisoners are colored might be an argument against the introduction of varied forms of labor into the reformatory, and, perhaps, an argument against the establishment of a reformatory at all. It is highly probable that a large majority of those who would be candidates for a reformatory in this District would belong to the colored race. Having little doubt upon this point, we have been especially interested to learn, from the experience of other jurisdictions where reformatories have been established, what results have been obtained among negroes, and what we have learned has been decidedly in their favor. In some institutions the most skillful workmen have been negroes, and the answers from reformatory and prison officials which have been given to our questions upon this subject have been to the effect that shiftless and awkward specimens of this people are transformed by the discipline and training to competent and often to highly efficient workmen. Our investigation has convinced us that it is a mistake to consider the negro race as incapable of mechanical skill and progress. On the contrary, we believe that one of the strongest arguments in favor of the establishment of a reformatory in this District is that it will serve the purpose of a training school for young colored men who otherwise would never receive any discipline or training whatever. Those who can not be successfully employed in tasks requiring mechanical skill may be put to work upon the land or employed in the heavier forms of labor. The return to daily life of a large number of young colored men who have been so trained in a reformatory that they can immediately command good wages and establish for themselves decent homes will be an example which, in our opinion, will not be lost upon others of their race. It seems little less than a m

BETTER CONDITIONS SHOULD BE PROVIDED FOR THE POOR.

BETTER CONDITIONS SHOULD BE PROVIDED FOR THE POOR.

The problem of crime among these people can not be considered apart from the general problem of their housing and their surroundings. It is impossible to understand any man apart from his surroundings, and especially apart from what he calls his home. Most of these people who find their way into the criminal court and eventually into prison may be traced back to the miserable alleys and hovels which exist in such large numbers in our city and which are a reproach to our civilization. No one who knows how these people live wonders at their habits or their crimes. While we are striving for penal and reformatory institutions worthy of our people and our time, let us not neglect to remove these breeding places of vice and schools of crime, and to put in their place clean and wholesome dwellings. Let us throw the alley open to the light of day; and let us plant where they are most needed the parks and breathing places, wholesome with sun and air and beautiful with trees and flowers, which may appeal to the purer and better instincts of the people. Washington ought not to be in one part a show place and in the other part a loathsome alley. It ought to be in every part clean and habitable. As you yourself have

expressed it, Mr. President, let us not lavish all our expenditures upon Fifth avenue; let us give a little attention to the East Side.

PLANS OF THE PARK COMMISSION.

The question of the removal of the workhouse from its present site should also be considered in connection with those plans to grace and beautify the city which have been outlined by the park commission. A glance at a map of the District on which these plans have been laid down will show that they contemplate a driveway along the western bank of the Anacostia River, which would necessarily proceed along this very tract which is now dedicated to the punishment of crime, the treatment of contaglous diseases, the cremation of the dead, and a quarantine for the smallpox. We feel that these plans may well be considered as an additional argument in favor of the removal of the workhouse and of the other buildings which would naturally disappear in its wake, although we regard the other reasons which we have given for its removal as entirely sufficient in themselves.

SCOPE OF THE REPORT.

If it shall seem to you, Mr. President, that in some portions of our report we have gone somewhat far afield, our reason is that the problem presented has seemed to us to be of such magnitude and to involve such far-reaching consequences that it could not be wisely solved without looking to the future, as well as to the present; without considering the probable growth of the city, as well as its present needs; without considering those new and better methods of dealing with prisoners which have been successfully adopted in many States; without, in short, considering the whole penal system of the District, both as it is and as it ought to be; and without taking note of the conditions which produce crime and whose removal it is possible and practicable for us to secure. The system we are invited to propose is a system for the District of Columbia, the seat of the National Government. The capital of a nation, though it lie at the level of the sea, is a city set on a hill—it can not be hid. Whether we wish it or not, it will be observed of all observers, and its influence will go out for good or for evil in every direction and possibly to every nook and corner of the land. We wish to see a system adopted which may become a model to all who are seeking to improve their own institutions and policies and which shall be worthy to form a part of the law of a wise and just people.

You may remember, sir, that Plutarch relates this anecdote of certain ambassadors from Sparta: When asked whether their proposals were offered in their own name as individuals or in the name of the state, they replied: "In the name of the state, if we succeed; if we fail, in our own." In the same spirit we leave this report in your hands.

Very respectfully,

Wendell P. Staffford,
JNO. JOY EDSON,

WENDELL P. STAFFORD, JNO. JOY EDSON, ROBERT V. LA DOW, Commissioners.

Mr. JOHNSTON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. CLAY. With pleasure. Mr. JOHNSTON. I want to ask the Senator from Georgia if these institutions are used for the confinement of those who have been arrested but not tried?

Mr. CLAY. They are. Mr. JOHNSTON. And also for those who have been sentenced?

Mr. CLAY. That is what this report says-I have it here and I will send it to the Senator if he desires to read it—that those who are arrested and can not give bond are lodged in jail. After a man is tried, if he is only sentenced-for one year, he is sent to this jail and confined in one of its cells until he serves out that term.

It is a bad system, I insist, that mixes up those that have been convicted and sentenced with those that are awaiting trial. man is presumed in law to be innocent of an offense until he is convicted. He ought not to be placed in a class with those convicted and sentenced until after his conviction.

Mr. JOHNSTON. I quite agree with the Senator that this condition ought not to exist, but there is another question I want, while on the floor, to ask of the Senator in charge of the bill. I note that the bill says:

One of said tracts shall be used as a site for the construction and erection of a reformatory of sufficient capacity to accommodate at least 1,000 prisoners, and the other for the construction and erection of a workhouse of sufficient capacity to accommodate at least 500 prisoners.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. JOHNSTON. Yes.

Mr. TILLMAN. Probably the Senator from Alabama was not in when the Senator from Nebraska [Mr. BURKETT] moved to change the word "prisoners," where it first occurs, to "inmates." In the second instance the word "prisoners" will remain, I judge, because the two classes are entirely different.
Mr. JOHNSTON. That amendment, I think, was in regard

to an entirely different institution.

Mr. TILLMAN. No; it was right in this connection. Mr. JOHNSTON. Did not the amendment of the Senator from Nebraska apply to the inmates of a hospital?
Mr. GALLINGER. No; to inmates of the reformatory.

Mr. TILLMAN. On page 86, line 6.
Mr. JOHNSTON. The amendment of the Senator from Ne braska applied to a previous paragraph.

Mr. TILLMAN. Am I mistaken about this? Will the Senator from Nebraska please inform us on what page was his amendment that was agreed to?

Mr. BURKETT. On page 86, line 7, I offered an amendment to change the word "prisoners" to "inmates." That was

adopted.

Mr. TILLMAN. It was accepted.
Mr. GALLINGER. It was adopted.
Mr. JOHNSTON. That would fit the case of any prisoner.
Mr. TILLMAN. In a reformatory. You do not consider a

boy who has stolen an apple, or something of that sort, a criminal. You do not want to make a hardened criminal of him by confining him with older and meaner men. While he is a prisoner in a sense, he is not a prisoner in the mean sense. He is merely sent there to try to bring him up properly and

make a different boy of him.

Mr. JOHNSTON. I do not object to the word at all. There is, however, another matter I desire to address myself to, and that is this: We have a population here in the city of Washington of about 300,000. This amendment provides for convicts to the number of 1,500. I desire to say that that seems to me entirely too large a number. In the State of Alabama, where there are 2,000,000 inhabitants, there are only about 2,500 convicts confined in the state institutions

victs confined in the state institutions.

Mr. TILLMAN. Mr. President, if the Senator will allow me, I would suggest to him that while the provision may seem at this time in excess of the number of prisoners, the city is rapidly growing and the number of criminals here is immense. I have been somewhat familiar with the reports of the chief of police on this subject. A former District Commissioner declared before the District Committee that the criminal classes of Washington were second to those in no other city in the world, or, certainly, in this country. It seems to be a harbor of refuge for a large number of derelict scoundrels who roam in here from Virginia and other Southern States, as well as from the Northern States. They find this such a good field for snatching women's purses and doing other dark and dirty things that it is a favorite place for them to come. Besides, the country is growing, and if we make the institutions too large it will be better to have them empty than to have four or five prisoners in a cell like they have across here on the river, nosing each other like sheep in a pen ready for slaughter.

Mr. JOHNSTON. In spite of what the Senator says about

the very large increase of the criminal class here, certainly it ought not to exceed Alabama, with 2,000,000 people, in the num-

ber of criminals.

Mr. TILLMAN. The contrast is altogether to the credit of Alabama. I judge the Senator is trying to make that point, and I agree with him entirely that our people of the South are less criminal than they are up this way. [Laughter.]
Mr. GALLINGER. I will suggest to the Senator from Ala-

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from New Hampshire? Mr. JOHNSTON. Yes.

Mr. GALLINGER. I will suggest that there are at the present time 600 prisoners in our jail.

Mr. JOHNSTON. Are they convicts-men who have been sentenced?

Mr. GALLINGER. I should judge most of them are convicts. The report of the commission says:

At the writing of this report there are confined in the jall substantially 600 persons. Of these the number awaiting trial or awaiting sentence or awaiting the result of their appeal from the sentence of the trial court is a few over 100. All the others, nearly 500, are serving sentence

It was thought desirable, in view of the fact that this city is going to expand in population—it can not expand in area—so rapidly, that it would be wise in constructing these inexpensive buildings to make the jail large enough to accommodate 1,000 prisoners at some future time.

Mr. JOHNSTON. I agree with that; but we have provided here for 1,500-three times the number now under sentence.

Mr. GALLINGER. About twice as many.
Mr. JOHNSTON. It seems to me, in the present condition
of the Treasury and the constant falling off in the revenues, that we ought to have some care about how much money we expend here. I am in hearty sympathy with the effort to remedy existing conditions, but I do not think it necessary to provide for 1,500 prisoners, or inmates, or convicts, or whatever you may call them, if there are now only 500.

Mr. GALLINGER. The Senator is mistaken. There are 500

in the jail, and at the workhouse there is a very large number in addition. The present number of inmates at the workhouse is 400. On some days it has been 600. So that there would be ten or eleven hundred at the present time, and the amendment

makes provision for fifteen hundred.

Mr. JOHNSTON. I did not know that there was such a large number. The fact is that there are now about half as many convicts in this District as there are in the whole State of Alabama.

Mr. GALLINGER. Yes.

Mr. SMITH of Maryland. As I understand the Senator, there are from eleven to twelve hundred already in prison.

Mr. GALLINGER. In the jail and the workhouse. Mr. SMITH of Maryland. And this amendment provides accommodations for a number only 400 in excess of that? Mr. GALLINGER. Four or five hundred; that is all,

Mr. TILLMAN. In that connection, Mr. President, it has occurred to me to make an inquiry of the Senator from New Hampshire, if he will kindly give me his attention. Last winter, when the negroes began to snatch purses from ladies on the street and assault them, even on Connecticut avenue

Mr. GALLINGER. Negroes and white men who blacked

Mr. TILLMAN. And white men, too. I recall that I introduced what was rather a drastic and perhaps satisfactory va-grant bill, and it passed the Senate without any obstruction or ojection. What has become of that bill?
Mr. GALLINGER. The Senator will have to inquire at the objection.

other end of the Capitol.

Mr. TILLMAN. I am inquiring of the other end of the Capitol now in the RECORD, because it will soon be, if certain proposed changes to the rules are made, that we can not mention the House of Representatives without getting on our knees, or something like that.

Mr. GALLINGER. That is what I had in view.

Mr. TILLMAN. But I simply want to know if that bill, which we passed here, ever became a law.

Mr. GALLINGER. It has not become a law, I will say to

Mr. TILLMAN. Can the Senator give any explanation or guess as to why not?

Mr. GALLINGER. I have not been a Member of the other

House for lo these many years.

Mr. TILLMAN. I thought the Senator's affiliations with some of those who are in charge of such legislation at the other end-members of the District Committee, for instance-might enable him to jog them up so that they would take the bill out of the pigeonhole.

I notice that in the last three or four weeks we have had purse snatching resumed. The industry is going on; and I merely make this inquiry with a view to calling the attention of the Senator from Alabama to the fact that if we should get the other House into action toward giving relief to the people of this District, we might have a considerable increase in the population of these two reformatories or workhouses, or whatever they are to be, by putting there some of the vagrants from Virginia, South Carolina, Pennsylvania, West and other places that are floating into Washington. Therefore the Senator from Alabama had better not be "penny wise and pound foolish" in providing for the criminal classes, because if the automobiles continue to increase here, according to my friend from Texas [Mr. BAILEY], we shall have a substantial increase of criminals.

Mr. JOHNSTON. I want to say to the Senator from South Carolina that the population here is about 300,000, and more than one-half of it, as I understand, consists of white people.

Mr. TILLMAN. Two-thirds.

Mr. JOHNSTON. Two-thirds. Now, in Alabama there are more white people than there are colored, and yet the inmates of the penitentiary are about 300 white men to twenty-two or twenty-three hundred colored men. So that if that ratio of criminals should prevail in Washington we should have many less, because of the greater proportion of white people in this

Mr. BACON. I should like to call the attention of the Senator to one feature. I suppose from the terms of the amendment the anticipation is that the work will be proceeded with immediately. For the purpose of gaining information, I want to call the attention of the Senator to a matter which has doubtless been considered by his committee, and that is the necessity that there shall be consent on the part of either Virginia or Maryland to the acquisition of this property and to the establishing of these institutions.

Mr. GALLINGER. I will say to the Senator that I have been informed from sources that I regard as authoritative that there are already in the statutes of both Maryland and Virginia provisions whereby the Government can purchase land in those

States. Am I correct, I will ask the Senator from Maryland,

so far as his State is concerned?

Mr. RAYNER. If the Senator is talking about the constitutional provision, it gives the right to acquire all needful buildings. There will be no trouble about that. Whether or not there is a general statute, I do not know.

Mr. BACON. I have no doubt in the world that the State would give the power, if it has not already done so by statutory enactment, but as I understand the other statutes in regard to the acquisition of property and the construction of buildings, it will be necessary that the jurisdiction be ceded to the United States Government. I can not now lay my hand upon the statute. I could, of course, by delaying a little while, which it is not necessary to do. But I think there is a general statute which would require such cession.

Mr. RAYNER. Will the Senator from Georgia permit me

for a moment?

Mr. BACON. Certainly.

Mr. RAYNER. The Constitution provides that there must be a cession, and after "arsenals, dockyards," as I recollect it, it uses the words "other needful buildings." There would not be the slightest trouble about it. I think my colleague will agree with me on that. It is a constitutional provision. I may be wrong about it.

Mr. BACON. I am not anticipating any difficulty, but I am simply addressing my remarks to the question whether it is practicable to proceed immediately, or whether it is necessary to have first such proceedings as will vest the jurisdiction

in the United States.

I further ask the attention of the Senator to the question whether it is important to incorporate in this bill-Congress is going to adjourn-such a provision as may look to the acquisition of the jurisdiction, and to provide the necessary steps for that purpose.

Mr. RAYNER. I have found the provision, if the Senator will allow me for a moment. Subsection 17 of Article I gives

the Congress the right-

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Mr. BACON. I desire to say to the learned Senator from New Hampshire that my object in calling attention to this is not simply for information, but to ask whether it is not important that in this bill there shall be such provision as is necessary in order to give practical effect to the legislation which is now proposed.

I desire to say for myself that upon the statements made by the Senator from New Hampshire and my colleague from Georgia, I am most heartily in favor of the proposed enactment.

I think it not only highly important, but obligatory.

Mr. GALLINGER. In a recent interview which I had with Judge Stafford, chairman of this commission, and a very learned lawyer, this very question was gone over. I suggested to him as a layman that I had an impression that a cession would have to be made on the part of the States to the Federal Government. His reply was that he felt sure there would be no trouble about that; that he had investigated it somewhat; that the legislatures were in session at the present time in both States, and his information led him to believe that they would readily and speedily make the cession.

Mr. BACON. I have no doubt of that, but the question I wish to suggest to the Senator is whether or not it is important to incorporate in this bill some provision which shall make it practicable to acquire that consent. The legislature of Maryland and the legislature of Virginia will not of their own motion proceed to legislate. There will have to be some communication by this Government to the legislatures indicating a desire that there shall be such legislation. It seems to me there should be a few words incorporated—I am not prepared to suggest what they shall be-which shall confer the authority upon some official to be designated to request such cession from either legislature.

Mr. GALLINGER. The Senator's observation impresses me as being a very wise one. I am not myself capable of making such an amendment, not being a lawyer. I suggest to the Senator that the provision be adopted and that the Senator, before the bill gets into the Senate, prepare a suitable amendment, and I certainly shall not resist it. I think it is a very wise proposed amendment.

Mr. BACON. I suggest that the form of the amendment may be readily found in a great many instances where we have made provision for the erection of public buildings. In

each such case proper provision is made for the acquisition of land and for the cession of jurisdiction.

Mr. GALLINGER. Yes.

Mr. BACON. If the Senator will have some one-I do not

know that I can give the time to it-

Mr. CLAY. If my colleague will permit me, I think most of the States have a general statute providing that when the National Government shall make purchases of land for public buildings or other purposes, this right shall be conceded.

Mr. GALLINGER. I was informed that in the States of Virginia and Maryland such statutes were on the books.

Mr. MARTIN. So far as Virginia is concerned, there is a general statute that answers all of the demands of the Constitution and of the federal law, and there is no need to insert anything in this bill, nor is there any need to get anything from the State of Virginia in addition to what exists now. It

has been amply covered and has been acted upon.

Mr. BACON. If a similar law exists in Maryland, then it is not necessary that anything should be incorporated on the

subject.

Mr. GALLINGER. I requested Mr. La Dow to make an investigation of this matter, and he reported to me that there would be no trouble in either State. That is all I know of it.

Mr. BACON. I suppose, under the statement made by the Senator from Virginia and upon the assurance given by one in whose judgment the Senator from New Hampshire has confidence, it will not be necessary to insert anything.

But in addition to the information which has been given, which is entirely satisfactory as to Virginia, I hope that before the bill goes out of conference there will be a thorough investigation of the matter.

Mr. GALLINGER. I shall certainly attend to that, I assure the Senator from Georgia.

The VICE-PRESIDENT. The question is on agreeing to the

amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations The next amendment of the Committee on Appropriations was, on page 87, line 25, after the word "thousand," to insert "two hundred;" in line 2, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" in line 3, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred and eighty;" in line 4, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" and in line 7, before the word "dollars," to strike out "fourteen thousand seven hundred. word "dollars," to strike out "fourteen thousand seven hundred and twenty" and insert "sixteen thousand four hundred and eighty," so as to make the clause read:

Board of Charities: For secretary, \$3,000; clerk, \$1,200; stenographer, \$1,200; messenger, \$600; 1 inspector, \$1,200; 6 inspectors, at \$900 each; 1 driver, at \$780; 3 drivers, at \$720 each; hostler, \$540; traveling expenses, \$400; in all, \$16,480.

Mr. JOHNSTON. I desire to ask the Senator in charge of the bill why this amendment is necessary. Is it desirable to have extraordinary men for service as drivers? Can we not get them for \$600 in the District?

Mr. GALLINGER. The committee may be wrong, but the committee is of opinion that in these days of high prices for everything a family wears and consumes, a man with a family must live at a poor, dying rate at \$50 a month in the city of Washington, and for that reason it made a very slight increase in the salaries of these men. Letters were received from some of them showing what their expenses were and how poorly they were compelled to live, which appealed to the committee, and the committee, in its kindness of heart, made this slight increase.

Mr. JOHNSTON. All right. The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Reformatories and correctional institutions," on page 88, line 11, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 14, before the word "dollars," to insert "two hundred;" in line 15, before the word "hundred," to strike out "two" and insert "five;" and in line 16, before the word "overseers," to strike out "fifteen" and insert "sixteen," so as to read:

For Washington Asylum: For superintendent, \$1,800; visiting physician, \$1,200; resident physician, \$480; clerk, \$840; property clerk, \$1,200; baker, \$600; principal overseer, \$1,500; 16 overseers, at \$660 each.

The amendment was agreed to.

The next amendment was, in the item for the Washington Asylum, on page 89, line 8, to increase the appropriation for trained nurse, who shall act as superintendent of nursing, from \$720 to \$900.

The amendment was agreed to.

The next amendment was, on page 90, line 1, to increase the

total appropriation for the force at the Washington Asylum from \$38,176 to \$39,636.

The amendment was agreed to.

The next amendment was, on page 90, line 6, before the word "thousand," to strike out "fifty-five" and insert "sixty-two," so as to make the clause read:

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, \$62,000.

The amendment was agreed to.

The next amendment was, in the item for the "Home for the Aged and Infirm," on page 91, line 14, to increase the number of servants at \$144 each from 2 to 3.

The amendment was agreed to.

The next amendment was, on page 91, line 16, to increase the total appropriation for the force at the Home for the Aged and Infirm from \$13,848 to \$13,992.

The amendment was agreed to.

The next amendment was, on page 91, line 21, before the word thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, \$25,000.

The amendment was agreed to.

The next amendment was, on page 91, line 24, before the word thousand," to strike out "one" and insert "two," so as to make the clause read:

For repairs and improvements to buildings and grounds, \$2,500.

The amendment was agreed to.

The next amendment was, at the top of page 92, to strike out: For expenses of procuring milk, \$2,500, or so much thereof as may be necessary.

And insert:

For installing a dairy, including the erection of buildings, purchase of cattle, and the necessary fixtures for the same, \$2,500.

Mr. JOHNSTON. I wish to ask the Senator in charge of the bill if they have considered whether it is better to install a dairy there, and whether they can not get their milk cheaper otherwise?

Mr. GALLINGER. I will say to the Senator that they have a large farm. This is at Blue Plains, on the banks of the Potomac below St. Elizabeth's Hospital, where the Government purchased, I think, between two and three hundred acres of land, and we have now two institutions on that land. There is a chance to raise practically all that would be consumed by the inmates. I was down there last year, at the time I was investigating the hospitals and charitable institutions of the District, and I found two sickly looking cows there. That was the extent of the herd. They were buying milk to a very large amount, and it occurred to me then, and I suggested to the su-perintendent, that if he would ask Congress to make an approprintendent, that it is to establish a dairy there would be no objection to it. That was what led to this provision, which I think is a very wise one, I will say to the Senator. I think it is in the line of economy.

The VICE-PRESIDENT.

The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, on page 92, after line 5, to insert: For purchase and laying of farm-land drain tile, \$500.

The amendment was agreed to.

The next amendment was, on page 92, after line 7, to insert: For erection of additional building for male inmates, \$10,000.

The amendment was agreed to.

The next amendment was, on page 92, line 10, to increase the total appropriation for maintenance of the Home for the Aged and Infirm from \$37,848 to \$54,492.

The amendment was agreed to.

The next amendment was, on page 94, line 8, before the word "dollars," to insert "one hundred and fifty," so as to make the clause read:

For repairs to Columbia Hospital, \$2,150.

The amendment was agreed to.

The next amendment was, in the item for the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association, etc., on page 94, line 15, after the word "dollars," to insert the following provise:

Provided, That the limitation of time fixed in the provision to the appropriation for the relief of the National Homeopathic Hospital Association in the District of Columbia appropriation act approved May 26, 1908, is hereby extended to January 1, 1910.

The amendment was agreed to.

The next amendment was, on page 95, line 4, to increase the appropriation for emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Eastern Dispensary by the Board of Charities from \$6,000 to \$10,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 14, on page 95

Mr. TELLER. Mr. President-

Mr. GALLINGER. While the agreement was that only committee amendments should now be considered, the Senator from Colorado has an amendment the committee would offer if he did not, and I hope the agreement will be waived, so as to allow the Senator to offer the amendment at this point.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Colorado will be received.

Mr. TELLER. I offer the amendment I send to the desk. The Secretary. After line 14, on page 95, it is proposed to insert:

For care and treatment of indigent patients under a contract to be made with the Sibley Hospital by the Board of Charities, \$5,000.

Mr. TELLER. I wish for the information of the conference committee to submit a very brief statement in connection with the amendment to go into the Record without reading. The VICE-PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

To the Congress of the United States.

Permit me to ask your consideration of Sibley Hospital, which is located at 1150 North Capitol street, Washington, D. C. We believe that its usefulness is of such quantity and quality as to interest both Houses of Congress when the Members know what it is and what it

that its usefulness is of such quantity and quality as to interest both Houses of Congress when the Members know what it is and what is doing.

In 1894, by congressional action, a charter was granted "The National Training School for Missionaries." The institution at that time, in addition to its school, maintained an orphanage and hospital. Soon afterwards the hospital was enlarged by the generous gifts of an honorable citizen of the District of Columbia, W. J. Sibley, and was named "Sibley Hospital" in memory of his wife, who became one of its chief patrons.

It has been maintained without aid other than that received from voluntary gifts of men and women who have some passion for humanity. It is and always has been open to suffering humanity without discrimination as to race, nationality, or religious faith. It is and always has been open to any reputable physician and his patients, barring only those of contagious diseases.

One hundred and eighty-three physicians and surgeons availed themselves of the privileges offered during the last year. One thousand and fifty-three patients were treated by them from July 1, 1907, to July 1, 1908, and 1,514 emergency cases. A free dispensary service is maintained, the only service of the kind in that portion of the city, and annually the free service rendered has been equivalent to \$15,000. Much of the time a "deaconess" nurse has given her time to nursing in the homes of the poor and unfortunate.

The hospital maintains 85 beds, and for the past year the daily average of the patients cared for has been 50. It maintains 30 nurses, on the average, for each day of the year. I submit a few of the annual reports, which contain other items of interest.

Believing that the institution is worthy of consideration, I have taken the liberty of stating these facts.

I am. most respectfully,

WILLIAM H. WILDER,

President.

President.

SIBLEY HOSPITAL, WASHINGTON, D. C.

SIBLEY HOSPITAL, WASHINGTON, D. C.

To the Congress of the United States:

Permit us most respectfully to ask your careful consideration of the claims of Sibley Hospital, which is located between Pierce and M, at 1150 North Capitol street, Washington, D. C. We entertain the belief that you will find that its usefulness is of such quantity and quality as to interest you in its purposes and achievements. Therefore we begyou to examine into the statement of facts, which in very brief form sets forth what the hospital stands for, what it is accomplishing, and what it has accomplished.

The title to the property is vested in "The Woman's Home Missionary Society" of the Methodist Episcopal Church, and is controlled by a local board of directors of both men and women. By congressional action in 1894 a charter was granted "The National Training School for Missionaries." For some time the unincorporated institution, in addition to its school of training, maintained an orphanage and a hospital. By means of a generous gift from W. J. Sibley, an honorable citizen of this city, the hospital was built and afterwards enlarged and given the name "Sibley Hospital," in memory of Mrs. Sibley, who from the beginning had been one of its chief patrons.

It has been established and maintained wholly by the voluntary contributions of men and women who have some passion for humanity. It is and always has been open to the suffering without discrimination as to race, nationality, or religious faith or practice. It is and always has been open to any reputable physician and his patients, barring only such patients as have chronic or contaglous diseases.

From July 1, 1907, to July 1, 1908, 183 physicians and surgeons availed themselves of the privileges of the hospital. During this period 1,053 patients were treated by them, and in addition thereto the hospital attended to 1,514 emergency cases. A free dispensary service is maintained, the only service of that kind in that portion of the city, and for several years the annual free service

unfortunate.

The hospital maintains 85 beds, also a free ward, and for the past year the daily average of the patients cared for has been 50. It maintains on the average 30 nurses for each day in the year. We would be pleased to submit a few of the annual reports, which contain other items of interest.

Permit us also to state that the hospital is purely philanthropical and charitable; that it is established and maintained without any

pecuniary profit whatever to its promoters or board of directors; and that it ministers almost wholly to the suffering within the limits of the District of Columbia. Hoping that you will give careful consideration to its work, spirit, methods, and purposes; that having done so, you will recognize its claims in common with those institutions of like alms and work within the District; and that we may have a fair remuneration for the free service rendered and a proportionate share of the moneys appropriated by Congress for hospital purposes.

We most respectfully subscribe ourselves, by the order and in behalf of the local board of directors.

WM. H. WILDER, Superintendent, HENRY FRANCE, Director, J. W. R. QUINWAIT, Director, Committee.

WASHINGTON, D. C.

WASHINGTON, D. C.

The following tables will show something of the work and growth of the hospital from July 1, 1898, to July 1, 1908:

Table I.

Time.	Patie	ents classi	Opera-	Emergency	
	Free.	Pay.	Total.	tions.	cases.ª
1898-99.	121	50	171	Not kept.	Not kept.
1899-1900.	200	165	365	Not kept.	Not kept.
1900-1901.	330	272	602	Not kept.	Not kept.
1901-2.	214	387	591	213	384
1902-3.	175	572	747	354	313
1903-4.	211	635	846	358	384
1904-5.	201	776	977	410	700
1905-6	194	941	1,135	545	1,202
	270	741	1,011	315	1,120
	351	702	1,063	449	1,514

a Free ward.

For the last five years the average: Expenses Receipts	\$35, 000. 00 27, 069. 79
Excess of expense over receipts made up only by vol-	7, 830. 21

"Nash Hall," the original building, was a gift from Mr. Nash, of Washington. The "Sibley" building was constructed as a cost of about \$25,000. The buildings and grounds are valued at about \$100,000. An extension is sadly needed to accommodate the patients knocking at the doors. We have just put in a new and larger elevator at a cost of about \$4,000. It is yet unpaid for.

The following table will show that we make no discrimination on account of nationality, race, or religious belief.

Table III.

Religion.	1903-4.	1904-5.	1905-6.	1906-7.	1907-8.	Total.
Adventists	1	2	6	2	2	13
Bahai	_				2	1
Baptists	88	125	149	100	134	596
Catholie		106	196	131	161	679
Christian		22	34	24	25	118
Christian Science			0.		9	3
Congregational		20	14	19	12	76
Confucianism				10		
Disciple			KONSTRUCTION OF THE PARTY OF TH	1		1
Dunkard			1	Pour not to	Distriction	
Dutch Reform			-	6	5	. 1
Episcopal	79	121	172	123	155	650
Evangelical		199	2.0	120	100	0.00
Friends		2	4	1	1	
Greek Church				2		
Hebrew		8	17	19	36	8
Lutheran		38	38	50	36	186
Methodists	209	213	261	327	305	1.31
Methodist Protestant			12	021	500	1,01
Presbyterian	47	74	124	65	91	40
Protestant, but no denomina-	-			- 00	0.4	30.
tion	170	102	101	126	75	574
Reform		2	202	220		01
Salvation Army	1	1		1	2	
Shaker		î			aras la un estado	
Spiritualist				9		-
Unitarian		7	4	- 5	7	20
Universalist	2			2	1	
United Brethren	5	1	2	5	5	18
United Presbyterian					2	10
Unknown	99	131				230
Total	846	977	1,135	1,011	1,053	5,112

Mr. JOHNSTON. I wish to ask the Senator from Colorado

Mr. JOHNSTON. I wish to ask the senator from Colorado to explain briefly what this is.

Mr. TELLER. This is a hospital that has been in service for several years without having any appropriation from the Government. One-third of the patients have been free patients. Out of 1,053 cases one-third were served free. The hospital takes all classes and all kinds of people; people of every denomination. I think it is really the most beneficent small char-

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to. The reading of the bill was resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 95, line 16, before the word "hundred," to strike out "two" and insert "eight;" in line 19, before the word "hundred," to strike out "six" and insert "nine;" in line 20, before the word "hundred," to strike out "three" and insert "five;" in line 21, before the word "dollars," to strike out "three hundred and sixty-five" and insert "five hundred;" in line 22, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 25, after the word "dollars," to insert "assistant engineer, \$480;" on page 96, line 3, after the word "dollars," to insert "laundress, \$180;" in line 6, after the word "each," to insert "ward maid, \$180;" in line 8, after the word "each," to insert "farmer and gardener, \$540;" and in line 10, before the word "dollars," to strike out "twelve thousand three hundred and thirty-five" and insert "fifteen thousand eight hundred and eighty," so as to make the clause read: make the clause read:

Tuberculosis Hospital: For superintendent, \$1,800; resident physician, \$480; pharmacist and clerk, \$720; superintendent of nurses, \$900; matron, \$600; pathologist, \$500; 7 graduate nurses, at \$500 each; chief cook, \$600; 2 assistant cooks, at \$180 each; each; engineer, \$720; assistant engineer, \$600; assistant engineer, \$480; 2 firemen, at \$300 each; elevator conductor, \$300; laundryman, \$480; laundress, \$180; laborer, \$380; night watchman, \$360; 3 orderlies, at \$300 each; ward maid, \$180; 4 servants, at \$180 each; farmer and gardener, \$540; in all, \$15,880, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 96, line 19, to increase the appropriation for necessary equipment for pathological laboratory, Tuberculosis Hospital, from \$500 to \$600.

The amendment was agreed to.

The next amendment was, on page 96, line 21, to increase the appropriation for repairs and improvements of buildings and grounds at the Tuberculosis Hospital from \$500 to \$1,000.

The amendment was agreed to.

The next amendment was, on page 96, line 22, to increase the total appropriation for maintenance of the Tuberculosis Hospital from \$38,335 to \$42,480.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring The next amendment was, under the subhead "Child-caring institutions," on page 97, line 9, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 10, after the word "dollars," to strike out "placing officer, \$720," and insert "two placing officers, at \$900 each; in line 13 before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred;" and in line 17, before the word "dollars," to strike out "seven thousand five hundred and sixty" and insert "eight thousand eight hundred and twenty" so as to make the clause read: twenty," so as to make the clause read:

For agent, \$1,800; executive clerk, \$1,200; placing officer, \$900; two placing officers, at \$900 each; investigating clerk, \$900; record clerk, \$660; visiting inspector, \$600; 1 clerk, \$600; messenger, \$360; in all, \$8,820.

The amendment was agreed to.

The next amendment was, on page 99, line 1, before the word "dollars," to strike out "four hundred and eighty," and insert "five hundred and forty;" and in line 4, before the word "dollars," to strike out "and sixty," and insert "one hundred and twenty," so as to make the clause read:

Industrial Home School for Colored Children: For superintendent, \$1,200; matron of school, \$480; 2 caretakers, at \$360 each; 2 assistant caretakers, at \$300 each; 2 teachers, at \$480 each; sewing teacher, \$360; manual training teacher, \$480; farmer, \$540; watchman, \$300; cook, \$240; laundress, \$240; in all, \$6,120.

The amendment was agreed to.

The next amendment was, on page 99, line 8, before the word "equipment," to insert "manual training;" and in line 9, before the word "dollars," to strike out "five hundred" and insert "one thousand," so as to make the clause read:

For necessary furniture and manual training equipment, \$1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 99, line 12, to increase the appropriation for repairs and improvements for buildings and grounds at the Industrial Home School for Colored Children from \$250 to \$500.

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

For necessary tiling and pipes, \$300.

The amendment was agreed to.

The next amendment was, on page 99, after line 13, to insert: For materials, implements, and supervision for grading, road-making, and making culverts and abutments, \$1,000.

The amendment was agreed to.

The next amendment was, on page 99, line 18, to increase the total appropriation for maintenance of Industrial Home School for Colored Children from \$12,310 to \$14,420.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 100, line 2, before the word "matrons," to strike out "two" and insert "three;" in line 8, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" in line 9, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and forty;" in line 12, before the word "dollars," to strike out "forty-four" and insert "eighty;" in line 14, before the word "dollars," to strike out "seven thousand five hundred and eighty-eight" and insert "eight thousand two hundred," so as to make the clause read:

For the Industrial Home School: For superintendent \$1,200; matron.

For the Industrial Home School: For superintendent, \$1,200; matron, \$480; 3 matrons, at \$360 each; 2 assistant matrons, at \$300 each; housekeeper, \$360; sewing teacher, \$360; nurse, \$300; manual training teacher, \$600; florist, \$720; engineer, \$720; farmer, \$540; cook, \$240; laundress, \$240; 2 housemaids, at \$180 each; temporary labor, not to exceed \$400; in all, \$8,200.

The amendment was agreed to.
The next amendment was, in the items for the Industrial Home School, on page 100, line 16, to increase the appropriation for maintenance, including purchase and care of horse, wagon, and harness, from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 100, line 18, to increase the appropriation for repairs and improvements to buildings and grounds, Industrial Home School, from \$1,500 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 100, line 22, to increase the total of the appropriation for maintenance of Industrial Home School from \$20,638 to \$26,750.

The amendment was agreed to.

The next amendment was, at the top of page 101, to insert: For the erection of suitable buildings for a school for feeble-minded children, to be located on the tract of land at Blue Plains, now owned by the District of Columbia, \$50,000.

The amendment was agreed to.

The anext amendment was agreed to.

The next amendment was, under the subhead "Temporary homes," on page 101, line 22, after the word "dollars," to strike out "and laborer, \$360," and insert "and foreman, \$480; night watchman for six months, at \$25 per month, \$150;" and on page 102, line 4, before the word "dollars," to strike out "seven hundred" and insert "nine hundred and seventy," so as to make the clause read:

For municipal lodging house and wood and stone yard, namely: For superintendent, \$1,200; cook, \$360; and foreman, \$480; night watchman for six months, at \$25 per month, \$150; maintenance, including rent, \$1,780; in all, \$3,970.

The amendment was agreed to.

The next amendment was, on page 102, line 17, before the word "thousand," to strike out "two" and insert "three," so as to make the clause read:

For the care and maintenance of women and children under a contract to be made with the Florence Crittenton Hope and Help Mission by the Board of Charities, maintenance, \$3,000.

The amendment was agreed to.

The next amendment was, on page 103, line 19, to increase the appropriation for transportation of paupers from \$2,500 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 103, line 22, before the word "reasonable," to strike out "a more" and insert "subject to change from time to time, a;" on page 104, line 1, before the word "so," to strike out "thereafter the tariff" and insert "the tariffs," so as to make the clause read:

That the Commissioners of the District of Columbia be authorized and directed, after due investigation, to prepare and put in immediate operation, subject to change from time to time, a reasonable scale of charges by cabs, taxicabs, and other public vehicles, for the transportation of passengers in the District of Columbia, and the tariffs so prepared shall be the maximum charges that may be collected in the District of Columbia.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 104, line 10, after the word "pay," to strike out "and the accounting officers are directed to settle the accounts for camps, instruction, and practice marches for the fiscal year 1910 in accordance herewith," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills and

parades, rent, fuel, light, heat, care, and repair of armories, practice ships, boats, machinery, and dock, dredging alongside of dock, and for telephone service, \$45,300.

The amendment was agreed to.

The next amendment was, in the items for pay of troops other than government employees, on page 106, line 9, after the word "necessary," to insert the following proviso:

Provided further, That the President of the United States may, upon request of the commanding general, assign an officer of the navy to duty with the National Guard of the District of Columbia, who, while so assigned, shall be commissioned as an officer of the naval battalion and be subject to the orders of the commanding general.

The amendment was agreed to.

The next amendment was, on page 106, after line 17, to in-

EXTENSION OF WATER MAINS.

For the extension of water mains in the following localities: Thirty-inch main from Kentucky and Potomac avenues to Twining City, \$42,000; 20-inch main from Twining City to Congress Heights, \$67,000; and a 20-inch main from Twining City to Benning, \$70,000; in all \$179,000; said amount to be repaid from the revenues of the water department at the rate of 5 per cent per annum, beginning July 1, 1910.

Mr. JOHNSTON. Will the Senator in charge of the bill ex-

plain the necessity for this item?

Mr. GALLINGER. I will say, Mr. President, that the first of these water mains is in close proximity to the navy-yard on two of the avenues that were made when the city was first laid out—Kentucky avenue and Potomac avenue, which was formerly known as "Georgia avenue." It is a thickly settled part of the city and the residents there have no adequate water main. This is a provision to give them what they ought to have had a long

Twining City and Congress Heights and Benning are across the river, Twining City being directly across the bridge that spans Pennsylvania avenue east of the Capitol. They are villages of several hundred people each, Benning being quite a lages or several hundred people each, Benning being quite a place, and Congress Heights having been built up very rapidly of recent years. They are inadequately supplied with water mains, so much so that there is a universal protest from the people there. The commissioners, after investigating the matter, recommended that these mains should be provided for. It is one of the necessary improvements in a community such as this.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 107, line 11, after the word "dollars," to insert "clerk, \$1,400;" in line 12, before the word "clerks," to strike out "four" and insert "three;" and in line 13, after the word each," to insert "2 meter computers, at \$1,000 each," so as to make the clause read:

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, \$2,100; clerk, \$1,500; clerk, \$1,400; clerk, \$1,400; clerk, \$1,400 ach; chief inspector, \$1,000; 9 inspectors, at \$900 each; 10 inspectors, at \$800 each; assistant tapper, \$825; messenger, \$600.

The amendment was agreed to.

The next amendment was, in the item for the distribution branch of the water department, on page 108, line 1, to increase the appropriation for the salary of assistant engineer from \$2,100 to \$2,400.

The amendment was agreed to.

The next amendment was, on page 100, line 1, to increase the total appropriation for the maintenance of the water department from \$80,160 to \$82,860.

The amendment was agreed to.

The next amendment was, on page 109, line 6, to increase the appropriation for contingent expenses, including books, blanks, stationery, printing, etc., for the water department from \$3,500 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 109, line 15, after the word "work," to insert "and including a sum not exceeding \$500 for the use of bicycles by inspectors of the water department;" and in line 17, before the word "thousand," to strike out "forty" and insert "forty-two," so as to make the clause

For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and lowering mains, laying new mains and connections, and erecting and repairing fire plugs, and purchase and maintenance of two motor trucks, horses, wagons, carts, and harness necessary for the proper execution of this work, and including a sum not exceeding \$500 for the use of bicycles by inspectors of the water department, \$42,000.

Mr. JOEINSTON. I ask the Senator in charge of the bill what the amendment in lines 15 and 16 means? Does it mean the purchase of bicycles?

Mr. GALLINGER. I will say to the Senator that there is an immense waste of water in the District of Columbia. It is so great that it has become almost a scandal, and it is very neces-

sary to have inspectors go from hotel to hotel, house to house, and public building to public building for the purpose of investigating that matter.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business,

which will be stated by the Secretary.

The Secretary. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarilylaid aside. Without objection, it is so ordered, and the Senator

from New Hampshire will proceed.

Mr. GALLINGER. At the present time the inspectors have either to hire carriages or to pay railroad fare to make these inspections. It is thought by the commissioners that if \$500 is appropriated for the use of bicycles it will be a matter of economy, and the amendment was put in the bill at the instance

of the commissioners. That is all I know about it.

Mr. JOHNSTON. The point I asked the Senator was whether
the word "purchase" should not be included, because if these

people are to be paid \$500-

Mr. GALLINGER. For the purchase and use? Mr. JOHNSTON. Yes. I understand the big I understand the bicycles are to be used by the employees, and the bicycles that are to be used will belong to the District government.

Mr. GALLINGER. I will be glad to insert the words "purchase and" before the word "use."

The VICE-PRESIDENT. The Senator from New Hampshire

moves an amendment to the amendment, which will be stated. The Secretary. In line 16, before the word "use," insert the words "purchase and," so as to read:

For the purchase and use of bicycles by inspectors of the water de-

Mr. JOHNSTON. My idea is that if the District government owns them it will not have to pay for the use thereafter.

Mr. GALLINGER. Exactly.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 109, line 21, before the word "to" where it occurs the first time," to insert "for the general use of and," so as to read:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, including a 12-inch main for the general use of and to afford fire protection to the National Training School for Boys.

The amendment was agreed to.

The next amendment was, in the item for continuing the extension of and maintaining the high-service system of water distribution, on page 110, line 10, after the word "appropriated," to insert the following proviso:

Provided, That hereafter the Commissioners of the District of Columbia are authorized, in their discretion, to grant leaves of absence, not exceeding two and one-half days per month, with pay, and pay for legal holidays, to such per diem employees as are appointed specifically and in writing by said commissioners under authority of law and whose services cover a period of three months or more.

Mr. BURKETT. I should like to ask the Senator in charge of the bill if this is intended to include the employees of the District, or only the employees of the water department?

Mr. GALLINGER. I think the purpose of it is to make it

general. There are comparatively few per diem employees now. They were mostly put on the salary rolls a year or two ago.

Mr. BURKETT. Yes; I understand.

Mr. GALLINGER. There are a few still scattered through-

out the District remaining on per diem rolls.

Mr. BURKETT. This is to be general?

Mr. GALLINGER. I understand it to be general.

Mr. BURKETT. Then, I suggest that the paragraph should be amended, either in punctuation or, perhaps, by a change in phraseology. The word "Provided," with a colon preceding phraseology. refers probably only to the rest of the paragraph, and, at most. the way it is put in there it refers only to the water department. I suggest that either the paragraph should go in a new place or perhaps the colon should be stricken out and a period With the colon the proviso attaches only to that inserted. paragraph.

Mr. GALLINGER. I am quite willing to have a period inserted before the word "Provided."

Mr. BURKETT. I suggest that it be passed over so that we may see if it can not go into another place where it will be more general.

Mr. GALLINGER. Very well, and the Senator will look at He will not have much time to look at it, I suggest.

The VICE-PRESIDENT. The amendment will be passed

The reading of the bill was resumed.

The next amendment was, in section 2, page 111, line 9, before the word "thousand," to strike out "fifty-nine" and insert "sixty-six," so as to make the paragraph read:

The services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners of the District; and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District in their annual estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: Provided, That the expenditures hereunder shall not exceed \$66,000 during the fiscal year 1910.

The amendment was agreed to.
The next amendment was, on page 114, after line 16, to insert as a new section the following:

SEC. 7. That until and including June 30, 1910, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to relimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: Provided, That all advances made under this act and under the acts of February 11, 1901, July 1, 1902, March 3, 1903, April 27, 1904, March 3, 1905, June 27, 1906, March 2, 1907, and May 26, 1908, not reimbursed to the Treasury of the United States on or before June 30, 1910, shall be relimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1910, together with interest thereon at the rate of 2 per cent per annum on annual balances until so reimbursed: Provided further, That the Auditor for the State and Other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States to bear any part of the cost of acquisition of land for street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

Mr. JOHNSTON. I should like to ask the Senator from New

Mr. JOHNSTON. I should like to ask the Senator from New Hampshire if this does not impose an obligation upon the Government of the United States directly to make an indefinite loan for five years to the District of Columbia at 2 per cent? Is not that the effect of it?

Mr. GALLINGER. That is the effect of it. It is a provision that has been in every District of Columbia appropriation act since 1901

Mr. JOHNSTON. Was the period of the loan, five years,

named in the former acts?

Mr. GALLINGER. Yes, sir.

Mr. JOHNSTON. This is the usual form?

Mr. GALLINGER. It is the usual form. This municipality has no means of meeting extraordinary expenses as contradistinguished from current expenses. The result has been that they have had to ask the Government to loan them money at a low rate of interest from time to time, to be repaid in annual install-The indebtedness at the present time of the District of ments. Columbia to the Government, I will say to the Senator, is \$4,000,000; but they are paying it as rapidly as they can.

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill. Mr. GALLINGER. I have a few committee amendments to offer.

On page 79, the paragraph from lines 11 to 19, inclusive, is a committee amendment, which was discussed somewhat yesterday. I have a substitute to offer for it which is acceptable to the Senator from Alabama [Mr. Johnston], who objected to the amendment in the form in which it is included in the bill.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The Secretary. It is proposed to insert in lieu of lines from 11 to 19, inclusive, on page 79, the following:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed to the health officer and assistant health officer, medical inspector in charge of contagious disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of their official duties, not to exceed \$365 per annum each, and other necessary traveling expenses, \$6,000, or so much thereof as may be necessary.

Mr. JOHNSTON. I want to say that my recollection is that, upon motion of the Senator from Texas [Mr. Culberson], that amount was reduced from \$6,000 to \$3,000.

Mr. GALLINGER. It was. Mr. JOHNSTON. The Senator from Texas is out of the Chamber just at this moment.

Mr. GALLINGER. This is a substitute for the amendment in the bill as it stands amended at the present time.

Mr. JOHNSTON. But the motion of the Senator from Texas was to strike out the appropriation there of \$6,000 and to insert \$3,000. I will ask the Senator from New Hampshire to wait a few moments until the Senator from Texas returns. Meanwhile

let the amendment be passed over.

Mr. GALLINGER. Let the amendment be passed over for the present.

The VICE-PRESIDENT. The amendment will be passed over

for the present. On page 6, line 5, the comma after the

Mr. GALLINGER. On page 6, line word "labor" should be stricken out.

The VICE-PRESIDENT. The Secretary will state the amendment suggested by the Senator from New Hampshire.

The Secretary. On page 6, line 5, after the word "labor," it

is proposed to strike out the comma.

The amendment was agreed to.

Mr. GALLINGER. On page 16, line 1, after the word "For," move to insert the words "secretary or."
The VICE-PRESIDENT. The amendment proposed by the

Senator from New Hampshire will be stated.

The Secretary. On page 16, line 1, after the word "For," it is proposed to insert the words "secretary or," so as to read:

Automobile board: For secretary or acting secretary of the automobile board, \$300.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.
Mr. GALLINGER. On page 29, line 12, after the word "pave," I move to strike out the words "35 feet wide" and to insert "at present width."

The amendment was agreed to.

Mr. GALLINGER. On page 29, line 10, the committee amendment should be amended by adding the words "road or old Fourteenth street road" after the words "Piney Branch."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 65, line 10, after the word seventy-six," the word "and" should be changed to "to." The VICE-PRESIDENT. The amendment proposed by the

Senator from New Hampshire will be stated.

The Secretary. On page 65, line 10, after the word "seventy-six," it is proposed to strike out "and" and to insert "to," so

as to read:

For construction of a normal school building on lots 76 to 106.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 16, line 6, after the word "dollars," where it occurs the first time, I move to insert "examiner, \$1,500," and a semicolon.

The amendment was agreed to.
Mr. GALLINGER. On page 16, in line 8, after the word "hire," I move to strike out "one thousand two" and insert "nine."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The Secretary. On page 16, in line 8, after the word "hire," it is proposed to strike out "one thousand two" and to insert nine," so as to read:

Temporary clerk hire, \$900.

The amendment was agreed to.

Mr. GALLINGER. On page 19, in lines 7 and 8 of the committee amendment, the words "purchase and maintenance of transportation vehicles" should be inserted after the word "equipment," in line 9. It is simply a transposition.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The Secretary. On page 19, in line 7 of the committee amendment, it is proposed to strike out "purchase and maintenance of transportation vehicles," and in line 9, after the word "equipment," it is proposed to insert "purchase and maintenance of transportation vehicles.'

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 33, after line 5, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the

Senator from New Hampshire will be stated.

The SECRETARY. On page 33, after line 5, it is proposed to

Northeast: M street, Bladensburg road to Twenty-fourth street, grade, \$2,200.

The amendment was agreed to.

Now, if the Senator from Nebraska is Mr. GALLINGER.

ready, I trust he will offer his amendment.

Mr. BURKETT. I suggest that the paragraph on page 110 be inserted on page 114 as a new paragraph, and that the first words, "Provided, That," be stricken out, so that it will be paragraph 6 on page 114, and that paragraphs 6 and 7 may be renumbered 7 and 8; that is, after the other general provision pertaining to the District of Columbia and just before the two paragraphs pertaining to the fiscal system.

Mr. GALLINGER. I ask the Senator from Nebraska if his purpose would not as well be accomplished by striking out the colon, inserting a period, and striking out the word "Provided,"

Mr. BURKETT. Strike out "Provided, That." Yes; if you

make it a different and a new paragraph.

Mr. GALLINGER. If the Senator will agree to have the colon and the words "Provided, That" on page 110 stricken out and allow it to remain there, I think it would suit my out and and convenience better. Very well.

Mr. GALLINGER. Let that be done.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Nebraska will be stated.

The Secretary. On page 110, in the committee amendment, on line 10, it is moved to strike out the words "Provided, That;" to spell the word "hereafter" with a capital "H," and to strike out the colon after the word "appropriated" and to insert a period.

Mr. JOHNSTON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Alabama

rise to the pending amendment?

Mr. JOHNSTON. I rise to inquire of the Senator in charge of the bill if this will not bring into confusion the leaves of absence that are granted to employees of the District of Columbia? I understand that there is a general law which regulates that subject, and now we propose to entirely change it by granting power to the Commissioners of the District of Columbia to grant leaves not exceeding two and a half days per month with pay. Would not that be additional to the leaves they are now allowed?

Mr. GALLINGER. They have no leaves of absence at the present time. These are a few per diem employees, I will say to the Senator from Alabama, and the law applies simply to those who are on the regular rolls. They are granted thirty days' leave of absence; but there are a few per diem employees who are not given any leaves of absence. This amendment

simply takes care of those few men.

Mr. JOHNSTON. I do not think that the clause is clear in confining the provision to per diem employees. I suggest to the Senator that he insert, after the words "grant leaves of absence," the words "to per diem employees."

Mr. BURKETT. The words "per diem employees" are in

Mr. JOHNSTON. I understand. Does the Senator from New Hampshire think those words have the same effect there?
Mr. GALLINGER. I think so. I think the Senator would

not improve the provision by changing it in the way he suggests.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question recurs on the

amendment as amended. The amendment as amended was agreed to.

The amendment as amended was agreed to.

Mr. BURKETT. I offer another amendment, to come in on page 66, line 26. I move to strike out the words "if feasible."

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 66, line 26, after the words "outward and," it is proposed to strike out "if feasible," so that

the clause will read: School buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward and each of said buildings having in excess of eight rooms shall have at least four exits.

Mr. BURKETT. There ought not to be erected any school building which contains that many rooms where it is not

feasible to have four exits.

Mr. GALLINGER. I have no objection to the amendment.

The amendment was agreed to.

Mr. BURKETT. I have another amendment which I desire to offer. On page 102, in the provision beginning in line 5, "For Temporary Home for ex-Union Soldiers and Sailors," in

line 9, before the word "thousand," I move to strike out "three" and insert "four," so as to make the appropriation

for this purpose \$4,580.

I will say to the Senator from New Hampshire that one of the leading officials of the old veterans' organization called to see me and spoke of the extraordinary expense that they would probably be put to this year on account of the inauguration, their going into a new building, and so forth, stating that they had intended to present this to the committee, but had not, and asked me to introduce it for them.

Mr. GALLINGER. That is not estimated for and is, I think, subject to a point of order, but I shall not make the point of order, but will let it go into the bill and be considered in

Mr. BURKETT. Let it be considered in conference.

Mr. GALLINGER. And if the Senator will kindly exert his persuasive influence at the other end of the Capitol, it may be

The VICE-PRESIDENT. The amendment proposed by the

Senator from Nebraska will be stated.

The Secretary. On page 102, line 9, before the word "thousand," it is proposed to strike out "three" and to insert "four, so as to read:

For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, \$1,200; janitor, \$360; and cook, \$360; maintenance, \$4,580.

The amendment was agreed to.

Mr. BURKETT. On the same page, in line 10, before the word "thousand," I move to strike out "five" and to insert "six," so as to increase the total appropriation for that purpose to \$6,500.

The amendment was agreed to.

Mr. GALLINGER. I will at this point, Mr. President, ask that the Secretary be empowered to change the totals throughout the bill. There have been some increases which make the changing of totals necessary.

The VICE-PRESIDENT. The Senator from New Hampshire

asks unanimous consent that the Secretary be empowered to change the totals throughout the bill where necessary. With-

out objection, it is so ordered.

Mr. McCUMBER. I understand that the committee amend-

ments are completed.

Mr. GALLINGER. They are.
Mr. McCUMBER. I offer an amendment, which I send to the desk, to be inserted on page 33, after line 2.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 33, after line 2, it is proposed to

Northwest: Pave 30 feet wide Twenty-third street NW. from S street to Kalorama road, and Kalorama road from Twenty-third street to Connecticut avenue, \$20,000. Mr. GALLINGER. I will say that that was estimated for,

but the committee felt that they had made other additions that seemed to be more important, and so they left it out. But I have no objection to its going into the bill and being considered in conference.

The amendment was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 33, after line 5, it is proposed to insert:

For paving with asphalt Connecticut avenue extended from Macomb street to Newark street, \$3,500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. CARTER. On page 29, line 6, I move to amend by striking out "ten" and inserting "twenty."

The VICE-PRESIDENT. The amendment will be stated.
The Secretary. On page 29, line 6, before the word "thousand," it is proposed to strike out "ten" and insert "twenty," so as to read:

Northwest: Sixteenth street extended, grade and improve, \$20,000.

Mr. GALLINGER. I have no objection, Mr. President, to that amendment going to conference.

Mr. CULBERSON. Mr. President, the Senator from New

Hampshire may have no objection to the amendment, but I should like to know what necessity there is for doubling the appropriation. Probably the Senator from Montana, who proposed the amendment, can enlighten us about it.

Mr. CARTER. Mr. President, Sixteenth street beyond the present improvements has been the subject of considerable comment in the Chamber as these appropriation bills have come in from year to year. The fact is that many years ago citizens of the District, landowners along the line of the street, donated land for a right of way, which was estimated to be worth about a million dollars, with an understanding at the time that the street would be opened and improved to the District line. conveyances of the right of way were made to the District. The right of way is owned by the District, but the improvements have never been made in accordance with the original understanding under which the conveyances were received by the District. A bridge is provided for across what is known as "Piney Branch," which will be completed during the year, and the bridge will be of no value unless the approaches to it are completed. It is the purpose of this amendment to allow a sufficient sum to make the road passable to the bridge and approaches. The sum provided for in the bill as it passed the other House is manifestly inadequate.

Mr. CLAY. I ask that the amendment be again read.

The VICE-PRESIDENT. The amendment will be again

The Secretary again read the amendment.

Mr. BACON. There seems to be no limitation in the amend-It does not specify to what point the improvement will ment. extend.

Mr. CARTER. There is only one point at which improve-ments have been in progress for many years. There is a very trifling amount of work, as the Senator will recall from personal observation, across what is known as the "Piney Branch," north of Mount Pleasant. The grade there being made will probably occupy the District for many years. The road, although partially built, is impassable, and a detour must now be made to Fourteenth street, or else into Rock Creek Park, in order to get north, inasmuch as the old roadway has been abandoned and rendered impassable by the grade which has been partially built up. The District Commissioners and the engineer in charge will clearly understand that there is only one place in the entire street for the expenditure of this appropriation.

Mr. BACON. The Senator understands, then, that without any more definite specification the appropriation would be understood as being limited to that particular work?

Mr. CARTER. There could scarcely be any misunderstanding about it. The tools and equipment are now upon the ground, and this is merely providing for the prosecution of a

work already under way.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. GALLINGER. On page 79 there is an amendment not yet agreed to. It is an amendment to the amendment of the committee. The Senator from Alabama [Mr. Johnston] agreed to the amendment; but he wanted the Senator from Texas [Mr. CULBERSON] to be here before it was acted upon. I ask that it

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 79, in place of the committee amendment beginning in line 11 and ending in line 19, it is proposed to insert the following:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed to the health officer and assistant health officer, medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed \$365 per annum each, and other necessary traveling expenses, \$6,000, or so much thereof as may be necessary.

Mr. JOHNSTON. I think that would cover the point I made.
Mr. CULBERSON. As I understand, the amendment I proposed, to strike out "six" and insert "three," was adopted.
Mr. GALLINGER. I will say to the Senator from Texas that these men own their horses and vehicles. To give them a dollar a day would amount to \$4,745; and then there are other necessary expenses. The \$6,000 really ought to be in the

The VICE-PRESIDENT. The Senator from Texas is correct. His amendment in line 18, striking out "six" and inserting

"three," was agreed to.
Mr. CULBERSON. I understood so.
Mr. GALLINGER. Yes; but if this amendment is adopted, it will take the place of the other.

Mr. CULBERSON. Well, I will ask for a vote of the Senate

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to. The amendment as amended was agreed to.

Mr. GARY. I offer the amendment which I send to the desk. The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 59, after line 20, it is proposed to

No expenditures shall be made under appropriations made by this section for gas that contains as much as 20 per cent carbon monoxide.

Mr. GALLINGER. Mr. President, the Committee on the District of Columbia is diligently engaged considering the monoxide question. It will take from a year and a half to two years to change the plants, so that the company can make gas that does not contain more than 10 per cent monoxide, and it will take about \$2,000,000 to do it. For us to insert a provision of that kind in this bill would, under existing conditions, simply be an absurdity. It could not be complied with; and yet I suppose the gas company would be liable to prosecution for violating a law that it would be utterly impossible for the company to comply with. I hope the amendment will not be agreed

to.
Mr. SMITH of Maryland. I suggest that the chairman of the District of Columbia Committee might say that that matter is being now considered.

Mr. GALLINGER. I made the statement, I will say to the Senator from Maryland, that we are diligently considering it. The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from South Carolina [Mr. GARY].

The amendment was rejected. Mr. CLAY. On page 5, line 8, I move to strike out "five" and insert "eight." I am inclined to think the Senator in charge of the bill will accept the amendment.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 5, line 8, after the words "one thousand," it is proposed to strike out "five" and insert eight," so as to read:

For care of District building: Clerk and stenographer, \$1,800.

Mr. GALLINGER. I have no objection to that amendment going into conference. It will be inquired into.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia [Mr. CLAY].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 6, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1909. ASSOCIATE JUSTICE SUPREME COURT OF HAWAII.

Arthur A. Wilder, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii. A reappointment, his term expiring February 12, 1909.

JUDGE OF CIRCUIT COURT OF HAWAII.

Alexander Lindsay, jr., of Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii. A reappointment, his term expiring March 2, 1909.

RECEIVER OF PUBLIC MONEYS.

Hugh Taylor, of Colorado, to be receiver of public moneys at Denver, Colo., to take effect February 27, 1909, at expiration of his present term. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from February 3, 1909.

John Young Brown, of Missouri; Augustus Caillé, of New York; and John Campbell Morfit, of Missouri.

PROMOTION IN THE NAVY.

Maj. William C. Dawson, assistant paymaster, United States Marine Corps, to be a lieutenant-colonel, assistant paymaster, in the Marine Corps, from the 31st day of January, 1909, vice Lieut. Col. George Richards, assistant paymaster, promoted.

POSTMASTERS.

ARKANSAS.

James W. Willoughby to be postmaster at McGehee, Ark. Office became presidential April 1, 1907.

CALIFORNIA.

Horace E. Allatt to be postmaster at Imperial, Cal., in place of Horace E. Allatt. Incumbent's commission expired January 9, 1909.

CONNECTICUT.

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of Frederick A. Smith. Incumbent's commission expired January 30, 1909.

GEORGIA.

Siegfried Schwarzweiss to be postmaster at Waynesboro, Ga., in place of Thomas Quinney. Incumbent's commission expired January 30, 1909.

Solomon C. Dickey to be postmaster at Winona Lake, Ind., in place of Solomon C. Dickey. Incumbent's commission expired December 12, 1908.

IOWA.

J. M. Crosson to be postmaster at Eddyville, Iowa, in place of William W. De Long, resigned.

LOUISIANA.

Lavinia Insley to be postmaster at Delhi, La., in place of Lavinia Insley. Incumbent's commission expires February 23, 1909.

Charles Moritz to be postmaster at Vidalia, La. Office be-

came presidential January 1, 1909.

Jacob Plonsky to be postmaster at Washington, La., in place of Jacob Plensky. Incumbent's commission expired January 31, 1909,

MINNESOTA.

J. B. Pallansch to be postmaster at Albany, Minn. Office became Presidential January 1, 1908.

MISSISSIPPI.

Jennie D. Ligon to be postmaster at Gloster, Miss., in place of Jennie D. Ligon. Incumbent's commission expired February

MISSOURI.

Alansan H. Dent to be postmaster at Osceola, Mo., in place of Alansan H. Dent. Incumbent's commission expired January 20,

George W. Crane to be postmaster at Fort Benton, Mont., in place of George W. Crane. Incumbent's commission expired February 3, 1909.

NEBRASKA.

Albert W. Searl to be postmaster at Elwood, Nebr. Office became presidential January 1, 1909.

NEW MEXICO.

George M. Chandler to be postmaster at Cimarron, N. Mex. Office became presidential January 1, 1909.

NORTH DAKOTA.

Charles Lano to be postmaster at Mohall, N. Dak., in place of Charles Lano. Incumbent's commission expired February 3,

OKLAHOMA.

William N. Walker to be postmaster at Stillwater, Okla., in place of Charles F. Neerman. Incumbent's commission expired December 20, 1906.

Edward M. Frye to be postmaster at Monessen, Pa., in place of Edward M. Frye. Incumbent's commission expired February 3, 1909.

David D. Park to be postmaster at Lapark, Pa., in place of David D. Park. Incumbent's commission expired April 19, 1908.

William C. Smith to be postmaster at Dunbar, Pa., in place
of William C. Smith. Incumbent's commission expires March 1,

Walter L. Stevenson to be postmaster at West Newton, Pa., in place of Walter L. Stevenson. Incumbent's commission expired February 3, 1909.

SOUTH DAKOTA.

Lenore Green to be postmaster at Kadoka, S. Dak. Office became presidential January 1, 1909.

Philip Schamber to be postmaster at Eureka, S. Dak., in place of Philip Schamber. Incumbent's commission expires March 3, 1909.

TENNESSEE.

M. G. Cox to be postmaster at Greenfield, Tenn., in place of Stephen Farmer. Incumbent's commission expired June 27, 1906.

Charles Shelley Wortham to be postmaster at Tullahoma, Tenn., in place of Abe L. Davidson, resigned.

TEXAS.

Louise A. Ackerman to be postmaster at Mabank, Tex. Office

became presidential January 1, 1909. E. P. Flanagan to be postmaster at Henderson, Tex., in place P. Flanagan. Incumbent's commission expired November 17, 1907.

John N. Johnson to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expires February 13, 1909.

Alva P. Langston to be postmaster at Blooming Grove, Tex. Office became presidential January 1, 1909. Andrew G. Mitchell to be postmaster at Higgins, Tex. Office

became presidential January 1, 1908.

William Reese to be postmaster at Floresville, Tex., in place of William Reese. Incumbent's commission expired March 2,

William L. Rogers to be postmaster at Conroe, Tex., in place of William L. Rogers. Incumbent's commission expires February 9, 1909.

place of William S. Strain. Incumbent's commission expires February 23, 1909. William S. Strain to be postmaster at Lancaster, Tex., in

VIRGINIA.

F. W. Rose to be postmaster at Franklin, Va., in place of Ernest A. de Bordenave. Incumbent's commission expires March 1, 1909.

WASHINGTON.

James R. O'Ferrell to be postmaster at Orting, Wash. Office became presidential January 1, 1909.

WEST VIRGINIA.

William W. Hamilton to be postmaster at Bramwell, W. Va., in place of William W. Hamilton. Incumbent's commission expired January 30, 1909.

Zephaniah J. Martin to be postmaster at Amos, W. Va. Office became presidential January 1, 1909.

Sarah K. Rush to be postmaster at Newell, W. Va. Office became presidential January 1, 1909.

WISCONSIN.

Charles F. Fine to be postmaster at Hillsboro, Wis., in place of Charles F. Fine. Incumbent's commission expired January 9, 1909.

Frank O. Perry to be postmaster at Shawano, Wis., in place of David B. Gorham, deceased.

Frank J. Wiley to be postmaster at Hancock, Wis. Office be-

came presidential January 1, 1909.

CONFIRMATION.

Executive nomination confirmed by the Senate February 5, 1909. RECEIVER OF PUBLIC MONEYS.

Douglas W. March, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

HOUSE OF REPRESENTATIVES.

Friday, February 5, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

H. C. LINN AND SAMUEL POWELL.

The SPEAKER. Under the special order for to-day the Clerk will read the first bill on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

Mr. MANN. Mr. Speaker, in order to save time, I shall object

The SPEAKER. The gentleman from Illinois objects to the consideration of the bill. The Clerk will call the next bill.

BOARD OF EDUCATION, HARPERS FERRY SCHOOL DISTRICT, WEST VIRGINIA. .

The Clerk read as follows:

A bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va.

The Clerk read the bill at length.

The SPEAKER. Is there objection?
Mr. MACON. I reserve the right to object.
Mr. BARTLETT of Georgia. Mr. Speaker, I would like to have the attention of my friend. If certain kind of bills in certain localities are to be objected to and other bills for other localities not objected to, we would like to know it.

The SPEAKER. Is there objection? Mr. MACON. I reserve the right to object. Mr. BARTLETT of Georgia. I object.

STATE OF PENNSYLVANIA.

The SPEAKER. The Clerk will call the next bill. The Clerk read as follows:

A bill (H. R. 13476) for the relief of the State of Pennsylvania.

The Clerk read the bill at length.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. Mr. WANGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. WANGER. Is it not in order, notwithstanding the objection made, to move that the House now go into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13476? The House was led to believe that that was the case at the time this order was adopted.

The SPEAKER. Under the special order, the Chair believes that the motion to go into Committee of the Whole House for the purpose of considering a particular bill would not be in order, but a motion to go into the Committee of the Whole House for the consideration of bills on the Private Calendar in order this day under the rule, without regard to the special

order, it seems to the Chair would be in order.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary in-

quiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Has this bill any business on the

Private Calendar?

The SPEAKER. The Chair has not examined it to see. [After examination.] This being for the relief of a State, under the practice, in the opinion of the Chair, it should receive its consideration in the Committee of the Whole House on the state of the Union, and on suggestion, the attention of the Chair being called to it, under the practice the Chair will order the transfer from the Private Calendar to the calendar of the Whole House on the state of the Union.

Mr. MACON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACON. Does the Chair hold that the right to object can not be reserved, that objection must be immediately made

when the bill is presented to the House?

The SPEAKER. The Chair does not so hold. Of course any debate when a bill is called would be by unanimous consent, and under the practice the Chair, as one Member of the House, would not be called upon to object to something in the nature of an interchange of suggestions between Members. The whole proceeding, where objection is made, is by unanimous consent. The same practice that obtains when bills are submitted to the House for unanimous consent under this order, in the opinion of the Chair, ought to obtain, but so far there has been absolute objection.

Mr. SHERMAN. Mr. Speaker, if the Speaker will permit me just a moment, the order provides that it shall be in order in the House as in the Committee of the Whole House to consider all bills on the Private Calendar to the consideration of which no objection is made. Now, must not objection be made to consideration immediately, and as objection is not made then, consideration having begun, objection could not after consideration had been begun be made to further consideration?

The SPEAKER. Of course, an absolute objection would be fatal to the consideration of the bill; but under the practice of the House, in the opinion of the Chair, by unanimous consent, the Chair being a Member of the House, and having the right to object as a Member, he could object, but by unanimous consent

there could be a proceeding in the nature of debate to see whether or not a suggestion might not remove the objection if

the gentleman withholds it temporarily.

Mr. SHERMAN. Oh, that is all right; but if consideration is really entered upon, then I think one can not object.

The SPEAKER. The Clerk will report the next bill.

MATE WILLIAM JENNEY.

The Clerk reported the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent that this bill may lie on the table. A recent ruling of the department has given all that can be given under the bill, and

hence there is no necessity for its passage.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that the bill do lie on the table? [After

The Chair hears none, and it is so ordered. pause.] The Clerk will report the next bill.

JOHN T. BROWN.

The Clerk reported the bill (H. R. 1416) for the relief of John T. Brown

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MACON. Mr. Speaker, I object. The SPEAKER. The gentleman from Arkansas objects.

SAMUEL SCHIFFER.

The next business was the bill (H. R. 3351) for the relief of the legal representatives of Samuel Schiffer.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MADDEN. I object. Mr. HACKNEY. I object.

JOHN H. HAMITER.

The next business was the bill (S. 4024) for the relief of John H. Hamiter.

The Clerk read the bill, as follows:

Be it enacted, ctc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Hamiter, of Lafayette County, Ark., the sum of \$3,590.47, the proceeds of the sale of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.

The SPEAKER. Is there objection to the present considera-

tion of the bill? [After a pause.] The Chair hears none.

Mr. WALLACE. Mr. Speaker, I suggest the death of the beneficiary and offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting in line 4, after the word "to," the following: "Allen H. Hamiter, administrator of the estate of: "and after the name "John H. Hamiter," in line 1, the word "deceased," so as to read: "Pay to Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased, of Lafayette County."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended. There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907.

S. 8588. An act to amend an act entitled "An act for the relief. of Dewitt Eastman," approved January 8, 1909; S. 7374. An act to provide for the purchase of a site and the

erection of a public building thereon at Astoria, in the State of Oregon; and

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6252. An act to promote the administration of justice in

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the State of Iowa.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4535) entitled "An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States."

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 84.

Resolved by the Senate concurrent resolution 84.

That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California.

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 84.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California—

to the Committee on Rivers and Harbors.

RICHMOND LIGHT INFANTRY BLUES.

The next business on the Private Calendar was the bill (H. R. 8661) for the relief of the Richmond Light Infantry Blues, of Virginia.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Richmond Light Infantry Blues, of the State of Virginia, out of any money in the Treasury not otherwise appropriated, the value of any clothing or other quartermaster supplies belonging to it which may have been taken by the members thereof into the service of the United States in 1898, for service during the war with Spain, worn out, or lost, or destroyed therein through no fault of their own, not to exceed the sum of \$3,300.

The committee amendment was read, as follows:

Strike out, commencing in line 6, after the word "appropriated," the

following:

"The value of any clothing or other quartermaster supplies belonging to it which may have been taken by the members thereof into the service of the United States in 1898, for service during the war with Spain, worn out, or lost, or destroyed therein through no fault of their own, not to exceed the sum of \$3,300" and insert in lieu thereof—
"the sum of \$1,788.48 in full settlement for their claim for clothing and other quartermaster's supplies which were taken by the members thereof into the service of the United States in 1898, during the war with Spain, and worn out, or lost, or destroyed therein through no fault of their own."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

P. H. M'DONOUGH.

The next business on the Private Calendar was the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Patrick Henry McDonough, of Bardstown, Ky., out of any money in the Treasury not otherwise appropriated, the sum of \$250, in full payment of the claim of said McDonough against the United States for horses taken from him by the military forces of the United States and converted to their own use during the war of the rebellion.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to make an inquiry.

Mr. CLAYTON. Mr. Speaker, I will answer the gentleman. I wrote the report and I will be pleased to answer any questions he may ask.

Mr. MACON. My inquiry is this: I notice all the claims with which I have anything to do connected with property taken by federal soldiers during the civil war have been forced to go on what is known as the "omnibus" war-claims bill. This seems to have been a loss of horses which occurred during the civil war. Now, I would like for the gentleman to tell me the difference or distinction between this class of losses and the class that we put on the omnibus claims bill.

Mr. CLAYTON. The complaint that the gentleman makes is, I think, well founded. I might say, to the gentleman's satisfaction, that I have met with that same fate. This House has passed bills for the payment of claims, some of them similar to this claim. Those claims have in a number of instances gone

to the Senate, and I know that I have industriously tried in another place to get action on another matter similar to the case the gentleman mentions, but have been unsuccessful. I know, furthermore, that bills similar to this have gone into another bill sometimes called the "omnibus" bill, and they have not passed, as the gentleman says; and I am hoping, I might say reverently, Mr. Speaker, on account of the multitude of letters which I get complaining of nonaction elsewhere on meritorious claims-I am not only hoping but I am praying for the passage of an omnibus bill at some early day. But, Mr. Speaker, the fact that the gentleman can lodge a just complaint against nonaction on another claim, I submit to his candor, his judgment, and to his sense of equity and fairness, is no reason why this claim should be defeated. [Applause.] Mr. MACON. One question just there. Does the gentleman

not think that the passage of individual bills of this character

will hinder the progress of the omnibus claims bill?

Mr. CLAYTON. I do not, frankly I say to the gentleman-in my opinion, in no way. And I will say further this is not in any omnibus bill, so far as I know. I am as greatly interested in the passage of the omnibus bill as the gentleman is and my people are, and I hope that it will be passed, but whether it passes or not, we certainly ought to pass this meritorious measure.

Mr. MACON. My policy is to treat all alike, and of course I

will not object if it does not prejudice the omnibus bill.

Mr. CLAYTON. And a manifestly just and correct policy. Mr. MACON. Then I withdraw the objection.

Mr. REEDER. Mr. Speaker, reserving the right to object to ask a question. I want to ask if this bill has the unanimous approval of the committee?

Mr. CLAYTON. It has the unanimous report from the committee, and it is for the purchase money of two good Kentucky horses at \$125 each, and their pedigrees were worth that much.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, this bill is a very good illustration of the necessity at times of giving careful consideration to a proposition. I did not object to the consideration of the bill. It only provides for the payment of \$250 to a man for two horses

taken in the war of the rebellion. But it is put upon the ground that the man could not be accused of disloyalty because he was weak-minded. The man probably was weak-minded. Then the committee produced two affidavits, one of the man, that his horses were worth \$250, and one of his committee, who had charge of him for fifty years because the man was weak-minded, that the horses were only worth \$200. And yet the committee, finding that the man could not be accused of disloyalty because he was an idiot, accept the judgment of the idiot as against the judgment of his committee. [Laughter.]

Mr. CLAYTON. Now, Mr. Speaker, the last statement of the gentleman made us all laugh. It was in pleasantry, and the gentleman sometimes indulges in pleasantry to the delight of the House, and sometimes in a whole lot of good, solid, serious argu-I want to say to the gentleman that he will not find any such statement as that which he has made as being the conclusion of the committee that reported this bill. One of the affidavits in the case made that statement, but the War Claims Committee nowhere said that. Hence I challenge the statement of the gentleman that the committee had reached any such conclusion in the report.

Mr. MANN. Mr. Speaker, it may be true, although it is not disclosed in the report, that the distinguished committee themselves were acquainted with the value of these horses taken more than forty years ago. It may be true that they were on the ground, but they do not disclose it in the report. The report shows that there are two affidavits as to the value of these horses, one made by the beneficiary of the bill, who is admitted to be a weak-minded person, and the other made by his committee, having charge of him. Mr. OLLIE M. JAMES. W

Will the gentleman yield?

Mr. MANN. Certainly.

Mr. OLLIE M. JAMES. I would suggest to the gentleman from Illinois that the committee perhaps went upon the idea that even a weak-minded man ought to know that two Kentucky horses were worth \$250. [Laughter.]
Mr. CLAYTON. And the gentleman from Illinois [Mr.

MANN] ought to know that.

Mr. MANN. It so happens that both the gentlemen are Kentuckians-the feeble-minded man and his committee. The feebleminded man says that the horses were reasonably of the market value of \$125 each. Then the man in charge of the feebleminded man, after giving the reason that the man could not be disloyal because he was weak-minded, says that the horses were each of the reasonable market value of \$100. Now, Mr.

Speaker, if it were putting the judgment of a Kentuckian against the judgment of a man outside of Kentucky on the value of the horses, I should accept the judgment of the Kentuckian; but both of these gentlemen are Kentuckians. Both are well acquainted with the value of horses, and the committee assumes that a weak-minded Kentuckian knows more about the value of herses than a man of brains in Kentucky.

Mr. CLAYTON. Mr. Speaker, I desire to make one remark. would be perfectly proper, if the gentleman from Illinois [Mr. Mann] saw fit so to do, for him to offer an amendment to reduce this amount to \$200. But he has not offered any such amendment, so that the House is confronted with this proposition: Shall you pay an admittedly just and proper claim? That the claim is just and proper and ought to be paid the gentleman from Illinois [Mr. MANN] himself does not deny.

Mr. MANN. Of course I did not object to the consideration

of the bill.

Mr. CLAYTON. As I understand, the gentleman finds no fault-

Mr. MANN. I have had \$50 worth of fun out of it myself.

[Laughter.]

Mr. CLAYTON. Then, Mr. Speaker, I have had \$50 worth of satisfaction in having the gentleman from that great timbered section of our country, namely, Chicago, as our friend from California said yesterday-I have had a whole lot of satisfaction in knowing that he knows absolutely nothing of the value of Kentucky horses.

The SPEAKER. The question is on the engrossment and

third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARPERS FERRY SCHOOL DISTRICT, WEST VIRGINIA.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to withdraw the objection I made to the second bill on the calendar, and ask unanimous consent that we may return to the same.

The SPEAKER. The gentleman from Georgia asks unanimous consent to return to the second bill on the calendar, and desires to withdraw his objection to the consideration of the The Clerk will read the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the board of education of the Harpers Ferry school district, the sum of \$3,500, or so much thereof as may be found due and unpaid the said board of education for school buildings used and material taken therefrom by the United States Army during the war of 1861 to 1865 for its use and benefit.

Also the following committee amendment:

In lines 6 and 7 strike out "\$3,500" and insert in lieu thereof "\$2,121.72."

The SPEAKER. Is there objection?

Mr. MACON. Reserving the right to object, Mr. Speaker, I want to offer the same observation that I did a moment ago about this bill. This seems to be a war-claim bill, and for a schoolhouse that was used by the federal forces in the State of West Virginia.

We have churches in our State that were used by the Union forces during the war, and we have been trying very hard for a good many years to secure proper pay therefor, and we are compelled to put all those claims upon the omnibus war-claims bill. Now, I would like to ask the gentleman, the chairman of the Committee on Claims, why there is this difference in the

action taken concerning school property and church property?

Mr. MILLER. I will state to the gentleman that this is not a bill coming from the Committee on Claims, but from the Com-

mittee on War Claims.

Mr. MACON. I would like to ask the chairman of the Committee on War Claims why this difference is made between these two kinds of property?

The SPEAKER. Will the gentleman from Vermont give attention to the gentleman from Arkansas, who desires to ask him

Mr. MACON. I notice that this bill provides for the payment for the use and occupation of school property in the State of West Virginia by the Union Army during the war. Now, I want to know why that was done, and why the committee will not allow claims for the use of church property to be paid without their being required to go on the omnibus claims bill.

Mr. HASKINS. I yield to the gentleman from Iowa. Mr. HAUGEN. Every claim has to stand on its own merits. These schools were seized and used and occupied for the use of the army. The material of the school buildings was used afterwards in building roads, and therefore the bill very properly

comes before this committee. It has received most careful consideration, and the committee unanimously reports the bill.

Mr. MACON. But the gentleman does not seem to understand the inquiry I am making. I want to know why it is that a bill of this kind, proper enough in itself, perhaps, should be considered in this way, while all bills for payment for use and occupation of churches have to go on the omnibus bill.

Mr. HAUGEN. The claims that are carried in the omnibus bill are claims which have gone to the Court of Claims for

findings.

Mr. MACON. Was this bill referred to the Court of Claims? Mr. HAUGEN. It has been before the Court of Claims.

Mr. MACON. What I want to find out is why this claim is not on the omnibus war claims bill, as the other war claims are. Mr. STURGISS. Will the gentleman permit me? I am familiar with the case.

Mr. MACON. Information is what I want to get.

Mr. STURGISS. This is a peculiar case. This is a bill for the reimbursement of the board of education of Harpers Ferry district, in West Virginia, for schoolhouses, three in number, that were taken possession of, used, and occupied by the federal troops for two years. The buildings, having been so used, were taken down and part of them used in putting up bake ovens and winter quarters for the troops. Then the brick remaining were sold and the money turned into the Federal Treasury. The Government of the United States got the benefit of it in every way, shape, and form. Harpers Ferry was overrun with troops

on one or the other side for three or four years.

Mr. MACON. If the gentleman will permit me, what I am endeavoring to find out is why there is a distinction made in the treatment of these bills. Now, in the city that I happen to live in, Helena, Ark., we have two churches that were used and partially destroyed during the war by federal soldiers. We have been trying to get an appropriation for the use, occupation, and destruction of this church property for many years, and although these claims are now upon the omnibus war claims bill, it has not been passed, and possibly never will be. Now, why is

this difference made as to these cases?

Mr. FOSTER of Vermont. This was passed by the committee

after the other bill had gone to the Senate.

Mr. MACON. After the explanation given by the gentleman from Vermont, which is just the information that I have been seeking, I withdraw my objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and

passed.

LAPENE & FERRE.

The next business on the Private Calendar was the bill (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre.

Mr. MACON. Reserving the right to object—
Mr. MANN. I object. I do not think we ought by unanimous consent to overrule the Supreme Court of the United States.

The SPEAKER. The gentleman from Illinois objects.

STEWART & CO. AND A. P. H. STEWART.

The next business on the Private Calendar was the bill (S. 3843) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of Internal Revenue, with the approval of the Secretary of the Treasury, be, and he is hereby, authorized and directed to audit and adjust the claims of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected on government cotton between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statute of limitation to the contrary notwithstanding, sections 989, 3226, 3227, and 3228 of the Revised Statutes of the United States are hereby made applicable and available with the same force and effect as if protest and demand for payment had been made within the time prescribed by said sections, and the amount not exceeding \$11,208.04, when ascertained as aforesaid, and not heretofore refunded, shall be paid to legal representatives of A. P. H. Stewart and Charles A. Weed, out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year.

Mr. Mann. Mr. Speaker. I reserve the right to chiect if I

Mr. MANN. Mr. Speaker, I reserve the right to object, if I may, for the purpose of asking a question. There was at one time a bill like this providing for the adjustment of claims of Stewart & Co., of Weed, Witters & Co., and A. P. H. Stewart. The department reported against the Weed claim, and that went out of the bill in the Senate. It is stated in this report that this is a copy of that bill as reported. Now, we have got to-day in that the claim of Stewart, striking out the claim of Weed & Co.; but you provide that the money shall be paid to the legal representatives of Stewart and Charles A. Weed. There can not be the same legal representatives of Stewart and Weed, and if the gentleman is informed all right, I will be glad to hear it. I do not object to one claimant if it was

proper to pay one-half of it to that company.

Mr. HOLLIDAY. Mr. Speaker, this is a Senate bill. course our committee did not know, and had no means of knowing, the motives that influenced the Senators in striking out Weed, Witters & Co., but we assume that was done because they were not proper parties. This bill has been recommended by the Commissioner of Internal Revenue and by the Secretary

of the Treasury.

Mr. MANN. I beg the gentleman's pardon in reference to This bill has never been before the department.

Mr. HOLLIDAY. This claim has been recommended.

Mr. MANN. This claim, with a number of others, went before the department, and was reported upon in 1896. The department reported in favor of the claim of Stewart and against the claim of Weed, and undoubtedly the Senate endeavored to correct the bill by striking out the claim of Weed, but did not change it in the appropriating part of the bill, because it provides that when ascertained the money shall be paid—the gentleman will find it on line 9, page 2—to the legal representatives of Stewart and Charles A. Weed. I suggest to the gentleman that instead of taking the chance of enacting into law a provision paying a claim to another man's representatives, we strike out the words "and Charles A. Weed," so that the gentleman will have an opportunity to ascertain.

Mr. MACON. I want to ask the gentleman a question.

Mr. HOLLIDAY. I have not examined into the reasons for

making the change in the Senate bill, but the report to the Senate shows that this amount of money was actually overpaid; that the Government had no right to collect it, and the Senate report, which was adopted by the House committee, says:

Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the fifstnamed claim on the case of The United States v. Harrison Johnson, decided by the United States Supreme Court at its October term, 1887.

Mr. HASKINS. The act of Congress of 1864 provided that all cotton sold by or on account of the Government of the United States shall be free and exempt from duty at the time

of the sale thereof.

Mr. MANN. I think the gentleman from Vermont did not get my point. I was not discussing the merits of the bill. In my judgment, the bill is meritorious. The original bill in the last Congress provided for the payment of certain claims to Stewart, and also to Weed & Co. The department reported against the payment of the claim to Weed & Co. Thereupon the Senate apparently attempted to amend the bill, and the present bill only authorizes the adjustment of the claims of Stewart; but when those claims are adjusted it provides that they shall be paid, one-half of them to the representatives of Weed.

Mr. BUTLER. Mr. Speaker, I move that this bill be passed without prejudice, so that the question asked by the gentleman from Illinois [Mr. Mann] may be answered, and we may return

to it. Will the gentleman have any objection to that?

Mr. MANN. Oh, no.

Mr. MACON. I want to ask the gentleman a question.

Mr. BUTLER. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from

Pennsylvania rise?

Mr. BUTLER. In order that the question asked by the gentleman from Illinois [Mr. Mann] may be answered later, I will ask that this bill be passed without prejudice, and that we may return to it later.

Mr. MACON. Before that request is granted I desire to ask the gentleman from Indiana [Mr. HOLLIDAY], who seems to be in charge of the bill, a question. I could not hear the bill distinctly when it was read, there was so much conversation going on, so many gentlemen who did not seem to want to hear it. I want to know if this does not provide for the removal of the bar of the statute of limitations as against this particular measure?

Mr. HOLLIDAY. I think that is about what it amounts to. Mr. MACON. Then I shall have to object, unless there is a general bill that removes the bar of the statute of limitations against other claims that I have in mind.

Mr. MANN. All the war-claim bills remove the bar of the statute of limitations.

Mr. MACON. On the contrary, I will say to the gentleman from Illinois that we have some war claims that are barred, that will not even be given consideration, because they are barred by the statute.

Mr. MANN. They are all barred by the statute of limitations.

Mr. MACON. Unless a similar rule can be adopted as to all of them, I shall object to the removal of the bar in this case.

Mr. HOLLIDAY. This is not an ordinary war claim. Here was money paid into the Treasury, which the Treasurer says he had no right to collect, which was collected inadvertently and by mistake. If the claimant had applied in the proper way for it before the statute ran, he could have collected it from the department, but he undertook to get it by a letter and did not follow the proper method.

Mr. MACON. That was his fault.

Mr. HOLLIDAY. It was his misfortune.

Mr. MACON. The unfortunates in the South who lost their cotton and other property during the war did the very same thing. They allowed the statute to bar them before they pro-

Mr. HOLLIDAY. There is no question on earth that the

Government owes them this money.

Mr. MANN. Let me ask the gentleman from Arkansas a question. There are on the calendar a number of resolutions referring bills containing war claims to the Court of Claims. Does the gentleman understand that the passage of these reso-

lutions waives, in effect, the bar of the statute of limitations?

Mr. MACON. In reply to the gentleman, I will say that we have had that resolution on the calendar for twelve months, and we have not been able to pass it and have the claims in it referred to the Court of Claims, and there seems to be no prospect of having it referred during this session, and I object.

Mr. MANN. There are a large number of these resolutions on the calendar, and I wished to ascertain, if I could, whether the gentleman understood that this resolution, in effect, practi-

cally waives the statute bar of limitations?

Mr. MACON. We can not get congressional action on them. Mr. MANN. If the gentleman himself did not take that attitude, they would be passed. If the gentleman takes the attitude that no bill shall be passed waiving the statute of limitations, to be consistent-and he is not only able but consistenthe would have to object to the consideration of these resolutions, because they, in effect, waive the bar of the statute of limitations

Mr. MACON. I will object to the request of the gentleman from Pennsylvania until I see whether or not we do pass any war claims where the statute of limitations is not waived.

The SPEAKER. Is there objection to the request that the

bill be passed without prejudice?

Mr. MANN. That request is withdrawn.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MACON. I object.

NAPOLEON B. GIDDINGS.

The next business on the Private Calendar was the bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings.

The Clerk read the bill at length.

Mr. MACON. Mr. Speaker, I object.

PHOEBE CLARK.

The next business on the Private Calendar was the bill (H. R. 11632) for the relief of Phoebe Clark.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phoebe Clark, of Helena, Lewis and Clark County, in the State of Montana, the sum of \$116, for a type-writer and necessary repairs thereon, which said typewriter was furnished and used by her as transcribing clerk in the office of the United States surveyor-general of the State of Montana, exclusively for government work and which said typewriter, and the repairs thereon, were necessary for a proper performance of her duty as such transcribing clark.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM MITCHELL.

The next business on the Private Calendar was the bill (H. R. 1536) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C. First Regiment Tennessee Volunteer Mounted Infantry, civil

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, from the 25th day of August, 1863, up to his death, which occurred the 18th day of September, 1863.

The SPEAKER. Is there objection? There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

O. MAURY & CO.

The next business on the Private Calendar was the bill (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. Renard, agent of O. Maury & Co., of Bordeaux, France, in full reimbursement of losses sustained by them by reason of the erroneous detention and subsequent destruction by the Bureau of Chemistry of the Department of Agriculture of three casks of wine imported into the United States by said firm, which payment is recommended by said department, the sum of \$238.15, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

JEROME E. MORSE.

The next business on the Private Calendar was the bill (H. R. 4151) for the relief of Lieut. Commander Jerome E. Morse, U. S. Navy, retired.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 2, 1909:

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States; and

H. R. 12899. An act to provide for a disbursing officer for the

Government Hospital for the Insane.

On February 3, 1909:

H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus

H. R. 18744. An act for the relief of the estate of Mark S.

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia;

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States.

On February 4, 1909:

H. R. 5461. An act for the relief of Lawson M. Fuller, major,

Ordnance Department, U. S. Army;

H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government:

H. R. 22884. An act to impose a tax upon alcoholic compounds

coming from Porto Rico, and for other purposes;

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.;

H. R. 24492. An act to authorize the Secretary of War donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 26073. An act to legalize a bridge across Indian River

North, in the State of Florida; H. R. 26606. An act to authorize the Lewis Bridge Company

to construct a bridge across the Missouri River;

On February 4, 1909: H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County,

H. R. 4931. An act to correct the military record of Corwin M. Holt; and

H. R. 17572. An act for the relief of George M. Voorhees.

On February 5, 1909:

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907—to

the Committee on the District of Columbia.

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909—to the Committee on Military Affairs.

S. 7374. An act to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon-to the Committee on Public Buildings and Grounds.

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.—to the Committee on the Public Lands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4535. An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

JOHN M. HILL.

The next business on the Private Calendar was the bill (H. R. 18600) for the relief of John M. Hill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Hill, late register of the United States land office at Walla Walla, Wash., out of any money in the Treasury not otherwise appropriated, the sum of \$750, the amount paid by him out of his own funds for clerk hire during his term of office as such register prior to the appointment of a clerk in said office from an eligible list furnished by the Civil Service Commission of the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ELLIS W. JOY.

The next bill on the Private Calendar was the bill (H. R. 14290) for the relief of Ellis W. Joy. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Ellis W. Joy, of Andrew County, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$300, being the sum unlawfully collected from him by the board of enrollment in the State of Ohio, namely, \$300, to furnish a substitute when drafted for service in the army, he not being a citizen of Ohio at the time and serving as a soldier with the Missouri trees. troops.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MILLE LAC BAND, CHIPPEWA INDIANS.

The next business was the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes

The Clerk read the bill.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, I would like to have somebody explain the bill, and I ask that it may be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AUTHORIZING CREDIT IN ACCOUNTS OF UNITED STATES TREASURER.

The next business was the bill (S. 4049) authorizing a credit in certain accounts of the Treasurer of the United States. The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how this shortage occurred, what the shortage is, and when it occurred.

Mr. MILLER, Mr. Speaker, I will answer the gentleman by calling his attention to the report of the Secretary of the Treasury. He said:

The relief sought in this case is authority to remove from the accounts of the Treasurer of the United States an item carried therein as "unavailable funds, office assistant treasurer of the United States, Boston," a shortage of \$3,000 in the amount of money belonging to the United States while in the custody of assistant treasurer of the United States at Boston, Mass., who is responsible for the safe-keeping thereof under his official bond.

The man who stole the money was arrested and tried twice.

Mr. MACON. Was he acquitted or convicted?
Mr. MANN. He was acquitted.
Mr. MILLER. The assistant treasurer was in no way to blame, and we thought it would be a very great hardship to hold him responsible for a loss with which he had nothing to do, and for which he ought not to be held responsible,

Mr. MACON. The department holds the man responsible that the jury said was not responsible by its verdict of not

guilty?

Mr. MILLER. Yes. Mr. MACON. Does the gentleman think that the department is in any better position to say whether the man that was acquitted was guilty than the jury had to say that he was innocent'

Mr. MILLER. There was no question about the guilt of the man.

Mr. MACON. Just one of those cases where the jury turned a guilty man loose?

Mr. MILLER. That is it.

Mr. CLARK of Missouri. What is this claim about?

Mr. MILLER. I will yield to the gentleman from Massachusetts [Mr. TIRBELL], who is the author of the bill.

Mr. MANN. Three thousand dollars was stolen from the subtreasury at Boston.

Mr. MILLER. Yes; and the man who stole the money was arrested and tried. The treasurer is asking for relief on the ground that he was in no way to blame for the loss, and the Secretary of the Treasury says that he ought to be given relief.

Mr. CLARK of Missouri. I would like very much to ask what these people give bonds for if they are not to be held to

account for the money lost?

Mr. MILLER. They give bonds for the safe-keeping of the money. That is what they give the bonds for, and if there is any negligence whatever on the part of the assistant treasurer or anyone bonded to the Government, I think he ought to be held strictly to his bond, but where there is no fault or negligence on the part of the office and he could not help the loss, I do not think he ought to bear the loss, but the Government of the United States ought to bear the loss.

Mr. CLARK of Missouri. Did they ever find the man who stole the money?

Mr. MILLER. Yes; they found him and tried him. Mr. CLARK of Missouri. What did they do with him?

Mr. MILLER. If the gentleman will permit—
Mr. CLARK of Missouri. Wait a minute. What became of the man that they arrested?
Mr. MILLER. He was arrested and tried and found not

Mr. CLARK of Missouri. Well, I object.

Mr. TIRRELL. Mr. Speaker, will the gentleman not reserve his objection for a moment? This is my bill and I would like to explain the facts to the gentleman from Missouri

Mr. CLARK of Missouri. Very well. The gentleman will have a tough time explaining why he ought to have that money.

Mr. TIRRELL. There were two persons only who could have been guilty of any theft from the United States in connection with this matter. One was a Mr. Vasser and the other was a This embezzlement was discovered in a package Mr. Hastings. of money which was forwarded from the subtreasury in Boston The package should have contained \$105,000. Upon counting it it was found to contain \$102,000, a shortage of Thereupon the subtreasurer in Boston immediately went to work and by every possible means available ascer-tained all the facts connected with the same. Suspicion pointed entirely to a clerk named Hastings, and he was indicted in the United States court. He was tried, and the trial lasted some three weeks, as I remember. Every scintilla of evidence that could be produced was submitted to the jury, and the jury disagreed. Thereupon in the course of less than a year he was tried again, and thoroughly tried, and the subtreasurer did everything in his power to submit all the facts in the case in these trials to the jury, and the jury on the second trial acquitted Hastings. There was no other party in any way implicated or upon whom any suspicion could possibly rest in regard to this matter.

Mr. CLARK of Missouri. You said a while ago there were What became of the other man? two men.

Mr. TIRRELL. The other man who was supposed to be implicated at the time was exonerated by all concerned from any possibility or suspicion of being connected with the matter. There were two at first, and there were only two upon whom there could possibly be any implication.

Mr. CLARK of Missouri. Why did not they arrest both?

Mr. TIRRELL. Because they arrested the man against whom

the evidence pointed.

Mr. CLARK of Missouri. They arrested the wrong man.

Mr. TIRRELL. No; there was but one man; there was nothing against the other man. Now, the subtreasurer went beyond what he was required to do and took a bond to protect him against this loss, and the gentleman from Missouri will well understand that they must show, in order to hold the surety company, as will appear by the report, wherein they set forth the bond—that there shall be proved that the loss arose from a fraudulent or dishonest act in order that the subtreasurer, Mr. Curtis, could recover under that bond, and this bond was in the usual form.

Mr. SHACKLEFORD. I would like to ask the gentleman a

question.

Mr. TIRRELL.

Mr. SHACKLEFORD. There was a bond insuring the subtreasurer against loss by the misconduct of these men.

Mr. TIRRELL. Yes; let me read the bond to the gentle-

Mr. SHACKLEFORD. Was any suit brought?
Mr. TIRRELL. Under the bond a suit would be useless.

The conditions of the bond given were as follows:

"Now, therefore, if the said principal shall for the term beginning the — day of — and ending on the — day of — truly, faithfully, and accurately execute and discharge all of the acts and duties now or hereafter required of him by said assistant treasurer in said employment or by any and all laws and regulations concerning the business of said subtreasury, and shall further indemnify and hold harmless said Edwin U. Curtis and said United States of America from and against any and all loss which may arise from the fraudulent or dishonest acts of the said principal, then this obligation shall be void and of no effect; otherwise it shall be and remain in full force, virtue, and effect."

Now, they could not prove a fraudulent or dishonest act on the part of this man, and therefore Mr. Curtis could not re-

cover on the bond.

Mr. SHACKLEFORD. Let me suggest to the gentleman that in criminal cases the law requires that you must prove the fact beyond every reasonable doubt, whereas in a civil case it would only be necessary to prove that there is a preponderance of evidence and, as the courts have held in a great many instances, that an acquittal in a criminal case is no bar to a civil action.

Mr. TIRRELL. I will say to the gentleman from Missouri that this question was submitted to the United States district attorney, and he rendered a written opinion upon that matter,

in which he said:

In my judgment, and undoubtedly in the judgment of the district attorney's office, there has not been such a breach of the condition of the bond that a claim against the surety company could be maintained.

In other words, where can you find any neglect on the part of the subtreasurer at Boston? In endeavoring to find out the criminal who committed this offense and embezzled this money, he at once put his agents at work and gathered up all the possible evidence that could be gathered in connection with this There was only one man against whom there was any suspicion or any evidence whatever could be gathered anywhere, and he was indicted in the United States court. He was tried and acquitted, and he was then tried again. What more, I submit to the gentleman from Missouri, could the subtreasurer at Boston have done to protect the United States Government?

Mr. SHACKLEFORD. I cited the gentleman to the fact that suit could have been brought upon the bond for this shortage, and I think it could have been recovered; and, as I suggested a while ago, the courts have passed upon the fact that an acquittal in a criminal case is not a bar to a civil action, and,

Mr. Speaker, I shall have to object. The SPEAKER. Objection is heard.

HASTINGS STEAMBOAT COMPANY.

The next business on the Private Calendar was the bill (S. 4427) for the relief of the Hastings Steamboat Company.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hastings Steamboat Company, or its legal representatives, the sum of \$256.35, as full compensation to said steamboat company for loss and damages sustained by it on account of the steamer Dauntless having her stem struck and split by the U. S. S. Cartwright in the waters of Puget Sound on October 12, 1904, while said Cartwright was being operated under the direction and control of the United States Government and said Dauntless was lying motionless at the dock.

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Kansas [Mr. MILLER] whether it is the policy of his committee, where an injury oc curs by collision at sea or on the water, to allow for loss of time to the injured boat?

Mr. MILLER. Mr. Speaker, to be frank with the gentleman from Illinois, it has not been the practice of the committee, and we have never done anything of the kind heretofore. I am inclined to think, from looking over the report in this case, that we have allowed a small amount for the loss of time.

Mr. MANN. Of course, I care nothing about the amount in this case. It is but little. There is another case here on the calendar with a still smaller total amount also. But it makes quite a precedent.

Mr. MILLER. I agree with the gentleman.

Mr. MANN. And if it is not to be considered as a precedent, it will be quoted anyhow if the bill passes.

Mr. MILLER. There is no doubt about the meritorious char-

acter of the claim.

Mr. MANN. There is no doubt that the man whose boat was damaged should be paid the amount of damage to the boat. The question is whether he should charge twenty or thirty dollars for loss of time. In this particular case there is some doubt about the merits. The inspector who examined this said the injury to the boat was a fake.

Mr. MILLER. The Quartermaster-General says the claim is

all right.

Mr. MANN. The Quartermaster-General says that two men examined the boat. One of them took the word of the owner of the boat without going any further, and he reported that the claim was all right. The other examined the injury, and he says that it bore absolute evidence that the boat was as old as

Mr. MILLER. We are not discussing the merits of the claim now. I am not in favor of allowing claims of that character, I

will say frankly to the gentleman from Illinois.

The SPEAKER. Is there objection? There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

DAVID W. STOCKSTILL.

The next business on the Private Calendar was the bill (H. R. 8982) for the relief of David W. Stockstill.

The bill was read in full.

Mr. Speaker, reserving the right to object-Mr. HOLLIDAY. Mr. Speaker, reserving the right to object,

I would like some explanation of the bill.

Mr. MANN. May I ask the gentleman if this bill was ever referred to the War Department or to the Auditor for the War Department?

Mr. MILLER. Mr. Speaker, I can not answer that question. There is nothing in the report to show that. It is the rule of the committee to send all bills to the proper department, and this ought to have gone there.

Mr. MANN. I object.

HENRY A. TOLBERT.

The next business on the Private Calendar was the bill (H. R. 7048) for the relief of Henry A. Tolbert.

The bill was read in full.

The SPEAKER. Is there objection?
Mr. SABATH. Reserving the right to object, I would like to ask the gentieman to explain this bill.

Mr. MILLER. What does the gentleman want to know?

What the claim is for; where the default was Mr. SABATH.

in the contract?

Mr. MILLER. In answer to the gentleman, I desire to say that this is a claim where a young man, for the first time in his life, thought he could make money out of taking a contract to erect some buildings for the Government of the United States. He bid on a certain contract. He had to enter into a bond of obligation to pay in case he failed to enter into a contract after the bid was accepted by the Government. After the bid was accepted by the Government, he went to look over the field and inquire what amount it would cost to do the work. He found that if he entered into the contract he would lose very largely on it. His father and a friend of his were on the bond, and demand was made upon them for the payment of it, because he failed to enter into the contract after he learned for the first time that he could not carry it out. The result was that his father had to pay the bond, some \$3,000. The Government of the United States says that the amount which he bid upon the work was very much less than the work could be done for.

The contract was let to the next highest bidder, and he did

the work. The difference between the two amounts was about \$3,000, and that was the amount his father had to pay on his

bond. Now, it is the accumulation of a lifetime of a man who served his country faithfully during the dark days of the civil war, and he is asking in his old age to be reimbursed the money that he has paid out. The Government recommends favorable action upon this case.

Mr. SIMS. Mr. Speaker, reserving the right to object, I find that when people take government contracts and lose something, they come to the Government to be made whole, but when they take contracts from the Government and make money on them they never come and offer to give any of the money back

again.

Mr. MILLER. I desire to say to the gentleman from Tennessee that that is true in very many cases, and the result is they have never been able to get any claim of that kind reported from the Committee on Claims. This is a case where he had not entered into a contract. He simply made a bid, and after investigation of the whole field he found his bid was much too low. He found that it would be impossible to do the work without a heavy loss, and he asked to be relieved. But the Government held him strictly to the contract, as though entered upon, and his father had to pay the bond. I say that if the man had been an experienced man, a man who had had large experience in contracts with the Government, I would not stand here for a single moment and ask that he be relieved. But he had never had any experience. This was the first bid he had ever made, and until after he had made it he did not realize what he was doing. Afterwards his father had to pay the amount of the bond. If ever there was a meritorious claim before the committee I think this is one.

Mr. EDWARDS of Georgia. Was the Government damaged

in any way

Mr. MILLER. No. The Government itself says, through its officers, it was not damaged, and that the amount of the bid of the next bidder was a reasonable amount for the work done. I will read the language contained in the report:

It is proper to state that the amount paid for construction of the buildings to the next lowest bilder is deemed reasonable, and it is quite certain that the amount submitted in the proposal of Harry W. Tolbert for their construction was less than the work could have been performed in accordance with the plans and specifications therefor. It is therefore the opinion of this office that there is a certain equity in the matter in favor of the claimant which may warrant Congress in a favorable consideration of the claim, and the approval of the accompanying bill when corrected as to the year "1902" instead of "1892" as written therein.

I want to call attention again to the statement made by the father:

The Government has not been to a loss of this amount as the list of bids shows that the price paid by the department was not excessive and, with the exception of my son's, the bids were not far apart. My son is a poor working mechanic, without means, and I could not in justice allow my fellow-bondsman to lose anything, therefore the whole loss, if any, falls on me, and I am not able to stand a loss of this amount. It is the saving of a lifetime and was laid up for use in old age. If I have caused the Government any loss I am willing to pay. I am a veteran of the civil war and I think I am entitled to be dealt with leniently in this matter. this matter.

And the chairman of the committee and every member of the committee feel the same way about it.

Mr. SIMS. Mr. Speaker, I do not want to be in the way of

just claim-

Mr. MANN. If the gentleman will permit— Mr. SIMS. I would like to permit.

Mr. MANN. Only to give my impression.
Mr. SIMS. I would like to have it.
Mr. MANN. This young fellow was as fresh as fresh could be, and as green as grass. He had a notion that he was a contractor, or would make a contractor out of himself. The Government advertised for bids. Without knowing anything of the subject, he undertook to make a bid, and put in a bid for apparently much less than the work could be done for. he stopped; the bond, however, had gone in with his bid. When he found out something about the real thing, after making a foolish bid, he found that he could not do the work for it.

Mr. SIMS. Did not his father know before he signed that bid that he was undertaking a matter for which he might be

Mr. MANN. Undoubtedly his father knew that. His father, like many fathers, had an exaggerated notion of the qualities of his son.

Do you not think it would be a good idea for him Mr. SIMS. to pay something for the good opinion?

Mr. MANN. He ought to pay something for that opinion; although I may say to the gentleman that those of us who have large families, if we should be required to pay that much

in every case, it would be exceedingly expensive. [Laughter.]
Mr. SIMS. That father pays for his good opinion of his son,
If we are going to say to every young man, "Bid on government contracts when you please, make your bonds, and the

House will release you if it is found that it is not profit-

Mr. MANN. I will say I think there is no danger of that. The gentleman knows that I am not very much in favor of paying claims of this sort, and know nothing about this claim except what I find in the record.

Mr. GAINES of Tennessee. Was there any loss in dollars to

the Government?

Mr. MILLER. This other party performed the work, and there was no more loss than if the other bid had never been

Mr. SIMS. Is this the unanimous report from your commit-

Mr. MILLER.

Mr. GAINES of Tennessee. Well, the gentleman from Illinois stated that there was no actual loss in dollars and cents to the

Government. Now, that, I take, is a fact.

Mr. MILLER. The first bid was for \$9,000, as I remember, and the second bid was for \$12,000. When the first bid failed, of course they let the work to the second bidder for \$3,000 more.

Mr. GAINES of Tennessee. And the work was done? Mr. MILLER. And the work was done, and the Government

says that the work was done for a reasonable amount.

Mr. GAINES of Tennessee. Then the only outlay the Govern-

ment was put to was for readvertising?

Mr. MILLER. They were not even put to that expense.

They simply let the contract to the next lowest bidder.

Mr. EDWARDS of Georgia. In the hearings it did not de-

velop that there was any collusion between the lowest bidder and the next lowest bidder, did it? Mr. MILLER. None whatever. It was shown absolutely that

there was no collusion. If there had been any, the committee

would not have reported the claim.

Mr. CLARK of Missouri. Mr. Speaker, when I first came here I served two years on the Committee on Claims, and did a great deal of hard work on it, and I always fought this kind of bills on principle. I am against this one. It is just exactly like the star-route bidding used to be. You could bid on as many of them as you wanted to, and you took what were good and threw the rest back on the Government. That got to be such a nuisance that at last they made a regulation in the department or Congress passed a law that when a man bid on a mail route he must give bond that he would take it if it was knocked off to him, and the principle is right. Suppose a man goes to work and bids on a contract, on the expectation and belief, after investigation, that the steel in a building will cost \$100,000, and he gets the contract. If conditions were as he supposed, he could come out even and make something on it; but something happens in the steel trade, so that the price of the steel in the building goes up to \$110,000, and he loses \$7,000. Then he comes into Congress and wants the Government to recoup him for the loss. The principle is bad, and I object to it.

The SPEAKER. Objection is heard. The Clerk will report

the next bill.

OMAHA TRIBE OF INDIANS.

The next business on the Private Calendar was the bill (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.

The SPEAKER. If there be no objection, the Clerk will report the substitute.

Mr. SIMS. Mr. Speaker, are bills from the Indian Committee in order to-day?

The SPEAKER. Anything on the Private Calendar is in order to-day, if it is reached.

The Clerk read as follows:

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treatles or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material beneft, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counter-claim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United

States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by any attorney at law employed under existing law by the said Omaha Indians to prosecute their claims under this act, upon information and belief as to the existence of such facts, and no other statements or verifications shall be necessary. And the said Omaha tribe of Indians, subject to the approval of the Secretary of the Interior, may, by contract in writing, employ an attorney or attorneys at law to bring and prosecute such suit, such contract to provide that the fees of such attorneys shall be fixed and determined by said court at such sum only as said court shall find the services of said attorney or attorneys rendered in bringing and prosecuting said suit shall be reasonably worth. Official letters, papers, reports, documents, and public records, or certified copies thereof, may be used in evidence if competent under the rules of said Court of Claims: Provided, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: Provided further, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determined all legal and equitable claims, if any, of said otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, with the right of appeal to the Supreme Court of the United States, with the right of appeal to the Supreme Court of the United States by either party, for the de

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask some member of the committee to make a statement about

Mr. HACKNEY. I shall be glad to answer an inquiry.

Mr. MANN. What was the object in striking out the Senate bill and inserting the amendment, which seems to be much

more lenient toward the payment of attorneys' fees?

Mr. HACKNEY. The gentleman is very much mistaken in that respect. The purpose in striking out the language of the Senate bill was to perfect the bill. We amended it in so many respects, particularly in regard to allowing any equitable or legal set-off and not recognizing any particular contract with attorneys. That was one of the reasons why we amended the Senate bill. We did not want to tie the Indians to any particular contract in employing any particular attorney. There seems to be some question about what attorney shall represent them, and we had a good deal of trouble about that.

Mr. MANN. I do not understand that the Senate bill em-

ployed any particular attorneys.

Mr. HACKNEY. It referred to a certain contract made at a certain time, many years ago, and I am not sure whether it had met the approval of the Secretary of the Interior, but we conformed to the suggestion of the department as to the attorney feature.

Mr. MANN. Of course I know the Committee on Indian Affairs do not desire to report any bill that is in the interest of attorneys, but it looks to me very much as though this was. I think it is a matter that ought to be considered more fully than

it can be here to-day.

Mr. HACKNEY. That feature was fully considered by the committee, and we leave it to the court to fix the pay of these attorneys, who bring suit only at such sum as they earn, and not require the Indians to pay a given per cent that might be very unreasonable.

Mr. STEPHENS of Texas. We intended that the Court of Claims should pass upon the attorney fees.

Mr. MANN. I would much rather trust the department to fix the attorney fees than to trust the Court of Claims, where the attorneys present their bill and get other attorneys to testify as to the value of their services. It is a mighty easy thing to get other attorneys to fix a high valuation upon another attorney's fees.

Mr. HACKNEY. The gentleman will see that we provide that it shall be paid only after the attorney has submitted his contract of employment to the Secretary. In order to get a standing in court he must submit his contract to the Secretary and get his approval. The bill was amended in that particular.

Mr. CARTER. Let me ask the gentleman, does not the

amended bill provide that those Indians who reside at Oklahoma belonging to this tribe may intervene in this suit, and that the original bill did not make such a provision?

Mr. HACKNEY. Yes; the Otoes and Missouris in Oklahoma claim to have some share in this claim, and we want to have the whole matter settled, as recommended by the department. I think the bill is in exceptionally good form.

Mr. EDWARDS of Georgia. Is it a unanimous report of the

Mr. HACKNEY. Yes. Mr. MANN. I think the bill should be considered where there is an opportunity to debate it. It provides for all legal and equitable claims to be submitted. It says "and jurisdiction is hereby conferred on the Court of Claims to determine all legal and equitable claims of said Omaha tribe against the United States.

Mr. HACKNEY. And also all claims of the Government against the Indians.

Mr. MANN. That follows, of course.

Mr. HACKNEY. I think the language is such as to give the court full jurisdiction both of legal claims and equitable claims

and legal and equitable set-offs and counterclaims.'

Mr. MANN. The language of the bill gives the Court of

Claims jurisdiction of any fanciful claim or otherwise that the tribe chooses to make for any purpose, and then if any money is obtained the bigger end will go to the attorneys. While I am an attorney and believe in taking care of the profession, I

do not like to take the whole of it.

Mr. HACKNEY. The committee has considered the attorneyship matter and disregarded the previous employment and left the matter so that they could employ any attorney they pleased. I challenge the gentleman from Illinois to draw a bill that will protect the Indians better than this does. That is one thing the committee undertook to do to provide measures so that they would not be held up for exhorbitant fees.

Mr. HOLLIDAY. I would like to ask, Mr. Speaker, whether it is too late to make a point of order that this bill is not on

the proper calendar?

Mr. MANN. I was about to say that the bill did not belong on the Private Calendar anyhow.

The SPEAKER. The bill is not under consideration. What is the gentleman's point of order?

The point of order is that it is a public Mr. HOLLIDAY.

and not a private bill.

Mr. MANN. Mr. Speaker, to save time so that it may be possible to get through the calendar to-day, I will object for the

The SPEAKER. The Chair will examine the bill and direct the transfer to the Union Calendar if, under the rule and practice, it ought to go there.

SAMUEL GARLAND.

The next bill on the Private Calendar was the bill (H. R. 2245) authorizing the Court of Claims to hear and adjudicate the claims against the Choctaw Nation, of Samuel Garland, deceased.

Mr. CARTER. Mr. Chairman, I would like to state that the report was made some time in April, and on May 29, 1908, the Indian omnibus bill was passed, and this matter was incorporated in that bill. So it is already passed and is now law, and I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, the bill will lie on the

There was no objection.

DAVID ROBERTSON.

The next business was the bill (H. R. 5808) placing David Robertson on the retired list of the United States Army. The bill was read.

Mr. HOLLIDAY. I object.

CHARLES ENGSTROM AND C. PETERSEN.

The next business was the bill (H. R. 19757) for the relief of Charles Engstrom and C. Petersen.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object. Mr. CALE. Will the gentleman reserve his objection?

Mr. MANN. I reserve my objection.

Mr. CALE. Mr. Speaker, this is a claim by Engstrom and Petersen for money, \$200, that was collected by the United States Government without any authority whatever. and the only manner in which these two young men can get the money back is by an act of Congress. It seems that in 1899 these two hard-working and industrious young men in Alaska thought they could make a little money by going into the fur business and raising foxes on a barren island known as "Dry Island," in Alaska, an island entirely worthless and useless up to the present time. The United States Government discovered that they were squatted on that island and had gone into this business, so the revenue cutter was directed to go there and to collect \$100 a year license. Prior to this time, and prior to the passage of the act of March 14, 1898, the Government had leased islands, but after the passage of this act it was discovered that it had no right whatever to lease those islands, and after the passage of that act these \$200 were collected

from these two young men. The department and the legal adviser of the Treasury Department discovered that the Government had no authority for collecting this money, and these men have been out of their money for the last eight or nine years. The department has recommended that this money be returned to them. It is simply money that is taken from these two young men, cash, and the Government has given them nothing whatever in return for it. They have been out of the use of the money eight or nine years. They paid the money at the solicitation of the Government, supposing, of course, that the Government had the right to collect the money. They went to a great deal of trouble and expense under the misinformation they had received from the department itself.

Mr. MANN. Will the gentleman yield for a question?

Mr. CALE. Certainly.
Mr. MANN. Is the gentleman aware that it was the policy of the Government up there to lease these islands for the raising of foxes, and that a number of leases were executed to different people, which they were glad to make, and for which they were glad to pay the rental?

Mr. CALE. Yes.

Mr. MANN. Thereupon these two gentlemen executed a lease. Mr. CALE. I beg the gentleman's pardon. Let me correct the gentleman.

Mr. MANN. Well, they did have a lease and they were glad to pay the rent.

Mr. CALE. Yes. Mr. MANN. The Thereupon it was held by the government officers, purely as a technical matter, that there was no authority on the part of the Government to execute this lease, and these people, having made the lease, remained in possession and are yet in possession of this island, raising foxes upon it for profit, perfectly willing in the first place to have paid the rental demanded by the Government, but when it was ascertained that the Government had no technical authority to execute the lease, they still remained on the island. Now, what justice is there in their claim?

Mr. CALE. I want to correct the gentleman. He is entirely mistaken, or else I am. Prior to the passage of the law of March 14, 1898, the Government had a right to lease these islands, and did lease them; but after the passage of this act the Government did not have the right to lease the islands. islands that were leased prior to the passage of this act are still being leased from year to year and a revenue collected, but after the passage of this act, which was the time these young men went on to the island, the Government collected the money, and the Government had no right to lease the islands and the Government does not in any way protect them. The gentleman or myself or anybody else can go right on to the island and go into the same business and interfere with them, for they are without protection.

On the other islands where leases are made and the Government had a legal right to lease them, the lessees are protected from all comers. These men are put off the island and they have gone out of the business and had to quit it because they had no protection.

Mr. MANN. They had the protection during the time that they were paying this money.

Mr. CALE. Exactly.
Mr. MANN. There was no decision that they should not have this protection until after the time had expired for which this money was paid. They had the protection and they had the island and they were in possession and they had everything they paid for. A technical decision was made afterwards that the Government had no right to take the money. That may be true, but they have no moral right to complain when they got what they paid for.

Mr. CALE. They did not get what they paid for, and that is what I am complaining of. They started in with the intention of going into the business, supposing the Government would protect them and that the island would be leased to them from year to year. The work they did was preliminary work, work for which they have received no compensation and no profits that would naturally flow when the business was once got under way. The Government stepped in in the meantime and dispossesses them, refuses to grant them any further license, and will not allow them on the island.

Mr. MANN. The Government did not dispossess these people.

Mr. CALE. Practically.
Mr. MANN. It did not dispossess these people. On the contrary, the Government preserved them in their rights for the period of time for which this money was paid, and at the end of that period of time, while demanding no further money, left them in possession of the island raising these foxes.

Mr. CALE. But he is in a different position from the men who leased the island prior to the passage of the act of 1898.

Mr. MILLER. Mr. Speaker, I want to call the attention of the gentleman from Illinois to the fact of what the record shows in this report of Acting Secretary Herbert Knox Smith

After the foregoing collections had been made the Solicitor of the Treasury in an opinion dated June 28, 1900, stated that the Secretary of the Treasury had no authority to lease any islands in Alaska other than those leased and occupied prior to the act of May 14, 1898.

Mr. MANN. Does the gentleman know what year this money was paid?

Mr. CALE. Eighteen hundred and ninety-nine.

Mr. MILLER. It is shown further back in the report, and it seems to me that if the Government of the United States collects money from anybody without any authority of law and puts it into the Treasury of the United States that there ought not be an objection to having it turned back to the people from whom it was illegally collected. There is no question but what the collection was an illegal one, and I think the gentleman from Pittsburg has

Mr. MANN. Probably has a claim on the calendar, and that will not help it any, either. Here is a man who wants something the Government has

Mr. MILLER. Which the Government collected from him

without authority of law.

Mr. MANN. The man wants something which the Government has and is willing to pay a certain price for it, and he pays the price for it and gets the article, squanders it, uses it, gets the benefit from it, and all the good that the Government had the right to sell him, and then under a decision that the Government had no right to sell to him desired that the Government should pay back the money, although he had the full benefit for which he paid.

Mr. MILLER. At the time he was in possession of the land there was no authority of the Government of the United States to lease this land; none whatever. But the agents-

Mr. MANN. But they did lease it-

Mr. MILLER. But the agents of the Government went there, without authority of law, and said to these people, "You pay \$100 a year for the lease of this land or you get off," and they were forced to pay this money.

Mr. MANN. Oh, the gentleman is mistaken about that.

Mr. MANN. On, the gentleman is made in the Mr. MILLER. No; I am not.

Mr. MANN. These people went to the Government. There are a large number of these islands up there. I do not know had the pleasure of reading the whether the gentleman has had the pleasure of reading the report of the Government concerning foxes raised up there; but if he has not, I commend it to him as a most interesting subject

and a most interesting report. I have read it and

Mr. CALE. This lease was before the passage of this act.

Mr. MANN. They let the people up there raise foxes now without a lease and without paying rent because of the delinquency of Congress in not providing for a lease.

Mr. CALE. I do not know of any.

Mr. MILLER. Now?

Mr. MANN. Now.

Mr. MILLER. They can not under the law.
Mr. MANN. Why, they are squatters up there; that is what
they are, and nobody is interfering with them.
Mr. MILLER. If the Government collects taxes from them,

they must pay them; and there is no way to get it back, because it is illegally collected—

Mr. MANN. The Government collected its money for some-

thing which it now lets people get without collecting money.

Mr. MILLER. Oh, no. Mr. MANN. Certainly.

Mr. MILLER. The gentleman is mistaken about that. It never leases those lands without it collects money for them. I call the attention of the gentleman from Illinois to this state-

As the leases to Edstrom and Petersen, mentioned heretofore, were made subsequent to May 14, 1898, it appears to be held by the Solicitor of the Treasury that the sums paid were collected without authority. The money, however, had in the meantime been covered into the Treasury, from which it could be recovered only through an act of Congress, It would appear that Edstrom and Petersen now desire, through an act of Congress, to recover the \$200 paid by them to the United States through Captain Kilgore.

And afterwards it was determined that they had no right under the law to collect those taxes, but they were paid into the Treasury of the United States, and now the Treasury Department admits that it is in the Treasury without any warrant of law and that the money of this people should be returned to them, and I think we ought to pay it back to them. That is my judgment.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question? I will ask the gentleman from Illinois if there is any difference between raising foxes and raising stock, and if it is not a fact that the stockmen of the United States are using almost 100,000,000 acres without paying anything for it?

I will say that I do not believe in that policy. I

think they ought to pay something for the use of it.

Mr. STEPHENS of Texas. I strike hands with the gentleman on that proposition.

Mr. CALE. Will the gentleman from Illinois [Mr. MANN]

yield for just a moment?

Mr. MANN. I always yield to the distinguished gentleman. Mr. CALE. The gentleman from Illinois must remember that the fur-bearing business is just in its experimental stage. No-body who has gone into the business has made a dollar in it, and it is a serious question whether it will ever be a profitable in-dustry or not. These people went there to experiment, and it would take years and years before there would be any return for their investment under the most favorable circumstances. When they initiated this industry there—if I can use that term—they did not know. These are simply poor workmen who have spent their lives in Alaska, and they are miners and prospectors. They took this industry up believing that they could make it a profitable one.

Mr. MANN. Does the gentleman mean to contend that anyone who starts the raising of foxes up there has to invest a considerable capital in the first place?

Mr. CALE. Yes.

Mr. MANN. The gentleman is mistaken.

Mr. CALE. Perhaps I am, but I am telling the gentleman what I know about the facts.

Mr. MANN. I am telling the gentleman what I know about the report of the Government, which passed on all those questions up there and, I think, has given more investigation to it.

Mr. CALE. The gentleman has reference now, I think, to those who went into the business under the protection of the Government. That is true. These men went in on their own hook. They were squatters. They did not know that they would be obliged to pay a license or that a license was necessary. So they were in there some three years, and along came the Government and stated that they must pay a license. They the Government and stated that they must pay a license. did not know it before. Finally they did pay the license, and then the Government declared-

The SPEAKER. Is there objection to the consideration of

the bill?

Mr. MANN. I object.
Mr. CALE. I hope the gentleman will withdraw his objection. If there was ever an honest claim presented to this House this is one of them.

LEASE WITH SENECA NATION OF INDIANS.

The next business on the Private Calendar was the bill (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians.

Mr. RYAN. Mr. Speaker, that bill, I will state, was passed last winter. In the absence of my colleague, I move that it lie on the table.

The SPEAKER. Has the bill become a law?

Mr. RYAN. Yes, sir.
The SPEAKER. Without objection, it will lie upon the table. There was no objection.

MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 6648) for the relief of the heirs of Myra Clark Gaines, deceased.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.
Mr. ROBINSON. Mr. Speaker, I wonder if the gentleman from Illinois [Mr. Mann] will withhold his objection until I can make a brief statement concerning the matter.

Mr. MANN. I will reserve the right to object.
Mr. ROBINSON. This claim originates in two grants made
by the Spanish authorities while in possession of the territory in Louisiana in which the lands were embraced. The lands were conveyed to Daniel Clarke by Thomas Urquhart and John Lynde, the grantees, respectively, of the Spanish Government. Both the United States and Spain claimed the territory at that time, the United States claiming it under the treaty of 1803 and the Spanish Government claiming it by virtue of actual occupancy. In 1819 the controversies between Spain and the United States relative to titles in this territory and other territories in that locality were sought to be adjusted by what is known as the "Treaty of amity, settlements, and limits."

In that treaty is was specially stipulated on the part of the

United States that the United States "shall ratify and confirm grants" made by the Spanish authority while in possession of the territory. In the case of Foster and Elma v. Neilson, Second Peters, the Supreme Court of the United States held that the language of the treaty did not of itself ratify these grants, but that it became a political question and required action upon the part of Congress. In 1860 Congress took that action by passing a statute expressly ratifying grants of this character.

Mr. HAMMOND. Will the gentleman cite the decision of the

Supreme Court?

Mr. ROBINSON. It is in Second Peters. Congress, as I have stated, passed the statute of 1860 expressly ratifying and confirming these grants and providing a remedy for claimants, or, rather, two courses of procedure, at the election of claimants. One of those permitted the claimant to go before the commissioners at New Orleans and establish their claims and then have relief from Congress. The other provided that they might proceed in any district court of the United States having jurisdiction to establish their claims; and the statute provided the relief they should have, which is the same as that contemplated in this bill.

In the case of Lynde v, the United States, reported in Eleventh Wallace, these grants were expressly confirmed, and in case No. 622, in which there was an oral opinion, 10,000 arpents of the 50,000 granted to Urquhart were segregated and confirmed to Caleb Cushing, a very prominent lawyer, for his services rendered Mrs. Myra Clark Gaines. In the meantime almost endless litigation had arisen, involving the legitimacy of Mrs. Myra Clark Gaines. That question was finally determined in her favor by the United States Supreme Court in Twenty-fourth Howard, in Gaines v. Hennen, in which the court expressly held that she was the legitimate heir of Daniel Clarke. Subsequently Mrs. Myra Clark Gaines filed her claim before the commissioners at New Orleans.

The commissioners there found in her favor, but the Commissloner of the General Land Office, Mr. Drummond, rejected their report, for the reason that they had not certified to him certain documentary evidences. Subsequently, upon a hearing before a committee in Congress, it was made manifest that that evidence was actually supplied to the commissioners at New Orleans when they passed upon the matter; and Mr. Drummond said if the evidence had been before him at the time when he had jurisdiction of it and passed upon it he would probably have

approved the claim.

The Congress of the United States has had consideration of this matter for a great many years. The claim originated in grants made in 1803 and 1806, when the original Spanish grants The claim has been favorably reported by commitwere made. tees of this House many times, and at one time passed the House of Representatives. It has never been unfavorably reported but once, and that action was taken by the Senate committee on the theory solely that Mrs. Myra Clark Gaines had not brought her claim within the statute of limitations fixed by the statute of 1860. It appears perfectly clear, however, from a careful investigation of the record, that she did bring her claim within the statute. The act of 1860 was rendered inoperative by the civil war, the limitation fixed in that act being five years. But Congress in 1867 extended the limitation three years, and before the expiration of the limitation fixed in the act of 1867 she filed her proof and secured the action that I have already detailed by the commissioners at New Orleans.

The case presents this peculiar aspect: That there seems to be upon the part of no one investigating this claim or who has ever considered it any reasonable doubt as to its validity. It has been before Congress from almost time immemorial. So far as the Government of the United States is concerned, its history is almost coextensive with it. I submit to this House that the time has come when some final action ought to be taken in this matter. I have no further statement, unless some gentleman of the House wishes further information upon the matter. The records I have referred to are, of course, voluminous. The decisions of the Supreme Court, which I have attempted to give the gist of, are very lengthy. The whole question is presented here, and the claim seems to be manifestly just by the unanimous reports by the committees of this House, and no question as to its validity seems ever to have been raised.

In my judgment there is no fair question of laches in the

case, because the representatives of the claimant have been case, because the representatives of the claimant have been constantly and persistently pressing the claim for many, many years. I submit, in view of these considerations, that the claim ought to be approved. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

JULIUS A. KAISER.

The next business on the Private Calendar was the bill (H. R. 12707) for the relief of Julius A. Kaiser.

The bill was read.

The SPEAKER. Is there objection? Mr. SABATH and Mr. MANN objected.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY OF ILLINOIS,

The next business on the Private Calendar was the bill (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the Chicago, Peoria and St. Louis Railway Company of Illinois \$2,835.45, being the amount of internal-revenue tax on certain high wines erroneously appropriated by the Navy Department at Indianhead.

The SPEAKER. Is there objection?
Mr. SABATH. Mr. Speaker, reserving the right to object, should like to ask the gentleman what this claim is for?

Mr. MILLER. The Standard Distilling and Distributing Company, a distillery at Pekin, Ill., on August 27, 1902, delivered to the Chicago, Peoria and St. Louis Railway Company 84 barrels of alcohol for shipment to the National Distributing S4 parrels of alcohol for shipment to the National Distributing Company, of New York, for which alcohol they had paid a certain amount of tax. But there was a mistake made in the shipping bill, and 30 barrels of this alcohol were unloaded at Indianhead, Md., and used by the Government of the United States; and for that reason this company asks that the amount paid by them on this shipment be refunded to them, the alcohol having been used by the Government of the United States.

Mr. SABATH. What was it used for by the Government?

Mr. MANN. Smokeless powder.

Mr. MILLER. For making smokeless powder. There is no question about it being used by the Government of the United States. It was simply unloaded at the wrong place. It should have been shipped to the National Distributing Company, of New York, but was waybilled in error by the agent of the railway company, and 30 barrels of it were unloaded at Indianhead, and there used for the purpose of making powder by the Government of the United States; and being so used, it was not subject to taxation

Mr. SABATH. Why did not the Government pay this bill? Mr. MANN. If the gentleman will permit me, where the Government buys alcohol for use in making powder, there is no in-

ternal-revenue tax levied against that alcohol.

In this case the internal-revenue tax had been paid by the company that shipped the alcohol. The railroad company inadvertently delivered the alcohol to the Government instead of to the real consignee. The Government accepted the alcohol and used it and paid for it. Now, if the Government had purchased the alcohol in the market, the tax would have been relinquished, but this tax had been paid on this alcohol. The Government made use of it, just as though it had purchased it at the ordinary price.

Mr. SHACKLEFORD. Did the Government pay the same price for the alcohol that would have been paid if it had been

received by a private party?

Mr. MANN. The Government paid the same price that it was paying for the other alcohol purchased by it.

Mr. EDWARDS of Georgia. Government rates.

Mr. SHACKLEFORD. The owner of the alcohol lost the difference, then?

Mr. MACON. Is this claim for the difference between the amount the Government paid for it and the tax upon it at that

Mr. MANN. The claim is simply to refund the tax which was paid. If the Government had purchased the alcohol in the regular way, there would have been no tax upon it.

Mr. SHACKLEFORD. My question was whether the price received was the price of the alcohol plus the revenue that the distiller had paid.

Mr. MANN. When the Government paid for the alcohol, it only paid the price which it ordinarily paid, which is a smaller price, because of the fact that the alcohol purchased by the Government for this purpose does not pay the internal-revenue

Mr. MACON. This is simply for the difference between the amount the Government paid for it and that the railroad company had to pay, is it not?

Mr. MANN. Yes.

Mr. CLARK of Missouri. Will the gentleman allow a ques-

Mr. MANN. Yes

Mr. CLARK of Missouri. How did the railroad company get mixed up in this?

Mr. MANN. Because the railroad by inadvertence delivered the alcohol to the wrong consignee, and the consignor held the railroad company responsible for it, and the railroad company

Mr. CLARK of Missouri. But a railroad company does not pay the revenue tax-on the alcohol that it ships.

Mr. MANN. No.

Mr. CLARK of Missouri. How did they happen to be paying it in this case? I thought the distiller paid it.
Mr. MANN. The distiller did pay it.

Mr. CLARK of Missouri. Then the distiller ought to have it back

Mr. MANN. He got it back from the railroad company. Mr. CLARK of Missouri. How did he get it back from the

railroad company?

Mr. MANN. Because the railroad company had delivered it to the wrong consignee, and thereby the consignor received from the Government, not the price of the alcohol plus the internalrevenue tax, but only the price of the alcohol without regard to the internal-revenue tax, and he made a claim against the railroad company for the difference, and the railroad company paid it.

Mr. CLARK of Missouri. Of course everybody that knows very much knows that alcohol used by the Government for making powder does not pay any revenue tax.

Mr. MANN. It does not. In this case the revenue tax was

paid to the Government, and this is for the refund of it.

Mr. MACON. I would like to ask if this is not practically making the Government pay the internal-revenue tax on the

Not at all. The Government has already re-Mr. MANN. ceived the money for the internal-revenue tax and also used e alcohol.
Mr. MACON. And

And this is to refund the tax?

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SIMON LONGNECKER AND ALBERT LONGNECKER.

The next business on the Private Calendar was the bill (H. R. 18831) for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$1,550, as rent of the city stable in Lavaca, Tex., from the 9th day of July, 1865, to December 14, 1865, as found and determined by a board of survey appointed and assembled for the purpose of investigating and adjusting claims against the United States Government by citizens of Lavaca, Tex., which board of survey met and adjusted said claim on December 14, 1865, and adjudicated said claim in favor of William Longnecker, then a citizen of Lavaca, Tex., but who has since then died, leaving Simon Longnecker and Albert Longnecker is only heirs at law.

With the following committee amendments:

With the following committee amendments:

Amend by inserting therein, after the words "Galveston, Tex.," in line 5, the words "only heirs at law of William Longnecker, of Lavaca, Tex., deceased."

That said bill be further amended by striking out all of said bill after the word "of," in line 7, and inserting in lieu thereof the words "\$375 for the rent, use, and occupancy of the city stable in Lavaca, Tex., owned by the said William Longnecker, deceased, from August 16, 1865, to August 31, 1866, which sum shall be in full satisfaction and discharge of all claims for the rent, use, and occupancy of the aforesaid stable."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES S. CLARK.

The next bill on the Private Calendar was the bill (H. R. 7098) for the relief of James S. Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James S. Clark, of Fayette County, Ky., the sum of \$1,886, in full compensation for personal property taken and used and damages done in the use and occupation of real estate, all belonging to the said James S. Clark, by the Army of the United States during the Spanish-American war, in the months of August, September, October, November, and December, 1898, in and about the establishment and maintenance of a military camp at Camp Hamilton, in said county and State.

With the following amendments:

Amend by inserting after the word "to," in line 5, the words "the legal representatives of." Strike out, in lines 6 and 7, the words "one thousand eight hundred and eighty-six" and insert in lieu thereof the words "two hundred and fifty."

Amend the title so as to read: "A bill for the relief of the legal representatives of James S. Clark, deceased."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

RACHEL PARKER.

The next business on the Private Calendar was the bill (H. R. 19275) for the relief of Rachel Parker.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it cnacted, ctc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rachel Parker, widow of Wilson Parker, deceased, late of Company G. Forty-sixth Regiment U. S. Colored Troops, out of any money in the Treasury not otherwise appropriated, the sum of \$865.67, it being for pay of soldier, bounty, clothing, pay and travel allowances due to the said Wilson Parker at the date of his muster out of service, to wit, February 16, 1866.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Vermont if he personally

is fully satisfied that this claim ought to be paid? Mr. HASKINS. I sent to the War Department and to the Treasury Department and procured every paper that bore upon the case and made a personal examination of it. I sat up two nights making the examination, and became thoroughly convinced of the justice of this claim, and that the pay roll was a fabrication. It is clearly so, otherwise I would not have reported it.

Mr. MANN. I have read the gentleman's report with a good deal of care. It looked to me very much as if this man enlisted, was immediately captured, taken to southern Texas, and there went to work for anybody that would give him employ-ment. Meanwhile, somebody did take the money that would be due him if he had served, his name being still carried on the pay roll. I say frankly that while it did not seem very strong to me, I would take the opinion of the gentleman from Vermont upon the matter.

Mr. MACON. Let me ask the gentleman, Is this an attempt

to pay this money a second time?

Mr. MANN. These are the facts, briefly stated: A colored man, a slave, I suppose, did enlist in the army, was shortly thereafter captured and taken to Texas. Some years after

Mr. MACON. He did not serve in the army?
-Mr. MANN. He was a prisoner. Some time after that somebody signed for the money in his name on the pay roll and obtained it

Mr. MACON. Was he entitled to the money at all? Mr. MANN. The War Department says he was. He was

still carried on the pay roll because he was a prisoner.

Mr. MACON. Does the gentleman state that anyone can be entitled to compensation for services at the hands of the Government when he was not in the service?

Mr. MANN. I think it is the custom, and it was the practice

during the war, where a man was captured as a prisoner, to pay him as though he was in the active service.

What amount does this bill carry? Mr. MACON.

Mr. MANN. Eight hundred and sixty-five dollars and sixtyseven cents.

Mr. MACON. The gentleman from Illinois says that he was working down in Texas for whoever would employ him. Mr. MANN. I did not make that statement as a fact; that is

not the evidence.

Mr. HASKINS. I want to say that that \$865 includes \$200 bounty that was due him. While he was captured the evidence shows that he was placed in slavery on a plantation with Captain Stone of the Texas cavalry that captured him, and that he remained there until his death, from the time he enlisted up to the time he died.

The evidence in the War Department that was filed there in behalf of this man's pay and bounty showed conclusively these facts, and the War Department refused to make the allowance for the reason of that invariable rule which prevails in the department that they will not go back on their own records, but referred the man to Congress for relief.

Mr. MACON. Mr. Speaker, I do not think that this claim ought to have been paid in the first instance. I do not think the claimant was entitled to any compensation, under the statement made by the gentleman from Illinois [Mr. MANN], and certainly I do not think the Government ought to pay a claim

twice when the claimant was not entitled to it in the first in-

stance, and I therefore object.

Mr. MANN. I hope the gentleman will receive the statement of the gentleman from Vermont [Mr. HASKINS] as to the facts, and not lay that blame upon me. I do not want to be responsible for the statement of facts.

Mr. HASKINS. Why does the gentleman from Arkansas say that he was not entitled to anything in the first instance?

Mr. MACON. Because he never served as a soldier.

Mr. HASKINS. Oh, he was regularly enlisted and served as a soldier.

Mr. MACON. He did not even serve ninety days.

Mr. HASKINS. And then was captured by the Confederate cavalry under command of Captain Stone, of Texas, taken into the State of Texas, and put on Captain Stone's plantation, where he continued to work.

Mr. ADAIR. Would he be entitled to a bounty under the

Mr. HASKINS. Yes; \$200 bounty under two different acts

Mr. ADAIR. And \$100 is the part asked for in this bill?
Mr. HASKINS. Two hundred dollars.
Mr. MACON. I want to understand further. How long is it proposed to pay him for?

Mr. HASKINS. For the time that the pay roll shows he was mustered out.

Mr. MACON. How long was that? Mr. HASKINS. He was taken prisoner of war in 1863.

Mr. MANN. Up to 1867. Mr. MACON. The war was practically ended on the 9th of April, 1865.

Mr. HASKINS. From 1863 to 1866.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engressment and third reading of the bill.

The bill was ordered to be read a third time, read the third

time, and passed.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent to offer an amendment to the bill which has just been passed. want to amend by unanimous consent by striking out the words "Rachel Parker" and inserting in lieu thereof "the legal representative.

The SPEAKER. Is there objection to the request of the gentleman from Vermont to offer an amendment at this time?

There was no objection.

The SPEAKER. The Clerk will report the amendment, and the order passing the bill will be vacated.

The Clerk read as follows:

Strike out, in line 4, the words "Rachel Parker, widow," and insert in lieu thereof the words "legal representative"—

Also amend the title.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and pasesd.

The title was amended.

JAMES H. DE COSTER.

The next business was the bill (H. R. 5728) for the relief of James H. De Coster.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse, out of any money in the treasury not otherwise appropriated, the sum of \$476.31 to James H. De Coster, postmaster at Mechanic Falls, Androscoggin County, Me., for postage stamps, specie, money-order specie, 1 registered tetre, and 1 registered package stolen from the post-office at Mechanic Falls aforesaid on May 30, 1900.

With the following amendments:

Page 1, line 6, strike out the word "seventy-six" and insert in place thereof "sixty-five."

Page 1, line 6, strike out the word "thirty-one" and insert in place thereof "ninety-five." so that the total amount will read "\$465.95."

Page 1, lines 8 and 9, strike out the words "specie, one registered letter, and one registered package," and insert in place thereof "post-office funds."

Page 1, at the end of line 11, insert the words "and charged to James H. De Coster and paid for by him in his settlement with the Post-Office Department."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

The next business was the bill (H. R. 14236) for the relief of The Merchants' National Bank of Poughkeepsie, N. Y.

The SPEAKER. This is a bill with a committee amendment which strikes out a preamble and all after the enacting clause and substitutes a new text therefor. Without objection, the Clerk will read the substitute in the nature of an amendment.

There was no objection, and the Clerk read the substitute,

as follows.

as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to redeem a certain duplicate United States bond issued in place of a certain United States bond. No. 10307, for \$10,000, under act of July 14, 1870 (consols of 1907), inscribed in the name of the Dutchess County Mutual Insurance Company and assigned in blank and lost or destroyed on or about the 24th day of July, 1888, which said duplicate bond is registered in the name of the Merchants' National Bank of Poughkeepsie, N. Y.

SEC. 2. That the Secretary of the Treasury is authorized and directed to pay in full redemption and satisfaction of said bond and duplicate to the Merchants' National Bank of Poughkeepsie, N. Y., out of any moneys not otherwise appropriated, forthwith, the sum of \$10,000, together with interest, if any, accrued thereon at 4 per cent per annum to the 1st day of July, 1907, the date when said bond was called for redemption and payment: Provided, however, That the indemnity bond executed and filed by the Merchants' National Bank of Poughkeepsie, N. Y., pursuant to the terms of said act of Congress passed the 21st day of May, 1888, shall remain as a continuing liability to secure the United States from any loss, cost, damages, or claims made on account of said original bond.

SEC. 3. That is act shall take effect immediately upon passage and approval of same.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I want to ask a question or two. Was this a registered

bond or a coupon bond?

Mr. WALDO. It was a registered bond. A duplicate bond was issued, and under the terms of the act that duplicate bond is in the Treasury, and it can not be paid without the passage of an enabling act, although it has already been called in for redemption.

Mr. CLARK of Missouri. When was this bond destroyed?

Mr. WALDO. In 1880, if I recollect.

Mr. CLARK of Missouri. Have they been drawing interest on it ever since?

Mr. WALDO. The interest has never been paid.

Mr. CLARK of Missouri. I thought the bill provided that interest should be paid at the rate of 4 per cent from 1898.

Mr. WALDO. Possibly I may be mistaken about that, but I know that there is some accrued interest for several years that has not been paid. Whatever it is, the records of the Government show. This bill provides only for the payment of such interest as has not been paid.

Mr. CLARK of Missouri. What kind of a bond do they get. Mr. WALDO. The bond is a bond given by this bank with sureties. I have never seen the bond which the department now has under the former bill. This provides that the bond shall continue.

Mr. CLARK of Missouri. The average bond is not worth a

straw after four years.

Mr. WALDO. The bond specified is good; there is no doubt about that.

Mr. CLARK of Missouri. It is good, maybe it will be good for four years.

Mr. WALDO. Here is a registered bond, and it is almost impossible that a bond registered in the name of this bank should come into the hands of anybody else by which any liability could accrue against the Government.

Mr. CLARK of Missouri. The history of the probate court shows that the average bond is of no account at all after the

end of four years.

Mr. WALDO. That may be true, but this bond is good. Mr. MANN. May I call the attention of the gentleman from Missouri to the fact that the bill does not provide for the payment of 4 per cent interest except to the date of when they made the call for redemption, 1897. It does not provide for payment of interest since that time.

Mr. CLARK of Missouri. What I asked him was, and what he did not know was, whether they drew interest on this registered bond from the time they allege it was lost up to 1897,

when it was called in for redemption.

Mr. WALDO. My understanding is they have now. I have forgotten it; I have not looked it up for some time. Mr. ADAIR. Does this bill provide interest since the call

for redemption? Mr. WALDO. No, sir; up to the call, which had not been

paid.

Mr. MANN. Probably the last six months' interest was due.
Mr. CLARK of Missouri. This bond was lost a great many
years, some thirty years ago, and they never said a word about
the bond being lost, but went on and drew interest on the bond
until it was called for redemption.

Mr. WALDO. Oh, no; the original bill was passed---

Mr. MANN. This bond was lost, as shown here, somewhere about 1888, and thereupon they secured an act of Congress

Mr. WALDO. Yes.

Mr. MANN. Authorizing the issuance of a duplicate bond. That duplicate bond was issued, and as an additional security to the Government, besides taking the ordinary form of bond, the original duplicate \$10,000 bond was retained in the hands of the United States Treasurer. That came due in 1897, and it can not be paid because the Government is holding it for security for the loss of the original bond, lost a great many

Mr. CLARK of Missouri. That is all as clear as mud. Mr. ADAIR. If the original bond should be found, it could

not be used by anybody, as it is a registered bond.

Mr. WALDO. No; or in payment of a demand by anybody.

Mr. MANN. I am not so sure about that.

Mr. ADAIR. Let me ask the gentleman, what is the purpose of a registered bond if it is not for the purpose of protecting the owner of the bond?

Mr. MANN. There is that protection to a certain degree,

but not absolutely.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to call the attention of the gentleman to the language of the bill where they refer to the terms of "said" act, line 23, page 3, no act having been referred to previously. I suppose they thought or figured that upon the "whereas." I move to strike out the word "said" in line 23, page 3, and insert the word "the."

Mr. MILLER. There is no objection to the amendment

offered by the gentleman from Illinois.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, strike out the word "said" and insert the word

Mr. MANN. Now, may I ask the gentleman whether he thinks it is possible for Congress by a law to change the obligation of the bond first given in this case?

Mr. WALDO. My view, when we first drew that substitute, was that it should provide, without any question, that the bank must remain responsible on the bond. It probably would in any event without that provision; but that if the Solicitor of the Treasury had any doubt as to the continuance of the liability of the sureties, he would take the proper course which would compel them to remain liable.

Well, the Solicitor of the Treasury has no option Mr. MANN. We say in the law what he shall do. Now, here in the matter. is the situation: Originally there was a bond lost. Congress provided for the issuance of a new bond and provided for two methods of securing protection to the Government. One was by retaining the bond itself—that is, the registered bond—and the other by having the parties give an indemnity bond. Now, can we give up half of that security and then hold the sureties on

the indemnity bond?

Mr. WALDO. Let me say to the gentleman, in the first place, that I think in the case of the loss of a registered bond the Government is under no risk to pay to the registered owner of the bond. That is the first proposition. That is the purpose of the register. Now, in the next place, in order that the security that had been taken under the act of 1808 might continue, that provision was put in there. My own view of it is, and I think that is what the gentleman himself would do if he was the treasurer, if he had any question about it, would be to take the statement from the bank and from the sureties on the bond that they recognized the obligation imposed by this proposed There is no question but what they could do that. My own view of it is that it is an excess of precaution to take that step at all.

Mr. MANN. Of course, I do not know whether this was a registered bond, unless the gentleman knows it personally.

Mr. WALDO. The records show that. The report of the

department shows it, too.

Mr. MANN. The report of the committee does not show it. If there is no liability on the loss of a registered bond, why do the department and Congress require not only the retention of the new bond that was issued, but also the giving of an indemnity bond?

Mr. WALDO. I presume the purpose was to save any question that might arise on the floor here, and it was for that pur-

pose that I left that obligation in the amendment.

Mr. MANN. I am not talking about the gentleman's obliga-I am asking him in reference to the original act requiring both forms of suretyship.

Mr. WALDO. Of course, I was not in Congress at that time, and can not state exactly what was in their minds; but I pre-

sume that through excess of caution, as I have stated, they put in that provision. That is the only explanation that I can make

Mr. MANN. Is the gentleman prepared to say to Congress now, in connection with his own bill, that there can be no loss to the Government where a registered bond is lost?

Mr. WALDO. Not if the payment is made to the registered That is my understanding of it.

Mr. MANN. It can not be made to the registered owner if

the bond is lost. Mr. WALDO. Certainly it can. The registry continues

whether the bond is lost or not. Mr. MANN. The Government never pays a registered bond

without the protection of a bond.

Mr. WALDO. The provision of law for the registry of a bond was made-and the register of a bond, when it is done voluntarily, is done-for the express purpose of prohibiting anybody getting the money except the registered owner, and so the bank will be secure in paying to the registered owner.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 23, page 3, strike out the word "said" and insert the word "the" before the word "act."

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

BENJAMIN F. CURRY.

The next business on the Private Calendar was the bill (H. R. 17171) for the relief of Benjamin F. Curry.

The bill was read as follows:

A bill (H. R. 17171) for the relief of Benjamin F. Curry.

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of Benjamin F. Curry, postmaster at Hamlin, W. Va., a credit of \$198.50, for money stolen from said post-office by burglars December 27, 1905.

Also the following committee amendments:

Page 1, line 6, strike out the words "ninety-eight" and insert in lieu thereof the words "eighty-nine."
Page 1, line 6, strike out the word "fifty" and insert in lieu thereof the words "ninety-nine."

The SPEAKER. The question is on agreeing to the amend-

The question was taken and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

PETER M'ENERY.

The next business on the Private Calendar was the bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased. The Clerk read the bill, as follows:

A bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased.

deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Peter McEnery, deceased, late of Petersburg, Va., the sum of \$97.80, for rent of storehouses used by the military authorities of the United States from April 6 to May 26, 1865.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN O. KINNEY.

The next business on the Private Calendar was the bill (H. R. 13244) to place upon the muster-in rolls the name of John O. Kinney

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have the gentleman in charge of the bill tell us why this man should be put on the roll.

Mr. TIRRELL. Mr. Speaker, I wish to offer an amendment to this bill by striking out on the second page, third line, the word "November" and inserting the word "January;" and in the fourth line strike out the word "two" and insert in place thereof the word "three."

Mr. MACON. I reserve the right to object.
The SPEAKER. Will the gentleman from Massachusetts

please restate his amendment?

Mr. TIRREILL. My amendment is as follows: Strike out the word "November," in line 3, on the second page, and insert in lieu thereof the word "January;" and in the fourth line strike out the word "two" and insert in lieu thereof the word "three."

The Clerk read as follows:

On page 2, line 3, strike out the word "November" and insert the word "January;" in line 4 strike out "two" and insert "three."

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. MANN. May I ask the gentleman a question? This is the third attempt to get the date right. Is the gentleman sure it is now right?

Mr. TIRRELL. Well, I will state the record, but it will take some little time.

Mr. MANN. Is the gentleman sure the date is now right?

Mr. TIRRELL. Yes; it is.
Mr. MANN. The gentleman introduced the bill with one date, the committee passed upon that date and proposed an amendment, and now the gentleman proposes an amendment to that amendment. Now, is he sure the date is right?

Mr. TIRRELL. I am sure.

Mr. MACON. I wanted an explanation as to why he should

be put on the roll.

Mr. TIRRELL. On the 3d day of September, 1862, a military company was organized in the town of Winchendon, Mass., and from there they were taken to Camp Stevens, at Groton Junction, Mass.

Mr. HEPBURN. Mr. Speaker, I desire to know if this bill

is now being considered?

The SPEAKER. No; it is not. Consent for its consideration

has not been given.

Mr. HEPBURN. Then, Mr. Speaker, I desire to make the point of order against the gentleman who has reserved the right to object. I submit, sir, that under the order that can not be

The SPEAKER. Not if anybody objects. Does the gentle-man from Iowa object? That would be objecting to the consideration.

Mr. MACON. I will meet the objection of the gentleman from Iowa by objecting to the consideration of the bill.

Mr. HEPBURN. That is all I want; one way or the other.

I am against this very grotesque performance

Mr. MANN. That is no more in order than the other.

Mr. HEPBURN (continuing). Of reserving the right to object, then consuming time in explanations, and then objecting.

Mr. MANN. That is six of one and half a dozen of the other. Mr. MACON. If the Chair will indulge me.

The SPEAKER. By unanimous consent.

Mr. MACON. I will say to the gentleman from Iowa that
my sole purpose in reserving the right to object is to put myself in a position to object intelligently, and that I can not do without explanation. If the gentleman wants to prevent an opportunity for intelligent objection, I will say another kind of objection will be made, for I will not sit in my seat and allow bills to go through without knowing something about them. It is for the sole purpose of voting intelligently upon these matters that

I have reserved the right to object.

Mr. HEPBURN. I have not the slightest desire to control the gentleman in the matter. He may vote unintelligently if he

desires to. [Laughter.]

The SPEAKER. The Chair will state again to the House, if the Chair may be indulged, that a practice has grown up touching unanimous consent, by unanimous consent for brief questions and answers; but if objection is made, of course that is a withdrawal of unanimous consent. Objection is heard, and the Clerk will report the next bill.

COURT OF CLAIMS.

The next business on the Private Calendar was the resolution (H. Res. 369) referring certain claims to the Court of Claims.

Mr. MANN. Mr. Speaker, to save time, for the present I shall object.

HARTSHORNE, OKLA.

The next business on the Private Calendar was the bill (S. 4289) for the relief of the people of Hartshorne, Okla.

The title of the bill was read.

Mr. CARTER. Mr. Speaker, to save the time of the House I will state that this matter was incorporated in what is known as the "Indian omnibus bill," section 14, and I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, the bill will be laid on the table.

There was no objection.

ROBERT MORGAN GILSON.

The next business on the Private Calendar was the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The bill was read. Mr. MACON. Mr. Speaker, I object.

NEBRASKA MUTUAL LIFE INSURANCE COMPANY.

The next business on the Private Calendar was the bill (H. R. 5573) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

RICHARD HALEY AND FAMILY.

The next business on the Private Calendar was the bill (H. R. 10714) authorizing the Secretary of the Interior to enroll Richard Haley and his family as Choctaw Indians.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MACON and Mr. EDWARDS of Georgia objected.

CERTAIN SHAWNEE INDIANS.

The next business on the Private Calendar was the bill (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees, under treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes.

The bill was read.

The SPEAKER. Is there objection? Mr. CARTER. I object.

ROBERT S. DAME AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 21895) for the relief of Robert S. Dame and others, and for

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, this is a long omnibus bill. It has a lot of items in it which I think are improper and, to save time, I shall object.

VELVIA TUCKER.

The next business on the Private Calendar was the bill (H. R. 8448) to pay Velvia Tucker arrears of pension due her father, William N. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Velvia Tucker, daughter of William N. Tucker, late of Captain Brown's company B. Second New York Heavy Artillery, \$70, the arrears of pension due said soldier at date of

Mr. MANN. Reserving the right to object, I should like to ask how the Committee on War Claims got jurisdiction of a bill of this kind?

Mr. HAUGEN. The bill provides for the payment of \$70 to Velvia Tucker, only daughter of a soldier, William N. Tucker, who died some ten years ago. This lady was the only child left to take care of her father, and she performed that duty

faithfully. Mr. MANN. The gentleman is not answering the question I asked. Under what theory did this bill go to the Committee on War Claims?

Mr. HOLLIDAY. This is a claim growing out of the civil ar. The Committee on Pensions could not adjudicate it.

Mr. MANN. The Committee on Claims could adjudicate it. This does not grow out of the civil war at all. It grows out of the act of Congress providing for pensions; but if the gentleman believes it belongs to the Committee on War Claims, I shall not make any point of order on it. I think, however, this is one of the cases where gentlemen find it convenient to refer claim bills to their own committees.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOSEPH SWISHER.

The next business on the Private Calendar was the bill (H. R. 9617) for the relief of Joseph Swisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Swisher, out of any moneys in the Treasury not otherwise appropriated, the sum of \$109.87, said sum being the amount withheld for tools lost in battle in the settlement of the account of said Joseph Swisher as captain in the One hundred and thirteenth Regiment Ohio Volunteer Infantry, and quartermaster of the Second Brigade, Second Division, Fourteenth Army Corps.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOHN T. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 21571) for the relief of John T. Freeman.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$447.81 to John T. Freeman, chief musician, Seventh Artillery Band, U. S. Army, in full payment on account of articles, the property of said Freeman, destroyed by fire at Fort Slocum, N. Y., March 30, 1899, as found due and recommended by a board of survey appointed by the Secretary of War.

Mr. MACON. Not being allowed to make an inquiry about the bill, I will object.

Mr. SHERMAN. The gentleman is allowed to make inquiry. Mr. BARTLETT of Georgia. How can the gentleman be prevented from making an inquiry?

The SPEAKER. The gentleman is not at this time prevented from making inquiry. Unless there is objection, he can inquire.

Mr. MACON. Then, Mr. Speaker, I will reserve the right to object, for the purpose of having the gentleman in charge of the bill explain its merits. If it is meritorious, I want it to pass.

Mr. HASKINS. I made the report on the bill.

The SPEAKER. Does the gentleman yield to the gentleman from Arkansas?

Mr. HASKINS. I yield.

Mr. MACON. I want the gentleman to explain the merits of

the bill. If it is meritorious I want it to pass

Mr. MANN. I will say to the gentleman that I think the bill is meritorious. This man had furniture in an administration building that was burned. This follows the custom that we have followed for years, of paying a man for furniture so de-Mr. MACON. I want to know why it was there.
Mr. MANN. He was an officer of the army.
Mr. MACON. The gentleman does not insist that it is proper

for the Government to pay for all property that it may be hous-

ing without expense to officers, does he?

Mr. MANN. I will say to the gentleman that for many years Congress has followed the practice of passing these bills that came before it—whether a right practice or not—where the army officer had some of his personal belongings in a building or vessel owned by the Government, and the building burned, or the vessel burned, the Government reimbursed him for the actual loss of the property. We have passed a number of bills of that kind at this session of Congress.

Mr. MACON. I think I objected to some of that very charac-

ter two weeks ago, and to be consistent I will have to object to

this.

Mr. MANN. The gentleman may have objected to those bills, but the bills were passed.

Mr. BONYNGE. I will say to the gentleman from Arkansas that it was a bill of mine that he objected to, and afterwards

he withdrew his objection.

Mr. MACON. Then in order to be consistent, Mr. Speaker, I will have to withdraw this objection. [Laughter.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM F. SMITHEY.

The next business on the Private Calendar was House resolution 421 (in lieu of H. R. 21781), referring to the Court of Claims the claim of William F. Smithey.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21781) for the relief of William F. Smithey, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. MACON. Mr. Speaker, I would like to have an explanation of that.

Mr. GAINES of Tennessee. I reserve the right to object. Mr. CLARK of Missouri. This is a claim of \$200 or \$300 for feed taken during the war. It is to be referred to the Court of Claims-this one and the next one right under it. It is supported by affidavit as to the value of the property and the loy-

alty of the claimant.

Mr. GAINES of Tennessee. Mr. Speaker, I submit that we are having an object lesson here to-day which I have had in mind for a long time, which shows when you get down to dealing squarely with the people of the country under the rules of this House, we do not do it. I submit to this House whether it is right, whoever the gentleman is, whether myself or any other gentleman, by simply rising and saying "I object," and thereby defeat the consideration of a claim and stifle the voice of some unfortunate man, woman, or child somewhere in the United States. There should be some other rule by which the people can have their claims considered and paid by this House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

JOSEPH S. MUSTER.

The next business on the Private Calendar was the House resolution 422 (in lieu of H. R. 21782), referring to the Court of Claims the claim of Joseph S. Muster.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21782) for the relief of Joseph S. Muster, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause] The Chair hears none.

The resolution was agreed to.

GEORGE W. WICKES.

The next bill on the Private Calendar was the bill (H. R. 18639) for the relief of George W. Wickes.

The Clerk read the bill.

Mr. MACON. I object.

WILLIAM PARKER SEDGWICK.

The next business on the Private Calendar was the bill (H. R. 22017) for the relief of William Parker Sedgwick and others, and for other purposes

The Clerk read the bill.

Mr. MANN. To save time, Mr. Speaker, as this is an omnibus bill, I object.

Mr. BUTLER. Mr. Speaker, that bill was passed six weeks

Mr. MANN. It was passed at the last session of Congress in another bill.

The SPEAKER. Has this bill been enacted into law?

Mr. BUTLER. I will ask, Mr. Speaker, that the bill lie on the table

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears

LEVI J. BILLINGS.

The next business on the Private Calendar was the bill (H. R. 8739) for relief of Levi J. Billings.

The Clerk read the bill.

Mr. MACON. Mr. Speaker, reserving the right to object, I

would like to hear some explanation.

Mr. MORSE. Mr. Speaker, let me explain that bill. This is a bill for the relief of a soldier who was serving in the war at Corinth just prior to the battle. He was promoted to second lieutenant. He did not receive his commission at that time. He was promoted to a lieutenant in another regiment and he had to go back to Wisconsin and receive his commission and join the other company. Now, he did not receive his pay as a private, neither did he receive his pay as a lieutenant during His pay as a private ceased on his appointment as this time. a second lieutenant, but on account of the fact that he did not join his company at once, on account of the fact that he was not cowardly, but stayed at the front, he did not receive his pay as a lieutenant.

Mr. MACON. Was there not a law authorizing the pay of lieutenants then?

Mr. MORSE. Certainly, there was.

He did not have his commission. Mr. ANSBERRY.

Mr. MORSE. He had not accepted his commission.

Mr. MACON. Then the gentleman wants him to be paid for services before he accepted the commission?

Mr. MORSE. No; I do not want him to be paid-

Mr. MACON. Or before he performed the services?

No-yes, in a sense; before he performed them. Mr. MORSE.

Mr. MACON. That is it.
Mr. MORSE. Well, he was serving and did not receive a
penny for that service, and then he was in the hospital for part of that time.

Mr. MACON. Why does not the gentleman try to pass a bill to pay him for his services as a private instead of a lieutenant?

Mr. MORSE. Because he had been appointed a lieutenant, Mr. MANN. Mr. Speaker, to save time, I object.

The SPEAKER. Objection is heard.

MARY S. FERGUSSON.

The next business was the bill (S. 6529) for the relief of Mary S. Fergusson.

The Clerk read the bill.
The SPEAKER. Is there objection?
Mr. MACON. I object.

Mr. COOPER of Wisconsin. Will the gentleman not reserve his objection?

Mr. MACON. Oh, yes; I reserve the objection.
Mr. COOPER of Wisconsin. Mr. Speaker, I think that the objection which the gentleman from Arkansas proposes to make is owing to his belief that the services rendered by Arthur Fergusson in the Philippines were for the Philippine government, and that, therefore, only the Philippine government ought the Philippine government ought to pay him. Mr. Speaker, the services of Arthur Fergusson in the Philippines were rendered in a very especial degree for the Government of the United States. In the Philippines and else-where they were services for the Government of the United States, which the Philippine Commission; which Justice Gray, formerly of the United States Senate; which John Bassett Moore; Secretary of War Wright, formerly governor-general of the Philippines; and everybody familiar with his services know and declare could not have been rendered by any other man. The Philippine Commission, by proclamation, ordered a day of general mourning for his death.

Secretary Taft, when Secretary of War, last spring called the attention of the Nation to the services rendered by Arthur Fergusson, declaring that they had been indispensable in bringing about harmonious relations between the Filipinos and the American Government in the Philippine Islands. He served us during the negotiations which resulted in the treaty of Paris. his services being so splendid that on motion of Mr. Rios, one of the representatives of Spain, Arthur Fergusson, an American. was made the official interpreter for the joint commission.

Mr. MADDEN. Will the gentleman yield for a question? Mr. COOPER of Wisconsin. Yes.

Mr. MADDEN. Is the amount embodied in this bill provided to be paid to the widow of Mr. Fergusson intended as a com-

pensation for services rendered by Mr. Fergusson?

Mr. COOPER of Wisconsin. It is to be paid by the United States, not in compensation, but as only a very slight recognition of the immeasurable value of the work done by that man for the Government of the United States.

Mr. MADDEN. In other words, it is a donation, Mr. COOPER of Wisconsin. It is a donation to the widow of a man who did something for the United States. We did not hesitate to give hundreds of thousands of dollars to Italians three or four thousand miles from this country, who had never done anything for us. We made them the beneficiaries of our This man served his country faithfully and well at a time and under circumstances and with results which entitle his

poor widow to call upon the generosity of the Government.

Mr. MADDEN. Will the gentleman yield for one further question? I simply want to call the gentleman's attention to the fact that what the Government did for the Italians was done because of great calamity. Does any such calamity exist

in this case?

Mr. COOPER of Wisconsin. In just a moment I will answer that question before I finish.

Will the gentleman yield for a question? Mr. MANN.

Mr. COOPER of Wisconsin. Yes.

Mr. MANN. Does the gentleman think the services, however estimable, which this gentleman rendered to the Government are valuable enough to probably cost the Government in

the end \$10,000,000 or more, as this precedent would cost?

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to that argument of precedent, I should say that it never has appealed

to me. I never could understand why, if I voted—
Mr. MANN. Well, Mr. Speaker, it appeals to me, and I ob-

Mr. MILLER. Mr. Speaker—
The SPEAKER. Does the gentleman from Wisconsin yield?
Mr. MILLER. I understand that the bill under consideration is objected to.

Mr. MANN. I object.

Mr. COOPER of Wisconsin. Will the gentleman permit—
Mr. MANN. Mr. Speaker, if the gentleman will permit me,
I would be glad to have the discussion continue, but there are a large number of bills on this calendar. I have none of them. and am not interested in any, but I think every Member is en-

titled to have his bill reached.

Mr. COOPER of Wisconsin. Will the gentleman from Kansas permit me to answer the question propounded by the gentleman from Illinois, as to whether I do not think that this will make a dangerous precedent?

Mr. MILLER. Yes, I would; but I call the attention of the gentleman to the fact that the gentleman from Illinois objects. The SPEAKER. The gentleman from Illinois objects.

JAMES H. DOYLE.

The next business on the Private Calendar was the bill (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased.

The bill was read.

Mr. MACON. Mr. Speaker, I object. The SPEAKER. Objection is heard.

M. H. PLUNKETT.

The next business on the Private Calendar was the bill (H. R. 8277) placing M. H. Plunkett, assistant engineer, United States

Navy, on the retired list with an advanced rank.

Mr. HOLLIDAY. Mr. Speaker, reserving the right to object,
I would like to have somebody give some reason why this bill

or similar bills

The SPEAKER. The bill has not been read yet.

Mr. HOLLIDAY. Well, its purports are shown by its title, but I am willing to wait for it to be read.

The bill was read.

Mr. TALBOTT. Mr. Speaker, I ask to have the report read. Mr. MANN. Mr. Speaker, I object.

JOHN A. TAFT.

The next business on the Private Calendar was the resolution (H. Res. 483) for the relief of John A. Taft.

The Clerk read as follows:

Resolved, That the bill (H. R. 7479) for the relief of John A. Taft, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

WILLIAM FRANCIS.

The next business on the Private Calendar was the resolution (H. Res. 484) for the relief of William Francis.

The Clerk read as follows:

Resolved, That the bill (H. R. 23799) for the relief of William Francis, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act. The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The resolution was agreed to.

GEORGE W. AND RICHARD B. COOPER.

The next business on the Private Calendar was the resolution (H. Res. 485) for the relief of the estates of George W. and Richard B. Cooper, deceased.

The Clerk read as follows:

Resolved, That the bill (H. R. 25189) for the relief of the estates of George W. and Richard B. Cooper, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

LEVI ADCOCK.

The next business on the Private Calendar was the resolution (H. Res. 486) for the relief of Levi Adcock.

The Clerk read as follows:

Resolved, That the bill (H. R. 3766) for the relief of Levi Adcock, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

C. W. SMITH.

The next business on the Private Calendar was the bill (H. R. 20613) to compensate C. W. Smith for services and disbursements made in the war with Spain.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. W. Smith, of Tampa, Fla., out of any funds in the Treasury not otherwise appropriated, the sum of \$192, to compensate him for services rendered to and advances made for the United States during the late war with Spain.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask some gentleman if this matter ever went to the Navy Department or if there ever was an opinion from the Navy Department in reference to it?

Mr. HAUGEN. Mr. Speaker, I will say to the gentleman that this is for services rendered by this man as quartermaster. see it is stated in the report that the papers have been lost. The papers were sent to Representative Sparkman, a Representative from Florida, and he vouches for the gentleman's integrity and that the papers are now lost.

Mr. MANN. Here is a claim that the man performed certain services for the navy. Now, I want to know whether this bill for this claim was ever referred to the Navy Department to get their side of the question.

Mr. BIRDSALL. I can answer that, if the gentleman from

Iowa will permit.

Mr. MANN. I will be very glad to get the information.

Mr. BIRDSALL. The claim was referred to the Navy Department; but the difficulty of this allowance arose from the fact that this man had served two months before the enlistment officer mustered him in, and then he was found to be too old and was rejected. In the meantime he had rendered these services. The claim has been referred to the Navy Department, and they said that they had no jurisdiction, because it did not appear that this man had ever been enrolled in the service, and the claim would have to come to Congress.

Mr. HAUGEN. He could not be enrolled on account of his

age

Mr. MANN. Here is a proposition to pay a man who claims pay for services performed for the navy, and I want to know if it has been referred to the Navy Department.

Mr. HAUGEN. The report of the committee is that the bill

has never been referred-

Mr. BIRDSALL. I beg the gentleman's pardon, it has been referred to the Navy Department, and the gentleman from Iowa answered that question.

Mr. MANN. Oh, the gentleman from Iowa said that the

claim had been taken up by the department and rejected. Has the committee any information upon this bill being referred to

the Navy Department?

Mr. HAUGEN. The information that the committee got from the Navy Department was this, that this man's claim, he says, is based as quartermaster, that he was detailed by the Navy Department to serve as quartermaster, and upon the application to be mustered in he was found to be too old, and he could not be mustered in, so there is no question about the services and the claim.

Mr. MANN. Oh, I think there is a decided question about the services. If the Navy Department employed him, it ought to pay him; but if the Navy Department did not employ him, probably he ought not to be paid; but certainly we ought to have the information now whether the Navy Department did employ him. I could not hear what my distinguished friend from Iowa said, although I am not very far away from him, except I understood him to say the claim had been rejected by the Navy Department.

Mr. HAUGEN. It was rejected; that is true. But the claim-

ant here was detailed to do this certain service.

Mr. MANN. Will either of the gentlemen from Iowa state, on his own knowledge of the case or personal knowledge of the papers, that this man was, in fact, employed or engaged by a proper official of the Navy Department?

Mr. HAUGEN. I so understand it.
Mr. BIRDSALL. Mr. Smith was a member of the Florida
Naval Reserves, residing at Tampa. The services of this organization was tendered, as I understand it, by the governor of

Florida to the Government.

Mr. MANN. If the gentleman will pardon me, I do not wish to take the time of the committee discussing the matter. asked the gentleman whether he knows from his knowledge of the case if this gentleman was in fact employed by the Navy Department to do this work?

Mr. BIRDSALL. He was; and his services were accepted. Mr. MANN. Then I make no objection.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

HENRY A. TOLBERT.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1004, the bill H. R. 7048.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7048) for the relief of Henry A. Tolbert.

Mr. MACON. I will have to object, I think.

CLARK of Missouri. I want to say that I objected to that this morning; but I have studied about it and gotten the hang of it, and I think I was wrong.

The SPEAKER. Is there objection? Mr. MACON. I object to the return.

The SPEAKER. Is there objection to the consideration?
Mr. MILLER. That can be determined afterwards. I ask

unanimous consent to return to Calendar No. 1004.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I will have to object to that, because I do not think it is fair to claims ahead of us to go back now to claims that we have passed over. If the gentle-

man will couple with his request that we go back and refer the omnibus war claims resolution-

Mr. MILLER. Mr. Speaker, I will say to the gentleman from Arkansas that I will be glad to ask unanimous consent to return to the consideration of any of these claims where the objection is withdrawn by the party making the objection.

Mr. MACON. We have a war claims resolution on the calendar to refer to the Court of Claims, and I am trying to get

back to that as fast as I can.

The SPEAKER. Is there objection to returning to the bill referred to?

Mr. MACON. I withdraw the objection.

There was no objection.

The SPEAKER. Is there objection to its consideration? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF JENKINS & HAVENS.

The next business on the Private Calendar was the bill (H. R. 25361) for the relief of the heirs of Jenkins & Havens.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object. Mr. MANN. I am going to object.

W. D. FARRON.

The next business on the Private Calendar was the resolution (H. Res. 495) for the relief of W. D. Farron.

The Clerk read as follows:

Resolution 495.

Resolved, That the bill (H. R. 16924) for the relief of W. D. Farron, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the reso-

The question was taken, and the resolution was agreed to.

CHARLES W. MUNN.

The next business on the Private Calendar was House resolution 496.

The Clerk read as follows:

Resolution 496.

Resolved, That the bill (H. R. 24503) for the relief of Charles W. Munn, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the reso-Intion.

The question was taken, and the resolution was agreed to.

DAVIS W. HATCH.

The next business on the Private Calendar was House resolution 497.

The Clerk read as follows:

Resolution 497.

Resolved, That the bill (H. R. 24107) for the relief of Davis W. Hatch, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to.

MAJ. C. DE W. WILCOX.

The next business on the Private Calendar was the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France.

The Clerk read as follows:

Be it enacted, etc., That Maj. C. De W. Wilcox, U. S. Army, be, and he is hereby, authorized to accept the decoration and diploma of Officier d'Académie tendered to him, through the Department of State of the United States, by the Government of the French Republic; and the Department of State is hereby authorized to deliver to him the seld decoation and diploma.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

CITIZENS' BANK OF LOUISIANA.

The next business on the Private Calendar was the bill (H. R. 26245) for the benefit of the Citizens' Bank of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard.

ADDISON L. BROWN.

The next business on the Private Calendar was the bill (H. R. 12080) for the relief of Addison L. Brown.

The bill was read.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER. Objection is made.

The next business on the Private Calendar was the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company.

The bill was read.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection to the present consideration?

Mr. MACON. I will reserve the right to object, if the gentleman cares to be heard upon the claim.

Mr. EDWARDS of Georgia. I object.

The SPEAKER pro tempore. The Chair sees no one rising to

Mr. EDWARDS of Georgia (rising). I object, Mr. Speaker. The SPEAKER pro tempore. Objection is made.

LOGAN NATURAL GAS AND FUEL COMPANY.

The next business on the Private Calendar was the bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company of Columbus, Ohio.

The bill was read.

Mr. EDWARDS of Georgia. I object to that also, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

WILLIAM J. CUSSEN.

The next business on the Private Calendar was the bill (H. R. 1622) for the relief of the estate of William J. Cussen.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That a judgment recovered in favor of the United States against William J. Cussen and Nicholas A. Cullen in the circuit court for the eastern district of Virginia on the 31st day of January, 1870, for the sum of \$1,968 and \$40.40 costs, be, and the same is hereby, declared to be released and satisfied as to the estate of the said William J. Cussen, now deceased, and as to any estate, real or personal, acquired by the said Cussen subsequent to the date of the said judgment and allened by him to others during his lifetime or owned by him at the time of his death, and the United States attorney for the eastern district of Virginia is hereby authorized and directed to mark on the order book of the court where the said judgment is recovered that the same has been satisfied.

The SPEAKER protesting in the same chicatter?

The SPEAKER pro tempore. Is there objection?

Mr. MACON. I would like to hear an explanation of the bill, and I reserve the right to object until I can hear something about it.

Mr. MILLER. I do not notice the gentleman from Virginia [Mr. Lamb] who introduced the bill.

Mr. MACON. The gentleman can explain the bill.
Mr. MILLER. I desire to call the attention of the gentleman
from Arkansas to the facts here. This is a matter that came to our committee with a recommendation in which the Department of Justice said, "The case is undoubtedly a meritorious one, but requires the action of Congress." This is a clear case: there is no question about its merits. It is a very lengthy case and will require a long time to explain the facts of the case. I want to say to the gentleman if he will read the report carefully he will vote for the passage of the bill. I now yield to the gentleman from Virginia [Mr. LAMB], who will explain the matter.

Mr. MACON. Just give the facts in the case.

Mr. LAMB. Mr. Speaker, this is a case which authorizes no appropriation of money at all. It is only asking for the satisfaction of judgment which now stands as a cloud upon the title to certain land in the city of Richmond, so that there will be relief. This man was declared a bankrupt twenty to thirty years ago. It turned out afterwards that he had been security on an official bond, for which a fieri facias had been issued and returned "no effects." The judge of the court and the clerk of the court are both dead. Investigations have been made, and no evidence of the judgment can be found at all.

Then the lawyers sought relief at the Department of Justice, and here is the reply of that department:

DEPARTMENT OF JUSTICE, Washington, June 12, 1906.

Washington, June 12, 1996.

GENTLEMEN: In the matter of the petition presented by you seeking relief on behalf of the Millhiser Manufacturing Company from the execution of a judgment entered in favor of the United States against William J. Cussen and Nicholas C. Mills in the United States circuit court for the eastern district of Virginia on the 31st day of January, 1870, the department advises you that after a careful consideration of all the facts it is clearly of opinion that the case is not one in which the department is authorized to afford relief.

The case is undoubtedly a meritorious one, but requires the action of Congress.

of Congress. Respectfully,

M. D. PURDY, Acting Attorney-General.

Messrs. Guy & Guy, Attorneys at Law, Richmond, Va.

The SPEAKER pro tempore. Is there objection? [After a

pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

C. F. SUGG.

The next business was the bill (H. R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., \$79.95, for damages inflicted upon gasoline steamer Clyde by light-house tender Oleander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., the sum of \$79.95; in full payment of his claim for damages inflicted upon the gasoline steamer Clyde by the light-house tender Oleander on the 3d day of August, 1907.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PRIVATE PENSIONS.

The next business on the Private Calendar was the bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—
The name of James P. Ritchie, late of Company F. Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas J. Stephens, late second lieutenant Company A. One hundred and fifty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William N. Gemmill, late of Company D. One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cyrus S. Clason, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Luther W. Sanderson, late of Company G, First Regiment Iowa Volunteer Cavalry, and Company H. Thirteenth Regiment Iowa Volunteer Cavalry, and Company H. Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel G. Crotty, late of Company F, Third Regiment, and Company F, Fifth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William McClarance, late of Company A, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William McClarance, late of Company F, First Regiment Massachasts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B.

The name of Miles Gary, late of Company I, Forty-seventh Regiment, and Company H, Twenty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now

and Company H, Twenty-fifth Reziment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Bazel Lemley, late of Company I, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company H, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Wade, late of Company D, Cass County (Mo.) Home Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel W. Brumbaugh, late of Company B, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is receiving.

The name of John R. C. Hustead, late of Company C, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Fortney, late of Company H, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$29 per month in lieu of that he is now receiving.

The name of Edwin H. Tyler, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Egbert, late of Company D, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John R. C. Husteworth, late of Company F, Thirder a pension at the rate of \$30 per month in lieu of that he is now receiving.

fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jarrett C. Hackworth, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zachariah T. Alexander, late of Company I, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Louisiana A. Swafford, widow of Henry Swafford, late of Company A, Eighty-seventh Regiment, and Company H. Eighteenth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Sherman Swafford, helpless and dependent son of said Henry Swafford, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Louisiana A. Swafford he name of said Sherman Swafford shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Louisiana A. Swafford.

The name of Duncan N. Pritchett, late of Company C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert E. Brown, late of Company I, Seventh Regiment Kentucky Volunteer Cavalry, and Company E, Sixth Regiment Kentucky Veteran Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Clayton E. Blackwell, late of Company C, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Vanburen Mitchell, late of Company D, Twenty-fifth Regiment, and Company E, One hundred and fiftieth Regiment Illinois Volunteer

The name of Anthony Fornes, late of Thirty-fifth Independent Company, New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Flavious Josephus Ruley, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry H. Martin, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Almy, late of Company A. Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Rogers, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gideon S. White, late of Company C, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Forrister, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J. Northrup, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Trusty, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Trusty, late of Company H, Ninety-sixth Regiment New York Volunteer Heavy Artillery, and Company H, Ninety-sixth Regiment New York Volunteer Heavy Artillery, and Company H, Ninety-sixth Regiment New York Volunteer Heavy Artillery, and Pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Newton Hunt, late of Company B, Thirteenth R

The name of Elizabeth A. Hinman, widow of Walter C. Hinman, late of Company G, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Chillian Spanogle, late of Company I, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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receiving.

The name of Lytle Kays, jr., late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Maurice I, Covert, late of Company E, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Buf late of Company E, Second Regiment Mis-

The name of Martice I, Covert, late of Company E, One hundred and sixty-ainth Regiment Fennsylvania Drafted Militia Infanitry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Rnf, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Sylvester Van Deusen, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F, Benjegerdes, late of Company D, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Shaw, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Shaw, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Welliam R, Dode receiving.

The name of Welliam R, Dode receiving.

The name of Welliam R, Dode receiving.

The name of Newton Wilson, late of Company D, Ninety-ninth Regiment, and Company D, Fiftieth Regiment, Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Hawley, late of Company H, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Burk, late of Company A, Seventh Squadron The name of Thomas Burk, late of Company A, Seventh Squadron The name of Thomas Burk late of Company A, Twenty-sixth Regiment Menty My Late of Thomas Burk, late of Company B, The rate of \$30 per month in lieu of that he is now receiving.

The name of John L, Maller, late of Company B, Thritteth Regiment Mension A Company B, Th

Potomac Home Brigade Maryland volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank W. Mills, late of Company C, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sophia Eichelberger, widow of Urlah Eichelberger, late of Company A, One hundred and seventy-fourth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$12 per month: Provided, however, That such pension shall cease upon proof that the soldier is living.

The name of John Johnson, late of Company E, Seventh Regiment Illinois Volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benoni Williams, late of Company G, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nancy Cox, widow of John T. Cox, late of Company B, Fourteenth Regiment Kentucky Volunteer Cavairy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Alexander Ingram, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Brookbanks, late of Company A, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Brookbanks, late of Company F, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Brookbanks, late of Company F, Fifty-fourth Regiment Indiana Volunteer Infantry, a

Regiment Obio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milton G. Pattillo, late of Company D. One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is receiving.

The name of Benjamin F. Green, late of U. S. S. Princeton, Minnesota, and Fort Jackson, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milton B. Evers, late of Company F. Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milton B. Evers, late of Company H, Fifteenth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lydia A. Stock, Engineer Ohlo Volunteer Infantry, and pay her a pension at the rate of \$21 per month.

The name of Lydia A. Stock, Engineer Ohlo Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henry G. Chritzman, late surgeon Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Egan, late of Company E, Fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Egan, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gottleib Granold, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gottleib Granold, late of Company D, One hundred and sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now recei

and pay him a pension at the rate of \$24 per month in field of that he is now receiving.

The name of John F. Barrow, late of Company C, One hundred and thirteenth Regiment, and Company C, One hundred and twentieth Regiment. Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Paul Seifrid, late of Company H. One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nancy A. Bush, widow of William Bush, late of Company B, First Regiment, and Company F, Sixth Regiment, Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month. The name of Eva B. Lynch, helpless and dependent child of Urlah Lynch, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Pliney A. Bailey, late of Company F, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Williams, late of Company E, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now re-

The name of George W. Hissong, late of Company C, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mahlon Baker, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joel T. Booz, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Barkheimer, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Ray, late of Company H, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William B. Estes, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles F. Hausdorf, alias Frank Houston, late of Company A, and major, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

he is now receiving.

The name of Pary McNair, late of Company H. Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Knowlson, late surgeon One hundred and sixtyninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonathan Hull, late of Sixteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Catherine E. Fisk, widow of George A. Fisk, late captain Company D, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

iseer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Catherine E. Pisk, wisconds Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Stephen F. Smith, late of Battery E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Murray, late of Company A, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving. The name of George W. Murray, late of Company A, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel F. Dennen, late of Thirtieth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F. Lasey, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Lasey, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$22 per month in lieu of that he is now receiving.

The name of Russell Bell, late of Company G. One hundred and second of \$24 per month in lieu of that he is now receiving.

The name of Wilson, late of Company B. One hundred and second of \$24 per month in lieu of that he is now receiving.

The name of Wilson, late of Company A, Fourth Regiment Did to the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward P. Wilson, late of Company A, Fourth Regiment Dependent of the person of the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward P. Wilson, late of Company A, Fourth Regiment India Volunteer Light Artillery, a

The name of Allen C. Rose, late of Company G. First Regiment Ohlo Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David M. Roseberry, late of Company B, One hundred and thirty-seventh Regiment, and Company H, One hundred and forty-file the case of \$30 per month in lieu of that he is now receiving.

The name of Benjamin M. Hutchins, late of Company C, Sixth Regiment Indian Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Menjamin M. Hutchins, late of Company C, Sixth Regiment Indian Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Phipps, late of band, Eighteenth Regiment Hills of that he is now receiving.

The name of John R. Madison, late of Company H, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John R. Madison, late of Company H, Fifty-second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John R. Madison, late of Company H, Fifty-second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George C. Stevens, late second light entant Company C. The name of James Underwood, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Underwood, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alice S. Sturgeon, widow of George W Sturgeon, late of Company B, Victorian Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he

pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Guy Mazza, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Arnold, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Emri Sites, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Goodman, late of Company M, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Blythe, late first lieutenant Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$230 per month in lieu of that he is now receiving.

The name of James H. Bule, late of Company E, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gardner Wells, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hannah Burton, widow of Charles Burton, late of Company K, Eighth Regiment, and Company C, Fourth Regiment, New York Volunteer Heavy Artilley, and pay her a pension at the rate of \$12 per month.

The name of William E. Bybee, late of Company L, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George R. Cross, late of Company A, Sixty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Welch, late of Company A, First Regiment U. S. Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Michael Barry, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Murray, late of U. S. S. Kensington, Tennessee, and Sciota, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary A. Stanton, widow of George P. Stanton, late of Company B, Seventh Regiment, and Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

Company B, Seventh Regiment, and Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Thomas J. Necessary, late of Company K, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William Ira Annin, late of Company E, One hundred and forty-first Regiment New York Volunteer Infantry, and Company F, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac F. Smith, late of Company B, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. McDermott, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah Hemings, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Cotrel, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Watson, late of Company D, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Garrett, late of Troop G, First Regiment U. S. Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Roausch, late of Company H, Twelfth Regiment, and Company F, Fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph A. Crayne, late of Company E, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Robertson, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles C. Sabin, late of Company A, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Slas R. Wethy, late of Company E, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Slas R. Wethy, late of Company E, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William J. Wilson, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William J. Wilson, late leutenant-colonel Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William E. Taylor, late of Company B, Fiftieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Orlando Eountain, late captain Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Orlando Eountain, late captain Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James G.

The name of Sear S. Johnson, late of Company G. Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.
This bill is a substitute for the following House bills referred to the committee on Invalid Pensions:
II. R. 1718. Stephens;
II. R. 1718. William N. Genmill;
III. R. 1718. Daniel G. Crotty;
III. R. 1812. David Kelley;
III. R. 1812. Month Determine the state of The name of Sear S. Johnson, late of Company G, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

H. R. 24253. Pilney A. Bailey;
H. R. 24255. Joseph Williams;
H. R. 24256. George W. Hissons;
H. R. 24256. George W. Hissons;
H. R. 24257. Mahlon Baker;
H. R. 24323. William B. Estes;
H. R. 24323. William B. Estes;
H. R. 24323. William B. Estes;
H. R. 24350. Villiam B. Estes;
H. R. 24455. Charles F. Hausdorf;
H. R. 24450. John Knowlson;
H. R. 24450. John Knowlson;
H. R. 24450. John Knowlson;
H. R. 24450. Gonathan Hull;
H. R. 24524. Catherine E. Fisk;
H. R. 24579. George W. Murray;
H. R. 24590. Samuel F. Dennen;
H. R. 24590. Samuel F. Dennen;
H. R. 24667. John F. Lassey;
H. R. 24590. Samuel F. Dennen;
H. R. 24667. John F. Lassey;
H. R. 24985. Edward F. Wilson;
H. R. 24985. Edward F. Wilson;
H. R. 24985. Edward F. Wilson;
H. R. 25990. Levander Wyrick;
H. R. 25010. Sylvester T. Clancy;
H. R. 2508. Moses Charbonneau;
H. R. 25196. Alonzo R. Sharp;
H. R. 25296. Joseph L. Vaughen;
H. R. 25238. George L. Gilbert;
H. R. 25238. George L. Gilbert;
H. R. 25380. Harvey A. P. Doyle;
H. R. 25390. Elnathan Sweet;
H. R. 25390. Elnathan Sweet;
H. R. 25457. Henry Mooneyham;
H. R. 25508. Thomas Carrington;
H. R. 25508. Thomas Christian Reuter;
H. R. 25509. Thomas Christian Reuter;
H. R. 25528. Renjamin M. Hutchins;
H. R. 25528. Thomas Confery;
H. R. 25608. John R. Madlson;
H. R. 25608. John R. Madlson;
H. R. 2571. James K. Winant;
H. R. 2571. James K. Winant;
H. R. 2571. James K. Winant;
H. R. 2573. James W. Westwood;
H. R. 25608. John R. Madlson;
H. R. 2571. Harving S. William H. Phipps;
H. R. 25095. George W. Goodman;
H. R. 25095. James W. Goodman;
H. R. 25095. James W. Goodman;
H. R. 25095. James James H. Wells;
H. R. 26309. James H. Bule;
H. R. 26418. Unimal H. Rumper;
H. R. 26309. James H. Wells;
H. R. 26309.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN NAVAL CLAIMS.

The next business on the Private Calendar was the bill (H. R. 26975) to pay certain claims against the Government arising

in the Navy Department.

The Clerk began reading the bill.

Mr. MACON. Mr. Speaker, this seems to be a very long bill, and I am going to object to its present consideration.

Mr. WALDO. I hope the gentleman will withdraw that objection. This bill covers a number of small claims from the Navy Department, payment of which is requested by the department. partment

The SPEAKER pro tempore. The gentleman from Arkansas has objected.

Mr. WALDO. I will ask him to withhold his objection.
Mr. MACON. Mr. Speaker, I will say that I am very anxious
to get back to the war claims resolution that has been objected to, and I do not see any way to get back to it if we read long bills now.

Mr. WALDO. Here are 28 claimants-

The SPEAKER pro tempore. The gentleman has objected, and has not withdrawn his objection. The Clerk will read the next bill.

MARTHA E. WEST.

The next business on the Private Calendar was the bill (H. R. 3674) for the relief of Martha E. West.

The bill was read, as follows:

Be it enacted, etc., That the claim of \$1,500 of Martha E. West, for lumber composing a sawmill and taken in 1865 by United States troops in the Sioux Indian war in Minnesota and used for the construction of a stable, is hereby referred for adjudication on principles upon which claims were paid by the commission under act of Congress of February 16, 1863, to the Court of Claims, which may regard as competent evidence any affidavits or papers relating to the claim and on fle in the departments or in the courts, and give such weight thereto as is proper. Any judgment rendered by the court for the claimant shall be paid to her or to her personal representative out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ESTATE OF T. J. SEMMES, DECEASED.

The next business on the Private Calendar was the bill (H. R. 24105) for the relief of the estate of T. J. Semmes, deceased. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myra E. Semmes, executrix and sole legatee of T. J. Semmes, late of New Orleans, deceased, \$395.55 in full payment for rents collected by the United States during the civil war from property owned by the said T. J. Semmes and situate at New Orleans, La.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

A. M. DARLING AND F. C. DARLING.

The next business on the Private Calendar was the bill (H. R. 3670) for the relief of A. M. Darling and F. C. Darling. The Clerk read the bill at length.

Mr. MANN. I object.

HORACE B. GARDNER.

The next business on the Private Calendar was the resolution (H. Res. 510, in lieu of H. R. 26403) referring to the Court of Claims the claim of the legal representatives of Horace B.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 26403) for the relief of the legal representatives of Horace B. Gardner, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection to the present consideration?

There was no objection.

The resolution was agreed to.

ROBERT MICHAELS.

The next business on the Private Calendar was the resolution (H. Res. 511, in lieu of H. R. 5661) referring to the Court of Claims the claim of Robert Michaels.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5661) for the relief of Robert Michaels, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

SARAH E. TERRILL.

The next business on the Private Calendar was the resolution (H. Res. 512, in lieu of H. R. 17072) referring to the Court of Claims the claim of Sarah E. Terrill.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 17072) for the relief of Sarah E. Terrill, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

WILLIAM TAYLOR AND JAMES TAYLOR.

The next business on the Private Calendar was the resolution (H. Res. 513, in lieu of H. R. 26312) referring to the Court of Claims the claim of the legal representatives of William and James Taylor, deceased.

The Clerk read the bill at length.

Mr. MANN. I object.

NATHANIEL HUNTLEY.

The next business on the Private Calendar was the bill (H. R. 24995) for the relief of Nathaniel Huntley.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws the record of the muster of Nathaniel Huntley into the military service of the United States as a member of Company E, Fifth Regiment Michigan Cavalry Volunteers, shall be held to be void and without effect, said Huntley never in fact having been mustered into the service as a member of that organization and never having rendered any service with it, but served as a member of Company A, One hundred and fourth Regiment New York Volunteers, and was honorably discharged from that organization.

Mr. MANN. I object. Mr. JENKINS. Mr. Speaker, I ask the gentleman from Illi-nois to withhold his objection a moment, until I can make a statement.

Mr. MANN. I am perfectly willing to reserve the right to object; but I say to the gentleman from Wisconsin that the evidence in this case shows that this man deserted twice, tried to shoot his commanding officer once, and it seems to me that is a hard record to get over.

Mr. JENKINS. Oh, there is no such record as that here. This man is charged with having been in a regiment that he never was connected with, but served honorably through the war and received an honorable discharge. It is true that he got into some trouble down at the depot in Washington and a court of inquiry was organized and he was acquitted and returned to

duty, and no fault whatever was found with him.

Mr. MANN. He admitted that he deserted at home, that he deserted in Washington, and that he tried to shoot his commanding officer once.

Mr. JENKINS. The gentleman is mistaken in that state-

Mr. MANN. All I know about it is what the report says. I say to the gentleman frankly I am not acquainted with this man at all.

Mr. JENKINS. He was tried by a court and acquitted and returned to duty. The only difficulty in his case is that he is charged with having served in a regiment that he never was connected with, and I want to get his military record corrected by striking that out. He served honorably in a New York regiment and received an honorable discharge.

Mr. MANN. The evidence shows that this man joined the regiment but never was mustered in, and while waiting to be mustered in he assaulted the lieutenant of the organization and

then deserted and ran away.

Mr. JENKINS. He did not desert, because he never was mustered in.

Mr. MANN. If he did not desert he could get a pension. He appears on the rolls as a deserter, and that is what the gentleman from Wisconsin wants to overcome.

Mr. JENKINS. He is not reported as a deserter anywhere. This record says that he never was carried as a deserter anywhere. I may say to the gentlemen of the House that the War Department undoubtedly got into this error because in the early days of the war there seems to have been more men in a company than was necessary.

He undoubtedly went there to join a command, the Michigan regiment, but they did not want him, and he did get into some trouble with an officer, but he was never mustered in and never associated with it. He went to New York and served honorably all through the war. He got his pension, and later the department discovered the fact that he was connected with this Michigan cavalry regiment and then discontinued his pension, but not upon the ground that he was a deserter, because the records show that he never was carried as a deserter anywhere on any record; never discharged from the Michigan cavalry regiment.

Mr. MANN. Why did they stop his pension?

Mr. JENKINS. I can not answer that. We just simply want his record corrected, so that it will not be charged against him that he was a member of a regiment he was never associated with.

Mr. MANN. The gentleman is mistaken. The records would apparently show this man was mustered into the service. says he thought he was not mustered into the service and deserted because he had assaulted the lieutenant commanding him, and that is the reason they dropped him from the pension

Mr. JENKINS. The gentleman is mistaken. Here is the letter from the War Department:

His name is not borne on the subsequent rolls of the company, and no further or other record of him whatever as of that organization has been found.

He never served with them or had any connection with them, and yet at the same time the records show that he was connected with that company, but in fact he never was.

Mr. MANN. The gentleman says one minute the record shows that he was not connected with it and the next that he

Mr. JENKINS. Here is a feeble old man, hardly able to get around, a man who has been drawing his pension for years, and lately they have discovered this condition and have discontinued his pension. He is powerless, living on the county, and he simply asks this be corrected to show that he was never connected with the regiment and never mustered in. I trust the gentleman will not object on a matter of that kind.

Mr. MANN. Well, Mr. Speaker, I believe I will not object,

although I think I am to be criticised for not doing so.

The SPEAKER pro tempore. The Chair hears no objection. The question is on the engrossment and third reading of the bill

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

RELIEF OF CERTAIN OFFICERS, UNITED STATES SIGNAL CORPS.

The next business was the bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps.

The Clerk read the bill, as follows:

Be it enacted, etc., That the expenses of operating and keeping in repair the northwestern section of the United States military telegraph lines (from Bismarck to Fort Ellis and connections), constructed under act of Congress approved June 20, 1878, which, between the 20th day of June, 1878, and the 30th day of June, 1883, may have been paid out of moneys received from dispatches sent over said section, be, and the same are hereby, authorized and allowed; and the several officers making such payments are entitled to and shall receive proper credit therefor upon examination of their respective accounts: Provided, That said accounts conform in all other respects to the rules of the War and Treasury departments governing the disbursements of public moneys.

The SPEAKER pro tempore. Is there objection to its consideration?

Mr. MACON. Mr. Speaker, I would like to hear some explanation of the bill. I object until I can hear an explanation of the merits of the measure.

Mr. GOULDEN. Mr. Speaker, in the introduction of this bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps, I had in view the case of George S. Grimes, U. S. Army, retired. A brave soldier, with a splendid record of forty-five years in the service of his country, deserving every consideration. He enlisted on August 16, 1862, in the One hundred and sixteenth Regiment New York Infantry, rising on his merits through all the grades, until August 12, 1907, when, on account of serious illness, he was, at his own request, retired as a brigadier-general. While serving in Indian Territory, Texas, Dakota, and Montana from 1876 to 1883, in accordance with custom, he collected and paid out all told \$30,549.49 for operating and maintaining the lines, which was approved by his superior officers. A law was enacted June 20, 1878, requiring these moneys so collected to be paid into the United States Treasury. Without knowing of this law, never having been notified of the change, General Grimes continued the practice of paying out these sums as heretofore. While there is not a cent due the

Government, and so admitted by the officials, General Grimes's account stands charged with \$30,549.49.

The letter from General Allen, who is in charge of the Signal Service of the Army, will explain something in reference to this matter. The letter is in the report, and it is as follows:

matter. The letter is in the report, and it is as follows:

WAR DEPARTMENT,

OFFICE OF THE CHIEF SIGNAL OFFICER,

Washington, December 15, 1908.

SIR: I take the liberty of inviting your attention to H. R. bill 2950, introduced by Mr. GOULDEN, of New York, on December 2, 1907, and to House of Representatives Document No. 660, Fifty-ninth Congress, first session, which makes report on an identical bill, and which fully explains the measure.

Recently, at the informal instance of the Treasury Department, I wrote General Grimes asking that he give this matter his attention. I received in reply a letter from his wife stating that General Grimes is very ill, suffering from nervous prostration, and totally incapable of attending to any business.

This is a matter which, as you know, has been hanging a long time, and the Treasury and War departments are, of course, anxious that it should be cleared up. From the report referred to, it seems that General Grimes was practically blameless in the matter. If a favorable report is made by the committee, it may be possible that the case could be completed at the present session of Congress.

Very respectfully, your obedient servant,

IAMES ALLEN,
**Brigadier-General Chief Signal Offices of the constitution of the constitution of the constitution of the committee.

Brigadier-General, Chief Signal Officer of the Army.

Hon. James M. Miller, M. C., House of Representatives, Washington, D. C.

I will now read in explanation the letter of General Grimes himself, of date January 22, 1906. Mr. MACON. What is the amount?

Mr. GOULDEN. Thirty thousand five hundred and forty-nine dollars and forty-nine cents, but there is no claim made against the Government. It is simply to clear up the record. He is very desirous to have it done, because of the fact that he wanted it and because it is so excellent. Quoting from the letter of January 22, 1906, to the War Department, I read:

My responsibility for the expenditure of the funds in question I consider was discharged—the integrity of the accounts not being in question—when I rendered, in the form and manner prescribed by the Signal Department, the monthly accounts current, as they became due, and when they were approved by that department.

Mr. MACON. Mr. Speaker, if the gentleman will allow me to interrogate him, I think we can get along very much faster than by having him read the letter.

Mr. GOULDEN. Very well. Mr. MACON. I want to know what the trouble is. Is the

man a delinquent?

Mr. GOULDEN. No.

Mr. MACON. Then why do you want to clear up his record? Mr. MACON. Then why do you want to clear up his record? Mr. GOULDEN. We want to clear it up, and I was reading from his own letter explanatory about it. He expended the money while he was in charge of the Signal Service.

Mr. MACON. He expended over \$30,000?

Mr. GOULDEN. Yes. He was not at that time authorized to expend this money, but it was approved by the department.

It was found afterwards that he acted without authority, but there is no question of any money due the Government what-

Mr. MACON. Is the Government holding him responsible for this amount?

Mr. GOULDEN. Yes; it is charged to his account.
Mr. MILLER. Yes; it is. Mr. Speaker, I desire to say to
the gentleman from Arkansas that these amounts are charged up against the officers. General Grimes is one of them. There are a number of them. These amounts are charged up against them in the department, and they are asking now the adjustment of these accounts, for the reason that the moneys they collected for private telegrams were used for the maintenance of the telegraph lines, as had been done for years; but the law was changed, and after the change of the law they had no right to use the money they collected for private telegrams in the repair of the telegraph lines.

But, under the command of his superior officer, he continued to use the money collected in this way, and when the matter was presented to the department the department refused to allow him credit for it, and it exists now as a charge against these officers, and we are asking now that this account simply may be adjusted.

Mr. MACON. How long has it been standing against him? Mr. MILLER. For years, and the department has appeale For years, and the department has appealed to Congress to make this ruling that they may be relieved. It is

not a question of paying any money; nobody is out anything.

Mr. CLAYTON. Mr. Speaker, I understand this is merely a claim which is to get rid of a technical objection urged by the department against certain men, which is a perfectly proper claim, and so recognized by everybody.

Mr. MACON. The hardest hill I have to climb in connection with this case is that it seems to be so innocent, so little objection to its passage, that I can not understand why Congress has

heretofore allowed such a little thing to stand in the way of the passage of a bill that would give to this claimant the relief that

gentlemen say he is so eminently entitled to.

Mr. MILLER. I will say to the gentleman from Arkansas in explanation of that, that prior to June, 1878, moneys received from private telegrams sent over United States military telegraph lines were used for the maintenance and repair of the lines, but at that time the law was changed.

Mr. MACON. But you say this has been before Congress for

several years.

Mr. MILLER. At that time the law was changed and they could no longer pay out money that way, but this officer never received any notice of the passage of that law, and under the command of his superior officer he continued to pay out money collected in that way for the repair of lines. Had he not done that and turned this money into the Treasury Department, why the Government would have had to pay

Mr. CLAYTON. And the Government got the benefit of this

expenditure

Mr. MILLER. Absolutely.
Mr. MANN. The gentleman has not quite fully stated the merits of the case, if the gentleman will pardon me. He said for the repair of the lines

Mr. MILLER. Maintenance and repair.

Mr. MANN. And for the operation, if the gentleman will pardon me. It is the custom now to turn in fees coming from government telegraph lines into the Treasury as miscellaneous receipts. It was formerly the custom to use the receipts for the payment of operating expenses, and that was being done upon these telegraph lines, and thereupon Congress passed a law requiring, properly, that all receipts for the Government should be turned into the Treasury as miscellaneous receipts. This officer was in charge of certain telegraph lines, and operating them with receipts coming in from private persons for private telegraph services. He continued to do that, although Congress had passed a law. Of course, theoretically it was his business to know-

Mr. MACON. I was going to ask in that connection, what advantage have employees or officers of the Government over private persons along that line; ought they not to be required to have knowledge of the law just as private citizens are required

Mr. MANN. Theoretically he was supposed to know what the act of Congress was, but practically he did not know, and his superior directed him to continue paying these, so that even the superior here did not understand this act of Congress applied to this service. Now, it is admitted this money which is charged against the man was used by him in operating the government telegraph lines for the benefit of the Government.

The SPEAKER pro tempore. Is there objection? [After a

pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

J. C. HAGGARD.

The next business on the Private Calendar was the bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to J. C. Haggard, of White County, Tenn., the sum of \$73.59, for tax paid on 66.9 gallons of whisky, the warehouse having previously been unlawfully broken into and said 66.9 gallons of whisky stolen, without fault or negligence on said Haggard's part.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 19579) for the relief of J. W. Patterson.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

S. R. GREEN.

The next business on the Private Calendar was the bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to S. R. Green, postmaster at

Oregon City, Oreg., the sum of \$206.40, to reimburse him for key-deposit funds lost by burgiary on December 17, 1896.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read a third time, and passed.

CAPT. GEORGE VAN ORDEN, U. S. MARINE CORPS.

The next business on the Private Calendar was the bill (S. 568) for the relief of Capt. George Van Orden, U. S. Marine Corps.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the sum of \$291.37 be, and it is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and placed to the credit of Capt. (formerly First Lieut.) George Van Orden, U. S. Marine Corps, in the final settlement of his accounts as acting commissary of subsistence, United States Army, island of Guam, by the Auditor for the War Department, in lieu of government funds to the same amount which were stolen and embezzled by a clerk in the office of the commissary of subsistence, island of Guam, in the year 1901, on account of the theft of which sum the accounts of the said Capt. (formerly First Lieut.) George Van Orden, U. S. Marine Corps, are now suspended in the office of the Auditor for the War Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

LEGAL REPRESENTATIVES OF WILLIAM AND JAMES TAYLOR, DECEASED.

Mr. HOLLIDAY. Mr. Speaker, I ask unanimous consent to return to House resolution 513.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to return to House resolution 513, Calendar No. 764. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved. That the bill (H. R. 26312) for the relief of the legal representatives of William and James Taylor, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. MANN. Mr. Speaker, I withdraw my objection. The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The question was taken, and the resolution was agreed to.

JOHN M. M'DOWELL.

The next business on the Private Calendar was the bill (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all records of Council City recording district of the second judicial district of Alaska.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. McDowell, of Council City, Alaska, a sum not to exceed \$3,000, being for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MACON. I will withhold my objection if the gentleman cares to explain the bill.

Mr. MILLER. Mr. Speaker, this is a Senate bill. It has passed the Senate, and I can probably explain it better by reading the letter of the Attorney-General than by any statement that I might make. The letter, in brief, is this:

DEPARTMENT OF JUSTICE, Washington, January 25, 1907.

Washington, January 25, 1907.

My Dear Senator: I desire to submit for your consideration the following statement: It appears that about the spring of 1904 Judge Alfred S. Moore, of the second judicial district of Alaska, authorized Mr. J. M. McDowell, United States commissioner for the Council City recording district in Alaska, to prepare a new set of indices of all the records of said Council City recording district. It seems that owing to the inartificial character of the early records and the indices relating thereto the greatest inconveniences resulted to both mine and real-estate owners in the Council City district. It often became necessary, in looking up title to one single piece of property, to consult between 20 and 30 indices. Most of the early records were apparently kept in cheap notebooks and ledgers, and some of the indices were, in 1902, beginning to fall to pieces. Mr. McDowell seems to have spent a great deal of time in preparing these new records and indices, in accordance with the instructions of Judge Moore, and also went to an expense of about \$500 in employing assistance for this work.

There is no fund available under existing legislation to pay Mr. McDowell's claim of \$3,000. In my judgment, the claim is fair and provision should be made to meet it.

I also transmit herewith certain affidavits and other papers on which Mr. McDowell's claim is based.

Very truly, yours,

Charles J. Bonaparte. CHARLES J. BONAPARTE,
Attorney-General.

Hon. Clarence D. Clark, Chairman of the Judiciary Committee, United States Senate.

Mr. MACON. Now, I will ask the gentleman if the judge did

not have authority to direct this gentleman to do his work.

Mr. MILLER. He seems to have had no authority under the law. And I may say to the gentleman from Arkansas that he had the right to direct him to do the work, but he had no authority to do so.

Mr. MACON. Does the gentleman think it would be a wise policy for the Government to meet all the obligations that might be imposed against it by persons who were without authority to do so?

Mr. MILLER. No; I do not think so at all. But in view of the fact that this man was ordered by the court or appointed by the court

Mr. MACON. But the court had no authority, and therefore it had no more right to order this party to do the work than the gentleman from Kansas had.

Mr. MILLER. Possibly not, but this man that did the work

supposed the court had full authority to do it.

Mr. MACON. Must the Government suffer because of the mistakes, defaults, or misapprehensions or misdirections of

Mr. MILLER. In place of the Government being compelled to suffer in this case, the Government has received the benefit of the work done by this man, and is enjoying that benefit now by the use of these indices prepared by him.

Mr. MACON. You are sure the work ought to have been

Mr. MILLER. Certainly the work ought to have been done. They admit that, and the Government is now using them.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

J. M. BLOOM.

The next business on the Private Calendar was the bill (S. 1204) for the relief of J. M. Bloom.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum of \$118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of \$123 in postal funds by robbery of said post-office on the 10th day of February, 1897, and \$66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of \$118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

Mr. MANN Reserving the right to object. I would simply

Mr. MANN. Reserving the right to object, I would simply like to say this: I do not propose to detain the committee at this time, when there are many bills on the calendar, about a little claim like this that ought to be acted on. But the amounts in the bill are wrong. The man was credited with \$118 by the Post-Office Department, and the intention was to credit him with the balance. Instead of doing that, here we credit him with the amount he has already been credited with.

Mr. MILLER. Mr. Speaker, if that is true, I trust the gentleman from Illinois will move an amendment, because I think this ought to be amended if that statement is correct. This is a Senate bill.

That statement is correct. The beneficiary will Mr. MANN. receive by this bill a little less than he is entitled to, and probably it is his mistake.

Mr. MILLER. No objection.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

ELLA M. COLLINS.

The next business on the Private Calendar was the bill (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies.

Nev., for money expended for cherical assistance and supplies.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object.

Mr. MILLER. I wish to say to the gentleman that this was one of those exceptional cases where there was an unusual increase in the population. Two Postmasters-General, Mr. Cortelyou and Mr Meyer, have both indorsed the payment of this obein. claim.

Mr. MACON. But the idea is this: I want to find out from the gentleman if he thinks it would be a wise policy for the Government to meet all the obligations that might be imposed upon it by the postmasters throughout the country employing such assistance as they might think they needed without au-

thority of law? Mr. MILLER. Mr. MILLER. I will say frankly to the gentleman that I am inclined to think that ought to be the policy of the Government. I think the policy of the Government ought to be to pay to every postmaster who is required, when there is a change of population from 2,000 to 10,000 within the comparative short period of forty-eight to seventy-two hours, to go out and hire additional assistance to help to do the government work. I

Mr. MACON. Not in such cases. Has not the Post-Office Department the right to pay postmasters throughout the country additional compensation for clerk hire out of an emergency

fund?

Mr. MILLER. I think not, and they have never been paid. Mr. MACON. We appropriate an emergency fund for that very purpose every time we pass the post-office appropriation

Mr. MILLER. Well, this matter has been passed upon by the Post-Office Department, and two Postmasters-General say that this allowance ought to be made.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

GARRETT R. BRADLEY.

The next business on the Private Calendar was the bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Garrett R. Bradley, late postmaster at Tonopah, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$442.14, to reimburse him for money expended for necessary clerical assistance.

Mr. MACON. This is the same kind of a bill, Mr. Speaker; I will have to object.

Mr. MANN. Will the gentleman reserve his objection for just a moment?

Mr. MACON. Yes, sir; I will reserve the objection.
Mr. MANN. The gentleman and I feel very much alike upon
this proposition. There are two of these bills here. I went in and looked up the matter. These are two mining towns in Nevada where there was a great influx of population all at once. Under the postal laws it is not possible to increase the salary or the compensation or the clerical service of an office that jumps at once from a moderate fourth-class post-office to a higher grade of office.

In other words, it has to be determined by a certain period of time. There was no possibility for the Government to provide for the compensation for these two offices. On the other hand, it was either the duty of the postmasters there to deliver the mail properly or else to resign. If they had resigned they could secure nobody else to do the work. In addition to that—

Mr. MACON. Right there; does not the gentleman think that the Government would have taken a hand and furnished clerical exceptions of the secure of the content of the

ical assistance sufficient to have conducted the affairs of that

office rather than have it closed?

Mr. MANN. Permit me to say to the gentleman the Government could not conduct the affairs of the office without somebody there. Now, everybody in these two places was mining crazy, just the same as in other mining countries, and the people were not going there for the purpose of doing clerical work.

Mr. CLAYTON. The Government would not have permitted

the postmaster to resign under those conditions. Mr. MANN. Probably not; and the result would be-

Mr. CLAYTON. And his bond would be liable.
Mr. MANN. The result would probably be as I saw it at Montauk Point during the Spanish war, when there were thousands of soldiers there in hospitals, and no way of getting their mail; and I saw tons and tons and tons of mail piled up in a tent, and no one knew to whom it was to go, and no one attempted to distribute it, or deliver it, or to handle it in any way.

It was a crying shame to the Government. If either the gentleman or myself were at Tonopah, or had a son or relative at Tonopah, we would want to have the mail properly handled, and it could not be handled without help. I think on the pure merits the gentleman ought to withdraw his objection to the

former bill, and to let this go through.

Mr. MACON. Mr. Speaker, I have known the department to increase the clerks in different post-offices when the work got so heavy that the force then employed could not attend to it: and I can not understand why it ever becomes necessary for postmasters to take it upon themselves to employ clerks without the authority of the Government, unless it is that they want to take the work off their own shoulders and employ some one to do it, and rely upon the Government to reimburse them for having expended the money for their own pleasure and comfort.

Mr. MANN. The Post-Office Department could not have authorized this expenditure of money, because the law very properly prohibits a clerk-hire allowance to exceed \$1,000 in the class of offices to which this office belonged when the great influx of population went into the place. Now, before the class of the office could be changed under the law, which requires six months' time, the population was so great there that the clerical hire permitted to be given by the department could not do the work. The department states that very fact. I asked the department about these two cases, and they informed me that the only thing for a responsible government official, who was worth a whoop in a certain unpleasant place, was to take the responsibility of doing that which the department could not authorize, trusting to the generosity and good sense of Congress to reimburse him.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. There is objection. This can be met just as other cases have to be met that are on the Private Calendar.

They can be taken up and passed in their order.

The SPEAKER pro tempore. The gentleman from Arkansas objects. The Clerk will report the next bill.

FARMERS AND MERCHANTS' BANK OF MANDAN, N. DAK.

The next business on the Private Calendar was the bill (S. 3723) for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Farmers and Merchants' Bank of Mandan, N. Dak., the sum of \$57, being the amount of money which was contained in registered letter No. 65130, addressed to said bank by the United States Treasurer at Washington, D. C., February 28, 1905, and destroyed in the burning of a postal car near Hyndman, Pa., March 1, 1905.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

IMPORTATIONS OF ABSINTHE AND KIRSCHWASSER.

The next business on the Private Calendar was the bill (S. 3808) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June

of absintne and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to refund to Messrs. Luyties Brothers, of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$3,830,50, for certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The SPECIFER Company of the property of these chication to the pro-

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

GEORGE Q. ALLEN.

The next business on the Private Calendar was the bill (S. 4435) for the relief of George Q. Allen.

The bill was read.
The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MAJ. G. S. BINGHAM.

The next business on the Private Calendar was the bill (S. 6891) for the relief of Maj. G. S. Bingham.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. G. S. Bingham a sun equal to the amount of pay withheld from said officer because of his acceptance of the single-screw quartermaster steamer General Joseph E. Johnston, and no pay shall be hereafter withheld from said officer on that account.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

CHRISTINA ROCKWELL.

The next business was the bill (S. 7390) for the relief of Christina Rockwell.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is
hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christina Rockwell, surviving widow
of O. P. Rockwell, the sum of \$1,073.13, said sum being due the said
O. P. Rockwell, and never paid, as a mail contractor for star mail service in Utah during the contract term July 1, 1862, to June 30, 1866.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MACON. Mr. Speaker, I should like to have an explanation of that. I reserve the right to object.

Mr. MILLER. I yield to the gentleman from Utah [Mr.

Howell] to explain the matter.

Mr. HOWELL of Utah. Mr. Speaker, the basis of this claim is found in a letter of the Auditor of the Post-Office Department. It seems that Mr. Rockwell was mail contractor for several routes in Utah. For some reason he failed to send in proper youchers, and his accounts were never settled. There remains to his credit on the books of the auditor of the department the sum of \$1,073.13. He is now dead, and the bill is to enable the Post-Office Department to pay this sum to his widow.

Mr. MACON. Do the accounts in the Post-Office Department

show that he is entitled to this amount?

Mr. HOWELL of Utah. The auditor certifies to the amount carried in the bill as standing to his credit.

Mr. MACON. And the only reason they can not pay it is because they have not the proper vouchers?

Mr. HOWELL of Utah. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PAYMENT TO RELIGIOUS ORDERS OF THE CATHOLIC CHURCH, PHILIP-PINE ISLANDS.

The next business on the Private Calendar was the bill (H. R. 26228) to provide for payment of the claims of the Augustinians, the Dominicans, the Recoletos, and the Franciscans, religious orders of the Roman Catholic Church in the Philippine Islands.

The Clerk read the bill at length.

The SPEAKER. Is there objection? Mr. MACON. I reserve the right to object.

Mr. HACKNEY. I object.

PENSION TO SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next business on the Private Calendar was the bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill at length.

Mr. MACON. I would like to make an inquiry as to how The SPEAKER. Everything on the Private Calendar is in order, and that is where the pension bills go.

Mr. SIMS. If this is a pension bill, I object. We have two

days in the month for pension bills, and it can be considered on one of those days.

JAMES W. SEARS.

The next business on the Private Calendar was the bill (H. R. 21029) for the relief of James W. Sears.

The Clerk read the bill, as follows:

The Clerk read the Dill, as Iollows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Sears (now residing at Albion, in the State of Michigan) the sum of \$3,000, being in full for the payment of the canal boat P. G. Dennison, owned by said Sears, but which was destroyed by fire at the port of New York in the year 1863, the said boat at that time being loaded with government stores, having been impressed and taken by the officers of the United States for the use of the Government. The sum of \$3,000 is hereby appropriated to pay the said James W. Sears for the loss of his property out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES EASSON.

The next business on the Private Calendar was the bill (H. R. 16854) for the relief of James Easson.

The Clerk read the bill, as follows:

The Cierk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Easson, of Racine, Racine County, Wis., out of any money in the Treasury not otherwise appropriated the sum of \$300 being the sum unlawfully collected from him by the board of enrollment, namely, \$300, to furnish a substitute when drafted for service in the army, he not being a citizen of the United States at the time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM P. BIRD.

The next business on the Private Calendar was the resolution (H. Res. 518, in lieu of H. R. 19873) referring to the Court of Claims the claim of the legal representatives of William P. The resolution was read, as follows:

Resolved, That the bill (H. R. 19873) for the relief of the legal representatives of William P. Bird, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

CARL G. AND JOHN PALM.

The next business on the Private Calendar was the resolution (H. Res. 519, in lieu of H. R. 27253) referring to the Court of Claims the claim of Carl G. and John Palm.

The resolution was read, as follows:

Resolved, That the bill (H. R. 27253) for the relief of Carl G. and John Palm, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

JOHN B. DE BORD.

The next business on the Private Calendar was the resolution (H. Res. 521, in lieu of H. R. 21420) referring to the Court of Claims the claim of John B. De Bord.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21420) for the relief of John B. De Bord, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PHILADELPHIA COMPANY.

The next business on the Private Calendar was the bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Philadelphia Company, of Pittsburg, Pa., out of any money in the Treasury not otherwise appropriated, any statute of limitations to the contrary notwithstanding, the sum of \$2,741.60, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MILLER. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. MILLER. Mr. Speaker, I rise to ask unanimous consent that calendar numbers 1152 and 1153, being bills (S. 2911) for the relief of the Columbus Gas and Fuel Company and (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio, may be taken upon and considered at this time. These are exactly the same kind of bills. The gentleman from Georgia [Mr. EDWARDS], who objected, has withdrawn his objection, and I will make the same request in any other case that may be presented.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object to going back at this me. We will have an opportunity of reaching them in the regular way.

The SPEAKER. The gentleman from Arkansas objects.

G. W. HOWLAND.

The next business was the resolution (H. Res. 522) referring to the Court of Claims the claim of G. W. Howland.

The resolution was read by the Clerk.

The resolution was read by the Clerk.

The SPEAKER. Is there objection?

Mr. LAW. Mr. Speaker, I ask unanimous consent that that resolution be laid upon the table.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none, and it is so ordered.

W. P. DUKES.

The next business was the bill (H. R. 7157) for the relief of W. P. Dukes, postmaster at Rowesville, S. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. P. Dukes, the sum of \$74.36, the amount stolen from him while postmaster at Rowesville, Orangeburg County, S. C.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I simply want to make this statement. The report says that the Post-Office Department refuses to allow this man's claim simply on the ground that he did not keep the stamps in a safe. I do

not wish that report to go into the files of Congress unchallenged, because that is an error on the part of the gentleman who wrote the report. The Post-Office Department makes no such rule as that at all.

Mr. CANDLER. Mr. Speaker, I wrote the report, and I want to state that the Post-Office Department did say that in a letter,

and I took it out of the letter myself.

Mr. MANN. I have no objection to the claim being passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

ROBERT GRAHAM

The next business was the resolution (H. Res. 525) referring to the Court of Claims the claim of Robert Graham.

The resolution was read, as follows:

Resolved, That the bill (H. R. 27336) for the relief of Robert Graham, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to.

ANGELINE C. BURGERT.

The next business was the bill (H. R. 25064) for the relief of Angeline C. Burgert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Angeline C. Burgert the sum of \$157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad, applicable to bond No. 209, issued by the Painesville and Youngstown Railroad Company and owned by her, out of the sum of \$473.22 deposited in the United States Treasury on December 1, 1898, by Irving Belford, clerk of the United States circuit court, to the credit of the Treasurer of the United States circuit court, to the credit of the Treasurer of the United States with the National Bank of Commerce of Cleveland, Ohio, on account of unclaimed funds, as per certificate of deposit No. 201, which said deposit was covered into the United States Treasury, by a miscellaneous receipt, by warrant No. 2274, second quarter of the Year 1899.

The SPEAKER. Is there objection? [After a pause.] Chair hears none. The question is on the engrossment and

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

JOHN W. SAVILLE.

The next business was the bill (H. R. 8276) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.
The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. Mr. HOLLIDAY. I reserve the right to object. That is the

same kind of bill that objection was made to a little while ago. Mr. DAWSON. Does the gentleman from Indiana intend to object to the bill?

Mr. HOLLIDAY. Yes.

Mr. DAWSON. Regardless of any explanation that is to be

Mr. HOLLIDAY. I will listen to the explanation Mr. DAWSON. I do not want to attempt to convince the gentleman against his will. The purpose of this bill is simply to undo what was done by special act in the case of this man in the year 1884. By reason of the passage of that special act in 1884, which advanced him one grade, he is deprived under the general law of an advancement which this bill seeks to give him, and if the bill which was passed in 1884 had not been passed in his case, then this special act would not be necessary.

Mr. MANN. This beneficiary received a special act of Congress in 1884, and, as I understand it, enjoyed the benefits of

that special act from 1884 to 1906. He had that benefit?

Mr. DAWSON. Yes. Mr. MANN. Now he Now he says that that special act is no benefit to him since 1906. Does the gentleman not think that he has had benefit long enough when he had the benefit of a special act for twenty-two years, without seeking to take up the time of the House to pass two bills for one man, when most people can

not get time enough granted to pass one bill?

Mr. DAWSON. This gentleman received no benefit to which he was not entitled. As a matter of fact, this man was a chief engineer, and when the time came for him to be examined with a view to his advancement one grade he was stationed on the Asiatic Station in China. By reason of his situation there and the exigency of the service the department was unable to allow him to take his examination when he had a right to be examined, and so by reason of this delinquency this officer was denied that right through no fault of his own. The report sets forth the facts succinctly, as follows:

forth the facts succinctly, as follows:

On January 21, 1871, Passed Assistant Engineer Sayille was transferred to the retired list as a second assistant engineer for physical disability, which was due to an incident of the service, after having had creditable civil-war service.

By an act of Congress passed in 1884 he was commissioned as passed assistant engineer on the retired list from June 19, 1884. He was entitled to promotion to the grade of passed assistant engineer prior to the date of his retirement, but owing to the fact that he was then serving in China, he could not be examined for promotion until some time subsequently, when he was found physically disabled in the line of duty and was retired without promotion. The act of 1884 gave to Mr. Saville only what he was entitled to had he been examined when his vacancy became due and had he not been found physically disqualified. This special act of 1884, however, excluded Mr. Saville from participating in the benefits conferred on officers with creditable civil-war service under the act of June 29, 1906, by reason of a proviso in that act as follows:

"That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement."

If this bill becomes a law, Mr. Saville will receive no further advancement than he would have received had he not been advanced by the special act of Congress in 1884. The bill carries no provisions for back pay.

Mr. MANN. Well, the law did not allow it.

Mr. MANN. Well, the law did not allow it.

Mr. DAWSON. The law did give the advancement to him, but the department, by reason of the exigencies of the service, did not permit him to have his examination when the law

Mr. HOLLIDAY. Mr. Speaker, in order to save the time of the House, I object.

JAMES C. M'FARLAND.

The next business on the Private Calendar was the resolution (H. Res. 528) for the relief of James C. McFarland and his heirs.

The Clerk read as follows:

Resolved, That the bill (H. R. 27232) for the relief of James C. McFarland and heirs, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

REIMBURSEMENT FOR DAMAGES, ETC., AS RECOMMENDED BY LIGHT-HOUSE BOARD.

The next business on the Private Calendar was the bill (H. R. 20165) to reimburse various persons for damages and losses as recommended by the Light-House Board.

The bill was read.

The SPEAKER. Is there objection?
Mr. MURDOCK. Mr. Speaker, I object.
The SPEAKER. The gentleman from Kansas objects.
Mr. CHANEY. Mr. Speaker, I suggest that the next pension bills be passed, as there are several other claims to be taken up. Mr. MILLER. Mr. Speaker, I ask the gentleman from Kan-

sas to reserve his objection in order that the matter may be explained.

Mr. MURDOCK. Oh, not at all; I do not withdraw my objection.

Mr. MILLER. Have you objection to the bill on its merits? Mr. MURDOCK. I think the bill ought to go over and be considered later

Mr. MILLER. Mr. Speaker, I suggest that the pension bills be passed over without prejudice.

The SPEAKER. Without objection, the pension bills on the

calendar will be passed without prejudice.

Mr. SIMS. Mr. Speaker, I made objection to H. R. 27249, being a pension bill. I did not know at the time that other pension bills had been reached and passed, as I intended to object to all of them; so that if that has been done, I will withdraw that objection.

The SPEAKER. The gentleman from Indiana [Mr. Chaner] has requested that the other pension bills on the calendar be

passed without prejudice.

The Clerk will report the next bill.

MERRITT & CHAPMAN DERRICK AND WRECKING COMPANY.

The next business on the Private Calendar was the bill (H. R. 24131) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company.

The SPEAKER. Is there objection?

MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it is the custom of the Committee on Claims to refer claims to departmental officers with power to pay the same. I do not remember any other bill having been before Congress in years where we provided that the bill shall be sent to the head of the department, with authority, practically, to pay it.

Mr. MILLER. I will yield to the gentleman from Utah [Mr.

HOWELL]

Mr. HOWELL of Utah. Mr. Speaker, there is no question as to the collision occurring through the fault of the Government. The steamer that was injured was at anchor and the government steamship ran into it. The only question before the committee was as to the amount of damage. There has been a board of survey, which reported upon the character of the damage, but not as to the amount of the damage. In this bill we authorize the Secretary of War to pass upon that survey and fix the amount of damage within the limit of \$1,800. The wrecking company have put their damages at \$1,800, but the committee did not feel justified in accepting that amount, but deemed it safer to leave to the Secretary of War the determination as to the amount of damage actually inflicted upon the injured vessel.

Mr. MANN. I can see a reason for taking care of the claim, and undoubtedly that ought to be disposed of, but does the gentleman think that is a good precedent to establish, where a claim is presented before the Congress that Congress shall refer it to the Secretary of War, or to the Secretary of Agriculture, or to the Secretary of Commerce and Labor, or some other official

of the Government, with authority to audit the claim?

Mr. HOWELL of Utah. I think it is a common practice to give wide discretion to the heads of departments. They have the expenditure in some instances of millions of dollars, to be expended at their discretion, and we did not feel it was a dangerous precedent to allow the Secretary of War, in a case where the Government was clearly at fault for damages, to fix the amount of such damage, especially when we limited his discretion to the amount that is claimed by the persons who were injured.

Mr. MANN. Well, you have not made any limit here, as far as that is concerned.

Mr. HOWELL of Utah. It is not to exceed \$1,800.

Mr. MANN. We appropriate not to exceed \$1,800, but you authorize the Secretary to audit \$25,000, and then it comes regularly in an appropriation bill. Now, it seems to me a very dangerous precedent to refer claims, not to the Court of Claims, not to the Committee on Claims, but to any officer you happen to select in a given department of the Government.

Mr. WALDO. Will the gentleman propose an amendment in few words making such a limitation as he thinks ought to be

there?

Mr. MANN. My own suggestion would be to have him report

back to Congress

Mr. HOWELL of Utah. The Secretary of War has already reported in favor of the claim, recommending that it be allowed. It is a just obligation against the Government. master-General also recommends the appropriation of eighteen hundred dollars as a reasonable amount for the damage inflicted. But we felt it ought to be referred to the Secretary of War for a fuller investigation of the damages, as there is some conflict in the papers as to what the damages actually are.

Mr. MANN. I will not object to the consideration of this bill, but I will object so far as its making a precedent is con-

cerned.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Utah a question: Is the gentleman on the Committee on Claims?

Mr. HOWELL of Utah. I am. Mr. COOPER of Wisconsin. I understand that the claim under consideration is for damages resulting from a collision?
Mr. HOWELL of Utah. Yes, sir.

Mr. COOPER of Wisconsin. And you propose to leave it entirely to the discretion of a department official to adjust it at an amount not to exceed \$1,800? The other day I had before your committee a claim for a man who fell through a rotten plank, broke five ribs, broke one of his legs in three places, broke his fingers, and was unconscious for twelve days. Your committee refused to take it up although the Assistant Attorney-General of the United States, in his brief, said that the man ought to be paid and ought to have \$5,000. I object.

BANK OF FREEBURG, MO.

The next business on the Private Calendar was the bill (H. R. 27221) for the relief of the Bank of Freeburg, of Freeburg, Mo. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Bank of Freeburg, of Freeburg, Mo., the sum of \$200, being the amount of money which was contained in registered letter, No. 86, addressed to Joseph Wolff, at Argyle, Mo., and destroyed in the burning of the post-office at Argyle, Mo., December 11, 1907.

Also the following committee amendment:

In line 5 strike out the words "two hundred" and insert in lieu thereof the words "one hundred and seventy-five."

The SPEAKER. Is there objection to the consideration of the hill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

RICHARD A. PROCTOR.

The next business on the Private Calendar was the bill (S. 655) for the relief of Richard A. Proctor.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richard A. Proctor, out of any money in the Treasury not otherwise appropriated, the sum of \$300, for use of lands near Fort D. A. Russell, Wyo., as part of the target range during the seasons of 1906 and 1907.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

CADMUS E. CRABILL.

The next business on the Private Calendar was the bill (S. 7325) for the relief of Cadmus E. Crabill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster-General be, and is hereby, authorized and directed to credit Cadmus E. Crabill, postmaster at South Bend, Ind., with the sum of \$18,653.50, being the amount of postage stamps and stamped paper belonging to the Post-Office Department of the United States stolen from said Cadmus E. Crabill by robbers on the 15th day of November, 1908, it appearing that said loss was without fault or negligence on the part of said postmaster.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

DAVID H. DICKINSON.

The next business on the Private Calendar was the bill (H. R. 27342) to amend the military record of David H. Dickinson,

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That David H. Dickinson, late a private of Company G, Twenty-second Regiment New York Volunteer Cavalry, shall be held and considered to have been honorably discharged from said company and regiment on August 9, 1865: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act: And provided further, That from any pension he may hereafter show himself entitled to there shall be no deduction or rebate on account of former alleged erroneous payments of pension.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. NORRIS. Reserving the right to object, I would like to hear from some member of the committee to explain this bill.

Mr. HOLLIDAY. Mr. Speaker, the report is very volumi-The record shows that this man was a soldier in the civil war, and a splendid one, with an excellent military record. He served one term of enlistment and got along very nicely. In the second term of enlistment the officer in command seemed to be something of a martinet, and upon one occasion, for a trifling infraction of the rules, the officer commanding his regiment directed one of his comrades to be tied up by his thumbs. He was tied in a position where he suffered great agony, and kept there a good while, for a mere trifling infraction of military discipline. The particular soldier mentioned in this bill, accompanied by 15 or 16 other fellows, cut him down, and they were charged with insubordination, convicted, and sent to prison; served a short time in prison and were released on the expiration of their sentence.

Mr. Speaker, I have gone through that record carefully, and I am satisfied there is not a man in this House who would not have done the same thing under the same circumstances. think we ought to set the seal of approval on this soldier.

Mr. NORRIS. Is this one of the soldiers that cut the other

soldier down? Mr. HOLLIDAY. This is one of the soldiers to other soldier down. That is all he is charged with. Thig is one of the soldiers that cut the

Mr. NORRIS. Is he the only soldier involved in this bill?

Mr. HOLLIDAY. The only soldier. I think the rest are all Mr. NORRIS. I have heard it said that this bill was very

similar to the one that was vetoed by the President recently. Mr. HOLLIDAY. It does not bear the slightest resemblance to the one that was vetoed.

Mr. NORRIS. I have no objection.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The next business on the Private Calendar was the bill (S. 4312) for the relief of William E. Moses.

The bill was read, as follows:

The bill was read, as follows:

**Be it enacted, ctc., That the Commissioner of the General Land Office be, and he is hereby, authorized to reconvey, by proper deed of conveyance, all title which the said William E. Moses had vested in the United States Government to the following-described lands: S. ½ S. ½ SW. ½ SC. 5, T. 7 S., R. 74 W., Colorado, 30 acres; SW. ½ SB. ½ SI. ½ SE. ½ SW. ½

The SPEAKER. Is there objection?

Mr. MANN. I will reserve the right to object to that bill. I would like to know why it is we are asked by the Committee on Public Lands to give away title to the property described here covering three or four pages?

Mr. FRENCH. Mr. Speaker, as I reported that bill, I will

briefly explain it.

Mr. MANN. I hope the gentleman will explain it more than

it is in the report.

Mr. FRENCH. Under the act of June 4, 1897, certain lands that had been patented and which were embraced within forest reserves could be surrendered, and those who surrendered the lands would receive the right to make lieu selection.

Now, Mr. Speaker, Mr. Moses surrendered this land and issued a deed in favor of the United States and had it recorded. After that was done the Government found itself in this position: It found some irregularities in the abstract, and before they could be corrected, or assuming that they could not be at all corrected, the Government declined to issue the right of lieu selection before the law was modified. Now the Government finds itself in the position that it can neither return the land nor issue the right to select lieu lands.

Mr. MANN. Who recorded the deed?

Mr. FRENCH. It is recorded in the county in which the land is situated.

Mr. MANN. Who filed the deed for record?

Mr. FRENCH. Mr. Moses, who wanted to surrender the land. Now, the law itself-

Mr. MANN. Is that the custom, for the grantor to file the deed?

Mr. FRENCH. He filed the deed at the time of making application to surrender the land and to receive the right to make lien selections.

Mr. MANN. Apparently the Government had never examined the title, because the bill requires the man to furnish an abstract of the title to the land. If they had already examined the title and had an abstract, why should the law propose to require him to furnish another abstract?

Mr. FRENCH. Well, on that point I do not know. The Secretary himself is in favor of this bill. He finds himself in the position of being neither able to accept the land nor to issue the

lieu selection right therefor.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time. and passed.

JOHN V. VICKERS.

The next business on the Private Calendar was the bill (S. 4313) for the relief of John V. Vickers.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to reconvey, by proper deed of conveyance, all title which the said John V. Vickers has vested in the United States Government to the following-described land, to wit: SW. ½ NE. ½ and SE. ½ NW. ½ and the W. ½ SE. ½, sec. 26, T. 10 S., R. 68 W. of the sixth principal meridian, Colorado, embracing 160 acres: Provided, That the said John V. Vickers makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title together with the deed of conveyance to the United States of the General Land Office.

The SEFAKER Let there exhibitories? Lafter a person of the conveyance to the United States of the General Land Office.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

FRANCISCO KREBS.

The next business on the Private Calendar was the bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs, his heirs and assigns, be, and he is hereby, confirmed in his title to that part of Round Island, in the State of Mississippi, situated in secs. 33 and 34, T. 8 S., R. 6 W., east of Pearl River, containing approximately 60.85 acres, and being a part of the land granted by the Spanish Governor Grimarest to Francisco Krebs, on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala., the residue of said Island, to wit: All of fractional secs. 3 and 4, T. 9 S., R. 6 W., east of Pearl River, and containing, respectively, about 16.50 and 33.44 acres, set forth and reserved by executive order of President McKinley, dated September 3, 1900, being expressly hereby excepted from the terms of this act, the same being reserved by the United States for light-house purposes: Provided, That nothing in this act of confirmation shall affect the claim or claims of any other person or persons to the said land hereby confirmed to said Francisco Krebs, his heirs and assigns, or any part thereof derived from the United States or any source whatever.

SEC. 2. That nothing in this act contained shall be construed to prevent the authorities of the United States from cutting and removing trees or other growth on any part of said island which may in any wise obscure the light from the light-house situate on said island or obstruct the view thereof, and no structure of any character whatever shall ever be erected or permitted on any part of said island at such place or in such manner as to obstruct or obscure said light, and the authorities of the United States shall at all times have the right to remove and abate any and all obstructions to the clear, full, and perfect view thereof, without incurring any liability whatever for so doing.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to attract the attention of the gentleman who introduced the bill to the fact that apparently the bill proposes to confirm title to a certain piece of property in the party now claiming title, and at the same time reserves to the Government the right of control to a certain extent over it. The two propositions are entirely inconsistent.

Mr. BOWERS. Mr. Speaker, my attention had been brought to that defect, and I have drafted an amendment, making the acceptance an acceptance of all conditions that are imposed on the title, and making it run with the land.

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a new section:
"SEC. 3. The application for a patent hereunder and acceptance of same shall be held to be an acceptance by the claimant of all the terms and conditions of this act, which shall run with the land."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM BOLDENWECK.

The next business on the Private Calendar was the bill (S. 890) for the relief of William Boldenweck, assistant treasurer of the United States at Chicago.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in settling the accounts of William Boldenweck, assistant treasurer of the United States at Chicago, to pass to the credit of said Boldenweck the sum of \$173,000, being the sum which was stolen from the subtreasury at Chicago during the year 1907.

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. Mr. Speaker, for the reasons stated in the minority views on this case, I object.

Mr. BOUTELL. I think perhaps the gentleman will with-draw his objection. I hope he will reserve the objection, with a possibility of ultimately withdrawing it.

Mr. SHACKLEFORD. I will reserve it.

Mr. BOUTELL. I do not know that anything I can state will add to what is so well stated in the report of the majority; but this is a Senate bill, recommended by the Treasury Department, and favorably reported by the proper committee of this House. Under these circumstances I very much hope that the gentleman from Missouri will let this go to a vote.

Mr. SHACKLEFORD. Mr. Speaker, the gentleman says the affirmative side of this question has been well expressed in the majority report. I believe I could not express myself better than I have in the minority report which I and others have filed

in this case.

Mr. BOUTELL. Let me suggest to the gentleman from Missouri, we are getting toward the end of the session; we will not observe the 5 o'clock hour. We are within four or five bills of the end of the calendar. Why not have a vote on this on its merits?

Mr. SHACKLEFORD. I believe, Mr. Speaker, I shall feel constrained under the circumstances, much as I regret it, to object.

Mr. BOUTELL. I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. SHACKLEFORD. I make a point of order against that

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. CLARK of Missouri. Was it not agreed that all of this calendar should be gone through with where the bills were not objected to? That was the rule.

The SPEAKER. The Chair is not aware of any agreement. Mr. CLARK of Missouri. That is the regular order.

Mr. BOUTELL. If there was any agreement, it was while the gentleman from Illinois was not on the floor.

Mr. CLARK of Missouri. It was the rule itself that was passed.

Mr. MACON. The special order.

The SPEAKER. The Chair will inquire of the Clerk's desk: Has there been an agreement in the House changing the terms of the special order during the session to-day? The Chair is informed that no such agreement has been made.

Mr. SHACKLEFORD. Is not the gentleman's motion out of

order under the rule itself?

The SPEAKER. It is not: for the reason that when the rule was agreed to that question was raised and properly settled by a statement as to the effect of the rule, by the gentleman from Illinois [Mr. Mann], that it was quite in the power of the House, if it saw proper to do so, on motion at any time to resolve itself into the Committee of the Whole House for consideration of bills on the Private Calendar. The question is on the motion of the gentleman from Illinois [Mr. BOUTELL].

The question being taken, the motion was rejected.

The SPEAKER. The Clerk will report the next bill.

DANIEL W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry. The bill was read, as follows

Be it enacted, etc., That Daniel W. Abbott be, and he is hereby, empowered to make entry of and acquire title to the south half of the southeast quarter and the south half of the southwest quarter of section 6 in township 10 south, range 28 east, Boise meridian, under the general provisions of the homestead laws of the United States, notwithstanding he may have heretofore exhausted his right to make entry under said laws, and he shall be given credit, under any entry made by him under this act, for the full period of such actual residence as he may have maintained on said land prior to the time he makes entry under this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

The next business on the Private Calendar was the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, with amendments of the Senate thereto, reported from the Committee on War Claims with sundry Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. NORRIS. The bill has not been read.

Mr. MANN. Mr. Speaker, the bill should be read first. Mr. HASKINS. I call for the reading of the report. The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, the bill has not been read.

The SPEAKER. The bill covers many scores of pages.

Mr. MANN. It seems to me I might as well object. Undoubtedly we shall have to take that up another day. The Senate amendments represent 175 printed pages

The SPEAKER. The amendments will be read, unless there

is objection.

Mr. MANN. Under the circumstances at present, I will object. Mr. HASKINS. All I ask is to have a short report read. We do not ask to have the bill read.

The SPEAKER. The amendments can not be acted upon

without being read.

Mr. SIMS. I will ask the gentleman to withhold his objection

for a moment

The SPEAKER. The rulings of the present occupant of the Chair and, in so far as the Chair recollects, of all former Speakers, have been that a bill or an amendment must be read at some stage before it is acted upon.

Mr. SIMS. I realize that, but I want to make a statement, as briefly as possible, after which I think there will be no objection made. Will the gentleman from Illinois withhold his

objection for a moment?

Mr. MANN. I am willing to reserve the right to object.
Mr. SIMS. Mr. Speaker, I want to state to the membership of the House that this is an omnibus war claims bill. As it passed this House, it had nothing in it but court findings. went to the Senate and has been amended and comes back with more than \$2,000,000 increase. It comes back as a Senate amendment, The Senate having struck out the entire House bill and then put in the House items and Senate additions as one amendment. It is utterly impossible for it to be considered in this House, read and considered, item by item, discussed, and voted upon at this late hour. Therefore the demand for the reading of this bill of about 200 pages at this time means the death of the bill. There will be no other opportunity to consider this bill after to-day. There is no more than time now for the conferees to consider it properly and thoroughly, if sent to them at once. If it can not go to conference without reading the bill in full at this time, it is very clear that it can not be passed at this session of this Congress.

The SPEAKER. Is there objection?
Mr. MANN. Mr Speaker, reserving the right to object for a moment, this bill can easily be passed by the Senate receding from its amendment without a conference. All they have got to do is to ask that the bill be returned to the Senate. When the bill passed the House, it was distinctly stated in the House that if when it came back it should be loaded up with page after page of propositions concerning which no one in the House was

informed, it would meet with every proper objection.

If the Senate desires to pass the bill which was passed by the House, let them pass it in that shape. If they have claims which the Senate thinks ought to be allowed, let them pass a Senate bill and send it over here, and, so far as I am concerned, I am perfectly willing to help consider it on its merits. Here are 25 pages originally of this bill, and now there are 212.

Like every other Member of the House I am flooded with re-

quests from people in my territory who have claims in the bill, some of which are possibly and probably meritorious, and some of which I know are not meritorious. Most of them are claims that have been persistently pushed; many of them are claims concerning which the Committee on War Claims has never had jurisdiction, and probably never had any knowledge; and when the conference committee would be agreed to naturally it would be composed of members of the Committee on War Claims, although probably one-half of these Senate claims in the Senate amendments relate solely to claims that would go to other committees.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JAMES A. PAULK.

The next business on the Private Calendar was the bill (H. R. 4168) to carry out the findings of the Court of Claims in the case of James A. Paulk.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,390 to James A. Paulk, of Bullock County, Ala., being the amount found due him by the Court of Claims on January 29, 1906.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN T. RIVETT.

The next bill on the Private Calendar was the bill (H. R. 23699) to grant to John T. Rivett the privilege to make commutation of his homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That John T. Rivett be, and he is hereby, granted the privilege at his option to make commutation of his homestead entry of the SW. 4 of sec. 28, in T. 22 N. R. 50 W., sixth principal meridian, in the State of Nebraska, as provided by law for the making of commutation of homestead entries.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORVILLE WRIGHT AND WILBUR WRIGHT.

The next business on the Private Calendar was Senate joint resolution 119, authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

The joint resolution was read.

The SPEAKER. Is there objection? Mr. HACKNEY. I object.

Mr. MILLER. Mr. Speaker, I desire to ask unanimous consent to return to page 31 of the calendar for the purpose of correcting an error.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Mr. MILLER. The bills, Calendar Nos. 1152 and 1153, were objected to at the time by the gentleman from Georgia [Mr. Edwards] under a misapprehension of the facts as to the nature of the bills. He afterwards withdrew the objection, but is not now on the floor of the House. We have since passed one bill of exactly the same kind coming from the Ways and Means Committee. I ask that these bills may now be passed.

The SPEAKER. The Clerk will report the bill.

COLUMBUS GAS AND FUEL COMPANY

The Clerk read as follows:

A bill (S. 2911) for the relief of the Columbus Gas and Fuel Company. Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of money not otherwise appropriated, to the Columbus Gas and Fuel Company, of Columbus, Ohio, successors to the Central Ohio Natural Gas and Fuel Company, of Columbus, Ohio, any statute of limitations to the contrary notwithstanding, the sum of \$1,820.81, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the

Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

LOGAN NATURAL GAS AND FUEL COMPANY.

The Clerk read as follows:

A bill (8. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Logan Natural Gas and Fuel Company (Incorporated), of Columbus, Ohio, the sum of \$184.45, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

LEVI J. BILLINGS AND HEIRS OF JAMES H. DOYLE.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent to return to page 30 of the calendar and take up Calendar Nos. 1102, 1104, being the bills (H. R. 8739) for the relief of Levi J. Billings and (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased.

The SPEAKER. Is there objection?
Mr. HACKNEY. Mr. Speaker, I object.
Mr. DALZELL. Oh, I hope the gentleman will withdraw his objection or withhold it for a moment.

Mr. HACKNEY, I object.
Mr. DALZELL. I do not believe the gentleman has read the report or else he would not object.

The SPEAKER. The Chair will state that we have concluded the calling of the Private Calendar, and this is a request for unanimous consent to return to certain bills indicated. Of course, objection would be in order if the gentleman desires to object.

Mr. HACKNEY. I demand the regular order. Mr. HASKINS. Mr. Speaker, the regular order is finishing

the Private Calendar.

The SPEAKER. The Chair is of opinion, under the terms of the order, which is that it shall be in order in the House, as in the Committee of the Whole House, to consider all bills on the Private Calendar to the consideration of which no objection is made, that bills having been called and objection being made, under the construction of that order it would require unanimous consent to return to them.

MILLE LAC BAND, CHIPPEWA INDIANS.

Mr. BEDE. Mr. Speaker, I have a bill which was passed without prejudice and not objected to—the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes-which I now call up and ask the Clerk to read.

The SPEAKER. The Clerk will read the bill,

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, given jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians, in the State of Minnesota, against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation, in the State of Minnesota, embracing about 61,000 acres of land, to public settlement under the general land laws of the United States; and from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed: Provided, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Mille Lac band of Indians, and the same shall be paid out of any sum or sums found due said band or to the Chippewa Indians of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The

The SPEAKER. Is there objection? [After a pause.] Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

ADMINISTRATION OF JUSTICE IN THE NAVY.

The SPEAKER laid before the House the bill (H. R. 6252) to promote the administration of justice in the navy, with a Senate amendment thereto.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

Mr. UNDERWOOD. I object to that. I think the amendment ought to be read.

The Senate amendment was read.

Mr. ROBERTS. Mr. Speaker, I move to disagree to the amendment of the Senate and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I want to ask the gentleman from Massachusetts to explain, before the House disagrees to the Senate amendment, what is the difference between the Senate amendment and the House bill? Wherein do they differ?

Mr. ROBERTS. Mr. Speaker, I have not had an opportunity to compare the two bills sufficiently to indicate every point of difference. There are several vital points of difference, and one particularly in section 13, with regard to the use of depositions in court-martial cases. The House Committee on Naval Affairs considered that provision of the departmental bill very carefully, and we concluded it was not wise to allow unrestricted use of depositions in criminal cases.

The Senate bill which has just been read, and which was put on to our bill as an amendment, contains that provision with regard to the use of depositions, and it is largely for that reason that we desire to get the matter into conference to adjust that

Mr. UNDERWOOD. I want to ask the gentleman if the Senate bill does not allow it to be optional with the defendant as to whether he shall be tried before a deck court-martial or a regular court-martial, and what provision has the House bill on that subject?

Mr. ROBERTS. There was a provision in each bill with regard to the rights of an enlisted man giving him a privilege of objecting to the deck court if he saw fit. As I say, Mr. Speaker, I have not compared the bills carefully enough as yet to say just wherein the two provisions with regard to that portion differ.

Mr. UNDERWOOD. The rights on that proposition are reserved in both bills.

Mr. ROBERTS. Oh, certainly; the rights of the enlisted men are reserved in both bills.

The question was taken, and the motion was agreed to. The Chair announced the following conferees:

The Clerk read as follows:

Mr. ROBERTS, Mr. DAWSON, and Mr. PADGETT.

GOVERNMENT HOSPITAL FOR THE INSANE

Mr. OLCOTT. Mr. Speaker, I ask unanimous consent to continue the remarks I made in regard to H. R. 12898 in the

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record upon the bill indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. OLCOTT. Mr. Speaker, on Friday, January 29, the gentleman from Florida [Mr. Clark] made a speech on the floor of this House attacking the provisions of a bill which I introduced (H. R. 12898) to change the proceedings regulating the

admission of patients to the Government Hospital for the Insane, and also attacking the report of the special committee appointed in the Fifty-ninth Congress to investigate the management of the Government Hospital for the Insane, of which committee I had the honor to be chairman.

I greatly regret that the gentleman saw fit to make his speech during my absence from the House, especially in view of the fact that when the bill was on the calendar, on the 14th day of December, 1908, owing to the absence of the gentleman from Florida and at his special request, made through the gentle-man from Indiana [Mr. Cox], that he would like to have consideration of the bill postponed until he returned to Washington, as he desired to speak upon it, I allowed the bill to go over until January 25, when the gentleman objected to unanimous consent to have the bill transferred to the Union Calendar from the House Calendar.

I did not intend to say anything in regard to the bill or in regard to the investigation made by our committee until the bill came up properly in the House; but on account of the remarks of the gentleman from Florida on Friday last, most of which are erroneously stated, I desire to place in the Record the reasons for the unanimous report of the Committee on the District of Columbia on the bill and certain facts in regard to the investigation, in order that Members of the House may be apprised of the true state of affairs before the bill comes up for consideration on the 8th of February.

It is true-the gentleman from Florida introduced the resolution in the Fifty-ninth Congress for the appointment of a special committee to investigate the management of the Government Hospital for the Insane, and that he appeared before the committee on several occasions and made statements in opposition to the then and present superintendent of the hospital.

It appears from the remarks of the gentleman from Florida

that he alone was disappointed because the committee, upon the evidence before it, saw fit to make a report which substantially found that the accusations made against the hospital and its superintendent were without foundation.

The bill which I introduced to change the proceedings for admission to the hospital was the result of the complete and exhaustive investigation which the special committee made both into the management of the institution and all of its branches, and the methods of commitment to the hospital which the committee found were conflicting and improper.

The bill was carefully drawn after a full examination into the laws of the various States of the Union in regard to the method of commitment of patients to hospitals for the insane, and it was fully discussed by a subcommittee of the Committee on the District of Columbia, the majority of whom are lawyers, and afterwards by the full committee, which made a unanimous and favorable report thereon.

The only difference that I can see between the gentleman from Florida and myself in regard to one of the most important features of the bill-that in regard to the commitment of patients without the formality of calling a jury unless demanded by the patient or one of his relatives or friends-is that the gentleman prefers to treat a suspected insane person as a criminal, while I and the committee insist that such insane person ought to be treated as a person suffering with a disease.

The gentleman remarked, under the heading "Some incidents of Doctor White's management and supervision," that over 30 witnesses testified to the failure of the superintendent to visit the buildings and inspect the wards for long intervals, but he gave Many, if not the names only of 9 witnesses who so testified. all, of these witnesses testified as to the careful and humane treatment of the patients and that the physicians connected with the hospital made daily visits to the patients in the various wards. Most of these witnesses complain of the long hours of work or charge the superintendent with favoritism of other employees over them; but the superintendents of other institutions who testified before the investigating committee swore that in every hospital for the insane the attendants are constantly complaining in regard to their hours of service and what they consider lack of sufficient help, and that they invariably criticise the superintendent for not allowing them greater liberties than those fixed by him for the good of the hospital.

To show how carelessly the gentleman from Florida examined the testimony given by these 9 witnesses, I will quote from their testimony as follows:

testimony, as follows

C. W. Teates (p. 1258) testified that he thought that there should be more attendants at the hospital and (p. 1260) that the hours were too long. He also testified (p. 1262) that some of the attendants were careless, but that they were not cruel to patients. He further testified (p. 1259), in answer to a question as to how often the doctors came through the wards, that: "Doctor Glasscock came through twice a day and Doctor Stack

only once, but sometimes twice or three times, depending upon how many we had sick. ing the day some time." We always had physicians there dur-He also said (p. 1263) that the doctors were attentive to their duties.

T. W. Belt testified (p. 172) that Teates on many occasions

ill treated patients.

Rose Herbert severely criticised Doctor White because other employees of the hospital were promoted to better positions than she had.

Mary McLaughlin testified that there was not sufficient help at the hospital, although the treatment of patients was very good. She complained of the long hours of service and criticised Doctor White accordingly.

Albert C. Hayden criticised the superintendent for not em-

ploying a greater number of attendants (p. 345), and made complaint in regard to "long hours" (p. 348).

C. J. Harbaugh complained of an "insufficiency of help" (p. 297), and said that patients were not treated cruelly (p. 297)

Arthur Nabors testified that patients were "treated all right" (p. 292). He complained of insufficiency of help and pay, and criticised Doctor White therefor (p. 294).

W. J. Lyon testified that he never saw patients abused (p. 1157). He also testified that Doctor Hummer was in charge of his ward (p. 1158).

Spencer Herbert, a witness, testified that Lyon had abused patients (p. 30). Lyon resigned (p. 1157).

Albert Ball complained of insufficiency of help in the kitchen

(p. 289).

N. H. Harnish criticised Doctor White because a reduction was made in his salary from \$75 to \$60 per month (p. 1136)

These nine witnesses, with their grievances against Doctor White in one way or another, were particularly referred to by the gentleman in an attempt to strengthen his argument; but let us examine some of the testimony of other witnesses who perhaps are included in the balance of the 30 witnesses referred to by the gentleman, but whose names he omitted to mention.

Many of the witnesses testified as to the frequency of the visits of the superintendent to the various wards of the institution, for instance:

Philip J. Martin testified (p. 484) that the superintendent came through his ward every Sunday.

Joseph Klug testified (p. 107) that Doctor White came through

his ward as often as the superintendent who preceded him.

Emma Butler testified (p. 1302) that Doctor White came through every Sunday.

Patrick Doody (p. 309) testified that Doctor White visited his ward frequently.

Dr. L. H. Taylor testified that Doctor White went over the

hospital wards once a week.

Andrew Klug testified (p. 70) that Doctor White visited the wards, and stated, "I don't know whether he has been over while I was away or not."

Jessie Ferrall testified (p. 471) that Doctor White visited her ward frequently, and that Doctor Clark "comes through occasionally," but that Doctor O'Malley, a female physician at the hospital, "makes the regular rounds," she being the doctor in charge of the female patients.

Louise Hoy (p. 1173) testified that Doctor O'Malley visited her ward, which is a female ward, every day, but that Doctor White did not often go through that ward.

E. A. Jarrett (p. 377) testified that Doctor White visited his ward three or four times between the 11th of January and the 15th of May, while the witness was there, but he stated, "I am not there all the time."

Charles J. Burch testified (p.631): "The superintendent comes into B building every Sunday, and he visits all the new patients and has quite a lengthy conversation with these new cases.

Mary Edwards, in charge of ward containing suicide patients, testified (p. 477) that Doctor White made a visit through her ward once a week.

Dr. B. R. Logie testified (p.731): "Doctor White has no special days for visiting my ward. He comes over very often and goes through building R more frequently than he does any other building. Then he comes over and consults with me whenever I ask him to do so or when anything goes wrong in the department." He further testified (p. 717) that there were 371 patients under his charge.

D. J. Donohue testified (p. 278):

I have seen Doctor White go through my ward speaking to men of my ward. I have seen Doctor White and his assistant physicians visiting the Howard Hall on Sunday after Sunday. I have also seen the assistant physicians visiting the wards at all times during the day. I have seen

Doctor Swain; he came at all hours—in fact, he would come often when you least expected him. I have seen Doctor Fitch at all times going on the wards.

Roger Cullinane testified (p. 285): "I have generally seen him [Doctor White] go through there on Sundays." He also testified that a physician went through his ward every day.

There are many other instances in the testimony which prove the statements of the gentleman from Florida to be erroneous, and, as I before stated, most of the people who testified as to the infrequent visits of the superintendent had some personal grievance against him. It should also be remembered that the individual attendants are on duty for a short part of the day only, and therefore they are not able to testify how often during the twenty-four hours of the day the superintendent or the physicians went through their respective wards. Some of the attendants work in the daytime and others in the nighttime.

The charge that the gentleman makes in regard to the number of witnesses who testified that the food was not good is also incorrect. On the contrary, the great majority of the witnesses testified that the food was good and wholesome; but of course some of the witnesses, including patients and attendants, had made complaints in regard to the character of the food and the method of cooking it. The committee found that now and then complaints had been made by patients and attendants in regard to the food in most of the institutions of this character. A reference to the index of the testimony at page 1873 will show just exactly how the witnesses testified in regard to the food. bill of fare used in the hospital will be found at page 522 and page 723

In a large institution of this kind it will sometimes happen that the food will not be properly cooked. A careful reading of the report of the committee at page 13, under the subdivision "Sixth. As to food," will show how exhaustively the commit-

tee examined into this question.

In regard to the charges of cruel treatment of patients, they were made in almost every case by a patient, a discharged patient, a discharged employee, or an employee with a grievance against the superintendent of the hospital, and the committee gave this kind of evidence careful consideration. But I desire to call the attention of the House to the character of the testimony of some of the witnesses who were called to prove the charges of abuse of patients. Among these are a number of witnesses mentioned in the gentleman's remarks.

Cornelia L. Corbett, a patient, was called as a witness and testified (p. 137). This witness complained in regard to her commitment and testified that she was not insane. When asked her reason for appearing at the hearing, she said: "I came as a voluntary witness to state what I witnessed while I was there." As a matter of fact, the people who sought to prove

these charges called this patient as their witness.

Roger J. Cullinane (p. 285) testified that he was employed as attendant in charge of White Ash ward, where patients were a violent class; that patients were always treated well. "We didn't have no straps after Doctor White came there," nor were patients restrained in that ward, but "would sometimes lock them up;" that strait-jackets were never used nor were patients abused. Although this witness was discharged from the hospital and called to support the charges of abuse of patients he very positively stated that he never witnessed any such abuses. This is the kind of testimony that should be given credence.

Lloyd Green, another witness called to support the charges, testified that he was discharged for being asleep while on duty, but that he never witnessed any abuse of patients (p. 268) although he had been employed there for about six months. He also testified that patients were treated well. Is not this testi-mony more worthy of belief than that given by people who are unfriendly to the superintendent?

James Albert Ogden, another discharged attendant (p. 261), called to support the charges, testified that he never saw patients mistreated, but that he had "trouble in handling them a little rough sometimes; but we never struck them or anything * We was always very careful; everybody I ever saw was just as careful as they possibly could be.'

The committee hesitated to believe the testimony given by certain witnesses, formerly attendants, who were hostile to the superintendent, and some of whom were discharged for cruelty The following is a brief analysis of such testimony:

Bernard Allen, who is designated in the gentleman's remarks (p. 197), testified that the abuse he witnessed was the placing of strait-jackets on patients, which, he said, was necessary in some cases and in other cases because of lack of attendants; that he was discharged for "refusal to take a wheelbarrow and clean up around the buildings," although the records of the hospital show that he was discharged for insubordination (p. Owen S. Allen (p. 231) testified that he had struck patients in self-defense, to protect himself. "Often, you know, they would become unruly, and I would have to do the best I could. * * * I would have to take them and throw them in a room and lock them up." He admitted (p. 234) that this abuse was not done for vindictive purposes, but only in order to protect himself; that he and other attendants meant to be kind to patients. He also testified that he was discharged for sleeping while on duty. The hospital records show (p. 414) that he was discharged for neglect of duty and the use of intoxicating liquors on the hospital grounds.

Townsend Belt (p. 170) testified that patients were abused;

Townsend Belt (p. 170) testified that patients were abused; that he was "fired because I went to see the committee of the Medico-Legal Society," but he admitted that he was charged with being asleep while on duty. The hospital records show, however, that Belt was discharged for being asleep while on

duty and for being under the influence of liquor.

Joseph W. Belt (p. 327) testified that an attendant named Hawkins would abuse patients by striking them with a piece of insulated wire and that it happened on several occasions, and, although he was employed from October, 1903, to January, 1906, when he was discharged, he could not remember the names of the patients struck, except one named "Rube." He also said he was working under Hawkins and that he did not know why he had been discharged. Hawkins was before the committee and positively denied Belt's charges, and further testified that Belt was never under him as an attendant (p. 713).

Milton Berry (p. 1056) testified that he saw patients abused and that he "only seen them treated rough in case of necessity where they would have to be treated so in case of self-defense.
* * I have seen them toweled, but only to subdue them when they couldn't manage them." He also stated that he himself struck patients in self-defense "only when it was necessary, and I didn't have proper help to handle them otherwise." He admitted that he never reported attacks of attendants on patients, in accordance with the rules and that they never used strait-jackets on his ward, although he had much trouble with patients and that patients were not cruelly treated "unless it was necessary to protect the attendant." He admitted that he was discharged.

Spencer Herbert (p. 27) testified as to abuse of patients, but admitted that he never reported such abuses, as the rules prescribed; that he saw but one patient "strapped in bed" and that he supposed the patient was dangerous; that strait-jackets were used on patients, but that they were not painful. This witness admitted that he made an affidavit at the request of Doctor Emmons, who was one of the persons who instigated the charges; that he read it over before signing it; and when his attention was called to the fact that in such affidavit he swore that he saw "patients" strapped in bed, he said he meant to say that he saw only one patient strapped. The hospital records (p. 404) show that this witness was discharged for being absent

without leave.

Thomas L. McMurray (p. 35) testified as to many cases of abuses of patients, although he admitted that he never interfered with nor reported such cases to the superintendent, as he should have done under the rules. He said he was discharged, the charge being "an act with intent to strike a patient, and for excessive use of material." The hospital records show (p. 411) that this witness was discharged for excessive use of material. The charges of abuse of patients were denied by the testimony of Maenche, the foreman of laundry, where McMurray was employed (p. 1390). Charges of excessive use of material, absence from duty without leave, threats to do bodily harm to patients, and ignoring special order of superintendent were also filed against him by Maenche, among other things. These charges were substantiated by the sworn statement, taken from the hospital records, of Harry Eno (p. 412). There is also a letter on the records from his former employer stating, among other things, that he could never be relied upon, because of insobriety (p. 413).

Patrick O'Connor (p. 176) testified that he saw one case of cruelty, that of Attendant Eugene Skinner "striking and choking a patient," but admits that he did not report the case. This was positively denied by Skinner (p. 1462). O'Connor admitted that he was discharged for disobeying orders of the superintendent.

Clarence Pendleton (p. 1032) testified as to abuse of a patient by an attendant named Lloyd, and also other abuses. He admitted that he himself had struck patients, but only in selfdefense, and that he was discharged from the hospital for refusing to work on wheelbarrows. Burch, a supervisor, testified (p. 635) that Pendleton was discharged for refusing to take the patients out and clean around the buildings. Lloyd denied Pendleton's charges (p. 1501).

Thornton O. Pyles, a very troublesome employee, and a man who was constantly complaining to the superintendent about long hours of work, lack of attendants, and various other things, and the man who was engaged to assist the people who made the charges, testified that patients were abused by use of straitjackets; that he put them on patients himself, and that it was necessary in many cases, in order to prevent the patient from hurting himself and because of the insufficient number of attendants to care for the patient (p. 81). Pyles was employed at the hospital for more than two years, and testified that he saw many cases of cruelty, but when asked to specifically state a particular case or give a name he could "not just recall any particular case" (p. 89); that patients would abuse each other; that attendants would strike patients in self-defense, but that "he could not positively say" that he ever saw an attendant voluntarily knock a patient down. Pyles also testified that he saw bed saddles, and assisted in using them upon patients, but that "it was done as gently as possible," and that it was not Chappelear, a witness and former attendant who resigned, testified that he saw Pyles strike patients (p. 1501). Pyles also testified that he was discharged for presenting a petition to board of visitors, but the hospital records show that he was discharged for conduct prejudicial to the good order of the hospital and to the interests of the service (p. 402). Pyles was present at nearly all of the hearings and was busily engaged in attempting to prove charges by the aid of attendants and discharged attendants. The committee concluded that the testimony of this witness was not worthy of consideration, but the gentleman from Florida considers Pyles's testimony as of the greatest importance.

The evidence shows, beyond a doubt, that whenever charges of abuse of patients were made against attendants an investigation was had in every case and, wherever proved, the attendant was dismissed.

This is the character of testimony upon which the gentleman bases his argument in regard to abuses of patients at the Government Hospital for the Insane. The committee went over all of the evidence with great care and found it necessary to eliminate some of the testimony given by witnesses which was so strongly contradicted by others, and especially in the cases of those witnesses who were former employees of the hospital and were discharged for good reason.

The testimony also shows that the following attendants were summarily dismissed for violation of the hospital rules, and

especially upon the charge of abuse of patients:

Acton, Bernard Allen, Owen S. Allen, Baldwin, Barnes, Joseph W. Belt, Townsend W. Belt, Berry, Bowen, Cullinane, Green, Hall, Herbert, Hill, Hodges, Mayfield, McMurray, O'Connor, Ogden, Pendleton, Penn, Pyles, Satterfield, Spencer, Tennyson, Weedon, Wilson.

A reference to the index of the testimony, at page 1943, will

give some valuable information on this subject.

On page 1953 of the report will be found the names of witnesses, both patients and attendants, who testified in regard to the kind and humane treatment of the patients at the hospital. These witnesses number more than 70.

The committee also heard the testimony of the superintendent, the members of the medical staff of the hospital, and a large number of attendants, all of whom denied in positive terms

that the patients were abused.

The rules of the hospital provide for the discharge of employees who are found to have abused the patients. These rules make it imperative for the employees to report any cases of abuse of patients to the superintendent. Several of the witnesses admitted, however, that every once in a while an attendant would abuse a patient, but that in every case where such conduct on the part of an attendant was brought to the attention of the superintendent the matter was promptly investigated, and where the charge was proven the attendant was discharged.

It is reasonable to suppose, after reading the testimony given by the superintendents of the state hospitals who appeared before the committee, that in every institution for the insane an attendant will be found who, for some reason or other, will assault a patient, but it was the opinion of the committee that such manner of abuse is not tolerated when found out. These superintendents also testified that attendants who have a tendency to abuse patients have no difficulty in obtaining employment at other institutions, and that in some cases it is exceedingly hard to get a good class of attendants, but that they have to take those who make application for the position who seem to be qualified to handle and care for insane persons, because of the fact that people do not care to seek employment at institutions for the insane,

It is also reasonable to suppose that upon the least provocation, from conversations had with patients or some other source, relatives of patients will frequently imagine and charge that gross abuse is done them.

One case presented itself in this investigation which can be

taken as a good illustration of this:

Nannie H. Griffin, daughter of Cecelia J. Griffin, a patient, testified that her mother was abused and mistreated by physicians and attendants (p. 489), and similar testimony was given by another daughter, Jennie H. Cole (p. 51). A son of the patient, Milton E. Griffin, however, testified (p. 789) that his mother received kind treatment and that he had no complaint to make. He said that he "never saw any evidence of cruel treatment of any patient," although he visited the hospital every week. The sisters testified that their mother had received a fracture of the ribs caused by carelessness of attendants, while the son testified that she received the fracture testified that her mother was abused and mistreated by phytendants, while the son testified that she received the fracture from a fall while carrying a blanket, and that the accident was una voidable.

The gentleman, in his remarks, refers to the testimony of Jennie H. Cole, but very carefully omits mention of the testimony of her brother, Milton E. Griffin, who strongly contradicted

her.

How can the gentleman state that over 60 witnesses testified to the cruel and brutal treatment of patients, when the reverse is the fact, as shown by the evidence? The gentleman lays great stress on the testimony of the witnesses Burroughs, Pyles, McKnight, Berry, Pendleton, Bernard Allen, and Thomas Seaton. If any fair-minded man would take the trouble to read the testimony given by these witnesses whose names I have just mentioned, and then read the contradiction of their testimony by disinterested witnesses, I am sure he will wonder why so much importance was given to this testimony in the gentleman's

As a complete answer to the statements made by the gentleman from Florida, in regard to the investigation of the Government Hospital for the Insane, I desire to read and insert in the RECORD, as part of my remarks, the report of the special committee to investigate the charges against the hospital.

INVESTIGATION OF GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. Olcort, from the Special Committee on Investigation of the Government Hospital for the Insane in the District of Columbia, submitted the following report:

To the House of Representatives:

To the House of Representatives:

The special committee appointed by the Speaker of the House, pursuant to House resolution No. 277, on April 21, 1906, as follows:

"Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a committee of five, with full power and whose duty it shall be to make a full and complete investigation of the management of the Government Hospital for the Insane and report their findings and conclusions to the House; said committee is empowered to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, te take testimony and reduce the same to writing, and to employ such clerical and stenographic help as may be necessary, all expenses to be paid out of the contingent fund of the House," hereby respectfully submits its report.

In pursuance of said resolution the Speaker appointed as such committee Messrs. Olcott, Smyser, Barchffeld, Hay, and Padestt.

On May 1, 1906, the committee organized, and on May 2 visited the Government Hospital for the Insane and made a personal inspection thereof.

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Notifications to attend the first hearing were given to Hen. Frank Clark and Hon. Willam Sulzer, Members of the House of Representatives, who had spoken on behalf of those who had made charges against the institution, and who had appeared before the Committee on Rules prior to the time when the resolution was reported from that committee. Notices of the first hearings were also sent to Dr. C. M. Emmons and Mr. Richard P. Evans, representing the Medico-Legal Society.

On May 4, 1906, public hearings were begun.

On May 7, 1906, Hon. Robert M. Wallace was appointed a member of the committee, vice Hon. L. P. Padeett, resigned. No other changes have been made in the committee since its appointment.

The committee at its first hearing decided that the investigation should cover a period of time beginning October 1, 1903, the date of the appointment of Dr. William A. White as superintendent.

From May 4, 1906, to June 28, 1906, the committee held 33 public hearings, and on November 26, 27, and 28 visited the Central Islip State Hospital and the Manhattan State Hospital, in New York. A further public hearing was held on December 13, 1906.

At the first hearing the committee gave notice to Doctor Emmons and Mr. Evans, representing the Medico-Legal Society, that the committee desired to examine any witnesses named by them who could shed any light upon the charges which had been preferred, and requested them to furnish a list of witnesses they desired to have examined.

In the examination of witnesses were examined.

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There were examined under oath some 287 witnesses, a great number of whom were called at the request of those who had made the charges. The others were persons who had been or were employees in the hospital, persons with whom the hospital had business relations, and a number

institutions of similar character throughout the country and officials connected with boards of lunacy in States of the United States.

The several superintendents who were examined were all requested to make, and did make, an examination of the Government Hospital for the Insane before giving their testimony.

Notwithstanding the main desire on the part of the Members of the House of Representatives asking for the investigation was to cause an investigation of the charges of cruelty and ill treatment only, the committee went thoroughly into the entire question of the management of the hospital and all matters relating thereto, as directed by the resolution.

The committee submits with its report the printed copy of the testimony, which, with the index, aggregates 2,010 pages, and a digest of the evidence. The committee therefore does not deem it necessary further to present details of such evidence, except to refer to some of the prominent facts bearing upon specific subjects of inquiry.

The GOVERNMENT HOSPITAL FOR THE INSANE.

THE GOVERNMENT HOSPITAL FOR THE INSANE,

the prominent facts bearing upon specific subjects of inquiry.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

The hospital was created and is governed by laws passed by the Congress of the United States, now contained in the Revised Statutes, sections 8409 to 8444. (See record, p. 1786 et seq.)

The statutes provide that there shall be in the District of Columbia a government hospital for the insane, the objects of which shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia; that there shall be a chief executive officer of the hospital, called a "superintendent" appointed by the Secretary of the Interior, who shall be entitled to a salary of \$4,000 a year; that the superintendent shall give bond for the faithful performance of his duties, shall be a well-educated physician, possessing competent experience in the care and treatment of the insane, who shall reside on the premises and devote his whole time to the welfare of the institution, and, subject to the approval of the board of visitors, engage and discharge all employees and determine their wages and duties; that he shall be the responsible disbursing agent of the institution and exofficio the secretary of the board of visitors.

The superintendent is directed to make an annual report to Congress at each regular session, which shall show in detail the receipts and expenditures for all purposes connected with the hospital for the fiscal year preceding such session. A board of visitors is provided for, consisting of nine citizens of the District to be appointed by the President, which board shall select its own president, and, subject to the approval of the Secretary of the Interior, make any needful by-laws for the government of themselves, of the superintendent and his employees, and of the patients not inconsistent with law. It is provided that the board of visitors shall visit the hospital at stated periods and exercise so careful a supervision over its expendit

service from causes which arose during and were produced by said service.

In 1884 a statute was passed, now section 8416 of the United States Revised Statutes, providing that—
"Any inmate of the Soldiers' Home who is now or may become insane shall, upon an order of the president of the board of commissioners of the Soldiers' Home, be admitted to said nospital and treated therein; and the expenses of maintaining any such person shall be paid from the Soldiers' Home fund."

Section 8417 provides that—
"Any inmate of the National Home for Disabled Volunteer Soldiers, who may become insane, shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to the Government Hospital for the Insane and treated therein * * ""

Section 8418 provides that—
"Upon the application of the Attorney-General, the Secretary of the Interior is authorized and directed to transfer to the Government Hospital for the Insane in the District of Columbia all persons who, having been charged with officers, and all persons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any state prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane."

Section 8419 provides as follows:

during the term of their imprisonment have or shall become and be insane."

Section 8419 provides as follows:

"If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and, if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital."

Section 8420 provides for the transfer of insane prisoners to state

hospital."
Section 8420 provides for the transfer of insane prisoners to state hospitals when there shall not be accommodations for such persons at the government hospital.

Section 8421 provides for the return of insane convicts restored to sanity to the prison from which the transfer was made. Section 8422 provides for the delivery to the court of insane criminals or persons charged with a crime and who have been restored to sanity. Section 8423 provides that an insane person not charged with any breach of the peace shall never be confined in the United States jail in the District of Columbia.

Section 8424 provides as follows:

"All indigent insane persons residing in the District of Columbia at the time they become insane shall be entitled to the benefits of the hos-

pital for the insane, and shall be admitted upon order of the Commissioners of the said District, which may be granted after due process of law, showing the person to be insane and unable to support himself and family or himself, if he has no family, under the visitation of insanity: Provided, That one-half of the expenses of the indigent patients from the District of Columbia shall be reported to the Treasury Department and charged against the appropriations to be paid toward the expenses of the District by the General Government, without regard to the date of their admission."

Sections 8425 to 8441, inclusive, providing for the admission and commitment of patients and the method of procedure in such cases, are conflicting and vague. The whole subject, however, is fully discussed on page 44 hereof under the head of "Commitment."

Section 8442 provides for the manner of disbursement of moneys appropriated by Congress for the support of the hospital. Section 8443 provides for the sale or exchange of surplus products and waste material of the hospital. Section 8444 provides for the receipt and disbursement of private funds of patients.

First. As to the superintendent,—From a personal examination of the hospital and a careful investigation of its management under Dr. William A. White, superintendent, from Doctor White's own testimony and that of his medical staff, from the testimony of the attendants formerly in the employ of the institution and now employed, from the testimony of the superintendents of other similar institutions, and of other persons having knowledge of the needs of hospitals for the insane, it is the opinion of the committee that Dr. William A. White is fully qualified for the position of superintendent, is an able and distinguished allenist, and an efficient, honest, and progressive manager of all of the several branches of the hospital, and a careful and humane care taker of the patients in his charge; that he conducts the business affairs of the institution and looks after the medical and p

and of the several branches of the hospital, and a careful and humane care taker of the patients in his charge; that he conducts the business affairs of the institution and looks after the medical and physical affairs of the institution and looks after the medical and physical affairs of the Insane on October 1, 1903, succeeding Dr. A. B. Richardson. Since he assumed the office he has systematized the method of promotion, and has made a gradual increase of the salaries of the attendants; he has created the position of clinical director, the occupant of which, among other things, has charge of all of the daily records of the patients in the institution, and in this connection has not only adopted a complete system of clinical records, but has caused to be prepared such a record of every patient in the hospital from the time of his admission, he has created the position of antron the position of store-pathological department, all of which have materially benefited the institution and its patients. Upon his recommendation, the board of visitors approved of the appointment of a woman physician to have especial charge and supervision of the women's department of he hospital. He also instituted a system of examinations of attendants about to enter the training school, so that the standard of nurses graduating therefrom would be superior to that which obtained at the time he became superlistender.

He has, so far as the management of the buildings would permittender the so-called "bed saddle" as a means of mechanical restraint.

He has, so far as the management of the buildings would permittender the straint of the so-called bed saddle as a means of mechanical staff every Sunday, at which meeting scientific questions affecting the interests of the institution are discussed.

He has created and caused to be installed a system of the medical staff every Sunday, at which meeting scientific questions affecting the interests of the institution are discussed.

He has created and caused to be histalled a system of the medica

patients.

The work of these gentlemen is arduous. They live on the institution grounds, and are practically constantly on duty. One of them, the night medical officer, is actually on duty every night from 9 p. m. to 7 a. m. and visits the various wards during that time. He is always on call and can be found in case of disturbance in any of the wards by telephonic communication. In case of emergency he can summon other physicians. The physicians are appointed after a competitive civil-service examination.

There are 15 physicians including the light of the communication of the communication of the communication of the communication.

There are 15 physicians, including the superintendent, on the staff, assigned to the various departments. They are entitled, with their families, to maintenance at the hospital, which the committee thinks is

roper and similar to arrangements provided for in many other institu-

proper and similar to arrangements provided for in many other institutions.

To show the standing of the several members of the medical staff, it should be mentioned in this report that they hold positions in medical schools and colleges as follows:

Dr. William A. White, superintendent, is professor of nervous and mental disease in Georgetown University and professor of mental disease in George Washington University. Dr. I. W. Blackburn, pathologist, is professor of morbid anatomy in Georgetown University and in George Washington University. Dr. Charles H. Clark, clinical director, is professor of mervous disease in George Washington University. Dr. Shepherd I. Franz, psychologist, is professor of physiology in George Washington University. Dr. William H. Hough, junior assistant physician, is lecturer on medical zoology in Georgetown University.

The above-named officers of the Government Hospital for the Insane conduct weekly clinics at the hospital. These are attended by students from George Washington and Georgetown universities and from the United States Naval School and the United States Army School.

Doctor Blackburn, in charge of the pathological department, is a well-known pathologist, and there is no doubt that the work which he performs is important from a scientific standpoint. This department is devoted primarily to the study of the lesions of the brain and other organs associated with mental disease. It has three divisions, namely: (1) The division of morbid anatomy and pathological histology; (2) the division of clinical pathology, and (3) the division of photography.

The department of morbid anatomy has a well-equipped autopsy room, with an amphitheater seating about 40 students. Here are given weekly demonstrations in autopsy work and morbid anatomy to the students of the medical departments of Georgetown and George Washington universities and to the training school for nurses of the hospital. This department has a museum in which are preserved all important pathological specimens, now numberi

their visits and treatment of patients. There is no doubt as to their efficiency.

The surgical department is also worthy of note. It has an operating amphitheater with a seating capacity for about 60. Adjoining this room and to the rear are the surgeon's room, room for instruments and dressings, and the anæsthetist's room. This department is thoroughly modern in all its appointments, the operating room being especially well equipped. The floor is of white tile, the wainscoting of white Italian marble, and the side walls and ceiling white enameled. The room is equipped with a dressing sterilizer, instrument sterilizer, sterilizers for hot and cold water, an instrument case, operating table, instrument tables, and all the various accessories necessary for a well-equipped operating room.

Surgical clinics are held frequently, and in many instances physicians and medical students of the city have attended. This amphitheater is also used in connection with the training school for nurses, recitations and demonstrations being frequently held there.

Since the investigation the committee has been informed that the superintendent has appointed a psychologist for special research work in the realm of abnormal psychology. The laboratory has been equipped with about \$3,000 worth of modern psychological apparatus and appliances, and is sufficiently well installed to take up any line of work in this field.

The psychologist is at present at work in connection and collaboration with the clinical department in outlining systematic and uniform methods.

with about \$3,000 worth of modern psychological apparatus and appliances, and is sufficiently well installed to take up any line of work in this field.

The psychologist is at present at work in connection and collaboration with the clinical department in outlining systematic and uniform methods of clinical examination into the mental condition of patients for the purpose of greater uniformity in the records, and also of rendering them more useful for purposes of study, statistical or otherwise.

Third. As to the charges of cruel treatment and abuse of patients.—
It must be remembered that these charges have been made in almost every case by either a patient now in the hospital, a patient who for one reason or another has been discharged, or by a discharged or resigned employee. The committee has heard everything that can be said by all of the witnesses of any of these classes, and has given due weight to their testimony. There unquestionably have been some cases of cruelty to patients by attendants, but in no case was this sanctioned by the superintendent of the hospital or any of the medical staff; but, on the other hand, most of the witnesses have testified that upon accepting their service the strictest injunctions were given to them by either the superintendent or some of the medical staff against harshness in the treatment of patients, and also that a printed book of rules and regulations embodying such direction was given or read to them at the beginning of their employment. Such rules are printed in the record. Not only this, but the testimony is practically unanimous that a violation of such rules was met by prompt punishment, usually by the immediate dismissal of the attendant. The testimony also shows that the following attendants were summarily dismissed for violating the rules of the institution, and particularly for abuse of patients:

Acton, Bemont Allen, Owen S. Allen, Baldwin, Barnes, Joseph W. Belt, Townsend W. Belt, Berry, Bowen, Cullinane, Green, Hall, Herbert, Hill, Hodges, Mayfield, McMurr

Isolated instances where charges of cruelty have been made can be cited, but the majority of witnesses, even though criticising the retention of particular patients in the institution and complaining about the food, etc., have said that the treatment of the patients was good.

Testimony has also been given as to specific cases of abuse of patients by attendants, but in almost every one of these cases the charges have been denied in positive terms by the attendants who were charged with such abuse or by the physicians of the hospital or other employees. Among charges that were made was that of giving patients food by means of a feeding tube, used as a method of punishment. This is not only disproved, but the testimony which sought to show this was the case was absurd.

As to the charges of so-called "toweling" of patients, there is no proof as to this alleged method of abuse. Although the wimess, Otis A. Wilson, a discharged attendant, swore that he himself toweled patients, from his manner and contradiction of his own statements the committee is of opinion that this testimony is unworthy of serious consideration.

from his manner and contradiction of his own statements the committee is of opinion that this testimony is unworthy of serious consideration.

As to the charges made in regard to improper bathing of patients in the same water that had been used by other patients, it appears from the testimony that in one or two instances this had been done, but that the rule of the hospital was against it and that the rule was usually maintained. Such charges were made by two patients and two discharged attendants, and their testimony was denied by a number of witnesses. The committee therefore believes that these charges have no foundation. After a careful examination into the charges of the abuse of patients and consideration of the testimony adduced in connection therewith, and having in mind the demeanor of the various witnesses while on the stand, the committee is of the opinion that such charges have not been sustained by the testimony.

The testimony not only of Doctor White and the gentlemen connected with his medical staff, but also of the superintendents of the institutions throughout the country, is that it is a matter of great difficulty to obtain a proper class of attendants in institutions for the insane, but that the superintendent exercises care in their selection.

Fourth. As to methods of restraint.—In the charges much talk was heard of strait-jackets. Strait-jackets in St. Elizabeth's Asylum do not exist, and have not for many years. On rare occasions a garment called a "camisole" is used, which consists of a canvas jacket which is laced in the back and which has long sleeves. When a patient becomes so violent that he seeks to do damage either to himself or another patient his camisole is placed upon him, so that the use of his arms is curtailed and the damage which he seeks to do, either to himself or to others, is made impossible. In the government hospital this has been used on a few occasions, but never without the direction of a physician, and then only when it was necessary for the protection of tife or

and then only when it was necessary for the protection of life or limb. This method or restraint is used at other institutions, some superintendents having testified that it was a method of treatment rather than abuse. With two exceptions, superintendents of other institutions said of restraint.

The committee is convinced from the testimony that Doctor White since his appointment has made possible the lessening of this and other methods of restraint by the institution of the hydrotherapeutic treatment above described.

As to bed saddles, the use of these was discontinued upon the order of Doctor White shortly after he took office, to wit, on January 27, 1904.

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As to indust of straps, During the time that the members of the connected visited the institution handcuffs were used on one individual confined in the criminal warm.

The sheet rest is a method of tying in bed a patient whose rest-lessness makes it possible, if not probable, that he may fall out of bed and seriously injure himself.

As before stated, none of these is ever applied except upon the immediate direction of a physician, and then only in cases of necessity for the welfare of the patient.

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There was also submitted a list of institutions, nine in numbers of mechanical restraint at their respective boards of the consultation of the committee, however, went into this question with great care and took much testimony thereon. From an e

state hospital in New Jersey the average time is fifteen hours. The Illinois Asylum for the Incurable Insane, before mentioned, is the only institution where there are the three shifts of eight hours each. It is true that the attendants are nominally on duty for eight hours, but none of the attendants can leave the hospital after their eight hours are completed, but must remain on duty for emergency calls,

As far as the pay of the attendants is concerned, there is not a great difference between the government hospital and other similar institutions. Generally speaking, the government hospital leads. There are differences in the minimum pay in some cases and the maximum in others, but the difference in the pay does not seem to be greater than local conditions might warrant.

The attendants are divided into male probationers, female probationers; full attendants, both male and female; charge attendants, male and female; nurses, male and female; chief nurses, male and female. Their salaries are as follows: The male probationers begin at \$18, the female at \$14; the male attendants receive from \$20 to \$30, the female attendants from \$15 to \$25; the male charge attendants receive from \$25 to \$35, and the female charge attendants from \$20 to \$30; the male nurses receive from \$25 to \$35, and the female assistant supervisors receive from \$20 to \$30; the male chief nurses receive from \$30 to \$40, and the female from \$25 to \$35; the male assistant supervisors receive from \$40 to \$60, and the female supervisors from \$35 to \$50, and the female from \$30 to \$45; the male supervisors receive from \$40 to \$60, and the female supervisors from \$35 to \$55.

The chief nurses now employed in this institution are both women, and the 300 attendants above mentioned include the chief nurses and appears to be done by the attendants themselves. There are only two chief nurses, and their duty is to supervise the nurses. A charge nurse is the one that is in charge of a ward.

The appointment fills out an application blank on these lines, an

ministration. A training school is connected with the hospital, and the attendants when they are appointed are urged to enter the training school.

Most of the attendants live in the hospital. There are some few of them to whom permission is granted to live outside, where such permission does not interfere with the management of the institution. The preference of the administration is to have the attendants live in the hospital grounds, so that they may all be available in case of emergency. Inasmuch as the permission to live outside of the grounds is considered a privilege, these nurses do not get additional compensation. The domestics above referred to are few in number, about 12, and they do dining-room work and some general housework, to supplement that done by the attendants.

The employees (about 400 in number), besides the attendants, include the superintendent, the medical staff, the office force, the employees in the engineering department, and all others employed.

On pages 418 to 446 of the testimony will be found the pay roll as classified for the present superintendent when he took charge of the institution, and also the pay roll as at present classified by Doctor White. The committee is of the opinion that the list of employees could not be materially decreased without injury to the institution and to the welfare of the patients, and sees no reason to recommend any especial change in the number now employed. This is a matter that is properly cared for by the superintendent, and seems to have been done with a view to accomplishing the best results for the hospital as economically as is feasible.

In regard to the relation of the number of attendants to the number and the charges that have been made allege that there are not seems to the charges that have been made allege that there are not seems to be commend and the charges that have been made allege that there are not seems to have been done with a view to accomplishing the best results for the hospital as economically as is feasible.

In regard to the relation of the number of attendants to the number of patients, the charges that have been made allege that there are not enough attendants in the Government Hospital for the Insane to properly care for the patients, and a list, showing the ratios of attendants to patients in several institutions, was submitted to the committee by Mr. R. P. Evans.

Mr. R. P. Evans.

It is quite true, as stated by Mr. Evans in his testimony, that, from such list, it appears that there were more attendants in proportion to the number of patients in those several institutions than there are in the Government Hospital for the Insane; but the examination of super-Intendents of other institutions before the committee discloses the fact that, if anything, the government hospital has a greater number of attendants for the same number of patients than exists generally in other institutions. For instance, the Manhattan State Hospital, in New York City, has about 1 attendant to 8 patients; the Central Islip State Hospital, of New York, has a ratio of 1 to 10; the Central Islip State Hospital, of New York, has a ratio of 1 to 10; the Columbus State Hospital, of Ohlo, has a ratio of 1 to 13; the Illinois Asylum for the Incurable Insane has a ratio of 1 to 13; the Illinois State Hospital, of Ohlo, has a ratio of 1 to 10; the Western Pennsylvania Hospital for the Insane has a ratio of 1 to 10.

The ratio at the Government Hospital for the Insane is 1 to 8. While the several institutions mentioned in the statement submitted by Mr. Evans have a greater number of attendants, considering the number of patients, with one single exception they are institutions having a very much smaller number of patients, and it is the opinion of the committee that where there is a small number of patients there will be a greater number of attendants, For instance, if in a single ward there are only three patients, it is necessary to have at least two attendants for that number of patients, so as to provide for the service of attendants day and night.

Mr. Evans mentioned one hospital, the South Dakota Hospital for the Insane, which has only 575 patients. In this hospital, hospital, hospytal and the patients, which has only 575 patients. In this hospital, hospytal hospytal is the committee of the service of attendants for that number of patients. In this hospital, hospytal hospytal hospytal is not the servic

the service of attendants day and night.

Mr. Evans mentioned one hospital, the South Dakota Hospital for the Insane, which has only 575 patients. In this hospital, however, are 120 employees, including the attendants. It is a fair inference, and there seems to be no reasonable doubt, that these same 120 employees could care for almost double the number of patients without any failure to provide for their necessary attendance; and, generally speaking, when the size of the hospitals, the number of attendants, and the number of patients are considered, there is no reason to believe that the patients in the government hospital would be better served by an arbitrary increase of the number of attendants.

Sixth. As to the food.—The dietaries have been arranged with what appears to be considerable care. Besides the general dietary, special diets are prescribed for tubercular patients and for old and feeble patients. The complete dietary is contained in the testimony of Doctor Clark, on page 522. At page 723 will be found another diet list of the hospital.

The dietary is quite similar to that in other institutions. It should be stated that the dietary of this institution is mentioned in one of the standard works on the subject, "Diet in Health and Disease," by Julius Friedenwald, M. D., clinical professor of diseases of the stomach, and John Ruhrah, M. D., clinical professor of diseases of the stomach, and John Ruhrah, M. D., clinical professor of diseases of the stomach, and John Ruhrah, M. D., clinical professor of diseases of the tomach, and John Ruhrah, M. D., clinical professor of diseases of children, in the College of Physicians and Surgeons, Baltimore, Md., in a list of dietaries in several hospitals and kindred institutions. The committee has no hesitancy in saying that, in so far as the dietary is concerned, it is healthful and sufficiently varied.

In the year 1903, and at the time when Doctor White was the superintendent of the hospital, the Department of Agriculture made a nutrition investigation at the Government Hospital for the Insane and gathered statistics during the course of such investigation. The committee quotes from the report of W. O. Atwater, chief of nutrition investigations of the Department of Agriculture, as follows:

"So far as can be judged from the results of these studies, as compared with similar data obtained elsewhere, the dietetic management of the institution was very satisfactory. Opportunities for improvement were observed, but these have to do with details rather than with the system as a whole. The diet was varied and attractive and certainly abundant. On the whole, the waste was larger than seems necessary, which would partially account for the fact that the cost of the diet was higher than would appear needful on theoretical grounds and higher than that of a similar det in other institutions. * * The studies made during the past year have given a tolerably clear idea of the existing conditions, and it is regarded as especially fortunate that during the present year it will be possible to make the attempt to improve the

cordial cooperation of Dr. W. A. White, the present head of the institution."

Most of the supplies of the institution are purchased after bids duly advertised for, under the direction of the Secretary of the Interior, and annual contracts are usually entered into. The Secretary of the Interior appoints a board to open bids, examine samples, and recommend awards. This board at present consists of the superintendent of the hospital as chalrman; Mr. William B. Acker, the chief of the miscellaneous division of the Interior Department; Judge Parker, of the General Land Office; Mr. Rapp, of the Secretary's office, and Mr. A. E. Offutt, who is the general purchasing agent for the hospital. Mr. Offutt was appointed by Doctor Richardson, the predecessor of the present superintendent, and has held the position continuously for six years. It is his duty to receive, a short time before the close of each fiscal year, from the heads of the various departments of the institution, such as the electrician, the engineer, the dry goods storekeeper, the grocery storekeeper, the pharmacist, and the farm steward, a list of the probable requirements for the ensuing fiscal year. These are properly classified and submitted to the Secretary of the Interior. Advertisements are inserted in the usual manner in some of the leading papers of the country, inviting bids for the items. Besides the articles that can be purchased in this way, the Secretary of the Interior permits the purchase of certain articles, mainly eggs, vegetables, fresh fish, fruits, and oleomargarine, in the open market.

In making the purchase above referred to, whether under the contracts made by the Secretary of the Interior with the several dealers or in purchasing goods in the open market, the purchasing agent is responsible.

The testimony that has been offered in regard to these food supplies shows that the food purchased is of a good quality and is obtained with

or in purchasing goods in the open market, the purchasing agent is responsible.

The testimony that has been offered in regard to these food supplies shows that the food purchased is of a good quality and is obtained with proper consideration for the health of the inhabitants of the hospital, combined with the economical administration of the institution, although some testimony was introduced tending to show that at times the average in quality had not been what it should have been.

In the course of its examination the committee visited the kitchens of the institution, and believes that the food is of sufficient quantity and, notwithstanding the complaints that have been made as to improper preparation, is generally of good quality and fittingly prepared.

The committee believes that by the placing of steam tables in all of the dining rooms and building at least one, if not two, additional kitchens, the facilities would be such that the preparation of the food and its prompt service might be improved, and would recommend that when specific improvements of this character are asked for by the superintendent of the hospital such recommendation be adopted and proper provision made. provision made.

provision made.

Seventh. As to the buildings and farm.—There are the following departments in the hospital in connection with the care and treatment of

Seventh. As to the buildings and farm.—There are the following departments in the hospital in connection with the care and treatment of patients:

The women's department, consisting of 11 buildings (oaks D and E being one building), with 646 patients and 83 employees, the number of patients in each building varying from 10 to 140, depending, of course, upon the size of the buildings.

The Howard Hall department, consisting of 5 buildings, with 354 patients and 45 employees.

The Richardson group department, consisting of 4 buildings, containing 371 patients and 42 employees.

The receiving department, consisting of 7 buildings (Allison D¹ and D² being one building), with 664 patients and 56 employees.

The receiving department, consisting of 2 buildings and having 447 patients and 74 employees.

The full list of these several departments and the buildings they contain, with the number of patients and employees in each of the wards, is set forth on page 520 in the testimony of Doctor Clark.

In addition to the buildings mentioned, the building or buildings designated as the east side, consisting of 13 or 14 wards, were unoccupied and therefore omitted from the testimony. The committee has been informed, however, that the wards of the east side, with a few exceptions, are now occupied by patients, as a are the buildings Dix 1 and Dix 2, also omitted from the testimony.

The buildings that have been most recently erected are in excellent condition, and are suitable for the purposes for which they were built. They were entirely completed just after the present superintendent assumed charge, appropriations having been granted by Congress and the buildings having been near completion at that time.

The land owned by the Government and occupied by the hospital consists of a plot of about 350 acres, upon which all of the buildings above mentioned are situated, and besides this property there is owned the Stevens farm, of about 60 acres, which is only a short distance from the hospital, and also the Godding Croft farm,

grass. All told, there are about 122 acres that are under present cultivation. The corn and garden truck are used by the hospital, and the rest of the farm is used for the pasture of the cows which are kept there, the milk from them being used in the hospital.

It does not seem to the committee that there is a sufficient utilization of the farm for the purposes of giving outdoor employment to the patients, but the committee entirely appreciates that this would be impossible with the present buildings now on the farm, as before more patients than are now used in the work on the farm could work there it would be necessary for an additional dormitory to be built, and the committee believes that this would be a useful adjunct to the general work of the institution.

than are now used in the work on the farm could work there it would be necessary for an additional dormitory to be built, and the committee believes that this would be a useful adjunct to the general work of the institution.

The building established for the use of the female nurses is admirable. It would unquestionably add greatly to the comfort of the male attendants and nurses if a similar building could be erected for their use, and the committee is informed that such a place is being established by the superintendent. There are other buildings on the hospital grounds used for the administration department, the engineer's department, barns, stables, etc.

Eighth. As to employment of patients.—Every witness who was questioned upon the subject, including the superintendent and the several members of the medical staff and all the superintendents from other institutions, said that it was an excellent thing for patients if they could be induced to work in any capacity. This is done in the Government Hospital for the Insane wherever it is feasible, and the patients generally are urged to work. It would not be possible nor even desirable to force patients to work, but no argument seems to be needed as to the beneficial results that ensue to the patients who have certain duties to perform. For this reason a considerable number of the patients are employed in or about the grounds and wards, in the barns, dining rooms, kitchens, laundry, sewing rooms, and on the farm. Altogether, there are something like 600 patients so employed. From the testimony of superintendents of other institutions this is not as large a proportion as are employed in some of the other institutions but different conditions seem to exist here. In the first place, there are in the institution about 700 people over 60 years of age, and it would be, in the oppinion of the physicians, impossible to get work out of those people. Besides that, something like 250 to 300 people are bedridden. And many of the old soldiers and sailors confined in the hosp

The testimony in regard to this particular inclosure was given by Dr. J. T. Simpson, and appears on page 1497 of the record. He said that was a little park that he made himself; that with the help of some of the patients and employees he laid it out, graveled the walks, planted trees and shrubs, put out plants, and tried to beautify it as much as possible. It was entirely detached from the rest of the grounds. The patients were more or less confined to these limits, because the patients that were under his control were largely old men who would wander away. In that way the patients were, as a rule, not allowed a parole of the entire hospital grounds. They were confined within this space, and an ordinary parole meant inside of that inclosure. This was in the case where a greater confinement was necessary than with the men who were especially trustworthy and were allowed the privilege of going outside of the inclosure and going down by the river and around into other portions of the grounds. The buildings take up a good deal of the ground. There is a group of buildings, the Allison group, and although they take considerable space there is a fair amount of recreation ground left. There are some summerhouses there, and on a small scale it is laid out like a park.

Doctor Hummer testified as to the so-called "bull pen" and said that contain of the patients there are taken outside and there the contains of the patients there are taken outside and there the contains of the patients there are taken outside and there the contains of the patients there are taken outside and the contains of the patients there are taken outside and the contains the contains of the patients.

they take considerable space there is a fair amount of recreation ground left. There are some summerhouses there, and on a small scale it is laid out like a park.

Doctor Hummer testified as to the so-called "bull pen" and said that certain of the patients there are taken outside and through the entire hospital grounds in charge of attendants every day.

Tenth. As to the dual management.—Some testimony was taken in regard to the propriety of institutions similar to that of the Government Hospital for the Insane having a dual head, one for the medical care of the institution and the other for the care of the purchase of supplies and the management of buildings, etc. The committee is confident that this plan is one that is not feasible. The superintendent one of the institutions testified that the mere question of food supplies should be under the immediate control of the medical superintendent, and stated that nothing was more important in the care of persons either mentally or physically ill than the question of their diet.

The overwhelming preponderance of the evidence is in favor of the single and not the dual management of such institutions.

Eleventh. As to classification of patients.—Since Doctor White has been superintendent the question of the proper segregation of patients has been carried to as great an extent as seems to be possible with the present buildings, and is being continued as rapidly as practicable. Epileptic patients have been separated from others as far as is possible; the tubercular patients have been entirely separated from other patients; paretics have been accumulated in separate wards.

It must be borne in mind that in this particular institution there are 500 criminal insane. They are confined in one building, commonly known as "Howard Hall." The committee believes that it would be of very great advantage to the institution for Congress to provide for the founding of a hospital for the criminal insane, so that that class of patients could be taken entirely away from the hospital.

paid directly to the wife or dependent relatives of the soldier, or to the soldier himself if he had no wife or dependent relatives, provided he was mentally competent to sign the pension voucher, in which case the superintendent certified that fact to the Pension Bureau. In the event that the pensioner did not have dependent relatives and was not competent to sign the voucher, the pension money remained in the hands of the Pension Bureau until a guardian was appointed by the court, when the money was paid over to such guardian.

The act of August 7, 1882, however, provided that such pension moneys, in cases where the inmate had neither wife nor dependent relatives, should be made payable to the superintendent of the hospital for the general purposes of the hospital, and the pensioner derived no special benefit therefrom.

Notwithstanding the act of 1882 last above referred to, and for some time after the passage thereof and before the incumbency of Doctor White, many of the immates who had no wives or dependent relatives, and were able to sign the pension vouchers as before stated, received their pensions, but at some subsequent period not disclosed by the testimony all of these moneys were paid over to the superintendent for the purposes of the hospital, in accordance with the provisions of that act. When Doctor White became superintendent he found some \$30,000, which had accumulated under the provisions of the act of 1882, and, at the request of the Commissioner, and he in turn deposited such sum in the Treasury; but up to the present time no use whatever has been made of this money.

In some of these cases it was found that the soldiers at the time of their admission to the hospital were not in receipt of pensions, although they were properly entitled thereto. In those cases it was necessary, under the law, for a guardian or committee of the patient to be appointed by the court, in order that proper application for pension could be made to the Pension Bureau, but as the patient was received upon the order o

were subsequently granted by the Pension Bureau, the same were collected, and in every case, upon order of the court, disbursed by such committees.

Congress passed another act on February 20, 1905 (which is printed in full at page 1743 of the RECORD). This act provides, among other things, that the pensions of all inmates of the hospital shall be paid to the superintendent, to be disbursed by him under regulations to be prescribed by the Secretary of the Interior, and such regulations have been accordingly made by the Secretary of the Interior and will be found at page 1744. These regulations direct the superintendent to receive the pension of the inmate as agent and use the same, first, for the benefit of the pensioner; second, for the benefit of relatives entitled under the law; and third, to reimburse the hospital for the pensioner's board and maintenance. The superintendent is also directed by the regulations to reserve from each pension an amount, not to exceed one-sixth thereof, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular hospital funds or otherwise for the pensioner's benefit, and to charge the remainder, after payment therefrom for the benefit of relatives, if any, as provided in such regulations, with the pensioner's board and maintenance in the hospital, and to place any balance then remaining to the pensioner's credit on the books of the hospital; to pay any unexpended balance of pension money reserved for the pensioner's benefit and any pension money to his credit on the books of the hospital, in the event of the pensioner's discharge from the hospital, to the pensioner is returned to a branch of the National Home for Disabled Volunteer Soldiers, to the treasurer of such branch. In the event of the pensioner's death while an inmate of the hospital the superintendent is directed to pay the same to his widow, or, if there be no widow to his minor children, or, if there be no widow or minor children entitled

must be turned over to the superintendent, as agent, to be used by him as hereinbefore stated.

While it would seem to the committee that the act of 1882, providing for the payment of pensions to the superintendent for the purposes of the hospital, was not reasonable or fair to the patient, it does not deem it within the scope of its duties to criticise the law.

But it is the opinion of the committee that the act of February 30, 1905, which, presumably, was passed to cure whatever of injustice existed under the act of 1882, is a reasonable solution of the question.

The pensioner now receives one-sixth of his pension money for the purpose of providing himself with such necessities as the hospital is not able to give him; a certain portion, not to exceed \$220 per year, is used for his board and maintenance at the hospital, and the balance placed to his credit, or, if he has no dependent or nondependent relatives, after the deduction of the amount of his board the entire amount of such balance is placed to his credit, and upon his discharge is paid over to him or his guardian. If the pensioner dies while an inmate of the hospital the amount standing to his credit is turned over to his widow or minor children, and, if there he no widow or minor children, to the hospital.

The committee believes that such disposition of pension money is fair, and that there is no necessity for recommending any changes in the law.

Thirteenth. Per capita cost.—In the course of the investigation with the reason of the property of

the law. Thirteenth. Per capita cost.—In the course of the investigation there was more or less testimony taken from the officials connected with the Government Hospital for the Insane, the superintendents of other similar institutions, and others, as to the question of per capita cost, and it would appear from the schedules filed that such cost per capita in the government hospital was greater than that in similar institutions in various States. This is not universally so, as will be seen by the testimony of the superintendent, on page 920, where it appears that three

institutions which he mentions cost more per capita than the government hospital. It should be said in this connection that the per capita cost of the Government Hospital for the Insane for the last twenty years has been at least \$220 a year. During a short period of those twenty years the per capita cost was \$225, as shown by the appropriations made by Congress for the institution.

Previous to the appointment of Doctor White as superintendent it was frequently necessary to make an appropriation in the general deficiency bill for deficiency in the maintenance of the hospital. This has not been the case since Doctor White's appointment, notwithstanding 15 additional buildings have since been opened, occupied, and maintained. As a matter of fact, at this time there are 18 more wards in commission than before he took charge of the institution. It is true that the number of people employed has been practically unchanged, but many of the salaries of the attendants and the other employees of the hospital have been raised.

Entirely apart from these facts, the population of the Government Hospital for the Insane is unique, and the character of the patients makes it practically impossible to make an accurate comparison with institutions for the care of the insane elsewhere. In the first place, something like 700 of the patients in the institution are more than 60 years of age; more than 250 of the patients are bedridden.

The men who have served in the military establishment of the country are usually unwilling to perform any voluntary labor. Generally speaking, they believe that they are entitled to a life of entire case and freedom from work, as they would be were they in entire possession of their mental faculties and inmates of a Soldiers' Home. Then, too, the white people who go to the institution from the District of Columbia are averse to performing anything in the nature of manual labor, as they are inclined to think that such labor should be performed by the colored inhabitants of the institution of an about

institution and beneficial to the patients if additional lands could be obtained.

Fourteenth. As to the creation of a lunacy commission.—The evidence shows that there exists in many States a lunacy commission, whose duty it is, among other things, to make inspection of the various hospitals for the insane under its supervision.

The committee is of the opinion that, in case there were several government hospitals for the lunsane, it would be the part of wisdom for Congress to make legislation for the creation of a lunacy commission so that these several institutions could be conducted along the same lines, but in the case of the Government Hospital for the Insane there would seem to be no need for such a commission.

The board of visitors, whose duties are prescribed by statute, so far as the question of inspection is concerned, performs the work of a lunacy commission, and the committee believes that that was the object of the statute. The superintendent is, of course, under the control of the Secretary of the Interior.

The statute provides that the board of visitors, subject to the approval of the Secretary of the Interior, "may make any needry by-laws for the government of themselves, and of the superintendent and his employees, and of the patients, not inconsistent with law; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management, etc."

The committee can not conceive that anything would be gained by the appointment of a lunacy commission, but, on the other hand, there would be incurred, in case of such appointment, the expenses incident thereto.

There was testimony from one of the witnesses that there should be

the appointment of a lunacy commission, but, on the other hand, there would be incurred, in case of such appointment, the expenses incident thereto.

There was testimony from one of the witnesses that there should be a lunacy commission created for the hospital, but the witness stated that the reason for his opinion was that other institutions for the insane might hereafter be created in the District which could be placed under the supervision of this commission, if appointed.

The superintendents of the various state institutions for the insane who were examined on this point sated that, although there was great necessity for a lunacy commission in their respective States, they could see no reason for establishing such a commission for the purpose of supervising control over one particular institution.

Fifteenth. As to the commitment of patients.—A great deal of time has been given to the question of the authority for and method of commitment of indigent patients from the District of Columbia to the hospital, and after a careful examination of the law in connection therewith the committee has no hesitancy in saying that the law as it now stands on that subject is misleading, conflicting, and ambiguous.

In addition to the Revised Statutes hereinbefore referred to, at page 1786 of the record and following, the committee found that the deficiency appropriation act of June 30, 1903, provided that "hereafter proceedings by the Commissioners of the District to commit indigent insane persons and insane persons with homicidal or dangerous tendencies shall be in the equity court of the said District and shall be in conformity with the law in force in the said District and shall be in conformity with the law in force in the said District and shall be in conformity with the law in force in the said District and shall be in conformity with the law in force in the said District and shall be in conformity with the law in force in the said District and shall be in conformity with the law in force in the said District and s

Also, in the Code of Laws for the District of Columbia, amended to and including March 3, 1905, the committee found a provision, section 115a, in connection with lunacy proceedings, as follows:

"Sec. 115a. Lunacy proceedings.—All writs de lunatico inquirendo

shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and when necessary may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

The committee also found a decision on the subject made by the supreme court of the District of Columbia February 16, 1885, and hereinafter more specifically set forth in the matter of William M. Bryant. (3 Mackey's Repts., 489.)

A considerable amount of testimony was heard as to the method of the commitment of inmates of the soldiers' homes to the Government Hospital for the Insane, as provided by statute—that is to say, upon the written order of the apresident of the Board of Managers of said homes to the superintendent of the hospital. The form of such order will be found contained in the record at page 1205.

Objections were made by several of the witnesses to this method of commitment from the home on the ground that great injustice might be done to some of the old soldiers, and, in fact, they alleged that, in certain cases, inmates from the homes had been sent to the hospital, upon the order as aforesaid, who were in fact sane.

As to the legality of this method of commitment there can be no doubt, in view of the decision in the case of Bryant, before mentioned. By that decision the court held that these commitments were proper; that persons in the Army or Navy or Marine Corps, or, perhaps, even in the Revenue-Cutter Service, were already under control; and that "a soldier can be made to go into the hospital for medical treatment, upon the judgment of his superior officers, and they can order him to this asylum if they think that he ought to go there, and in that case the officer's action would be due process of law."

The committee also heard some testimony to the effect that the courts had decided that this manner of commitment was illegal in all cases where the term of enlistment of a social and, under control of the Secretary of War, or the Sec

bospital can not legally detain them after such time unless they shall be duly committed thereto by "due process of law," which in the present case means an inquisition before a jury into a patient's mental condition.

"It has also been held that the transfer of an immate of the National Home for Disabled Volunteer Soldiers to the Government Hospital for the Insane upon the order of the board of managers of said home did not constitute due process of law and was therefore illegal. An appeal has been taken by the district attorney from the foregoing decisions, and the cases are still pending."

As to the alleged injustice or impropriety of such commitments, the committee begs to call attention to the fact that the superintendent of the hospital is directed to receive these patients "until cured." In other words, it is mandatory upon the superintendent to return these patients when cured to their respective soldiers homes. The testimory also shows that this has been done in many cases, and the committee is of the opinion that there is no desire on the part of the superintendent to retain these patients in the hospital after they are cured. Indeed, the testimony shows that, in certain cases where criminals alleged to be insane have been sent to the hospital from federal and military prisons and were found by the physicians to be feigning insanity in order to escape the hardships of such prisons, they were sent back by the superintendent.

As an illustration, Dr. L. H. Taylor, formerly a medical interne at the Government Hospital for the Insane, testified:

"I can refer you to a case that happened. There was a prisoner over there named Bromley, I think, who had committed some offense in the Philippines or one of the tropical possessions. He had murdered somebody, and he was sent to Fort Leavenworth as a life-sentence man, if I am not mistaken. * * We all knew he was a malingerer there, and finally we sent him back to Leavenworth. He was very glad to go back, because he thought he was going to get a pardon. He had n

lished by an inquiry through a jury; that the sections of the Revised son the hospital without clied of the provided of o

dents of the District, usually relatives of the alleged insane person, alleging the insanity of the person; that they believe him to be of unsound mind, incapable of managing his affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane; the length of time he has been in such condition; that he is not fit to be at large; that if he be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable; that they believe that he is not the possessor of any lands and tenements, and that he is indigent and unable to pay for his care and treatment at said hospital.

This affidavit is made upon a blank furnished by and filed with the sanitary officer in the Metropolitan police department, and a copy of the form thereof is annexed hereto and marked "A."

Another affidavit is furnished by and filed with said officer, made by two physicians, stating that they, being qualified to make the affidavit as provided by law, certify that they have made an examination of the mental condition of the person said to be of unsound mind, and that in their judgment the said person is of unsound mind and should not be allowed to remain at liberty unrestrained, and that said person is a fit subject for treatment on account of his mental condition. A copy of the form of such affidavit is annexed hereto and marked "B."

A certificate furnished by said officer is then made out by the said

and should not be allowed to remain at liberty unrestrained, and that said person is a fit subject for treatment on account of his mental condition. A copy of the form of such affidavit is annexed hereto and marked "B."

A certificate furnished by said officer is then made out by the said physicians, stating that they, after a personal examination of the said person, find him to be insane, which certificate gives the history of the case as far as the physicians have been able to obtain the same. Such certificate is filed with said officer, who thereafter files the same with the superintendent of the Government Hospital for the Insane at the time of the admission of the said insane person to the hospital. The person so found to be of unsound mind is brought to the hospital either by his 'relatives or friends or by the superintendent of the Metropolitan police or one of the officers thereof. A copy of the form of said certificate is annexed hereto and marked "C."

The papers above mentioned, to wit, A, B, and C, are then handed to the Commissioners of the District, and the said commissioners then prepare a form of temporary commitment addressed to the superintendent of his mental condition according to law. A copy of such form of temporary commitment is hereto annexed and marked "D."

Within thirty days after such temporary commitment the person so committed is brought before the supreme court of the District and a jury, upon the petition of the commissioners accompanied by the papers aforesaid (the said commissioners being represented by the corporation counsel), and the question as to the sanity or insanity of the said person decided.

If the said person be declared insane by said court and jury the Commissioners of the District, being informed thereof, fill out another form (the permanent commitment), stating that the records of the supreme court show that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared the said person to be of unsound mind and

are again used, but the patient is not brought into court, in view of the fact that he was not discharged as "cured" and was still on the court dockets as an insane person.

Arrest of insane persons.—This report has already set forth the act of 1904, granting authority to the major and superintendent or any member of the Metropolitan police of the District to apprehend and detain, without warrant, any insane person or persons of unsound mind "found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia."

The officer making the arrest is required to make an affidavit, the form of which is also provided by and filed with the sanitary officer aforesaid, a copy whereof is hereto annexed and marked "G." Such form of affidavit states that, from what the officer knows and has seen of such person, he believes him to be of unsound mind, incapable of taking care of himself or his property, and that if permitted to remain at large or go unrestrained in the District the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

In addition to this affidavit the affidavit and certificate of two physicians must be made and filed, and the forms B and C aforesaid are used for that purpose, and the same method of temporary commitment and subsequent proceedings for permanent commitment or discharge of the alleged insane person is followed as in the case where application is made by a friend or relative.

The Commissioners of the District, after the temporary commitment, employ a physician to visit the patient and examine his mental condition, and this physician gives testimony in court at the time of the trial.

Dr. Presley C. Hunt, a witness called before the committee, for some

trial.

Dr. Presley C. Hunt, a witness called before the committee, for some time has been making such examinations, and the committee quotes from his testimony, at page 623 of the record, as follows:

"Before the case comes to trial, which under the law has to be within thirty days, I examine that case, generally a day or two days after the trial comes on. I am allowed to look over the first examination paper made by the different surgeons, and then I examine the man myself to find out his mental condition, and I testify in court to such condition after the police surgeons have testified. If, in my opinion, the case has sufficiently recovered to be discharged, the jury, as a rule, takes my opinion and discharges the patient. Last week, for instance, there were two cases that were certified " that were discharged by order of the court on my testimony."

The Commissioners of the District, therefore, are the only authority for committing civilians to the hospital, and the committee is unable

to see just what might happen if the said commissioners refused to commit a person, especially after a trial before the court and jury as aforesaid.

There is not before the committee evidence of any injustice having been done to anybody by reason of this method of commitment, but it believes that the methods thus stated, even if they be considered the only proper construction of the statutes, are unduly cumbersome, and that the procedure in these lunacy cases might be improved with beneficial results to all concerned.

The whole law as to the question of commitment of patients and the method of procedure in connection therewith should be changed, and a statute should be enacted in lieu thereof which would be clear and explicit, defining the lunacy proceedings in as simple a manner as possible.

It might properly be argued that the power given to the Commissioners of the District to commit patients after the findings of the jury and the order of the court thereon is superfluous, and there might also be a fair objection to the method of having a jury trial to inquire into the sanity or insanity of the person temporarily committed in every case.

into the sanity or insanity of the person temporarily committed in every case.

For instance, in the case of a jury trial, where the jury finds that the person before it is insane the order of the judge presiding at such trial, upon such finding, might be sufficient for all purposes, and the patient committed upon such judge's order, thereby doing away with the necessity for a commitment by the commissioners.

And as to the objection to the jury trial in every case before commitment, it could be said that in some cases great hardship would ensue, both to the patient and his relatives. There is no doubt that in many cases the patient is undoubtedly and perhaps dangerously insane and the publicity attending these trials humiliating to a degree.

And again it might be said with propriety that the whole question of insanity is purely and absolutely a medical one, and that it would be eminently proper to have the question decided by medical men rather than by a jury of laymen.

In many of the States of the Union the method of commitment is more simple than in the District of Columbia, and there is no necessity or provision for jury trials in every case nor for the cumbersome methods here practiced.

In the event of the enactment of a new lunacy law for the District of Columbia which would eliminate the necessity of a jury trial, as before mentioned, a provision could be made therein giving the patient, or his relatives or friends, the right to demand a jury trial before commitment, after notice given to him that application is to be made for his commitment. Provided the patient has no friend or relative the power to request a jury trial might be given to some official of the District; for example, the Board of Charities.

It is the opinion of the committee that there is urgent necessity for a change in the lunacy law, and it therefore recommends that a new statute be enacted in place of what it considers the vague and conficting law on that subject at the present time.

The committee submits herewith the following c

CONCLUSIONS.

- 1. That Dr. William A. White is fully qualified to perform the duties of the position of superintendent.

 2. That the charges of mismanagement of the hospital and of abuse of patients have not been sustained by the evidence.

 3. That the physicians on the medical staff and consulting staff of the hospital are capable men and able to properly care for the needs of the patients.

 4. That the methods of restaints
- of the patients.

 4. That the methods of restraint now used at the hospital are proper, and that restraint is only resorted to in cases of actual necessity.

 5. That the attendants perform their work well and care for the patients in a proper manner; that there have been cases of harsh treatment on the part of some attendants, which, however, have invariably resulted in the summary dismissal of the guilty parties.

 6. That the dietary used at the hospital is of good quality, of proper variety, and the food is generally well prepared and cooked.

 7. That the hospital is a modern institution and is abreast of the times, and is making proper progress in the scientific work with which it has to do; that the buildings and equipment are equal and in many cases superior to those at other institutions.

 8. That the patients are employed in and about the hospital as far

- 8. That the patients are employed in and about the hospital as far as practicable, and that such employment of patients adds materially to their welfare.
- 9. That the so-called "bull pen" is a misnomer, and the group of buildings and inclosure so termed is properly arranged for the comfort of the patients.

- of the patients.

 10. That the management of the hospital should be under one head.

 11. That the superintendent has made a careful classification of the patients as far as practicable.

 12. That the law now existing relative to the collection and disbursement of pension money of patients, together with the regulations of the Secretary of the Interior in connection therewith, are just and equitable.

 13. That the per capita cost of the hospital as now fixed should not be reduced, in view of the peculiar conditions surrounding the hospital, which do not exist at other similar institutions.

 14. That there is no necessity for the creation of a lunacy commission in the District of Columbia.

 15. That the law relative to the commitment of patients should be repealed and a new law enacted.

RECOMMENDATIONS.

In view of the fact that the superintendent of the Government Hospital for the Insane is authorized by statute to make such improvements as he may deem necessary out of the money appropriated for the support fund of the hospital and the pension money now in his hands not to the credit of the patients, and it appearing that he has been and is now engaged in making various improvements which have and will inure to the benefit of the patients, the committee can not see any reason for making recommendations except as follows:

1. That the statute should be amended so that the superintendent should be relieved of performing the duties of a disbursing officer of the hospital and should be given authority to appoint a disbursing officer to act under his direction.

2. That the statutes should be amended so as to make provision for the creation of a separate institution in the District of Columbia to care for the criminal insane patients now confined in the hospital.

3. That steam heaters to be used for the purpose of keeping the food hot after it leaves the kitchens should be installed in each dining room in the hospital.

in the hospital.

1955

(4) That at least one and perhaps two new kitchens should be installed wherever it or they would be most convenient for the preparation of food served to patients and attendants.
(5) That the statutes relative to the commitment of patients should be repealed and a new lunacy law enacted.
(6) That the farm could be utilized to a greater advantage to the institution if additional dormitory facilities could be provided there.
Respectfully submitted.

J. VAN VECHTEN OLCOTT. M. L. SMYSER, A. J. BARCHFELD.

FEBRUARY 15, 1907.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT. SANITARY OFFICE.

Affidavit of lunacy.

Residence.

Residence. Subscribed and sworn to before me this day of -

Notary Public, District of Columbia.

R

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT-SANITARY OFFICE.

Certificate of lunacy.

WASHINGTON, D. C.,

We, the undersigned physicians, having the qualification to make this certificate prescribed by section 5 of the act of Congress approved April 27, 1904, entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes," hereby certify that we have made an examination of the mental condition of the above-named ______, and in our judgment said _______ is of unsound mind, and should not be allowed to remain at liberty and go unrestrained, and that said person is a fit subject for treatment on account of ______ mental condition.

Residence, --, M. D. Residence. -

QUALIFICATIONS FOR PHYSICIANS.

QUALIFICATIONS FOR PHYSICIANS.

Sec. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

Sec. 6. * * Any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than \$500 or imprisoned not more than three years, or both.

C.

DEPARTMENT OF THE INTERIOR, GOVERNMENT HOSPITAL FOR THE INSANE. Medical certificate.

religion, _____; post-office address of friends, _____; telegraph address, _____.

What relatives, including grandparents and cousins, have suffered from either of the following diseases: Insanity, epilepsy, chorea, hysteria, neurasthenia, tuberculosis? _____.

Were parents addicted to excessive use of alcohol, opium, chloral, or other narcoties? _____.

Habits of patient as to same, ____.

Previous peculiarity of patient as to temper, conduct, etc., ____.

Has patient had epilepsy, apoplexy, syphilis, tuberculosis, heat exhaustion, or other serious physical disease? ____.

Evidence of sexual excess or abnormal sexual habits? ———. History of previous attacks, if any. ———. .
When and how did the first symptoms of the disease become mani-

When and now did the list type of type of the list type o

What are the probable causes of the present attack, either predisposing or exciting?

Do suicidal or homicidal tendencies exist; if so, how manifested?

In what institutions, if any, and when, has patient received treat-What special medical treatment has patient received during this

QUESTIONS FOR FEMALES.

M. D.,

P. O. address M. D., P. O. address M. D., Examining Physicians or Surgeons.

-, 190-.

Sanitary Officer, M. P.

Secretary.

To the Superintendent of the Government Hospital for the Insane, District of Columbia.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, —, 190-

Sir: It appearing from the records of the supremé court of the District of Columbia, holding an equity court (lunacy cause No. —), that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared — to be of unsound mind and a fit subject for detention and treatment, and it further appearing that the verdict of said jury has been duly confirmed by said court, you are hereby requested and directed to admit the said tal for the Insane, in conformity with the statute in such case made and provided.

Witness our hands and the seal of the District of Columbia this — day of — , A. D. 190—.

Commissioners of the District of Columbia. TO THE SUPERINTENDENT OF THE GOVERNMENT HOSPITAL FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

F.

F.

Office Commissioners of the District of Columbia, Mashington, _______, 190—.

Sir: It being represented to the Commissioners of the District of Columbia, through the Metropolitan police department of said District, that _______, who was committed to the Government Hospital for the Insane of this District on the ______ day of ______, A. D. 190—, after being adjudged to be of unsound mind by due process of law, and who was on the ______ day of _______, A. D. 190—, discharged from said institution as "improved," has again manifested mental unsoundness with dangerous tendencies, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, you are requested to retake said person into your custody for further care and treatment at said institution.

Very respectfully,

Commissioners of the District of Columbia.

To the Superintendent of the Government Hospital for the Insane in the District of Columbia.

G.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT-SANITARY OFFICE. Affidavit of lunacy.

WASHINGTON, D. C., -

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have appre-

hended and detained _______, and from what I know and have seen of ______ I believe _______ to be insane or of unsound mind, incapable of taking care of ______ self or _____ property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

Subscribed and sworn to before me this --- day of -

Notary Public, District of Columbia.

VIEWS OF THE MINORITY.

The undersigned members of the special committee appointed to make a full and complete investigation of the management of the Government Hospital for the Insane beg leave to submit the following report.

The investigation made by the committee took a very wide scope; and in making this report it is desired to call to the attention of the House the prominent facts which have been proven upon the following points of investigation:

1. Treatment of the inmates.
2. Food supplied to the inmates.
3. Number and character of attendants.
4. Manner of commitment of soldiers and sallors to the hospital.
5. Disposition of the pensions of the soldiers and sallors committed to the hospital.
6. Conduct of the superintendent and the officials under him; his powers.

powers.
7. Board of visitors.
8. The importance of a lunacy commission, or of some other method of inspection.
1. The treatment of the inmates of the hospital by the medical staff is, on the whole, humane; the medical treatment is abreast with the times; the most approved and advanced methods are resorted to, and the medical staff in that regard are highly recommended by the profession generally. Some mechanical restraint is used, and it is a question whether some of this could not be done away with if there were in the hospital a sufficient number of attendants. It seems to be the consensus of opinion among alienists that restraint should be reduced to the minimum.
It also appears that the medical staff of the hospital frown on and

tion whether some of this could not be done away with if there were in the hospital a sufficient number of attendants. It seems to be the consensus of opinion among allenists that restraint should be reduced to the minimum.

It also appears that the medical staff of the hospital frown on and sternly forbid cruelty to patients by attendants; numerous cases of dismissals of attendants for this reason appear in evidence. But that attendants have treated patients cruelly, both by blows and neglect, is proved beyond doubt, no less than 40 witnesses having testified to specific instances of cruelty, and of these 40 witnesses, 26 of them were attendants and ex-attendants. That there have been numerous other cases of cruelty is most probable, and it must be remembered that these cases have occurred since the 1st day of October, 1903. A management under which such instances could happen, and under which they continue to happen, must be faulty. The fault is partly due to the fact, it seems to the undersigned, that there are not a sufficient number of attendants, 1 attendant being often left on the wards without help and without supervision. It is also true that there is a certain amount of callousness displayed both by physicians and attendants, as well as a want of sympathy with these unfortunate people. (See the evidence in the Gartrell case, to be found on pp. 1537–1573 of the printed record.)

2. As to the food which is supplied to the inmates of the hospital there is a conflict of evidence; but it seems to the undersigned that the great preponderance of the testimony is that the food is generally hadly prepared, badly served, and oftentimes is not of such a kind as to be fit for consumption, especially when the character of these people is taken into consideration. It appears that the food served from the general kitchen is cold and unpalatable, that it is sometimes insufficient, and sometimes not fit to eat. Forty-one witnesses testify to one or the other of these conditions, and these witnesses are for the most pa

especially those so unfortunately placed, we can not admit the plea of poverty.

4. It has seemed to us that the manner of commitment of soldiers and sailors to the hospital is not in accord with those principles of law and justice which should be applied in cases involving the liberty and property of the citizens of this country. The law seems to provide that in the case of an enlisted soldier or sailor or of a retired soldier or sailor he can be committed to the hospital upon an order of the Secretary of War or of the Navy, as the case may be. It seems to us clear that these people should be entitled to a jury trial before they are deprived of their liberty.

But the case of the soldiers sent to the hospital from the different soldiers' homes is even worse. They are committed to the hospital upon the order of the president of the board of managers of the National Home for Disabled Volunteer Soldiers. No process of any

kind is invoked. And from the evidence it appears that the president of the board acts upon the ipse dixit of the surgeons of the different homes. Surely a jury trial ought to be had in these cases, especially when it appears that men have been committed to the hospital who were not insane.

5. From the evidence it appears that besides the annual appropriation made for the support of the hospital a large amount of money is derived from the pensions of the soldiers and saliors committed there, and it does not appear that this money is spent for the benefit of the pensioners, but for the inmates of the hospital generally and for improvements to the grounds and buildings. (See pp. 1365, 1366 of the printed record.) We are at a loss to understand why, when the Government amply provides for the maintenance and care of the soldiers and saliors, the pensions of these men should be diverted from their use to the general use of the hospital. A law should be enacted providing that these pensioners should get the benefit of their pensions. It appears that there is now in the Treasury \$130,000 to the credit of pensioners who are inmates of this hospital, and the superintendent contends that five-sixths of this amount can be spent for the general purposes of the hospital. Congress appropriates for the maintenance and support of these pensioners the sum of \$220 per man per year. Some of the pensioners draw \$96 per year and some of them more than this; so instead of \$220 per year, the hospital is really spending \$300 per year, and in some cases a larger sum, per man, and at the same time these pensioners are not getting the benefit of their pensions. From what we can learn, it is difficult to say how much is spent each year for the maintenance and support of this hospital.

6. It is desired to call attention to the very large powers exercised by the superintendent, who practically appoints every employee of the institution and fixes the salaries of these employees. We thiluk that the superintendent should employ those who hav

which the items for the hospital should be see out in detail. The method of hum appropriations has long since been recognized as victous legisland, and no valid reason can be given for its continuance in this life in the continuance in this life is an overline of the continuance in this life is an overline of the continuance in this life is an overline of the continuance in this life is an overline of the continuance in this life is an overline of the purpose of showing to what extent the power of the superintendent of the purpose of showing to what extent the power of the superintendent of the laundry, where a large number of people are employed. He was reported on two occasions for an offense against the regulations. No investigation was ever made of these charges, and no excuse was given for the failure to investigate them, although it appears from the evidence taken by the committee that the charge was well founded and that the superintendent of the hospital could easily have ascertained the facts in the case.

7. The functions of the board of visitors are set forth in the statute, and doubtless when this institution was founded the board could adequately perform the duties assigned to them, but with the growth of the hospital it has been more and more impossible for the board of visitors to exercise that amount of supervision which it seems to us is necessary for the well-being and proper government of the hospital. The legal adviser of the board expressed the opinion (and that opinion has been for the board to inspect it, and, as a matter of fact, there are many wards into which the board of visitors do not go once in a year.

8. In this age inspection has become one of the most important agencies in the government of all institutions. There is, so far as we know, not a State whose hospitals are not subjected to inspection by competent boards appointed for the purpose. And this inspection is not performed by those directly connected with the hospital, but by disinterested and impartial men, whose duty it

JAMES HAY. ROBT. M. WALLACE.

Mr. OLCOTT. I also desire to insert in the RECORD a statement taken from the testimony of the investigation, showing the number of patients, physicians, and ratio of attendants to patients at various hospitals for the insane throughout the country.

Name of hospital.	Patients.	Physicians.	Ratio of attendants to patients.
Central Islip State Hospital, New York	3,900	17	1 to 10
Petersburg, Va. Columbus State Hospital, Columbus, Ohio Illinois Asylum for Incurable Insane, Peoria,	1,200 1,600	85	1 to 15 1 to 13
III. Kings Park State Hospital, New York	1,650 2,700	5 14	1 to 9
Manhattan State Hospital, New York	4,300 1,500	30 6	1 to 9 1 to 15
N. J. Norristown State Hospital, Norristown, Pa	(d) 2,500	8	1 to 9

° Not given.

4 Number not given.

As compared with this statement, the Government Hospital for the Insane had about 2,500 patients, and the ratio of attendants to patients is 1 to 8.

There can be no doubt, from these figures, that the Government Hospital for the Insane has a greater number of attendants, in proportion to the patients, than has any other hospital mentioned in the investigation.

I also desire to insert in the RECORD for the information of the House a statement taken from the testimony showing the difference between the hours of service of attendants at the Government Hospital for the Insane and those at other hospitals.

Government Hospital for the Insane, eleven hours.
Columbus State Hospital, Columbus, Ohio (testimony does not give number of hours, but is to the effect that the hours are longer than they are at the Government Hospital for the In-

Manhattan State Hospital, New York, thirteen hours.
Central Islip State Hospital, thirteen hours.
All New York hospitals, thirteen hours.
Massillon State Hospital, Massillon, Ohio (testimony does not give number of hours, but is to the effect that the hours are longer than they are at the Government Hospital for the In-

Morris Plains State Hospital, Morris Plains, N. J., fifteen hours

This comparison shows beyond question that the attendants at the Government Hospital for the Insane are better treated, so far as hours of service are concerned, than the attendants at other hospitals for the insane.

The conclusions of the gentleman seem to have been arrived at not after a careful and impartial reading of the testimony, not after a calm judgment after considering all the facts pro and con in the case, not from a fair standard of comparison of the character of the testimony of all of the witnesses, but from that of irresponsible persons and discharged employees of the institution, and of certain other persons who were not allowed free access to the private records of patients at the hospital for the purpose of using it in their business

The gentleman seems to be keenly disappointed because the committee's report and the views of the minority did not sustain the charges made against the hospital and its superintendent.

The argument of the gentleman is answered by the report of the committee on the investigation and the report of the Committee on the District of Columbia, both of which I have in-serted as part of my remarks. These reports give facts, references, and exhibits which can leave no doubt in the mind of any unprejudiced man as to the wisdom of passing legislation to correct the abuses which have been caused by the conflicting laws in regard to the commitment of patients to the Government Hospital for the Insane.

In regard to the bill H. R. 12898, which I introduced, to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, which bill was unanimously reported by the Committee on the District of Co-lumbia, I beg to insert in the Record a copy of the bill, together with the report of the Committee on the District of Columbia, which report contains a statement of the reasons why the insanity law as it now exists should be modified.

[H. R. 12898. Sixtieth Congress, first session.]

A bill to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes.

Be it enacted, etc., That hereafter proceedings for admission to the Government Hospital for the Insane of insane persons residing in the

District of Columbia, and for admission to said hospital of nonresident insane persons found in said District, shall be commenced by petition presented in open court to the justice of the supreme court of the District of Columbia holding a special term for orphans? court business, stating the facts necessary for admission to said hospital, as heretofore provided by law, such petition to be signed and sworn to by some responsible resident of the District of Columbia; but such petition shall not be filed until the court shall be satisfied as to the responsibility and residence of the person signing and swearing to the same and shall make and enter an order directing the filing of such petition. SEC. 2. That the order of such court directing the filing of the petition shall fix a time for the hearing, of such application and shall require copies thereof to be served on the alleged lunatic and on the Commissioners of the District of Columbia at least one day preceding the time fixed for such hearing, and a copy of such order, duly authentication of the control of the contro

gent, or shall not have more than enough property to support his haimly dependent upon him for support, the expenses of his board and maintenance in the hospital shall be paid by the District of Columbia, as now provided by law.

SEC. 5. That the order of the court on the hearing of the application on the perition and the evidence shall be made without an inquisition by jury, and all the proceedings under the petition shall be entered in the minutes of the court: Provided, however, That the justice to whom application is made may, if no demand is made for a hearing, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane may immediately issue an order for commitment to the Government Hospital for the Insane. And provided further, That, upon demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the persons upon whom the petition is hereinbefore directed to be served, and upon such other person as the justice, in his discretion, may name, and upon such other person as the justice shall hear the testimony introduced by the parties and examine the alleged insane person, if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the justice shall forthwith issue an order committing him to the Government Hospital for the Insane: And provided further, That the court may, in its discretion, call a jury to determine the question of insanity: And provided further. That if a person ordered to be committed pursuant to the provisions of this act, or any relative or friend in his behalf, is dissatished with the final order of a justice committing him, he may, within ten days after the making of such order, appeal therefrom to a justice of the suprem

after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary. Sec. 6. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residing in the District of Columbia at the time they become insane who are now or hereafter may be detailed in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, and all necessary expenses incurred by the commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia.

of Columbia.

SEC. 7. That all provisions of law inconsistent with this act be, and the same hereby are, repealed.

[House of Representatives. Report No. 1425. Sixtleth Congress, first session.]

[House of Representatives. Report No. 1425. Sixtleth Congress, first session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 9, the words "a special term for orphans' court business" and insert in lieu thereof the word "probate."

Strike out of page 1, line 12, the word "some" and insert in lieu thereof the words "at least three," and change the word "resident," in the same line, to the plural.

Strike out of page 2, line 19, the words "and shall" and insert in lieu thereof the words "when it shall."

Strike out of page 2, line 19, the words "or more."

Strike out of page 2, line 19, the word "ten" and insert in lieu thereof the word "five."

Strike out of page 3, lines 18, 19, and 20, the words "The request for admission to said hospital shall be made within five days after the entry of the order of the court."

Insert in page 5, line 17, after the word "discretion," the words "or upon demand of any relative or near friend, in behalf of such alleged insane person, shall."

Insert in page 5, line 18, after the word "insanity," the words "within five days of the date of such order."

Strike out of page 7, line 18, after the word "insanity," the words "within five days of the date of such order."

The bill provides a simple but positive method of commitment of patients to the Government Hospital for the Insane.

The act mentioned in line 2 of page 3 of the bill is as follows:

The act mentioned in line 2 of page 3 of the bill is as follows:

[PUBLIC-No. 177.]

An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other

An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes.

Be it enacted, etc., That any member of the Metropolitan police of the District of Columbia, or any other officer in said District authorized to make arrests, is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of the public peace imperfled and the commission of crime rendered probable: Provided, however, That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

Sec. 2. That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person alleged to be insane or of unsound mind, the length of time they have known such person, that they believe such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the piscound mind, t

SEC. 4. That the Commissioners of the District of Columbia may authorize the temporary commitment of any of the above-mentioned insane persons or persons of unsound mind so apprehended and detained as provided in sections I and 2 of this act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons, pending the temporary commitment or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any stuch alleged insane person or person of unsound mind apprehended under sections I and 2 of this act may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum; and for he Insane or to any other hospital or asylum; Provided, however, That if, pending the formal roommitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum; he seem the second of the second of

The following is an extract from the act mentioned in line 4 of page 6 of the bill:

[Public-No. 206.]

An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

Be it enacted, etc., That the following amendments are hereby made to an act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901.

SEC. 115a. Lunacy proceedings.—All writs de lunatico inquirendo shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions. *

One of the most salient changes provided in this bill, in the method of committing persons to the hospital, is the doing away of jury trials, except when demanded by the patient or some one representing him. The following is an extract from the Report of the Superintendent of the Government Hospital for the Insane to the Secretary of the Interior for 1905:

Lunacy legislation.—Up to a few months ago the method of procedure in the commitment of insane persons from the District was to try them before a marshal's jury. In regard to this practice I would call attention to the following quotation from the last annual report of the hospital:

before a marshal spars. In regard this practice I would can attraction to the following quotation from the last annual report of the hospital:

"More specific legislation, particularly as to the commitment of the insane from the District, is to be desired. This should be along lines already followed out in many of the States, and, on general principles, fairly well established. The most crying defect in the method now in vogue is the necessity of trying each case in open court. There is absolutely no reason or necessity for this, and it can only have the effect of humiliating both the patient and the patient's relatives. It is time that in this community, at least, insanity should be appreciated for what it is—a form of illness—and legal requirements that place a sick man on the same level as a common criminal have no place in an enlightened community."

As a partial correction of the defects of commitment by marshal's jury. Congress passed an act last winter, which was approved February 23, 1905 (see appendix, Exhibit B), which provides that the trial of lunacy cases shall be presided over by a justice of the supreme court of the District of Columbia. This is a considerable improvement over the old method, as some dignity is given to the proceedings, which are conducted in an orderly and decent manner. This same act also provides

for the restoration of the civil rights of the patients who have been discharged from the hospital as recovered, directing that the court, upon certification from the superintendent that the patient has been so discharged, may proceed immediately to issue an order restoring said patients to their former legal status. A further improvement in lunacy conditions was also made by the passage of an act approved April 27, 1905 (see appendix, Exhibit C), which provides for the temporary detention in the hospital for a period not to exceed thirty days of an alleged insane person pending issuing by the proper authorities of a formal commitment. Previous to the passage of this act insane persons had to be kept in local lockups, associated with all sorts of undesirable persons, and frequently without the care which their condition called for.

detention in the hospital for a period not to exceed thirty days of an alleged insane person pending issuing by the proper authorities of a formal color be kept in local lockups, associated with all sorts of undestrable persons, and frequently without the care which their condition and the color of the

To revert to the question as to the manner of commitment of indigent patients from the District of Columbia, it might be well, perhaps, to dilate upon the methods now in practice, and the law relating thereto, from the beginning of the hospital up to the present time.

Prior to February 16, 1885, commitments were usually made by the Secretary of the Interior upon the statements of two physicians and a relative or friend of the alleged lunatic, presumably in accordance with the statutes at that time in force, until one Bryant, a patient at the hospital, sued out a writ of habeas corpus, demanding his release upon the ground that he was committed without due process of law.

On the date last above mentioned the supreme court of the District of Columbia decided in that case that Bryant was committed without due process of law, and it therefore ordered his discharge from the hospital, declaring, among other things, that the whole question of commitment was regulated by the Maryland statute of 1785, chapter 27, section 6, providing that the insanity of a person should in all cases be established by an inquiry through a jury; that the sections of the Revised Statutes as they then existed did not contemplate compulsory seclusion in the hospital without due process of law, and that if they meant anything else they would be unconstitutional.

Thereafter all proceedings in lunacy were had before a marshal's jury, in accordance with the Bryant decision and the law of Maryland, until January 31, 1899, when Congress passed an act (now section 8425 of the Revised Statutes as amended) doing away with the necessity of the marshal's jury and directing the proceedings to be brought before one of the justices of the supreme court of the District.

This law of 1899, it would seem, remained in effect until June 30, 1903, when Congress made a provision in the deficiency appropriation act, that "proceedings * * to commit indigent insane persons * shall be in the equity court of the said District and shall be in conformity with the la

specifically provides for such marshal's jury in these cases, so that it would seem that the code makes one provision for a trial before the court which had power to call a special jury and another for a trial by marshal's jury.

Congress again passed another act on April 27, 1904 (sees. 8436, 8437, 8438, 8439), authorizing any member of the Metropolitan police of the District to apprehend and detain, without warrant and officer to provide a superintendent of the District of the property of the provided his address could be given to the relatives of the insane person, provided his address could be found.

This act also authorizes the major and superintendent of the Metropolitan police to order the apprehension and detention without warrant of any indigent person alleged to be insane found elsewhere in the District than on the street, avenue, etc., as aforesaid—"whenever two or more responsible residents of the District of Columbia shall make and file an affidavit with said major and superintendent are setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person "see string forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person "see string forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person "see shall order the apprehension and detention of any person upon the determinant of the apprehension and detention of any person provided the person alleged to be insane," etc.

It further states that the Commissioners of the District of Columbia are authorized to place in the hospital, and the superintendent is authorized to receive upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homelical or otherwise danage

The act also provides for the appointment of a committee in case the person is declared busane and has property, and that, in case the person is declared busane and has property, and that, in case the person is declared busane and has property, and that, in case the person to the hospital shall immediately thereafter file with the clerk of the supreme court of the District his sworm statement that such person to declaring such person to be restored to his or her former legal and that such statement shall be smificient to authorize the court to pass an order declaring such person to be restored to his or her former legal it is appeared from a careful reading of the Revised Statutes and the law relative to the proceedure in cases of commitment that such commissions of civilinas to be made by due process of law or inquiry by a lurg.

The practice in we foolowed by the Commissioners of the District, is as follows:

"Application by relatives or friend-Amfant's le made by two rest. Application by relatives or friend-Amfant's le made by two rest. Applications by relatives or friend-Amfant's le made by two rest. Applications by relatives of friend-Amfant's le made by two rest. Applications by relatives of friend-Amfant's le made by two rest. Applications by relatives of friend-Amfant's le made by two rest. Applications by relatives of friend-Amfant's le made by two rest. Applications of the person; that they believe him to be of unsummarized by the property therein and the subject for declaring the linearity of the person; that they believe him to be of unsummarized by the provided friend b

The Commissioners of the District, after the temporary commitment, employ a physician to visit the patient and examine his mental condition, and this physician gives testimony in court at the time of the

trial.

Dr. Presley C. Hunt, a witness called before the committee, for some time has been making such examinations, and the committee quotes from his testimony at page 623 of the record as follows:

"Before the case comes to trial, which under the law has to be within thirty days, I examine that case, generally a day or two days, after the trial comes on. I am allowed to look over the first examination paper made by the different surgeons, and then I examine the man himself to find out his mental condition, and I testify in court to such condition after the police surgeons have testified. If in my opinion the case has sufficiently recovered to be discharged, the jury, as a rule, takes my opinion and discharges the patient. Last week, for instance, there were two cases that were certified * * * that were discharged by order of the court on my testimony."

The Commissioners of the District, therefore, are the only authority for committing civilians to the hospital, and the committee is unable to see just what might happen if the said commissioners refuse to commit a person, especially after a trial before the court and jury as aforesaid.

said.

There is not before the committee evidence of any injustice having been done to anybody by reason of this method of commitment, but it believes that the methods thus stated, even if they be considered the only proper construction of the statutes, are unduly cumbersome, and that the procedure in these lunacy cases might be improved with beneficial results to all concerned.

The whole law as to the question of commitment of patients and the method of procedure in connection therewith should be changed, and a statute should be enacted in lieu thereof which would be clear and explicit, defining the lunacy proceedings in as simple a manner as possible.

It might properly be argued that the power given to the Commissioners of the District to commit patients after the findings of the jury and the order of the court thereon is superfluous, and there might also be a fair objection to the method of having a jury trial to inquire into the sanity or insanity of the person temporarily committed in every

the sanity or insanity of the person temporarily committed in every case.

For instance, in the case of a jury trial, where the jury finds that the person before it is insane, the order of the judge presiding at such trial, upon such finding, might be sufficient for all purposes, and the patient committed upon such judge's order, thereby doing away with the necessity for a commitment by the commissioners.

And as to the objection to the jury trial in every case before commitment, it could be said that in some cases great hardship would ensue, both to the patient and his relatives. There is no doubt that in many, cases the patient is undoubtedly and perhaps dangerously insane and the publicity attending these trials humiliating to a degree.

And again it might be said with propriety that the whole question of insanity is purely and absolutely a medical one, and that it would be eminently proper to have the question decided by medical men rather than by a jury of laymen.

In many of the States of the Union the method of commitment is more simple than in the District of Columbia, and there is no necessity or provision for jury trials in every case nor for the cumbersome methods here practiced.

In the event of the enactment of a new lunacy law for the District of Columbia which would eliminate the necessity of a jury trial, as before mentioned, a provision could be made therein giving the patient, or his relatives or friends, the right to demand a jury trial before commitment, after notice given to him that application is to be made for his commitment. Provided the patient has no friend or relative, the power to request a jury trial might be given to some official of the District; for example, the Board of Charitles.

It is the opinion of the committee that there is urgent necessity for a change in the lunacy law, and it therefore recommends that a new statute be enacted in place of what it considers the vague and conflicting law on that subject at the present time.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT-SANITARY OFFICE. Affidavit of lunacy.

Residence, -

Residence. Subscribed and sworn to before me this - day of -

Notary Public, District of Columbia.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE,

Certificate of lunacy.

Washington, D. C., —, 190—.

We, the undersigned physicians, having the qualification to make this certificate prescribed by section 5 of the act of Congress approved April 27, 1904, entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and

for other purposes,"* hereby certify that we have made an examination of the mental condition of the above-named — , and in our judgment said — is of unsound mind, and should not be allowed to remain at liberty and go unrestrained, and that said person is a fit subject for treatment on account of — mental condition.

Residence, M. D. .

, M. D., Residence,

QUALIFICATIONS FOR PHYSICIANS.

*Sec. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

Sec. 6. * Any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than \$500 or imprisoned not more than three years, or both.

C. DEPARTMENT OF THE INTERIOR, GOVERNMENT HOSPITAL FOR THE INSANE. Medical Certificate.

fest?

Was there, previous to that date, any changes in disposition, or evidence of physical or mental depression or disorder?

Describe as fully as possible the present symptoms of insanity:

What are the probable causes of the present attack, either predisposing or exciting?

Do suicidal or homicidal tendencies exist; if so, how manifested?

In what institutions, if any, and when, has patient received treat-

QUESTIONS FOR FEMALES.

Number of children,—; age of youngest,—; number of miscarriages,—; date of last one,—.

Has patient had any uterine or ovarian disease?
What menstrual irregularities, if any?—.
We hereby certify that the foregoing history is as complete as the opportunities at our command will permit.—— M. D.

P. O. address, -

-, M. D., P. O. address, — D., Examining Physicians or Surgeons.

Date, ______, 190-___

Office Commissioners of the District of Columbia,

Washington, _____, 190—.

Sir: The Commissioners of the District of Columbia request the admission of ______ to the Government Hospital for the Insane under the provisions of the act of Congress approved April 27, 1904 (33 Stat. L., 316), pending a formal investigation of _____ mental condition according to law. The said ______ has been examined under the provisions of said act, and declared to be insane and a fit subject for treatment by Doctors _____ admission to and remaining in said institution, the commissioners agree to comply with the regulations of the hospital in regard to the payment of board, and in all other respects.

By order of said commissioners:

Sanitary Officer, M. P.

Secretary.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL FOR THE INSANE, DISTRICT OF COLUMBIA.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, ______, 190-

Sin: It appearing from the records of the supreme court of the District of Columbia, holding an equity court (lunacy cause No. —), that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared — to be of un-

sound mind and a fit subject for detention and treatment, and it further appearing that the verdict of said jury has been duly confirmed by said court, you are hereby requested and directed to admit the said — to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided

wided.
Witness our hands and the seal of the District of Columbia this
— day of ——, A. D. 190—.

Commissioners of the District of Columbia. To the Superintendent of the Government Hospital For the Insane in the District of Columbia.

Office Commissioners of the District of Columbia, Washington, _____, 190-

Sir: It being represented to the Commissioners of the District of Columbia, through the Metropolitan police department of said District, that who was committed to the Government Hospital for the Insane of this District on the day of A. D. 190—, after being adjudged to be of unsound mind by due process of law, and who was on the day of A. D. 190—, discharged from said institution as "improved," has again manifested mental unsoundness with dangerous tendencies, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, you are requested to take said person into your custody for further care and treatment at said institution.

Commissioners of the District of Columbia.

To the Superintendent of the Government Hospital for the Insane in the District of Columbia.

G.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT-SANITARY OFFICE. Affidavit of lunacy.

WASHINGTON, D. C., -

Washington, D. C., ——, 190—.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have apprehended and detained ——, and from what I know and have seen of ___ I believe —— to be insane or of unsound mind, incapable of taking care of —— self or —— property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

Subscribed and sworn to before me this --- day of ---, 190-

Notary Public, District of Columbia.

Notary Public, District of Columbia.

The following is an abstract of the laws of various States of the Union in force April 1, 1908, relative to the commitments of patients to hospitals or asylums for the insane:

Alabama.—Judge of probate may act with or without verdict of the jury, at his discretion.

Arizona.—Probate judge may act.

Arkansas.—Probate judge or county judge may act.

Colorado.—County court or judge, and jury if the alleged insane person so elect.

n so elect.

Connecticut.—Judge of superior court may act.

California.—Judge or jury (if demanded) upon proper testimony,

Delaware.—Written order of chancellor or state trustees.

Florida.—Circuit judge or county judge.

Georgia.—Petition to the ordinary, who must act upon the verdict of

twelve men.

Illinois.—Petition to the judge of the county court, and a jury of six persons, one of whom shall be a physician.

Indiana.—Two justices of the peace and a respectable practicing

Indiana.—Two justices of insanity receive applications, make inquiry physician.

Iowa.—Commissioners of insanity receive applications, make inquiry into the patient's condition, hear evidence, etc., with power to commit. (See also laws of Dakota.) May appeal to district court from findings of commissioners.

Idaho.—Any judge of court of record may act.

Kansas.—Probate judge or jury of four men, one of whom shall be applyed in

Kansas.—Probate judge or jury of four men, one of whom shall be a physician.

Kentucky.—Circuit court judge and jury required.

Louisiana.—Judge of the district or parish court may act.

Maine.—Municipal officers of the town constitute board of examiners.

Commitment on the certificate of at least two respectable physicians, based upon view, inquiry, and personal examination, etc.

Massachusetts.—Judge of supreme court or superior court or a judge of probate court may commit any insane person who is a proper subject for treatment or custody. No commitment without the certificate of two physicians, each of whom to be a graduate, etc. Violent persons may be received at hospitals without warrant of commitment for not exceeding five days without an order of the judge, as provided.

Michigan.—The judge of probate or jury of twelve men.

Minnesota.—Judge of probate may act, assisted by two persons, one of whom shall be a duly qualified physician, and three shall constitute a jury, etc.

jury, etc.

Missouri.—Probate court shall cause inquiry and decision by jury to be made.

be made.

Montana.—A district judge acts. Must subpena two physicians to make examination and testify and sign certificate.

New York.—Certificate of two physicians under oath, setting forth the insanity of such person within five days from day of confinement. Certificate must be approved by a judge or justice of a court of record of the county or district, etc. Judge may institute inquiry and make proofs as to lunacy before approving or disapproving such certificate. Judge may in his discretion call a jury to determine the question of lunacy.

New Jersey.—Order of court or common pleas court judge authorized to send patients, etc., and request, etc., having been first lodged

with the superintendent of the hospital or asylum upon certificate of two physicians.

New Hampshire.—Order of court or the judge of probate on certificate of two respectable physicians, etc., and such certificate shall be accompanied by a certificate of the judge of the supreme court or a court of probate, a mayor, or a chairman or a selectman testifying to the truthfulness of the signatures of the signers.

Nebraska.—Commissioners may act. Must have testimony of one physicians.

Nebraska.—Commissioners may act. Must have testinony of the physician.

Nevada.—District judge and two physicians.

New Mexico.—Commission and jury, as the circumstances may seem to require.

North Carolina.—Clerk of the superior court acts on testimony of at least one physician.

Maryland.—Circuit court of the county, etc., shall cause a jury of twelve to be empaneled and pass upon the question, etc.

Ohio.—Probate judge on certificate of medical witnesses.

Oregon.—County judge may act. Testimony of one or more physicians.

Oregon.—County judge may act. Testimony of one or more physicians.

Pennsylvania.—Two or more reputable physicians under a personal examination made within one week of the date of their certificate, and the certificate to be duly acknowledged and sworn to or affirmed before a judge or magistrate of the county that such person has been examined, who shall certify to the genuineness of the signatures, etc., and the standing and good repute of all of the signers.

Rhode Island.—Judge of district court on certificate of two practicing physicians of good standing known to him as such.

South Carolina.—The superintendent and regents of the state lunatic asylum prepare questions to be answered. Judge of probate prepares answers, and, if patient can be admitted, judge of probate to examine two licensed practicing physicians, and the three shall make inquiry.

Tennessee.—Justice of peace may commit lunatic to jail until next term of court.

Texas.—County judge and jury of six men.

term of court.

Texas.—County judge and jury of six men.

Utah.—District judge. Testimoney of two physicians.

Vermont.—Judge of probate may act on certificate of two physicians.

Virginia.—Justices of the peace or county or corporation judge, with two physicians constitute a commission to act.

Washington.—Judge of superior court of any county may act on certificate of two physicians, but the alleged lunatic may demand a jury to decide upon the question of his insanity.

West Virginia.—Justice of the peace may act on testimony of one physician.

West Virginia.—Justice of the peace may act on testimony of one physician.
Wisconsin.—Judge may act, assisted by a jury if demanded, on testimony of two physicians.
Wyoming.—Jury as in civil actions.
Mississippi.—By order of chancery court after an inquest of lunacy by six freeholders.
It will therefore appear that in a great majority of States in the Union the trial by jury is not obligatory unless special demand therefor is made.
The following is a letter from Hon. William A. Maury, of the board of visitors of the hospital, to the superintendent as to a jury trial being necessary before commitment:

SPANISH TREATY CLAIMS COMMISSION, Washington, D. C., November 10, 1905.

Washington, D. C., November 10, 1905.

My Dear Sir: In my desire to promote the beneficent object of removing from our statute book the objectionable provision that an inquisition by jury shall be a necessary condition to the admission of a feeble-minded person to the Government Hospital for the Insane, I have gone over the legislation of the States of this Union on the subject of admission of the feeble-minded to hospitals, and I find that almost all of the States commit the important function of sending such persons to hospitals to some judicial officer, either a probate or circuit judge, and prescribe the nature of the evidence upon which his action shall be a seed.

prescribe the nature of the evidence upon which his action shall be based.

There are a few States where a common-law jury or something analogous is required. For instance, Alabama commits the function to the judge, leaving it discretionary with him to impanel a jury. Colorado authorizes action by the county court or some judge, and a jury if the alleged insane person shall so elect. Georgia requires that the ordinary to whom the petition for admission must be addressed must act upon the verdict of twelve men. Illinois empowers the judge of a county court, with a jury of six persons, one of whom shall be a physician. Kentucky requires a jury. Minnesota authorizes the judge of probate to act, assisted by two persons, one of whom shall be a duly qualified physician, and the three shall constitute a jury, etc. Missouri gives jurisdiction to the probate court and a jury. Montana provides for a judge or county commissioner, assisted by a jury of three persons. New York authorizes the judge to act, making it discretionary with him to impanel a jury to determine the question of lunacy. Nevada requires a district judge and two physicians. New Mexico requires a commissioner and a jury, as the circumstances seem to require. Maryland requires a jury of twelve to be impaneled. Washington requires the probate court to act, but allows the alleged lunatic to demand a jury. Wisconsin authorizes the judge to act, assisted by a jury, if demanded.

Of the States just enumerated it will be observed that only eight require inquisition by jury as a necessary condition to admission to a hospital for the insane.

The point made against the recent statute for the District authorizeng and its or the hospital on the order of the hospital on the product of the product of the product of the product of the posterior of the posterior of the product of the posterior of the posterior of the product of the posterior of the posterior of the product of the posterior of the poster

dure inquisition by Jury as a necessary condition to admission to a hospital for the insane.

The point made against the recent statute for the District authorizing admission to the hospital on the order of the judge of the probate court was that due process of law under the Constitution required that there should be an inquisition by jury. The act of February 28, 1861, sections 4845, 4846, and 4847, Revised Statutes, provided for the admission of patients on the certificate of any judge or justice of the peace and order of the Secretary of the Interior, on the application by a member of the board of visitors; and it was not until Bryant's case came up on habeas corpus that the position was taken and sustained that the act of Congress, which had been acted upon for so many years, was unconstitutional, in that it authorized admission of patients into the hospital without a trial by jury. Nobody ever went so far as to say that people with malignant and contagious diseases could not be put in pesthouses without a previous inquisition by jury. And yet insanity is as much a disease against which the community needs protection as smallpox or leprosy or yellow fever.

The term "due process of law," as stated in the Constitution, is generally interprated by reference to what was due process of law at common law at the time the Constitution was adopted. Now, without having made any particular investigation into the subject, I venture to say that, so far from the insane having been entitled at that time to a

trial by jury before being subjected to durance of any kind, they were treated with the utmost barbarity and cruelty, that they were cast into dungeons and loaded down with chains and fetters; in a word, they were treated as wild beasts, and, if I am not much mistaken, were dealt with without any regard for due process of law or the guaranties of human liberty.

Now, when we look at the act of Congress already referred to, we find that the above-mentioned provision with reference to the admission of the feeble-minded into the hospital is in complete accord with the legislation of a very large majority of the States of this Union. It would be absurd to say that the people of those States are living in Egyptian darkness as to what is called a great buttress of personal liberty. It is, indeed, a subject for regret that one of the last vestiges of cruelty to the insane, namely, this requirement of jury trial, should remain in this District. That the presence of these unfortunate people before a court and jury is an aggravation of their malady is well established.

There is a striking contrast between your efforts to have the word

lished.

There is a striking contrast between your efforts to have the word "insane" struck out of the official title of your hospital and the determined way in which every effort made to do away with this cruel requirement of jury trial in this District is stoutly resisted.

You have no bars or gratings over your hospital windows because their presence would suggest a prison, and so have an injurious effect upon the minds of the unfortunate patients. Why, then, should we not, without delay, remove from our statute book this requirement of a jury because of its suggestiveness of a criminal proceeding?

Allow me to say, in conclusion, that I had no intention of writing such a letter when I began, and I hope you will treat it with the indulgence which is usually extended to matters of this importance done on the spur of the moment and flowing freely from a mind which has thought much upon the subject referred to.

WM. A. MAURY.

Dr. WM. A. WHITE.

Dr. WM. A. WHITE, Superintendent Government Hospital for the Insane, Washington, D. C.

Washington, D. C.

The following is a copy of a letter from H. M. Hoyt, Acting AttorneyGeneral, to Dr. William A. White, superintendent Government Hospital
for the Insane, which defines the responsibility of the superintendent
for insane prisoners who have been sent to the hospital and whose sentences have expired while remaining there as patients. There are now
about 100 insane prisoners in the hospital, but it is proper to state that
a bill has been introduced and is now before the Committee on Public
Buildings and Grounds for the erection of a hospital for insane crim-

DEPARTMENT OF JUSTICE, Washington, November 3, 1905.

Department of Justice,

Washington, November 3, 1905.

Sir: Your letter of the 28th ultimo is received in reply to department letter of the 18th ultimo in relation to the mental condition of one George Robinson, a United States prisoner removed to your institution for treatment from the New Jersey State penitentiary at Trenton.

The reason the department wrote you in regard to the condition of Robinson was because of his letter of the 16th ultimo, asking to be discharged on the ground that his sentence had expired.

You say that, while Robinson's term has expired, he is still a very insane man, with many delusions and tendencies which make him dangerous. You also say there might be some question as to the legal right of the hospital to hold the patient, but that you have always felt, however, that you could not take the responsibility of discharging an insane person into the community, even where a prisoner's term has expired. You ask for an expression of my views in the matter.

In reply you are advised that the case refered to by you is similar to the cases of a number of United States prisoners who are confined in insane wards of state prisoners provides for the care of those continuing insane after the expiration of sentence who have no friends to whom they can be sent.

Whenever you have any insane United States prisoners in your institution whose terms of imprisonment have expired, it is suggested that you take steps to turn them over to their relations or friends unless their mental condition is such you would not care to take the responsibility of such a course, in which case the prisoners should be detained in your institution.

Respectfully,

H. M. Hoyt,

Acting Attorney-General.

H. M. HOYT, Acting Attorney-General.

Dr. WILLIAM A. WHITE,
Superintendent Government Hospital for the Insane,
Washington, D. C.

In 1907 the Society of Nervous and Mental Diseases appointed a committee to examine into all matters connected with the care of the insane in the District, and an extract from their report follows:

WASHINGTON, D. C., December 5, 1907.

Members of the Society of Nervous and Mental Diseases:

Your committee appointed at the last meeting to make a report at the next meeting on the care of the insane in the District of Columbia has held two meetings on the evenings of the 2d and 5th instants, respectively, and so far as time and opportunity permitted have acquainted themselves with the details regarding which the society desires

quainted themselves with the report.

The insane, and those suspected of being insane, are cared for in three institutions. The Government Hospital for the Insane, where they are only received upon commitment papers signed by the District Commissioners in accordance with the statute; * * * About 400 patients are admitted to the government hospital from the District each year. * * *

Year. * *

Your committee is of the opinion that, in addition to the matters covered thus far in our report, your instructions were sufficiently broad to include recommendations touching the matter of lunacy legislation. Up to February 23, 1905, the date of the present act establishing a method of procedure in the matter of committing insane persons in the District of Columbia, commitment was had by marshal's jury. No comment is needed upon this antiquated method, and it is now, fortunately, a matter of history.

While the act of February 23, 1905, is a great improvement upon this old method of procedure, it has only gone a short way toward curing the defects of lunacy legislation in the District. The principal defect in the present method of procedure is the necessity for commitment in open court by inquisition before a jury. This is a great hardship both to the patient and his relatives. It is humiliating and can not possibly do good, but on the contrary tends to harm by placing the unfortunate per-

son accused of insanity in the same category as one accused of crime. In fact, the whole method of procedure is the method of the criminal court. If one were to attend these hearings and see the method in operation he would constantly be impressed with the fact that both by method of procedure and terminology employed, the alleged insane person is placed on a par with the criminal. He is cited into court, accused of insanity upon an affidavit of lunacy, signed by two citizens, in which they state that—

"If the insane person be permitted to remain at liberty * * other rights of persons and of property * * will be jeopardized, the preservation of the public peace imperiled and the commission of crime rendered probable."

Nothing appears to indicate that the unfortunate insane person is committed to the institution for his own welfare to be treated for the disease with which he is afflicted, and, if possible, be restored to health and useful citizenship, the implication being that he is removed from the community because he is a dangerous element therein. The question of insanity is solely and absolutely a medical one to be solved by medical men, and there is no more sense in submitting such a question to a jury of laymen than there is in submitting the question of the existence of typhoid fever.

Your committee is of the opinion that the lunacy legislation of the District requires complete revision in such a way that relief may be extended to the insane because of their illness, rather than upon the basis of probable criminal acts, as under the present law. In the main, the law should provide that, upon satisfactory medical evidence, the court should be empowered to commit directly without public proceedings in open court. The safety of all parties concerned can be readily taken care of by providing, as the New York law does, for example, that a hearing before a jury can be had upon the motion of the alleged insane person, or a friend or relative on his behalf, or upon the court's own motion. Experience shows th

WM. A. WHITE. D. PERCY HICKLING. D. K. SHUTE.

From the foregoing opinions as to the validity of commitment without a jury trial, from the examination of the laws of the several States of the Union, and from the opinions of experts and all others who have investigated the subject there would seem to be no doubt as to the humanity, safety, and propriety of doing away with the obligatory jury trial. The old treatment of the insane started with the idea that insanity was crime, and therefore juries were necessary; the new treatment says insanity is disease, and therefore doctors should determine its existence. Formerly we had asylums; now we have hospitals.

The following is the letter from the commissioners approving the proposed legislation:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, February 29, 1908.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, February 29, 1908.

Dear Sir: The commissioners have the honor to recommend favorable action upon H. R. 12898, entitled "A bill to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes," which you referred to them for their views thereon, if amended by inserting the words "equity court" in lieu of the words "a special term for orphans' court business," in line 9, page 1, and by inserting the words "Provided, That in the case of indigent patients the examination shall be made by the police surgeons, who shall receive no extra compensation on account of such service," after the word "Columbia," in line 14, page 3.

The bill, if enacted, will provide for more humane and enlightened proceedings for admission to the Government Hospital for the Insane. The main object of the bill is to do away with the jury system by providing for a hearing before a judge alone, unless in such cases as a hearing by a jury is requested. The commissioners are of the opinion that the ordeal of a jury trial results in a great hardship to the patient and often aggravates the severity of the mental disorder. The fact that a jury trial is required no doubt also frequently delays recourse to prompt treatment in incipient cases, and thereby lessens the chances of permanent recovery. For these reasons it would appear that a hearing before a judge alone and a requirement for the textimony of two reputable physicians would subserve the interests of the patient and friends.

Sections 2, 3, and 4 of the bill seem to guarantee ample protection against the danger of improper confinement. The enactment of this bill would increase the cost in lunacy proceedings by probably about \$7,500 per annum on account of the provision of a per diem compensation of \$10 to be paid to the examining physicians. The question of indigent patients may be made by the police surgeons and by the physicians on duty at the psychopathic wards when such wards are est

have a law enacted providing for trial without jury and allow the matter of its validity to be judicially determined.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hop. J. VAN VECHTEN OLCOTT,

House of Representatives.

Your committee did not approve of making it the duty of the police surgeons to examine the indigent insane. The present board of police surgeons could not perform this work in addition to their present duties, and so nothing would be saved in expense, as new surgeons would have to be appointed. Apart from this, the appointment should be made by the court to carry out in this particular also the thought that insanity is not crime.

Your committee appends the opinion by Mr. Justice Barnard on the general subject of commitment, and holding the constitutionality of such commitment even though no jury be had.

[Supreme court of the District of Columbia. In the matter of Emily Murdock, alleged lunatic.]

Murdock, alleged lunatic.]

Mr. Justice Barnard delivered the opinion of the court:

In this case Emily Murdock, by Churchwell O. Chenault, files a petition averring that she is a citizen of the United States, and that her last place of legal residence was the city of Philadelphia, but that for the past five years she has been confined in the Government Hospital for the Insane, in this District.

That on January 14, 1902, she was temporarily sojourning in Washington City, when on petition of one John M. George, a stranger to her, and on the affidavits of Dr. William W. Wagner and Dr. John W. Shaw, physicians in this District, she was arrested and detained, without warrant of law, and on January 17, 1902, on testimony given in open court by said physicians, before one of the justices of this court, she was adjudged and declared to be a lunatic, and was ordered to be placed in the custody of the superintendent of said government hospital for the purpose of care and curative treatment, where she has been ever since, save on one or two occasions, when she was allowed out on parole, in the custody of her mother.

She states that such confinement and restraint of liberty are without due process of law, she being held only under the order of commitment given by the said justice; that she is now mentally capable of taking care of herself and her property, but that the superintendent refuses to discharge her, and that the proceedings in the said lunacy case, No. 760, in this court, which she makes part of her petition, were unlawful, and she therefore prays for a writ of habeas corpus, in order that she may be released and discharged from such unlawful detention and restraint.

The said superintendent has filed his return to the petition, in which

760, in this court, which she makes part of her petition, were unlawful, and she therefore prays for a writ of habeas corpus, in order that she may be released and discharged from such unlawful detention and restraint.

The said superintendent has filed his return to the petition, in which he says that he detains the said Emily Murdock in compliance with and by authority of an order of this court dated January 17, 1902, a copy of which is attached to his answer.

He further says that she is incapable of caring for herself, and that the only person who comes forward to vouch for her is her mother, who is equally incapable of caring for her daughter and is herself an object of charity. That her conduct was such when she has been on parole that complaints have been made, and she has been taken back and is now detained in the said hospital.

A copy of said order is annexed to the answer, from which it appears that "it is adjudged that the said Emily Murdock is an insane person; and it appearing to the court that the said person should be committed, it is ordered that said Emily Murdock, until otherwise ordered by competent authority, be committed to the Government Hospital for the Insane in the District of Columbia for the purpose of care and curative treatment."

Counsel for the petitioner and respondent have taken certain testimony before the court as to the present mental condition of the said petitioner, the witnesses on behalf of the petitioner being herself, her mother, and two other lay witnesses, but no medical testimony has been offered in her hehalf. The testimony on behalf of the respondent was that of a physician who has been acquainted with the said petitioner, since her commitment to the asylum, and it was of such character, when taken in connection with the testimony and appearance of the petitioner herself, as to make the court hesitate to discharge her on the ground that she was now mentally sane and capable of taking care of herself and her property.

Thereupon counsel for the respective parties h

rovisions of the Constitution, and that a proceeding under it was not "due process of law."

Counsel for the respondent insist that the proceeding was under the said act of Congress, and that it was "due process of law," notwithstanding there was no provision in said law for a jury trial.

The said act is entitled "An act to change the proceedings for commitment to the Government Hospital for the Insane in certain cases, and for other purposes."

It provides that a petition shall be filed, signed, and sworn to by some responsible resident of the District; and that a copy shall be served on the alleged lunatic and another on the Commissioners of the District; and that thereafter the court shall appoint two or more physicians not connected with any hospital for the insane to examine the alleged lunatic and to testify as to his mental condition; and that the court shall require the presence of the alleged lunatic at the hearing, unless for good reason it shall direct otherwise by an order stating such reason; and that the order of the court on the hearing shall be made without an inquisition by jury, and all the proceedings shall be entered in the minutes of the court.

This act was in force when the petitioner was examined and committed, being specially excepted from repeal by section 1636 of the code.

Said act remained in force until the 3d of March, 1903, when Congress expressly repealed all of said act except section 7, which requires the commissioners to return nonresident insane to their homes when practicable, and provides that thereafter proceedings by the Commissioners of the District to commit indigent insane persons to the Government Hospital for the Insane shall be taken in conformity with the law in force in said District on January 30, 1899. (32 Stat. L., 1043.)

That proceedings was based on the inquisition of a jury presided over by the marshal of the District, which first returned a verdict that the alleged lunatic was of unsound mind.

Counsel for the respondent claim that the case In re William M. Bryant, Third Mackey, page 489, decided by this court in general term in 1885, is an authority that should be conclusive and binding upon the court now in disposing of the question presented in this case.

At the time of that decision the court determined that there was no provision purporting to be due process of law which would authorize the commitment of a person to the Government Hospital for the Insane other than the finding of a jury.

Mr. Justice James says in his opinion in said case:

"This whole matter is regulated by the Maryland statutes of 1785, chapter 72, section 6, which contemplates that the person whose affairs the chancellor is to have control of shall first be found to be insane by a jury of inquiry. There must be a regular adjudication of the question by due process of law, without which even the chancellor can not act, and due process of law in establishing the insanity of a person has long been declared to be by inquiry through a jury. It would be impossible, therefore, that we should recognize the unsworn statements of two physicians to be due process of law."

He further states: "This commitment has no resemblance to the cases of persons in the Army or Navy or Marine Corps, or, perhaps, even in the revenue service. There the parties are already under control. A soldier can be made to go into the hospital for medical treatment upon the judgment of his superior officers, and they can order him to this saylum if they think that he ought to go there, and in that case the officer's action would be due process of law. But in the case of a civilian, the order of an executive officer upon the mere unsworn certificate of physicians can not be called due process of law."

The opinion concludes: "We hold, therefore, first, that these sections of the Revised

But this does not answer the question presented for consideration in the case now before the court. The question to be considered is, Can there be due process of law as to the custody of unfortunate persons alleged to be of unsound mind, short of giving them a trial by jury? And if so, whether the said act of January 31, 1899, provides such proceeding as amounts to "due process of law," as defined by the

And it so, whether the sain act of 'January 31, 1899, provides such proceeding as amounts to "due process of law," as defined by the courts.

An inquiry into the alleged lunacy of a person is not a criminal prosecution or the trial of a crime. In construing a similar provision in the state constitution of lowa the supreme court of that State said: "It is clear to us that this provision applies only to criminal prosecutions or accusations, for offenses against the criminal law, where it is sought to punish the offender by fine or imprisonment. The inquest of lunacy by a board of commissioners is in no sense a criminal proceeding. The restraint of an insane person is not designed as punishment for any act done. The insane are, by the law, taken into the care and custody of the State for treatment for their unfortunate infirmity." (County of Black Hawk v. Springer, 58 Iowa, 417; In re Breesee, 82 Iowa, 578.)

In Louisiana a statute providing that an alleged lunatic should be brought before a judge of chambers, and that, after inquiry, if the judge thought he should be sent to the insane asylum, he should order his commitment, was held to be valid by the supreme court of that State, as providing a proceeding which amounted to due process of law. The court says: "The lawgiver has thus wisely provided for the protection of both such person and society; for cases may and do arise in which a most summary disposition should be made of those unfortunate persons whose mental derangement may be such as to prove a just cause of alarm to individuals and to the public at large." (In re William Ross, 38 La. Ann., 523.)

The said court, citing the Dartmouth College case (4 Wheat., 519), also uses this language:

"By the words 'due process of law,' found in the organic law, is meant: That every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society. By the law of the land is intended a general law; a law which hears before it condemns; which proceeds upon inq

imply that, in every case, the parties interested shall have a hearing in court."

The only case cited by counsel for the petitioner is the said Bryant case, in Third Mackey.

That decision was rendered at a time when there was no statute law purporting to furnish any court proceeding for the compulsory commitment of insane persons to the asylum, except the statute of Maryland, of 1785, therein referred to.

That act placed the custody of the person and estate of any person who was an idiot, lunatic, or non compos mentis under the control of the court of chancery, and the chancellor was authorized to appoint a committee and to superintend, direct, and govern the concerns of such persons, both as to the care of his person and the management of his estate, by such orders and decrees as to him might seem just and proper.

At that time, also, the established course was for the chancellor to have a jury of inquiry before undertaking such management and care, whether the relief prayed for was as to the care of the person or as to the estate of the alleged lunatic. In that case the court recognized that the statutes relating to service in the Army or Navy or Marine Corps did provide a means by which persons in that service could be compulsorily confined in the said hospital, and says that the action of an

officer in so sending a soldier, sailor, or marine to the said hospital would be due process of law.

It appears from the said opinion, also, that the court was there called upon to pass judgment in a matter where there was no sworn statement or evidence of anyone, and no adversary proceedings of any kind in court, but only an ex parte proceeding out of court by two physicians, not under oath, which the court said could not be recognized to be due process of law. There was no judicial ascertainment of the fact of insanity.

process of law. There was no judicial ascertainment of the fact of insanity.

The court finally concludes in that case that the sections of the Revised Statutes in question do not contemplate compulsory seclusion in the said asylum without due process of law, and that the whole matter was then regulated by the said act of Maryland of 1785, which included an inquiry by jury.

I am not able to see that this case disposes of the question now presented to me.

Since that decision Congress passed the act of January 31, 1899, which expressly requires that the judicial decision necessary to control the court in directing the custody of the alleged lunatic shall be made by the court without an inquisition by jury. It provides for notice to and the presence of the alleged lunatic, and makes the finding a matter to be placed on the minutes of the court as a public record, and it safeguards any person alleged to be of unsound mind by making the proceeding one in open court and to be decided on sworn testimony.

It is not certain that if this statute had been before the court in general term when it heard the Bryant case, that the court would not have reached the conclusion that what is here expressly provided for as a public hearing in court on legal testimony is "due process of law."

There are many cases which hold that it is not essential that there should be a jury trial before a citizen can be deprived of liberty or property.

For example, proceedings for contempt: proceedings for condemnation

There are many cases which hold that it is not essential that there should be a jury trial before a citizen can be deprived of liberty or property.

For example, proceedings for contempt; proceedings for condemnation of property under the power of eminent domain; assessment and collection of taxes; proceedings having regard to public morals, health, and safety under the police power; and decrees of courts of equity, both as to custody of persons and disposition of property.

The cases above cited, which have construed similar provisions in state constitutions, are persuasive that an inquiry into the mental condition of any person alleged to be of unsound mind is not a criminal prosecution and does not require a jury under the third article of the Constitution or the sixth amendment.

I, therefore, am forced to the point, in this case, of determining the meaning of "due process of law," as applied to such inquiry, and as used in the fifth amendment to the Constitution.

There is perhaps no legal phrase known, which has been more variously defined, than this one phrase, "due process of law."

In 8 Cyc., 1080, this definition is given: "Due process of law in each particular case means such an exertion of the powers of the Government as the settled maxims of the law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs."

In the notes, and further in the text, various other definitions are given, some of which are:

"Ordinary judicial proceedings in court."

"A trial according to some settled course of proceeding."

"Lawful judicial proceeding in a court of competent jurisdiction."

"Some legal procedure in which the person proceeded against, if he is to be concluded thereby, shall have an opportunity to defend himself."

"The right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, and to have the right of con

"An orderly proceeding adapted to the nature of the case, in which the citizen has an opportunity to be heard, and to defend, enforce, and protect his rights."

"A requirement of action or abstinence, binding upon and affecting alike each and every member of the community of the same class, or of similar circumstances, enacted for the general public good or welfare."

alike each and every member of the community of the same class, or of similar circumstances, enacted for the general public good or welfare."

The cases from which these and other similar definitions are taken embrace state and federal decisions in great numbers, and also Cooley's Constitutional Limitations, wherein that learned author discusses this question at some length.

In the case of Nobles v. Georgia (168 U. S., 398), Mr. Justice White delivered the opinion of the court, and quoted with approval the case of Bonds v. Tennessee (Martin & Yerger, 142).

In the case referred to, after citing authorities, the court said:

"From this it appears that inspection by the court is one of the legal modes of trying the fact of insanity, and nothing appears in the record of this case to show that the discretion of the court, in adopting the mode pursued, was erroneously exercised."

Mr Justice White concluded his opinion as follows:

"It being demonstrated by reason and authority that at common law a suggestion made after verdict and sentence of insanity did not give rise to an absolute right on the part of a convict to have such issue tried before the court and to a jury, but addressed itself to the discretion of the judge, it follows that the manner in which such question should be determined was purely a mater of legislative regulation. It was, therefore, a subject within the control of the State of Georgia. Because we have confined our opinion exclusively to the question before us—that is, the right arising on a suggestion of insanity after sentence—we must not be understood as implying that a different rule would prevail after verdict and up to and including sentence, or as passing upon the question whether, under the fourteenth amendment, a State is without power to relegate the decision of a question of insanity, when raised before conviction to such apt and special tribunal as the law might deem best."

The language of the fourteenth amendment is as follows:

"The language is, in effect, identical with that u

of law" clause under the fourteenth amendment to the Constitution. He uses this language, on page 389:

"This court has never attempted to define with precision the words 'due process of law." Nor is it necessary to do so in this case. It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free government, which no member of the Union may disregard, as that no man shall be condemned in his person or property without due notice and an opportunity of being heard in his defense."

in his defense."

Mr. Justice Matthews, in the case of Hurtado v. California (110 U. S., 516), discusses the words "due process of law," as used in the fifth and fourteenth amendments; and upholds the constitution of California, which authorizes the prosecution of felonies by information, instead of by indictment by grand jury. On page 585, he says:

"Due process of law in the latter (the fifth amendment) refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. In the fourteenth amendment, by parity of reason, it refers to that law of the land in each State which derives its authority from the inherent and reserved powers of the State, exerted within the limits of those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions and the greatest security for which resides in the right of the people to make their own laws and alter them at their pleasure."

and political institutions and the greatest security for which resides in the right of the people to make their own laws and alter them at their pleasure."

The act of January 31, 1899, seems to me to be a proper exercise of legislative authority and to provide an orderly, reasonable, and safe method for fairly determining the mental condition of all unfortunate persons alleged to be of unsound mind, so far at least as to authorize their compulsory commitment to an institution such as the Government Hospital for the Insane for care and curative treatment.

The object of the law is for the protection and benefit of the unfortunate individual whose mind is affected and at the same time is in the interest of humanity and for the common welfare of the community. After the repeal of this statute, the old method of having a jury of inquiry and testimony to be taken before such jury in the presence of the marshal, but not in open court, continued in force as the mode of procedure until the 23d day of February, 1905, when the present law was enacted requiring the inquiry to be made before the court and jury in open court (33 Stat. L., 740), so that we have had, within a comparatively short time, three different methods of procedure to accomplish the same purpose, all of them evidently enacted by Congress equally in the interest of the community and of the individual.

My experience and observation under the three different statutes as a judge leads me to the conclusion that the said act of January 31, 1899, is perhaps the best of the three for the individual who is suffering from mental disease, as there is less disturbance to the patient when he is brought into open court before a single judge than there is when he is brought into open court before a single judge than there is when he is brought into open court before a single judge than there is when he is brought into open court before a single judge than there is when he is brought into open court before a single judge than there is when he is brought into pen cour

Mr. OLCOTT. The bill gives the right of a jury trial to the alleged lunatic, upon his or her demand, or upon the demand of a relative or friend or other person designated by the court, and it further provides that within ten days after the commitment the same parties, or either of them, may appeal to a justice other than the justice before whom the matter was brought, which latter justice shall cause a jury to be summoned and shall try the question of such insanity.

I wish to correct another erroneous statement made by the gentleman from Florida. The gentleman states that this bill should have been reported to the Committee on the Judiciary rather than the Committee on the District of Columbia, for the reason that the Government Hospital for the Insane was originally used for only one class of patients—the insane of the army and the navy.

As a matter of fact, and for a number of years, the hospital has been receiving yearly between 600 and 700 patients, 400 of whom come from the District of Columbia. This seems to be a very good reason why the bill should have been considered by the Committee on the District of Columbia.

I might add that, in addition to the approval of this bill by the Commissioners of the District of Columbia, Judge William A. Maury, of the board of visitors, and the Society of Mental and Nervous Diseases, as set forth in the report of the Committee on the District of Columbia, it received also the approval of the corporation counsel of the District of Columbia, Mr. Justice Barnard, the Washington Board of Trade, and the Chamber of Commerce of the District of Columbia.

One word more: I have had a careful investigation made into the statutes of the various States of the Union in regard to the method of commitment of patients to hospitals for the insane, and I have incorporated in the report of the Committee on the District of Columbia an abstract of such statutes. Reference is

made to the insanity laws of 43 States and 2 Territories, showing the method of commitment of patients, and of these only 8 States have laws requiring obligatory jury trials.

It will be interesting to read the extract from the report of the superintendent of the Government Hospital for the Insane for 1905, found in the report accompanying the bill, under the heading of "Lunacy legislation," where good reasons are set forth why the bill should be passed.

As I said before, a jury trial in every case is harsh, unjust, and wicked, and has a tendency to treat the alleged lunatic as a criminal rather than as a person suffering with a mental dis-The bill is fair and simple, and can do no possible harm.

I sincerely hope that on Monday next, when the bill comes up

for consideration, it will be passed.

In conclusion and for the special information of the gentleman from Florida, who states that the bill to change the method of commitment of patients in the District of Columbia is the most outrageous measure that he has ever met with, and which strikes at the very foundation of the Government itself, I desire to state that the insanity laws of the State of Florida prescribe for the commitment of insane persons upon the order of a circuit judge or a county judge.

The SPEAKER. The Chair lays before the House the fol-

lowing request from the Senate. The Clerk read as follows:

Resolved, That the Secretary be directed to request the House to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

The SPEAKER. Without objection, the request is agreed to. There was no objection.

Mr. FITZGERALD. Mr. Speaker, is that a request to return a bill to the Senate?

The SPEAKER.

Mr. FITZGERALD. That is the bill we have just sent to conference

The SPEAKER. The Chair thinks not.

Mr. FITZGERALD. It sounded a good deal like it.
The SPEAKER. It is a Senate bill on the same subject on which the House just acted.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President (S. Doc. No. 697), which was read, referred to the Committee on the District of Columbia, and ordered to be printed.

The message is as follows:

To the Senate and House of Representatives:

To the Senate and House of Representatives:

I transmit herewith a letter from the Commissioner of Labor and Special Agent Victor S. Clark, of the Bureau of Labor, relating to an investigation conducted by them into the office of the building inspector of the District of Columbia, and I recommend that the Congress authorize the appointment of a commission of three members, with powers to administer oaths, to make a thorough investigation of the building-inspection department of the District of Columbia, and that an appropriation of \$3,500 be made to defray the expenses of this commission.

I append hereto an extract from a recent verdict of a coroner's jury and certain letters which explain the reason of the investigation conducted by the Bureau of Labor.

I agree fully with the position taken in the report from the Bureau of Labor that the building-inspection department should not be left under suspicion as the result of unproven charges. In the interest of the building investigation of the conduct of his office. If that important department of the District government is inefficient or improperly conducted, its personnel should be reorganized. If, on the other hand, the criticism of it is unfounded, this should be demonstrated to the public's satisfaction and the building inspector vindicated and sustained.

The White House, February 5, 1909.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 5, 1909.

SPECIAL MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following special message from the President, which was read, as follows:

To the House of Representatives:

I herewith return, without approval, H. R. 16954, entitled "An act to provide for the Thirteenth and subsequent decennial censuses." I do this with extreme reluctance, because I fully I do this with extreme reluctance, because I fully realize the importance of supplying the Director of the Census at as early a date as possible with the force necessary to the carrying on of his work. But it is of high consequence to the country that the statistical work of the census shall be conducted with entire accuracy. This is as important from the standpoint of business and industry as from the scientific standpoint. It is, therefore, in my judgment, essential that the result should not be open to the suspicion of bias on political and personal grounds; that it should not be open to the reasonable suspicion of being a waste of the people's money and a

Section 7 of the act provides in effect that appointments to the census shall be under the spoils system, for this is the real meaning of the provision that they shall be subject only to noncompetitive examination. The proviso is added that they shall be selected without regard to political party affiliations. But there is only one way to guarantee that they shall be selected without regard to politics and on merit, and that is by choosing them after competitive examination from the lists of eligibles provided by the Civil Service Commission. The present Director of the Census in his last report states the exact fact about these noncompetitive examinations when he says:

"A noncompetitive examination means that every one of the

"A noncompetitive examination means that every one of the many thousands who will pass the examinations will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation."

To provide that the clerks and other employees shall be appointed after noncompetitive examination, and yet to provide that they shall be selected without regard to political party affiliations, means merely that the appointments shall be treated as the perquisites of the politicians of both parties, instead of as the perquisites of the politicians of one party. I do not believe in the doctrine that to the victor belong the spoils; but I think even less of the doctrine that the spoils shall be divided without a fight by the professional politicians on both sides; and this would be the result of permitting the bill in its present shape to become a law. Both of the last censuses, the Eleventh and the Twelfth, were taken under a provision of law excluding competition; that is, necessitating the appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization. Mr. Robert P. Porter, who took the census of 1890, states that—

"The efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employees should be selected in accordance with the terms of the civil-service law."

Mr. Frederick H. Wines, the Assistant Director of the Census of 1900, states as follows:

"A mathematical scale was worked out by which the number of 'assignments' to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees. The assignees named in the first instance the persons to be examined. They were afterwards furnished each with a list of those named who had 'passed' and requested to name those who they desired to have appointed. Vacancies were filled in the same manner. This system was thoroughly satisfactory to the majority of the politicians interested, though there were a few who refused to have anything to do with it. The effect upon the bureau was, as may readily be imagined, thoroughly demoralizing."

Mr. Carroll D. Wright, who had charge of the Census Bureau after the census of 1890, estimates that \$2,000,000, and more than a year's time, would have been saved if the census force had been brought into the classified service, and adds:

"I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made and in the absence of any necessity for the increase of the force, 389 new appointments were made."

This of course meant the destruction of economy and efficiency for purely political considerations.

In view of the temporary character of the work, it would be well to waive the requirements of the civil service law as regards geographical apportionment, but the appointees should be chosen by competitive examination from the lists provided by the Civil Service Commission. The noncompetitive examination in a case like this is not only vicious, but is in effect a fraud upon the public. No essential change is effected by providing that it be conducted by the Civil Service Commission;

and to provide that the employees shall be selected without regard to political party affiliations is empty and misleading, unless, at the same time, it is made effective in the only way in which it is possible to make it effective, that is by providing that the examination shall be made competitive.

I also recommend that if provision is made that the census printing work may be done outside the Government Printing Office, it shall be explicitly provided that the Government authorities shall see that the eight-hour law is applied in effective fashion to these outside offices.

Outside of these matters, I believe that the bill is, on the whole, satisfactory and represents an improvement upon previous legislation on the subject. But it is of vital consequence that we should not once again permit the usefulness of this great decennial undertaking on behalf of the whole people to be marred by permitting it to be turned into an engine to further the self-interest of that small section of the people which makes a profession of politics. The evil effects of the spoils system and of the custom of treating appointments to the public service as personal perquisites of professional politicians are peculiarly evident in the case of a great public work like the taking of the census, a work which should emphatically be done for the whole people and with an eye single to their interest.

THE WHITE HOUSE, February 5, 1909.

REPRINT OF CENSUS BILL.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for a reprint of the census bill as it passed the two Houses of Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a special and detailed report from the Internal Revenue Bureau on denatured alcohol at home and abroad (H. Doc. No. 1419)—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of State, transmitting certificates of the electoral votes cast in the various States—to the Committee on Election of President, Vice-President, etc.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NYE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street," reported the same without amendment, accompanied by a report (No. 2056), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 25149) to authorize certain changes in the permanent system of highways, District of Columbia, reported the same with amendment, accompanied by a report (No. 2059), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 27667) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, reported the same without amendment, accompanied by a report (No. 2061), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MALBY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, reported the same with amendments, accompanied by a report (No. 2062), which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8048) to withdraw from settlement and entry certain lands in the State of California, reported the same without amendment, accompanied by a report (No. 2066), which said bill and report were referred to the Committee of the Whole House on the state of

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, reported the same without amendment, accompanied by a report (No. 2069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia, reported the same without amendment, accompanied by a report (No. 2053), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8187) to change the name of the Washington Hospital for Foundlings, reported the same without amendment, accompanied by a report (No. 2054), which said

bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 2065), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27243) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," reported the same with amendments, accompanied by a report (No. 2067), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 4033) to satisfy certain claims against the Government arising under the Navy Department, reported the same with amendments, accompanied by a report (No. 2048), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the Senate (S. 5349) for the relief of Madison County, Ky., reported the same without amendment, accompanied by a report (No. 2049), which said bill and

report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 3452) for the relief of Joseph Schrembs, reported the same without amendment, accompanied by a report (No. 2050), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, which was referred the bill of the Senate (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, reported the same without amendment, accompanied by a report (No. 2051), which said bill and report were referred to the Private Cal-

endar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 7859) for the relief of Parsey O. Burrough, reported the same without amendment, accompanied by a report (No. 2052), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 14317) for the relief of S. I. Stone and others, reported the same without amendment, accompanied by a report (No. 2055), which said bill and report were referred to the Private Calendar.

Willard W. Alt, of Hyannis, Nebr., reported the same without amendment, accompanied by a report (No. 2057), which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 18162) for the relief of Willard W. Alt, of Hyannis, Nebr., reported the same without amendment, accompanied by a report (No. 2058), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 25512) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States, reported the same with amendment, accompanied by a report (No. 2060), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3569) to remove the charge of desertion against the name of Thomas J. Schrimpsher, reported the same without amendment, accompanied by a report (No. 2063), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18760) for the relief of David Housel, reported the same adversely, accompanied by a report (No. 2064), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. GOULDEN: A bill (H. R. 27819) authorizing commitment to rescue homes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 27820) for the erection of a public building at Milwaukee, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. LAMB: A bill (H. R. 27821) providing for inspection by official experts of all nursery stock, etc.—to the Committee on Agriculture.

By Mr. FERRIS: A bill (H. R. 27822) removing restrictions from the land lying along the section lines of the lands of the Five Civilized Tribes in Oklahoma—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 27823) authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the city of Enid, Garfield County, Okla .- to the Committee on Military Affairs,

By Mr. RODENBERG: A bill (H. R. 27824) providing for participation in the Universal and International Exhibition to be held at Brussels in 1910-to the Committee on Industrial Arts and Expositions.

By Mr. STURGISS: A bill (H. R. 27825) to provide for the creation of a national highways commission and for the construction, improvement, and maintenance of public highways in cooperation with the several States-to the Committee on Agri-

By Mr. LEVER: A bill (H. R. 27826) authorizing the Secretary of War to furnish four condemned brass or bronze Napoleon guns, carriages, and cannon balls to the State of South Caro-

lina—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 27882) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908-to the Committee on Industrial Arts and Expositions.

By Mr. SHERMAN (by request): Resolution (H. Res. 538) amending Rule XXXVI of the House of Representatives of the

Sixtieth Congress—to the Committee on Rules,

By Mr. GRAFF; Resolution (H. Res. 539) requesting the

President to direct the Interstate Commerce Commission to report to the House certain information-to the Committee on

Interstate and Foreign Commerce, By Mr. HEFLIN: Joint resolution (H. J. Res. 252) authorizing the Director of the Census to collect and publish statistics from the manufacturers of cotton in the United States-to the Committee on the Census.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 18161) for the relief of 253) authorizing the President of the United States, in con-

junction with the State of Texas, to determine and establish the boundary lines between the Indian Territory, the Territory of New Mexico, and the State of Texas—to the Committee on the Judiciary

By Mr. COOK of Colorado: Memorial of the legislature of Colorado, urging Congress to establish an honor roll of officers of the civil war—to the Committee on Military Affairs.

By Mr. FERRIS: Memorial of the legislature of Oklahoma, memorializing the Congress of the United States for the enactment of a national law protecting migratory game birds from extinction—to the Committee on Interstate and Foreign Com-

Also, memorial of the legislature of Oklahoma, memorializing Congress to extend the reclamation fund and service to include drainage-to the Committee on Irrigation of Arid Lands.

Also, memorial of the legislature of Oklahoma, memorializing Congress to add to Platt National Park at Sulphur Springs, Oklahoma, the three portions of the Sulphur town site lying south of said park-to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ADAMSON: A bill (H. R. 27827) for the relief of Mary Bethoon Hanserd-to the Committee on War Claims.

Also, a bill (H. R. 27828) granting a pension to Sarah Hodge to the Committee on Pensions.

By Mr. BRODHEAD: A bill (H. R. 27829) granting an increase of pension to Francis Reilly-to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 27830) granting a pension to Mary Jane Davis—to the Committee on Pensions.

Also, a bill (H. R. 27831) granting an increase of pension to Sanford R. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27832) granting an increase of pension to Joseph S. Patten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27833) granting an increase of pension to William Lee—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27834) granting an increase of pension to Edward Griffiths—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 27835) granting an increase of pension to Norben Arterburn—to the Committee on Invalid

By Mr. CAPRON: A bill (H. R. 27836) granting a pension to

Edward Plunkett—to the Committee on Pensions.

Also, a bill (H. R. 27837) granting a pension to Jedidiah Wilto the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 27838) granting an increase of pension to Edward S. Allen-to the Committee on Invalid

By Mr. EDWARDS of Kentucky: A bill (H. R. 27839) granting an increase of pension to Dellen Blevins-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27840) granting an increase of pension to

Jacob S. Bruton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27841) granting an increase of pension to Granville Riley-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27842) granting an increase of pension to William Bishop-to the Committee on Invalid Pensions,

Also, a bill (H. R. 27843) granting an increase of pension to John L. Jones-to the Committee on Invalid Pensions

Also, a bill (H. R. 27844) granting a pension to Dudley R. -to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 27845) granting a pension to Catharine Carson—to the Committee on Pensions.

Also, a bill (H. R. 27846) granting an increase of pension to Edward A. Dwyer-to the Committee on Pensions.

By Mr. GRONNA: A bill (H. R. 27847) granting an increase of pension to Herbert Drake-to the Committee on Invalid

Pensions. By Mr. HAWLEY: A bill (H. R. 27848) granting an increase of pension to Benjamin M. Donaca—to the Committee on In-

valid Pensions, By Mr. HOUSTON: A bill (H. R. 27849) granting a pension to William Edward Prater-to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 27850) granting a pension to Lydia Hunt-to the Committee on Invalid

Also, a bill (H. R. 27851) granting an increase of pension to Cornelius Britton, jr.—to the Committee on Invalid Pensions. | city of Yuma—to the Committee on the Public Lands.

By Mr. KENNEDY of Iowa: A bill (H. R. 27852) granting pension to Jonah B. Eaton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27853) granting an increase of pension to Abraham R. Parish—to the Committee on Invalid Pensions. By Mr. KINKAID: A bill (H. R. 27854) for the relief of

B. B. Wood and others—to the Committee on Claims.

By Mr. KIPP: A bill (H. R. 27855) granting an increase of pension to Alexander Keeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27856) granting an increase of pension to Henry C. Harris-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27857) granting an increase of pension to David M. Brainerd-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27858) granting a pension to Lena Griswold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27859) granting an increase of pension to Charles Walter-to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27860) granting an increase of pension to John M. Willoughby-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27861) granting an increase of pension to Eli R. Dials-to the Committee on Invalid Pensions.

Also, a bill (H. R. 27862) granting an increase of pension to William J. Elliott-to the Committee on Invalid Pensions. Also, a bill (H. R. 27863) granting an increase of pension to

William W. Ferguson—to the Committee on Invalid Pensions. By Mr. LIVINGSTON: A bill (H. R. 27864) granting a strip of land along the eastern boundary of the Fort McPherson Mili-tary Reservation to the commissioners of Fulton County, Ga.,

for road purposes—to the Committee on Military Affairs. By Mr. McGUIRE: A bill (H. R. 27865) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage tribe of Indians against the

United States—to the Committee on Indian Affairs.

By Mr. McHENRY: A bill (H. R. 27866) granting an increase of pension to John B. Otto—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27867) granting a pension to Warren W. Braman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 27868) for the relief of W. H. Francis—to the Committee on War Claims.

By Mr. SABATH: A bill (H. R. 27869) granting a pension to John Harrington—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 27870) granting an increase of pension to Felix L. Huff—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 27871) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. STERLING: A bill (H. R. 27872) granting an increase of pension to Thomas E. Morgan—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 27873) granting an increase of pension to Cornelius Chamberlain—to the Committee. on Invalid Pensions.

Also, a bill (H. R. 27874) granting an increase of pension to Benjamin H. Perkins—to the Committee on Invalid Pensions. Also, a bill (H. R. 27875) granting an increase of pension to

Also, a bill (H. R. 21813) granting an increase of pension to George W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27876) granting a pension to Hannah Edgerly—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 27877)

granting an increase of pension to William W. Lichty-to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 27878) granting an increase of pension to Enoch Conner—to the Committee on Invalid

By Mr. WILLIAMS: A bill (H. R. 27879) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry-

to the Committee on Claims.

By Mr. GLASS: A bill (H. R. 27880) to correct the military record of William H. Patterson-to the Committee on Military

By Mr. HAMMOND: A bill (H. R. 27881) granting a pension to Alma C. Maxey-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of executive council of Arizona, favoring legislation to transfer the fee of certain land to the By Mr. ANTHONY: Petition of citizens of Effingham, Kans., requesting the enactment of the Littlefield-Bacon bill, relative to shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

Also, petition of Manhattan (Kans.) Grange, in favor of a national highways commission and federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Deis, Fertig Company, of Canal Dover, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Wolfe Brush Company, Lee C. Moore & Co., the National Lead and Oil Company, the Standard Manufacturing Company, the Pittsburg Dry Goods Company, the Doubleday-Hill Electric Company, the James C. Lindsay Hardware Company, the A. J. Logan Company, the Alling & Cory Company, Allen Kirkpatrick & Co., the Johnson-Earl-Meyers Company, the E. I. du Pont de Nemours Powder Company, and the First National Bank, of Pittsburg, Pa., for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

the national bankruptcy act—to the Committee on the Judiciary.

By Mr. BOOHER: Petition of citizens of St. Joseph, Mo., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. BRADLEY: Petition of Warwick Grange, No. 948, Patrons of Husbandry, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURKE: Petition of John F. Becker, favoring the omnibus claims bill (H. R. 15372, previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Claims.

By Mr. CARY: Petition of Grain Dealers' National Association, against S. 382, relative to federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the American Lumberman and the Hard Wood Manufacturers' Association, against removal of tariff on lumber—to the Committee on Ways and Means.

By Mr. COOK of Colorado: Petition of National Board of Trade, favoring transportation of supplies for the Panama Canal solely in American ships—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Board of Trade, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Judiciary.

Also, petition of National Board of Trade, favoring legislation to establish an American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of C. J. Schunter and others, of Grand Mound, Iowa, against a duty on coffee—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of Granville Riley, Samuel Parker, Minon McKiddy, Dellen Blevens, William Bishop, and Dudley R. Sloan—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Indianapolis Freight Bureau, favoring H. R. 22901, 22902, and 22903, relative to interstate rate requirements—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Milwaukee, against federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of Garrison No. 31, Regular Army and Navy Union, of Chicago, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. FOULKROD: Petition of National Board of Trade,

By Mr. FOULKROD: Petition of National Board of Trade, favoring 1-cent postage for local delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, favoring parcelspost and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Hart, Schaffner & Marx, of Chicago; Guthmann, Carpenter & Tilling; and B. Kuppenheimer & Co., of Chicago, for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Fort Massac commission, favoring the Sterling bill, for "retaining wall" at Fort Massac—to the Committee on Rivers and Harbors.

Also, petition of A. S. of E. Department of Grain Growers of Chicago, Ill., against removal or reduction of duty on wheat, barley, and other grains—to the Committee on Ways and Means.

By Mr. FULTON: Paper to accompany bill for relief of F. Edwina Willis (H. R. 15160)—to the Committee on War Claims. Also, petition of citizens of Cimarron County, Okla., favoring

Also, petition of citizens of Cimarron County, Okla., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GLASS: Paper to accompany bill for relief of William H. Patterson (H. R. 17960)—to the Committee on Invalid Pensions

By Mr. GRAHAM: Petition of John F. Beckert, favoring the omnibus claims bill (H. R. 15372) (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Claims.

By Mr. GRANGER: Petition of directory of Boston Architectural Club, against any change in the commission's plan for improvement of Washington—to the Committee on the Library. By Mr. GRONNA: Petition of citizens of New Rockford,

N. Dak., for retention of present duties on grain—to the Committee on Ways and Means.

By Mr. HAMLIN: Petition of citizens of Bolivar, Republic, Springfield, Humansville, Ash Grove, Bois D'Arc, and Walnut Grove, all in the State of Missouri, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of members of A. G. Warner Post, No. 54, Department of Connecticut, Grand Army of the Republic, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HOUSTON: Papers to accompany bills for relief of G. W. Charlton and William Parks—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Matthew W. Finch (H. R. 25701)—to the Committee on Invalid Pensions.

Also, petition of New Jersey State Horticultural Society, favoring H. R. 21318, relative to adulterated or misbranded fungicides and insecticides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Liberty Grange, Patrons of Husbandry, of Bradevelt, N. J., favoring national highways commission—to the Committee on Agriculture.

By Mr. HOWLAND: Petition of citizens of Sharon Center, Ohio, praying for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. KENNEDY of Iowa: Papers to accompany bills for

By Mr. KENNEDY of Iowa: Papers to accompany bills for relief of Jonah B. Eaton and Abram R. Parish—to the Committee on Invalid Pensions.

By Mr. KIPP: Petition of citizens of Bradford County, Pa., favoring a national highways commission—to the Committee on Agriculture.

By Mr. LAMB: Paper to accompany a bill relative to protection of plants against importation of injurious insects—to the Committee on Interstate and Foreign Commerce.

By Mr. LASSITER: Petition of H. P. Harrison, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Paper to accompany bill for relief of William A. Calahan—to the Committee on War Claims.

By Mr. LONGWORTH: Petition of residents of Cincinnati, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of business men of Tawas City, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of residents of Gloucester County, N. Y., favoring amendment to the Constitution enabling women to vote—to the Committee on the Judiciary.

abling women to vote—to the Committee on the Judiciary.

By Mr. McHENRY: Petition of citizens of Pennsylvania, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN: Petition of the Crooks Lumber Company, of South Dakota, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Citizens' Trade Association, of Cambridge, Mass., favoring government forest reservation of White Mountains and Appalachian Mountains—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Rothe, Wells & Bauer, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of W. H. Francis—to the Committee on War Claims.

By Mr. PATTERSON: Paper to accompany bill for relief of Alden R. Holden—to the Committee on Claims.

By Mr. SHERMAN: Petition of St. Lawrence Wholesale Grocery Company, of Ogdensburg, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and

By Mr. SPIGHT: Paper to accompany bill for relief of Louisa S. Flournov--to the Committee on Pensions.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of James M. Hensley-to the Committee on Military Affairs.

By Mr. STURGISS: Petition of National Commercial Company, of Martinsburg, W. Va., favoring repeal of duty on raw and refined sugars-to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of William Lichty-to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of P. F. Heidelbaugh, F. C. Judkins, A. M. Patrick, S. L. Sherrick, T. W. Ditto, and 500 other farmers in a meeting held at Delphos, Ohio, favoring the election of United States Senators by popular vote—to the Committee on the Judiciary.

SENATE.

SATURDAY, February 6, 1909.

The Chaplain, Rev. Edward E. Hale, offered the following praver:

Let us praise famous men and our fathers who begot us. The Lord hath wrought great glory by them through His great power from the beginning. Leaders of the people by their counsel and by their knowledge of learning meet for the people, wise and eloquent in their instructions. All these were honored in their generations and were the glory of their times. There be of them that have left a name behind them, that their praises might be reported. And some there will be who have no memorial, who are perished as they had never been. But these were merciful men, whose righteousness hath not been forgotten. The people will tell of their wisdom and the congregation will show forth their praise.

Let us pray.

Father, we praise Thee, we thank Thee, every day of our lives we thank Thee, for the fathers who were before us, for the men who made this country, for that country whose God is the Lord, for the men who made this Senate and the House of Representatives, who ordained this Government of the people, for the people, by the people.

We thank the living God; and we ask Thee, Father, to be with us, the children and the children's children of these men,

to lead us where we need leading, to teach us always, to en-liven us with the Holy Spirit, with Thy divine light. We remember before Thee those men who in this Senate have led it forward in dignity and honor before this people. Bless them. Bless us. Be with this people, Father, as a father with his children. We ask it in Christ Jesus.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine

is the kingdom, and the power, and the glory, forever. Amen.
The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

REPORT OF PRINTING INVESTIGATION COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following communication, which was read and, with the accompanying paper, referred to the Committee on Appropria-tions and ordered to be printed (S. Rept. No. 932):

PRINTING INVESTIGATION COMMISSION, Washington, February 5, 1909.

Sir: I have the honor to transmit herewith, by direction of the Printing Investigation Commission, a report embodying certain recommendations in relation to future appropriations for the public printing and binding, and the maintenance of the Government Printing Office and the office of the Superintendent of Documents.

Very respectfully,

T. C. PLATT, Chairman Printing Investigation Commission.

The PRESIDENT OF THE SENATE, Washington, D. C.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois;

S. 212. An act to reimburse S. R. Green, postmaster of Ore-

gon City, Oreg., for moneys lost by burglary S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 655. An act for the relief of Richard A. Proctor

S. 685. An act to provide for the payment of John M. Mc-Dowell for services rendered in preparing a new set of indices of all records of Council City recording district of the second judicial district of Alaska;

S. 1204. An act for the relief of J. M. Bloom;

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France;

S. 3723. An act for the relief of the Farmers and Merchants'

Bank of Mandan, N. Dak.; S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898;

S. 4312. An act for the relief of William E. Moses; S. 4313. An act for the relief of John V. Vickers;

S. 4427. An act for the relief of the Hastings Steamboat Company;

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes;

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.;

S. 6891. An act for the relief of Maj. G. S. Bingham;

S. 7325. An act for the relief of Cadmus E. Crabill; S. 7390. An act for the relief of Christina Rockwell; and S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of

the United States, March 4, 1909. The message also announced that the House had passed the bill (S. 4024) for the relief of John H. Hamiter, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6262) to promote the administration of justice in the navy, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERTS, Mr. DAWSON, and Mr. PADGETT managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1536. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war;

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3674. An act for the relief of Martha E. West;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 5728. An act for the relief of James H. De Coster. H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 7098. An act for the relief of the legal representatives of James S. Clark, deceased:

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.;

H. R. 8448. An act to pay Velvia Tucker arrears of pension due her father, William N. Tucker;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 8959. An act for the relief of the board of education of the Harpers Ferry School District of Jefferson County, W. Va.;

H. R. 9617. An act for the relief of Joseph Swisher; H. R. 11632. An act for the relief of Phoebe Clark;

H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;

H. R. 14236. An act for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.;

H. R. 14290. An act for the relief of Ellis W. Joy;

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., \$79.95, for damages inflicted upon gasoline steamer Clyde by light-house tender Oleander;

H. R. 16696. An act for the relief of the estate of Peter Mc-Enery, deceased;

H. R. 16854. An act for the relief of James Easson;

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 18600. An act for the relief of James M. Hill; H. R. 18831. An act for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.; H. R. 19275. An act for the relief of the legal representatives

of Wilson Parker:

H. R. 20613. An act to compensate C. W. Smith for services

and disbursements made in the war with Spain; H. R. 21029. An act for the relief of James W. Sears; H. R. 21571. An act for the relief of John T. Freeman;

H. R. 23699. An act to grant to John T. Rivett privilege to

make commutation of his homestead entry;
H. R. 24105. An act for the relief of the estate of T. J.

Semmes, deceased;
H. R. 24995. An act for the relief of Nathaniel Huntley;
H. R. 25064. An act for the relief of Angeline C. Burgert;

H. R. 26516. An act authorizing Daniel W. Abbott to make

homestead entry;
H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27221. An act for the relief of the Bank of Freeburg, of Freeburg, Mo.; H. R. 27252. An act for the relief of Francisco Krebs and his

heirs and assigns; and

H. R. 27342. An act to amend the military record of David H. Dickinson.

The message also returned to the Senate, in compliance with its request, the bill (S. 7872) to promote the administration of justice in the navy.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (8. 4535) to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States; and it was thereupon signed by the President pro tempore.

CREDENTIALS

Mr. McCUMBER presented the credentials of Martin N. JOHNSON, chosen by the legislature of the State of North Dakota a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislative assembly of the Territory of Arizona, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA.

Territory of Arizona, ss:

I. John H. Page, secretary of Arizona, do hereby certify that the within is a true and complete transcript of council memorial No. 3, which was filed in this office on the 1st day of February, 1909, at 2 p. m.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 1st day of February, A. D. 1909.

[SEAL.]

JOHN H. PAGE, Secretary of Arizona.

Memorial relating to the "quarry reserve" and a strip of land on the boundary of the "quartermaster depot," being parts of the Fort Yuma Military Reservation, at Yuma, Ariz.

To the Senate and House of Representatives of the United States of

America:
Your memorialists, the twenty-fifth legislative assembly of the Territory of Arizona, respectfully represent that:
Whereas the town of Yuma, on the 28th day of October, 1876 (at the time the village of Yuma), deeded to the territorial board of prison commissioners, for territorial prison purposes, a lot, piece, or parcel of land of the town site of Yuma, designated by the official survey and field notes of said town site and on the official map of said survey as "penitentiary grounds," with a reversion in said conveyance that, in the event of the prison being removed from the town and county of

Yuma, the land so conveyed, with all improvements thereon, should revert to the village or town; and

Whereas the Commissioner of the General Land Office, on September 9, 1904, advised the town of Yuma that the 2½ acres of land located in sections 35 and 36, township 16 south, range 22 east, S. B. M., known as the "quarry reserve," and being a part of the Fort Yuma Military Reservation, was included in the patent to the town site of the town of Yuma; and

Whereas the said prison commissioners, needing said "quarry reserve" for territorial prison purposes, to put additional buildings thereon, and the town of Yuma, acting upon the advice of the Commissioner of the General Land Office, believing that said tract of land belonged to the town, did lease said tract to said prison commissioners, and the Territory afterwards placed valuable improvements thereon, under said lease; and

sloner of the General Land Unice, believing that said tract of land by longed to the town, did lease said tract to said prison commissioners, and the Territory afterwards placed valuable improvements thereon, under said lease; and

Whereas in 1907 the Commissioner of the General Land Office again advised the said town of Yuma that said "quarry reserve" was not included in the patent of said town site; and

Whereas the said territorial prison has been removed from said town of Yuma, by legislative act, to the town of Florence, in Pinal County, in said Territory, and the new prison is near completion, and all of the immates of the old prison will be removed from Yuma shortly, and the grounds of the old prison, with all improvements thereon, will revert to said town of Yuma, under said deed; and

Whereas the town of Yuma is in need of said improvements on said "quarry reserve" for townhall, town offices, and calaboose or town jail: Now therefore be it

Resolved, That we earnestly and respectfully ask that Congress pass some enabling act, to the end that the title to said tract of land be granted in fee to said town of Yuma.

Your memorialists, the twenty-fifth legislative assembly of the Territory of Arizona, do further respectfully represent that—

Whereas when the said town site of Yuma was officially surveyed, in 1876, the street designated as First street in said town was laid out as one of the principal highways of said town, being one of the widest and most important streets in said town, being one of the widest and most important streets in said town, being one of the widest and most important streets in said town, being one of the wides and most important principal through the full width of the town, 90 feet wide east and west, clear down into the Yuma Valley. That the south boundary line of foot foot in the Sid quartermaster depot (being a part of the said Fort Yuma Military Reservation) follows:

Commencing at the southwest corner of the quartermaster depot (being a part of the said town, which strip of

GEO. W. P. HUNT. President. SAM F. WEBB, Speaker.

Mr. SCOTT presented a resolution of the West Virginia State Horticultural Society, which, with the accompanying letter, was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE WEST VIRGINIA STATE HORTICULTURAL SOCIETY,
OFFICE OF THE SECRETARY-TREASURER,
Morgantown, W. Va., February 4, 1909.

Office of the Secretary-Treasurer,

Morgantown, W. Va., February 4, 1909.

Hon. N. B. Scott,

Washington, D. C.

Dear Sir.: At the annual meeting of the State Horticultural Society held at Charleston, January 28-30, the following resolution was adopted, and the secretary instructed to forward a copy to each United States Senator and Representative from this State:

"Resolved, That this society express itself as being in sympathy with a national law for the uniform packing, grading, and branding of fruit intended for interstate or foreign shipment, provided that in defining the legal size of the several grades of apples, the law shall not be worded in such a way as to discriminate against apples of high quality whose size is smaller than that usually spoken of as 'No. 1 apples.'"

This action was taken because it was understood that there was a bill before Congress, or to be presented to Congress, which limited the size of a No. 1 apple to specimens at least 2½ inches in diameter. There are grown in this State large quantities of Grimes, Golden, Winesap, and other varieties of apples which, while of very fine quality, do not in many cases grow to the specific size mentioned. It would be manifestly unfair to make such apples grade as No. 2 when apples of such poor quality as the Ben Davis may be sold as No. 1.

The question of more uniformity in the packing, grading, and marking of closed packages of apples is one of great importance to the fruit-growing interest of this State, for they can not hope to secure the largest demand for and the largest returns from their crops, until they can establish a reputation for a uniform, honest pack of apples.

The fruit growers of the Northwestern States have succeeded in establishing an enviable reputation for their fruit in this way. They have two standard-sized boxes, both of which hold about 2,200 cubic inches. I understand that the proposed measure establishes the standard box at something over 2,500 cubic inches. It would be very unfair to that section of our country a

Yours, truly,

A. L. DACY,

Secretary-Treasurer.

Resolution of the West Virginia State Horticultural Society, passed at its annual meeting held at Charleston, W. Va., on January 28-30, 1909.

At the annual meeting of the State Horticultural Society, held at Charleston, January 28-30, the following resolution was adopted, and the secretary instructed to forward a copy to each United States Senator and Representative from this State:

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a national law for the uniform packing, grading, and branding of fruit intended for interstate or foreign shipment, provided that in defining the legal size of the several grades of apples the law shall not be worded in such a way as to discriminate against apples of high quality whose size is smaller than that usually spoken of as 'No. 1 apples.'"

Mr. GAMBLE presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. S, as passed by the legislature of 1909, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 2d day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,

Samuel C. Polley, Secretary of State.

A joint resolution memorializing Congress to open Indian reservations in South Dakota.

In South Dakota.

Be it resolved by the house of representatives (the senate concurring):
Whereas over 10,000,000 acres of fine agricultural land in the west
half of the State is Indian reservation, unimproved and undeveloped,
and so situated as to retard greatly the development of territory already
opened to settlement in the west half of the State; and
Whereas the opening of the land would benefit the Indians, would be
the home of thousands of settlers, and would materially add to the
revenues of the State:
We therefore submit to our United States Senators and Members of
Congress the advisability of causing such treaties to be made with the
Indians on each of the reservations within this State and the enactment of such laws as will open all or as much as possible of the territory embraced in these reservations with the utmost dispatch.

I hereby certify that the within act originated in the house and was
known in the house files as house joint resolution No. 8.

James W. Cone,

JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA,
Office of Secretary of State, ss:. Filed February 2, 1909, at 2.15 o'clock p. m.

Samuel C. Polley, Secretary of State.

House joint resolution memorializing Congress to open Indian reservations in South Dakota.

M. J. CHANEY, Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER, President of the Senate.

Attest:
L. M. Simons,
Secretary of the Senate.

Mr. NELSON presented a petition of sundry business firms of St. Paul, Minn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Cloquet, Minn., praying for the enactment of legislation granting to the Indians of the Fond du Lac Indian Reservation, in that State, the right and privilege of alienating their lands, and that the trust patents now held by them be declared to give them a fee title to their allotments, which was referred to the Committee on Indian Affairs.

He also presented a memorial of the American Society of Equity, of Chicago, Ill., remonstrating against the repeal of the duty on wheat, barley, and other grains, which was referred

to the Committee on Finance.

Mr. SMOOT presented a memorial of the legislature of Utah, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

MEMORIAL.

Memorial to the Congress of the United States asking that that portion of Arizona Territory lying north of the Colorado River be annexed to the State of Utah.

To the honorable the Senate and House of Representatives of the Congress of the United States:

gress of the United States:

Whereas that portion of the Territory of Arizona lying north of the Colorado River, by reason of its geographical position, is cut off from said Territory and the benefits of local or other government, and said river operates as an impassable barrier, separating such portion from the rest of the Territory and rendering communication between the inhabitants of the two subdivisions almost impossible, thus depriving the inhabitants of the Territory north of said river of the benefits of local or territorial government; and

Whereas such inhabitants have their interests in common with the people of Utah and all their associations and dealings with the latter, and it is desired by them that said area north of said river be detached from Arizona and annexed to the State of Utah; and

Whereas such area is deprived of water and other resources by which alone it can be developed or become valuable, and its physical conditions are such that its future development either in population or

wealth is impossible, and it can be used only for grazing purposes, so that its segregation from the counties and Territory of which it is now

wealth is impossible, and it can be used only for grazing purposes, so that its segregation from the counties and Territory of which it is now a part will prove of no disadvantage to them; and

Whereas the greater portion of the property, both real and personal, within such area is owned by the inhabitants of the State of Utah, and the value of the property within such section will not increase because of the scarcity of water and the absence of resources therein, and the greater portion of the property therein consists of cattle, horses, and sheep, which graze in Utah and within such section, crossing and recrossing the boundary line, so that it is impossible either for the State of Utah or the Territory of Arizona to obtain revenue by assessment or otherwise from such property; and

Whereas by reason of such area being isolated from the rest of the Territory of Arizona it is impossible to administer the laws of said Territory or enforce the criminal stratutes or the legal ordinances or provisions or preserve peace and order, as a result of which criminals rendezvous therein and obtain immunity from prosecution; and

Whereas such area by reason of its physical situation and of the interests of the people owning property therein should belong to the State of Utah, and its annexation to the State of Utah would be productive of the greatest good to all interests and would be of advantage to the people residing in and who are interested in said tract of land, the majority of said residents having petitioned the Congress of the United States to annex said tract to the State of Utah. Therefore be it Resolved by the senate and house of representatives of the State of Utah, and the governor concurring, That your honorable body be, and is hereby, asked and petitioned to enact the necessary legislation in order that the tract of country in Arizona Territory lying north of the Colorado River be annexed to and become a part of the State of Utah, and the making of said river the boundary line between the State of Utah and

E. W. ROBINSON, Speaker of the House. HENRY GARDNER, President of the Senate.

Approved January 27, 1909.

STATE OF UTAH, Office of the Scoretary of State, ss:

I. Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the foreging is a full, true, and correct copy of a certified copy of house joint memorial No. 1, approved January 27, 1909, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah, this 1st day of February, A. D. 1909.

[SEAL.]

Secretary of State.

I hereby certify that the within house joint memorial No. 1, by D. H. Morris, "asking that that portion of Arizona Territory lying north of the Colorado River be annexed to the State of Utah," originated in the house of representatives and was passed by the senate January 19, 1909, by the following vote: Yeas 18, nays 0, absent 0.

H. L. Cummings,

Secretary of the Senate.

I hereby certify that the within house joint memorial No. 1, by D. H. Morris, "asking that that portion of Arizona Territory lying north of the Colorado River be annexed to the State of Utah," originated in the house of representatives January 13, 1909, and passed January 14, 1909, by the following vote: Yeas 43, nays 0, absent 2.

Chief Clerk.

Mr. GALLINGER presented a petition of the Board of Health of Nashua, N. H., praying for the enactment of legislation to

establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Wilton, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judi-

He also presented a petition of the official board of the Eldbrooke Methodist Episcopal Church, of Washington, D. C., praying for the adoption of certain amendments to the present excise law to regulate the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Randle Highlands Citizens' Association, of the District of Columbia, praying for the enactment of legislation to reduce the price of gas in the District of Columbia, and also for the repeal of the law permitting the gas companies of the District of Columbia to inflate their capital stock, which was referred to the Committee on the District of Columbia.

Mr. MARTIN presented a petition of sundry citizens of Woodstock and Edinburg, in the State of Virginia, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. PILES presented a petition of sundry citizens of Lynden, Mr. PHLES presented a petition of sundry citizens of Lynden, Wash., praying for the passage of the so-called "rural parcelspost" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McENERY presented a paper to accompany the bill (S. 8597) for the relief of the estate of Caroline Pierront, deceased, which was referred to the Committee on Claims.

Mr. FRYE presented a petition of sundry citizens of the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Lewiston, Me., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

WHEAT RAISING IN RED RIVER VALLEY.

Mr. McCUMBER. I present a statement from the American Society of Equity, relative to the cost of raising wheat in the Red River Valley. I ask that it be printed as a document (S. Doc. No. 699), and that 1,000 additional copies be printed for the use of the Senate document room.

There being no objection, the order was reduced to writing and

agreed to, as follows:

Ordered, That 1,000 additional copies of Senate Document No. 699, Sixtieth Congress, second session, "The Society of Equity gives figures showing the cost of raising wheat in the Red River Valley," be printed for the use of the Senate document room.

THE UNITED STATES NAVY.

Mr. HALE. I move that a letter from the Secretary of the Navy to the editor of the Literary Digest relative to expenditures in the navy, a copy of which I present, be printed as a document (S. Doc. No. 698) and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing, reported it without amendment and submitted a report (No. 930) thereon.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, reported it without amendment and submitted a report (No. 931) thereon.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 26482) to authorize the construction of two bridges across Rock River, State of Illinois, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on

the calendar.

Mr. MARTIN. I desire to state that the Senate has passed a bill in identical terms with the House bill now reported from the committee. So I move that the House be requested to return to the Senate the bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois.

The motion was agreed to.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 26829) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, reported it without amendment.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 9164) granting an increase of pension to Asa Hayes, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced a bill (S. 9165) granting an increase of pension to Flora R. Turner, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 9166) to amend an act approved February 28, 1898, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9167) granting an increase of pension to Stephen Taylor: and

A bill (S. 9168) granting an increase of pension to John V. Nelson, alias John Nelson.

Mr. CULLOM introduced a bill (S. 9169) for the relief of the heirs of Richard Littell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 9170) granting a pension to Louis V. Carmack, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 9171) granting a pension to A. C. Donnelly, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9172) for the relief of the estate of Hugh Brison; A bill (S. 9173) for the relief of the heirs or legal repre-

sentatives of the estate of G. C. McBee, deceased;
A bill (S. 9174) for the relief of the estate of B. H. Caldwell;

A bill (S. 9175) for the relief of P. H. Nelson; and A bill (S. 9176) for the relief of the estate of John H. Bird-

Mr. HEYBURN introduced a bill (8. 9177) granting an increase of pension to Augustus L. Ward, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 9178) granting an increase of pension to Charles R. Thompson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 9179) for the relief of the heirs of Ella Parker, deceased, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9180) for the relief of the estate of Richard Miller,

deceased: and

A bill (S. 9181) for the relief of Robert D., Sarah Jane, Mary Elizabeth, John L., George H., Simon W., and Ann Eliza Bolton, the heirs and devisees of Lent Bolton, deceased.

AMENDMENTS TO APPROPRIATION RILLS, ETC.

Mr. DILLINGHAM submitted an amendment authorizing the Secretary of the Senate and Clerk of the House of Representatives to pay to members of the Capitol police a sum equal to 20 per cent of the salary now paid them by law, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate \$50,000 for the construction of a public road from a point near the southern end of the new Highway Bridge across the Potomac River to a point near the southern boundary line of the Arlington Reservation, etc., intended to be proposed by him to the army appropriation bill, which was referred to the Commit-

tee on Military Affairs and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$35,000 for remodeling and reconstructing the Alcatraz light station, California, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Ommittee on Commerce and ordered to be printed.

Mr. DIXON submitted an amendment proposing to amend section 11 of the act of April 23, 1904, relative to surveying and allotment of lands embraced within the limits of the Flathead Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$140,000 for establishing, under the direction and supervi-

ate \$140,000 for establishing, under the direction and supervision of the Light-House Board, such aids to navigation in Alaskan waters as may be necessary, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PAGE submitted an amendment intended to be proposed by him to the bill S. 4112, entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, which was referred to the Committee on Foreign Relations and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WILEY.

Mr. JOHNSTON. Mr. President, I desire to give notice that on Saturday, February 27, I shall ask the Senate to consider resolutions commemorative of the life and character of Hon. ARIOSTO A. WILEY, late a Member of the House of Representatives from the State of Alabama.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Post-Offices and Post-Roads: H. R. 5728. An act for the relief of James H. De Coster:

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.; and H. R. 17171. An act for the relief of Benjamin F. Curry.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;
H. R. 26516. An act authorizing Daniel W. Abbott to make

homestead entry; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1536. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted In-

fantry, civil war; H. R. 24995. An act for the relief of Nathaniel Huntley; and H. R. 27342. An act to amend the military record of David H. Dickinson.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3674. An act for the relief of Martha E. West;

H. R 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk; H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 7098. An act for the relief of the legal representatives

of James S. Clark, deceased; H. R. 8448. An act to pay Velvia Tucker arrears of pension due her father, William N. Tucker;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 8959. An act for the relief of the board of education of the Harpers Ferry School District of Jefferson County, W. Va.;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 11632. An act for the relief of Phoebe Clark; H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;

H. R. 14236. An act for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.;

H. R. 14290. An act for the relief of Ellis W. Joy;

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., \$79.95, for damages inflicted upon gasoline steamer Clyde by light-house tender Oleander;

H. R. 16696. An act for the relief of the estate of Peter Mc-Enery, deceased; H. R. 16854. An act for the relief of James Easson;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 18831. An act for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.;

H. R. 19275. An act for the relief of the legal representatives of Wilson Parker;

H. R. 20613. An act to compensate C. W. Smith for services and disbursements made in the war with Spain;

H. R. 21029. An act for the relief of James W. Sears; H. R. 21571. An act for the relief of John T. Freeman;

H. R. 24105. An act for the relief of the estate of T. J. Semmes, deceased; and

H. R. 27221. An act for the relief of the Bank of Freeburg,

H. R. 25064. An act for the relief of Angeline C. Burgert was read twice by its title and referred to the Committee on Finance.

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was read twice by its title and referred to the Committee on Pensions.

COURTS FOR TRIAL OF ENLISTED MEN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6252) to promote the administration of justice in the navy and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendment and agree to the conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. Perkins, Mr. Gallinger, and Mr. Tillman the conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the bill (S. 7872) to promote the administration of justice in the navy, returned from the House of Representatives in compliance with the request of the Senate.

Mr. PERKINS. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. PERKINS. I move that the bill be indefinitely postponed. The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR ALLISON.

Mr. DOLLIVER. Mr. President, I offer resolutions for present consideration.

The PRESIDENT pro tempore. The Senator from Iowa submits resolutions and asks for their present consideration. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. William Boyd Allison, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolu-tions to the House of Representatives.

The resolutions were considered by unanimous consent and unanimously agreed to.

Mr. DOLLIVER. Mr. President, the death of Senator Allison has removed from American public life a statesman everywhere recognized as among the greatest and most useful public servants of the past fifty years. His career will always be famous, not only because of the important questions with which he was associated, but also because his career in the Senate was longer than that of any other Senator in the history of the Government. If he had lived until the 4th of March he would have completed thirty-six years of uninterrupted service in this Chamber. Prior to his election to the Senate he had served eight years in the House of Representatives. With a break of only two years he served in Congress more than forty-three years. This unprecedented term of office not only gave to his later years an extraordinary influence in the leadership of national affairs, but made his old age venerable, surrounding him with the reverence of his colleagues and of all who were his coworkers in the administration of National Government. His character commanded the respect of all, and his personality attracted to him the good will and affection of all.

WILLIAM BOYD ALLISON was born at Perry, Ohio, March 2, 1829; so that at the time of his death, August 4, 1908, he was approaching 80 years of age. After completing his studies at the Western Reserve College, he began the practice of law at Ashland, Ohio, taking an active interest in politics and obtaining a fair measure of success in his profession. Before he had reached the age of 30 years, however, he made up his mind that a better chance for distinction and success could be found in the West, and accordingly he joined the great procession which was moving toward the new States beyond the Mississippi. He resumed the practice of law at Dubuque, Iowa, in 1857, and immediately came to the front as a leader in all the affairs of that thriving little city. He was recognized by his neighbors as a man of unusual gifts and attainments. The same qualities that gave to his later years such grace and charm of manner surrounded his early manhood with a widening circle of friends and friendly influence. He was a delegate in the convention which nominated Abraham Lincoln for the Presidency. When the civil war came on, a friend and neighbor of his youth in

Ohio, Samuel J. Kirkwood, became governor of Iowa.

Mr. Allison was already engaged in organizing a regiment when the old war governor sent for him and pressed upon him his duty to aid the State in the military preparations, which were everywhere in progress, by accepting a special assignment on the executive's staff. Senator Allison was often heard to express his regret that he did not have the opportunity to take the field with the troops which he organized, but the record of the adjutant-general's office at Des Moines shows that he rendered the country an invaluable service in doing, with painstaking care, the work which was given him to do. So universal was the recognition of his public service that the old Dubuque district chose him as its Representative in the Thirtyeighth Congress. This election to Congress brought him to the capital in the midst of the struggle for the national life. He at once took up the hard problems with which the Government had to deal in supporting its armies and caring for the public interests connected with its administration. He was, from his entrance into the House of Representatives, a leader in that

great popular assembly. He devoted himself with untiring energy to the practical questions with which the legislation of those days was concerned. His favorite studies related to the collection and disbursement of the public revenues and to the intricate problems of finance with which the Government was

face to face every day.

He was a quiet, patient worker and student, and those who remember him at that period of his public life have borne testimony that his rise in influence in the House of Representatives was steady and continuous from the beginning. It has been truly said that the House of Representatives subjects its Members to an ordeal so severe that no man can join the company of its leadership without the unquestioned possession of the talents and habits of mind which such a position exacts. the first term of his service, Mr. Allison commended himself to his colleagues as a man fit for the highest responsibilities of the House, and in his second term he was appointed a member of the Ways and Means Committee, which at that time, even more than it does now, dominated the proceedings of the This position also gave him the opportunity to lay the foundation of that profound knowledge of the revenue system of the United States which made him an authority on that and kindred subjects in this body.

A single illustration will show the general character of the work which engaged his attention. He was the author—in so far as one man may be said to be the author of a great public policy-of the reform in the internal-revenue laws of the United States by which the tax on spirits was delivered from the frauds which for many years had almost extinguished that source of income, by making its collection both burdensome and unmanageable. His scheme for the administration of the internal-revenue system, while it has been frequently modified in minor particulars by subsequent legislation, remains until this day substantially as he framed it.

The conspicuous influence of Mr. Allison in the House of Representatives gave him such universal popular favor in Iowa that at the end of eight years he declined renomination in order to become a candidate for Senator. He represented the ambitions of the younger men of the State, and his entrance into the field as a candidate was in the nature of a challenge to the political management which had long controlled the politics of the State. He was compelled to carry on his campaign under many disadvantages, and while he did not succeed in his ambition, he established so wide an acquaintance and gained so firm a hold on the public good will that his friends counted his defeat as only a temporary reverse, and did not hesitate to present his name as a candidate two years later against James Harlan, then the most famous and influential western man in public This political battle has been ever since memorable in Iowa politics, and when it ended in the election of Senator Allison it marked the beginning of a political era with which his name and fame will always be associated in the history of

I desire now to say a few words about the personal characteristics which enabled this young man, without money or influential connections, to overthrow the formidable political influences which surrounded Senator Harlan, supported, as he was, by the administration at Washington, of which he was in some respects the most famous and honored champion in the Senate of the United States. In the first place, it need hardly be said that the people of Iowa recognized Senator Allison's fine equipment and preparation for public affairs. In the next place, he had the peculiar qualities of mind and heart which inspired among the younger men of the State a personal allegiance which followed him all the days of his life. His approach to the people had in it a kindliness of manner and of speech which gave him access to the hearts of men and made them feel that he took an interest in their welfare and appreciated their support. In all this there was no affectation; it was the natural expression of his character. The same qualities which the young men of Iowa found in him at the beginning of his career kept him near to the people throughout his political life. He never failed in helpful counsel to those who were seeking a foothold in public affairs. He encouraged the younger men to press forward to the goal of their ambitions. With him it was

a privilege, as well as a duty, to help others.

In the long list of those who have represented the various Iowa districts in the House of Representatives since he left it, there has not been one who did not look up to Senator Allison as a friend and helper in his work. During the long period in which he presided over the Iowa delegation he invariably effaced himself and his own plans in his desire to aid his colleagues and to give them a share of the prestige and recognition belonging to the public service. It is not a common thing to refer to such a matter on an occasion like this, and yet there ought to be a

public record made of it, that in his Senatorial career he never sought to control the appointment of any man to an office. He regarded his colleagues in the House of Representatives as his constituents as well as representatives of each community within the State, and so when the appointment of an Iowa man to any office within the gift of the President was sought, the request came not from him, but from the whole delegation. with such a nice sense of fairness and justice were the offices divided among the congressional districts that every portion of the State found itself represented, and every Member of Congress came to feel that Senator Allison had no interest at stake in the distribution of official positions except the public welfare and the peace and harmony of the political party of which he was the leader.

It is an interesting and unique circumstance that throughout his period of service in the Senate he exercised in our local politics, in addition to his own vote in the conference of the delegation, only that influence which arose from the belief of his colleagues that his motives in the guidance of their affairs were absolutely free from selfish interest. It is certain that this characteristic of his leadership gave to Senator Allison a place in the general good will of our people which not even the infirmities of age and the near approach of death were able to disturb. It is certain, also, that the relation which he assumed toward those with whom he was associated in public duties was responsible for that freedom from personal contention which he enjoyed throughout his public life, and which in a certain sense released his energies from the petty disputes of politics and enabled him to give to his public duties an unen-cumbered attention. He was happily situated. His reelections to the Senate came to him as a matter of course, without dissent, and without controversy. The State of Iowa was free from a great variety of disputed questions about Indians, public lands, forest reservations and similar matters, which take up so much of the time of Congress.

And so it came about that the larger business of the Government was never out of his mind, until at length he was looked upon everywhere as the master of the practical details of legislation without a rival in this body. Other men were more eloquent than he; others possibly were more deeply versed in the subtleties of constitutional interpretation; but when it came to the real conduct of the Government, the raising of its revenues, and their expenditure, the Senate and the country turned in-stinctively to Senator Allison. We sometimes think that the proceedings of Congress are all set down in the daily RECORD. So far as what is said is concerned, that is partly true of the House and altogether true of the Senate, but behind these daily proceedings, when great issues are at stake, upon which the opinions of men are divided, the real proceedings of Congress lie outside of the RECORD, in those interchanges of opinion which gradually mold into form the propositions which at length find

their way into the statute book.

The most obvious thing about Senator Allison's biography is the fact that his most valuable service, the service which enabled the party to which he belonged to go forward in the discharge of its responsibility to the country with a certain measure of unity, was not put down in any written record, but belongs to those hours of fruitful consultation, where the wisdom of the old leader was proved equal to every emergency. was because it bore this relation to our public affairs that in his public utterances, in debate, and in speeches before the people he avoided dogmatism even in its most attractive forms, and made room in the expression of his opinions for those differences which he knew would be encountered sooner or later, giving leeway for composing those disagreements which he knew must be composed before anything could be actually done. He was sometimes the object of satire in the press, and even on this floor—a mild satire which he enjoyed as much as anybody else—because he withheld the final statement of what he desired to have done until he had completed the task of bringing the conflicting opinions of the Senate to some proposition upon which a majority could agree.

In that task, imposed upon him by common consent of his colleagues, he would have been a failure if he had begun by advertising what he intended to do and by disparaging the views and suggestions of everybody else. And so it happened that he lost the renown that belongs to a certain type of statesmanship in gaining the influence which enabled him to bring order out of every chaos of legislation, and thus to carry forward the work of Congress. Thus it happened that while everybody has understood in a general way the value of Senator Allison's labors in the Senate, only those who have been familiar with the mechanism of our Government and the difficulties that lie across the path of every great proposal of legislation have given him the full credit as a statesman to which

he is entitled in the distribution of honors in the arena of legislative activity. There are upon the statute books a good many laws which bear, in popular parlance, the name of some reputed author. Yet it requires very little knowledge of the course of legislation to see how insecure such a title to fame actually is, for there is no statute of importance which does not bear upon it the marks of the labors of many men, and when it is named for anyone it is usually for mere convenience rather than for a more substantial reason. Oftentimes the real authors of the measure, those who have given the most effective attention to its framing and its enactment, are overlooked altogether. It was a peculiar trait of Senator Allison that while every important act of Congress for a whole generation has had the benefit of his judgment and bears the evidences of his legislative skill, yet he was never overanxious to put his own name on any of them, or even to divide with others the passing celebrity of their authorship.

Early in his senatorial service it came within the line of his duty to frame the present government of the District of Columbia, on principles that have not only worked well here, but have become the basis of a reform in municipal government which now promises to be general throughout the United States. few citizens of the District, even among those whose memories go back to the time when the District government was operated for the benefit of contractors and local politicians, ever think of Senator Allison in connection with the reform which made the modern city of Washington possible. Few men, even among those who have written histories of the transaction, connect the name of Senator Allison with the act of Congress for the resumption of specie payments; yet, although he was among the younger Members of the Senate, he was one of a subcommittee which framed that act, and his knowledge of the subject was so generally appreciated in the Senate that he was appointed a member of the Finance Committee and given a potent voice in its deliberations from that time on. There were few men in either House of Congress who gave to the coinage question a profounder study than he; but it is not generally known that we owe to him more than to any other man the adoption of those measures which saved the United States from the uncertainties which would have followed the free coinage of silver, at a time when the majority of both Houses of Congress were committed to that experiment.

In more recent years, as a member of the Committee on Finance, Senator Allison occupied a foremost place among the leaders who have shaped the financial and industrial policy of the Government. His labors in the Senate, while including practically every subject with which Congress has had to deal, were confined mainly to the Committee on Appropriations and the Committee on Finance. He became a member of the former when he entered the Senate, while his services on the Finance Committee dates from the Forty-fifth Congress. In 1881 he became chairman of the Appropriations Committee, and in that position his most significant public service was rendered. That great committee, especially in these later years, has not only had to do with the national budget, but the pressure upon the time of Congress has so increased that the appropriation bills have often carried far-reaching acts of legislation affecting the greatest possible variety of subjects. It was in the work of that committee that Senator Allison was most at home. The late Senator Hoar says of him in his Autobiograph of Seventy Years:

He has controlled more than any other man, indeed, more than any other ten men, the vast and constantly increasing public expenditures, amounting to more than a thousand millions annually. It has been an economical and wise expenditure. That is a knowledge in which nobody else in the Senate, except Senator Hale of Maine and Senator Cockrell of Missouri, can compare with him.

But the business of the Appropriations Committee did not by any means absorb all his energies. Senator Allison was a student of our tariff problems throughout his public life, and for accuracy of knowledge and painstaking research no statesman of his time outranks him. Among all the numerous changes which have taken place in the tariff laws during the last thirty years it may be with truth said that the hand of Senator Allison is seen in every one. He was a member of the subcommittee which prepared the tariff law of 1883. The historic revision of 1890, which gave to William McKinley a parliamentary renown hardly overshadowed by the presidential office, was more truly the work of the Finance Committee of the Benate than of the Ways and Means Committee of the House. In the previous Congress, after the Mills bill had passed the House, it was referred in the Senate committee to a subcommittee, of which Senator Allison was the chairman. The whole bill, in form and in substance, was recast, and a Senate substitute prepared under Senator Allison's immediate direction, with arduous labor lasting far into the summer, ap-

proved by the Committee on Finance and reported to the Senate by Senator Allison. That measure became the basis upon which General Harrison's campaign for the Presidency was made. It was debated in the Senate until the adjournment of Congress in October, and in the session after the presidential election Senator Allison's substitute for the Mills bill passed the Senate. So that when the new Congress convened in the December following, the Ways and Means Committee had before it the tariff bill which, with only minor alterations, passed into history as the McKinley law of 1890.

In the same Congress, the law reforming the customs administration, framed by a subcommittee of which Senator Allison was chairman, was reported to the Senate, and under his guidance passed this body—first as an independent measure and afterwards as a part of the Senate substitute for the Mills bill. In the Fifty-first Congress Mr. McKinley introduced the measure with a few unimportant changes. It passed the House; the Senate restored it to the exact form in which Senator Allison had framed it, and it is known now as the administrative customs act of 1890. It will be seen, therefore, that the credit, in a just measure, of laying the foundation of the existing administrative system applicable to our internal taxation, and to our customs revenue as well, belongs to Senator Allison. His incomparable genius for legislation was exhibited even after his failing strength began to admonish him that the night was coming when no man can work. He probably never set himself to a more difficult or a more important task than when, in the Fifty-ninth Congress, after the pending amendment to the interstate commerce law had torn the Senate into contending factions, filling the country with all forms of clamor and suspicion, the old leader, in broken health, but with faculties unimpaired, brought Congress to a realization of its duty, and, with-out sacrificing the convictions of any Senator, united all parties and all factions in the passage of that great measure.

We may not doubt that there will be occasions in the future when the Senate will need the counsel and guidance of Senator Allison. But it is not too much to believe that the lessons of toleration and respect for the opinions of others which are taught in the life of this great American statesman will never lose their influence in the Government of the United States. For, after all, it is not of the exploits of a parliamentary leader, nor the achievements of an experienced legislator, that we are thinking to-day. It is rather the quiet, courtly life he lived among us, the helpful things he did, the gentle and gracious words he used to speak, which are in our hearts at this hour and will be kept in our memories while we live. Already the Senate, departing from the custom of a long time, has directed that a picture of him shall be hung in a corridor of the Capitol by the side of the favorite statesmen of other generations.

The people of Iowa who followed him with loving confidence

The people of Iowa who followed him with loving confidence for nearly half a century, even down to the valley of the shadow of death, will build a monument to him within the borders of the State which gave him his high commission, and will ask permission to erect a statue here, that the affection and reverence of the Nation which gave a crown of peculiar glory to his old age may have a permanent expression in the Capital where the great work of his life was done.

Mr. HALE. It is not difficult, Mr. President, to make a proper estimate of the character and public service of the late Senator from Iowa, for the reason that, high as was that character and remarkable as was his public service, all his great contributions to legislation and his protracted service and continuous unfaltering labor, with their marked and influential results, were open as the day.

Senator Allison's temperament and his connection with the great working committees in both Houses of Congress, in each of which he had long service, brought him to the consideration of every really important question and subject which from year to year has interested the American people. He dealt with all these questions in a plain, straightforward way, and brought to the task of maturing wise legislation unbounded good sense, fidelity of purpose, and a capacity for sustained labor such as no other man whom I have personally known in public life in either House has ever possessed.

There was nothing sensational in his nature. He was not excitable. He was not vain or egotistic. He never sought to attract public attention. He never posed for the galleries. I do not think, in his very long service, that he ever once gave notice that on a selected day he would make a speech; but, from the beginning of his career in Congress, he bent his whole mind and summoned all his energies to the thoughtful consideration of every question that arose involving the real interests of the American people. And, as the years passed, this character and temperament and this useful service made him more and

more an authority in Congress until at last, and for long years in his later senatorial life, he stood without an equal or a rival as the arbiter and director in almost every field of legislation.

His term of service in the two Houses, beginning in the middle of the civil war and extending from that with hardly a break for more than forty years, covered a period which witnessed the discussions and conflicts that arose over every great question which for half a century has interested and aroused the people of this Republic. The conduct of the great war, the reconstruction measures, the amendments to the Constitution, the restoration of the States, the financial policy of administrations and parties, the tariff, the currency, the intervention by the General Government into the business of corporations-upon all these, the fullest information was at the fingers' ends of the late Senator from Iowa. In any given emergency he knew better what to do and what could be done than any other Member of Congress or of any branch of the Government, and it was well for the Republic when his admonition and counsel were heeded and his mental processes were crystallized into the laws of the land.

He was a factor in the House of Representatives. He was the unquestioned leader in the Senate. He headed great commissions that investigated important subjects in foreign lands. He more than once declined service as a Cabinet officer at the head of leading departments, and he came very near to the Presidency. He had almost perfect equipment for that great place, and when he came so nigh and yet missed, his calm mind was never ruffled by his defeat, and no man, however near to him or how well he might know his incomings and outgoings, ever, either in action or speech, saw him influenced in his course by the memory of disappointment and failure. He would take all things as they came to him, whether of success or failure, and placidly abide the result. He knew how, as John Burroughs expresses it, "to serenely fold his hands and wait." His sterling qualities, joined with what I may call great

His sterling qualities, joined with what I may call great shrewdness and unbounded tact, kept him from making enemies, and yet preserved through his long life the increasing respect, regard, and affection of his friends.

What shall I say, Mr. President, about his other side? His generous heart, the "unexhausted kindliness which glowed like daily sunrise there," his patience, his charity, his magnanimity, and the love which he felt for the friends who were nearest and dearest to him, and the love which he inspired in turn from them.

Into this domain I can not enter far. An acquaintance, formed forty years ago, had ripened into what I believe was a real friendship between Senator Allison and me. I dwell with pleasure upon the years of this long attachment, but I realize, Mr. President, that on my side of that friendship there was fault, and that, I fear, too often. I waken in the night and turn on my pillow with the sad recollection of my inadequacy. I was not as kind and considerate and gentle as he, but his great mantle of charity covered my transgressions, and in his heart was a wellspring of forgiveness.

How we shall miss him all of us know. For me, I am sure that the remainder of my service will never be to me personally what it was when he was present. It can never be what it was when I was his companion and friend and he was my exalted and accepted leader.

Mr. TELLER. Mr. President, my acquaintance with Senator Allison began with my admission to the Senate over thirty-two years ago. He had then been a Member of the Senate for three years and had already earned for himself an enviable position in this body. I early learned to admire him for his strength of character and his many excellent qualities of mind and heart, and formed for him a sincere friendship, which continued unbroken until the day of his death

in the lart, and formed for him a sincere friendship, which continued unbroken until the day of his death.

It will be but a feeble tribute that I shall pay to his memory to-day. I can only say a few words, which will in nowise express my feelings as to the loss sustained by this body and by the country at large in the death of this distinguished Senator.

WILLIAM BOYD ALLISON was born at Perry, Ohio, March 2, 1829. He attended the academy at Wooster, Ohio, two years, and spent one year at the once somewhat famous Allegheny College, Meadville, Pa. He commenced the study of law in 1848, and in 1850 was admitted to the bar. In 1856 he supported John C. Fremont for President, and in 1857 he removed to Dubuque, Iowa, and resumed the practice of law. He took an active part in politics, was a delegate to the Republican state convention of 1859, and was a delegate to the Republican national convention at Chicago in 1860.

He was appointed on Governor Kirkwood's staff at the commencement of the civil war and assisted in the organization of

the Iowa volunteers. He was elected to the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Congresses. In 1870 he declined a nomination for Congress and became a candidate for the United States Senate, but he failed of an election; in 1872 he was a successful candidate against the Hon. James Harlan, and took his seat in the Senate March 3, 1873. He was reelected in 1878, 1884, 1890, 1896, and 1902. He received a majority of the votes of his party at a primary election in June, 1908, for reelection, and if he had lived would have been reelected. He served thirty-five years and five months continuously in the United States Senate, having been elected for thirty-six years, making a record for length of senatorial service never before equaled.

While a Member of the House of Representatives he took an active part in the legislation of that period, and in the Thirtyninth Congress he became a member of the Committee on Ways and Means. On his admission to the Senate, in 1873, he was assigned to the Committees on Appropriations, Indian Affairs, and Pensions. He was chairman of the Committee on Indian Affairs in the Forty-fourth Congress (1875) and became a member of the Committee on Finance during the Forty-fifth Congress (1877).

He became chairman of the Committee on Appropriations during the first session of the Forty-seventh Congress (1881), and retained that position for twenty-six years, and was chairman of the committee at the time of his death, which occurred at Dubuque, Iowa, on the 4th of August, 1908, having been a member of that important committee for the entire period of his service in the Senate.

President Garfield tendered him the Treasury portfolio, which he declined, and the same position was offered him in 1888 by President Harrison, but he did not accept it.

President McKinley offered him the position of Secretary of State, but he declined this much-sought-after position in the public service, because he believed he could be of greater benefit to the people of his State and of the country at large in the chosen field of his life work—the Senate.

During his senatorial service he gave much consideration to financial questions. In 1878 he was a member of the Committee on Finance, and was influential in securing the passage of an act for the coinage of silver, usually denominated the "Bland-Allison Act."

In 1892 he was the chairman of the American delegates who attended the International Monetary Conference in Brussels, in which conference he took an active and important part, contending for the use of both gold and silver in the monetary system of the world, and while his services in that conference secured nothing for his contention, he demonstrated his knowledge of and acquaintance with the history of monetary affairs throughout the world, and his services were highly appreciated by both bimetallists and monometallists, especially of his own country. While he doubted the ability of the United States alone to restore silver to its former relations to gold, he believed it quite possible for that to be done by international agreement.

Although he was a bimetallist, when his party adopted in its platform at St. Louis in 1896 the gold standard, he accepted its determination and loyally supported its candidate for President with zeal and ability.

dent with zeal and ability.

His long service on the Committee on Appropriations and Finance made him familiar with the financial and economic conditions of the country, and at the time of his death he was an authority in the Senate on all questions concerning revenue and expenditures.

He was a firm believer in the doctrine of protection to American industries and American labor; he took an active part in the preparation and passage of all tariff laws that have been enacted since he entered public life, yet he was tolerant of those who differed with him on the subject and recognized in debate and otherwise that his opponents were actuated by the same patriotic sentiment in their opposition that he was in his support. He was kind and courteous in debate on all subjects, and his influence was felt on all subjects which he supported or opposed.

He was kind and considerate in his intercourse with his fellows. His death was a loss to the State he had honored by his service here and also to the Nation. It may be said of him, as Cicero said of another, "boni senatoris prudentia;" he had the wisdom of a good Senator.

Mr. ALDRICH. Mr. President, the judgment of contemporaries as to the estimate that should properly be placed upon the life and services of a public man may not be infallible; the lines of our perspective may be obscured by personal admiration or affection; but making allowance for this, we can,

I believe, feel sure that the future historian, having in view the record of his work and achievements, will give Senator Allison a place in the first rank of the statesmen of his time.

He was a master of the arts of conciliation and construction. Other men have been more brilliant in debate; others have been more frequently in the public eye; the work of others has appealed more strongly to the passions and sensibilities of men, but no one has left a greater impress upon the useful legislation of his generation than he. He had a wider and better knowledge than any of all parts of our governmental machinery, and he knew better than any what provision was

necessary for its successful and efficient operation.

His active work in the Senate was largely in connection with the Committee on Appropriations, of which he was for so long the chairman. The character and magnitude of his work in this connection has been described by other Senators. ally I was more familiar with his service on the Committee on Finance. For twenty-seven years I was associated with him in the active work of that committee, of which he was always an influential member. These years of constant association and close companionship were to me the source of ever-present and unalloyed satisfaction and delight. Their memory will remain with me forever. During Senator Allison's membership he took a leading part in the preparation and discussion of all the legislation reported from the committee. Under his leadership early in his public career the internal-revenue laws, especially those in reference to the collection of the taxes upon distilled spirits, were thoroughly reconstructed. In association with the late Senator Beck and myself, he prepared the customs administrative bill of 1888, which became a law two years later, and which created a new organization and new methods for the collection of the revenue from customs. These two acts furnished, perhaps, the best evidence of the Senator's constructive ability. Senator Allison took a leading part in the preparation and enactment of the tariff laws of 1883, 1890, and 1897. I was associated with him for months in the labor of preparation of the tariff bill of 1888, which involved an entire reconstruction of the methods of classifying and imposing the duties upon customs, as well as a complete revision of the rates. This bill furnished the basis of the act of 1890, known as the "McKinley bill."

Senator Allison reported from the committee the national bank act of 1882, which made important changes in the system. He took an important part in all the financial legislation which was considered or adopted during his long service in the Senate. He was a leading member of the subcommittee that prepared and reported the gold standard act of 1900. He was a careful student of all these subjects and the wide range of his knowl-

edge of all was remarkable.

I have presented but a brief outline of the Senator's invaluable services in connection with the important subjects referred to the Finance Committee, but the influence of the Senator upon the legislation of the Senate was not, by any means, confined to measures reported from the Committees on Appropriations or Finance. He gave to every question of importance pending in the Senate careful and thoughtful consideration, and his opinions on all were given great and controlling weight by his associates.

The wisdom of his judgment and his intelligent industry made him a leader of the Senate. An acknowledged leader, he never paraded his powers of leadership, and was apparently unconscious of their existence. His position in the Senate was unique; he was oldest in service, wisest in counsel, the friend and mentor of all. He was at all times genial and kind, considerate and helpful of others. No one came within the circle of his acquaintance without being attracted by the irresistible charm of his personality, which never faded. He was ever calm, patient, industrious. He was never aggressive or sensational in his methods, but always seeking through sensible measures to secure the best practical results.

Through the death of Senator Allison the Senate loses its foremost Member. The loss to the Senate and the country comes at a time when we can ill afford to be deprived of his wisdom and the benefit of his experience. Confronted with a rapidly increasing number of complex and important problems for solution, may we not hope that, while we mourn the loss of the counsel and assistance of our dear friend, the lessons of his life will incite us to greater efforts and inspire us with greater strength and faith to meet the exacting demands of the

Mr. BACON. Mr. President, when last a similar duty and privilege were mine, standing a few months ago in this place, I offered my feeble tribute to the memory of a young man 32 years of age whose service in the Senate had been of the brief space of less than two months.

To-day, when performing the same office for another, I lay my brief offering upon the bier of the veteran Senator who, when at the close of the last session of Congress he last passed without the doors of this Chamber, had reached the eightieth year of his age, and for more than thirty-five consecutive years had represented his State in the Senate. Strikingly remarkable indeed is the record of that service.

As has been already stated to-day, in its length it surpassed that of any other Senator from the foundation of the Government to the present day. But remarkable as is the number of years which, each as link joined to link, made up the lengthened term, the character of that service was even more note-

worthy than was its unprecedented length.

Prepared by eight years of prior service in the House of Representatives, the records of his work show that immediately upon his entry into the Senate he began actively and efficiently the prosecution of labors which are usually undertaken by Senators only after the lapse of years of senatorial service. will not particularize as to his great career in the Senate during more than a third of a century; but it is safely within the facts to say that in the debates and in the final enactment of measures he strongly impressed his work upon every piece of important legislation which was enacted by Congress during the eventful period of his service here.

He was not quick to press himself to the front in the active debates in the Senate. Nevertheless in the final stages of almost every important controverted and difficult question, his were most frequently the words which in the end determined the fate of the measure, and, if successful, the shape it should finally bear; and when, as was often the case, his party associates were upon any question divided in their views and wishes, it was he who was looked to by them to find the acceptable ground upon which the factions finally united in harmonious action; and where no political question was involved, his influence in the shaping of legislation was as potential with Democratic Senators as it was with those of his own political faith. Confidence in his adamantine integrity, in his unswerving fidelity to the public interest, in his extended familiarity with all governmental affairs, and in the correctness of his well-poised judgment was as implicit and as manifest in its practical expression on this side of the Chamber as it was among his political fellows on the other side of the aisle.

In the full enjoyment of this well-earned and general confidence it is not to be wondered that he thus made his strong impress upon the important legislation of more than three and a half decades.

And yet, marked and notable as is this fact, if called upon to specify the most distinguishing feature in his remarkable senatorial career, I would not point to his connection with and influence upon the great legislative events of his day, each of which stands out in historic prominence, but I would say that this most distinguishing feature was found in his unostentatious, unwearied labor of thirty-five years, his devotion to that wide-reaching work, requiring continuous study, thought, and care, and exacting from him never-flagging industry, a labor prompted by an innate fidelity to duty so natural that in him it was unconscious—a labor guided by large experience and evenly balanced judgment, through which in large measure the complex, intricate, and vast machinery of this great Government has been during this long term of years kept in successful operation.

His mind and memory were a great storehouse of knowledge of the needs and resources of the Government, and the Senate at all times leaned upon him as upon a strong and all-sustaining staff. His relation to the Senate was that of the trusted pilot to the ship, with vision keen and hand unerring, guiding it past the sunken rocks and round the threatening shoals. through the deepening channel to the safe and restful harbor.

Before disease had laid its wasting hand upon him, Senator Allison was in his person unusually handsome and engaging. His figure was large and well proportioned. His head was massive and shapely. His features were clear-cut, and in their expression there was the not to be mistaken evidence of both gentleness and strength, each in marked degree. His courtesy, both in debate and in personal intercourse, was unvarying. No one who knew him can forget the kindly eye and the ever-ready smile, the silent messengers which told of the tender and sympathetic heart within.

Mr. President, in the years of my association with him here I have never heard one Senator say of him an unkind, an ungenerous, or a harsh word. His memory is to each and all of us a cherished possession. We all loved him as a brother and we each venerated him as a father, and it is not a formal, but a heartfelt tribute of affection which we pay to him to-day.

Sir, in all these years I have been so accustomed to see him here that it is difficult for me to realize that I shall not again see his familiar form in this Chamber, and at times I almost again look for him to enter and take his accustomed seat, the second from the aisle. And who is there who does not in memory now see him walk from that seat across the front of the desk and out by that door which leads to the room of the Committee on Appropriations, the scene of his unremitting labors?

Mr. President, my term of service here has been short indeed when compared with his. And yet there are but 12 Senators now members of the body who were here when my first term began, and on March 4 that number will be reduced to 10. Many of those who have gone from among us still survive and are engaged in other fields, but not a few of them shall be no more seen of men. As we look around, memory again places them in their accustomed seats and again brings back to us the echoes of the familiar voices of the men with whom, since my brief service, we have labored and associated here.

Allison, Voorhees, Sherman, Harris of Tennessee, Walthall, Morrill, George, Hoar, Gear, Vest, Gibson, Hawley, Palmer, White of California, Whyte of Maryland, Platt of Connecticut, Gordon, Gorman, Proctor, Jones of Arkansas, Morgan, Wolcott, Sewell, Pettus, Hanna, Mitchell of Wisconsin, McMillan, Davis of Minnesota, Mallory, Shoup, Earle, Bate, Caffery, Vilas, Bryan, Latimer, and Carmack.

Long indeed is the lengthening list of those who in the mists of the vanishing years beckon us on to the shadowy land.

We are such stuff As dreams are made on; and our little life Is rounded with a sleep.

Mr. CULLOM. Mr. President, to speak the praises of the late distinguished Senator from Iowa, with whom I served in Congress for thirty-two years, is to me a labor of gratitude and

Senator Allison, whose death we are commemorating to-day, was an American citizen of the very highest type. For half a century he stood before the country as one of the foremost statesmen, a man of perfect moral proportions, and one of whose integrity, honesty, and purity of purpose there was never either private or public question.

His career was remarkable in the annals of our public lifeindeed I am not sure but that in many respects it was the most remarkable career of any statesman in our history. Away back in 1855 a delegate to the Ohio state convention, presided over by John Sherman, that nominated Salmon P. Chase for governor of Ohio; an active supporter of Fremont in 1856; a delegate and one of the secretaries of the convention of 1860 that nominated Abraham Lincoln for President; Representative in Congress; Senator almost ever since; his public life forms a complete legislative history of the United States for nearly fifty years, and was coincident with the life of the Republican party from its very beginning.

I first became acquainted with Senator Allison on becoming a Member of Congress in 1865. He had preceded me one term, and, although only at the beginning of his second term, he was made a member of the great Committee on Ways and Means, and I found that even then he was regarded as among the ablest and most influential of the western Members. once became friends, and it is a pleasure for me to think that the friendship formed forty-five years ago continued until his death.

There was never a more momentous period in our history than in the dark days of 1863, when Senator Allison entered Congress. The civil war was raging, there had been no decisive Union victories, the battle of Gettysburg had not been fought, and it was thought that the fate of the Union was trembling in the balance (although I never myself believed that it was written in the book of fate that this Union should be dissolved); we were a divided Nation, sorely afflicted, passing through a baptism of fire and blood. He lived to see the Union saved, the Nation cemented more closely together than ever, to see the country which he had served so long and so well increase threefold in population and wealth, and take a foremost place among the nations of the world.

Senator Allison's conspicuous service in the House, as I recollect it, and as the records show, pertained principally to appropriations and finance, the refunding of the debt, reduction of internal taxation, revision of the tariff, and kindred legislation.

From the very beginning of his congressional career he made a specialty of matters pertaining to finance, and he finally became one of the recognized authorities on financial questions.

He was not a high-tariff advocate. The sentiment in Iowa, just as in Illinois, was not in favor of a high tariff. Hence it

was that during my service in both the House and Senate I was always glad to work in harmony with Senator Allison in reference to all matters pertaining to the tariff.

It has been said that Senator Allison was a conservative, if I might term it as such, all his life, and so he was in a sense. During his younger years, however, as a Member of the House, he was not the quiet, conservative man, never saying an unkind word in reference to anyone, that he was after he came to the Senate. Indeed, on some occasions in the House he was notably aggressive.

He was specially bitter toward President Johnson. I remember very well his speech on the violation of the tenure-of-office act and the bitterness with which he attacked President John-His language on that occasion was such that those who knew him intimately here would scarcely believe he was capable of uttering it. He denounced President Johnson in unmeasured terms, and urged that he be impeached and removed from office; that unless he was removed, his usurpations would continue until the republican government itself would be destroyed and on its ruins a dictatorship established in the interest of the worst enemies of liberty and law.

But to remain cool and calm in those days of bitterness was

more than could be expected of human nature.

One can scarcely realize now the intense feeling prevailing in Congress in those days. The great President had just been laid low by what was thought to be a conspiracy on the part of some of the southern leaders. Mr. Allison supported, as I did, the impeachment of Mr. Johnson. We were wrong. There was no conspiracy on the part of the South to assassinate Mr. Lincoln. And in later years I know Senator Allison often said it would have been one of the greatest mistakes in our history to have removed President Johnson.

Mr. President, I will be pardoned for dwelling on Senator Allison's service in the House, because his really great career commenced when he entered this body in 1873. My excuse is that there are many here, in fact all of us, who knew him more or less intimately as a Senator, but there are so few, so very few, who remember him as a Member of the House, and it so happens that I am the only Member of either House who served with Senator Allison in the Fortietl. Congress and voted for the impeachment of President Johnson.

WILLIAM B. ALLISON'S career as a Senator is history. The history of our financial legislation since 1873 could not be written without there appearing on every page, as a dominating fac-

tor, the name of Allison.

When I entered this body in 1883 he was already a leader, the chairman of the Committee on Appropriations, which posi-tion, I believe, he occupied longer than any other Senator in our history. Not only did he bear the great burden imposed upon him as chairman of the Committee on Appropriations, but Not only did he bear the great burden imposed for many years he was one of the two leading members of the Committee on Finance, the Senator from Rhode Island being the other. All during his public service I never knew him to be wrong on public questions. He was always a safe man to

As has been stated by the Senator from Colorado [Mr. Tel-LER], he was a member of the International Monetary Conference of 1892 and was desirous of settling the so-called "silver question" harmoniously between the two parties, if it could be settled, but, nevertheless, he was a firm believer in the gold standard. When others faltered, when even the late President McKinley doubted, he stood firm for the gold standard, and subsequent history has proved that his judgment was correct. I do not suppose anyone will now seriously question the service he rendered his country in saving it from free silver in 1877. He was a leading factor in the resumption of specie payment, in the framing of every tariff law from 1877 to and including the Dingley Act, in the establishment of the gold standard, thus carrying out the party's pledge of 1896. His senatorial record has been fully given by his colleague.

He was a wise man. He had an extraordinary control over Members in settling troublesome questions and bringing about harmony in the Senate. He had wonderful influence not only with Members of his own party, but with Members of the opposition. Everyone had confidence in him. His statements were accepted without question.

He never attempted oratory, but by cool, logical argument he molded the opinions of legislators. He was one of those evenmoded the opinions of registators. He was one of those even-tempered, level-headed, sound, sensible men to whom we natu-rally turned when there were difficult questions to settle. We all had confidence in his judgment, and his integrity of purpose was never doubted.

He realized the growth of the Nation and its growing necessi-

ties, and appropriated accordingly.
Senator Allison was repeatedly offered Cabinet positions, probably more often than any other man in public life. Gar-field and Harrison both urged him to accept the Secretaryship of the Treasury. Mr. McKinley desired that Senator Allison should become a member of his Cabinet, but he declined, as he had so often declined it before. The fact was, Mr. President, he preferred to remain in the Senate. He found the work here far more congenial to his tastes than the work of any other

I always doubted whether he cared very much even for the Presidency. On several occasions his friends had urged him for the nomination, and on one occasion, at least, it seemed almost certain that he would be the nominee.

His failure to secure the office of President never seemed to trouble him in the slightest particular. If he felt any disap-

pointment, which I do not believe he did, he never showed it.

Mr. President, Senator Allison took a keen interest in all our national legislation, and there was not a great measure passed in the Senate during his term of service that did not receive his careful consideration, and, indeed, his genius for suggesting happy compromises was instrumental in securing the passage of important legislation entirely apart from finance or appropriations. It was Senator Allison who suggested to me in 1886 the necessity for the appointment of a special committee to investigate the question of the regulation of interstate carriers, which resulted in the passage of the original act to regulate commerce, and it so happened, as Senators well remember, it was Senator Allison who, during the last Congress, proposed the compromise which resulted in the passage of the Hepburn Act, perfecting the original act. I only give this as an illustration of his influence in shaping general legis-

He was the trusted adviser of President after President-Grant, Hayes, Garfield, Arthur, Harrison, McKinley, and Roosevelt all called upon him. I do not suppose there was another Senator who had to a greater extent their confidence. During the critical period preceding the Spanish-American war, and during the war, he was constantly advising with Mr. McKin-ley, and later President Roosevelt followed the wise example of his predecessor, and he would have been, had he lived, the confidant of the President-elect, Mr. Taft, who, since his death, has said that Mr. Allison was a warm friend of his father, and during his own public life he consulted him as a son would his father.

Senator Allison served longer in the Senate than any other man in all our history. He broke Benton's thirty-year record, thought extraordinary at the time. He broke the long record of the late Senator Morrill. Senator Morrill served twelve years in the House and thirty-one years and nine months in the Senate, making a total continuous service in Congress of forty-three years and nine months. Senator Allison served eight years in the House and thirty-five years in the Senate, making a total of forty-three years and five months, but a few months shorter than Senator Morrill's total service in both Houses.

He was a member of the Ways and Means Committee when Senator Morrill was its chairman. He was a member of the Finance Committee when Senator Morrill was its chairman, and

could have succeeded him.

They resembled each other not only in point of service and in the peculiar nature of their service, but also in their kindly, agreeable dispositions. But, unlike the veteran Senator from Vermont, whose old-time ideas of powers and duties of the Government made him hesitate to follow his party when it advanced upon what he regarded as new paths, the late senior Senator from Iowa was always fully abreast of the times and was willing to follow his party even though it might take what the more conservative would regard as an advanced position. Senator Allison took a leading part in framing the policies of the Republican party and, while not an offensive partisan, was always a strict party man. Even though he was conservative, he did not hesitate to follow his party to the full extent in the policy of expansion. Indeed the only case within my recollection when he voted against the almost solid Republican majority in the Senate was on the ship-subsidy bill, when Senator Allison and Senator Spooner, followed by their two colleagues. very much to the surprise of every one, opposed the bill.

It has been said that the late Senator from Iowa was an embodiment of American legislative history for half a century. He was the colleague of many of the great men of the Republic—Sumner, Conkling, Morton, Trumbull, Thurman, Harrison, McKinley. He entered public life with Garfield and Blaine and remained a stalwart worker in the forum of politics years after

Garfield reached the goal of his highest ambition, only to fall by the hand of an assassin, and until long after James G. Blaine had retired to private life and passed away. brilliant statesmen all passed to the beyond, while he still wore the toga of senatorial dignity when death's message came to him.

Along the course of his career from his early life, devoted to the practice of the law, to the call of the people of his district in Congress and to the close of his public life, his was not the showy brilliancy of a Douglas, a Blaine, a Conkling, a McKinley, but the steady, quiet life of the industrious, useful worker and successful legislator.

In the community in which he lived in the State of his adoption, which would have continued him in the service as long as he was willing to serve, in the House of Representatives, in the Senate, in every relation in life in which he was called upon to serve a part, everywhere and under all circumstances he was respected for his abilities and honored for his service.

He was laid to rest in-

The sanctuary of the tomb, beneath the quiet of the stars, wrapt in the dreamless drapery of eternal peace—

Lamented by the whole Nation as one of the ablest, the most practical, the most useful of American legislators and states-

Mr. DANIEL. Mr. President, a guide, a counselor, and a leader-so to speak, a father in Israel-has left us in the vanished form of William B. Allison, to whom we had become so accustomed that his presence seems to abide. He was a great Senator, even as he was a good citizen and a noble American. He gave his first fruits and the best fruits of his life to his people and his country. He left no enemies here. We looked upon him with friendship, and everyone found in him a friend. He was born at Perry, Ohio, March 2, 1829. He died at his home in Dubuque, Iowa, on the 4th day of August, 1908, in the eightieth year of his age.

At that time the Monetary Commission of the United States were en route to Europe, and several hundred miles distant from New York the wireless telegraph brought them the gloomy and

regretted news of Mr. Allison's death.

His career as a public servant had been very long and very laborious. It was of an inestimable value to his State and to his country. The plain recital of his faculties and performances would comprise the most fitting and enduring monument of his great career.

As for myself, I shall go but lightly into details, but they

have been and will be better recited by others.

I served, however, with Mr. Allison as a colleague on both the Appropriations and Finance committees. He was a master on their business. I have had the opportunity of years to observe his course in the Senate, and I have an abiding sense of his commendable character and of his great and well-nigh unexampled service.

He possessed a strong, ripe, well-trained, and apprehensive mind. His form was comely and manly and his countenance handsome and engaging. His face was illumined by kindly eyes of brilliance and power. His appearance betokened the modest, dignified, and forceful gentleman, unobtrusive, but inspiring respect and repelling undue familiarity. A stranger might naturally assume from looking at him what he equally was-a statesman. Well ordered in all his sayings and doings, he might have made a mistaken impression on those who knew him not, that he had more placidity of temper than of fire in

The well-built and well-oiled engine makes the least noise, because of its well-fitted mechanism and the superiority of its workmanship, but it is the most precise and continuous in its The fire that moves it scatters the fewest sparks and cinders if it be made of the best fuel. The sheen of marble and steel are not indications that it is soft and impressible. On the contrary, it is only the outward expression of strong fiber and power. It requires the most powerful instrumentality of art to hew the stone and to make and temper the steel that possess the finest polish. So in Allison the repression of contentious words and ways and the observance at all times of the amenities of life in all things were only the outward demonstration of the great heart, the good sense, and firm will that controlled him.

After his education at the Western Reserve College in Ohio, and after studying law and practicing his initial years in that State, he moved to Iowa in 1857, when a well-equipped young man 27 years of age.

When the civil war came on he served on the governor's staff, but was ere long translated to Congress, where he found the field that befitted his equipment and the bent of his genius. For four terms he was a Representative; that is to say, in the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Con-gresses. He then was elected to the Senate for the term beginning March 4, 1873, and was five times reelected, the last time for the term which, were he living, would expire on the 3d of March next.

Thus it is indicated that for a period of over forty years Mr. Allison was identified with the most critical and yet the most achieving and progressive period of American history. was no great measure of all that time in which he did not take

an active part.

Several times his name was favorably commended for the Presidency of the United States. No man of his time was better qualified by information or devotion to duty, by dignity of character, or by the fine balance of mind and disposition to fill that great office in the spirit of the true American citizen.

True, he was a partisan. The nature of our people and of the institutions they have established has made partisanship the standing rule. We are all partisans. Marshall as well as Adams or Jefferson, Taney as well as Jackson, and Chase as well as Lincoln were all partisans; but when they gave decisions it was soon, if not instantly, recognized that they spoke the law as they found it and nothing but the law. The transient assault on Taney, made in times of great commotion and perturbation, left him unscathed as soon as he was understood. The tribute not long since paid to him by Mr. Justice Brewer marks both the recipient and the bestower of praise as men uplifted above all pettiness and all condescension that would lower the standard of rightfulness and law. A truehearted partisan, who has the balance of conscience and justice, may be trusted, whether upon the bench or in executive office or in legislative council.

WILLIAM B. ALLISON had such an equitable mind that he would have made a great chancellor had he been a judge, a great minister had he been called to the Cabinet, and in the executive chair none would have been surer to consider his country and all its people first-all other things second.

Allison was a man of peace and a great peacemaker. He instinctively observed the wise admonition of Allen G. Thurman. to "keep a civil tongue in his mouth." He avoided the sharp and bitter angles of speech as well as of practical affairs in life. It was axiomatic with the ancients that the middle way is the safe way. It is the wise way, the way that least tires the traveler, and the way that least breaks axles and harness and wheels. The most experienced and best lawyers have always settled their cases, when they could, out of court, not in it. It was laughingly said of a certain statesman that he was so prone to compromise that if a claimant demanded both the Capitol and Library, he would compound by saying, take the Library and leave us the Capitol." Allison was not that kind or any other kind of a weakling. When he stood for a principle to which he was devoted, he was as firm as a rock and believed that God Almighty hates a quitter.

Our Government is so vast and varied in its ramifications, its finances and its expenditures are upon so prodigious a scale, the increase of its population has been so unprecedented, its Representatives in Congress and its Senators and the details of their enormous work have been so multiplied, that conditions have forced comprehensive changes in its methods of administration. Government by committee has necessarily superseded in practical effect the government of earlier days, where de-bates were largely at will and any subject might be made one

of prolonged discussion.

ALLISON was a great administrator. As chairman of the Appropriations Committee, and as a member of the Finance Committee, he constantly displayed his great utility, his capacity to work, his patience in hearing, in studying, in analyzing and clarifying details. His kind regard for all men and all questions

were unsurpassed by any man I have ever known.

As a debater he wasted no time in his utterances, but was always ready and equal to any task that the contingencies of the floor of the Senate required. When he expounded a subject and advocated a theory he left little to be said by those who concurred and nothing to be assailed save that side which marks the line of fixed political demarcation. Of a fixed and stendfast purpose, he was never frivolous or fickle; but always possessing the poise and the gentle arts of good nature, he pursued with an unbroken pace the things he aimed at with the serenity of the spirit undisturbed by diverting circum-stances. Like the unclouded day, the rays of his intellect and of his information went forth to the world around him in temperate life-giving beams.

Moderation and patience were his masterful virtues. They are not the swiftest coursers in the chariot race, but they are the surest footed, the strongest, and the most dependable in the

vast majority of the affairs of nations and of men. Neither the individual nor the social body can find verifiable progress without them. They wreck no trains; they cut down no trees to get at the fruit. They do not break banks nor burn candles at get at the fruit. They do not break banks nor burn candles at both ends; they join no "get-rich-quick" societies. They bury no armies in Russian snows, they bring on no revolutions, and they stir no schisms. They excite no hatred, but always allay it. They may not shine in the meteoric splendor that departs as it illumines, but they do the great and wholesome business of man's existence. They spread the ample board; they provide food and raiment; they store the fuel that makes summer by the hearthstone of the winter time. Like the sun again, you may not see it move, but it is moving all the same, and when the day is done it has done its work of vitality and cheer over the wide landscape. These be virtues, the signal virtues moderation and patience, which are most of all things to be commended and cultivated in a great republic, for the republic, of all forms of government, is the most quickly affected by the transient gusts of public opinion.

Mr. Bryce has said in his great work on our Commonwealth that "America is the country where everything turns out better than it ought to." We have broken all precedents in our marvelous career, but as land diminishes and population increases, as congested cities beckon the country boys and girls to their excitements and adventures, the infertile countrysides are the more and more deserted. Great problems of all sorts arise before us and spectral shapes give menace and admonition. In such a period more men of the temperate mind and balance of judgment, like Allison, are needed. While he adhered strictly to party, his influences within the lines of his party, and so spreading outward, were always exerted for concili-atory and for constructive and practical ends, and its own action was restrained from yielding to the temptations of popular

and attractive things untested.

Our federative union is the greatest experimental station in affairs political that the world has ever seen or devised. It is because the State is a separate experimental station to itself, and may at will try any one of the great body of suggested ideas which are generated in the active minds of a progressive people. Sometimes the experiment in a State is wonderfully successful, and then the new idea is seized and considered and adopted by other States and becomes a fixed and shining light for the Nation. Sometimes the idea is disappointing, and then it soon passes away into rubbish. Whether we improve our own splendid mechanism of government or not, America will remain in future what it has been in the past-the name of

opportunity.

I have not spoken of political differences of opinion with Mr. Allison; it was needless. Without some such differences of opinion progress would stagnate and such reforms as are wise and just would become the death heads of lost opportunity. But in our differences we shall best make ourselves the soldiers of the common weal and best advance our country and all its people by adopting the moderate and patient philosophy for which Allison above all men was distinguished. Thus shall our country develop in wholesome peace. Thus will it ever be ready for the demands of righteous war, and thus may we fulfill the ideals of our fathers and meet the expectations of those who succeed us upon the stage of action. In such wise, and in such wise alone, can we best serve America that her fair form-

Shall rise and shine, Make bright our days and light our dreams, Putting to shame with lips divine The falsehood of extremes.

Mr. GALLINGER. Mr. President, a short time ago, in the house of a friend in New York, I picked up a little book and opened it at this passage:

It is hard-

Said the doctor sadly-

but life holds many hard things for all of us. Perhaps if we lived rightly, if our faith were stronger, death would not rend our hearts as it does. It is the common lot, the universal leveler, and soon or late it comes to us all. It remains to make our spiritual adjustment accord with the inevitable fact. * * The discord and the broken string of the individual instrument do not affect the whole except as false notes; but I think that God, knowing all things, must discern the symphony, glorious with meaning, through the discordant fragments that we play.

Mr. President, at best life's journey is a short one, and it is well if, as the end approaches, we can look back over the way and know that we have not lived in vain—know that kind words have been spoken and generous deeds done, which have lightened the burdens that some weary soul has been carrying. He of whom we speak to-day brightened many hearts by kindly words and generous deeds.

Others will speak more particularly of the remarkable career of our late associate, the Senator from Iowa, while I shall content myself with a few simple words of appreciation.

I served in this body with the late Senator from Iowa for seventeen years, being associated with him in the work of the Committee on Appropriations for a portion of that time, and hence had an opportunity to closely observe him in the arduous work that he performed. His service in the Senate was a long one, and it was as valuable and conspicuous as it was prolonged. In all the history of the Government no Commonwealth has been represented by a Senator who did more for his State and the Nation than Senator Allison accomplished. His great experience and wide knowledge of governmental matters enabled him to practically direct the legislation of this body. Courteous, patient, sagacious, and patriotic, he guided legislation with consummate tact and ability and impressed himself upon his associates as a man who could not be spared from its membership. How well we all remember the occasions when a few sentences from his lips swept away heated controversies and settled important questions. His calm demeanor and guarded ut-terances, reenforced by his profound knowledge of legislative matters, left little room for successful disputation. He carried his points by the sheer weight of his wonderful intellectual equipment, gained by long service and close study of public affairs. Other men were more eloquent, but no man was more fairs. Other men were more eloquent, but no man was more sincere, logical, and convincing. In a quiet way he swept sophistry aside, and blazed the path to wise and beneficient results. His loss to the Senate, as well as to his State and his country, can not be adequately put in words, and its full appreciation must be left to the contemplation of those who knew and loved him as we knew and loved him.

As a public man Senator Allison was sui generis. He had no rivals as a legislator. His management of the great appropriation bills excited the wonder and admiration of his colleagues, as also did his capacity for long-continued and arduous work. Probably this body will never see his like again, and of him we may well say, with a change in the name, as Byron said of Sheridan:

Long shall we seek his likeness—long in vain, And turn to all of him which may remain, Sighing that Nature form'd but one such man, And broke the die—in molding Allison.

But notwithstanding we felt that we could not spare him, he is gone, and the place he so long honored in the Senate will know him no more. We will remember his virtues—his kindly word, his cheery smile, his helpful advice, his gracious and sincere friendship—and, remembering all, it will be strange indeed if the memory of this great and good man does not influence our lives and elevate and ennoble our acts. For myself, I feel to-day as I felt when the news of his death reached me in a little country town in New Hampshire, that a personal loss had come to me—that a good friend and a wise counselor had gone out of my life. Allison is dead, and yet it must be that Allison lives.

I can not say, and I will not say,
That he is dead. He is just away!
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It needs must be, since he lingers there.
And you—O! you, who the wildest yearn
For the old-time step and the glad return—
Think of him faring on, as dear
In the love there as the love of here;

Mild and gentle, as he was brave,
When the sweetest love of his life he gave
To simple things; where the violets grew
Pure as the eyes they were likened to;
The touches of his hands have strayed
As reverently as his lips have prayed;
When the little brown thrush that harshly chirred
Was dear to him as the mocking bird;
And he pitied as much as a man in pain
A writhing honeybee wet with rain.
Think of him still as the same I say.
He is not dead—he is just—away.

Mr. LODGE. Mr. President, advancing years impose their penalties upon every man. In their silent action there is a terrible certainty and an unsparing equality of distribution, but among all their warnings, among all the milestones which they place to mark the passage of time, none is more mournful than the task of reading the letters and biographies of those whom we have known and loved, or the sad duty which compels us to utter in public our words of praise and affection for the friends, the companions, the long-trusted leaders who have gone. Yet all these trials must be faced as we look into the eyes of Fate or listen to its knocking at the door. All that we can do is to meet them seriously and solemnly, yet in the right spirit, without empty and helpless lamentation.

The death of Senator Allison has brought these familiar thoughts to my mind, old thoughts, indeed, but ever new, and recurring now with a painful frequency as I reflected what a long and affectionate friendship was ended, what a blank space was suddenly made in my daily life by his departure.

I recall with great vividness my first meeting with Senator Allison at dinner in 1874, at the house of Mr. Samuel Hooper, a distinguished Member of Congress representing one of the Boston districts. The party was a small one, consisting only of our host, his nephew, myself, Senator Conkling, and Senator Allison. I was a boy just out of college and Mr. Allison appeared to me a person of great age and dignity. As a matter of fact, he was only forty-five, which seems to me now quite young, and he had but just begun that career in the Senate which was destined to prove so long and so memorable. Mr. Hooper's nephew, a classmate and lifelong friend of mine, and I sat by and listened to all that was said that evening with deep and silent interest. The talk was very good and well worth listening to. To those who remember the men it is needless to say that Mr. Conkling took the unquestioned lead in the conversation, and that when he criticised, as he frequently did, he spared no one.

Young men, without much thought of the pain or injustice which may be inflicted, enjoy sarcasm and satire and wit at the expense of others. Youth is not, as a rule, a tender-hearted period, and Mr. Conkling showed plenty of sport in discussing not only his enemies but those whom Cosimo de Medici declared were more to be feared by every man—his friends. Mr. Allison himself did not escape. My remembrance of Mr. Conkling and of the character of his talk is very sharp and clear-cut, and that is all. My recollection of Senator Allison is equally distinct, but it brings with it a gentle memory of the kindness of a distinguished and much older man to a young fellow whom he never expected to see again, of a sense of humor as kindly as it was keen, of a good nature which took even Mr. Conkling's gibes with a quiet dignity and easy patience, very pleasant to witness and very pleasant still to recall. Perhaps it is not unprofitable, either, to remember these things, for I think that among the qualities manifested that evening, thirty-five years ago, a lesson in good manners, in self-restraint, and in personal dignity might be discovered without undue delving.

I have spoken of this little incident, quite unimportant except to myself, because the qualities which I then saw, as I thought, in Mr. Allison were really among his most conspicuous attributes. He did not wear his heart upon his sleeve, but his gentleness, his humor, his innate kindliness were as apparent to the casual and humble stranger as to those who knew him best. He did not cover them with austerity, solemnity, or pomposity and reserve them only for the benefit of the leading actors upon the great stage where his life was passed, but he gave them freely to all the world, and made the world thereby, so far as his influence went, a happier place to live in.

After I came to Washington it was my good fortune to know Senator Allison better while I was still in the House, and for fifteen years I have seen him constantly and intimately every day of each session. The nearer view changed in no respect, although it enhanced, what my first brief glance of him had revealed. But years of a common service disclosed to me what I had only dimly perceived before, his qualities as a public man and as a statesman, for he was universally admitted to deserve the latter title long before the last hard condition which turns a successful politician into a statesman, as pointed out by Mr. Speaker Reed, had been fulfilled. It is of Mr. Allison in this capacity that I desire to speak to-day. Others here will trace the stages of his career and recount his services better than I. His life will be told by his biographers in the time to come with adequate materials and in the large historical proportions which it so well deserves. My purpose is a modest one, merely to attempt to give my impression of Mr. Allison as a statesman and of the type of public man which he presented in his long, useful, and honorable service of more than forty years. That service was crowded with incessant than forty years. work, for no more industrious, no more conscientious man ever lived. The hardest suffering of his last year was the sense that he could not do all the work which pertained to his high position as he had been wont to do it.

The great measures to which, as the years passed by, his name was attached would be an imposing list; and if we were to add to this those in which he had a large, shaping, and even controlling part, it would fill pages of our Record. His monument as a lawmaker, a great function when properly fulfilled, is to be found in the statutes and the history of the United States during the last forty years. But his most valuable work, if we would look at it as a whole, as his personal contribution to the welfare of his fellow-beings, is not conspicuous in the

printed pages of books of laws or books of history, now that he is dead, any more than it was in the mouths of men while he To value him rightly we must understand the Senate and its daily work. The brilliant oration, the violent diatribe, the coarse invective, the vulgar abuse are spread in large letters and in long columns before the public eye; and except in the case of a great speech, contributing to the settlement of a great question, they fade as quickly as the tints of the rainbow on the breaking wave and are rarely able to find in the days when the account is made up even the slight remembrance of a historian's footnote. No mistake is commoner than that which confuses notoriety with fame. Fame may be the last infirmity of noble minds, but it is built upon the rocks of deeds done, while notoriety is always fleeting and generally vulgar. Mr. Allison's fame rests securely not only upon the great historic measures in which he had a leading share, but upon his steady work done here day by day, quietly, diligently, thoroughly, without the glare of headlines, for the most part unobserved and largely unappreciated by the American people, who profited so greatly by its results. The Senator from Maine [Mr. Hale] has a favorite phrase of description in regard to some of those who have served here or who serve here now. When he would praise highly, he says such a man is "a good Senator." This has nothing to do with character or disposition, or with virtue, public or private, but means that a Senator does the work of the Senate well-the work of carrying on the Government, of advancing good measures and arresting bad ones, the obscure work, the est work, in which there is much labor and little glory and which demands constant attendance and unflagging attention. by this exacting test, who would hesitate to say that for many years Mr. Allison was our best Senator?

He was a party leader, a wise adviser and framer of policies, but he was also, and above all, one of the men who carry on the Government. They are not many at any time and they are absolutely essential at all times. In the midst of political strife, in the tumult which attends the rise and fall of parties, to use the English phrase," The King's Government must be carried Whatever storm may rage, however bitter and loud may be the strife of contending factions, the public debts must be paid, national credit maintained, the army and navy kept on a proper footing, the mails must be delivered, and the revenue collected. No matter what happens, some one must be at work "ohne hast, ohne rast" to see that these things are done in due season. Macaulay has said that Attila did not conduct his campaigns on exchequer bills, but we do; and what is more important, we maintain the orderly movement of our Government in that way from day to day. It is a heavy burden and the country owes much to those who bear it. This was Mr. Allison's task during more than the lifetime of a generation. Beyond anyone in our time, perhaps beyond anyone in our history, did he bear this great responsibility, and he never failed in his duty. For thirty-six years a member of the Committee on Appropriations, for twenty-five years its chairman, he became a sort of permanent chancellor of the exchequer. In the long list of emi-nent men who have filled that great office in England there is not one who has surpassed him in knowledge, in the dexterity and skill with which he drafted laws and reconciled conflicting views, in financial ability or in the strength of capacity with which he gauged the sources of revenue and adjusted expenditures to income. No one ever applied to him the cheap title of "watchdog of the Treasury," whose glory comes merely from barking so as to split the ears of the groundlings and whose niggard and unenlightened resistance to every expenditure, no matter how meritorious, usually causes enormous and increased outlay in the end. Mr. Allison was too great as well as too experienced a man to think parsimony was statesmanship, and not to know that a wise liberality was as a rule the truest economy of

Very few persons, even here, realize what labor, what knowledge, what experience he brought to his work. We saw a great bill reported, we watched him handle it with a tact and skill which I have never seen equaled, we noted that he was familiar with every item and could answer every question, and we were satisfied with the result and did not pause to consider what it all meant. To achieve this result implied a minute knowledge of every branch of the Government and every detail of expenditure which had cost days and nights of labor and years of experience. Scrupulous honesty, of course, was his, but that would have gone but a short distance without the trained intelligence, the unswerving diligence, the disciplined mind which controlled the disposition of the millions upon millions that passed unscathed through his strong, clean hands. Moreover, he was always here. The standing joke about his caution and his avoidance of unqualified statement, which no one enjoyed more than he, grew out of certain temperamental attributes. But it is

well to remember that, however guarded he was in speech, he never failed to vote, which is the real and final index of political courage and of constancy of opinion and conviction. He may have put clauses of limitation into what he said, but he never shrank from, never evaded, a vote.

Presidents and cabinets, Speakers and House chairmen came and went, but he remained at his post until we regarded him in the field of finance and appropriation almost, as was said of Webster, like an institution of the country. legislature of Iowa elect him to the Senate. Pride in the State, pride in him, and personal affection counted for much in their action; but I can not but think that they realized also their responsibility to the country which prized so highly the services of their Senator. It is the fashion, just now, to decry legislatures, but we shall wait long before we find any form of election which will represent as truly the real will, not only of the people of a State, but of the people of all the States, as did the legislature of Iowa during those thirty-six years. It will be a sorry day for Government and people alike when we lose that permanence and continuity, that directing and guiding force, which such careers and such service as Mr. Allison's have given to the Senate. It is such careers as his which have made the Senate what it has been in our history, and if, under pretense of making it more popular, we are subjected to schemes which open the door wide to those who would commit fraud and to those who would spend money without stint, we shall not only see the popular will distorted, travestied, and defeated, but the country will be deprived of the long-continued services of such men as Mr. Allison, which have been

and are of inestimable value to the United States.

Where, then, shall we rank him? To put him out of or above the class to which he rightfully belongs would not be the part of love and affection, but of vain eulogy, which perishes with the breath which utters it. He did not stand in the class with Lincoln, savior of the state, greatest, as an English historian has said, of all the figures of the nineteenth century. He did not reach that lonely height. Nor was he one of the class of men like Bismarck and Cavour, builders of nations, relentless wielders of armies, masters of all the subtle arts of diplomacy. Mr. Allison belongs to that class of statesmen of which the history of the English-speaking race furnishes, happily, many examples. They are the men who carry on the Government and who have made possible the practical success of free representative institutions. Wise, farseeing, prudent, devoted to their country, and abounding in good sense, they command by their absolute honesty and capacity the entire confidence of senates and parliaments. Among the chief statesmen of this class Mr. Allison holds his high place. Such a verdict as this may at this moment sound cold, but it has one great merit, that of truth, and the more we consider it the more we

shall understand what high praise it carries with it.

We Americans take great pride in our country, and no people has better cause for pride. In no country is patriotism more We never hesitate to give expression to our love of intense. country under all conditions, sometimes with a vehemence which tends to make others think that we doubt our own sincerity, and with a disregard of time and place which outsiders, at least, are prone to deem crude and tasteless. Yet, although it sounds like a paradox, we are at the same time curiously distrustful of ourselves and seem almost void of self-confidence in judging the work of Americans. We oscillate between the extremes of unintelligent praise, given merely because that which we praise is American, and trembling hesitation in awarding proper place to real achievement. The higher we rise in the scale of intelligence and education, the more timid we seem to become, and we look over our shoulders and criticise and even sneer at American performance because, apparently, we feel that we may be laughed at by somebody or because we suspect that we are thing apart from and beneath the standards of the civilized For no better reason than that we have at times praised foolishly and extravagantly we are shy of praising rightly and justly. We shrank away from Walt Whitman until men like Rossetti and Symonds and Stevenson and Swinburne had spoken, and then we only slowly acknowledged that the Long Island carpenter was a great poet and one who had become a real and original force in the splendid annals of English verse. As with the poet so with the painter and sculptor, the writer and the statesman. We yield easily to the provincial temptation to hail with exultation the heaven-born genius who generally never justifies his title, and we doubt and hesitate and pause in giving due place to the work of a lifetime, deepfounded on all that is best in our inheritance, slowly and painfully built up by talents steadily applied and by sacrifice of self to a noble purpose

If Mr. Allison had done the work and held the place in England that he did and held here, his memoirs would appear in fit and stately volumes like those which recount the life of the late

Lord Granville, whom Mr. Allison resembled in service and character, although the fields of their activity were different. Had he been a great English statesman, as he was a great American statesman, his statue would have its place here in the Capitol, the scene of his labors, as at Westminster we find the statues of English prime ministers and parliamentary leaders, many of whom Mr. Allison surpassed in all that goes to make a statesman. I trust that this may yet be done, but I greatly fear that we shall go on adding to the freaks in marble and to the effigies of the temporarily illustrious which now crowd against those of some of our really great men and only serve to disfigure one of the most beautiful rooms which modern architecture has given to the world. I say all this of Mr. Allison, not in the beaten way of eulogy or tribute, but because I wished, by historical standards and, so far as possible, with the coolness of history, to vindicate the place of a man who was a great public servant, a stresman as eminent as he was modest, and to whom this country owes a large debt, not merely for his lifelong labors, but for the example he set to us all and the dignity he gave to the Government of the United States.

And yet, when everything has been said, strive as hard as we may to govern ourselves by the tests of history and to award to Mr. Allison the place which was rightfully his, and which all men should acknowledge, at the end it is the man of whom we think to-day and not the Senator. His death meant a personal loss to each of us. His abilities, his honesty, his unstinted devotion to the country, his fine character, his keen sense of humor, we do well to tell them over. He fully deserves it all. But what history or posterity can not feel or know is the one thing we feel most and know best. He inspired love and affection. He was beloved by all who knew him, and to us here his death leaves a blank which can not be filled. Great powers were his, but the greatest of all his attributes was that kind, warm heart, that goodness to others which cast a spell over everyone who came within his influence.

His life was gentle, and the elements So mix'd in him that Nature might stand up And say to all the world, "This was a man."

Mr. TILLMAN. Mr. President, I have had no opportunity or, indeed, desire to undertake to prepare any studied or labored tribute to our dead colleague. It was only yesterday afternoon that I was invited by one of the Iowa Senators to participate as a speaker on this occasion. I had intended to offer a few brief sentences of unstudied praise as a tribute to Senator Allison's memory anyway, and what I shall say will make up in sincerity what it lacks in polish or literary merit.

I have had the honor to be a Member of this body for fourteen years, and during eight of those years I have been a member of the Committee on Appropriations. Of course previous to becoming a member of that committee I had observed the Senator from Iowa in his everyday work here, and had learned to love and admire him for his many noble qualities; but in the more intimate relationship of the committee work I grew familiar with the marvelous qualities of industry, patience, alertness, and capacity which so markedly characterized him, and I grew acquainted with other personal phases of his character which rarely or never were shown in the Senate. While he was gentle and patient always, and courteous as a habit, and, in fact, incapable of being otherwise than courteous and kindly, he had about him a humor, an appreciation of what we call a "joke," such as I have seen surpassed by few men.

Those who have associated with him privately will recall the gleam of the eye, the arching of the brow, the stoop of the head, while he looked at one, as it were, over something, with which he would speak a sentence replete with wit and humor, and, while not laughing at his own exhibition of it, would seem to question you as to whether or not you had caught it.

In our intercourse I had occasion, hundreds of times, to wonder at his memory. The readiness with which he would refer to laws passed almost when I was a boy was almost marvelous. He would call on his clerk to bring something or he would make reference to some statute long since passed, quoting it almost verbatim, illustrating the familiarity with our legislation which his long service and retentive memory enabled him to exhibit.

He was always more than kindly and punctiliously observant of the courtesies due to a man of the minority party. I have associated with chairmen of committees, on which I was one of the minority, who were very different in this regard, who seemed to feel that because their party was in power and they themselves in a majority on the committee, it was not worth while to pay attention to or consider objections or suggestions from those who were in the minority.

from those who were in the minority.

It was never so with Mr. Allison. He would observe toward a minority member of the committee a greater courtesy and consideration than he frequently did to members of his own party.

It was this uniform kindliness and desire to be friendly and obliging which made him so dear to every man in this Chamber, and I do not hesitate to speak it as my belief that he was as dear to the Democrats here as he was to the Republicans.

Mr. President, we have had in the last two years great losses in this body. The long catalogue of names, illustrious and otherwise, which the Senator from Georgia [Mr. Bacon] recited in his remarks, shows how rapidly the Senate changes. The Senator from Georgia and I came into the Senate together, and he mentioned the fact that there were only eleven men here of longer service than ourselves, and after the 4th of March there will be only nine, as two of those who are of longer service will no longer be with us after that date. Thus we see that in these fourteen years seventy-odd Senators have disappeared from our midst, many of them, a majority, I believe, into the grave, some have retired voluntarily, while others in the vicissitudes of politics have been left at home by their people.

I want to call your memories for a brief while to four remarkable men who have died within the last eighteen months—Morgan, Pettus, Allison, Proctor—two from the North and two from the South land. They were all essentially types of the best that American civilization has produced. It is doubtful if there ever existed a greater contrast in some respects than between Senator Allison and Senator Proctor. One was as genial and as peaceful in his attributes as a June day; the other was like the granite mountains of his State—somewhat austere, quiet, undemonstrative, but as full of the milk of human kindness as any man I have met here, and withal possessing an inherent strength which commanded respect, while there was no effort at all on his part at anything like ostentation.

I recall my surprise—for it was very shortly after my entrance into this body—on hearing the speech which Senator Proctor made after his visit to Cuba on a personal inspection. On his return to Washington he made a report as though he had been a military officer sent by the Government to go there and come back and tell us what the trouble there was about and to give his conclusions. There was nothing of bitterness in that recital and there was much of the judicial temperament, calm, clear, concise, and forceful, and the English was so choice that, knowing Senator Proctor as a man of affairs, a man who perhaps had not had as great advantages as others, I felt constrained to go and tell him that he ought to be elected professor of belles-lettres in some university, because very few of those who pretend to teach English could approach him in such a production as that.

I come now to two other great men whose deaths we lament, whom we all miss here. We all realize that the two Senators from Alabama had reached and crossed beyond the fourscore mark, while the other two, Mr. Allison and Mr. Proctor, were very near it. They have all fallen like ripened heads of golden grain. Senator Morgan had impressed himself upon this body as a man of the profoundest attainments in knowledge of governmental affairs and history, and was, in fact, considered by all as a kind of walking encyclopedia upon whom one could call at any time for anything in connection with American history or jurisprudence or legislation and get the desired information.

The last of the four men, Mr. Pettus, was in some respects the most remarkable of the group, not in brilliancy of intellect, though his mind was as clear and pellucid as an icicle, but in a sturdiness, a strength, a vigor, and a frankness and simplicity that endeared him to all of us almost from the day of his entrance here; and my purpose in one sense in recalling these four figures to your memories for a brief while is to direct attention to the most beautiful compliment or deserving tribute that I have ever heard on this floor from one Senator to another, living or dead, and in this instance it was from a Senator to one who was not then dead, but has since, like himself, "crossed over the river."

It was in the debate on the increase of salaries bill, when Senator Pettus felt called on to speak of his colleague, who was then ill at home, and to remind the Senate of his long and arduous labor and of the immense amount of work he had done here in the quarter of a century during which he had served the South and the people of America. And after reciting the fact that he was a great lawyer, as we all know, and what his practice yielded him at the time when he ceased to be a practicing lawyer and came to the Senate as a public servant, he went on to state that it was almost certain had Morgan remained at the practice of the law he would have been a very wealthy man by that time. And then, reciting the fact from his personal knowledge, because they both lived in the same town, Selma, that his property was worth just about what it was when he came here, with a fervor of voice which rang through my soul like a fire bell in the night, he said:

The people of Alabama are proud of him because he did not acquire great wealth here, as some men have done.

That sentence ought to be graven on Morgan's tomb.

Watching Mr. Allison as I did, seeing the method which he followed in handling the appropriation bills involving hundreds of millions, the patience with which he investigated every item that was under consideration or if a new item was proposed by some one, and remembering that after all these years of handling those billions and billions of dollars, with opportunities to have had some of it stick to his hand, had he been venal, he died not rich, I wish to bear testimony, as far as my feeble voice can go, to the fact that if there were ever honest men in Congress William B. Allison was one of them, and the people of Iowa should be proud that he did not die rich.

Mr. President, as I look around this Chamber and remember the men with whom I have associated who are now dead and gone, and remember also that within the recent past I have been face to face with the dread Angel Azrael, have looked over the fence, as it were, and have seen people digging my own grave, I have had brought home to me with telling force the beauty of the little poem by Charles Lamb. There are only three or four stanzas. I have not taken the trouble to look it up. I read it forty years ago and I may not quote it with entire accuracy:

Ghost like, I paced 'round the haunts of my childhood. Earth seemed a desert I was bound to traverse, Seeking to find the old familiar faces.

How some they have died, and some they have left me, And some are taken from me; all are departed; All, all are gone, the old familiar faces.

There are so many familiar faces that I can recall in my more or less brief service here that are gone that these thoughts come to me, and then I think, further, of that plaintive wail in The Lotos-Eaters, where Ulysses and his companions, who were searching for home, trying to find their way back to Greece, came to the island in the sea of which Homer speaks, and the words of Tennyson come up:

Death is the end of life; ah, why
Should life all labor be?
Let us alone. Time driveth onward fast,
And in a little while our lips are dumb.
Let us alone. What is it that will last?
All things are taken from us, and become
Portions and parcels of the dreadful Past.
Let us alone. What pleasure can we have
To war with evil? Is there any peace
In ever climbing up the climbing wave?
All things have rest, and ripen toward the grave
In silence; ripen, fall and cease:
Give us long rest or death, dark death, or dreamful ease.

We all know, when we take the time to think, that death is inevitable, but we are happily constituted in being able to forget it and pursue our paths here and discharge our labors and duties as best we may.

All I can say in regard to the career of the dead Senator, whom we here do honor to, is that none of us can hope to surpass him in length of service or in value of service to his country; and it ought to be the purpose and desire of each of us to emulate that great man's character, and as far as possible to imitate his virtues.

Mr. PERKINS. Mr. President, when WILLIAM B. ALLISON went over to the "great majority" the country lost a statesman of large experience, high character, and acknowledged ability, and the Senate a most useful and helpful Member.

He recalls to all of us the eminent men of the past generations who made the Senate of the United States the greatest deliberative body in the world, and he will be entered on the roll of those who have most diligently and efficiently served the Republic.

A native son of the great West, he was educated at a college which, by its name, brings back to mind the time when Connecticut claimed as its own the region now embraced within the boundaries of the State of Ohio. In that State he studied and practiced law until the adventurous spirit which led to the settlement and development of the Western Reserve impelled him to join those who formed the advance civilization on the continent, and at 28 years of age he took up his residence in Iowa, in which State he very soon became prominent, and which he served in one capacity or another up to the time of his death.

Only four years intervened between the time when he became a citizen of Iowa and the outbreak of the civil war, and when that great struggle was impending he was a member of the staff of Iowa's governor and aided in organizing the volunteers who were to go to the front.

Two years later he was called to represent the State in Congress, and since 1863 he has been, with the exception of two years, a Member of one or the other branches of this great legislative body.

In 1873 he was chosen to succeed United States Senator James Harlan, and for thirty-five years he has represented the great State of Iowa in the Senate of the United States, exceeding by eight years the next longest term of service.

Forty-three years of his life were devoted to active work in national legislation, and from the very beginning that work was fruitful of good, and its benefits will extend far into the future.

The first term of service of Mr. Allison in the House of Representatives demonstrated in a most marked manner his peculiar qualifications to deal with the great financial questions which came before Congress, and he was appointed a member of the Ways and Means Committee and there served during those years when our finances were in a most critical condition.

The experience he there acquired and the work he did during his subsequent service in the House on that important committee gave him that profound and accurate knowledge which later made him the leading authority in Congress on questions of a financial character.

financial character.

The refunding of the public debt, the remission of the most burdensome internal taxes, and the readjustment of the tariff were some of the vital problems which he assisted in solving, to the lasting benefit of the United States.

When he came to the Senate he was, in consequence of his large experience and wide knowledge of such public business, assigned to the Appropriations Committee, of which he became chairman in 1881, retaining that distinguished post up to the time of his death, with the exception of a few years during which the Democrats controlled the Senate.

He had hardly entered the Senate when he was called upon to participate in the most important legislative service since the civil war—that which brought about the resumption of specie payments in 1875, making our depreciated currency as good as gold in all the markets of the world. For his work in the Senate caucus committee, which framed the resumption act, he was placed on the Finance Committee, of which he could have been chairman, but he preferred the chairmanship of the Appropriations Committee, in directing the labors of which he has been instrumental in effecting some of the most important legislation of his time.

It was also during his earlier years in the Senate that his influence was felt in a most marked manner in preserving to the United States the gold standard in the face of the violent and sustained attacks of the free-silver advocates. It was his amendment, preserving the gold standard while providing for a limited amount of silver coinage, which saved the battle for a sound basis for our national credit, and has been of inestimable benefit from that day to this. His action then and later was based on the conviction that the disuse of silver as a standard of value by the commercial nations of the world would bring ruin upon us should we adopt that metal as our own standard, unless all other nations with whom we traded should likewise change their monetary basis. That fundamental idea influenced him in all of his subsequent efforts to place beyond the possibility of successful attack that standard of values which is recognized in all the countries of the globe.

Great, also, were his services in connection with the framing of the McKinley tariff and the amendment of the Mills tariff bill, for his experience in the House had made him an acknowledged expert in solving these complex and difficult problems which tariff legislation gives rise to. The act reforming the internal-revenue laws of the United States was also prepared by him, as was the law giving to the District of Columbia its present form of government, which has worked so successfully since 1874.

Among the later instances of his genius for legislation may

Among the later instances of his genius for legislation may be pointed out the recent law increasing the power of the Interstate Commerce Commission. To that bill, as it came from the House, hundreds of amendments were proposed, which, if adopted, would have swamped the measure and defeated the object aimed at.

The danger was avoided by an agreement to adopt only the Allison amendments which accommodated the differences of all except the few holding the most radical ideas, and, as amended by him, in which amendments the administration concurred, the bill became a law. Such are some of the instances of Senator Allison's genius for legislation, particularly legislation that contributes to the well-being of our country for long years after its enactment. As a constructive statesman he had no superior among his contemporaries.

The value to the United States of Senator Allison's services is very great indeed, for his influence has been felt in shaping the most important legislation of the past forty-five years. To that influence is due in a great measure the fact that practically no mistakes have been made, and that we now stand on the firm foundation of those laws which he had a very conspicuous

part in forming; and that these laws have proved to be the sure basis for our progress and prosperity is due to the fact that Senator Allison constantly strove to establish sound and correct principles of government, irrespective of policies, political affiliations, or political pressure.

He rose far above considerations which weigh heavily with men of narrow minds and more selfish character, and considered solely the good of the entire country and the well-being of its entire people. Such was the spirit in which Abraham Lincoln so administered the law that his name will forevermore be linked with that of Washington in the hearts of the American people. It was this fine quality which has made the memory of William McKinley dear to every patriotic American.

That minute and sure distinction between statesmanship and mere political expediency, which is the certain index of a mind raised far above the mud in which political self-seekers wallow, was apparent in every act of William B. Allison's public life. His aim was not party advantage, but the good of the Nation; not the success of political schemes to redound to his own advantage in power or prestige, but the peace and well-being of all the people; not to secure the applause of the unthinking crowd, but to attain that greatest reward for public service-the consciousness that he has been faithful to the Constitution and to the best interests of the Republic. All who knew him here recognized that such were the motives which actuated him in all he did, and it was this knowledge which compelled that respect and confidence which were felt for him as a leader; without such respect and confidence his great ability would not have been served to raise him to the high position he attained. With the recognition of his absolute unselfishness, his leadership was gladly acknowledged and remained to the end un-

During these recent years which may be called the "era of vilification," when there appear to have come to the surface in all ranks of life, from the very highest to the very lowest, individuals whose sole desire seems to be to attack men in public and private life who have achieved what is commonly called "success;" when accusations of dishonesty and falsehood are made recklessly and thrown broadcast to the world; when men in high station have been subjected to more searching examination and more unreasoning criticism than perhaps ever before in our history, Senator Allison stood high above the rushing stream of defamation and innuendo, no drops of whose dirty water soiled the spotless garments that he wore.

Every Member of this body has had reason to appreciate the fine character of Senator Allison and the high standard he placed before himself as that which should be lived up to by men in public life; and we can do no better than to make his character the standard for ourselves, and to strive to measure up as nearly to it as he did to the standard set for himself.

Those of us who, as I have, came into more intimate relations with him through membership on the same committees, have had the opportunity for learning at close range all of his great, ennobling, and endearing qualities. My association with him for more than twelve years on the Committee on Appropriations has given me a chance to know how ardent was his patriotism, how conscientious was his performance of public duty, how great was his patience in investigating every question which came before the committee, and how carefully were his judgments formed. His courtesy and deference to every Member of the Senate, the willingness to hear and consider objections to his proposals, the kindness and consideration with which he expressed differences of opinion, endeared him to each one of us and strengthened our regard for him and our confidence in his judgment.

The longer we knew him the surer we were of his absolute unselfishness, and from time to time some fact would become known that like lightning flash would reveal the height on which he stood above the wild turmoil of political ambitions. He time and again declined a Cabinet position, believing that he could render more effective service to his State and country in the Senate.

At one time, I am assured by a distinguished man who knows whereof he speaks, he could have received the nomination for the Presidency, which nomination would have been equivalent to an election, if he had been willing to make a concession which in no way reflected on his honor, but which was simply not in consonance with his idea as to his public duty. Without hesitation he refused the great office, and that refusal was never regretted.

His ambition was to serve his country according to his own high standard of duty. To make concessions for the sake of personal aggrandizement was to him failure in his life work, and he died, as he had lived, faithful to the people of the Republic, maintaining to the last its high ideals and traditions,

leaving a name that will hereafter always be found in the list of the ablest, the most useful, and the most honored of its citizens.

Mr. NELSON. Mr. President, when Senator Allison died, on the 4th of last August, he closed a legislative career which began in 1863 and extended over a period of nearly forty-five years, a career the most notable and pregnant in all our legislative history. He entered the legislative arena during the great stress of the civil war, bore his share in the hard and sad task of reconstruction, bravely aided in refunding and liquidating our great debt, strenuously participated in restoring our currency to a specie basis and, ultimately, to a single monetary standard, and was most active in promoting our industrial and economic progress and development by judicious legislation. When he entered the public service the population of a divided country was a little over 30,0000,000; when he left us forever the population of a reunited country was nearly three times as large, and during this period our territorial possessions had been augmented to the extent of more than 700,000 square miles, more than one-fourth of our entire territorial area.

Since the constitutional birth of our Nation, those years of his public service were the most eventful and pregnant in all our history, calling for the highest degree of legislative wisdom and constructive statesmanship. The vitality and integrity of our country was on trial, in one form or another, all the time. The menace of secession was followed by the menace of repudiation in various forms, and that by the menace of concentrated, arrogant, and lawless capital.

The conservation of our system of government in its purity and in its original design is a continuing task, requiring well-equipped sentinels constantly on guard. And of these sentinels Senator Allison was one of the most faithful and best equipped. As a legislator the greatest sphere of his usefulness was found in the committees dealing with our finances, our revenues, and our expenditures. On these great committees and in their work he was a leader and exercised a dominating influence. In the parliamentary governments of the Old World, like that of Great Britain, such legislative tasks are simpler and much easier. There the ministry prepare, formulate, and bring in their supply bills, and their budgets are all ready for consideration, requiring, in most instances, but a scanty revision and minor modification. Under our system such bills are formulated, amended, and modified by the members of our great committees, thus entailing a most painstaking and strenuous task on the legislators.

While the Senate does not originate such bills, yet its power of revision and amendment is unlimited; and we who have for some time been Members of this body know how carefully the Committee on Appropriations and the Committee on Finance scrutinize, review, and oftentimes largely and most beneficially amend such bills. This is a work of the highest and utmost importance, and one that enters into the most vital functions of our Government and concerns the prosperity and well-being of all our people. The adjustment of revenues and expenditures, enough of the one and not too much of the other, is a most delicate and far-reaching task; one that, in the very nature of the case, can not be subrogated to any other, and requires the highest degree of legislative skill. And in this great work Senator Allison was unexcelled. While his legislative vision and care extended to all parts of the great field, yet in this special work he stood without a peer. Careful and painstaking, scrupulous and fair, no item was too big or too small for his consideration. He was faithful to the uttermost, and frowned upon all needless and wasteful expenditure.

While he was not an orator in the common acceptation of the term, yet he was a clear and most forceful debater, carrying conviction to all within the reach of his voice. And he had that rare gift, which some great orators lack, of being always in earnest and sincere. He never spoke for the mere sake of speech, or for the purpose of appearing in the public limelight. There was no hungry look in his eyes for the press gallery and no yearning to drum up a crowd in the galleries. He rarely, if ever, gave notice of a speech. He was, in every respect, the antipode of those legislators who limit their task to the delivery of an oration or two during the session, and who seem oblivious to all else and hardly ever put in an appearance in their committees.

A legislative body composed of such members would, at the end of a session, no doubt, be possessed of a large volume of orations, but a rather scant and imperfect volume of statutes. They are not, as a rule, the men who formulate and pass legislation. They are the mere bric-a-brac of the legislative chamber—ornamental and fine to behold, but of little practical use. It is the men of the other type—of which Senator Allison is the best and foremost example—who prepare, formulate, and pass the essential and requisite legislation of the country. Such men prepare bills, meet with the committees to carefully consider, re-

vise, and correct the same, and attend to their passage when reported. Men of this type are the really useful men of a legislative body—the men who bring about results, and who are not the mere coiners of fine phrases.

A good legislator has a double duty entailed upon him. He must not only aim to promote the passage of good and wholesome bills, but it is also his duty to prevent the passage of bad

and unwholesome legislation.

We all know from experience that there are, at times, measures pending that would be detrimental to the welfare of the people, and in such cases we never ought to hesitate to put a veto upon them. Senator Allison, while he was always ready to promote the passage of wise, remedial legislation, never hesitated to oppose and defeat measures which he deemed unwise and unsafe. He was always alert, and no bill of any importance on the calendar ever escaped his notice and attention. The range of legislation is so vast and extensive that most legislators can do little more than study and acquaint themselves with measures coming from the committees of which they are mem-As to other measures, they have to rely, to a great extent, for information and guidance, upon the members of the committees from whence such bills come. Senator Allison was an exception to this rule. He was not only thoroughly conversant with measures coming from the committees of which he was a member, but he seemed to be well acquainted with every bill on the calendar. He was always on legislative guard and picket duty. He was always ready to hall every pending bill and to ask: "Who goes there?" If the proper countersign was not given, the measure found no favor.

By most men he was, no doubt, classed as a conservative; but his conservatism was not of the kind that was hostile to necessary and true reform. It was rather of the kind that reformed what was crude and ripened what was unripe in the field of legislation. His conservatism was of the kind that toned erratic and visionary radicalism to a sane and practical Great reforms often appear, in the first instance, in a crude and indigestible embryo, but they furnish the inspiration to the calm, prudent, and wise statesman, from which he evolves, in practical and effective shape, a genuine and substantial measure of reform. The rabid radical may furnish the crude ore and the combustion, but the calm and wise statesman furnishes the flux that brings forth the true metal. Senator Allison was a member and leader of this class of statesmen; and how valuable and intensely useful such men are.

Legislative bodies, like individuals, are sometimes intensely emotional and apt to be carried away from the true course by excessive feeling. Senator Allison was less given to the emotional and erratic than most men, and hence he was always the safest and best of leaders. He had the happy faculty of calmly listening to and weighing all arguments, pro and con, and then, with deliberation, reaching a conclusion that was, as a rule, sound and the only proper course to pursue. No safer or more vigilant master than he ever trod the bridge of the legislative craft. When he stood there the true course was always taken, and all rocks, shoals, and quicksands were avoided.

He was possessed of another rare quality accorded to but few. He could bring about results, in the face of contention and opposition, with less friction and less heartache than is given to most men. And this came from his equipoise, his patience, his calmness and serenity, and from his careful consideration

of the feelings and impulses of his associates.

The army recruit, if he enters a raw battalion as crude and as little trained as himself, makes but slow progress in becoming a real soldier; but if he enters a battalion of trained and veteran officers and men, he speedily becomes a trained and reliable soldier, especially under the guidance and instruction of trained and experienced officers. What is true of the army recruit is true even to a greater degree of the legislative recruit. The legislative nestors, rather than the rules, train and make effective, by precept and example, the recruit who enters this Chamber. And when these legislative veterans are possessed of warm hearts, kindly natures, and helpful dispositions, as was Senator Allison in a high degree, what a blessing they prove to the new Member. He encounters no chilly frost from such a veteran, and under his auspices he partakes of the legislative sunshine, parts with the feeling of isolation which is apt, in the first instance, to possess him, and feels that he, too, is an important factor in the curriculum of legislation, and, as a consequence, he soon becomes a useful Member.

Senator Allison was the best and most benignant of drill sergeants for the new Member. I remember, with gratitude, the kindly manner in which he received me when I first entered the Senate and how helpful he was to me on many occasions; and it was all so natural and so unaffected—a very part of his nature

and make-up. As he was to me, so he was to all new Members, Like all great and good men, he was neither vain nor boastful, nor given to the pursuit of mere glory. He wrought from a sense of duty and with an eye singly to the welfare of our country and not from a sense of glory.

He was, quietly and without ostentation, brave, fearless, and energetic in the performance of his great duties. As a statesman, his grasp and vision was wise, comprehensive, and safe. As a legislator, he was unexcelled in mental and moral equipment, in strenuous and incessant activity, and in accomplishing lasting and beneficent results. His death has left a vacuum in this body that is hard to fill. His most lasting monument will be found in the annals of Congress. Of all the great men who have served in the Congress of the United States, he was by all odds the most useful. Others there may be who shine with a brighter though more flickering luster, but no one with a light so clear, so invigorating, so strength producing, so continuing as Senator Allison. He remains as a guiding beacon for legislators for all time to come.

Mr. KEAN. Mr. President, other Senators have portrayed the life and matchless services that Senator Allison performed during his long service in this body and in the other House; a service beginning March 4, 1863, in the administration of Lincoln, and extending to August 4, 1908. He passed through the eventful scenes of the civil war and those growing out of it, and was of unequaled service to his country. To him we owe many of the most valued acts of legislation that have been passed during his long term of public life, but I desire to say only a word to pay a tribute of friendship to his memory.

My personal acquaintance with Senator Allison covered a long period of years, for I had the pleasure of knowing him for many years before I came to the Senate, and the almost daily association with him here makes me feel his loss most

grievously

In looking back over the last few years I find it hard to miss so many valued friends distinguished in public life. Hanna, Sewell, Platt, Morgan, and many others; and now the senior Senator, to whom we all looked up with respect and admiration, has gone.

How often in the future we shall miss his genial personality, which made him welcome everywhere; his wise counsel; his calm judgment; his wonderfully keen intellectual grasp. The Senate in which he served so long and so well mourns him, too.

Time goes, you say? Ah, no! Alas, time stays; we go.

Mr. DEPEW. Mr. President, we raise the curtain to-day upon the most momentous events in the history of the Republic. The life of our Nation can be broadly divided into three eras—its creation, its preservation, and its development. The two last are vividly recalled by the career of Senator William B. Allison. He entered Congress in 1862 and died a Senator in 1908. Never during recorded time has so much been done for liberty, humanity, and progress as is crowded into this period. The whole world is its debtor, but the United States is our retrospect at this hour.

We are here, in the assembly honored by his membership and the Hall which witnessed his activities, to pay tribute to the memory of one of the most influential statesmen of these wonderful years. He took his seat in the House of Representatives when the future seemed darkest. A solid South and divided North, disaster to the Union cause in the field and threatened intervention by Europe, our credit seriously impaired, and widespread discontent created a situation full of peril for the preservation of the Union. The continent trembled under the tread of armies greater in number than any before marshaled in modern times, and the shock of battles between brothers, each willing to die for his idea, had desolated every home in the land. Lincoln voiced the first and greatest necessity to save the Union in these memorable words:

I would save the Union. I would save it the shortest way under the Constitution. If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slaves, I would do it, and if I could save it by freeing all the slaves, I would do it, and if I could save it by freeing all the slaves, I would do it, and if I could save it by freeing some and leaving others alone, I would also do that.

He stood like a rock against abalitionists and redicals who

He stood like a rock against abolitionists and radicals who would have him try to free the slaves at a time when public sentiment would not have sustained him and the loss of Union supporters would have been fatal, but when all saw it was necessary to save the Union he issued the emancipation proclamation.

The success of the national cause in the civil war placed the Union upon firmer foundation, to be made secure for all time by the reconstruction of the States and the acceptance by those in rebellion of their equal enjoyment of American citizenship and unity in loyalty for the old flag. Our Government was then the least in power and consideration among nations. But it advanced by leaps and bounds until at the peace of Portsmouth between Russia and Japan, brought about by President Roosevelt, we took front rank and won the right and recognition of voice and vote in all matters affecting the welfare of the world.

People prosper and nations advance according to the wisdom of the policies and measures which govern them. The waste of war must be supplied by credit and money. The country required revenue bills to enlarge its income; the development of its resources to furnish the basis for increased taxation, and a currency system in harmony with great industrial nations. It was in these fields that Senator Allison did most wise, beneficent, and farreaching work. Happily his State of Iowa, appreciating his value to the country, kept him continuously in the Senate. The record and rewards of his career were due to neither luck nor chance. He won and held place and increasing power by ceaseless industry, rare judgment, tact, which amounted to genius, and the graces which command loyalty and love. In the House he was on the Committee of Ways and Means and in the Senate, for twenty-six years a member of the Committee on Finance, and for thirty years on the Committee on Appropriations, and for twenty-five years its chairman. In these positions he had always before him problems of revenue and expenditures of the Government upon which rest its stability, credit, and prosperity. They appealed to him because of natural gifts for these questions, and by study and experience he acquired such mastery over them that he became an acknowledged authority and accepted leader.

He believed that industrial independence and internal development, increase in national wealth, and a higher standard of living for labor than ever known, could be had only by a protective tariff. He was the clearest and soundest of the many able men who have contributed to the legislation or literature of this question. The Morrill bill, enacted in 1861, had performed invaluable service in replenishing the Treasury during the war and stimulating production and manufactures after. But the marvelous growth of our industries in both volume and variety called for a new adaptation to present needs. McKinley was the unrivaled expounder and advocate of the merits of the measure which bore his name, it was the ripe learning and constructive genius of Allison which framed and perfected the law. He pointed out the weakness which was afterwards developed in the Wilson bill, and his report warned Congress and the country of the disastrous results which followed its enactment. The universal recognition of his talents for initiative and upbuilding made him a member of the subcommittee which perfected the Dingley bill, which has been in force since 1897, and to him was assigned the charge of its passage in the Senate. In this brief review is seen the master mind and skilled hand in legislation for the tariff during the thirty-five years it was on trial. He saw his policy at times crippled, and once nearly destroyed; but with faith which never wavered and courage which never faltered he plead with the people and labored with their representatives until the fruition of his opinions and experience had ripened into law. He lived to witness for ten years the most extraordinary progress and prosperity ever known in any land-the result, as he believed, of the triumph of his principles.

But the Senator's activities were in every branch of revenue legislation. He prepared in 1868 the internal-revenue law which with few modifications is still in force and with the least possible burden upon the people yields large returns to the

Alexander Hamilton was the greatest of constructive states-en. With little of precedent for guidance, he formed out of chaos a model system of constitutional government and devised the details for its administration. He was the father of protective principles, and his report on that subject has been the inspiration of all subsequent discussion and legislation. His methods and rules for the management of our customs remained unchanged for a century. Primitive conditions in the importation of foreign goods had grown and expanded until commerce had so far outgrown the regulations which had controlled it for a hundred years that modifications adapted to modern situations were necessary. The work had been self which, without change, has been the guide of our customsrevenue service from 1890 until today.

Senator Allison was a disciple of Hamilton. He revered his memory and was a profound student of his works. At a time when the people were wildly following the ignis fatuus of visionary finance, Allison kept his faith in sound economic princi-He early saw that material development and progress were temporary and delusive unless based upon a stable and unfluctuating standard of value. We came out of the civil war with our currency upon foundations as insecure as the earthquake soil of Messina, and feverish speculation followed by disastrous panics was our perpetual peril. A loyal sentiment that the irredeemable greenback had saved the Union nurtured faith in fiat money and the virtues of the paper mill in maintaining values. This and the silver heresy threatened political oblivion to all who opposed them. The Senator's fight for sound money illustrated the practical ability of his statesmanship. He could bow to the storm and not be bent. He saw no merit in so attempting to stem the tide as to be swept into outer darkness and lost to sight and memory. He preferred to go with and guide it—the most difficult of tasks. It required from 1865 to 1875 before the people could be educated to belief in a specie basis. That decade was as full of peril to our industries as the civil war had been to our nationality. The resumption act was the work of John Sherman, but his ablest and most efficient associate was Senator Allison.

That law made our depreciated currency as good as gold in theory, but not in fact. The enormous output of silver alarmed the mining industry because the supply was exceeding the demand. Besides the selfish interests of the mine owners, some of the best minds in the country became advocates of the free and unlimited coinage of silver. The farmer was persuaded it would double the price of his products and pay off his mortgages; the debtor that it would reduce the amount of his loans, the workman that it would double his wages, and by the mysterious alchemy of a government stamp, its purchasing power would not diminish with its falling price. Both Houses of Congress were captured by its fallacies and popularity. Popular passions had not run so high since the civil war. Wise and prudent men saw that the success of the scheme would drive out gold, put the country on a silver basis, and after a wild carnival end in bankruptcy. Senator Allison saved the situation by securing the assent of a majority for a limited coinage of silver, bought by and belonging to the Government. The working of this compromise demonstrated the folly of a double standard and brought the people to see that except the opinion of the world could be changed we must come to gold. In hastening that event our friend performed invaluable and lasting service. successful legislator must adjust the bill he proposes or has in charge to the diverse views of his colleagues without impairing its essential object. He yields, harmonizes, and conciliates, but gets in the main what he wants at the time or gains a step for further advance when the majority are brought to his view.

Senator Allison was past master of that art. He knew the Senate. Its capricious moods were his opportunity. His patience was never exhausted, the serenity of his temper never ruffled. He could grant to an adversary an amendment with such grace and deference to superior judgment that the flattered enemy accepted a few suggestions from the master as a tribute to his talents. The post-mortem revealed his mistake,

As in the gold standard, so whenever a principle was involved, the Senator's mind was clear from the beginning; but it required, step by step, twenty years before the idea captured the country. The strongest criticism of his career was his willingness to compromise; but the Constitution of the United States was a compromise between the large and smaller States. The Missouri Compromise of Henry Clay in 1820 was the salvation of the Union—secession then would have succeeded; but forty years devoted to instilling into youth love for the Nation and the flag, and the growth in population and resources of the free States welded the Union beyond the possibility of disruption.

The country reunited in faith and loyalty, the industrial and financial systems which had commanded his unequaled talents for a third of a century triumphantly established and working out the beneficent results of prosperity, production, and happiness upon which he had based faith and prophecy, the old

statesman might have been content.
Nations, like individuals, "pass this way but once." opportunities at the milestones are lost or won. The triumphs of one generation make trouble for the next. Progress and deto modern situations were necessary. The work had been undertaken many times and failed, and was finally placed in the hands of Senator Allison. After two years of patient effort he succeeded in enacting a law wholly prepared by himgreat systems. Evils existed in some of them which angered the people against them all. Government ownership or government control were leading issues. The President and his advisers prepared a large scheme of government control. It was threatened, on the one hand, by conservative forces which fight all change in existing conditions, and radical reformers who would put on the measure drastic amendments so farreaching and confiscatory as to involve years of litigation and invite an adverse decision from the Supreme Court. The veteran victor of a hundred legislative battlefields was called into council. The suggestions of Senator allison perfected and passed the rate bill. It has stood the test of the courts. It has largely eliminated the evils of railway management, and the people and investors recognize its wisdom.

Senator Allison was never spectacular. He was modest and retiring to a degree. Many of his colleagues filled large space with their speeches in the Congressional Record, while his monument was in the statute books. Because of the radicalism of their proposals, or their eloquence in debate, or their manufacture of epigrams, others had headlines and columns in the press, while this tireless and unheralded architect of the public welfare was standing guard over the Treasury or making laws

which marked epochs in our history.

He rarely missed a vote. When the bell rang for a roll call, coming from his constant labor in the room of the Committee on Appropriations, he was among the first to enter the Senate. His name was next to the top of the list. He never waited to find out how the question was going, but answered promptly, and that answer often decided the fate of the measure. He had the courage of his convictions and not of a majority behind him.

He represented an agricultural State whose people often differed with him on economic and financial questions. But a singularly broad-minded and intelligent constituency recognized his honesty, character, and greatness, and loyally returned him again and again to the seat in which he shed such luster upon Iowa. His closing hours were passed in the supreme happiness that after thirty-five years of continuous service in the Senate and after passing the limit of fourscore the people

had commissioned him for another term.

If, as I believe, those who meet in the activities of this life are reunited hereafter, it was a wonderful band of immortals who greeted Allison. President Lincoln had consulted him on measures for raising money to carry on the war; Johnson on constitutional amendments, civil rights, and general amnesty; Grant on the reconstruction of the States, finance, and a gov ernment for the District of Columbia, still working satisfactorily and wholly devised by Allison; Hayes on the resumption of specie payments; Arthur on the policy of a tariff commission; Harrison on the McKinley tariff legislation and closer relations between the republics of the Western Hemisphere by a Pan-American Congress; Cleveland on the repeal of the purchase clause of the Sherman silver law, and McKinley on tariff, currency, the gold standard, and grave questions arising out of the acquisition and government of Porto Rico and the Philippines, all of them era-making measures. Three of these Presidents had urgently invited him to join their cabinets, and twice the Presidency had been almost within his grasp. When he first obtained the floor in Congress, he addressed Speaker Schuyler Colfax, and when he spoke last, forty-five years afterwards, Vice-President FAIRBANKS in the chair recognized the Senator from Iowa. Seward, Chase, and Stanton, John Sherman, James G. Blaine, and Thaddeus Stevens were his associates and intimates. When the future historian writes the story of this remarkable period and portrays the actors in that great national drama who contributed to its distinction, he will place among the few in the front rank the name of William B. Allison.

Mr. BEVERIDGE. Mr. President, fullness of years, great work well done, wealth of honors, the respect of a Nation—all these were Senator Allison's when that kindly angel men call "Death" folded him in the arms of rest and bore him to the

Father and to recompense.

Older friends have spoken of his labors for the Republic; I shall not go over that again. In the country's written laws and accomplished purposes his wisdom lives. Sound and farseeing counsel is as real a power as fleets afloat or armies in the field. It is more—it is the mind that guides all the material forces of the world. Sure judgment was the strength and worth of this great public man.

More than most, he knew the value of patience. Panting eagerness nor stolid "do-lessness" did not disturb his calm. He had forbearance alike for those who would drive the ship too fast for safety and for those who would put out the fires beneath her boilers. He knew that both were partly right and

both were partly wrong; and he saw that from the conflict a steady force would come that, uniting the wisdom in both views, would bring the vessel safe to port. And so his was the statesmanship of the moderate, and therefore the statesmanship of the effective.

I never saw Senator Allison a single time that I did not think of those great words of Emerson:

Teach me thy mood, O patient stars
That climb each night the ancient sky.
And leave on space no trace, no scars,
No sign of age, no fear to die.

Sitting at the feet of this Gamaliel of the Senate one felt that from his earliest youth he had made these immortal lines his nightly prayer and that the responding heavens had answered it. For he was never irritated. He stood on heights from which he could see all opinions and behold the Supreme Intelligence fitting them together. It was this broad vision that made him so valuable as an agent of that Higher Power which in the end marshals all forces for the final general good of man.

With our narrower outlook and heated with zeal for our smaller views, many of us feel that unless these views, and these alone, prevail the country is lest; and this is well, for without the fire of faith in our own thought no headway is made. And yet, when all is done, we find what we thought to be different and hostile plans have, by some mysterious power, been woven to-

gether in harmonious design.

And so we come to know that hospitality to ideas is the largest wisdom. At our intellectual firesides an idea always should be welcome; a fact always should be an honored guest. No matter whence thought or knowledge come, no matter in what garb they are clothed, bid them enter and turn them not away, for we may be entertaining angels unawares. Crabbed prejudice is the enemy of progress and truth; kindly patience is the friend of both. And so the kindly and patient man is he whom both progress and truth befriend. And such was Senator Allison.

Tell me-

Said the ancient ruler to his wise men-

tell me one single thing that is true forever. Give me but one sentence that time will not prove false.

And the wise men answered: And this, too, shall pass away.

At first it seems that this is so. Men go and are forgotten, no matter how great they are; governments decay, races perish—all seem to pass away. But they do not pass, in very truth. The noblest thought in all this universe is that each man and woman, humble or high placed, pours his or her life into those supreme plans which live forever. And so, with the sure knowledge that whether our work be small or, like Senator Allison's, be great, it still is more lasting than the stars. Let us go forward with humility that we can do so little, but with pride and thankfulness that we have been chosen to do our small part as servants of the Master Workman.

With such belief and wisdom our friend and leader finished his tasks, and at the end kindly patience and forbearing tolerance were his companions still. From earthly vision all of us are going, and quickly; we know not which one of us is soonest

to be called.

"Spin, spin, Clotho spin! Lachesis, twist! and Atropos, sever"—only fate can tell who shall be next. But when we go, may each of us go as went Senator Allison, our work well done and manfully, leaving behind no hate; our finished lives like his, a blessing and an example; and having his faith that whatever befalls still—

God's in His heaven: All's right with the world.

Mr. BURKETT. Mr. President, in response to the invitation of Senator Dolliver, who has spoken so eloquently and feelingly, and in obedience to the promptings of my own heart, I wish to offer a few words in testimony of my appreciation of the life and character of Senator Allison. I can not add to the story of his life, for it has been told by those who have been in closer touch with it. I can not extol more fittingly his virtues and achievements than has been done by those who have sat side by side with him for many years in these chambers of legislation and who have borne with him the burdens, endured with him the criticism, and shared with him the approval of the great American people.

Ordinarily the disparity of our ages and the comparative briefness of our association in public life would dictate that I should respect his memory in silence while others spoke. But, Mr. President, there were ties that bound him to me in life, and those memories impel me to speak a word of love and appreciation now. I can not remember a time when his name was not

familiar to me, nor a moment when his life was not an inspiration to me. The State that honored him so long was my birthplace, among the people that loved him so well are the friends and acquaintances of my youth, and in the soil of the Commonwealth where we buried him rest the remains of my loved ones that have gone beyond. And to-day, Mr. President, there are still in that State those near and dear to me who would have me speak for them, if not for myself, of half a century of association and affection almost filial. And, Mr. President, I may also very appropriately remind Senators that Senator Allison was especially near and dear to many of the citizens of my own State. Nebraska has drawn from every State in the Union and from every country in the world to people her prairies, but owing to her proximity, as well as the similarity of physical conditions, Iowa has furnished an unusually large quota of our population. When the great army of pioneers from that State crossed the Missouri River they brought with them a pride in Senator Allison, whose career was just beginning, and which they have followed affectionately for forty years. His friendship is among the fond memories of many of them, and his life has been an inspiration to many more who were not fortunate in a personal acquaintance.

And as I have listened to these eulogies to-day, Mr. President, my mind has traveled back to the earlier days of my own life, for I have heard from the lips of his distinguished colleagues in this great Chamber here the same sweet story of his kindness and honorableness, of his patience and energy, of his high-mindedness and his devotion to duty, that I heard as a boy around the fireside of my old Iowa home. From Senator Allison's life there are many lessons that we may learn; in fact, there seems no virtues as a public man and a good citizen that he did not possess. Patience, perseverence, devotion, courage, integrity—he had them all. Bombast, deceit, treachery, jealousy, haughtiness—he lacked them all. His power was love, not fear; faithfulness to duty, not sordid ambition. Some men have won the applause of their fellow-men by fear; some have won it by power; some have won it by rare ability and brilliancy of speech; but good old Senator Allison won it with love. His kindliness of heart and fraternal sympathy attracted him to all men. At home and abroad, in Iowa and in Washington, in the palace and in the cottage, forty years ago and until death called him home, people loved him.

Mr. President, those of us who attended his funeral learned. perhaps for the first time, that nearly all his dear ones had preceded him in death, and yet we remember also that his mourners were legion. From every part of his Commonwealth; aye, from the remotest portions of the Republic, there came men to pay the last sad tribute of love. Every State in the Union is indebted to Iowa for giving to the country William B. Allison, and one of the bright spots in her escutcheon forever is his honor and his fame. He was honored by a State and he honored a Nation. His fame was broader than his State, his rank among men was higher than the position he held, and his honor was greater than the honor of his office. Not all men who have been honored have been honorable, for public life is honorable to such only as honor it, and the scroll of fame is for those only who can write their own names upon Public life makes some men famous and others infamous; some men noble and others base and ignoble. Holding public office is only an opportunity, and belongs to no man who does not feel its responsibility and who is not determined to measure up to its obligations.

It is a means and not an end; for while it affords opportunity, it carries no guarantee. It opens the way, but bears no bouquets; it offers a throne, but never lays a crown. True, it may not always have been so esthetically contemplated; it may have been given at times as a decoration or a prize for ignoble things; it may have been sought as the end, with little concern as to the means employed. Men may have been elected without qualification for its duties and without purpose of qualifying for them, but in the end the prize is cheap and valueless unless attended with honorable purpose, lofty ideals, and sacred devotion It is not unjust to any man to say that American history affords no career longer in time, more successful in achievement, higher in ideal, purer in motive, and more beloved in memory than that of Senator Allison. For more than forty years he bore the burdens of his country, and upon his name there is no blemish and upon his honor there is no shame. He dispensed the people's millions, and upon his reputation no "awkward aspersion hangs." Between the people's extravagance and the people's purse he stood, and during all the years that he directed the appropriations there was no deficit in the Public Treasury. He saw the ordinary expenditures of the Government grow from sixty millions to more than six hundred mil-

lions, but not a dollar of deficiency or of misappropriation reflects upon his judgment and integrity.

As I have contemplated the more than forty years of his magnificent public career, I have thought of the growth of the Republic in that time and of the obligation to the men of his generation. What years this last half century have been; what visions he saw and what dreams he realized; what enormous tasks have been accomplished and what stupendous problems have been solved. In those years we have extended our territory, multiplied our resources, trebled our population, quadrupled our railroad miles, multiplied our foreign commerce by six and our domestic commerce by ten. We have watered the prairies, drained the swamps, and harnessed the pent-up energy of the mountain. We have peopled the prairies with cities and congested the cities with the people's enterprises. Inventive genius has revolutionized industry and mechanical development has multiplied the people's power. From inconsequence internationally, we have become the political masters of the world; and contemporaneous with it all, we trace the evolution of so-cial and commercial and political ideals unto the magnificent The demand upon the genius and constandard of to-day. science of men has never been greater, in my opinion, than during those prolific years that Senator Allison exerted his great influence upon the affairs of men.

It required cool heads and strong hearts, big minds and steady nerves to pilot our ship of state during this eventful half century. If men were more patriotic in the olden days of the Nation, it is only in the meaning that we give the word, if they were wiser it is only in our estimate of the relative importance of the problems they solved. I confess that to my mind the patriotism that establishes a flag is of no higher order than the patriotism that sustains it and enlarges it and multiplies its significance in the power and opportunity and possibility of the people that it stands for. Popular government is not preserved by any different patriotism than conceives it. me it required no greater wisdom and genius to write a constitution than to develop a continent under it, assure its perpetuity and maintain its integrity of purpose and direct its successful operation. It was during the life of Senator Allison and to which he gave so much of his great intellect that we unburdened ourselves of traditions and prejudices and provincialisms that hobbled us in our earlier national life and became, in fact, the mighty nation that the founders of the Republic ordained that we should be. It was during those years that we threw off the yoke of colonialism, brushed aside the obstacles of jealousy and sectionalism, made facts of the ideals of the Constitution, and started out upon a conquest commercial, industrial, and political, unequaled in its achievement in all the ages that the world has stood. We adjudicated many of the conflicts of thought that formerly handicapped us and developed a system of practical jurisprudence for political and industrial purposes. Well may we pause in our triumphant march of national supremacy upon this sad occasion and reflect upon the course we have traveled and pay due homage to the generation of men who piloted our craft in what has been the greatest half century of all the world's history. Mr. President, in my opinion in all the annuls of history there is portrayed no people anywhere that equaled in valor and self-sacrifice and energy and perseverance, and lofty ideals and noble purposes, the men and the women of the last fifty years. Well may we pay a tribute to our fathers and gather inspiration if we can for the performance of our duty in the day of our responsibility.

I have thus spoken, Mr. President, prompted not by sentiment alone, although I confess the thought tends to make one sentimental; nor, indeed, Mr. President, have I spoken because of apprehension for the future. But we are so young and vigorous as a nation, so hopeful and buoyant as individuals, and so proud and victorious as a people that, like boys at play, we almost defy the laws of health and safety, and in our manhood we almost forget the guiding hand that was around us and about us directing our toddling step, shielding us from danger, and perfecting us in the power and glory of our matured manhood. I shall not be understood as despairing of the future, for, in the appropriate words of another, "To despair of America would be to despair of humanity." I am optimistic upon the growing virtues and capacity of men, and believe that each generation is an improvement upon anything that has gone before it. That is the highest tribute to any generation, that it left the world and mankind better than it found them. But aside from that, I have such faith in an all-wise and all-sufficient Providence that has hitherto attended our course, that gave to us the constructive genius of Washington, the preserving genius of Lincoln, and the promotive genius of Senator Allison and his contemporaries, to believe that we shall not

lack in men of power and conscience to perpetuate the ideals that have hitherto directed our achievements and shaped our destiny.

I presume Senator Allison had some faults, although it always seemed to me that they were less obtrusive and less complained of than those of any other man I ever knew. I presume he had his shortcomings, although they were not greatly apparent. I presume that during his long and eventful career he has felt the sting of ingratitude and the heartburnings of unjust criticism. Such is the penalty of public life, and such it

will always be.

If such penalties were visited upon him, he bore them bravely and uncomplainingly, and in the grandeur of his stature of mind and heart he arose above them and the authors of them. He was too big to be mean to his enemies, too big to be impatient with his traducers, too big to denounce his calumniators, and too big to quarrel with them. He was forgiving when others were vengeful, unrelenting when others were dismayed, thoughtful when others were noisy, and tolerant when others were extreme. He never leaped without looking; he never condemned without reason nor acted without knowing. It was these qualities of mind and heart that retained for him the love and loyalty of his people at home and qualified him for the great achievements of his life work.

We may erect monuments to his memory, and we may extol his virtues, but, Mr. President, the impress of his memory and virtues will live long after our little monuments shall crumble and our poor words shall be forgotten. More enduring than anything that we can do is the monument of love that he builded for himself in the grateful hearts of the American people, and more lasting than what we shall here say is his own indelible inscrip-

tion upon the institutions and laws of his country.

Mr. SMITH of Michigan. Mr. President, as I have listened to the eloquent eulogies on the late Senator Allison, I have thought many times during the afternoon of the great value of such a personality to the world, and I have congratulated myself over and over again that it was my privilege to personally know this truly great man.

During the years of my public service I have heard much praise of dead colleagues, but never such a wealth of touching eulogy more appropriately bestowed than upon Iowa's noble

son.

I have recalled to my mind the beautiful relationship existing between Senator Allison and all his colleagues. That kind, gentle, helpful, lovable nature went out to the younger Members of this body with unstinted generosity and marked effect, and I do not wonder that the older men here came to love him so dearly and have been so deeply moved by his departure.

But, Mr. President, I have also thought many times during this day of the consolation and the comfort that it must afford the brilliant young colleague of that great statesman to feel that during all the years of their association he was so loyal, so kind, so considerate, so sympathetic with every aspiration and desire of his aged colleague. True and loving to the end, under all conditions and at all times, in sickness and in health, comforting him in his last and lonely battle with the dread reaper, the junior Senator from Iowa [Mr. Dolliver] filled the final hours of his friend with a radiance and perfume difficult to describe, and the gentle ministrations which we witnessed here will for many years to come constitute one of the priceless traditions of this Chamber.

Senator Allison's life was a struggle. Born in poverty, he fought his own way up the ladder to the topmost round, never forgetting the steps by which he climbed. His life gives the lie to the pretense of men that there are no longer opportunities in America for the humble and unpretentious. His brilliant example is an inspiration to us all. I hope the great body of the American people may draw from it the lessons which it richly affords, and that in the estimate of the people public men will be treated with kindlier consideration and more accurate judgment by reason of this noble and unselfish life, consecrated to

the general weal.

Mr. President, I attended the funeral services of the late Senator at his home city. I witnessed with my own eyes the depth of feeling which was dowered upon him. I saw the streets filled with those who loved him, standing in silent testimony to their deep affection, paying the last great tribute to his matchless life. I saw his body lowered to its last resting place and heard the lamentations of those he served. Upon that historic mound, which overlooks the valley and by which courses the Mississippi in its silent march to the sea, WILLIAM BOYD ALLISON sleeps the long sleep. I have wondered many times whether, in the alchemy of nature, there was to come again a man of similar mold.

It is said of Napoleon that after the battle of Toulon, weary and tired and unable longer to withstand the call for rest, he sat down upon the battlefield, and sitting fell asleep. The old guard of the Little Corporal formed a hollow square about him and watched with patient vigil until the rest came to his tired eyes. So in the State that Allison honored so highly, as time began to furrow his brow and rechisel his faultless features, as his giant frame gave way under the weight of great responsibilities, the old guard of Iowa formed a hollow square about him and watched over him and protected his illustrious name with a wealth of manly affection and genuine enthusiasm which must have rendered his last days sweet and choice indeed.

All of us must grow old, the snow must fall upon our heads;

it is so ordained; but must we falter and say-

The night has come, it is no longer day.

The night has not yet come; we are not quite cut off from labor by the failing light.

chaucer, at Woodstock with the nightingales, At sixty wrote the Canterbury Tales; Goethe at Weimar, tolling to the last; Completed Faust when eighty years were past. These are indeed exceptions; but they show How far the gulf-stream of our youth may flow Into the arctic regions of our lives, Where little else than life itself survives. As the barometer foretells the storm While still the skies are clear, the weather warm, So something in us, as old age draws near, Betrays the pressure of the atmosphere. The nimble mercury, ere we are aware, Descends the elastic ladder of the air; The telliale blood in artery and vein Sinks from its higher levels in the brain; Whatever poet, orator, or sage May say of it, old age is still old age. It is the waning, not the crescent moon; The dusk of evening, not the blaze of noon.

And as the evening twilight fades away The sky is filled with stars, invisible by day.

The life of this great statesman, simple, pure, modest, and unaffected, kindly, gentle, and just, is a benediction to us all. He has crossed the great river, made wider by our affections and deepened by our tears. The world is poorer for his going, and heaven has a new attraction for us all.

Mr. BORAH. Mr. President, perhaps there is no greater distinction, no higher honor within the reach of men in these days than that which may be gathered in the faithful discharge of official duties. It seems to me that the man who takes office under a republic, modest as the emoluments must be, onerous and arduous as the duties are, and, with an eye single to the honor and glory of his State and his Government, works patiently on to the close of his earthly existence, is entitled in every sense to the commendation and love of his fellow-men. He has given to his country all—his time, his ability, the benefit of his watchful, untiring leadership, the uplifting and protecting influence of his patriotism. It must be said that when the end comes, the highest obligation which one owes to his country has in full been liquidated.

Senator Allison met in full measure this high standard of public duty. He came to the public service in early manhood. He gave to the public service not only the best, but all the years of his life—resting not even for the final journey, although understanding well that notice of the departure had been served. Here, bowed and worn and broken, he died, active, vigilant, and faithful to the very last. Holding to the end the gratitude and love of his great State, the admiration and confidence of the Nation, and the trust and veneration of his colleagues, he passed quietly from our midst as one well worn and weary with the work of the day retires for the slumbers of the night. The most welcome death to the veteran must be the death which

finds the armor on.

Senator William B. Allison was born March 2, 1829, two days prior to the first inauguration of Andrew Jackson as President of the United States. At the same time, out in the wilderness of the West, there was trudging alongside of his ox team, searching out a new home in his adopted State of Illinois, one who was in due course of time to become the most remarkable figure of the centuries, the dominating influence of whose indescribable genius was to change the current of history and rearrange the forces of American civilization.

The historian, commenting upon the election of Andrew Jackson, tells us that it marked the dawn of a new era in American politics—the era of control of our politics by the masses in the true sense of the term. A strange heresy had existed among some of the leaders of prior days. It was extensively believed that only the highly educated and the property holders should have a voice in the Government. It has been said by one high

in the councils of the Nation, "The people should have as little to do as may be about the Government." By another, "The people do not want virtue, but are the dupes of pretended patriots." And yet another, "It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people as it would be to refer the trial of colors to a blind man." Most of the States had provided a property qualification for voters.

The election of Jackson marked the first real uprising and victory of the forces which rejected those doctrines—the first signal triumph of those to whom reference was often made as the "uneducated" and "propertyless rabble." And, strange as it may seem, this conflict was to go on in different ways, by instrumentalities peculiar to the choosing of a power the secret of whose counsels we can not know, until the country boy, raised from amid the "uneducated" and "propertyless" masses to be their Chief Magistrate and devoted friend, was upon the field of Gettysburg, with slavery in its last throes writhing at his feat, to announce the fulfillment of this dispensation in words that still live and will never die: "The government of the people, by the people, and for the people shall not perish from the earth."

Under the inspiration of these sublime teachings Senator Allison grew to manhood. In the midst of the culminating scenes which made these doctrines the universal principles of the Republic, he prepared to enter public life, and in the heroic days of their final embodiment into our great Charter he reached the full stature of American statesmanship. Thus prepared and equipped, when the Nation, reunited and her people wholly free, entered upon that period of her marvelous material growth; when deserts were to become empires of wealth and trackless plains be changed into great States; when the restless pioneer should unlock the imprisoned riches of the mountains, and railroads and telegraphs and telephones should compound us into one compact and indomitable industrial force, and all this bring up for solution the complex problems of modern legislation, he was to become a conspicuous and masterful figure. and conservative, wakeful and resourceful, an adept in the science of legislation, and a marvel in the adjusting of the differences of men, he was to become for years a leader in the greatest legislative body in the world. There was nothing here of moment during his long service concerning which men did not seek his counsel; there was no vexed problem, no profound question of policy but his experience and his wisdom, his patience and his patriotism could master.

There is a story in classic literature that a sculptor while patiently working with lingering anxiety upon an obscure portion of a statue was asked why he dwelt so long and with such care upon that portion of the work which perhaps no human eye would ever behold. The inspired artist replied:

This hidden finish excites most my zeal, for here the gods will look for the evidence of fidelity and genius upon which they will either deny or give to me immortality.

One of the older Senators said the other day we should hang upon these walls his picture painted by some great artist, and perhaps his beloved State may some time conclude to place for him a monument here in the Capitol; but his claim to immortality is to be found hidden away among the statutes, found here in the long story of the faithful, painstaking service, where without ostentation or acclaim he lingered with uncommon zeal to the hour when the last session closed at which he was permitted to attend. Here is his monument; he erected it himself, and no one will erect another half so lasting as the one which grew to such sublime proportions under his own hand and direction.

Mr. President, generously each generation remembers and recounts the achievements of the heroes of war. The mysterious power of the martial spell sometimes sleeps, but never dies. Yonder in the hall of fame the soldier and the statesman stand side by side, but the visitor lingers longest before the figures which call up the great battle scenes of the Republic. We do not complain that it is so; but can there be a finer fiber of manhood, a service to one's country calling for a keener sense of duty, a more robust and resolute courage, a higher order of patriotism than are revealed and exemplified in the great careers of civil life? The questions and problems dealt with involve the physical and moral well-being of countless thousands. The enemies of the Nation with whom they must contend do not march under foreign colors, but subtle, specious, and insatiable throng, in robes of citizenship, the corridors of the Capitol. It is not a question of interposing skill and valor against an open enemy, but of standing guard in every hour against the power and influence of those who would gratify personal ambition to the disadvantage of the Government and the permanent loss of the common rights and privileges of the

people. It involves the almost superhuman task of reconciling the conflicting demands of the great commercial interests that industry may have its just reward and every element of thrift and frugality their compensation. In the halls of legislation, more than any other place in the world, government fights its battles with selfishness and greed, with reckless expenditure, with special privileges, a conflict never over and never won, a conflict calling for poise of character, steadfastness of purpose, and a patriotism as loyal as ever displayed on the field of battle. A man who occupies a place of responsibility and command in such a conflict for thirty-five years and passes on without reproach and unscathed has earned glory enough for one man. His place in history is secure.

Mr. CUMMINS. Mr. President, as I rise to say the last word upon this occasion, after listening to the beautiful tributes that have been inspired by affectionate hearts, illuminated by loving memories and vivified by eloquent lips, I am conscious of the despair which must always be felt when the hand attempts to gild the true gold or lay its crude colors upon the lovely shades of the lily. In the few moments at my command I shall not undertake to review the life of William B. Allison. That work has already been faithfully done, and I venture to view the subject from another standpoint.

Every day and every hour somewhere the flowers of affection are being laid upon the last resting places of those who have gone to their reward upon the other shore. Every day and every hour somewhere sad hearts are pouring out their stores of love upon the memories of those who have discharged nature's last and greatest debt. Notwithstanding, however, the universality of the ceremony through which we are now passing, I think it may be truthfully declared that this hour is unlike the hours which humanity ordinarily gives to the retrospect of an honorable useful life. It does not often happen that in rendering a just tribute to the memory of one whose activities have forever ceased, we are compelled to survey the history of a long and overwhelmingly important period in the history of our country's affairs. Generally it is appropriate upon such an occasion to do no more than to touch with loving tenderness the character and quality of the man. In this instance, however, the whole scene changes, and there rises up before us, whether we will it so or not, forty-five years of a nation's life, years that have no parallels, no companions in all the annals of the earth.

Standing here and looking backward over these years, I can see, it is true, the noble and commanding figure of the man whose work we are commemorating, clothed in the garb of his integrity of purpose, his openness of heart, and his amiability of temperament, but in the foreground I see more clearly still the procession of events covering nearly a half century of time; and in this march, the most wonderful which civilization has ever undergone, one man has kept step day after day and year after year, steadying the column here, closing the broken ranks there, and cheering and encouraging it everywhere.

To have merely lived in manhood from March 4, 1863, the day upon which William B. Allison entered the Congress of the United States, to August 4, 1908, the day upon which he died, as a citizen of the United States was to enjoy an opportunity the like of which the world never gave to mortal man. To have borne a part, however obscure, in the drama of self-government throughout these years, as the Republic staggered under the blow of the civil war, as it felt its way through the perils of reconstruction, as it readjusted its financial policy, as it grappled with the problems which growth, prosperity, and wealth created, was to be distinguished above the men of any other time. To have been a prominent and conspicuous leader, to have been a safe and valued counsellor, to have been strong and helpful in determining the fortunes of the Nation throughout these years in which we emerged from obscurity and securely occupied the highest station known in the history of mankind, was to attain the loftiest pinnacle of human honor, and this is the crown which a just and grateful people will bestow upon the memory of William B. Allison.

Of his specific work in the House of Representatives for eight years, and of his greater work in the Senate for nearly thirty-six continuous years, I shall not speak. I must view his public service as a whole; and looking at it from that exalted standpoint, I do not hesitate to say that his name is deeply engraven upon the tablets of fame. I rarely venture upon an analysis of a claim for greatness, simply because greatness is incapable of analysis just as it is incapable of comparison. Without violating this rule, I may say, however, that safe and permanent progress in a country like ours requires varying types of men. It requires the quick bold leader who does not reflect long, who reaches his conclusions with a rush, and who presses incessantly on because he is so sure that he is right that he knows

that all persons who differ from him must be wrong. Such a man is oftentimes in error, sometimes intolerant, but without him the Republic could not live. There is another man equally important to the welfare of the people. It is the man who gathers up all these proposals for advance and for change, who reflects upon them with exceeding care and deliberation, who discovers their weaknesses and supplements their imperfections, who molds differences into harmonious action, who bridges the distance which separates those who insist upon the quickstep all the time from those who want to camp all the time; and such a man was Senator Allison. I do not attempt to rank these types. Suffice it to say that both being essential in the economy of the world, both extort our praise and admiration.

The Senate never had a Member more deeply attached to his

associates or more devoted to the work of his office than Mr. I remember one incident of this attachment and de-ALLISON. votion which greatly impressed me. About the first of the year 1897 Mr. McKinley, the President-elect, commissioned me to bear an invitation to Senator Allison to become the Secretary of State in the incoming administration, and he enjoined upon me strongly the necessity of suggesting to Senator Allison that it was his duty to aid the administration by accepting the place offered to him. In a long personal interview, I pressed this phase of the matter as I had been asked to do; and I shall never forget the reply I received. It was a tender expression of the affection he felt for his fellow-members in the Senate, of the friendships and intimacies that had grown up through a long course of years, of the faith and trust he had in them and they in him, of the impossibility of severing the bonds which time had knitted, and the ease and pleasure with which he performed the duties so familiar; and having summed up all these things, he looked me squarely in the eye and asked me this question: "Do you now think it is my duty to go from the Senate to a new field of activity?" and I unhesitatingly answered him, "No."

He was a gentle man in the truest sense of these words. He was a courteous man, not only to those of high degree, but of low degree as well. He was a modest man and vaunted himself not at all. He was a gracious, kindly man, and counted no labor too severe that promoted the welfare of his friends. was a learned man, for he not only studied the history of his country, but the greater part of it he had helped to make. He was an honest man, and did the right as it was given to him to see the right. His body rests in an honored grave, and his memory is not only a benediction to the people of his State, but is treasured throughout the length and breadth of the land.

Mr. President, as a further evidence of respect, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday, February 8, 1909, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

Saturday, February 6, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

REPRINT OF BILL AND REPORT.

Mr. WEEKS. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise? Mr. WEEKS. To ask unanimous consent for a reprint of a

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for a reprint of the following bill and re-

port, the title of which the Clerk will report.

Mr. WEEKS. It is Senate bill 4825 and report 2027.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (8, 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration

of the affairs of civil government in the Philippine Islands, and for other purposes."

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the con-currence of the House of Representatives was requested: S. 8603. An act for the relief of Mark Tomlinson;

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association;

S. 9036. An act providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla.;

S. 9039. An act to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska; and

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.to the Committee on Military Affairs.

S. 9039. An act to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska—to the Committee on Indian Affairs.

S. 9036. An act providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla.-to the Committee on the Public Lands.

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association—to the Committee on Military Affairs. S. 8603. An act for the relief of Mark Tomlinson—to the Com-

mittee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16015. An act for the relief of Lafayette L. McKnight: H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army; H. R. 20171. An act to correct the military record of George

H. Tracy

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck; and H. R. 10752. An act to complete the military record of Adolphus Erwin Wells.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to submit the following Senate joint resolution and ask for its present consideration.

The SPEAKER. The gentleman from Minnesota reports from the Committee on Appropriations, by direction of that committee, the following Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 122) to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909.

March 4, 1909.

Resolved, etc., That to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909, in accordance with such programme as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at \$3 per day, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$16,000, or so much thereof as may be necessary, the same to be immediately available.

The SPEAKER. Is there objection? Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, is this the usual resolution that is passed every four

Mr. TAWNEY. This is the usual resolution, I will say to the gentleman from Missouri. The amount, however, as passed by the Senate is larger than heretofore.

Mr. CLARK of Missouri. How much larger? Mr. TAWNEY. Not much larger than the amount heretofore expended, but larger than the amount carried in the last appropriation. The appropriation for the last inauguration was \$7,000, and a subsequent appropriation was made to meet a deficiency. The Superintendent of the Capitol informs me that an additional amount of \$7,000 was expended and met by a subsequent appropriation. The platforms, I will say, for the accommodation of Congress and the committee have been gradually increasing in size at every succeeding inauguration.

Mr. CLARK of Missouri. Why is that—on account of the

price of lumber?

Mr. TAWNEY. No; on account of the size of the platforms. Mr. CLARK of Missouri. I thought the gentleman said on account of the price.

Mr. TAWNEY. No; I said on account of the size of the platforms, to accommodate a greater number of people for whom we have had to provide accommodations,

Mr. CLARK of Missouri. As a matter of fact, is not that largely the reason why seats cost more—that lumber has gone up under the beneficent influences of the lumber trust?

Mr. TAWNEY. Lumber, I understand, is cheaper now than it has been for some time. I do not know anything about it myself.

The SPEAKER. Is there objection?
Mr. GAINES of Tennessee. Mr. Speaker, I want to say to the House that the reason why this appropriation is larger, and has to be larger, is, as I am told, because of the increased cost of labor and the increased cost of material and to have larger and better accommodations than heretofore.

The SPEAKER. Is there objection to the consideration of

the resolution? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I have here a memorandum furnished me by the Superintendent of the Capitol as to how the appropriations for this purpose four years ago and prior inaugurations were expended. It is as follows:

At the last three inaugurations the stand on the east front has been at least doubled each time, thereby increasing the cost. The appropriation last inauguration was \$7,000, and a second appropriation of \$2,000 was made for a special stand for Members of the House. I have found by experience that the \$7,000 did not cover the expenses for maintaining the stands at the time. I spent about \$5,000, all told, in other directions, for various barricades, protection railings, covering lawns, etc., which was paid out of the Capitol grounds money. Of this \$16,000 about \$10,000 will be applied to the stand, which is of 2,000 seating capacity larger than the former one; about \$3,000 is necessary for barricades and other stands around the Capitol, and \$2,000 for barricading various places in the Capitol itself, so that, instead of spending money out of the other appropriations, I ask for enough to cover the whole cost.

The SPEAKER. The question is on agreeing to the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Mr. CRUMPACKER. Mr. Speaker, I move that the bill providing for the Thirteenth and subsequent decennial censuses, together with the President's veto, be referred to the Committee

on the Census and printed.

The SPEAKER. The gentleman from Indiana moves that the bill that provides for the taking of the Thirteenth and subsequent decennial censuses and the President's veto be referred

to the Committee on the Census and printed.

Mr. GILLETT. May I ask the gentleman from Indiana [Mr. CRUMPACKER] a question? Will the gentleman state the reason why he has asked it to be referred? Inasmuch as it can not be amended by the committee, I see no reason for the reference.

Mr. CRUMPACKER. For consideration. There are precedents for referring bills that have been returned-Mr. GILLETT. I understand that.

Mr. CRUMPACKER (continuing). Vetoed bills; and it will give the committee an opportunity to investigate and consider the objection of the President and report the bill back with such recommendations as they see fit to make. There is only one thing, perhaps, under the Constitution that the House can do, and that is to pass the bill, notwithstanding the objection of the President, or to refuse to do so; and I presume it would be within the province of the Committee on the Census to recom-mend that in view of the objection of the President the House do not pass the bill over the veto of the President. I have no doubt that the Committee on the Census would have that power. There is no reason at all for not referring this bill with the objection direct to the committee for consideration.

Mr. PARSONS. Mr. Speaker, I wish to submit a parliamentary inquiry.
The SPEAKER.

The gentleman will state it.

Mr. PARSONS. I wish to inquire whether it would be in order to move to amend the motion to refer by adding instructions to the Committee on the Census to report it forthwith by striking out the words "noncompetitive," in lines 20 and 21 of section 7?

The SPEAKER. The gentleman in a parliamentary inquiry must be in order. The gentleman from Indiana has the floor. It is for the House to determine by apt proceeding under the

rules the course to pursue.

Mr. CRUMPACKER. I will answer in my time the gentleman's parliamentary inquiry. Such a motion as he proposes would be clearly out of order, because if the House can take only certain action outlined in the Constitution, it certainly has no power to instruct the Committee on the Census.

Now, I ask the previous question on the motion to refer.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the motion. The question was taken, and the motion was agreed to.

PRINTING INVESTIGATION COMMISSION.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to present to the House a letter from Senator Platt, chairman of the Printing Investigation Commission, transmitting to the House a report (No. 932) signed by four members of the commission, all the members excepting Mr. Finley and Senator Perkins, both of whom are out of the city. I am satisfied both would have signed the report had they been here, as they have been in entire harmony with the commission. I ask unanimous consent that the letter and report may be printed and referred to the Committee on Appropriations.

The SPEAKER. The gentleman from Indiana asks unanimous consent to receive the letter indicated, with the accompanying papers, and that it be referred to the Committee on Apparents. propriations. Is there objection? [After a pause.] The Chair

hears none.

BANKRUPTCY LAW.

Mr. TIRRELL. Mr. Speaker, I call up for consideration under the special order the bill H. R. 21929, being the act to amend an act to establish a uniform system of bankruptcy throughout the United States.

The SPEAKER. The Clerk will read the special order.

The Clerk read as follows:

That on Saturday, February 6, it shall be in order to consider in the House the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903; and upon consideration of said bill it shall at once be in order to offer an amendment, in the nature of a substitute, providing for a repeal of the existing bankruptcy law, and the vote on said substitute amendment shall be taken before amendments to the text of the bill shall be in order. shall be in order.

The SPEAKER. The gentleman from Massachusetts.

Mr. MANN. The bill has not been read.

Mr. SHERLEY. I suggest that the regular course would be the reading of the bill. The bill was read, as follows:

bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903.

Be it enacted, etc., That clause 5 of section 2 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, be, and the same hereby is, amended so as to read as

States," approved July 1, 1898, as amended by an act approved February 5, 1903, be, and the same hereby is, amended so as to read as follows:

"(5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary, in the best interests of the estates."

SEC. 2. That section 2 of said act as so amended be, and the same hereby is, amended by striking from clause 19 thereof the word "and" and adding a new clause, to be known as clause 20, so that such clauses shall read as follows:

"(19) transfer cases to other courts of bankruptcy; and (20) exercise ancillary jurisdiction of persons or property within their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceeding pending in any other court of bankruptcy."

SEC. 3. That subdivision b of section 4 of said act as so amended be, and the same hereby is, amended so as to read as follows:

"b Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation, owing debts to the amount of \$1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act.

"The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

SEC. 4. That subdivision a of section 12 of said act be, and the same hereby is, amended so as to read as follows:

"SEC. 12. Compositions, when confirmed.—a A bankrupt may offer, either before or after adjudication, terms of composition to his cred-

tiors after, but not before, he has been examined in open curred on a total and the decisions, and shed however the schaduler of his property and list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allow duet of estates, at which meeting the judge or referee shall preside; and action upon the petition for adjudication shall be delayed until its shall be determined whether such composition shall be confirmed. The confirmed of the shall be determined whether such composition shall be confirmed. The confirmed of the shall be determined whether such composition shall be confirmed. The confirmed of the shall be determined whether such composition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition thereto by the trustee proofs and pleas as may be made in opposition to the proofs of the proofs of the proofs of confirmed the proofs of the pr

The amendments recommended by the committee were read as follows:

Page 1, line 11, after the word "necessary," strike out the "comma," and after the word "estates," strike out the period and insert a semi-colon in lieu thereof.

Page 3, line 20, after the word "act," insert the word "as."

Page 4, line 3, strike out the word "first" and insert the figure "1."

Page 4, line 4, after the word "or," strike out the word "second" and insert the figure "2."

Page 4, line 7, after the word "or," strike out the word "third" and insert the figure "3."

Page 4, line 8, after the word "statement," strike out the comma. Page 4, line 11, after the word "or," strike out the word "fourth" and insert the figure "4."

Page 4, line 16, after the word "or," strike out the word "fifth" and insert the figure "5."

Page 4, line 18, after the word "or," strike out the word "sixth" and insert the figure "6."

Page 5, line 18, after the word "have," strike out the word "been."

Page 6, line 9, after the word "therefor," strike out the word "specified" and insert in lieu thereof the word "specified" and insert in lieu thereof the word "specified" and insert in lieu thereof the word "specified".

Page 7, line 24, after the word "for," strike out the word "the" and insert in lieu thereof the word "a."

The SPEAKER. The gentleman from Massachusetts [Mr. TIRRELL

Mr. TIRRELL. I yield to the gentleman from Kentucky.
Mr. SHERLEY. Mr. Speaker, I desire to make a statement, and then make a request, which will perhaps simplify the consideration of the bill. Under the order adopted for the consideration of this bill, it was provided that it should be in order-

Mr. CLAYTON. Mr. Speaker, I do not desire to interfere with the gentleman's observations, but I think we better pro-

ceed in accordance with the order.

Mr. SHERLEY. I am trying to get right to that, if the gentleman will permit me just a moment. Under the order by which this bill is considered it is made in order to offer an amendment to repeal the bankruptcy law, and it is further provided that such amendment shall be considered first. Ordinarily under parliamentary practice the bill would first have to be perfected and then a motion in the nature of a substitute would have to be voted upon. Under the order the substitute comes first. I ask unanimous consent that on the substitute to be offered by the gentleman from Alabama, which is to repeal the existing bankrupt law, there be two hours' debate, one hour to be controlled by the gentleman from Alabama [Mr. CLAY-TON] and one hour by the gentleman from Massachusetts [Mr. TIRRELL]

The SPEAKER. The gentleman from Kentucky asks unanimous consent

Mr. CLAYTON. Mr. Speaker, I prefer to ask unanimous consent under the order taken in my own right, and I, therefore, Mr. Speaker, under the special order, ask leave to offer the following as a substitute for the bill under the agreement. The agreement, as stated by the gentleman from Kentucky, is correct. We are to have an hour's debate on each side.

Mr. KEIFER. That has not been agreed upon yet. The SPEAKER. The special order is as follows:

and upon consideration of said bill it shall at once be in order to offer an amendment, in the nature of a substitute, providing for a repeal of the existing bankruptcy law, and the vote on said substitute amendment shall be taken before amendments to the text of the bill shall be

The gentleman desires recognition to offer the substitute under the order. Mr. CLAYTON.

Mr. CLAYTON. In my own right.
The SPEAKER. The gentleman will send his amendment to the desk.

Mr. CLAYTON. I have sent it up.

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:
That the act approved July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States," and all acts amendatory of such act, be, and are hereby, repealed: Provided, That nothing herein shall in any way affect proceedings under said act begun prior to the time this act takes effect.

The SPEAKER. The gentleman from Massachusetts [Mr. TIRRELL] is recognized.

Mr. SHERLEY. Now, Mr. Speaker, I should like to renew my request.

The SPEAKER. Does the gentleman from Massachusetts

yield to the gentleman from Kentucky?

Mr. TIRRELL. I yield to the gentleman from Kentucky. Mr. SHERLEY. I would like to renew my request that there be two hours' debate on the substitute offered by the gentleman from Alabama, one hour to be controlled by the gentleman from Alabama [Mr. CLAYTON] and one hour by the gentleman from Massachusetts [Mr. Tirrell].

The SPEAKER. The gentleman from Kentucky asks unani-

mous consent that general debate shall be limited to two hours upon the substitute, one hour to be controlled by the gentleman from Alabama and one hour by the gentleman from Massachu-

Mr. KEIFER. Mr. Speaker, I do not care to object to this, but I want to have some understanding about the discussion. This is one of the most important measures to the country that

has been brought here at this session or for many sessions, and if we are only to have a few minues' talk upon the subject and then pass upon it-

If the gentleman will permit me Mr. SHERLEY.

The SPEAKER. This is a proposition to limit general debate upon the substitute which has just been offered. If the substitute is voted down, of course then under this special order amendments may be considered. Is there objection?

There was no objection.

The SPEAKER, The gentleman from Alabama [Mr. CLAY-TON] is recognized under the special order, having offered the substitute.

Mr. CLAYTON. Mr. Speaker, the present bankruptcy law has stood upon the statute books longer than any similar statute. It has served its day of usefulness. It is now the subject of more complaint of abuse than any federal statute extant. say this, Mr. Speaker, with a knowledge, I believe, of the facts in the case. I say it because for a number of years I have in the case. been a member of the great Law Committee of this House that committee to which is referred so many questions pertaining to the amendment of statutes. Incidentally we have to listen to complaints of abuses of many of the federal statutes.

I believe it was never the intention of the founders of the Government to have a permanent bankruptcy system. The power was left in Congress to enact a bankruptcy law

is in order. The House will be in order.

Mr. CLAYTON. Mr. Speaker, this does not disturb me in the least. Those who desire to hear what I have to say can hear me, I think.

The SPEAKER. The Chair desires to hear what the gen-

tleman has to say.

Mr. CLAYTON. I am very much obliged to the Chair for his desire to hear me, and I am sure I will enlighten him on this occasion as well as our friend the parliamentary clerk, Mr. Hinds, does so frequently. [Laughter.]
The SPEAKER. Then the gentleman's instruction will be

profitable.

Mr. CLAYTON. I hope that I may not only get the cooperation of all on the floor for the repeal of what I believe to be this bad law; but I hope that after we shall all have voted to repeal it, the Speaker will instruct the Clerk to call his name, and he will vote likewise.

Now, Mr. Speaker, I merely desire to say in the brief time that is subject to my disposal, for I have already allotted most of the hour accorded to me, that it never was the purpose of the framers of the Constitution to have a permanent bankruptcy system. I want to say further that it never has been the policy of this Government to have a permanent bankruptcy system. There never was a bankruptcy law passed in any emergency that did not serve its day of usefulness and become the subject of great abuse, so that it had in the end to be repealed.

Now, this law, following the history of all other laws of a like kind, is abused. We were told when it was originally enacted that the abuses complained of under the old bankruptcy law would all be prevented in this, but abuses have multiplied. We have amended it from time to time, and yet complaint is made of more and more abuses. So the minority members of the committee have agreed that the best thing to do with this bad law, against which so many complaints are so justly lodged, is to repeal that law; and should the country come to the condition that led to the enactment of this law, a great financial panic, crisis, or stringency, then Congress can do as it has done heretofore, pass a law to meet the necessities of that sort of

But, Mr. Speaker, after about seven years of frenzy, I hope that the next four years will give us an era of prosperity and peace and of observance of law, and that we will not have any need for any bankruptcy legislation. [Applause.]

I now yield ten minutes or more, as he may desire, to the gen-

tleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, there probably never was a time and probably never will be a time in the history of legislative bodies when those having special interests will not press for their advancement, and will not put out the best side to secure what they desire. There probably never was a time, to secure what they desire. There probably never was a time, and there perhaps never will be a time, when the masses of the people can hope for presentation of their side except through the vigilance and zeal of those whom they from time to time choose to represent them. I think the truth of this is very fully illustrated in the question now before the House.

A bankruptcy law, as I understand-and I think it is a correct understanding of the matter-is, and always should be, designed primarily, if it be a proper and just law, for the relief of unfortunate debtors, and should never have for its primary

object and purpose the perfecting of collecting machinery. Now, in the very nature of things, the debtor class can not have special representation in this Congress at this time or at any time, or in any legislative body whatever. those of us who have kept track of this matter especially, that for years and years the Congress, and the Judiciary Committees at both ends of this Capitol, were besieged and importuned by paid representatives of wholesalers and other organizations of creditors for the enactment of a bankruptcy law; that time after time, session after session, Congress after Congress, these appeals failed. Finally they were fruitful in the passage of the original bankruptcy act, which since has been amended and which it is now sought further to amend.

It was then declared that the original bankruptcy act was drafted and designed to serve the purposes of creditors and not to afford relief to debtors. The law then was stringent and searching for the creditor, and harsh and unmerciful toward the

debtor, with little care for his rights and needs.

Amendments almost without exception, from that time to this, have been urged in favor of the creditor class so as to increase the power of the creditor over the debtor, to lessen the rights and narrow the avenues of escape for the unfortunate debtor.

The present attempt-and I do not mean any reflection upon any gentleman who takes the opposite view, as it is merely a matter of opinion—is in the direction of further strengthening the grip of the creditor class and of further lessening the prospect for the relief of the debtor class. If Congress is to continue legislating along this line, the real question always must be, What further can be done to give the creditor an advantage, or a fuller advantage, than he already has, and what further it is possible to do to close tighter and more securely the avenues for the escape of the unfortunate debtor?

Now, then, in view of this course, persisted in for years-this course taken, as I have suggested, at the instance and through the efforts of paid lobbyists and organizations of credit menquestion very opportunely comes before the House as to whether we shall legislate further in this direction in the interest of the creditor class and to the prejudice of the debtor class, or shall now, once for all, this bankrupt law having served every good purpose which it could serve, repeal it; and if in the future, some time, there be occasion for the enactment of another bankruptcy law, we may expect those charged with the duty now resting upon us to enact that law.

You can read this law as it stands, as it was made originally and as "perfected," as they call it, by amendment, from end to end, under any light you please to cast upon it, and you will find nothing in it but evidence of the handiwork of the powerful creditor class, and further evidence of the sorry plight in which more and more it places the debtor class.

Now, this creditor class has its representatives eager and active. The masses can not thus be heard. Men broken in for-tune, spirits, and hope can not combine with others in the same condition to impress upon Congress their view of their interests and rights.

I believe, and firmly believe, that everything of good that could be accomplished by this law has long since been accomplished; that its remaining on the statute book in its present form, or as its defenders would have it, is no longer necessary or desirable.

Of course, everybody interested in the bankrupt court, whether as officer, practitioner, or swallower of the estates of the bankrupts, will naturally favor the amendment instead of the repeal of the law upon which he fattens.

I believe that the appeal to this House made in this substitute for the repeal of this law is as righteous a one as ever was made to the representatives of the American people. What the response will be, of course, I know not, but let us vote upon the side of mercy once, with reference to this bankruptcy law. Let us turn once, so far as this bankruptcy law is concerned, from the side of Shylock and do something for Shylock's suffering I trust that the law may be repealed. I appeal to the sense of right and justice, the sense of manliness, of my fellow-Representatives, in the hope that the majority of them may see this matter as we who are advocating repeal see it, that there may go out from this House when the vote is taken the glad intelligence to thousands and thousands of people, voiceless except as we raise a voice for them, that the power of this grinding bankruptcy trust, so far as the House of Representatives is

concerned, is doomed to fall, and fall at once. [Applause.]
Mr. CLAYTON. Mr. Speaker, I now yield five minutes, or so much thereof as he may desire, to the gentleman from In-

diana [Mr. Landis].

Mr. Landis. Mr. Speaker, I shall support the amendment offered by the gentleman from Alabama [Mr. CLAYTON]. Dur-

ing the last few years my attention has been called time and again by gentlemen in the congressional district I have the honor to represent to the abuses of this law, and without a single exception they favor its repeal in so far as my observation has gone. There is no city in that district of more than 15,000 population. There are a number of small wholesale houses, and without exception these wholesale establishments have suffered, and I feel convinced that the law has become the refuge of unprincipled men, who take advantage of it in order to fleece those who give them credit; and for the enlightenment of the House, and representing the sentiment of that district, I desire to submit a letter written by Mr. R. P. Shanklin, at the head of one of the largest wholesale grocery establishments in my district. I send it to the desk, and ask that it may be read.

The Clerk read as follows:

R. P. SHANKLIN & COMPANY, Frankfort, Ind., October 21, 1908.

Hon. CHARLES B. LANDIS, Delphi, Ind.

Delphi, Ind.

Dear Sir: We want you to "bust" the bankruptcy law. It has outlived its usefulness. Let it die, and the sooner the better.

We do not deny that there was a time in our history when the country needed just such a measure, but that time is not now. It has gone. As conditions now are, the law works more confusion and demoralization than it does good.

It puts a premium on recklessness and careless methods. Many a man has never made a success in business and in life, simply because he knew beforehand that he could get relief from his financial obligations through the bankruptcy court. If they knew it was "root pig or die," there would be fewer people needing this court's assistance.

Further, it puts a prize on perjured knavery. Unscrupulous and scheming men are the most frequent to take advantage of its benefits. By its help many a rogue has "broke full-handed," and gone unpunished. There is hardly a large city in the United States, we dare say, which has not one, or two, or half a dozen men, who have gone through bankruptcy and immediately started up in business so extensive as to give "the lie" to every oath they swore before the court. Why, If a man will perjure himself (and everybody who knows much about men knows that some men will perjure themselves for money), he can set up in business for a few months, get a line of credit, stretch it for all it is worth, go through bankruptcy, and then move to a new community and do the same thing. Then he may repeat it ad infinitum, if he lives that long.

There is hardly a jobber in the Central West who will stand for this

and do the same thing. Then he may repeat it an infinitum, it he lives that long.

There is hardly a jobber in the Central West who will stand for this law. As it now is, it works against them in favor of the large eastern houses, but it does not do even them enough good for them to clamor for its being retained. If it was abolished, every house would suffer for its own lack of careful judgment, and instead of much haphazard giving of credit to every "Tom, Dick, and Harry," they would see that every mother's son who got credit was worthy of it. This would have an influence toward making every man, young and old, endeavor to make his credit, worth something.

redit worth something.

Yes, the bankrutpcy law should be either repealed or modified enough to do away with some of the knavery connected with its administration. "Bust" it, and you will have our continued support.

Yours, very sincerely,

P. P. Shanklay & Co.

R. P. SHANKLIN & CO.

Mr. LANDIS. That letter represents my position on this

Mr. CLAYTON. Mr. Speaker, I now ask the gentleman from Kentucky [Mr. Sherley], who I believe has charge of the time, or Mr. TIBRELL

The SPEAKER. The gentleman from Massachusetts [Mr. TIRRELL] has charge of the time.

Then I ask that he consume some of his Mr. CLAYTON.

Mr. TIRRELL. Mr. Speaker, the object of a bankruptcy law has been well known from the time of its first enactment in England more than three hundred and fifty years ago. At that time, and in fact down until modern times, the object was to secure two things; first, the equitable and just distribution of a bankrupt's property, and, secondly, to administer under the courts the disposition of that property in the most economic and proper way. It was not conceived until modern times, about the opening of the last century, that the bankruptcy law should also incorporate in its provisions that the bankrupt himself should receive a discharge so that he might start again in life. Therefore, bearing this in mind, the law resolves itself into three parts. The first, and the principal thing, judged by its history, is to secure an equitable and just distribution of the assets of a debtor among his creditors and to do that in the most economic and proper manner. It, however, appeared in the evolution of this law, after a long period had elapsed and after great experience in the adjustment of estates, that an important consideration, and, indeed, now we may say the most important consideration, was also the discharge of the debtor. It will not, I think, be contended by anyone that the primary object of a bankruptcy law is not secured in accomplishing equitable distribution of the property that the bankrupt may have. That commends itself to the fair consideration of every Member of this

I assume, without fear of contradiction, that there is no one upon this floor who would assert it was right and just for a debtor to single out his relatives or his neighbors and to prefer

them and to distribute his property among them, leaving his creditors out in the cold. That is an inequitable distribution of property; and it is to prevent that inequitable distribution and to allow all creditors the same consideration, and to do that in the cheapest and best manner, that our present bankruptcy law was enacted.

Now, every civilized, and, indeed, I may say semicivilized, nation in the world-has a bankrupt law of some kind to-day. England has enacted 39 bankruptcy laws, and 6 of those since 1835, and has not been without one since the reign of Henry VIII. France has had one for several centuries. Italy, when the republican States were formed centuries ago in Genoa, in 1498 placed a bankruptcy law upon her statutes, and that law has been continued in the Italian States since. Holland enacted a bankrupt law about that time. Germany, after the consolidation of the Empire in 1880, found that it was impossible to conduct her great manufacturing, commercial, and mercantile interests among the several States that composed the German Empire, States similarly situated in many respects to the States of

our own country, without such a law. Nations, indeed, differ greatly from each other. Racial char-teristics vary. The customs of one nation are dissimilar to acteristics vary. others. Climatic conditions lead in results to different details, but the principle sought to be attained ends in the recognition of the necessity as incident to trade of the regulation by law of insolvent estates. It is said that in 1880 there was no civilized nation on the face of the globe that did not have a bankrupt law except the United States of America. If you go down the scale of countries less and less civilized, you will find that less and less are laws adopted for the equitable distribution of the assets of a debtor, the economical administration of his estate, and the securing of the bankrupt's discharge; so that when you reach a semicivilized nation like China, that has no bankrupt law, chaos in the adjustment of debts ensues, as China illustrates, where if a debtor owes debts to the amount of \$5,000 he is liable to be beheaded. Now, in our own country we have had three bankrupt laws. In 1800 there was one enacted of a limited character. It served its purpose and has been annulled. In 1841 another bankrupt law was passed by the Congress of the United States, which was a political measure, and as a political measure it was soon wiped out. In 1867 another was enacted which was admirable in its features and which satisfied the country except in one or two matters of great importance-one the delay in its enforcement and the other the expense attendant thereto.

In these respects it proved a hardship on the debtor and the law was repealed. Immediately after its repeal there arose a great demand throughout the country that there should be another law enacted which should eliminate those features which the law of 1867 had shown to be oppressive to the debtor, and such a law was formulated into the law now upon our statute books, the law of 1898. As to that law I desire to read what a distinguished Senator from Kentucky remarked about it at the time of its enactment. Senator Lindsay said:

This measure is the most thoroughly analyzed piece of proposed legislation I have ever examined. Every conceivable contingency seems to have been thought out and carefully provided for. It is my judgment, that if enacted, it will be a conspicuous example of matured legislation, and remain for all time as an example of how laws should be prepared before being placed upon the statute books.

It is true that that encomium has not been entirely justified, from the fact that amendments, by the testing of the law, have been found to be desirable from time to time, but the same is true of most laws that are placed upon the statute books, or else we should not be assembled here. If our laws were perfect, free from every error, there would be no occasion for legislation at all. We are gathered here for the purpose of changing and perfecting laws, as in the evolution of business the commercial interests of the country demand, and because in the actual test of laws many disclose defects or suggest improvements that should be made. There is very much that I would like to say on the general line upon this subject, but I am going, as far as possible, to limit myself to a few matters, as other gentlemen desire, and I believe a large number, to say something on this subject. Certainly it would be ungracious for me to use up the hour at my command.

I desire to call attention to objections to the law itself. I did not hear many. I heard a declamation against the law from the gentleman who preceded me, but not any specific objection, not any fatal defect in the existing law. I listened in vain for any except from the gentleman from Missouri, who last addressed us, who said it was oppressive to the poor; that the poor debtor had no show under it, and therefore the law should be obliterated. Now, Mr. Speaker, if there ever was a law devised to help the honest poor man out of his financial difficulties, it is the law on our books to-day. I do not think the

gentleman who made that assertion thought when he made it

what the law was—the present bankrupt law.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman to ask a question?

Mr. TIRRELL. You may; yes. Mr. CLAYTON. Is not this bill a confession that your bankruptcy bill is defective, and does not your report show abuses of that law? Does not your bill and report itself sustain the argument made by those who favor the repeal of the whole law?

Mr. TIRRELL. I thought the gentleman from Alabama was going to ask me a question in regard to what I was speaking about at the time. I will take up that matter later on. I was saying was that there was an argument made on the other side that the present law was oppressive to the poor debtor. Why, there never was a bankrupt law where the benefit to the honest poor debtor was equal to the one on the statute books to-day. It is not necessary for a man who is poor to deposit any money, to pay one cent into the court, in order to have his bankruptcy passed upon or to receive his discharge. If he has no money, he makes an affidavit to that effect and the court, if satisfied with the truthfulness of the affidavit, takes his case, and that case is put through without his paying anything, either as court fees or expenses connected therewith.

Therefore you can not conceive of a case in litigation under state insolvency laws where, like the present law, an honest, poor debtor can go to the court without paying even an entrance fee and have his case taken care of and receive his discharge.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. TIRRELL. Yes, sir. Mr. BARTLETT of Georgia. Has the gentleman given the question investigation as to what is the proportion of the debts collected in the bankruptcy courts since the existence of the present bankruptcy law, as compared with what per cent was collected in state courts prior to the enactment of this law?

Mr. TIRRELL. That would be impossible to ascertain. There are no statistics upon that subject, but I want to say this, that when a man goes into bankruptcy he is usually at the end of his resources. He has collected the debts that are immediately, at least, convertible into cash. He is at the end of his rope. He has cleaned up his assets as far as he can, and, of course, in every bankruptcy case there would not be as many cases for collection, but very few cases for collection, in court as there would be in the case of one carrying on a business and who is bringing suit, off and on, in connection with that business from day to day.

Mr. BARTLETT of Georgia. May I ask the gentleman an-

other question?

Mr. TIRRELL.

Mr. BARTLETT of Georgia. Is it not a fact that the expenses in the United States courts attending the collection by the creditor of his debts out of the bankrupt estate cost the creditor immensely more than the collection in a state court?

Mr. TIRRELL. On the contrary, it is just the other way. It costs the creditor nothing in the bankruptcy court—that is, comparatively nothing—to collect his debts, whereas out of the bankruptcy court every suit must be brought and all the court costs which prevail in most States are added on to swell the amount. I venture to assert from a practical law experience under the bankruptcy law, from 1867 down to the present one, that the expense paid is much more to the creditor, as far as paying out money is concerned.

Mr. BARTLETT of Georgia. Does not the gentleman know that the report of the Attorney-General contains an itemized statement of these expenses and fees, and in many cases they go as high as 10, 15, and 20 per cent of the assets realized?

Mr. TIRRELL. That may be a general statement, but I want to see the report of the Attorney-General himself and find out by analysis of those expenses where they belong. I have had many cases under the bankrupt law, and I do not know where It costs the poor debtor nothing, as I have the cost comes in. already stated, and all the costs are so limited and supervised by the district court judge that nothing improper can be expended. The fees are so extraordinarily low now that are given the trustees in bankruptcy cases that it is almost impossible to induce lawyers in my section, or business men in my section, to take the trusteeship of these estates and lose a great deal of time in getting anything out of them. The truth of the matter is that under the present law expenses are reduced to a minimum. There is no distribution of property ever made under any law that in economy is equal to the one now upon our statute books. There can be no extravagant fees whatever in connection with the administration of a bankrupt's estate.

Mr. OLLIE M. JAMES. Will the gentleman yield for a

question.

Mr. TIRRELL. Yes.

Mr. OLLIE M. JAMES. Is it not true that when this law was under consideration the argument chiefly used in favor of its passage was that there ought to be a bankruptcy law every twenty to twenty-five years in order to give unfortunate men an opportunity to start anew, and that it was never intended that this bankruptcy law should remain a permanent law?

Mr. TIRRELL. I differ from the gentleman there.
Mr. OLLIE M. JAMES. Is it not true that that was the chief argument used at the time in favor of the passage of this

Mr. TIRRELL. All kinds of argument are used for the passage of laws. The gentleman has used many ingenious and original ones since he has been a Member of Congress

Mr. OLLIE M. JAMES. It never was intended that this law should remain a permanent law, as an avenue of escape for a

man who wanted to keep from paying his honest debts.

Mr. TIRRELL. I will take up the point the gentleman has The gentleman asks if the bankruptcy law was not intended to apply, when there were a large number of men in distress on account of financial embarrassment, to relieve them, but it was not designed for normal conditions. Now, then, if it was a good thing when there were 10,000 men in financial embarrassment to have a bankrupt law to relieve them, is it not a pretty good thing at the present time when, we will say, there are one-third of that number, to relieve them? Do not the one-third need the efficiency of that law to relieve them as well as the three-thirds, under the supposition of the gentleman from Kentucky?

Mr. OLLIE M. JAMES. The point that I made was that it was contended that it was to be a temporary law, but here you

are fighting for a permanent law.

TIRRELL. There is nothing in the Constitution of the United States which gives Congress exclusive jurdisdiction in bankruptcy that indicates anything of the kind.

Mr. CLAYTON. Will the gentleman allow me?
Mr. TIRRELL. I can not be further interrupted.

Mr. CLAYTON. Do you not know, as a matter of fact, that the proposition to limit the law to a certain term of years, the present bankruptcy law, failed by a vote of 3? That is my recollection.

Mr. TIRRELL. That may be so, for there will be—
Mr. CLAYTON (continuing). The object being to make it

merely a temporary law.

Mr. TIRRELL. That may have been the thought of some when the question was debated, but I find no evidence it was so intended by the framers of the Constitution. It was agreed that inasmuch as commerce should be free and interchangeable between the States it was absolutely necessary that Congress should have jurisdiction of all bankruptcy matters. There is no intimation in the Constitution itself or in the discussion when that part of the Constitution was framed, that I know of, that its temporary existence was intended by the fathers.

The objections to this bill and a bankrupt law are probably more succinctly stated in the views of the minority of the Judiciary Committee than they will be in this debate. tion, therefore, to their report filed with this bill and to their objections, except as they have been previously referred to. is claimed that the proposed changes emanate from the creditor class; that there are no organizations of insolvent debtors or small retail men who through organizations might make their

objections known to Congress.

It is not claimed, however, that there are not innumerable associations of poor men, of laboring men, of retailers, of artisans, and mechanics in all sections of the country. produce from them evidence that there is among them any opposed to bankrupt laws, or has one of these associations ever passed a resolution against them? None are quicker to discover discriminations or bolder in demanding their rights. this law had operated against them in any way and had not relieved them against disaster and even oppression, we should long ago and repeatedly heard them knock on legislative doors. Again they say, this law is a favorite method by which fraud may be perpetrated. The exact converse of this, I maintain, is true. Without it 48 ununiform and often crude statutes take its place, by which preferences are fostered and fraud is shielded, because no procedure is provided for the creditors to prevent the one or reach the other.

They claim that the primary object of the bankruptcy law is to relieve unfortunate debtors, and at the same time assert that it provides harsher and more effective collection laws. They say it was enacted for beneficent purposes, but has been converted into a means of oppressing.

They assert it is inimical to the debtor class, but fail to point out, as to any one of these assertions, wherein the law is defective or brings about any such conditions. Asseveration is

not proof. Declamation is not argument. The people of this country, the merchants, manufacturers, and traders, as well as the honest wage-earner, want a square deal throughout the States—the one to an equitable distribution of a debtor's assets without local preferences or successful concealment of property, and the other to a speedy discharge, easy and inexpensive to obtain, if he has been honest, that he may again add his labor,

time, and ability to the industrial world. KEIFER. Mr. Speaker, important as this question is, it will be impossible to-day, under the rule, to debate the question and to have it well understood. I do not agree in general

with the remarks made pro and con on this proposition to repeal the bankruptcy law. There seems to be a misconception somewhere in relation to the law. The original idea with the framers of the Constitution of the United States was not to establish a system of collection, particularly. That was an incident only. The fourth clause of the eighth section of the first article of the Constitution of the United States merely grants as one of the powers of Congress the right to "establish a uniform system of bankruptcy throughout the United States," not to establish a method of making collections. That was not

the idea at all.

But it was to prevent in the different States different forms of bankruptcy proceedings; and it was denied in the debates on the adoption of the Constitution of the United States that it was intended to affect the matter of insolvency laws in the different States. And it took about seventy-five years for the Supreme Court and other federal courts to reach the definite conclusion that in some way or other the bankruptcy law of the United States operated not to set aside the state insolvency laws, but simply to suspend them while there was an effort being made to enforce the bankruptcy law of the United States.

England has been struggling with this question through many centuries. I differ with my friend as to the date in which she commenced. She began in the thirteenth century, and they legislated up and down trying to ameliorate the very severe collection laws that allowed the creditor to put his debtor in prison. Where the debt was less than a pound, creditors not only seized the property of the debtors for its payment, but their persons, and put them in prison. William Shakespeare in his persons, and put them in prison. While the control of time is said in his history to have done this. It was through the operation of barbarous English collection laws that we got Principle Progress, written in an English jail. The effort was to get a bankruptcy system to afford relief from these severe provisions of the English laws, some of which we had over here in the colonies and the earlier States. In England a bankruptcy law was the result of a long struggle first to secure a measure of relief to unfortunate debtors.

It was not until 1542 that a bankruptcy system anything like satisfactory was enacted by the English Parliament, but it was not until August 1, 1849, that it adopted a comprehensive statute on the subject. The former act was in the time of Henry VIII.

The act of 1542 was directed in part against debtors, especially a class known as "illicit traders," described in the act thus:

Who, craftly obtaining in their hands great substance of other men's goods, do suddenly flee to parts unknown * * * against all reason, equity, and good conscience.

It was criminal in nature as to such traders, but it, like all others, looked to an equitable division of the debtor's property among all his creditors. It was not until in Queen Anne's reign that the bankrupt law of England was amended, taking away its criminal nature, and the bankrupt became entitled to a discharge, with the consent of a majority of his creditors.

Even of this bankrupt law, Lord Loughborough remarked

that-

The law, upon an act of bankruptcy being committed, vest his property upon a just consideration; not as a forfeiture; not on a supposition of a crime committed; not as a penalty.

And Chief Justice Shaw, of Massachusetts, in describing the English system, says it is

English system, says it is—

An adversary proceeding against a defaulting trader upon doing certain acts indicative of present or impending insolvency. These (bankrupt) laws provide, generally, that upon a trader's doing certain acts considered acts of bankruptcy, a creditor may apply for and obtain a commission (out of chancery), under which the whole of a trader's property is sequestered and taken into the custody of the law * * * the proceeds of which * * * are appropriated to the payment of all the bankrupt's debts, if sufficient therefor; otherwise to pay them in equal proportions. * * * The same law further provides that, if the bankrupt will honestly and faithfully cooperate in the proceeding; if he will disclose all his property and effects, and aid the officers appointed for that purpose by information and by all means in his power, and do all the duties required of him in the premises, he shall be absolved and discharged of all debts and receive a certificate as the authoritative evidence of his right to such discharge.

But for this bankrupter act providing for a beekving a bankrupt will be absolved.

But for this bankruptcy act providing for absolving a bankrupt from all debts upon the conditions named, the framers of our Constitution would not have authorized Congress to establish a uniform system of bankruptcy in the United States.

When our Constitution was adopted (1789), the idea was that we were not giving to Congress the power to make a bankruptcy law, and some of the courts afterwards held that the only bankruptcy law that would be constitutional under our Constitution was the bankruptcy law of England in force at the time the Constitution was adopted. But that has been overridden by the courts finally, and though it took a long time to get over all these things, we have gotten rid of the oppressive portions of the old bankruptcy laws, and we have done a great many things; so that instead of the bankruptcy law of the United States being now an oppressive one upon the debtors, it is one that gives them effective relief. My friend from Missouri [Mr. De Armond] cries out to have us vote to repeal the present law, because he says it would be a mercy to the poor and the debtor.

It would be turning over the debtor to the fierce operation of the state insolvency and collection laws, such as exist in many of the States of this Union, and offer him nothing in return in the way of a discharge in bankruptcy. I believe my friend from Indiana [Mr. Landis] says there are cases where men get a discharge and start in business again. Well, that is the very object and the benign effect of a bankruptcy law. He says dishonest men get the benefit of it. That may be so sometimes, but I have no idea that 5 per cent of the men who get the benefit of the law are dishonest, which leaves 95 per cent of honest men to start again in life and have a chance to start free from executions in the hands of sheriffs and constables.

And it ought to be borne in mind by Members that a dis-

And it ought to be borne in mind by Meinser's that a dis-honest debtor can not, if the law is properly administered, get a discharge under the bankruptcy law of 1898. We have had our troubles. The first bankruptcy law was passed April 4, 1800. It had a limitation of five years upon its existence, but on account of peculiarities that soon arose and the great complaint that came up from States in the Union that were enforcing barbaric execution laws against debtors, they repealed that law December 19, 1803, in less than four years. It was the people who wanted to enforce those barbarous collection laws, which we inherited from mother England, and who sent some of the better men of the country to prison because they were not prosperous and kept them for years or within prison bounds, that secured this early repeal. The great Simon Kenton, the noted Indian fighter of Kentucky and later of Ohio, was in prison or kept within prison bounds for months, if not years of his life, under a law of the kind that they wanted to enforce instead of the bankruptcy law of 1800. Robert Morris, the greatest of our Revolutionary patriots, who financed and, out of his own resources and by his own credit, maintained the army under Washington in the field, especially in the Yorktown campaign, later went to prison for debt, and neither he nor his estate have ever been reimbursed.

We waited forty-one years, to August 19, 1841, to get another bankruptcy law, and the same cry was again raised against that, and it had an existence of only about two years. It was repealed March 3, 1843. We waited until 1867, and then we got a more perfect and benign bankruptcy law that did a great deal of good in this country. It lasted eleven years, and was repealed September 1, 1878. Congress passed another July 1, 1898, with many improved provisions in it, corresponding largely to the 1849 permanent bankruptcy law of the Kingdom of to the 1849 permanent bankruptcy law of the Kingdom of Great Britain. That is the law that we should address ourselves to, to amend and cure its defects, and perfect it for the benefit of the honest man who is unfortunate in his business

transactions. [Applause.]

Mr. TIRRELL. Mr. Speaker, how much time have I left? The SPEAKER pro tempore. The gentleman has thirty min-

Mr. TIRRELL. I will ask the gentleman from Alabama [Mr. CLAYTON] if he will use a portion of his time?

Mr. CLAYTON. I yield ten minutes to the gentleman from Arkansas [Mr. Reid].

Mr. REID. Mr. Speaker, I send to the Clerk's desk and desire to have read as a part of my remarks a letter from the National Retail Grocers' Association.

The Clerk read as follows:

THE NATIONAL ASSOCIATION OF RETAIL GROCERS
OF THE UNITED STATES,
Cleveland, Ohio, February 5, 1909.

Hon. CHARLES C. REID.

Dean Sir: In justice to the retail merchants of the United States, we sincerely ask you to either give the retail merchants an opportunity to be heard on the Sherley bill to amend the bankruptcy act (H. R. 21929) before voting on it or cast your vote against it. A bill that is so unjust to the retailer, a man who stands between thousands of people and starvation other than as credit is extended to them by him, should not be legislated against in the manner the Sherley bill intends. The bankruptcy act has outlived its usefulness and should be repealed. I beg of you in all spirit of fairness to heed our petition.

Yours, truly,

JOHN A. GREEN. Secretary.

JOHN A. GREEN, Secretary.

Mr. REID. Mr. Speaker, it will be noticed that the letter which the Clerk has just read emanates from a class of men whose complaints or protests are seldom heard in the halls of this assembly. We hear much from those who persist in maintaining a permanent system of bankruptcy. They are those who are so situated that they may organize into large and powerful associations and be heard through their Representatives before the various committees of this House. The ordinary men, engaged in the common pursuits of life, who do not anticipate bankruptcy to-morrow, are not given to organizing into bodies and sending here petitions for the repeal of statutes that may only possibly operate against them in the future. The poor man, the ordinary man in business, has no occasion to understand the iniquity of the system until he falls a victim to it. This communication which has been read is from the National Retail Grocers' Association. The wholesalers, the Credit Men's Association, and that organization which I understand has recently sprung into existence known as the "National Association of Referees in Bankruptcy," are untiring in their efforts to continue the law "for the good of the glorious cause." this class of individuals who have always extended the operation of these statutes, until they became so harsh and oppressive upon the debtor classes, upon the smaller business men, upon the people generally, that their Representatives here were forced to repeal them. I can not understand how gentlemen can find consolation in rehearsing here the story of the various enact-ments of these laws during the history of this country. It seems to me to be no argument in behalf of the present system that similar laws have been several times enacted and as many times repealed. The first bankruptcy law, as was suggested by one of the gentlemen, was limited in its duration. In my humble judgment any law of the kind ought to be limited, and under no circumstances made permanent in this country. first bankruptcy law was by its terms limited to five years, but was repealed in less than two.

Another, the law of 1841, was met by such a storm of protest that it was repealed by the very Congress that enacted it. Another met a similar fate when its operation became thoroughly extended throughout the country. This has been the history of this character of legislation all along. The fact that the framers of the Constitution reposed the power in Congress to enact such statutes does not in itself determine the wisdom of exercising the power. It is not unlike many other powers conferred upon the Federal Government, some of which have never been used at all, some have been used with extreme caution, and others only when time and occasion required.

In my judgment, the power to enact bankruptcy laws is one

that should be exercised with wise discretion and promptly repealed when the emergency is passed. There are times in the history of every country when, in spite of the wisest statesmanship or the most frugal and economical management of business institutions, financial storms will arise, sweep throughout the length and breadth of the land for a season, and the just and the unjust, the industrious and the slothful, the honest and dishonest are alike left prostrate and helpless in its Then it is that the good of society requires that some means be afforded the honest and unfortunate man by which he may surrender to his creditors what remains of his shat-tered fortunes and liberate himself from the hopelessness and despondency of financial distress. When this has been accomplished all has been done that comes properly within the purpose of bankruptcy legislation. Every attempt to extend it further has resulted in its becoming an agency for the accomplishment of purposes entirely foreign to the object of its origin. It is no longer a measure for the equitable distribution of the assets of bankrupts, but becomes at once an oppressive and expensive procedure for the collection of debts. The voluntary feature opens the doors to fraud and the involuntary to oppression and coercion. Gentlemen cry out as though the repeal of this law would deprive somebody of vested rights or uproot and overthrow some ancient and beneficent principle. the enactment of the present law, through more than a hundred years of our history, three different bankruptcy acts afforded an aggregate duration of only fourteen years. During that century, with the exception of these fourteen years, the insolvency of the States were found amply sufficient to admit of the establishment of the commercial integrity and greatness of this

Any attempt to model a system of bankruptcy laws in this country similar to that which obtains in England will always be met with failure. Gentlemen have stated the fact that in Italy, France, and England they have had various bankrupt laws. England's experience, even with the facilities at her command for the administration of such a law, has been by no means satisfactory. Since the days of Henry VIII one statute after another has been enacted, amended repeatedly, and finally

repealed. Writers upon the English law and practice in bankruptcy state that the law there was so objectionable that a new law was found necessary, and after various unsuccessful attempts the law of 1883 was passed. The various acts upon the subject had been amended and consolidated by Parliament in 1825. In 1831 a bankruptcy court was established depriving the chancery court of jurisdiction, and official assignees were created. In 1841 other changes were made in the law and the powers of commissioners enlarged. In 1847, along with other changes, jurisdiction was restored to the courts of chancery. In 1849 the bankruptcy consolidation act was passed, providing for further important changes and another enlargement of the powers of commissioners, and a new system for the collection of fees. Mr. Buchanan of Virginia, some years ago a Member of this House, filed a report upon the subject, in which he reviewed the history of the English legislation and from which I derive most of the data upon the subject, quoted an English writer, Mr. Robinson, who said that the act of 1849 was hailed with much satisfaction. It was expected that it would create a high standard of commercial morality, reduce fraud and dis-honesty on the part of bankrupts, and lessen delays and expenses which had theretofore prevailed. Whether the results warranted the expectations may be imagined when we learn that in 1861 further and far-reaching changes were again made; among them the court for the relief of insolvent debtors was abolished and its jurisdiction transferred to the bankruptcy court. Dissatisfaction continued to prevail, and in 1868 the bankruptcy amendment act was passed. In 1869 the whole subject was again revised and an entirely new law in many respects took the place of the old. This also became the subject of extravagance and abuse, and sharing the fate of all previous enactments, was swept away by the act of 1883.

The fraud, extravagance, waste, and abuse that always attended the administration of these laws occasioned a learned chancellor to express the opinion that they had degenerated into little more than the stock in trade for the commission, assignees, and solicitors

We are hearing protests of a similar character from all over the land to-day. Men who are interested in the emoluments which the procedure affords, men who get the fees, men who hold the positions created by the law, and those who make use of it as a debt-collecting agency, are the ones interested in perpetuating it. All the influences brought to bear to perpetuate and amend this law from time to time spring from these classes only. They come here and tell us they are not interested in this law for selfish purposes of their own, but solely in the interest of the debtor, whose obligation they hold and are seeking to enforce.

No man can deny that the present like all other bankruptcy statutes found its origin in the desire to relieve the widespread distress that followed financial depression. It was an answer to the cry of the unfortunate and helpless. It never would have been the law had conditions been normal, as they are It was not passed for the purpose of enlarging the facilities for the collection of debt or because state tribunals were lacking in either power or disposition to afford adequate remedies. These arguments would never have induced its enactment. The conditions that called it into existence are gone. The distressed have met relief. Those who were crushed beneath the weight of those troublous times are again laying hold upon the cables of hope and opportunity. They ask nothing of Congress but to be let alone. This class, for whose benefit this law was really enacted, ask nothing further at our hands. Busied with the problems of the future which have again been opened up to them, they are altogether unconscious of the tender solicitude for their present welfare, which is manifest in the earnestness and activity by which credit associations and court officials defend the law and insist upon its further amendment and extension.

Mr. Speaker, I believe in hearing from both sides of this question. I would like to know if the "Debtor Men's Association" find this law a wise provision for permanent legislation. We have seen that every bankruptcy law that has lived beyond the conditions which justified its enactment has become the instrumentality of fraud and oppression. The greatest statesmen of both this country and England have wrestled with the question for generations. The conditions in England are far more favorable to the establishment of a permanent system there than our form of government will admit of, and yet failure has been stamped upon all her enactments heretofore, and success and satisfaction upon none. There is something inherently wrong with the proposition as a permanent measure. No law upon the subject has ever risen above the wisdom of the ancient Hebrew, whose customs provided for the cancellation of debts at long intervals upon the return of the Year of Jubilee. Sir, the constant demand for amendment, the cry of complaint fast com-

ing up from all quarters, protests such as are embodied in the letter read by the gentleman from Indiana [Mr. Landis] and the one I have just had read at the Clerk's desk, convince me that we have yet by no means attained here in perfection what has always elsewhere been impossible. I, for one, choose rather to be guided and controlled by the deductions of experience than by the illusions of theory. Gentlemen argue that we should have a law for the collection of debt which operates uniformly throughout the country. I deny that this comes within the proper purview of a bankruptcy law. If it did, this contention also gives way before the experience of the past.

One test of the efficiency of the statute for this purpose is

found in the answer to the question, What has been accomplished by it? If I recollect the statistics correctly, under the plished by it? If I recollect the statistics correctly, under the old bankruptcy statutes only 11 per cent of their debts was realized by creditors, after deducting the expenses of administration. Under the insolvency laws of the State 33½ per cent was collected. I am informed, and I think reliably, that a much less per cent is realized to-day under the operation of the present system. I do not know that that is correct, but I have no doubt that if statistics were properly compiled, and the truth were known, this would be found to be the case. The law when permitted to stand for long periods, has always belaw, when permitted to stand for long periods, has always become obnoxious to both debtor and creditor.

The voluntary feature has always developed into an agency for fraud and the involuntary feature into an agent for op-This has been the history of the statute without an

Mr. THOMAS of North Carolina. Will the gentleman yield for a question?

Mr. REID. I will. Mr. THOMAS of North Carolina. If the gentleman has the information, will he please advise the House how long the various bankruptcy laws enacted since the civil war have remained on the staute books? The gentleman mentioned a bankruptcy

law enacted prior to the civil war.

Mr. REID. Aside from the present law, there has been only one since the civil war; that was the act of 1867, in existence for

eleven years.

Mr. THOMAS of North Carolina. Was not there an act passed in 1867?

Mr. REID. Yes. That was repealed in 1878. The first act was passed in 1800 and repealed after three years. It was limited to five years, but was repealed in three. In 1841 there was also an act passed, and that was repealed by the same Congress that passed it. The act of 1867 was repealed in 1878, and

our last act ought to be repealed now.

Mr. THOMAS of North Carolina. So there have been but two bankruptcy acts since the civil war, the act of 1867 and the

Mr. REID. Yes; and the act of 1898 has existed longer than any prior law. The House passed a bill to repeal the act of 1867 once or twice before the Senate concurred and it was finally repealed. President Grant sent a vigorous message to Congress on the subject, calling attention to the fraud and perjury and abuse and waste that was attendant upon the administration of this law and strongly urged its repeal.

Now, as I stated a moment ago, England is almost exclusively a commercial country. Her territory is small and her population is dense. We have a far greater geographical area and a great diversity of resources. What may be just for one locality

operates unjustly in another.

But, Mr. Chairman, I am anxious that other gentlemen should occupy some of the time in this discussion. At the request of some of my colleagues on the committee, I prepared the views of the minority, and I ask unanimous consent that I may print that document as a part of my remarks. I now yield back the

balance of my time.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to print the minority views as a part of his remarks. Is there objection?
There was no objection.

The minority views are as follows:

We think the time has come when the entire bankruptcy law should be repealed, and thereby obviate the necessity for continuous amend-ment,

ment.

In our opinion, the difficulties with a permanent bankruptcy system are inherent, and the efforts to remedy such defects from time to time by amendments will remain futile, and serve only to postpone the date when the hopes of those who oppose every provision of the measure will be accomplished by its entire repeal.

One of the objections against the continued amending of the law is found in the fact that such amendments originate only with those whose interest it is to continue the system. Proposed changes in the law emanating from the creditor class, credit men's associations, and organizations of officials whose existence is derived from the law necessarily tend to develop in the end harsher provisions toward the unfortunate debtor and a gradual extension of the provisions of the law in the inter-

ests of one class only. We do not believe that even the improvement of a system fundamentally wrong will be attended with desirable results. There are no organizations of insolvent debtors or small retail men through which such classes may make known to Congress their objections to such legislation. These men and others in the various pursuits of life who do not contemplate becoming bankrupts, but who may tomorrow suffer from the harsh provisions of such a law, have no special representation here and no hired attorneys to present their of life who do not contemplate becoming bankrupts, but who may tomorrow suffer from the harsh provisions of such a law, have no special representation here and no hired attorneys to present their direct of all of these must be guarded, if guarded at all, by their representatives in Congress. There is no means of arriving at the sentiment of this very large class except as it may be gathered from the personal experiences and general observation of each representative.

Resolutions adopted by boards of trade and organizations of wholesalers, federal officials, and credit men can reliect only an one-sided and extended in the interests of one class until it became nothing more than a harsh and oppressive agency for the collection of debt. This prediction has been amply justified. The operation of the statute in the federal courts is necessarily cumbering the collection of debt. This prediction has been amply justified. The operation of the statute in the federal courts is necessarily cumbering the statute of the subject of the subject have been apply justified. The operation of the statute in the federal courts is necessarily cumbering the subject is unsatisfactory caustics. England, exercising the unilmited power of Parliament throughout the whole domain, has sought for generations to develop a satisfactory bankrupticy law. From the reign of Edward III one law after another was enacted.

We are not unaware that some writers upon the subject have combened as a subject have combened a

courts whose existence depends upon the perpetuation of bankruptcy proceedings and who naturally become allied with the unreasonable and implacable creditor. Interest in perpetuating it becomes confined to one class only.

The small business men of the country are by far the more numerous, and must always remain so. Their encouragement and protection is highly necessary to the prosperity of the entire country. They are usually found in the small towns and villages, remote from the centers where the federal courts are established. The expense and inconvenience of defending against bankruptcy proceedings, aside from the legal cost and fees in such cases, becomes a powerful weapon in the hands of an uncompromising creditor, by which he may enforce his demands. We submit that the insolvency laws of the States are found to be more just and satisfactory under general conditions. They are made in keeping with the conditions that exist in each locality, and when no general disturbance imposes the same misfortune upon the whole country alike, these laws should prevail. No objection against their provisions or their administration can be found that will compare with that which is manifest against national acts in the fact that each heretofore has been many times amended and finally repealed.

Under the insolvency laws of the States creditors have collected a larger per cent of their debts than they did under the old bankruptcy laws, and we feel quite sure that if statistics were available the same situation would be found to exist at present. This is doubtless due to the fact that proceedings in the federal court are necessarily more cumbersome and expensive, attendant with more delays and prolixity, than that of courts nearer the residence of litigants and witnesses. If we calculate the percentage of a small estate that must necessarily regard the system even as a proceeding for the collections of debt as a failure. In our opinion there should be no exercise of federal power when there is not a clear necessity for it. C

who derive emoluments from its operation. We can not bring ourselves to look upon "credit men's associations" and organizations of bankruptcy court officials as interested and actuated altogether for the "good of the glorious cause." We fear the development of a situation similar to that referred to by an English chancellor in speaking of the bankruptcy laws of England when he said: "They are little more than the stock in trade for the commissioners, the assignees, and the solicitors."

of the bankruptcy laws of England when he said: "They are little more than the stock in trade for the commissioners, the assignees, and the solicitors."

Those who are interested in converting the bankruptcy law more and more into mere collection machinery, and lawyers whose practice is confined largely to bankruptcy cases regard the bankruptcy law with favor, and their appreciation of the law increases as the law is made more and more severe and harsh against the debtor class. They forget that the primary object of the bankruptcy law is to relieve unfortunate debtors from the weighty oppression of debts impossible for them to pay. These advocates of drastic bankruptcy legislation care nothing for the debtor class. The paramount object of their desire is to obtain harsher and more effective federal collection laws, all resting for their constitutionality upon the power of Congress to pass a bankruptcy law. We are not willing to see this provision of the Constitution, written for beneficent purposes, converted into a means of oppression. We believe that many amendments proposed by the creditor class to the bankruptcy law are infinited to the debtor class, and naturally so. The creditor is apt to think that the debtor should not have any very liberal relief. Thisopposes the very fundamental theory of any bankruptcy law. Such a law rests for its justification upon the beneficence that it is supposed to afford unfortunate debtors. We are unwilling to subscribe to a theory that ignores this idea which lies at the foundation of all proper bankruptcy legislation.

The present bankruptcy act has stood longer than any prior act of the kind in the history of the country. As we have said, we do not believe there is any longer any necessity for its retention. One reason given for its enactment was that it was to relieve insolvent debtors from debts beyond their ability to pay and that were fastened upon them by the unusual stringency of the times. This law has served its day and purpose. It is now the subject of more abuse

A bill to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898.

Be it enacted, etc., That the act approved July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States," and all acts amendatory of such act, be, and are hereby, repealed: Provided, That nothing herein shall in any way affect proceedings under said act begun prior to the time this act takes effect.

We shall offer the above substitute for the bill as reported by the committee and ask its passage in lieu of the bill reported by the majority of the committee.

CHAS. C. REID.
D. A. DE ARMOND,
H. D. CLAYTON.
R. L. HENRY.
W. G. BRANTLEY.
E. Y. WEBB.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that every gentleman who speaks or has spoken on this subject today be given leave to extend his remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama asks manimous consent that every gentleman speaking on this subject to-day have leave to extend his remarks in the Record on this subject.

Mr. FOSTER of Vermont. For how many days? Mr. CLAYTON. Oh, I will say five days. The SPEAKER pro tempore. To extend his remarks for five days upon this subject.

Mr. CLAYTON. Mr. Speaker, I did not at first ask for any limitation. The life of this Congress is not very long, but if the gentleman wants it limited, I will limit it.

The SPEAKER pro tempore. Is there objection? [After a nuse.] The Chair hears none. The time of the gentleman from Arkansas [Mr. Reid] has expired. The gentleman from Alabama has twenty minutes remaining, and the gentleman

Alabama has twenty minutes remaining, and the gentleman from Massachusetts has thirty minutes remaining.

Mr. CLAYTON. Mr. Speaker, I will ask the gentleman from Massachusetts to occupy a part of his time.

Mr. TIRRELL. Mr. Speaker, I yield seven minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the question before the House at present is whether we shall have a uniform bankruptcy law or 47 different statutes that will vary as the whims and onlying of the different statutes that will vary as the whims and opinion of the different state legislators decide what should be the provisions for insolvency legislation in their respective States. Most of us as practitioners have acquaintance with the old method that was in force prior to the establishment of the uniform bankruptcy law, and the only question here is whether we shall have a uniform system of bankruptcy legislation or one of contrariety of character. I have been a supporter and believer in state-rights legislation, but if there is ever a need of having uniform legislation it is in those matters that pertain to the business affairs of the country. It has been argued that because in prior times with bankruptcy measures those measures were repealed shortly after their enactment that that is reason to-day why we should follow that course at this

time, but I wish to emphasize upon the attention of the Members the fact that the conditions as they exist to-day in the commercial world are entirely different from what existed thirty years ago. There are no boundary lines of States, so far as business affairs are concerned, and it can not be contended here that it is not better to have 1 uniform law than 47 different laws. The gentleman from Alabama [Mr. CLAYTON] and the gentleman from Missouri [Mr. DE ARMOND], almost with tears in their words, say this is a law against the interest of the debtor class; but let us for a minute examine the statistics, as shown by the report of the Attorney-General for the year 1908, in their respective States, as to how many have taken advantage of this bankruptcy law. Of 341 voluntary petitions that were filed in Alabama, 278 of them involved cases of less than \$500, and 201 of those pertained to wage-earners exclusively. In Missouri 319 voluntary cases were filed, of which 249 involved less than \$500, and of these 115 related exclusively to wage-earners. In the face of these statistics will it be contended that this law is not of value to the poor class, and where is there any demand-

Mr. REID. Mr. Speaker-

The SPEAKER pro tempore. Will the gentleman yield?
Mr. STAFFORD. If the gentleman from Arkansas would care to have the figures read from his State, I would be pleased to give them.

Will the gentleman yield for a question? Mr. REID.

Mr. STAFFORD. I yield for a short question.

Mr. REID. Has the gentleman any statistics at hand that will show how many debtors, small debtors, were crushed out of business by threats of involuntary bankruptcy?

Mr. STAFFORD. I have here in that connection the number of cases of involuntary bankruptcy, and that is the only method to force a man out of business, and in most instances of that character of cases the proceeding is with the approval of the bankrupt. In Alabama, as against the 341 voluntary instances, there were only 58 involuntary cases. In Missouri there were 319 voluntary and 103 involuntary cases. to show that the poor man as well as the retail merchant is provided for under this bankruptcy legislation. The very theory of the bankruptcy legislation is to provide protection to the unfortunate debtor, to provide him with court machinery whereby he may discharge all his obligations, so that they will not hang as a yoke upon him. It can not be argued at all that this law is in any sense in favor of the creditor class. Far from it, because it seeks to curtail and limit the expenditures of the trustees and referees and have the available property distributed equitably to all creditors under a uniform system. Many of us remember the practices that prevailed under the old state system, whereby banks, by reason of their position on renewing loans when the business man was hard pressed for credit, got the preferential advantage, or some other preferred and favored creditor, who took the assets under attachment proceedings on a judgment note, to the disadvantage of the creditors generally. But who will deny that under this bankruptcy law the creditors do not obtain a uniform distribution of the assets of the debtor? I do not wish to return to the method that was in vogue prior to the enforcement of this act, with its favoritisms and unfair practices. If there was ever an occasion where we should have uniform legislation, so as to protect the business man in this country, so as to protect the creditors and the debtor class, it is with this character of legislation that is pending at present before the House, and the question is, Shall we have uniform legislation or shall we have a contrariety of legislation, over which the business men of the country can not have any control by reason of the varying statutes in their respective States? I submit at this time, when the country is expanding in its commercial relations, when we are called on time and time again to invade the States in their privileges, that in this particular there is justification for our retaining jurisdiction and having uniform legislation, as that provided in this law and as embodied in the amendments that are to be acted upon later if this substitute is voted down. Let us meet the existing conditions by continuing and strengthening the bankruptcy law, that the business interests of the entire country will be accorded in all the States the same equity, without favor to any class and with justice to all.

Will the gentleman from Alabama use some Mr. TIRRELL. of his time now?

Mr. CLAYTON. Mr. Speaker, I believe I have twenty-seven minutes remaining.

The SPEAKER pro tempore. The gentleman has twenty-seven minutes remaining.

Mr. CLAYTON. I now yield ten minutes to the gentleman from Texas [Mr. HENBY].

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to discuss the amendments proposed, but I shall address myself for the few moments allotted me to the proposition that the bankruptcy law as it exists should be repealed. It was my fortune to be a member of this body when the Henderson bill, which is the present bankruptcy act, was passed; and I remember distinctly the arguments pro and con made at that time. Mr. Speaker, you may search the history of the country and make investigation of the causes that brought about the enactment of bankruptcy measures in all countries, and you will find primarily they have been for the purpose of relieving dis-tressed debtors. When the delegates were assembled in the convention which made the Constitution of 1787, a research of the brief history there made on this subject will demonstrate the one purpose uppermost in the minds of the framers of the Constitution when they wrote the bankruptcy clause was that Congress should have power to deal with the question of Congress should have power to dear with the question of bankruptcies in order that debtors might be relieved of their burdens. Such was the purport of this clause of the Constitution. We have had three bankruptcy laws prior to the present one; one, which has been referred to, in 1800, which was passed by the Federalist party. It had a mandatory limitation of five years upon it, and was repealed in less than three years. The next law was passed in 1841 by the Whig party, and so odious was this measure it was repealed in thirteen The next act was in 1867, enacted by the Republican party, and its provisions were made so severe, cumbersome, and odious it was repealed after it had been upon the statute books for a little more than ten years. Mr. Speaker, in each one of these three laws to which reference has been made there was a provision providing for involuntary bankruptcy, and I maintained in the former discussion, as I do here, that if these involuntary features had not been in the statutes they would have remained upon our books much longer than they did.

What was the situation when we passed the law in 1898? I made a diligent search of the statistics as far as possible and ascertained that when we were about to pass that law there were more than 200,000 bankrupt debtors in this country who were entitled to relief at the hands of Congress, and no State could give that relief because it was not within the power of the State to pass such a general bankruptcy law. It was found their indebtedness amounted to millions of dollars, and the one thing appealing to the American Congress ten years ago and impelled the passage of the act was they could give relief to these people and at the same time protect the rights of credit-ors. None of us would jeopardize the rights of the creditors; but let me say to you, gentlemen, that on every occasion when these amendments have been proposed to a bankruptcy law we have found the creditors demanding the pound of flesh. They have appeared before the committee and asked that the laws be drawn tighter in order that they could more surely enforce their debts. There was no one appearing to speak for the

debtor except his Representative in Congress.

Mr. CRAWFORD. Will the gentleman from Texas allow me to ask him a question?
Mr. HENRY of Texas.

I have but a few moments, but I will

yield if the gentleman will be brief.

Mr. CRAWFORD. I desire to ask whether or not the bank-ruptcy court under the present law has jurisdiction when a preference has not been made in assignments under the state

Mr. HENRY of Texas. I have not the time to go into that question now, if the gentleman will excuse me. I am not now considering the amendments at all. It has been the creditors who have asked that the law should be made more stringent whenever any amendment has been proposed. The law has already become so odious and burdensome that it eats up the estate of any ordinary individual who must go into the bank-ruptcy court, and I maintain that the time has come when it should be repealed. It is nothing but an engine of oppression for the collection of debts. It has become a vehicle for frauds and injustices. It has served its purpose, and we should relegate the subject of insolvency and collection laws to the respective States of this Union and let them deal with them.

They are competent now to deal with them as they have ever

This law has been in existence since 1898 and is ripe for extinction. There was a hiatus of twenty years from the repeal of the law of 1867 until the present law was enacted. Why was it there was no law upon the statutes during that time? Simply because the act of 1867 had become a stench in the nostrils of the American people, as the present act is rapidly becoming, and the President of the United States sent a message to Congress urging and demanding that it be repealed because so much corruption was manifest in the bankruptcy courts.

It was promptly repealed, but shortly afterwards there came appeals to Congress for another bankruptcy law. From what sources did they come? One composing those who desired to be relieved from their debts and had no other alternative of getting from under a mountain of indebtedness. Another source, those who would make a bankruptcy law a mere machine for Those gentlemen insisted upon an inthe collection of debts. voluntary feature being placed in the law and for some months we discussed before the committee the notorious and somewhat famous Torrey bankruptcy law, which gave practically every privilege to the creditor demanded by him and denied to the debtor many rights that he could justly claim. But the Henderson bill was substituted for the Torrey bankruptcy law, and it was softened in many features. I cast my vote against the present law then for the reason that it contained severe involuntary features. If those propositions were not in there, if there were not provisions in it causing oppression of the debtor, permitting the officers of the bankruptcy courts, referees, and others to prostitute the purposes of the law, there would be no demand for its repeal on this occasion.

And, speaking in behalf of those people, in behalf of those who believe this law has been abused and has already accomplished its purposes as far as bringing relief to debtors is concerned, I desire to state my deliberate judgment that the time has come when the present bankruptcy act should be repealed and the question of insolvencies remanded to the States of the

Union, where they properly belong. [Applause.]

Mr. CLAYTON. Mr. Speaker, will the gentleman from Massachusetts [Mr. Tirrell.] yield some of his time or all of it?

Mr. TIRRELL. I will inform the gentleman that I have only

one more speaker on my list. He will have all the remainder of my time, and while I admit that the gentleman from Alabama should have a closing word, if he has his time divided up among several, I would suggest that he use part of it.

Mr. CLAYTON. Being the author of the pending measure and supporting it, I assume that I have the closing of debate.

Mr. TIRRELL. The gentleman certainly has. Is the gentle-

man's time divided up among several?

Mr. CLAYTON. I had not made that announcement; but the gentleman evidently is a mind reader. Mr. TIRRELL. I will infi that he will have the closing. I will inform the gentleman from Alabama

Mr. CLAYTON. I have seventeen minutes left, I believe, Mr. Speaker?

The SPEAKER pro tempore. Seventeen minutes.

Mr. CLAYTON. I yield ten minutes to the gentleman from Georgia [Mr. Brantley].

Mr. BRANTLEY. Mr. Speaker, I do not desire to consume any time in the discussion of the proposed amendments to the bankruptcy law. So far as I am concerned, if this law is to remain permanently upon our books, I think it ought to be perfected so as to make it as wise, just, and humane a law as possible, and I am not opposed to any amendment that will tend to produce these results. As I understand these amendments, they are in the main, if not entirely, in the interest of the creditor class. They are designed to make more certain the collection of debts and to increase, if possible, the returns from the estates of insolvent debtors. So far as I am concerned, I have no fault to find with them on that ground, for if it is to be the continued policy of this great country to leave entirely to Congress the enactment of all collection laws, then I think these collection laws should be so perfected as to prohibit as far as possible the perpetration of all frauds. I am fundamentally opposed, however, to the Congress of the United States having anything to do with collection laws, and I believe that the present bankruptcy law, having degenerated into and become mere machinery for the collection of debts and not for the relief of debtors, should be repealed. I conceived it to be my duty, as it was my privilege, to vote against the enactment of this law at the time it was enacted. Before doing so, however, I voted to eliminate from it the involuntary feature contained therein.

With the elimination of the involuntary feature I was willing,

as many of us who voted against it were, to enact a voluntary bankruptcy law for a limited period of time. I think I am entirely correct, Mr. Speaker, in stating that the present law would never have been enacted except for the demand of the insolvent debtors all over this great land for relief. The law was enacted primarily for their benefit. The demand to-day for the retention of the law comes not from the debtor class, but from the creditor class. The pending bill comes from the Credit Men's Associations of the country. These associations not only demand the retention of the law, but the making of it more rigid, not to help insolvent debtors, but to assist creditors. When the

pending amendments are adopted, the title of the law should be changed to read "A law to make uniform all the collection laws of the United States." I am opposed to all this kind of legislation, Mr. Speaker, on principle. I do not believe it is any part of the function of the Government of the United States to regulate the manner and method of collecting debts all over this country, except in so far as may be necessary from time to time in the administration of a voluntary bankruptcy law. It is true that the Constitution vests in Congress the power "to establish uniform laws on the subject of bankruptcies," but I apprehend that the purpose of the framers of the Constitution was to provide some relief when relief became necessary to the insolvent debtors of the country, and that was the purpose of that provision.

The time must come in every country when panic and disaster overpread it, and when men throughout its breadth and length are overburdened with debt. When these times come there should be some means by which these men involved in universal distress can surrender all that they possess to their creditors and have left to them as their own their future. apprehend the men who wrote the Constitution never designed that bankruptcy laws should be for any other purpose than thus to relieve insolvent debtors. The power to grant this relief must necessarily have been lodged in Congress if the other provisions of the Constitution were to stand, for somewhere in the body of the Constitution it was written, and is written to-day, that the States are prohibited from passing any "law impairing the obligation of contracts."

Mr. Speaker, contracts are sacred things, and should be so regarded, and the framers of our Constitution were wise in providing that States should pass no laws impairing the obligation of contracts. I maintain that the true theory of our Government is that the States shall never pass any laws impairing the obligation of contracts, and that Congress shall only do so in times of great public distress

Mr. SHERLEY. Will the gentleman yield to a question? Mr. BRANTLEY. I have but a few moments, and I can not vield.

I believe that under the bankruptcy power of the Constitution Congress should from time to time, when conditions demand it, enact voluntary bankruptcy laws for the relief of insolvent debtors; and when that relief is accomplished the law should be repealed. It has been the uniform policy of this country from its foundation that its bankruptcy laws shall be of temporary character. The law of 1800 was repealed in 1803. The law of 1841, which did not go into effect until 1842, was repealed in 1843 by the same Congress that enacted it. The law of 1867 was repealed in 1878. The present law was enacted in 1898, and in accordance with the uniform policy of our Government the time has come to repeal it.

The only argument that has been advanced in favor of the retention of the present law, and when sifted down all the arguments come to that, is that by means of this law the credit man has all the collection laws of this country embodied in one law and can know how he stands in the business of collecting his debts, and does not have to study and know the various collec-tion laws of the different States. The argument in favor of the retention of this law is that it should be retained not as a bankruptcy law, but as a collection law. I can very well understand, Mr. Speaker, theoretically, why if I was a credit man I would favor a uniform collection law. It would seem to save me trouble. But that argument would centralize all power in the Federal Government. There are many things we can think of that theoretically it would seem to be better to have one uniform law controlling them, but this fact can not dispense with the dual system of government under which we live and under which we must live. I believe that under that dual system the matter of collecting debts, the matter of general insolvency, should be left to the States and that Congress should confine its efforts now and then to relieving the insolvent debtors of the

country by a voluntary bankruptcy law.

Mr. Speaker, one insuperable objection to this law, or to any national bankruptcy law, is the fact that you can never perfect it; you can never make it satisfactory. No country in the world has ever done so. You can take the history of England for three to four hundred years, and every Parliament, almost from year to year, has been engaged in modifying, changing, or altering its bankruptcy law.

What is true of the English Parliament is true of this Congress. The present law was scarcely placed on the statute books before proposals came thick and fast to amend it. I recall that it was amended in 1903 and again in 1906, and now it is proposed further to enact a series of sweeping amendments. It must be remembered, too, that the amendments now being proposed are but a tithe of those being asked for, and when

the pending bill has become a law the ink will not be dry on the statute books before there will be yet other amendments proposed. The reason for this is very simple, for the trouble in perfecting such a law as we now have is fundamental and impossible to be overcome. Any bankruptcy law that undertakes to combine the voluntary and involuntary features undertakes harmoniously to adjust and reconcile rights and privileges that are too antagonistic and too fundamentally opposed to each other to ever be harmoniously or satisfactorily adjusted. The plea of the unfortunate debtor to be released from his debts has nothing in common with the just demands of the debtor to be paid that which is due him.

Eighty years ago Senator Van Buren, at the other end of the Capitol, said, in speaking of the effort to combine the voluntary and involuntary features of bankruptcy in one law, that it is an erroneous idea that "this bill (a bill proposing such a union) can be made to serve God and Mammon by combining two things totally at variance."

Gentlemen who speak of other countries of the world as having bankruptcy laws lose sight of our dual system of government and of our dual judiciary.

Our various States, in the absence of a national bankruptcy law, have their insolvency laws, so that there is never any lack of facilities for the enforcement of contracts and the collection of debts, including the distribution of the estates of insolvent debtors. It is better that these matters should be left to States, for it is impossible in a country of the vast extent of states, for it is impossible in a country of the vast extent of ours and with all its varying conditions to have one uniform law on these subjects that will operate with fairness and justice in each separate locality.

The retention of one national law covering these subjects, such as we now have, is a constant incentive and inducement to centralize more and more power on kindred subjects in the Federal Government. The President has repeatedly urged a uniform law regulating the business of insurance. The present Commissioner of Corporations has urged upon this Congress the enactment of laws that would submit to a bureau the supervision and regulation of commercial contracts affecting interstate commerce, and bills with that purpose in view have been introduced and are now pending before us. also here submitting to bureaus and the chiefs thereof the control of the grain industry, the turpentine industry, and even the great cotton industry of the South. The Interstate Commerce Commission is having its powers and jurisdiction increased and enlarged from time to time, until the day is not distant, if present enactments continue to multiply, when the state railroad commissions will for all practical purposes be emasculated and destroyed. A halt should be called somewhere in this steady march toward complete centralization, and I am in favor of repealing the present national collection law as

one step toward declaring such a halt.

I favor the repeal of the present law for another reason, and that is that it is a standing invitation to fraud and disaster. I believe that it is conducive to speculation, to immorality and dishonesty to keep permanently on our statute books a law whereby men know that they can be relieved from the obligation of their contracts. Such a law is always dangerous in these regards, and the only justification for it, as I have already stated, is in times of widespread and universal disaster, and even then its aim is not to relieve from future misfortunes, but to save from those that have already come.

The present law places no limit as to the amount a man must owe before he can seek a voluntary discharge in bankruptcy. The idea has prevailed, and perhaps prevails now to some extent, that the bankruptcy law, in its mercy and for the good of the State, was designed to relieve the overburdened debtor, the one whose condition is hopeless, the one who, staggering under mountains of debt, has no hope without such relief. Such, however, is not our law. Any person, except a corporation, having debts, our law says, may be voluntarily discharged in bank-ruptcy. The debts may be simply his grocery bills that the trusting grocer allowed him to make. They may not be large in amount. A month or two of his income may be sufficient to discharge them, but he need not pay them if he does not want to. He can go into the bankruptcy court and have them wiped Is it any wonder, therefore, under this state of facts, that the National Retail Grocers' Association asks for the repeal of the law, as witness the following letter:

THE NATIONAL RETAIL GEOCERS' ASSOCIATION OF THE UNITED STATES, Cleveland, Ohio, February 5, 1902.

Hon. W. G. BRANTLEY.

DEAR SIR: In justice to the retail merchants of the United States we sincerely ask you to either give the retail merchants an opportunity to be heard on the Sheriey bill to amend the bankruptcy act, 21929, before voting on it, or cast your vote against it. A bill that is so unjust to the retailer, a man who stands between thousands of people

and starvation, other than as credit is extended to them by him, should not be legislated against in the manner the Sherley bill intends.

The bankruptcy act has outlived its usefulness, and should be repealed. I beg of you in all spirit of fairness to heed our petition.

Yours, truly,

JOHN A GREEN Secretary.

JOHN A. GREEN, Secretary.

The law works a hardship upon the small creditor of every class, and in the interest of the small-creditor class it should be repealed.

It should also be repealed in the interest of the large-creditor class, for the benefit they get out of it is purely theoretical and The real test, finally, as to whether or not the law is a good thing for them, is the dollars and cents that it brings to them. What do they collect under it? The report of the Attorney-General for the fiscal year ending June 30, 1908, shows the following facts in reference to the administration of the

bankruptcy law for that year.

The total number of cases of voluntary bankruptcy throughout the United States were 9,876 and the total number of invol-

untary were 2,003:

The total liabilities adjudicated by the courts were: Voluntary cases _____

Total liabilities ______ 120, 638, 006. 94 The total dividends realized for these immense liabilities were

as follows:

-- \$3, 965, 535. 40 -- 9, 994, 338. 52 In voluntary cases_____

13, 959, 873, 92 Total dividends ___.

or dividends amounting to little more than 10 per cent. Is the law a success, even as a collection law, when it realizes for creditors but 10 per cent of their claims? I do not know a State in the Union that in the administration of its insolvency laws has not realized a larger percentage for creditors, and in the aggregate the average per cent of all the States for creditors was more than three times as great as that realized from the bankruptcy law last year.

It further appears by the Attorney-General's report that in order to realize in voluntary cases the dividends aggregating \$3,965,535.40 there was expended for "fees, commissions, and expenses" the enormous sum of \$1,094,877.83, and in order to realize from the involuntary cases the dividends of \$9,994,338.52 there was expended for "fees, commissions, and expenses" the

sum total of \$2,786,813.20.

Viewing the law, therefore, purely as a collection law, who is it profiting, aside from the officials who are charged with the duty of executing it? The figures show that where creditors invoke the law one time, debtors invoke it nearly five times, and every time the debtor invokes it the creditor loses, and when the creditor invokes it he is scarcely paid for his trouble and in the aggregate receives but a pittance of his just and honest de-

Gentlemen may point as often as they please to the varying and contradictory laws of the States on insolvencies, but they can not point to such a lamentable failure on the part of the States to protect creditors as the figures I have just quoted

show is the failure of the bankruptcy law.

Mr. Speaker, the discussion of a bankruptcy law is now more than a century old. All the gentlemen here are familiar with it, and I can not add to what has heretofore been so well and so repeatedly said, nor will I undertake to do so. I am content, so far as my position is concerned, to point to that interesting page in the history of our country when the bankruptcy law of 1841 was being considered, and when some time prior to its passage Mr. Clay moved to strike the involuntary feature of it, and Mr. Webster addresed the Senate in support of this motion, and on the roll call Mr. Webster, Mr. Clay, and Mr. Calhoun voted together to remove the involuntary part of the pending bill. I am willing to stand with this great triumvirate of American statesmen against national involuntary bankruptcy laws. In the opinion of Mr. Justice Washington, in the case of Ogden v. Saunders (12 Wheat., 213), he gave his understanding of the meaning of bankruptcy laws.

By which laws-

He said-

I understand those laws which discharge the person and the future acquisitions of the bankrupt from his debts.

Mr. Justice Johnson, in the same case, calls them laws "for unfortunate debtors." These are my conceptions of the uniform bankruptcy laws authorized by the Constitution, and, as I said in the beginning, there are times when I am willing to see enacted voluntary bankruptcy laws for brief periods. I am opposed, however, to the permanent retention of any bank-

ruptcy law, and I believe that the present law, for the reasons I have given, as well as for many other reasons, ought to be [Loud applause.]

Mr. CLAYTON. Now, I ask the gentleman from Massachusetts to consume the balance of his time.

Mr. TIRRELL. Do I understand you to have more than one speaker to conclude?

Mr. CLAYTON. Well, I have seven minutes more remaining.
Mr. SHERLEY. I submit, Mr. Speaker, that under the parliamentary practice of the House, while the proponent of the
proposition has the right to conclude, he must do so in one speech.

The SPEAKER pro tempore (Mr. WEEKS). The Chair will state in response to the point made by the gentleman from Kentucky, that the gentleman from Alabama must use the balance

of his time, seven minutes, in one speech.

Mr. CLAYTON. Mr. Speaker, there was so much confusion in the rear of the Hall I could not hear the remarks of the

The SPEAKER pro tempore. The Chair will say to the gentleman from Alabama that he must use the balance of his time, seven minutes, in one speech. The gentleman from Massachusetts will use the entire time at his disposal, twenty-three minutes, before the gentleman from Alabama speaks, and inasmuch as the gentleman from Alabama is the author of the proposition, he will use the rest of his time in one speech.

Mr. CLAYTON. Under the ruling of the Chair, as I under-

stand it—I did not hear it very well, because there was so much noise around me—I understood the Chair to rule that I must

conclude in one speech.

The SPEAKER pro tempore. That is the ruling of the Chair.

Mr. CLAYTON. I shall do that, then, of course.
Mr. TIRRELL. I yield to the gentleman from Kentucky [Mr. SHERLEY] the time which I have remaining.

The SPEAKER pro tempore. The gentleman from Kentucky

is recognized for twenty-three minutes.

Mr. SHERLEY. Mr. Speaker, there has always been marked diversity of opinion as to the merits of a national bankruptcy law. Much of this diversity of opinion, I am forced to believe, comes from a misconception, both of the history of bankruptcy legislation in the other commercial nations of the world and from a misconception of the existing and prior bankruptcy laws of this country.

It is true that this is a Federal Government of sovereign States, where most of the powers delegated by the people are given to the individual States, and where the Federal Government has only certain limited powers under a written Constitu-tion. But if I should be called upon to name those powers that constitute the very backbone of that Constitution, those that give to the Federal Government its vigor and strength, I should name those provisions that look to making trade conditions liquid, those provisions that seek to make uniformity of trade throughout the Nation.

I have called attention heretofore to the fact that we owe the very existence of the Constitution to the trouble that arose between Virginia and Maryland in regard to interstate commerce; and it was out of a desire to keep commerce free, to prevent the States from discriminating against one another, that the Constitution came into existence. As the result of a convention held between delegates from Virginia and Maryland, and subse-quently a convention at Annapolis, where about five States, as I recall, were represented, and where representatives of the remaining States failed to appear, the convention that adopted the Constitution was called into being.

Now, the provision in the Constitution in regard to bankruptcy does not stand alone, but it is found grouped together with those other provisions which give to the Federal Government its power over matters affecting all the people, and thereby guarantees uniformity in regard to great commercial matters and prevents discriminations between the States; and the true purpose of a bankruptcy law is not simply to give relief to the poor and honest debtor, but to assure the citizens of the entire country that in the distribution of the estates of insolvent debtors there shall be equality. Those who speak against the bankruptcy law speak in favor of the old common-law rule in favor of the diligent creditor, the midnight bringer of attachments and of executions. Against that I contend for the equity

This is not simply a question whether the bankruptcy law is perfect or imperfect, but it is a question whether the present bankruptcy law is not superior to 47 different laws of various States on the question of insolvency. [Applause.] That is the proposition for the House to consider. And gentlemen are historically mistaken when they state that those who put the bankruptcy clause into the Constitution had in mind simply the relief of debtors. I challenge any man to quote any law of any nation where a voluntary petition in bankruptcy was permitted prior to 1825; and I pause for a reply. The nearest approach to such a law prior to that is the command to the Jews found

in Deuteronomy.

Now, what is the history of bankruptcy legislation in England and America? Never until 1705 did England have a provision that looked to the absolute relief of the debtor, even in involuntary proceedings, and not until 1825 was there provision for voluntary proceedings in bankruptcy. In America, not until the act of 1841 did we have a provision looking to petitions by debtors on their own volition and by which they could be relieved from their debts. And so I repeat that gentlemen are historically inaccurate when they say that the primary purpose of any bankruptcy law has been simply to give quittance to

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. SHERLEY. For a question. Mr. BARTLETT of Georgia. Is it not a fact that some time in the early history of this Republic Mr. Clay, of Kentucky, then in the Senate, reported a bill to the Senate looking to the passage of a bankruptcy law for the benefit of debtors? not another fact—the gentleman challenges history—that the great constitutional lawyer, Mr. Webster, in the Senate, advocated the passage of such an act, and that it did pass the

Mr. SHERLEY. The gentleman's statement is accurate. Those gentlemen spoke at a time that was a quarter of a century subsequent to the adoption of the Constitution of the United States, and it remains true that the first law that ever contained a provision in America for voluntary bankruptcy

was the law of 1841.

Mr. BARTLETT of Georgia. I do not understand the gen-

tleman from Kentucky to challenge my historical facts.

Mr. SHERLEY. Now, Mr. Speaker, much has been said about this law being simply a law promoted by creditors in the interest of creditors, and much has been sneeringly said about the various associations that stand behind it. It is true that the credit men of America favor the national bankruptcy law. It is true that the American Bar Association favors and has repeatedly favored the retention of the national bankruptcy law. It is true that the Commercial Law League has approved the national bankruptcy law. It is an old and trite argument of men unable to deal with the merits of a question to impugn the motives of those who advocate a proposition. [Applause.]

I would have more respect for the argument of gentlemen desiring to repeal the law if they dealt with the question on its merits instead of dealing simply in statements stigmatizing

those who favor the bankruptcy law.

Mr. SLAYDEN. If the gentleman from Kentucky will pardon me, do the creditors' association anywhere ask any preference for themselves?

Mr. SHERLEY. They do not. Mr. Speaker, it is impossible, as some men would undertake to do, to divide the world into debtor and creditor classes. The man who to-day is a creditor is to-morrow a debtor, and he may be, and frequently is, both a creditor and a debtor at the same moment. You can not thus divide mankind, and nothing is more unfortunate than to attempt to divide the men in this country into arbitrary classes such as that.

Gentlemen challenge any good that this law has done the debtor. I say to you that if it had not been for the national bankruptcy law when we had the panic a little over a year ago you would have had in its intensity a tenfold increase and its duration lengthened many, many months. Why do I say that? Because if it had not been for the national bankruptcy law every creditor in the land in that hour of doubt and distress, in that hour when men's assets were crumbling and when their credit was failing, would have gone against his debtor for fear some other creditor might precede him and by attachment or otherwise have obtained a preference, and thus eat up the whole estate. They would not have dared to wait, but knowing that under the bankruptcy law equality was assured to all creditors they could afford to wait, and did wait, on the debtor who was temporarily embarrassed, and that law served to save many and many an honest man and to keep him on his feet and

prevent him from being forced into insolvency. [Applause.]
Why, in the State of Texas, in the height of that panic, the
debtors of Texas, men who belonged to a branch of the same credit association that gentlemen like to rail against, petitioned through the national association stating that they had large quantities of goods on hand, that collections were difficult, and if pressed they would not be able to meet their obligations, and asked that they might be given proper time. That appeal was granted, and granted because these creditors, scattered

all over the land, knew that by giving time they did not lose their rights.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. SHERLEY. For a question.
Mr. HENRY of Texas. The gentleman referred to the panic in Texas. Let me say to the gentleman that during the panic if it had not been for the local bankers, the wholesale men in Texas, standing by home customers, the outside creditors would have crushed many out of existence in the State of Texas. [Applause.]

Mr. SHERLEY. Let me reply to the gentleman by saying that I think in the facts he has stated he is mistaken, and his conclusion is necessarily wrong because the bankruptcy law to-day does not permit the crowding out of existence of a man

who does not deserve to be crowded out.

Gentlemen assume that it is possible to invoke the bankruptcy act against any debtor. It is not the fact. The gentleman from Texas is too good a lawyer to rest under that belief. There are five causes under the existing bankruptcy law by

which a man can be forced into involuntary bankruptcy.
First, having transferred, sold, or removed or permitted to

be sold or removed any part of his property with the intent to hinder, delay, or defraud his creditors.

A man who does that ought to be proceeded against.

Second, transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or, third, suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or, fourth made a general assignment for the benefit of his creditors, or, being insolvent, applied for a receiver or trustee for his property or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or, fifth admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

And in that second case you find the meat of the opposition to the national bankruptcy law. There are certain local banks in certain communities of the country that do not like to have taken away from them the possibility of getting a midnight attachment, and getting preference over their other creditors, or to get a preference by the volition of the debtor. They are at home, on the ground, where they can seize the assets of the debtor, and the moment you prevent them doing that, the moment you require them to come into equity where a man must come with clean hands, you find them protesting.

There is another class of men that protests. Something has been said about the referees who are desirous of keeping the bankruptcy law on the statute books because of the fees they make out of it. How about the clerks of the various county courts who desire to have it repealed because of the fees they do not get out of it? If you are going to measure this question by such arguments, look at both sides of the case. And that is There is not a community where attrue also of the lawyers. tachments were permitted that did not have lawyers who made it their business and their chief stock in trade to see to the taking out of attachments by which preferences could be given to certain creditors as against others

But one of the strange arguments that is made, a wondrous argument, is that-we must not have a national bankruptcy law because it is not perfect, and because its imperfection is shown by a desire to amend it. I want some gentleman to name me a law that represents the absolute wisdom of the universe. want him to show me a statute dealing intimately with the affairs of men that is not imperfect, and that must not in the nature of things be imperfect. If gentlemen would lend them-selves to making the law more perfect instead of offering an argument for its repeal because of its imperfections, they would perform a higher service, I am compelled to believe, to their constituencies. [Applause.] Gentlemen have made the statement that all of the amendments proposed are for the benefit of the creditor class. I deny it. If the gentleman from Georgia [Mr. Brantley], for whom I have a high admiration, had thought a mount by would not have made that thought a moment, he would not have made that statement, because he is a member of the committee who reported in favor of the amendments, if the law was to be amended. amendments looks to the lessening of fees that can be charged Surely that is not in the interest of the creditor class any more than it is in the interest of every class.

The other provision provides for a composition before the adjudication of bankruptcy in order that the debtor and the creditor may get together. Surely that is not in the interests solely of the creditor class. Gentlemen owe to a great question

like this accuracy of statement, and when it is charged that amendments offered here are solely in the interests of the creditor class they are making statements wide of the mark. This is true, inevitably true. When a man goes into bankruptcy, he goes there because his interest in his property, aside from his exemptions, ceases and because the interest of his creditors begins. He goes there because he has not sufficient property with which to pay his debts, and in order to be relieved of these debts the estate is to be distributed among the creditors. Anything that looks to the distribution of that estate economically is necessarily for the benefit of the creditor, and it does not hurt In point of fact, it does not hurt the insolvent debtor if the estate is wasted-mark you, I am not justifying that waste-because he gives up everything in order to get into bankruptcy, or in order to be put into bankruptcy he must be insolvent.

Now, there is another curious fact about the arguments that have been made. Some men rail against the law because it oppresses the poor debtor; other men rail against the law because it gives advantage to the bad and the dishonest debtor. time an amendment is offered looking to make it more difficult to have the dishonest debtor get this advantage of bankruptcy, we are accused of putting the screws to the honest debtor, without regard to whether it is the fact or not. It is impossible to please men of such diversity of views. In point of fact, most of the amendments offered by my bill are amendments made necessary because of diverse decisions of the various courts, because one circuit has construed language in one way and another in another, and in order to harmonize those different decisions it was necessary that legislation showing the plain intent of Congress should be had. That is the reason that these amendments are brought here; and the statement that the fact that the law needs amending is evidence that it ought to be repealed is to my mind a statement that should have weight with no thinking man. Why, how many of the laws in regard to in-solvency in the States have been amended from time to time? Is it not manifest that a law of this magnitude, covering the whole country, must of necessity be perfected from time to

And the very fact that these credit men and referees bring these amendments to us is no reason to deny the merit of the amendments if they be good ones. There are many States in the Union that make it the duty of the judiciary to suggest amendments of the law to the legislature in order that the experience of those who have actually dealt with the law in operation may be had whereby a more perfect law can be ob-Yet we are told that because men who help to administer this law come here seeking amendments we should repeal it. It is a non sequitur.

Mr. Speaker, just a word as to the objections of the Retail Association. It is curious that when an association favors the position that gentlemen take, it is perfectly proper for the men composing that association to have associated together, but when an association differs with their position, then it is a heinous crime for its members to form an association and present their common opinion. So the Retail Grocers' Association is a commendable institution because it agrees with the proponents in favor of repeal. The Credit Men's Association is not commendable because it wants to retain the law. What is the fact as to the Retail Grocers' Association? That association wanted an amendment in this bill. I personally favored the amendment, but the very gentlemen who are trying to repeal the law now are the men who prevented the amendment being brought to the House. That association wanted an amendment which should limit the bringing of vol-That association untary petitions in bankruptcy to those who owed debts greater in amount than \$300, or preferably \$500, because it was claimed by the association that there were certain dishonest men who ran up a lot of little debts for various groceries and then took advantage of the bankruptcy act. Against their position it was urged that the benefits of the law should not be limited to only those whose debts reached such a sum, but that the small debtor was entitled to it equally with the bigger debtor.

A fixed rule must be had, and while sometimes the abuse complained of occurs, it can only happen as to a particular debtor once in six years; no man can obtain a voluntary bankruptcy more often than that. And these men who are now opposing this bill would be sending telegrams here in favor the retention of the law if we had in it their amendment which limited the right of the man to bring a voluntary petition to cases where he owed \$300 or more.

farmer, in the interest or supposed interest of those people as represented by the opponents of this law, are now excluded from the provisions in regard to involuntary bankruptcy. You can not put a wage-earner into involuntary bankruptcy. You can not put a farmer into involuntary bankruptcy, though you permit him to take the benefit of it if he sees fit so to do. Bear in mind another fact. Men's memories are short. It is easy to talk about "the good old days;" it is easy to picture the splendid condition that existed heretofore. It does not require a high order of skill to point out defects in existing affairs, but, as I have said in the beginning, the question is not simply the perfection of the present bankruptcy law, but it is a question of whether that law is not better than 47 conflicting laws of 47 separate States. [Applause.] I want men who listened to the horrors which were pictured by distinguished gentlemen as arising under the national bankruptcy law to remember the days when lawyers sat up at night working overtime in order that they might slip in an attachment and beat some other creditor to the debtor's assets. I want them to remember the day when brothers-in-law and fathers-in-law, when cousins and wives and others were favored by preference given by the debtor. I want them to think of the abuses which were common in all the various States under such conditions. I want them to think of the estates which were eaten up in contested fraudulent cases in the state courts. Oh, it is easy to magnify; it is easy to say, "Why, it now takes 10 or 20 per cent of the assets of the debtor in order to administer the law." There is no lawyer here but who knows that a lawyer, getting an ordinary claim for collec-tion, charges 10 per cent of the claim even if he does not bring a suit; and if he brings a suit, he charges much more than 10 per cent. [Applause.]

Mr. Speaker, I have endeavored to answer the argument of those who favor the repeal of this law. Let me now, in conclusion, briefly state in an affirmative way some of the many reasons why I believe we should maintain a permanent bankruptcy law.

To properly do this the law must be considered as it relates to voluntary petitions-those instituted by the debtor himselfand then in its relation to proceedings brought at the instance of the creditors of a debtor.

Time was when a debtor could be thrown into prison for debt, but the enlightenment of men soon put an end to such a barbarous practice. And that same enlightenment necessarily forced the conviction that it was no more in the interest of society to destroy the usefulness of one of its members by leaving round his neck the millstone of debts that could not be paid. no matter how much he might strive to liquidate them, than it

had been to actually imprison him. Such a man, bowed down by a weight that can not be lifted. subject to an attack from a creditor whenever he may make the least start toward his own uplift, presents one of the most pathetic pictures possible. Of value neither to himself, his creditors, or to society, death alone can hold out any relief. If it was true that insolvency came only as a result of wrong-doing, as was once urged by those defending the law authorizing imprisonment for debt, I could understand, even if I did not justify, a condition of society that permitted such a life handicap as a punishment. But all men know that insolvency comes more often from accident or from an inferior endowment of that talent needed in the keen competition of modern life than from actual wrongdoing. And this is so apparent that all nowadays favor at some time a law that can relieve the debtor and give him a fresh start in life, and this, under our system of government, can only be done by a national law. To my mind the justification for such a law at any time is a justification for it at all times. It is true that thereby some men may be relieved of debt who should not, but under a law properly safeguarded their number is negligible in comparison to the many who always do in justice need the law, and society as a whole is infinitely bettered. Intermittent bankruptcy laws make the right of the honest debtor to relief dependent upon the accident Nature's laws, by their eternal application, sometimes work an injury; but conceive of a society where her laws were intermittent—we should have not order, but chaos.

But, Mr. Speaker, while I believe in the voluntary features of the law, and have endeavored briefly to justify them, I desire to repeat that it was to give the Federal Government power to have uniformly administered the assets of an insolvent debtor that the bankruptcy clause was placed in the Constitution. Were it possible to have uniform and absolutely equitable insolvency laws in each State, the need of the involuntary system Another thing about the law. Men talk about its hardships. In the first place, it does not affect more than 1 per cent of the people of the country, because only about that per cent ever go into bankruptcy. Aside from that, the wage-earner and the

provision is to be found in the Constitution looking to prevent this favoritism, and not the least important is that for uniform

laws on the subject of bankruptcy.

And that the fathers were justified in this course is amply shown by the various insolvency laws of the different States. Without a national law the foreign creditor is at the mercy of his debtor and home creditors in many of the States. terstate trade that is essential to the material welfare of our country can only be had in full measure by assuring to capital everywhere in our common country equality of treatment. Credits are dependent upon it, interest rates obey it as the needle the magnetic pole. No great commercial nation of the world but what has learned in the bitter school of experience that commerce is only possible where trade conditions are stable and uniform. Not one of these nations but what has a permanent bankruptcy law. For inasmuch as commercial failures are inseparable from commerce, there must be settlement of estates of insolvent debtors and this, if that equality which is justice is to be maintained, must be under a permanent uniform

The rich man and the rich community may, in a measure, dispense with credit; the poor man and the poor State must obtain it to prosper. To these more than to any is the law a blessing. It gives the assurance necessary to warrant capital going abroad; it makes confidence between the embarrassed debtor and his creditors possible; it enables honorable creditors to unite in help to the honest debtor, and it removes from the avaricious any motive for oppression.

Safeguard the law from abuse by amendment from time to time as experience demonstrates the need, but above all, in the interest of the people of our country wherever situated, preserve it as the best guaranty of abundant credit and trade opportunity, as an indispensable aid to that equality and justice which

should be the loadstar of our endeavor. [Applause.]

Mr. CLAYTON. Mr. Speaker, the amendment that I have offered to the pending bill, which the Clerk has just read, has for its purpose the repealing of the whole bankruptcy law instead of amending the law, which has served its usefulness and is now the subject at every session of Congress of more complaint than any other existing statute. It is worth while to note that at every session of Congress a number of bills have been introduced into the House, and some into the Senate, for the repeal of this law, which I believe is objectionable to a large majority of the American people.

This bankruptcy act has stood longer than any act of the kind in the history of the country. The first bankruptcy law existed from April 4, 1800, to December 19, 1803; the second lived from August 19, 1841, to March 3, 1843; and the third was enacted on March 2, 1867, and was repealed September 1, 1878. The present bankruptcy law was approved July 1, 1898. This law has stood, therefore, longer than any other enactment on

the subject of bankruptcy.

It is evident that the American people have never favored a permanent bankruptcy system, and that they do not now favor a permanent bankruptcy law I do not doubt. Of course, the Constitution authorizes the enactment of bankruptcy law, but a law of that kind is in the nature of a public reproach, and can only be justified upon the ground that relief should be accorded unfortunate people who have suffered from unexpected reverses and such reverses that are in the nature of a widespread calamity, produced by panics or unusual and extraordinary business stringency. A bankruptcy law is not a credit to any people at any time. Such a law is, at least in some sense, a menace to the honest, conscientious, and painstaking merchant everywhere, and without regard to the magnitude of his business.

No necessity exists for the retention of this law, and I respectfully submit that it would be better to repeal it entirely than to continue it with all of its oppressive and growing abuses.

The present bankruptcy law is the most drastic and oppressive one of the kind to the unfortunate debtor that was ever enacted, and some of the amendments offered here to-day seek to make this law even more harsh than it now is. In the limited time allowed me I shall not undertake to discuss any of these particular amendments. I shall direct my efforts toward a repeal of the whole bankruptcy law rather than to amend this law, which is essentially bad and harsh in many of its provisions toward unfortunate debtors. Repeated attempts to amend the bankruptcy act of 1898 have demonstrated more and more that the advocates of that law and the supporters of the various amendments to it have all along designed and have succeeded in their idea that a bankruptcy law should have as its chief virtue severe provisions against debtors and should give the largest latitude to the creditor class to use such a law to coerce and oppress their unfortunate debtors,

It is manifest that the friends of this bankruptcy legislation have intended and desire to perfect, according to their ideas, this law into primarily and essentially a debt-collecting instrumentality. This idea ignores the beneficence of bankruptcy legislation—leaves out of consideration unfortunate persons who are unable to meet their obligations. It is unnecessary, Mr. Speaker, to pursue this particular line of thought any further.

I shall not undertake, Mr. Speaker, to indulge in any academic discussion or to set forth any exposition or any elementary principles of law. I may say, however, that the framers of the Constitution never contemplated that Congress should pass any federal law for the collection of debts. The fathers wisely left it to the States to provide laws to meet by far the larger

demands of civilized society.

The argument that a national bankruptcy law, with its preeminently prominent debt-collecting features, is better than the insolvency and debt-collecting laws of 47 States is the same argument advanced by the Federalists in the beginning of our Government in behalf of a strong centralized government. It is the same argument that is made now at every session of Congress by those who would take away from the States the power to regulate domestic relations. This argument is relied upon by the advocates of constitutional amendments authorizing antibigamy or antipolygamy legislation, federal laws in behalf of female suffrage, and also in behalf of various other schemes having as their object the stripping of the State of well-nigh all of its powers and centralizing nearly all powers in the Federal Government.

Mr. Speaker, at every session of Congress when bills are introduced to repeal the bankruptcy law the National Credit Men's Association gets busy and floods the Judiciary Com-mittee with stereotyped petitions and resolutions from every commercial body that can be influenced by that association, protesting against the repeal, and favoring the bills that are offered from time to time to make the bankruptcy law more in the interest of the creditor class and more oppressive to the debtor class. The gentleman from Kentucky [Mr. Sherley] says that the American Bar Association and the Commercial Law League and Credit Men's Association have repeatedly law League and Credit Men's Association have repeatedly favored the retention of the bankruptcy law; but I do not the law. Speaker, with all due deference to that distinguished body of men, that this fact is any very strong argument for the retention of the law. Against the Credit Men's Association and the Commercial Law League I have put the National Retailers' Association, and I submit the following letter from that association, ciation:

THE NATIONAL ASSOCIATION OF RETAIL GROCERS
OF THE UNITED STATES,
Cleveland, Ohio, February 5, 1909.

Hon. H. D. CLAYTON.

Hon. H. D. CLAYTON.

Dear Sir: In justice to the Retail Merchants of the United States we sincerely ask you to either give the retail merchants an opportunity to be heard on the Sherley bill, to amend the bankruptcy act, H. R. 21929, before voting on it, or cast your vote against it. A bill that is so unjust to the retailer, a man who stands between thousands of people and starvation, other than as credit is extended to them by him, should not be legislated against in the manner the Sherley bill intends. The bankruptcy act has outlived its usefulness, and should be repealed. I beg of you in all spirit of fairness to heed our petition.

Yours, truly,

JOHN A. GREEN.

JOHN A. GREEN, Secretary. Against these two commercial bodies, composed of a few men in the larger cities, I place the thousands of business men and small merchants throughout the country. These people have not asked for the retention of this law. On the contrary, they,

as a rule, demand its repeal.

The gentleman from Kentucky lays great stress upon the fact that the American Bar Association has approved the retention of the bankruptcy law. Now, who compose that association? A few eminent gentlemen, and a few not so eminent; some representing large interests, and some trying to keep company with the big lawyers representing big interests. worthy gentlemen meet at Saratoga, or some other summer resort, and discuss in the daytime, in a manner perfunctory, more or less, legal questions, and then spend some of the nighttime in devouring choice viands and drinking high-priced wines. Against this aggregation of respectable and worthy gentlemen I oppose the protests and wishes of the country lawyers, the men who know the good effects of a good law and the bad effects of a bad law upon the people generally far better than do their wealthy brothers living in luxury in the great cities. These are the men who witness the abuses of this law, sometimes by dishonest debtors taking advantage of it, but more frequently by hard-hearted and merciless creditors taking advantage of it to oppress their debtors.

I would rather take the advice of the average country lawyer than the resolutions of an association of city lawyers. country lawyer is better informed, as a rule, on the needs and

Roberts Ryan Sabath Scott

wants of the people. He is closer to the common people and more in sympathy with them. He can not go to Saratoga and indulge in these choice viands and high-priced wines, but he stays at home, serves his people professionally and in public capacity when called upon, earns an honest and modest support for his family, and enjoys good, home-cooked victuals and pure

And against the resolutions adopted by the National Association of Referees in Bankruptcy in favor of the retention of this bill, an association composed of men who consume a large part of bankrupt estates, I offer the wishes of the clerks and sheriffs of the state courts.

If the retail merchants, country lawyers, clerks of courts, and sheriffs would get as busy as the associations do who are behind this bill to render more drastic the bankruptcy law the whole

bankruptcy legislation would be repealed.

I am not here to question the wisdom of the enactment of a bankruptcy law in some great emergency, on account of some great and unusual occurrence that is almost, if not quite, like a national calamity. At such time, perhaps, gentlemen might justify themselves in voting for a bankruptcy law, but not in a time of profound peace and plenty; not of prosperity, as has been suggested, for we are just now about to end seven years of frenzy and uncertainty, more or less; but I hope that the 4th of March next will mark the advent of four years of peace and

These bankruptcy laws, enacted from time to time to meet great emergencies, have in each case, after repeated amendments and experimentation, been found to be better in their repeal than in their retention. They have been the source of scandal and This law is outrage in the administration of public justice. following the history of all the other laws of a similar kind.

The law first, then complaints of its defects and abuses, then amendments, then more complaints, then more amendments, and so on, until finally in every case Congress has been forced to repeal the law. So with this law—defects and abuses and complaints and amendments, so that ultimately this law must be repealed.

I urge upon the House to-day to do this good work now. Let us repeal the law by voting for the amendment for its repeal which I have had the honor to submit to your intelligent

consideration.

Mr. CLAYTON. I wish I had a little more time. I was about to pronounce a eulogy on you country lawyers. [Laughter.]
The SPEAKER. All time has expired. The question is on

agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CLAYTON. Division, Mr. Speaker.

The House divided, and there were-ayes 110, noes 142. Mr. CLAYTON. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 182, answered "present" 2, not voting 91, as follows:

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ANSWERED Ga Currier

NOT VOTING-91

So the amendment was rejected. The following pairs were announced:

For the session:

Bui Cal Cal Cla

Mr. Currier with Mr. Finley. Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. PERKINS with Mr. WILSON of Pennsylvania.
Mr. Young with Mr. Smith of Missouri.
Mr. Huff with Mr. Riordan.
Mr. Wilson with Mr. Riordan.

Mr. Waldo with Mr. Saunders. Mr. Slemp with Mr. Rothermel. Mr. McKinlay of California with Mr. Nicholls.

Mr. OLMSTED with Mr. RHINOCK. Mr. Moon of Pennsylvania with Mr. MAYNARD.

Mr. Malby with Mr. Lewis.
Mr. McMorran with Mr. Lamar of Missouri.

Mr. McCreary with Mr. Sulzer. Mr. Lovering with Mr. Lamar of Florida.

Mr. Knapp with Mr. Lindsay. Mr. Howell of New Jersey with Mr. Keliher,

Mr. FOULKROD with Mr. JONES of Virginia.

Mr. FOELKER with Mr. HOWARD. Mr. FASSETT with Mr. HARRISON.

Mr. COUDREY with Mr. HAMILL.

Mr. Burton of Delaware with Mr. Goldfogle.

Mr. Burke with Mr. DAVENPORT.

Mr. CALDER with Mr. BRODHEAD.

Mr. LAFEAN with Mr. BOOHER.

Mr. Lowden with Mr. Claest of Florida. Mr. Burleigh with Mr. Adair. Mr. Moore of Pennsylvania with Mr. Wolf.

Mr. Foster of Vermont with Mr. Pou. Mr. BINGHAM with Mr. HILL of Mississippi.

Mr. Calderhead with Mr. Legare.
Mr. Addison D. James with Mr. Leake.
Mr. McMillan with Mr. Taylor of Alabama,
Mr. Cook of Pennsylvania with Mr. Wiley.

Mr. Watson with Mr. Fornes.

For the balance of the day

Mr. HILL of Connecticut with Mr. GRANGER.

On this vote:

Mr. GAINES of Tennessee ("yes") with Mr. Cockban ("no").
Mr. GAINES of Tennessee. Mr. Speaker, I am paired with
the gentleman from New York [Mr. Cockban]. I voted "yea;" I wish to answer "present."

The name of Mr. Gaines of Tennessee was called, and he answered "present."

Mr. BENNET of New York. I answered "present," being paired with my colleague [Mr. Fornes]. I am of the opinion, if he were present he would vote "no," as I do also.

The name of Mr. BENNET of New York was called, and he

voted "no."

Mr. Speaker, I am paired with the gentle-Mr. CURRIER. man from South Carolina [Mr. Finley]. I voted "no;" desire to answer "present."

The name of Mr. Currier was called, and he answered

" present."

The result of the vote was then announced as above recorded.

The SPEAKER. The gentleman from Massachusetts [Mr.

Mr. TIRRELL. I yield to the gentleman from Kentucky [Mr.

SHERLEY

Mr. SHERLEY. Mr. Speaker, if the House will indulge me for a few minutes, I will endeavor to explain very briefly each of these proposed amendments to the existing law. I have taken of these proposed amendments to the existing law. the trouble to have placed upon the desk of each Member a statement which embodies, in as brief language as possible, the various amendments; but for fear that some Members have not read it, or that there may be something not understood by them, I shall endeavor to explain the amendments now.

There are 11 amendments, and then a provision that when the amendments take effect they shall not affect litigation then

pending.

The first amendment must be considered in connection with the eighth amendment, and it is one looking to the correction of an abuse in regard to the fees allowed to receivers. In the practice there has grown up a tendency to allow receivers very large fees without regard to the actual services performed. It was attempted some years ago to remedy this, but the amendment then offered and adopted did not accomplish its purpose, and the courts seemed to be in doubt as to when the provision then adopted applied. So we have offered an amendment striking out of the existing law these words:

And allow such officers

That is, the receivers, marshals, or trustees-

additional compensation for such services, but not at a greater rate than in this act allowed trustees for similar services.

That being the first amendment. Then, in the eighth amend-

ment there is a specific provision which limits the amount that can be allowed those receivers, to that which is now allowed to trustees, on the percentage basis, and further provides:

That before the allowance of such compensation notice of the application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section 58 of this act.

So that under the proposed change, before any allowance can be given to the receivers, the creditors must be notified. The sole object of this amendment is to protect the estate from this abuse of excessive fees

Mr. BARTLETT of Georgia. What amendment is that? Mr. SHERLEY. That is the eighth amendment, which must

be considered with the first amendment

The second amendment relates to ancillary jurisdiction of the bankruptcy courts and seeks to reconcile some of the decisions that have been rendered in different circuits. Many of the courts hold that any district court sitting as a bankruptcy court can take ancillary jurisdiction of a suit brought in another bankruptcy court; but some of the circuits have denied this doctrine. Now, it is manifest that the assets of a bankrupt may lie in several different districts, and that in order to have a proper and economical administration any bankruptcy court should have the right to consider ancillary proceedings looking to the winding up of the estate of the bankrupt.

Mr. BARTLETT of Georgia. Does that mean bankruptcy cases in the same circuit or district, or what does it mean?

Mr. SHERLEY. It means ancillary jurisdiction generally.

The gentleman will appreciate that a suit may be brought, for instance, in the bankruptcy court in Georgia, and that the assets of the bankrupt may be also in other States. Now, in order to make absolutely certain the power of a bankruptcy court in such other States to consider ancillary proceedings, this amend-

ment is proposed, such proceedings as I have stated being for the purpose of reaching assets of the bankrupt beyond the jurisdiction of the court.

Mr. BARTLETT of Georgia. Beyond the jurisdiction of the

court where he is adjudged a bankrupt.

Mr. SHERLEY. So as to do away with the necessity of instituting proceedings over again. I will say to the gentleman that most of the circuits hold that that power exists, but some of them have denied it, and in order to make it uniform and beyond question, this amendment is suggested.

Mr. BARTLETT of Georgia. The Supreme Court of the

United States have never passed upon the question?

Mr. SHERLEY. They have not, under this law.

Amendment 3 undertakes to make clear the designation of those corporations which can be put into bankruptcy by involuntary proceedings; in other words, by proceedings of creditors. Under the existing law an attempt was made to designate the various corporations within the provisions of the law as well as to name those corporations which were excluded. Out of that grew a great diversity of opinion among the various judges as to what sort of a corporation was embraced. For instance, one court held that a laundry corporation which laundered collars and cuffs for a shirt manufacturer exclusively could be placed in bankruptcy, while another held that a corporation which did a general laundering business could not. Now, there is no reason for such a distinction. The proposed amendment reads as follows:

Any moneyed business or commercial corporation, excepting a municipal, railroad, insurance, or banking corporation.

Mr. COOPER of Wisconsin. I have just been having a conversation with a gentleman from my State who represents a mining district, and he claims that that act would not include a corporation engaged in mining, but my impression was that it would.

Mr. SHERLEY. I think the gentleman's constituent is clearly mistaken and that the gentleman himself is right.

Mr. PUJO. What is meant by the term "moneyed corpora-

tion?

Mr. SHERLEY. The term "moneyed corporation" is used in contradistinction to those corporations, now few in number, that exist without regard to any financial interest involved, such as eleemosynary corporations, or institutions of that character.
Mr. SLAYDEN. Fraternal organizations.
Mr. SHERLEY. Fraternal organizations that are not mon-

eyed. The present law reads as follows:

Any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits.

Now the word "principally" has led to much of this confusion in the various courts, some of them holding that a corporation did come within the provisions, and some that it did not; and this change is along the line of scientific legislation. It is apparent that the proper way to legislate is to make your rule and then name your exceptions; whereas under the existing law they undertook not only to name the exceptions, but to designate in detail the corporations coming within the rule, which is always unscientific.

Mr. PUJO. I know of no such expression in law or juris-prudence as a "moneyed corporation," and I fail to understand it. Mr. SHERLEY. I will say to the gentleman that it is the exact language that existed in the law of 1867, and has been

fully construed by the Supreme Court. Mr. HARDWICK. There are ten different propositions. it the purpose of the gentleman or those in charge of the bill to give us an opportunity to vote on those propositions sepa-

rately, or must we swallow them as a whole?

Mr. SHERLEY. I will say to the gentleman that it would not be in the power of any Member to prevent a separate vote

if one is desired. Mr. HARDWICK. If the gentleman will pardon me, if we are to consider this in the House and not in Committee of the Whole, how will any gentleman be able to get a vote?

Mr. SHERLEY. I can only answer the gentleman by saying that, as I understand the rules of the House, whenever a bill is considered a separate vote can be had on any amendment.

Mr. HARDWICK. I hope the gentleman is right about that, but I am afraid he is not.

Mr. SHERLEY. The fourth amendment serves, I think, to bring about quite a reform. Under the decisions of the court at present it has been held that a proposition looking to a com-position between the debtor and the creditor can not be had until after adjudication of the bankrupt.

Now, it is manifest that composition should be allowed before adjudication of the bankrupt as well as afterwards, and in point of fact where composition can be had, it is not right to force the debtor to undergo whatever stigma there may be in being adjudged a bankrupt. This permits of composition to be had prior to the adjudication instead of after the adjudication. Mr. SHACKLEFORD. Will the gentleman allow a question?

Mr. SHERLEY. Yes.

Mr. SHACKLEFORD. The former amendment excepts muni-Why that cipal, railroad, insurance, or banking corporations. distinction?

Mr. SHERLEY. It was believed that municipal, railroad, insurance, or banking corporations were corporations that should not be permitted to take advantage of the bankrupt act or be put into bankruptcy. That has been the distinction that has usually existed. These corporations are quasi-public corporations.

Mr. SHACKLEFORD. What is the difference?

Mr. SHERLEY. They are quasi public with duties to the public, making them of such a character as to distinguish them from what may be properly called "private corporations.

Mr. HARDWICK. If the gentleman from Kentucky will ardon me, I want to interfere once more. The committee pardon me, I want to interfere once more. amendments, which are purely formal, of course, will be voted upon separately; but the gentleman's bill, as a whole, will be for passage, unless we have some kind of consent as to a vote on the separate propositions.

Mr. SHERLEY. The gentleman may be right. Mr. HARDWICK. One more question. Would the gentleman be willing to separate the questions, so that we can have a vote on each one of them?

Mr. SHERLEY. I would be perfectly willing if the time permitted a final consideration of the matter.

Mr. HARDWICK. These are very important questions.
Mr. SHERLEY. I understand that they are, and the gentleman has had ample time and opportunity to study all of them.

Mr. HARDWICK. But we may not be in favor of all of them.

Mr. SHERLEY. The gentleman also will appreciate that where a man is limited as to time in this body he has to take advantage of conditions as he finds them.

Now, the fifth amendment relates to the grounds upon which a discharge may be refused a bankrupt. It is proposed to put this language in in lieu of the language now in the law relative to the third ground:

Or obtained property on credit upon a materially false statement in writing made by him to any person for the purpose of obtaining credit, or of being communicated to the trade or to the person from whom he obtains such property on credit.

It has been held by some courts that in order to prevent a man's discharge it must be shown that the materially false statement was made to the man who actually gave the credit, and this proposed change provides that if a materially false statement is made to anyone whereby the credit is given, it shall be a sufficient bar to the bankrupt's discharge. In other words, it prevents, and in my judgment properly prevents, a who makes a materially false statement and obtains credit thereby from getting a discharge.

Mr. BARTLETT of Georgia. I understand that the amend-ment provides that although the debtor may only have made one false statement to one creditor, that false statement shall inure to the benefit of all the creditors, and not simply to the benefit of the one who has been deprived of his goods by the

false statement.

Mr. SHERLEY. I do not think that is an accurate state-The effect of the amendment is this: To hold, where a debtor makes a materially false statement, that the fact that that statement was not made to the particular creditor who advanced the credit does not make any difference. what happens commercially. Here is a mercantile agency that obtains from a man a report. Now, if a man makes a materially false statement to that agency, and it goes out over the country to his creditors, he ought not to be permitted to get his discharge. Under the existing law you have to show that the materially false statement was made to the person who gave the credit.

The language is as clear as any explanation can make it, and that language says:

Or obtained money or property on credit upon a materially false statement, in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtains such property on credit.

Now, he must have obtained credit, and he must have obtained credit as a result of a false statement; but it is no longer necessary to show that the false statement was made directly to the man who gave him the credit. The immorality of the act remains just the same. If the man does make a false state-

ment, and on that false statement obtains credit, it is an immaterial fact, to my mind, whether the false statement was made to an agency, to A, who represents B, and the credit thereby obtained, or whether it was made direct to B and the credit thereby obtained.

Take the words "in writing." Is it meant by Mr. HAMLIN. that that the writing must be signed by the party making the

false statement?

Mr. SHERLEY. I presume that the fact that it was signed by him would simply be a proof that he had made it, but if he makes it in writing and does not sign it it would still hold. He must make it in writing.

Mr. HAMLIN. I understood the language of the amendment to mean that, but the gentleman used as an illustration a state-

ment made to one of these mercantile agencies.

Mr. SHERLEY. I used it without having in mind simply a verbal statement. If this man makes a written response to a mercantile agency and in that written response makes material, false statements, and thereby obtains credit, that is sufficient cause to object to his discharge in bankruptcy.

Mr. HAMLIN. Then the amendment would not go to mean the statement given out by the mercantile agency. Of course, their statement is in writing; but, as I understand, the statement to them from the party must be in writing, signed by the

bankrupt.

Mr. SHERLEY. I would not say it would have to be actually signed by him. If he makes it in writing and sends it, even if he did not sign his name to it, it would be sufficient. The signature is simply an evidence of it being his act, a proof, but not the only proof.

Now, there is in this amendment a change in the law authorizing the trustee to make objection to a discharge, but that is

safeguarded by this provision:

That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

In other words, that is to prevent a trustee of his own motion, and against the wishes of creditors, stopping a man's discharge. To object to his discharge he is required to get the right to make that objection. Heretofore he has had no right to object at all, and the result of that has been that the burden of preventing the discharge of the fraudulent debtor has fallen on some particular creditor, because there was no one who could speak for all. It is proposed to authorize the trustee to do it when the creditors in meeting so agree.

The sixth amendment is simply one to correct an omission in the former amending act. That act provided in certain subsections for concurrent jurisdiction in state and federal courts in certain classes of cases to set aside preferences and fraudulent conveyances, but in that part of the act which authorized the trustee to institute suit, by mistake, the law failed to refer to one of these subsections, and this is simply to correct what might be designated a "clerical error."

Mr. BARTLETT of Georgia. Does that in any way change the jurisdiction?

Mr. SHERLEY. I think not. Under existing law now there is concurrent jurisdiction in both state and federal courts, and that is clearly stated; but when the provision in regard to the trustee instituting suits referred to under these sections was amended, it was neglected to put in that additional one.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. TIRRELL. Mr. Speaker, I yield the gentleman ten minutes more.

Mr. SHERLEY. The next amendment seeks to make trustees judgment creditors for the purpose of setting aside liens and preferences. It has been held in a recent decision that a trustee stood only in the shoes of some particular judgment creditor, and could bring suit only as representing him; and if there was no judgment creditor, he could not institute the suit. This puts him, as the representative of all the creditors, on the same footing as a judgment creditor, and enables him to institute these suits to set aside fraudulent conveyances, preferences, and so forth.

The eighth amendment I have already undertaken to explain. As I have stated, it must be considered in connection with the first amendment, and looks to limit the receivers' fees so as to make the maximum amount that can be paid receivers that which is now allowed trustees, which is fixed on a per centum basis, and also requires that before the allowance is made notice shall be given to the creditors so that they can object to an extreme allowance. This amendment is intended to correct one of the abuses that gentlemen have complained of to-day, of excessive costs.

Mr. BARTLETT of Georgia. The amendment fixes the maxi-

Mr. SHERLEY. It says that-

Receivers appointed pursuant to section 2 of this act shall receive for their services, payable after they are rendered, such commissions, not to exceed the percentages specified in this section, on moneys disbursed by them and on the value of the property turned over to the trustee, such value to be determined by the moneys realized therefrom as may be allowed by the court.

In other words, they are paid a per centum only on what is actually realized and not on a supposititious value, and that allowance is not to be given until the creditors have had notice, so that they can object. It is in the interest of cheapening the administration of the law.

Mr. SABATH. Will the gentleman yield for a question?
Mr. SHERLEY. Yes.
Mr. SABATH. There is nothing in this amendment that would in any way limit the fees to the attorneys that are appointed by these receivers or trustees.

Mr. SHERLEY. I take it that this would not allow the payment of excessive fees to attorneys; that the whole purpose of

it is to restrict the allowance.

Mr. HARDWICK. What would prevent it?
Mr. SHERLEY. I take it the compensation allowed the receivers carries with it the idea of compensation allowed attornevs.

Mr. SABATH. It does not. Enormous fees are being allowed to special attorneys who happen to be the favorite gen-tlemen and who are being favored by these special receivers, who happen to be also the clerks of the same courts.

Mr. SHERLEY. I think that the gentleman is mistaken in

assuming that this would allow those fees. If it should, it ought

to be corrected, I will say to the gentleman frankly.

Mr. SHACKLEFORD. Why not correct it by an amendment

of the language?

Mr. SHERLEY. I am perfectly willing to amend, if I were sure such amendment would reach the evil and not create one. I want to be perfectly fair with the House, and I have no doubt my colleagues will be equally so with me. In a law of this kind and magnitude, it is impossible for a man on his feet to carry in his head all the rulings and the actual practice under the law; and for that reason, if a gentleman suggests an amendment, I might, on first blush, be opposed to it or in favor of it; but I would not want to take the responsibility of considering it, because I am not able on my feet to look at it in all the relations it might bear. That could be done and ought to be done in a committee, and can still be done when this bill goes to the

The ninth amendment simply makes clear that before a man is given his final discharge, notice shall be given to the creditors. That is plainly, to my mind, the purpose of the existing law; but some courts have held that that was complied with by simply making a declaration in court, and not by actual notice to the creditors, and this requires that before the man gets his final discharge he shall file a list of his creditors and notice shall be given. It seems to me it is a proper amendment.

Mr. SHACKLEFORD. How is such a notice to be served?

Mr. SHERLEY. The amendment provides:

And to that end the court shall, before entertaining an application for dismissal, require the bankrupt to file a list under oath of all his creditors, with their addresses, and shall cause notice to be sent to all such creditors of the pendency of such application, and shall delay the hearing thereon for a reasonable time to allow all creditors and parties in interest opportunity to be heard.

It is simply providing for ordinary notice by mail communication, I should say, and it leaves it in the discretion of the court to delay the hearing a reasonable time until such creditors could be heard, if they so desired.

Mr. HUGHES of New Jersey. The notice to be sent by the

Mr. SHERLEY. It would be sent by an officer of the court. It is to prevent a creditor from taking advantage of what he knew to be a preference and a wrong against other creditors.

Mr. PUJO. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. PUJO. Within what time can these suits for cancellation be instituted?

Mr. SHERLEY. Of course the gentleman knows the general law provides four months.

Mr. PUJO. The general law provides that all such transfers within four months can be annulled and set aside; but, then, there are laws of the States, in various jurisdictions, giving a What would be the effect of the adoption of much longer time. this amendment?

Mr. SHERLEY. This amendment, in that particular, does not affect the present law at all. The first change it makes in the existing law is that, in order to set aside such a preference, it is no longer necessary to show that the debtor intended to give the preference. If you show that the creditor at the time he received it had reason to know that he was obtaining a preference, that fact of itself is sufficient. It eliminates the intention of the debtor, looks to the substance of the act itself, and if the creditor knew he was getting the preference, then it is set aside. Section 67, subdivision b, of the present law provides:

If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

It is now proposed to strike out the words "that it was intended thereby to give a preference" and to insert language that makes the section read as follows:

If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe, at the time of the entry of the judgment or at the time of the recording or registering of the transfer, where such preference is evidenced by a transfer the recording or registering of which is required, that the enforcement of such judgment or transfer would effect a preference, it shall be voldable by the trustee and he may recover the property or its value from such person; for the purpose of this provision such transfer, where recording or registering is so required, shall not be deemed complete until the date of such recording or registering. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

Now, as I have said, the effect of this is to eliminate the intention of the debtor and require only proof that the creditor knew that he was getting the preference. The language-

for the purpose of this provision such transfer, where recording or registering is so required, shall not be deemed complete until the date of such recording or registering—

Is intended to make the date of actual or constructive notice to other creditors, the date when the four months' preference period begins to run.

The SPEAKER. The time of the gentleman has expired. Mr. TIRRELL. Mr. Speaker, I yield two minutes more to the gentleman from Kentucky.

Mr. SHERLEY. The eleventh amendment seeks to cure what is apparently a very bad decision. It has been held that if a man owed a creditor a thousand dollars and he borrowed from the creditor a hundred dollars in addition, that the creditor could then take security not only for the hundred dollars, but for the thousand also, and by simply loaning an inconsequential sum he could then get security for his whole debt, which up to that time was unsecured. The change here simply provides that the lien shall be valid only to the extent of the present consideration at the time of the transaction, and has the effect of doing away with secretly giving preference.

Mr. WEBB. I wanted to call the gentleman's attention to the case and ask him if the decision does not hold that the debtor also was at the time he made this preference solvent. and that really there is no conflict between the decision and

As I understand that decision, it was this, Mr. SHERLEY. namely, that an old debt which was unsecured, and which could not be secured as against the operation of the bankrupt law, could become secured on the creditor loaning an additional sum and taking a lien for both sums.

Mr. WEBB. I do not understand that decision in the law. Mr. SHERLEY. The only possible effect of this amendment will be to properly limit the lien to the considerations, whatever they are, given at the time the lien is given.

Mr. WEBB. I think that is the law now and the construc-

tion of the courts also on the law.

Mr. SHERLEY. Mr. Speaker, I shall add to my remarks in the RECORD a statement from the report on the bill in further explanation of each of these amendments.

Statement relative to provisions of Sherley bill.

Sections 1 and 8. These sections should be read together. As the law originally stood there was no provision whatever regulating the compensation of receivers. These officers are frequently necessary, particularly when adjudications are contested, or when a going business must be taken in charge and conducted pending the election of a trustee. The compensation of all of the other officers in bankruptcy proceedings—that is, trustees and referees, and the clerks of the courts—is fixed by the statute itself. There being no limit to allowances to receivers, evils have grown up which seem to require legislation.

These same evils were apparent at the time of the amendatory bill in the Fifty-seventh Congress, and an effort was made to reach them by adding at the end of clause 5 of section 2 of the then law the words "and allow such officers additional compensation for such services, but not at a greater rate than in this act allowed trustees for similar services;" however, this addition being to a clause which merely authorized the business of bankrupto being to a clause which merely authorized the business of bankrupto being to a clause which merely authorized the business of bankrupts of the clause does not restricted to percentages given trustees by section 48 of the law. This addition appears accomplished by section 8 of the bill, which provides, in substance, that receivers shall never be allowed more for their prvices than trustees, and that creditors shall have notice of all applications for receivers' allowances. These changes will, therefore, make for decreased expenses of administration and remove the temptation which now exists to prolong receiverships without warraction of their district courts. (Lathrop v. Drake, 91 U. S., 516.) This doctrine, however, has not been uniformly recognized under the presentation, v. Southern Car and Foundry Company (124 Fed., 423), and other cases; for instance, those reported in 132 Fed., 697; 147 Fed., 726; and 153 Fed., 945, denying such jurisdiction; and in results of the protesses of the same and in the equally important matter of the examination of the law, both in the matter of the reson of the lill simply adds a clause to section 2 of the law conferring such ancillary jurisdiction on all district courts. Such jurisdiction; and in resource of the same contribution of the law, both in the matter of the recovery of assets outside of the district where the proceeding is pending and in the equally important matter of the examination of witnesses not within the reach of the process of the court having primary jurisdiction of the case.

Section 3. This section, in substance, su

water for distribution to the water Co., 98 Fed., 711), and yet a company which gathers and buys ice for the same purpose may be so adjudged. (First National Bank v. Wyoming Insurance Co., 136 Fed., 466).

The words substituted are taken from the bankruptcy law of 1867 and their meaning has long since been settled by the courts. The reason for exempting the quasi public corporations will be apparent. Banks are excepted from the operations of the law at present. Other business are excepted from the operations of the law at present. Other business are excepted from the operations of the law at present. Other business are excepted from the operations of the law at present. Other business are excepted from the operations of the law at present of the public are now added. Section 4. Compositions can now be obtained only after an adjudication that the debtor is a bankrupt, with the resultant stigma on his name. The change in section 12 of the law which would be accomplished by this section of the bill simply makes it possible for debtors to compose with their creditors before adjudication and without such stigma; in other words, encourages settlements between debtor and creditors when a given proportion in number and amount shall have assented. Such settlements are now accomplished outside of court, and it is thought do not always result in each creditor getting the same percentage. These intracourt settlements are exceedingly popular in England, and are specifically provided for by section 3 of the English bankrupt act of 1890. (53 and 54 Vict, c. 71.)

Section 5. The bill makes three changes in subdivision "b" of section 14 of the present law. First, it provides that trustees are sufficiently parties in interest to object to a discharge. Second, that they can so object only when authorized at meetings of creditors, and, third, that false mercantile statements, if made to the trade and relied on by the creditor, shall be an available objection to the debtor's discharge. The first of these changes merely settles diff

powers of a judgment creditor as against those transactions which are, by the laws of the States, declared void as to lien creditors, or for the purpose of initiating suits in the nature of creditors' bills, the intimation being that he is a judgment creditor only so far as he represents judgment creditors. This is contrary to the prevailing opinion under the law of 1867. Carried to its ultimate, the York Manufacturing Company case will, it is thought, put a premium on secret liens and give inequitable preferences to the judgment creditors of the bankrupt; in short, break down the basic rule of bankruptey administration—that is, equality between all creditors of the same class.

Hence the bill, in words added to clause 2 of subdivision "a" of section 47 of the law, confers upon trustees all the rights and powers possessed by judgment creditors holding executions duly returned unsatisfied, so far as suits to set aside preferences, fraudulent liens, or frauds per se are concerned, reference being made again to sections 60, 67, and 70 of the law.

Section 9. This change is one of practice. As the law now stands, the better opinion is that bankruptcy proceedings can not be dismissed for want of prosecution or by consent until after ten days' notice to creditors, as provided in section 58 of the law. Some courts, however, have held that a proclamation in open court is a compliance with the present section 59 g. Other courts have made rules, the effect of which is similar to the result which will be accomplished by the adoption of the amendment suggested. That there may be no question about the matter, and the practice made uniform, as well as established, in so many words, clauses have been added to section 59 g which will require notice and indicate what kind of notice is necessary when an application is made to dismiss a bankruptcy proceeding by consent or for want of prosecution. In this connection reference is made to In re Jemison Mercantile Company (112 Fed., 966); In re Plymouth Cordage Company (135 Fed., 100

cuit (Hardy v. Gray, 144 Fed., 922, 925) that the reasonable implication of the language is that the debtor must have intended the preference."

See also Loeser v. Savings, etc., Co. (148 Fed., 975); Myers v. Pipkin, etc., Co. (136 Fed., 396). So also there has been much hairspiliting as to the time when an intention to prefer, or a reasonable cause to believe that a preference was intended, must be proven to have existed. These decisions have suggested a redraft of subdivision "b" of section 60, which it is thought will settle these matters in the interest not merely of fair dealing between creditors of the same class, but also to make this section again harmonious with the rest of the statute.

Thus the words "that it was intended thereby to give a preference" have been stricken out, and the words "at the time of the entry of the judgment, or at the time of the recording or registering of the transfer, where such preference is evidenced by a transfer recording or registering of which is required, that the enforcement of such judgment or transfer would effect a preference," as well as the following words a little later in the section, the need of which is obvious, "for the purpose of this provision such transfer, where recording or registering is so required, shall not be deemed complete until the date of such recording or registering," have been inserted.

The effect of these changes will be, first, to make the date of actual or constructive notice to other creditors the date when the four months' preference period begins to run; and second, to obviate the necessity hereafter of showing by affirmative proof motives of the debtor to prefer the creditor, the basic test being that the creditor had reasonable cause to believe that the enforcement of his judgment or transfer will give him a preference over other creditors

Section 11. The change here merely inserts the words "to the extent of such present consideration only" after the word "shall" in the last clause of subdivision "d" of section 67 of the law. Thi

Mr. CLAYTON. Will the gentleman from Massachusetts [Mr.

Mr. CLAYTON. Will the gentleman from Massachusetts [Mr. TIRRELL] yield to me two minutes?

Mr. TIRRELL. Yes, sir.

Mr. CLAYTON. Mr. Speaker, I have here a pamphlet entitled "Proposed amendments to the national bankruptcy act as contained in H. R. 21929," to which our distinguished friend from Kentucky [Mr. Sherley] made frequent reference during the course of his admirable remarks. I suppose this pamphlet, Mr. Speaker, was prepared by a very good lawyer, who appeared before the Judiciary Committee and presented arguments in favor of this bill in connection with the arguments also presented to the committee by the gentleman from Kenalso presented to the committee by the gentleman from Kentucky [Mr. Sherley]. I desire to ask that this document, which gives in one column the present law and in the parallel column the proposed amendments, together with footnotes explanatory of it, be printed in the proceedings of to-day, so that the lawyers

of the country and people interested in the matter may understand just what changes in this law are made should this bill become a law.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The document is as follows:

PROPOSED AMENDMENTS TO THE NATIONAL BANKRUPTCY ACT AS CONTAINED IN H. R. 21929.

AMENDMENT 1.

Section 2, clause 5.

PRESENT LAW.

[Matter in brackets elided.]
Authorize the business of bankrupts to be conducted for limited
periods by receivers, the marshals,
or trustees, if necessary in the
best interests of the estates, [and
allow such officers additional compensation for such services, but
not at a greater rate than this act
allowed trustees for similar services.] [Matter in brackets elided.]

PROPOSED AMENDMENT. [New matter in italics.]

Authorize the business of bank-rupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates.

The change here would drop from sec. 2 (5) of the law the words added by the amendatory act of 1903. The reason is explained in the comment on amendment 8 of the bill, post.

AMENDMENT 2.

Section 2, clause 19.

PRESENT LAW. [Matter in brackets elided.]

Transfer cases to other courts of bankruptcy.

PROPOSED AMENDMENT. [New matter in italics.]

Transfer cases to other courts of bankruptcy; and (20) exercise ancillary jurisdiction of persons or property outhin their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceeding pending in any other court of bankruptcy.

PROPOSED AMENDMENT.

[New matter in italics.]

[New matter in italics.]

Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation, owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act.

The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory of the United States.

NOTE.

Here it is proposed to confer on district courts, by statute, ancillary jurisdiction of bankruptcy proceedings pending in any other district court. Such jurisdiction was conceded under the laws of 1867 by the decision of the Supreme Court in Lathrop vs. Drake, 91 U. S. 516, but has not been recognized by some decisions under the present act. Some courts assert it; others refuse to do so. Such refusal has resulted in much hardship, as it tends to subject assets of bankrupts which happen to be in some jurisdiction other than that of the adjudication to attachment and other state processes, and thus to the distribution of such assets among local creditors, irrespective of the rights of general creditors in the bankruptcy proceeding.

Reference is made to In re Williams, 123 Fed. 321, Ross-Mehan Foundry Co. vs. Southern Car & Foundry Co., 124 Fed. 403, In re Tybo, etc., Co., 132 Fed. 697, In re Hartz, 142 Fed. 726, Hull vs. Burr, 153 Fed. 945, denying jurisdiction; and In re Sutter Bros., 131 Fed. 654, Lawrence vs. Lowrie, 133 Fed. 995, and In re Benedict, 140 Fed. 55, asserting it.

AMENDMENT 3.

Section 4, subdivision B.

PRESENT LAW. [Matter in brackets elided.]

[Matter in brackets elided.]

Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, [and any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits,] owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. [Private bankers, but not national banks or banks incorporated under state or territorial laws, may be adjudged involuntary bankrupts.]

The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory of the United States.

The changes here are intended to broaden the present law so far as it affects corporations. As that law now stands, only corporations "engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits" can be proceeded against by creditors. There is no good reason for these distinctions. The law, as it now stands, leads to much litigation as to what corporations are included in the enumerated classes, and thus to confusion and the wasting of assets. Some rather amazing distinctions have been made by the courts. In New York a corporation which constructs bridges and plers is liable

to bankruptcy (In re Niagara Constructing Co., 127 Fed., 782), but in Virginia such a corporation is not (In re MacNicholl Construction Co., 134 Fed., 979); a hotel corporation, which also run a barroom, is amenable (In re Troy Steam Laundry Co., 132 Fed., 268), but a similar corporation, which also runs a barroom, is not (In re Chesapeake Oyster and Fish Co., 112 Fed., 960); a laundry company, which launders new shirts, collars, and cuffs for a company that manufactures them, is amenable (In re Troy Steam Laundry Co., 132 Fed., 268), but a similar company doing a general laundry business is not (In re White Star Laundry Co., 117 Fed., 570); while it has been held that a company which reservoirs and buys water for distribution to its customers can not be adjudged a bankrupt (In re N. Y. & Westchester Water Co., 98 Fed., 711), and yet a company which gathers and buys ice for the same purpose may be (1st Natl. Bank vs. Wyoming Ice Co., 136 Fed., 466).

AMENDMENT 4.

Section 12, subdivision A.

PRESENT LAW.

[Matter in brackets elided.]

A bankrupt may offer terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors and filed in court the schedule of his property and list of his creditors, required to be filed by bankrupts.

PROPOSED AMENDMENT. [New matter in italics.]

[New matter in italics.]

A bankrupt may offer, either before or after adjudication, terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors, and filed in court the schedule of his property and list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of estates, at which meeting the judge or refere shall preside; and action upon the petition for adjudication shall be delayed until it shall be determined whether such composition shall be confirmed.

NOTE.

This section is new, but the reasons for it are convincing. Under the law of 1867, as amended in 1874, compositions could be had both before and after adjudications of bankruptcy. Now, such an adjudication, with the stigma which results, must be had before there can be a composition. Section three of the English bankruptcy act of 1890 (53 and 54 Vict. c. 71) provides for what are technically called "schemes of arrangement," and permits creditors in that country to compose with their debtors, under the supervision of the court but without an actual bankruptcy. This provision therefore stimulates official settlements, compulsory upon all creditors, when a given proportion in number and amount shall have assented. These schemes of arrangement are very common in England. Here, compositions are growing in favor, but, being held to be impossible until after an adjudication, which, in the case of involuntary bankruptcies, is often considerably delayed, are availed of much less than they should be. Hence the bill would permit official settlements between creditors and debtor immediately after the filing even of an involuntary petition, on notice and a proper investigation by the court; and thus, in effect, not only prevent the debtor being stigmatized as a bankrupt, but accomplish speedy settlements with creditors, at present rarely possible in any other way. It is thought, too, that the plan will greatly decrease the expenses of court administration, and thus both creditors and debtors be induced to avail themselves of it.

AMENDMENT 5.

Section 14, subdivision B.

PRESENT LAW. [Matter in-brackets elided.]

[Matter in-brackets elided.]

The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard and investigate the merits of the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained property on credit [from any person] upon a materially false statement in writing made to [such] person for the purpose of obtaining [such property on] credit; or (4) at any time subsequent to the first day of the four months immediately preceding the filling of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed any of his property with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the

PROPOSED AMENDMENT. [New matter in italics.]

[New matter in italics.]

The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the application and discharge the application and discharge the application and discharge the application and series provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtains such property on credit; or (4) at any time subsequent to the first day of the four months immediately preceding the filling of the petition transferred, removed, destroyed, or concealed or permitted to be removed, destroyed, or concealed any of his property with intent to hinder, delay, or defraud his creditors; or

proceedings in bankruptcy refused to obey any lawful order of or to answer any material question ap-proved by the court.

(5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceeding in bankruptcy refused to obey any lawful order of or to answer any material question approved by the court: Provided, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

It is generally admitted that the law as originally passed was weak in so far as it tended to prevent the discharge of dishonest debtors. It was much strengthened by the amendments of 1903. It should be still more strengthened. First, by settling beyond peradventure that the trustee is sufficiently a party in interest to object to a discharge; second, by making the giving of a false mercantile statement in writing as a basis of credit an objection to a discharge.

As in the first: The change suggested is, perhaps, already the law (In re Levey, 133 Fed., 572), but this has been doubted. Most objections have been filed by individual creditors and asserted at their expense. If the trustee, as the representative of all of the creditors, can assert those objections, the expense can be spread over all, and thus many fraudulent bankrupts be refused discharges. Creditors are protected against an improper use of their funds by the new proviso clause at the end of the section.

As to the second: The clause which was in Judge Ray's original bill, in the 56th Congress, is suggested again. It was slightly changed in his bill in the 57th Congress, and was very much modified before the bill passed. Indeed, it is now an open question whether a false credit statement, to be available as an objection to a discharge, must not have been made to the creditor who extended the credit and at the time of the extension of such credit. To this effect is In re Allendorf, 129 Fed., 981; and, to the opposite effect, In re Dresser, 13 Am. B. R., 616 (as affirmed in 146 Fed., 383), and In re Pincus, 147 Fed., 621.

AMENDMENT 6.

Section 23, subdivision B.

PRESENT LAW.

[Matter in brackets elided.] [Matter in brackets elided.]
Suits by the trustees shall only
be brought or prosecuted in the
courts where the bankrupt, whose
estate is being administered by
such trustee, might have brought
or prosecuted them if proceedings
in bankruptcy had not been instituted, unless by consent of the
proposed defendant, except suits
for the recovery of property under
section sixty, subdivision b, [and]
section sixty-seven, subdivision e.

PROPOSED AMENDMENT. [New matter in italics.]

[New matter in italics.]
Suits by the trustees shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section sixty, subdivision b, section sixty-seven, subdivision e, and section seventy, subdivision e.

NOTE

The change here would give effect to the last sentence of sec. 70-e of the present law. Such sentence was added by the amendatory act of 1903. The same words were then added to secs. 60-b and 67-e. To make the change effective, a corresponding change was necessary in sec. 23-b, but for some reason the words "and section seventy, subdivision e" were stricken from the amendatory bill. They should be restored, so as to make the statute consistent and obviate the controversy as to whether suits to set aside fraudulent transfers that are not technically preferences can be brought in the federal district courts (see Gregory vs. Atkinson, 127 Fed., 183, and Skewis vs. Barthell, 152 Fed., 534). (see Gregory Fed., 534). AMENDMENT 7.

Section 47, clause 2, subdivision A.

PRESENT LAW.

[Matter in brackets elided.] Collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest.

PROPOSED AMENDMENT. [New matter in italics.]

Collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditionsly as is compatible with the best interests of the parties in interest; and, for the purposes of suits specified in subdivision be of section sixty, subdivision e of section sixty, subdivision e of section seventy of said act, such trustees shall be deemed lien creditors at the time of the bankruptcy and, as such, vested with all the rights and powers possessed by judgment creditors holding executions duly returned unsatisfied.

NOTE.

One of the most important decisions of the Supreme Court under the present law is York Mfg. Co. vs. Cassell (201 U. S., 344). Carried to its extreme, this decision will, in effect, put a premium on secret liens and give inequitable preferences to the judgment creditors of the bankrupt. H. R. 15089, in the 59th Congress, was intended to meet the trend of the decisions toward the York Mfg. Co. case, and the clause in the present bill is merely a redraft of sec. 7 of that bill. Under the law of 1867, a trustee in bankruptcy was, in effect, a judgment creditor. Without some such doctrine, either recognized by the courts or enforced by the statutes, both the theoretical and practical equality among all creditors of the same class which is commanded by the other sections of the law will frequently become impossible. Hence, the bill, in so many words, confers upon trustees all of the rights and powers possessed by judgment creditors holding executions duly returned unsatisfied.

AMENDMENT 8.

Section 48, subdivision D.

PRESENT LAW. [Matter in brackets elided.] No subdivision d in present law.

PROPOSED AMENDMENT. [New matter in italics.]

[New matter in italics.]
d Receivers appointed pursuant to section two of this act shall receive for their services, payable after they are rendered, such commissions, not to exceed the percentages specified in this section, on moneys disbursed, by them and on the value of the property turned over to the trustee, such value to be determined by the moneys realized therefrom, as may be allowed by the courts: Provided, That before the allowance of such compensation notice of the application therefor, specifying in the amount asked, shall be given to creditors in the manner indicated in section fifty-eight of this act.

This section is taken bodily from H. R. 15089. The developing evils which led to the suggestion then have increased, rather than diminished. The original law, even after it was amended in 1903, did not in terms limit the fees of receivers, though the fees of all other officers were fixed by the statute. Receivers are often necessary; sometimes they are mere custodians and remain in possession, at most, a couple of weeks. At other times, where the adjudication is contested, they remain in possession, perhaps conducting a going business, for months. Clearly, they should receive no more for their work, no matter how long they serve, than trustees receive for similar work—that is, granting that the compensation of trustees as fixed by section 48 is sufficient. In actual practice, however, receivers are usually allowed much more. Clearly, too, those receivers who are mere custodians should receive much less than the percentages allowed to trustees for converting and distributing assets. The problem has been much discussed, and the difficulty has led to the promulgation in certain of the districts of rules intended to meet it (thus, see Rule IX, Northern District of Ill., 140 Fed., v). There is, however, no uniformity and much complaint.

After much discussion and correspondence, but without, however, feeling that by any means the ideal has been reached, the clause found in section 8 of the bill is suggested. It is, in form, an amendment of section 48 of the act, i. e., the section on the compensation of trustees, by the addition of a new subdivision. That the amendment of section 2 (5) of the law, made by the amendatory act of 1903, did not accomplish its purpose, but rather increased existing confusion, is indicated in In re Richards, 127 Fed., 772, and In re Sully, 133 Fed., 997. Hence, it is now abandoned, and the whole matter treated in this new subdivision of section 48. Such subdivision will permit the allowance to receivers whose work has been long and arduous of the same compensation as allowed to trustees;

AMENDMENT 9.

Section 59, subdivision G.

PRESENT LAW.

[Matter in brackets elided.]

A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors.

PROPOSED AMENDMENT. [New matter in italics.]

[New matter in Italics.]

A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors, and to that end the court shall, before entertaining an application for dismissal, require the bankrupt to file a list under oath of all his creditors, with their addresses, and shall cause notice to be sent to all such creditors of the pendency of such application, and shall delay the hearing thereon for a reasonable time to allow all creditors and parties in interest opportunity to be heard.

Es.

NOTE.

It is clearly the law now that involuntary petitions can not be dismissed without the regular ten-day notice to all creditors, but there is no statutory provision requiring a debtor petitioned against to file a list of his creditors, so that such notice can be given. Hence, in several of the districts, the practice has grown up of dismissing involuntary petitions on the application of the alleged bankrupt and the consent of the petitioning creditors, merely on a pro forma proclamation in court. Such practice is indicated in In re Jemison Mer. Co., 112 Fed., 966, tolerated in In re Levi, 142 Fed., 962; while the requirement of notice is flatly asserted in In re Plymouth Cordage Co., 135 Fed., 1000. The amendment suggested merely gives point to what the law now is, by providing that a list of creditors shall be filed, so that the notice may be given.

AMENDMENT 10.

Section 60, subdivision B.

PRESENT LAW.

[Matter in brackets elided.]

If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe [that it was intended thereby to give a preference,] it shall be voidable by the trustee, and he

PROPOSED AMENDMENT.

[New matter in italics.]

[New matter in italics.]

If a bankrupt shall have given a preference and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe, at the time of the entry of the judgment or at the time of the recording or registering of the

may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

transfer, where such preference is evidenced by a transfer the recording or registering of which is required, that the enforcement of such indgment or transfer would effect a preference, it shall be voidable by the trustee and he may recover the property or its value from such person; for the purpose of this provision such transfer, where recording or registering is so required, shall not be deemed complete until the date of such recording or registering. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

NOTE.

The courts continue to find holes in the sections of the law which interdict preferences. Hence, it has been thought wise to suggest that sec. 60-b of the statute be further amended to meet such recent decisions as Hardy vs. Gray, 144 Fed., 922; 1st Nat'l Bank vs. Louisville, 155 Fed., 100; Loeser vs. Savings etc. Co., 148 Fed., 975, and Meyers vs. Pipkin etc. Co., 136 Fed., 396.

The tendency of the courts, in construing the section as it now stands, is to hold that it must appear affirmatively not merely that the creditor had reasonable cause to believe he was getting a preference, but, also, that the debtor intended to give him one. This is contrary to the evident intention of the framers of the original law to eliminate intention on the part of the debtor as the supreme test, and substitute therefor reasonable cause to believe on the part of the creditor. Further, there are already a number of decisions which seem to split hairs as to the time when intention to prefer must be shown.

Hence, after considering not only the cases cited above, but numerous other decisions along similar lines, the clause found in the bill has been suggested. Its effect will be to eliminate the necessity of a showing of intent to prefer, and to substitute for such intent the effect of the act, as well as to start the four months' period running from the date of either actual or constructive notice.

AMENDMENT 11.

AMENDMENT 11.

Section 67, subdivision D.

PRESENT LAW.

[Matter in brackets elided.]

Liens given or accepted in good faith and not in contemplation of or in fraud upon this act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall not be affected by this act.

PROPOSED AMENDMENT. [New matter in italics.]

Liens given or accepted in good faith and not in contemplation of or in fraud upon this act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall to the extent of such present consideration only not be affected by this act. by this act.

NOTE

This change is intended to meet the doctrine of such cases as Coder v. Arts, 152 Fed., 941, and 1st Nat'l Bank v. Holt, 155 Fed., 100. If such decisions are the law, a creditor holding a claim of \$1,000 can, on the day before the bankruptcy, loan his debtor an additional \$100, taking from him collateral worth, say, \$1,500, applicable to both debts, and thus secure a preference so far as the antecedent debt is concerned. This is contrary to the principles back of the statute, and, if permitted to remain the law, would make it easy for banks and merchandise creditors to secure preferences that would, in effect, nullify the law.

THE TIME WHEN THIS LAW SHALL GO INTO EFFECT.

That the provisions of this amendatory act shall not apply to bankruptcy cases pending when this act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of said act approved July first, eighteen hundred and ninety-eight, as amended by said act approved February fifth, nineteen hundred and three.

NOTE

This merely indicates the cases which the act shall affect, and is almost identical with section nineteen of the amendatory act of 1903.

Mr. SHERLEY. With the permission of the gentleman from Massachusetts [Mr. Tirrell] I would like to offer two formal

amendments relating to the print of the bill.

On page 5, line 4, after the word "prosecuted" insert the word That was simply omitted in the print. The other amendment I propose is on page 6, in line 9, after the word "specifying" strike out the word "in." It now reads "specifying in the amount asked," and it ought to read "specifying the amount asked.'

The SPEAKER. Does the gentleman from Massachusetts

yield for the amendments?

Mr. TIRRELL. I do.

The SPEAKER. The Clerk will report the amendments.

Mr. BARTLETT of Georgia, A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. Ought not this bill to be read

by sections for amendment before it is passed?

The SPEAKER. We are not operating in the House as in Committee of the Whole House on the state of the Union. Of course, if any demand is made, separate votes will come upon the amendments. These amendments, the Chair presumes, are simply to be pending.

Mr. SHERLEY. If the Chair please, they being simply amendments looking to a correction of the print, and not substantive amendments, I would like to ask unanimous consent for them to be considered and adopted.

The SPEAKER. The gentleman asks unanimous consent that the following amendments be agreed to. The Clerk will

report the amendments.

Mr. BARTLETT of Georgia. Mr. Speaker, before that is done, I desire to know if this bill will not be read as bills usually are for amendment before it is passed?

The SPEAKER. Bills are read in Committee of the Whole House on the state of the Union under the five-minute rule. This is in the House, and subject ordinarily to the rules of the House. The gentleman can move the previous question at any time that he may choose on one or all of the amendments. is not customary in the House to read the amendments for consideration separately.

Mr. BARTLETT of Georgia. I understood when the amendments were to be brought up we would have an opportunity to discuss these amendments. I may have been in error.

The SPEAKER. The special order is silent on that matter. Mr. BARTLETT of Georgia. It was not from anything that was stated on the floor, but the gentleman who proposed them. The SPEAKER. The gentleman from Kentucky asks unanimous consent that two clerical amendments may be agreed to.

Mr. SHACKLEFORD. A parliamentary inquiry, The SPEAKER. The gentleman will state it.

Mr. SHACKLEFORD. Will it be in order at this time to go into Committee of the Whole for the consideration of the amendments to this bill? I think that was the ruling the Chair made yesterday evening.

The SPEAKER. This bill is being considered in part under the special order in the House; but in its consideration in the House, except as this special order varies the rules, the bill will be considered under the rules.

Mr. SHACKLEFORD. I supposed it was like the case yesterday evening, where it was moved to go into Committee of the Whole House on the state of the Union for consideration.

The SPEAKER. No. In the opinion of the Chair it would not be in order. Is there objection to the request of the gentleman from Kentucky? The Chair hears none. The Clerk will report the two amendments.

The Clerk read as follows:

Page 5, line 4, after the word "prosecuted," insert the word "them," and on page 6, line 9, after the word "specifying," strike out the word "in."

The SPEAKER. Without objection, the amendments will be considered as agreed to.

There was no objection, and the amendments were agreed to. Mr. TIRRELL. I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I would like to say a few words about just two of these amendments. Some of them, if the law is to remain on the statute books, and the House has so decided, will tend to improve it. There are some others, I think, that from any good point of view are objectionable. I regard amendment No. 9 as one of them and amendment No. 10 as another. First, this amendment No. 9 would provide that in a case where a person was thrown into bankruptcy or a petition filed for voluntary bankruptcy, and where all the parties were entirely willing that the proceedings should be stopped, they should not terminate except upon the filing of a list of creditors, with other particulars, all under oath. Now, it might happen that the petition was filed inadvertently; it might happen that it was filed maliciously or in pique; it might happen that the person most affected was not at all a bankrupt; and yet it might embarrass such person if there could not be an end put to his troubles, even by consent, without a disclosing to everybody the state of his indebtedness, parading a complete list of his creditors and the amount of indebtedness to each. That is what this amendment No. 9 will require.

I can understand how that might be proper; and so far as I am concerned, I would have no objection to it in the case of a voluntary bankruptcy, where the man of his own motion takes the initial step toward being adjudged a bankrupt.

So far as the person who files his own petition to be adjudged a bankrupt is concerned, I would not make any particular objection to requiring that he make a list, under oath, of his creditors, their addresses, and the amount of the indebtedness to each, before the proceeding be ended. But as to the man against whom proceedings are instituted, it seems to me that it is assuming a good deal if, when those who insti-tute the proceedings and all concerned are willing to have the proceedings terminated, they shall not be terminated, and the man shall not get out of court unless he files, under oath, a